

TOWN OF GORHAM

MUNICIPAL EMPLOYEES PERSONNEL POLICY

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**TOWN OF GORHAM
MUNICIPAL EMPLOYEES
PERSONNEL RULES AND REGULATIONS**

Chapter 1: Introduction

Section 1.1: PURPOSE

The general purpose of this policy is to establish a system of personnel administration that meets the social, economic, and program needs of the Town of Gorham. This policy includes policies and procedures for employee hiring and advancement, fringe benefits, retirement, discipline, and other related activities. The policy and procedures apply to all employees, unless inconsistent with a collective bargaining agreement or binding employment contract. These policies and procedures are not intended and do not constitute a binding employment contract with any individual or group of employees.

The goals of personnel management in the Town of Gorham are to:

- A. promote effectiveness, economy, and productivity in delivering services to the citizens of Gorham;
- B. encourage a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills; and
- C. provide reasonable assurances that all rights and benefits of employees and applicants for employment are protected and respected.

The Town may change, amend, repeal, or modify any of these policies or procedures at any time for any reason.

Section 1.2: SEVERABILITY

If any provision of these Rules and Regulations, or the application hereof to any person or circumstances, is held invalid this invalidity does not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provision or application, and for this purpose the provisions of these Rules and Regulations are severable.

Section 1.3: AMENDMENTS AND INTERPRETATION

The Town of Gorham reserves the right to unilaterally amend, delete, modify, or change these policies without prior notice and at any time for any reason. The Town Manager and Town Council shall have the exclusive and final authority to interpret these policies.

Chapter 2: General Provisions

Section 2.1: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of the Town of Gorham to afford equal employment opportunities to all employees and applicants for employment on the basis of merit without regard to race, religion, age, sex, physical or mental disability, sexual orientation (including gender identity and expression), ancestry, national origin, military service (past, present, or future), genetic pre-disposition, color, political affiliation, or any other status protected by law.

Section 2.2: RECRUITMENT AND EMPLOYMENT

- A. The character of the recruitment and selection process for all Town vacancies will vary with the position. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable, which may include internal posting, external advertising, open competitive examination, contact with state and other employment offices, and/or contact with special sources of information. It shall be the duty of the Town Manager or designee to seek to fill vacancies with the most qualified employees possible on the basis of relative knowledge, skills, abilities, experience, and overall performance during the selection process and/or during prior service to the Town. When candidates for a position are equally well qualified, the Town may give a preference for hiring to Veterans for those positions where veteran preference is job-related or meets a legitimate business need. All external job applicants must complete and sign the Town's standard Application for Employment form, regardless of other supporting documentation provided, and submit to Human Resources during the designated application period. Applications will be accepted only for positions for which a posted vacancy exists. Applications for individuals not hired will be retained in a secure file for the minimum period required by law, after which records will be destroyed in a confidential manner.
- B. No employee may serve as the immediate supervisor for, or be in the supervisory chain of command of, an immediate family member. "Immediate family" means parents, spouse, romantic partner, brother, sister, child, stepchild, adopted child, grandmother, grandfather, mother-in-law, and father-in-law. Department Managers seeking an exception to this policy must submit a comprehensive management plan to the Town Manager for approval in advance of making any employment decisions that could result in a potential violation of this policy. The Management Plan shall address how the potential appearance of nepotism, conflicts of interest, or conflict of commitment will be eliminated.
- C. Offers of employment shall be in writing and may be conditioned on the applicant passing a post job offer physical exam by a physician of the Town's choice, a drug and alcohol test, motor vehicle and license record check, criminal conviction background check, or any other lawful pre-employment screenings that are determined to be appropriate for the position. The Town shall assume the expense of any fee-based examinations. All conditional and/or final offers of employment to Regular Full Time and Regular Part Time positions shall be reviewed by the Human Resources Director and signed by the Town Manager.
- D. The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees.
- E. Department Managers must obtain authorization from the Town Manager prior to recruiting for any Regular Full Time and Regular Part Time position. The Human Resources Director shall oversee the integrity of the recruiting process to ensure compliance and consistency throughout Town Departments.

Section 2.3: CLASSIFICATIONS OF EMPLOYMENT

Employees of the following classifications are subject to all personnel rules and regulations, except where specifically excluded.

- A. **REGULAR FULL TIME:** A regular full-time position shall be year-round in nature with no predetermined end date and scheduled to work no less than 30 hours per week. Regular full-time employees shall be required to work the standard workweek of their respective department. Regular full-time employees are eligible for all benefits and rights as provided by these rules, except where otherwise provided for in a collective bargaining agreement. Regular full-time employees are eligible to participate in health, dental, vision, life, income protection, and retirement, and receive a Town match as specified in the Retirement Section of this Policy.
- B. **REGULAR PART TIME:** A regular part-time position shall be year-round in nature with no predetermined end date and scheduled to work at least 20 hours per week but less than 30 hours a

week. Regular part-time employees are eligible to receive sick leave, vacation leave, and paid holidays in proportion to their normal workweek. These employees are also eligible to participate in the group health, dental, vision, life, and dependent life insurance plans but the Town does not participate in paying the cost of benefit premiums. Regular part-time employees may participate in the Town-sponsored retirement program; however, there is no Town match. Employees should review the retirement section for details.

- C. **TEMPORARY AND SEASONAL:** Temporary employees work on a non-regular basis for a limited assignment not to exceed six months, usually with a predetermined end date. Full-time and part-time seasonal employees, as designated by the State of Maine, are included in this classification. Employees in this classification must be rehired for each separate period of employment. Temporary employees may not be allowed to average 30 or more hours of work per week over a 52 week period without prior authorization by the Town Manager. Temporary employees are not entitled to benefits, except those benefits mandated by law, such as social security.
- D. **VARIABLE HOUR PART-TIME:** Variable hour part-time employees work less than 20 hours per week and typically do not work a consistent schedule from week to week. Unlike Temporary Employees, these positions are generally actively employed on a year-round basis. Positions in this classification include per diem, on-call, and substitute positions. Variable hour part-time employees are generally not entitled to benefits except those mandated by law, such as social security.
- E. **TOWN COUNCILOR:** Members of the Town Council are “Officers” of the Municipal Corporation and are not “employees”, unless deemed otherwise by Maine Law. Members of the Town Council are eligible for compensation as established by ordinance.
- F. **APPOINTEES TO BOARDS AND COMMITTEES:** People appointed to serve in positions such as the Planning Board, Appeals Board, etc., or appointed to serve on standing or special committees are volunteers providing service to the Gorham Community. They are not employees and, except as specifically authorized by the Town Council, do not receive any compensation or benefits.
- G. **VOLUNTEERS:** Volunteers are not employees and offer their services without expectation of pay or compensation. This classification includes unpaid internships. Volunteers may not perform work that employees of the municipality otherwise regularly perform. Volunteers are not entitled to benefits.

Section 2.4: PROBATION

- A. All full-time and part-time employees are considered probationary for the first 180 days of employment unless otherwise provided for by law or collective bargaining agreement. The objective of the probationary period is to determine the ability of the employee to adhere to required work standards through a period of observation and review by the Department Manager. The probationary period shall be considered an extension of the selection process.
- B. During the probationary period, the Department Manager, with the approval of the Town Manager, may remove a probationer at any time if he or she proves unable or unwilling to perform the duties of the position satisfactorily, or if the probationer’s work habits, conduct, or dependability do not merit the continuance of service. Such a removal will not be subject to review or appeal.
- C. The employee shall receive a formal written evaluation by his/her Department Manager prior to expiration of the probationary period, which will be delivered to the Human Resources Director. A successful evaluation will result in the employee being transferred to regular status. Employees will periodically receive written performance evaluations thereafter, typically on an annual basis.

Section 2.5: TRANSFERS AND PROMOTIONS

- A. Town employees shall be given maximum opportunity for advancement in the service. Promotional opportunities are available to Town employees through the normal selection process. A decision shall be made only after careful review of the qualifications of all current Town employees and/or external

applicants who apply for the position. The Town Manager may authorize reclassifications and/or job title changes when appropriate outside of the normal selection process.

- B. Employees who are transferred or promoted within the Town of Gorham shall receive a written performance evaluation after six months in the new position.

Section 2.6: TRAINING AND EDUCATION

Recognizing the mutual benefits derived from professional development and increased work competence, it is the policy of the Town to provide job-related educational opportunities for its employees for which provisions have been made in the budget.

- A. It shall be the responsibility of the Department Managers, with support of the Town Manager, to provide Town employees with reasonable professional development opportunities, such as in-service training and attendance at schools or conferences.
- B. Educational programs shall be designed to improve the quality of performance, bring about more efficient or economical operations, and/or contribute to proactive succession planning.
- C. Representing the Town at out-of-state conferences shall be authorized by the Town Manager in advance of registration, budget-permitting and upon such conditions as the Town Manager may determine.

Section 2.7: DISABILITY ACCOMMODATION

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act, and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

- A. The Town will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. Furthermore, the Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and the Maine Human Rights Act.
- B. Whenever possible, requests for accommodation under the ADA should be submitted in writing to the Human Resources Director. Upon receiving a request for accommodation, the Town will collaborate with the individual and his or her health care provider to determine what (if any) accommodations may be needed. As part of the process, the individual will be asked to provide medical certification from his or her health care provider regarding the nature of any impairment(s), severity, duration, activities limited by the impairment(s) and the extent to which the impairment(s) limits the individual's ability to perform the essential functions of the position. The Town will not consult with the individual's health care provider without first obtaining a written release from the individual.
- C. After a decision has been made, the Human Resources Director or designee will notify the individual in writing that his or her requested accommodation has been approved or denied. Details of the accommodation and the anticipated start date, if applicable, will be included. Human Resources will maintain all copies of accommodation requests, supporting medical information and documentation, including denials, in a file separate from employee personnel files.
- D. Any individual with a disability who believes he/she has been subjected to discrimination on the basis of disability may discuss the complaint with a supervisor and/or may file a grievance with Human Resources. It is unlawful for the Town, its employees, contractors, or grantees to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.

Requests for additional information may be forwarded to the Human Resources Director.

Section 2.8: VIDEO DISPLAY TERMINAL TRAINING POLICY

The Town of Gorham is required by Maine law to train all employees who work at a computer for four or more hours in a row on most days in the proper use of video display terminals (VDTs).

- A. This law requires that training be done orally and in writing to all VDT users annually. Additionally, all new employees must receive the training within one month of their starting date as a VDT operator. Training must include instruction on proper use of equipment (chairs, desks, terminal holders) and lighting, as well as the protective measures that operators of VDTs should take to avoid or minimize symptoms (i.e. carpal tunnel syndrome) that could result from extended or improper use of these terminals.
- B. A VDT user can request, through the Town of Gorham Safety Committee, that a professional trained in the proper use of VDTs perform an ergonomic assessment of the employee's work station and recommend any improvements. The Town of Gorham will make every effort to ensure that each VDT user has the proper equipment to perform their job safely and effectively.

Section 2.9: SAFETY POLICY

The Town is committed to providing a safe, healthy working environment and recognizes that personal injury and property loss constitute needless waste and squandering of precious resources. Personal injury places the Town of Gorham at a disadvantage in its ability to provide the necessary services and functions to its citizens. Property losses place an undue burden on limited funds for services and general operations. The Town's goal is to prevent human injury or illness and property loss or business interruption caused by accidents, fire, and other hazards. This will be achieved to the degree that all Town employees accept responsibility for safety by recognizing hazards, anticipating potential risks, and then acting to eliminate or control them. It is the Town's policy that all Town employees, visitors, and contractors comply with established safety rules. As an employer, the Town of Gorham is legally responsible for ensuring that employees adhere to all Occupational Safety and Health Administration (OSHA), federal, and state mandated safety regulations.

- A. No employee should ever perform a task or work with equipment that he or she has not been adequately trained on or that he or she reasonably considers unsafe.
- B. When it is the responsibility of the Town to provide safety equipment it will be incumbent upon employees to utilize such equipment.
- C. Department Managers and supervisors shall be responsible for ensuring employees receive training on the use of safety equipment and enforce its use.
- D. Horseplay and practical jokes in work areas and safety shortcuts that could jeopardize employee safety will not be tolerated.
- E. All accidents involving injury or property damage, regardless of severity, must be reported to a supervisor immediately.
- F. Employees will be disciplined for knowingly violating department safety procedures.

Safety and health protection is a quality of work life issue. It is the responsibility of every town employee to ensure that a safe workplace is maintained and that personal injury and property loss are minimized and/or eliminated wherever possible.

Section 2.10: ALCOHOL AND DRUG POLICY AND TESTING PROCEDURES FOR THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

Policy Statement and Authorization

The Town of Gorham has a strong commitment to the health, safety, and welfare of its employees, their families, its customers, and the public at large. Accordingly, the Town seeks to hire and employ workers requiring a Commercial Driver's License (CDL) who are free from the illegal use and abuse of drugs and alcohol, and to protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Town requires that final applicants selected for the positions requiring a CDL undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.

Any applicant with a positive pre-employment test may be denied employment with the Town by reason of the positive test. Any applicant for a CDL position that refuses to provide a release to authorize the Town to conduct a full query of the Federal Drug & Alcohol Clearinghouse, as required by the Code of Federal Regulations ("CFR") 49 CFR § 382.701, may also be denied employment with the Town.

The use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those requiring a CDL, and may endanger the employee, co-workers, the public, the Town, and the public and private property. The Town seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the Town or the public. The Town also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.

This policy is designed to comply with the Omnibus Transportation Employee Testing Act of 1991 and with the Rules and Regulations under 49 CFR Part 653, Prevention of Prohibited Drug Use in Transit Operations and 49 CFR Part 382, Substances and Alcohol Use and Testing (both published February 15, 1994) and related parts, and to provide guidance to town officials on the implementation of the requirements of the Act.

Section 2.11: DRUG AND ALCOHOL TESTING

A. Scope: This policy applies to all employees who are required to hold a commercial driver's license (CDL) in order to perform their job for the Town of Gorham. Where stated, this policy and related procedures also applies to first responder positions within the Town of Gorham Fire & Rescue Department.

B. The following circumstances shall require Drug and Alcohol Testing:

1. **Pre-employment.** Pre-employment Drug Testing shall be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Testing is also required when employees transfer to a CDL or first responder position. Pre-employment alcohol testing shall be required when or if the Federal Government requires it.
2. **Post Accident.** Post accident testing shall be conducted after accidents on CDL drivers and first responders whose performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and all fatal accidents even if the driver is not cited for a moving traffic violation.
3. **Reasonable Suspicion.** Reasonable Suspicion testing shall be conducted on CDL drivers and first responders when a trained supervisor has reasonable suspicions, based upon specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors that the employee has:
 - a. Unlawfully used illicit drugs and/or abused controlled substances; or
 - b. Report to work under the influence of or has illicitly ingested controlled substances or alcohol during work hours.

4. **Random.** Random testing of CDL drivers shall be conducted on a random, unannounced basis just before, during or just after performance of as safety sensitive function. Fifty percent (50%) of employees in safety sensitive positions must be tested for controlled substances and twenty-five percent (25%) of employees in safety sensitive positions must be tested for alcohol on an annual basis.
 5. **Return to Duty and Follow-Up.** Return to duty and follow-up testing shall be conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after a CDL driver or first responder returns to duty.
- C. **Responsibility:** It is the responsibility of the Human Resources Director, under the direction of the Town Manager, to administer and enforce this policy and the procedures as outlined. Employment by the Town shall not be deemed to have been offered nor shall a prospective employee have the right to accept any offer or suggestion of an offer of employment until such time as a drug test evaluation has been received and cleared by the Human Resources Director. Any work performed by an individual for or on behalf of the Town prior to such approval shall not involve performing safety sensitive duties or the operation of any Town equipment requiring a CDL prior to testing.

The Town of Gorham will contract for specimen collection, medical review, testing, and training for supervisors and employees. It is the responsibility of each department director, division head, supervisor or manager to administer applicable sections of this policy. It is the responsibility of the Human Resources Director and each Department Manager to see that supervisors are properly trained and that employees have notice of and are familiar with these drugs and alcohol policies and procedures.

Per 49 CFR § 382.701, employers of CDL drivers must conduct a limited query of the Federal Drug & Alcohol Clearinghouse at least once per year for each CDL driver they employ, as well as a full query for applicants to CLD positions. The Town will obtain written consent from CDL drivers before conducting queries in the Clearinghouse to view these drivers' information. The Human Resources Director shall be responsible for conducting Clearinghouse queries for new CDL drivers and current employees who are required to hold a CDL.

D. Definitions

Alcohol and Drug Test: A generally accepted and proven test methodology or methodologies as recommended by the Rules and Regulations under 49 CFR Part 653, Prevention of Prohibited Drug Use in Transit Operations and 49 CFR Part 382, Substances and Alcohol Use and Testing. This test method determines whether an individual has ingested or otherwise used the substance in question within a period of time before the test.

Applicant: A person who has applied for a position with the Town of Gorham, including past employees eligible for rehire, and present employees voluntarily seeking another position.

Medical Review Officer (MRO): Physician responsible for reviewing all test results for confirmation prior to communicating same to the employer. The MRO is required to protect the confidentiality of the individual involved.

NIDA: The National Institute on Drug Abuse.

Positive Test: Alcohol and Drug tests results that meet or exceed the standards outlined under the applicable provisions of Title 49 of the CFR.

Random Testing: A scientific method used to select employees for testing at random. This method will occur throughout the year, and involve a minimum of fifty-percent (50%) employees/positions requiring a CDL selected for drug testing and minimum of twenty-five percent (25%) for alcohol testing. The

minimum percent to be tested may decrease in subsequent years based on the number of confirmed positive test results.

Reasonable Suspicion: A determination made by a trained supervisor that an employee is in violation of the Omnibus Transportation Employee Testing Act of 1991 concerning alcohol or controlled substances. This determination must be based upon specific, contemporaneous, articulate observations concerning the appearance, behavior, speech and body odors of the employee. Circumstances which may constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- A pattern of abnormal or erratic behavior;
- Information provided by a reliable and credible source;
- Direct observation of drug or alcohol use; or
- Presence of the physical symptoms of drug or alcohol use (i.e. glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).

Any trained supervisor who has reasonable suspicion to believe that a violation has occurred must complete an "Observed Behavior-Reasonable Cause Record" form within twenty-four (24) hours of the observed behavior or before the results of the tests are released, whichever is earlier.

Substance Abuse: The use of alcohol, prescription or over the counter drugs, any of which impairs the ability of an employee to perform the job safely and effectively, or the use of illegal drugs or other controlled substances without a valid prescription.

Work-Related Vehicular Accident: Any reportable vehicular accident that damages property or involves injury to self or others for which a moving traffic violation citation is issued (does not include minor personal injury not requiring transport to a medical facility or care beyond first aid). Any vehicular accident involving a fatality.

E. **Conduct Prohibited:** The following conduct or behavior is determined to be unacceptable by CDL drivers and first responders and therefore is prohibited under this policy. Violation shall be cause for disciplinary action.

1. Reporting to or remaining on duty with a blood/alcohol concentration of 0.02 or greater. Any employee found to have a blood/alcohol concentration of at least 0.02 but less than 0.04 shall be immediately removed from the safety sensitive position and shall not be permitted to perform that function until the start of the employee's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have blood/alcohol concentrations of greater than 0.04 may be subject to further disciplinary action.
2. Possessing alcohol on duty that is not manifested or part of a shipment.
3. Use of alcohol while on duty.
4. Use of alcohol for eight (8) hours after an accident that will require a post-accident test or until the test is performed, whichever occurs first.
5. Any use of alcohol within 4 hours of reporting to duty to perform a safety sensitive position.
6. Refusal to submit and properly participate in a required alcohol and/or controlled substances test. A refusal is defined as:
 - a. Failing to report immediately to the identified testing site, once notified, but in no case, more than two (2) hours after notification.
 - b. Failing to follow proper instructions or participate in the required testing procedures.

7. Reporting to or remaining on duty while using any controlled substance, except when used under the direct orders of a physician and the physician has informed the employee that the use will not affect the safe use and operation of the commercial vehicle or place the employee or others at risk of harm.
8. Reporting to or remaining on duty after testing positive for any controlled substance under this Policy.
9. Refusing to provide a release to authorize the Town to conduct a limited query of the Federal Drug & Alcohol Clearinghouse annually, as required by 49 CFR § 382.701. Employees may not perform CDL duties until a release is provided.

F. Testing for Job Applicants and Employees

1. Drugs to be tested for:

When chemical drug and alcohol screening is required under the provisions of this policy and Title 49 of the CFR, a breath test and/or urinalysis test will be given to detect the presence of the following drug groups:

- a. Alcohol (ethyl)
- b. Amphetamines
- c. Cocaine
- d. Opiates
- e. Phencyclidine (PCP)
- f. Marijuana

2. Applicant Testing: General Standard

Applicants for all classes of employment requiring a CDL will be required to undergo a chemical drug and alcohol test upon an offer of employment and prior to their final appointment to that position.

Applicants for non-CDL first responder positions will be required to undergo a chemical drug and alcohol test upon an offer of employment and prior to their final appointment to that position. The presence of marijuana will only be used as the basis for denying employment where not prohibited by law. Drug and alcohol testing procedures for non-CDL first responder positions will otherwise mirror those of CDL positions.

3. Current Employee Testing: General Standard

- a. The Town may require a current Town employee who is a first responder or whose position requires a CDL to undergo drug and alcohol testing if there is reasonable suspicion by the immediate supervisor or other trained management personnel within the Department that the employee is under the influence of drugs or alcohol during work hours.
- b. Supervisors are required to document the specific facts, symptoms, or observations which formed the basis that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate Department Manager, and Human Resources Director. The "Observed Behavior-Reasonable Cause Record" form must be completed.

- c. The Town will require a current Town employee who is a first responder or in a position requiring a CDL to undergo post-accident drug and alcohol testing if he/she is involved in a reportable vehicular accident or if there is a fatality.
 - d. All current employees in positions requiring a CDL will be subject to Random Testing.
 - e. Drug abuse counseling and referral services are available.
4. Record Keeping
- a. Records shall be maintained in a confidential file by the Human Resources Department.
 - b. Records shall be maintained by the Department documenting that employees have been provided with information required under this policy, and copies shall be forwarded to the Human Resources Director.

G. Testing Procedures

1. Notice and Consent

- a. Before a drug and alcohol test is administered, employees will be asked to sign a consent form authorizing the test and permitting the release of test results to those Town officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over-the-counter medication.
- b. All recruitment announcements for any position requiring a drug and alcohol test, including in-house recruitment and promotion, will disclose that a chemical, alcohol, and drug screening test will be required for the applicant.

2. Pre-employment Testing

- a. Before any Department Manager or other Town hiring authority makes a conditional offer of employment to an applicant, he/she will notify the Human Resources Director of the final or top applicant for the position. The Department Manager or designee will schedule a chemical, alcohol and drug screening test for the applicant.
- b. The applicant shall be given a copy of this policy, a consent form to complete and sign, and will be informed of the test appointment.
- c. The MRO will notify the applicant of the test results, and if positive, will give the applicant an opportunity to discuss same prior to release of the information to the Town.
- d. The MRO will notify the Human Resources Director or designee of the test results and whether the test is negative or positive. The Human Resources director will then notify the Department Manager or designee. The Department Manager or designee will keep this information confidential.

3. Reasonable Suspicion Testing

A trained supervisor may, upon reasonable suspicion, and after at least attempting to consult with the division or Department Manager, if available, ask any on-duty employee to submit to an immediate alcohol and drug test. The Department Manager or designee should be notified as soon as possible.

- a. The employee's Department Manager or designee shall immediately advise the Human Resources Director or designee of the determination of reasonable suspicion.
- b. The employee shall immediately be given a "Test Consent Form" to complete and sign.
- c. The employee will be immediately taken by the supervisor or another supervisor or management employee of the department to the appropriate medical facility/clinic for testing.
- d. If the employee is not able to be taken to the appropriate medical facility/clinic for testing, the supervisor shall immediately telephone the agency and primary medical facility (any time, day or night) and/or call medical personnel from the primary medical facility and request that they go to where the employee has been taken to acquire the drug and alcohol test samples.
- e. The employee shall be immediately removed from duty and assisted in getting home after the drug and alcohol test, such as by a friend or family member of the employee, taxi cab (at the expense of the employee), or voluntary transport by the employee's supervisor in a Town vehicle.
- f. When "reasonable suspicion" is the grounds for requiring a drug/alcohol test, the employee shall be placed on paid administrative leave until the test results are available and a preliminary administrative review has been conducted.
- g. An alcohol and drug test for reasonable suspicion will include the urinalysis test.
- h. Results from the alcohol and drug screen test will be given by the laboratory to the MRO who, after confirmation, will forward to the Human Resources Director.

4. Random Testing

- a. This procedure will occur throughout the year and will initially involve a minimum of fifty percent (50%) of the employees/positions requiring a CDL for drug testing and twenty-five percent (25%) for alcohol testing selected at random and unannounced times throughout the year.
- b. If the test yields a positive result and the positive result is confirmed by the MRO, then the employee will be subject to disciplinary action.

5. Post-Accident Testing

- a. A post-accident test will be conducted on any first responder or CDL employee involved in a work-related motor vehicle accident if:
 - The accident results in a loss of life.
 - The operator receives a citation under local or State law for a moving traffic violation arising from the accident.

6. Return-to-Duty Testing

- a. Any employee returning to duty following a confirmed positive test must be subjected to a return-to-duty test following the same guidelines described in the Pre-employment section. The test must show a verified negative result prior to the employee returning to duty.

7. Follow-Up Testing

- a. An employee in a CDL position returning to work following a confirmed positive test and period of assistance/discipline will be subject to announcing testing for a period of not more than 60 months. There will be a mandatory minimum of 6 tests within the first 12 months.
- b. Follow-up tests may be used to determine whether or not any controlled substance is still being used.

H. Refusal To Consent

1. Applicants: A job applicant who refuses to consent to a drug and alcohol screening test will be denied employment with the Town. If the applicant is a current Town employee, the applicant will be denied employment in the position for which application was made. No denial shall be made without first attempting to discuss the impact of the refusal with the applicant.
2. Employees: An employee who refuses to consent to a drug and alcohol screening test when selected for random testing, post-accident, or when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action. No disciplinary action shall be taken without first discussing the matter with the employee, Department Manager, Human Resources Director, and Town Manager.

I. Consequences of Confirmed Positive Test Results - Drugs and Alcohol

1. Applicants: Job applicants will be denied employment with the Town if their initial positive test results have been confirmed. Applicants who are current Town employees shall be denied employment in the position for which application was made. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive test result. Employee applicants shall be handled in accordance with Section 2 below.
 - a. The applicant will be provided an opportunity to discuss with the MRO the results of any positive test and seek a second confirmation test.
2. Employees: If an employee's positive test result has been confirmed for Drug or Alcohol use, the employee is subject to action as follows:
 - a. Positive Drug Test: The employee shall be referred to a Substance Abuse Professional through the Town Employee Assistance Program (EAP). The Substance Abuse Professional shall determine what assistance, if any, is needed to resolve problems associated with controlled substance abuse. In accordance with Title 26 of the Maine Revised Statutes (M.R.S.), Section 685, the Town is obligated to offer treatment assistance and limited financial assistance. Failure to comply with the recommended treatment, if any, however, shall be cause for disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include but are not limited to: employee's work history, length of employment, current job performance and existence of past disciplinary actions. No disciplinary action shall be taken against any employee who voluntarily identifies himself/herself as a substance abuser prior to the time that it is apparent that the use has been detected. A second positive test or further violation of this policy following an initial positive test shall be cause for discharge. Prior to any disciplinary action being imposed by the Town, the employee is entitled to a disciplinary hearing.
 - b. Positive Alcohol Test: The employee shall be referred to a Substance Abuse Professional through the Town Employee Assistance Program (EAP). The Substance Abuse Professional shall determine what assistance, if any, is needed to

resolve problems associated with alcohol abuse and shall make those recommendations to the employee. Notwithstanding any recommendations made by the Substance Abuse Professional, the Town may take disciplinary action up to and including termination. Factors to be considered when determining the appropriate disciplinary response include, but are not limited to: employee's work history, length of employment, current job performance and existence of past disciplinary actions. No disciplinary action shall be taken against any employee who voluntarily identified himself/herself as an alcohol abuser prior to the time that it is apparent that the use has been detected. A second positive test, should the employee continue to be employed following an initial positive test, shall be cause for discharge. Prior to any disciplinary action being imposed by the Town, the employee is entitled to a disciplinary hearing.

- c. The MRO will report positive drug and/or alcohol test results to the Federal Drug & Alcohol Clearinghouse.

J. Consequences of a Controlled Substance Test Results (Drug Test)

1. An employee or job applicant whose drug test yields a positive result, confirmed by the MRO, shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.
2. If the second test confirms the positive test result, the employee or applicant shall be notified of the results by the MRO who will offer the employee an opportunity to discuss the results. The MRO will then notify the Human Resources Director or designee in writing. The letter of notification shall identify the particular substance found and its concentration level.

K. Confidentiality of Test Results

1. All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant or upon subpoena. The results of a positive drug test shall not be released by the MRO until confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. All positive test results will be maintained by the MRO, and reported to the Human Resources Director where they will be kept on file.

L. Privacy in Chemical Drug Testing

1. Urine samples shall be provided in a private restroom 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.
2. 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.

M. Laboratory Testing Requirements

1. All chemical drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the Town. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the Town in selecting a testing facility

include in addition to NIDA certification:

- a. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;
- b. Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results;
- c. Chain-of-custody procedures which ensure proper identification, labeling and handling of test samples; and
- d. Retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

2. Second Confirmation Test

- a. The applicant or employee may request from the MRO a second confirmation test of the same sample within 72 hours of notice that the first test was positive.
- b. The cost of the second confirmation test must be paid in advance by the applicant or employee. If the test is negative, the Town shall reimburse the applicant or employee for the cost of the test.
- c. The second confirmation test will be performed by a NIDA certified laboratory selected by the MRO.

Section 2.12: PERSONNEL RECORDS

Human Resources is responsible for maintaining centralized personnel files for all employees. Human Resources will retain personnel files of terminated employees for a period of time as specified by federal and state laws. Records and information that document the employee's personnel actions during the course of his/her employment with the Town shall be considered part of the personnel file, regardless of whether a record is maintained in electronic or paper form. Departments may create and maintain supplemental working personnel files for their convenience but any records of a permanent nature should also be included in the Human Resources Department.

Access to personnel files shall be limited to the Town Manager, Human Resources Director, the Department Manager, legal counsel, and other personnel determined to have a legitimate right to know. Personnel files are generally considered confidential; however, certain documents within a personnel file may be subject to the Maine Freedom of Access Act (FOAA). Any employee may review and copy his/her files in the presence of the Human Resources Director during normal business hours by appointment.

Chapter 3: Conditions of Employment

Section 3.1: EMPLOYEE CONDUCT AND PUBLIC RELATIONS

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

Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy, and responsibility are key elements of positive public relations. Employees are expected to demonstrate honesty, integrity, and ethical behavior in the performance of all job duties and conduct themselves in the course of their

duties in a manner that fosters the respect, trust, and confidence of the public. Employees shall interact with coworkers, officials, and members of the public in a respectful and harmonious manner at all times.

These policies and regulations are provided to assist the Management Team and all employees in functioning at peak efficiency with minimal cost to the taxpayers. Departments may establish additional regulations to supplement this policy with regard to the conduct of its employees, subject to review and approval by the Human Resources Director and/or Town Manager. In the case of a conflict between this policy and the departmental regulations, the more restrictive provision shall apply.

- A. Receipt of gifts: All Town employees are prohibited from soliciting or accepting any gift, gratuity, entertainment, loans, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties. This does not include fund-raising efforts for the benefit of charitable causes or other departmental programs.
- B. Business Activities or Solicitations are prohibited: No employee shall engage in any business other than his/her regular duties during work hours.
- C. Off-Duty Conduct: Off-duty conduct that is illegal may be cause for discipline if the illegal off-duty conduct, or consequences of the illegal off-duty conduct, directly impacts working conditions, required licenses, normal business operations, professional reputation of the organization, or the employee's ability to perform the requirements of his or her job. Off-duty conduct, whether legal or illegal, that impedes the Town's ability to effectively provide services to the public may be cause for discipline, up to and including termination from employment.
- D. Workplace Violence and Bullying: Workplace bullying is a pattern of continuous or repeated behavior that serves to humiliate, embarrass, undermine, degrade, offend, or intimidate an employee. Examples of bullying may include, but are not limited to:
 - Spreading malicious rumors, gossip, innuendo, or misinformation;
 - Undermining or deliberately impeding a person's work;
 - Persistent or egregious use of abusive, insulting, or offensive language;
 - Belittling another person's opinions verbally (e.g. sarcasm) or non-verbally (e.g. eye rolling);
 - Publicly shaming or embarrassing another person;
 - Tampering with a person's personal belongings or work equipment;
 - Regularly making someone the brunt of pranks or practical jokes; and
 - Passive-aggressive behavior.

Workplace violence is any behavior that is sufficiently severe or intimidating to cause an individual to reasonably fear for his or her personal safety and/or property. Examples of violent behavior on the job include, but are not limited to:

- Physical attacks, such as hitting, shoving, pushing, or kicking;
- Threatening or aggressive behavior directed toward another person, such as shaking fists or throwing objects;
- Intentional destruction, or threat of destruction, of another person's property;
- Veiled threats of physical harm or similar intimidation;
- Expression of suicidal or homicidal intents or thoughts;
- Stalking or surveillance; and
- Unusual agitation that may be accompanied by incoherent and/or irrational behavior.

The Town of Gorham seeks to maintain a safe work environment free from physical assault, domestic violence, property crimes, or any other violent attacks. Pervasive harassment, intimidation, bullying, stalking, and other aggressive behavior that reasonably threatens an individual's sense of well-being in the workplace or interferes with the performance of an employee's job will not be tolerated and may be cause for discipline, up to and including termination from employment.

Section 3.2: CONFIDENTIALITY POLICY

Confidentiality: Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the "right to know" law. Employees should contact the Town's designated Public Access Officer for more information.

Section 3.3: CONFLICT OF INTEREST

No Town employee who is authorized to make purchases shall have any interest either directly or indirectly in any contract with the Town.

Section 3.4: ATTENDANCE AND LATENESS

Employees are expected to be reliable and punctual in reporting for work each day and to complete the full work day. Employees shall be at their respective places of work in accordance with the general or departmental regulations. Absences include all time lost from the work schedule, whether avoidable or unavoidable, voluntary or involuntary. The Town recognizes there are times when unplanned absences are unavoidable. In such instances, it is the responsibility of employees to notify their Department Manager or designee as early as possible prior to the start of the work day using normal department procedures. Notification from another employee or relative is not acceptable, except under emergency conditions.

Section 3.5: TOWN PROPERTY

Employees must not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities. Town telephones, cell phones, computers, equipment, resources, and supplies may generally only be used for personal business on an emergency or de minimis basis, except as otherwise authorized. Any personal long distance telephone calls must be charged to the employee's personal telephone number.

Any town property issued to, or in the possession of, an employee including, but not limited to, keys, uniforms, cell phones, credit cards, computers, and equipment, must be immediately returned to the Department Manager or Human Resources upon verbal or written request and upon separation from employment.

Section 3.6: OUTSIDE COMPENSATION

An employee shall not render services and receive outside compensation for such services during any period in which the Town compensates the employee for hours worked or paid sick time. Any employee who violates this policy may be subject to discipline, up to and including termination. This provision does not apply to activities outside the work day or during periods of vacation.

Section 3.7: OUTSIDE EMPLOYMENT

Town employees may engage in outside employment, subject to certain restrictions based on business-related concerns. Outside employment is defined as any work, paid or unpaid, that an employee commits to beyond their job with the Town of Gorham, including self-employment. Employees must inform their Department Manager before seeking outside employment. An employee who engages in employment outside their regular working hours shall be expected to effectively perform their regular duties with the

Town first. Employees may not engage in outside employment or render service for a private interest when doing so would be reasonably expected to interfere with the safe, proper, and effective performance of the duties of their position; result in a real or perceived conflict of interest; or subject the Town to public criticism or embarrassment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, or inability to meet scheduling demands. If the Town Manager determines that such outside employment is disadvantageous to the Town or negatively impacts the employee's efficiency or dependability, the Town Manager shall notify the employee in writing that the outside employment must be terminated.

The Town shall in no respect be liable in cases where an employee is injured or contracts an occupational illness or develops occupational disability while engaged in outside employment. Such employees will be subject to the Town's sick leave policies.

Section 3.8: POLITICAL ACTIVITY

While employed by the Town of Gorham, employees may not accept appointment or election to any Town of Gorham elective office (e.g. Town Council or School Board). While on duty, employees may not engage in political activity. For purposes of this Section, political activity means to advocate expressly for or against any candidate for any County, State, Federal or Town of Gorham elective office or political cause; to communicate, organize, assist or advocate for or against any candidate for any County, State, Federal or Town of Gorham elective office or political cause; and/or to knowingly solicit or receive a political contribution for any candidate for any County, State, Federal or Town of Gorham elective office or political cause. Employees may not use Town facilities, equipment or supplies or use the influence of his or her employment capacity for purposes of political activity regardless of whether he or she is off duty.

This Section is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending meetings of political organizations, from donating personal time or resources to a political cause, from expressing their views on political matters, from voting with complete freedom in any election, or from carrying out the duties and responsibilities of an employee's position.

Section 3.9: DISCIPLINE AND CORRECTIVE ACTION

Whenever, in the supervisor's judgment, employee performance, attitude, work habits, or personal conduct is unsatisfactory, the supervisor shall inform the employee promptly and specifically of such lapses. Supervisors should avoid waiting for a scheduled performance evaluation to discuss deficiencies and should provide counsel and assistance to employees with the goal of correcting the work or behavior. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. Supervisors may utilize various tools to assist employees in improving their performance, including assigning additional training, implementing performance improvement plans, etc.

- A. The Town generally follows the principles of progressive discipline; however, Department Managers may determine the appropriate level of discipline, taking into consideration the particular incident and any local, state, and federal laws, rules and/or guidelines.

Disciplinary action may consist of the following:

1. Verbal Warning
2. Written Warning
3. Unpaid Suspension
4. Demotion
5. Dismissal

- B. Unpaid suspension, demotion, and dismissal shall only be carried out with the prior knowledge of the Human Resources Director and authorization of the Town Manager. Employees shall be provided with advance notice of such action being contemplated, with a copy to the Town Manager, and a meeting shall be scheduled to provide the employee with an opportunity to respond to charges justifying discipline before an unpaid suspension, demotion, or dismissal is imposed. When prudent, a Department Manager who recommends an employee for an unpaid suspension, demotion, or termination may initially place the employee on paid administrative leave pending a decision.
- C. All discipline, including verbal warnings, must be documented appropriately. All final disciplinary notices shall specify the action taken, the reason(s) therefore, and the extent and duration of the penalty. This notice shall be given to the employee at the time of the disciplinary action. Final written decisions of discipline are considered public records; therefore, details of a workplace investigation should be placed in a confidential file and should not be included on the notice of final discipline.

Any employee who feels that he/she has been treated unfairly shall have access to the grievance procedure as outlined in these rules and regulations.

Section 3.10: GRIEVANCE PROCEDURE

- A. Employees having complaints or problems related to department issues that do not fall within the definition of grievance as outlined in this section are encouraged to first discuss the issue with their immediate supervisor. If the nature of the problem is such that the employee feels he/she cannot discuss it with his/her supervisor or Department Manager, the employee may bring the matter directly to the Human Resources Director or Town Manager for further guidance.
- B. The term "grievance" under this section means any dispute between an employee and management concerning the effect, interpretation, application, or claim of breach of violation of Town of Gorham Employment Rules and Regulations.
- C. Excluded from consideration of grievance are those matters pertaining to: hiring, promotion of personnel, and compensation adjustments, except that regular employees may appeal performance evaluation.
- D. Every attempt should be made to resolve any dispute as soon as possible to the satisfaction of all parties.
- E. Steps in the grievance procedure shall be as follows:
 - 1. Every reasonable effort should be made for an oral agreement between the individual and his/her supervisor or Department Manager.
 - 2. If an oral agreement is not reached, the aggrieved may within five (5) working days file a written complaint to the supervisor or Department Manager. The Department Manager or supervisor shall make a careful inquiry of the facts and circumstances of the complaint and shall make a determination of the merits of the complaints and give a written reply within five (5) working days.
 - 3. If the individual is dissatisfied with the Department Manager or supervisor's written decision, the aggrieved may, within five (5) working days, make a formal written appeal to the Town Manager. The Town Manager will, upon receipt of the written appeal, return a formal written decision within five (5) working days. In all cases the decision of the Town Manager will be final and binding.

Section 3.11: HARASSMENT AND DISCRIMINATION POLICY

It is the policy of the Town of Gorham that all employees be treated with respect. Every employee of the Town has the right to work in an environment free from harassment, discrimination, and inappropriate behavior. Harassment or discrimination of any employee on the basis of race, religion, age, sex, physical or mental disability, sexual orientation (including gender identity and expression), ancestry, national origin, military service (past, present, or future), genetic pre-disposition, color, political affiliation, or any other status protected by law is a serious violation of the Harassment and Discrimination Policy and will not be tolerated.

Employees who believe they, or other employees, have been subjected to harassment of any kind, are encouraged to immediately identify the offensive behavior to the harasser and request that it stop. Individuals engaging in harassing behavior are sometimes unaware of the impact of their actions. If an employee is uncomfortable in addressing the matter directly with the harasser, or if the employee addresses the issue and the behavior does not stop, then the employee should discuss the matter immediately with the Human Resources Director, Department Manager, or any supervisor with whom the employee feels comfortable. Supervisors who receive a harassment complaint must immediately notify their Department Manager. Department Managers who are made aware of a harassment complaint are to immediately contact the Human Resources Director.

All complaints will be investigated promptly, impartially, and as discreetly as possible. Upon completion of the investigation, the appropriate parties will be notified of the non-confidential results of the investigation. Any supervisor, agent, or other employee who has been found to have harassed an employee will be subject to appropriate corrective action, ranging from a disciplinary warning to termination. No employee will suffer retaliation in any form for reporting instances of harassment or participating in a harassment investigation.

We trust that employees of the Town of Gorham will act responsibly to maintain a pleasant working environment, free of discrimination and harassment, allowing each employee to perform to his or her maximum potential. The Town encourages employees to bring questions regarding this policy to the employee's Department Manager, Human Resources Director, or the Town Manager.

I. Definitions:

The definitions below are from the regulations adopted by the U.S. Equal Employment Opportunity Commission ("EEOC") and are consistent with the guidance issued by the Maine Human Rights Commission ("MHRC").

A. **Sexual Harassment:** A type of harassment which occurs when verbal and physical conduct is sexual in nature or is gender-based, that is, directed at a person because of their gender. Unwelcome sexual conduct is sexual harassment when:

- Submission to such conduct is expressly or implicitly made a term or condition of employment or,
- Submission or rejection of such conduct is made either a term or condition of employment or,
- Such conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes: unwelcome verbal behavior such as comments, suggestions, jokes or derogatory remarks based on sex or physical behavior such as pats, squeezes, sexual gestures, and repeatedly brushing against someone's body, or impeding or blocking normal work or movement.

Types of sexual harassment include:

1. **Quid Pro Quo:** A Latin phrase that means "this for that". Quid Pro Quo sexual harassment involves situations in which workplace issues such as promotion, job retention, or time off are

offered in return for dating or sexual favors. For example: Disciplining a subordinate who ends a romantic relationship; changing performance expectations after a subordinate refuses repeated requests for a date; or demanding or suggesting sexual favors in exchange for some job benefit.

2. **Hostile Work Environment:** Unwelcome sexual conduct which unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. Hostile Environment harassment occurs as a result of hostile or abusive language, illustrations or visuals, and/or conduct in the workplace – words, gestures or images that are considered offensive by one or more individuals.
 3. **Third Party Sexual Harassment:** Individuals who are not directly affected by a specific behavior but who are uncomfortable when it occurs may experience this type of harassment. For example: A co-worker who is disturbed by the way managers or co-workers treat one another – even if the others are unaffected. Third Party Sexual Harassment may also involve vendors or service providers who use offensive sexual language or behaviors with employees.
 4. **Same Sex Sexual Harassment:** Sexual harassment that involves two or more men – or two or more women. Both men and women can feel threatened or sexually harassed at work. While this may involve gay, lesbian, bisexual or transgender employees, that is not always the case. For example: Non-gay workers, male or female, may be offended by hazing, jokes, or touching by coworkers of their same gender that is sexual or sexually suggestive.
- B. **Ethnic/Racial Harassment:** Ethnic or racial slurs or jokes, and other verbal or physical conduct relating to an employee's national origin or race constitute harassment when this conduct:
- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment or,
 - Has the purpose or effect of interfering with an employee's work performance or,
 - Adversely affects an employee's employment opportunities.
- C. **Religious Harassment:** Religious slurs or jokes, and other verbal or physical conduct relating to an employee's religious beliefs constitute harassment when the conduct:
- Has the purpose or effect of creating an intimidating, hostile, or offensive working environment or,
 - Has the purpose or effect of interfering with an employee's work performance or,
 - Adversely affects an employee's employment opportunities.
- D. **Retaliation:** Retaliation happens when an employee who has raised a complaint about harassment experiences a negative workplace consequence as a result of that complaint. Retaliation can include: poor performance reviews; longer work hours; "cold shoulder" or social isolation from the work group; threats from the accused harasser; transfer to a less desirable work location; or assignment of excessive work. If you feel you are a victim of retaliation, report the situation to your Department Head, Human Resources, or the Town Manager.

An employee's intentions and motives are not the decisive factors in considering alleged harassment behavior. The effect of one employee's behavior upon another employee is the decisive factor. If an employee's behavior is considered to be offensive by another employee or if it has an intimidating effect upon another employee, then racial, sexual, ethnic, or religious harassment may be present. Whether the behavior is welcome or not, the frequency with which it occurs and the severity of the behavior determine whether or not harassment has occurred.

II. Inappropriate Behavior:

- A. It is the responsibility of each employee to engage in and promote workplace behavior that creates and maintains an environment of respect and promotes effective teamwork. It is likewise the responsibility of each employee to report behavior that damages this environment.
- B. This policy prohibits behaviors that may not reach the level of illegal harassment as defined by the EEOC or the MHRC, but are nonetheless inappropriate in the workplace. Such behavior includes bringing sexually explicit pictures, photographs, cartoons or objects to the workplace; repeated requests for dates, sexual bantering, jokes or teasing; sexual innuendoes, gestures or leers, obscene, profane or abusive language; terms of endearment such as “doll”, “honey”, “sweetheart” or “babe”; sending sexual, racial, ethnic, or religious jokes, cartoons, etc. on e-mail, faxes, etc.; and, using racial, ethnic or religious slurs or demeaning comments. Appropriate disciplinary action will be taken when violations of this policy occur. Whether the behavior is welcome or not, the frequency with which it occurs and the severity of the inappropriate behavior will determine whether or not a violation of the policy has occurred.
- C. While they often appear harmless, horseplay, pranks, and any other inappropriate, non-work related behaviors are not allowed in the workplace as these activities, while often well-meaning, can easily get out of hand and cause others to feel uncomfortable. Jokes (verbal, electronic, printed or in any other medium) that demean people in any way or have sexual, racial, ethnic, or religious themes are also inappropriate in the workplace.
- D. Inappropriate behavior as defined by this policy shall be reported to Department Managers or the Human Resources Director immediately. The Department Manager, in conjunction with Human Resources, will determine how the incident/allegation/complaint will be investigated. After completing an investigation, it will be determined whether or not this policy has been violated.

III. Implementation:

- A. The Town of Gorham is committed to preventing harassment and discrimination through education and dissemination of information, as well as employee accountability.
- B. It is the responsibility of each employee of the Town of Gorham to engage in and promote workplace behaviors that create and maintain an environment of respect and promote effective teamwork. It is likewise the responsibility of each employee to report those behaviors that damage this environment, especially those of a harassing nature.
- C. Supervisors have a greater responsibility, not only to model respectful, professional conduct at the workplace, but also to maintain an environment of respect and effective teamwork in their work areas. As part of their supervisory responsibilities, supervisors are required to monitor the workplace for inappropriate behavior and actively prevent or stop inappropriate or unprofessional conduct in the workplace regardless of whether the conduct rises to the level of illegal harassment. If a supervisor becomes aware of any such conduct, he/she must take immediate and appropriate corrective action, including discipline, to end the conduct. Corrective action is required whether or not a complaint is made or the conduct appears to be welcome.
- D. The Human Resources Director or the Town Manager may be consulted for advice and direction and must be contacted if a complaint is received, even if the complainant requests that no action be taken. Department Managers or supervisors who fail to fulfill their obligations under this policy may be subject to disciplinary action up to and including termination.
- E. It is the policy of the Town to provide sexual harassment training to new hires within the first 30 days of employment. In addition, new supervisors must receive information on their responsibility to take immediate and corrective action in addressing sexual harassment complaints within 30 days of assuming a supervisory role. To comply with Maine law, the Town will provide annual written notification to all employees regarding sexual harassment.

IV. Complaint Process:

- A. An employee who believes he/she is the victim of harassment may file an internal complaint by contacting any of following individuals:
- Immediate supervisor or any supervisor in the chain of command
 - Department Manager
 - Human Resources Director
 - Town Manager
- B. Every effort will be made to resolve complaints at the lowest possible level. If an investigation is warranted, it will be conducted promptly and with as much confidentiality as possible, respecting the rights of all parties involved. All employees are required to cooperate fully in any investigation of harassment.
- C. In addition to initiating an internal complaint, employees represented by a union have the right to exercise any rights they may have under their union contracts. A discrimination complaint may also be submitted to the Maine Human Rights Commission.
- D. It is not required that any of the above procedures be utilized first or in any sequence, nor is it required that any procedure be exhausted before the other is issued.
- E. For more information contact:
- Human Resources Director (207) 222-1651
 - Town Manager (207) 222-1650
 - Maine Human Rights Commission (207) 624-6290

Section 3.12: INFECTIOUS DISEASE AND EXPOSURE CONTROL POLICY

A. Purpose

This is to establish the policy of the Town of Gorham for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing his/her job as a Town employee or volunteer, should immediately reference their respective Department's Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Police, Fire/Rescue, Public Works, and Recreation Departments.

B. Policy

1. It is the policy of the Town to ensure a safe and healthful work environment to the extent possible.
2. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
3. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's Department Manager.
4. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients, and the public from infectious diseases.

5. The Town of Gorham shall make the Hepatitis B vaccination series and post exposure evaluation and follow-up available to all employees and volunteers who have a reasonable risk of occupational exposure. Please reference the respective department's Exposure Control Plan for detailed information on necessary procedure to follow.
6. Our policy is to treat any medical information as a confidential medical record. In furtherance of this policy, any disclosure of medical information is in limited circumstances with those having a reasonable "need to know" including supervisors, managers, and government officials as required by law.

C. Procedures

1. The Town will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.
2. Where allowed by law, the Town retains the right to test employees for infectious diseases.
3. The Town must maintain confidentiality regarding an employee's health status, and does not have a duty to inform other individual or organizations unless required by law.
4. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town's Human Resources Director, and to carry out his or her assigned duties if reasonable accommodations can be made.
5. Upon notification by an employee that an infectious disease diagnosis has been confirmed and is a threat to the public health, the Human Resources Director will:
 - a. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
 - b. Assist in the identification of reasonable accommodations to be made, if any.
 - c. Assist individual departments, if necessary, in complying with this policy.
6. The Town will treat all occupational infectious disease injuries or illnesses according to state law.
7. The Town will provide appropriate educational opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
8. Individual departments may develop protocols regarding infectious disease control provided that those protocols conform to this policy.
9. An employee may not refuse to carry out his or her assigned duties when dealing with a co-worker or the public with an infectious disease, or presumed to have an infectious disease, unless that individual poses a direct threat to the employee. The term 'direct threat' is defined by the EEOC to mean a significant risk to the health or safety of others that cannot be eliminated by a modification of policies, practices, or procedures or by the provision of auxiliary aids or services. Employees concerned about their potential exposure to infectious disease in the workplace should speak to their Department Manager and Human Resources Director first who will determine if a direct threat to the employee exists. If no significant risk is found to exist the employee will be informed and expected to carry out his or her assigned duties. Failure to adhere to this procedure may result in disciplinary action.

D. Accidental Needle Stick Procedure

Police, fire, and rescue personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

1. Wash the puncture site thoroughly with soap/disinfectant and water.
2. Report the incident to your supervisor.
3. Police, fire, or rescue personnel must notify the medical facility receiving the patient of the incident.
4. Complete Incident and/or Workers Compensation forms.
5. Establish your potential exposure risk to infectious diseases.
6. Notify your Department Manager to establish your: (1) tetanus status, (2) Hepatitis B status, and (3) HIV exposure.
7. Seek further medical attention if necessary.

E. Procedure for Exposure to AIDS Infection

If a Town employee is exposed to the blood or body-fluid of a known or highly suspected AIDS infected person:

1. Wash the exposed areas thoroughly with soap and water. Clean any spills with a one (1) part bleach to ten (10) parts water solution.
2. Report the incident to your supervisor.
3. Complete the Incident and Workers Compensation forms.
4. Notify your Department Manager as soon as possible to schedule an appointment for a voluntary blood test.
5. The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division. Results are received approximately one week later. You will be notified of the test results.
6. If all three specimens are negative, you are considered not to be infected.
7. Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
8. Emotional counseling is available through a counselor of the employee's choice and to be provided by the Town of Gorham.
9. Strict confidence will be maintained in all incidences unless appropriate medical and/or information releases have been obtained.

F. Epidemics and Pandemics

In the event of a large-scale outbreak of a virus or other contagion the Town will take proactive steps to protect the workplace and will follow guidelines issued by the Maine Governor's Office, Maine Center for Disease Control, and United States Center for Disease Control. It is the goal of the Town during any such

time period to strive to operate effectively and ensure that all essential services are continuously provided and that employees are safe within the workplace.

The nature, severity, and spread of an infectious disease outbreak may vary and will necessitate unique response plans to be developed for each situation and each department; however, the following general precautions will be taken in the event of a confirmed epidemic or pandemic that is reasonably likely to impact our community.

1. **Cleaning:** Frequent cleaning of objects and areas that are frequently used, such as bathrooms, breakrooms, conference rooms, door handles and railings. Cleaning of vehicle and equipment touchpoints daily, including door handles, keys, steering wheel, gear shifter, seat belts, and dashboard. Cleaning is the responsibility of all employees during an infectious outbreak. Department Managers will be responsible for ensuring adequate cleaning supplies are available and that cleaning is being done regularly. Employees will need to review the applicable Safety Data Sheet (SDS), understand how to use the product safely and effectively, test the product on their work area, and wear any recommended personal protective equipment when cleaning. All secondary (refillable) containers in the workplace must be properly labeled with the product identifier.
2. **Handwashing:** Employees and visitors will be asked to engage in frequent hand washing with warm, soapy water for at least 20 seconds. Coughs and sneezes should be covered with tissues and then hands washed thoroughly. Alcohol-based hand sanitizers are installed throughout the workplace and in common areas to supplement handwashing efforts and for use when handwashing is not possible.
3. **Staying Home When Ill:** Many times, with the best of intentions, employees report to work even though they feel ill. The Town provides paid sick time and other benefits to compensate regular employees who are unable to work due to illness. During an infectious disease outbreak, it is particularly critical that employees do not report to work while they are ill and/or experiencing symptoms consistent with the current outbreak of illness, or flu-like symptoms (e.g. fever, cough, sore throat, runny or stuffy nose, body aches, headache, chills and fatigue). Employees who report to work ill will be sent home in accordance with these health guidelines.
4. **Medical Certification:** If you are out sick or show symptoms of being ill, it may become necessary to request information from you and/or your health care provider. In general, we may request medical information to confirm your need to be absent, to show whether and how an absence relates to the infection, and to know that it is safe for you to return to work. As always, we expect and appreciate your cooperation if and when medical information is sought.
5. **Temperature Screening:** If recommended by the Maine CDC and deemed permissible by the EEOC, the Town may choose to have all employee temperatures taken upon reporting to work. Department Managers, or trained designees, will screen employee temperatures daily using a touchless forehead thermometer before employees may report to their work areas. Results will be documented on a confidential tracking sheet that will be retained in the employee's confidential medical file. The individual screening temperatures will, at a minimum, wear a face mask, gloves, and safety glasses. If a temperature registers over 100 degrees Fahrenheit, an oral thermometer may be used to verify the reading. If the temperature still indicates a fever the Department Manager and Human Resources must be notified. The employee will be sent home and advised to seek medical attention. In general, an employee should be fever free for a minimum of 72 hours without the use of fever-reducing medications before returning to work.
6. **Attendance:** Unless otherwise notified, our normal attendance and leave policies will remain in place. This includes absences resulting from an employee being sent home due to the presence of fever or other symptoms known to be associated with the infectious disease outbreak. Individuals who believe they may face particular challenges reporting to work during an infectious disease outbreak should take steps to develop any necessary contingency plans. For example, employees might want to arrange for alternative sources of child care should schools close and/or

Speak with supervisors about the potential to work from home temporarily or on an alternative work schedule.

7. **Social Distancing:** In the event of an infectious disease outbreak, the Town may implement the following social distancing guidelines during the workday to minimize the spread of the disease among the staff:
 - a. Avoid meeting people face-to-face. Employees are encouraged to use the telephone, online conferencing, e-mail or instant messaging to conduct business as much as possible, even when participants are in the same building.
 - b. If a face-to-face meeting is unavoidable, minimize the meeting time, choose a large meeting room, and sit at least six feet from each other if possible; avoid person-to-person contact such as shaking hands.
 - c. Avoid any unnecessary travel and cancel or postpone nonessential meetings, gatherings, workshops, and training sessions.
 - d. Do not congregate in work rooms, break rooms, or other areas where people socialize.
 - e. Bring lunch and eat at your desk, outside, or another location away from others.
 - f. Wear a cloth face covering in situations where social distancing is otherwise not possible.
 - g. Avoid riding in vehicles with others whenever possible. If unavoidable, open windows to increase ventilation.
 - h. Transparent partitions will be used at service counters within each department to minimize contact between staff and patrons.
8. **Telecommuting:** Telework requests will be handled on a case-by-case basis. While not all positions will be eligible, all requests for temporary telecommuting should be submitted to your manager for consideration.
9. **Facility Closures:** The Town Manager may decide that it is in the best interest of employees and the public to temporarily close facilities to the public and/or alter hours of operation to reduce the spread of an infectious disease. In these situations the Town will continue providing essential services.
10. **Travel:** When appropriate, the Town may provide notice that nonessential business travel and attendance at conferences should be avoided. Travel outside the United States will not be authorized during a pandemic. The Town will follow CDC guidelines regarding mandatory quarantines related to travel. Employees who must self-quarantine because they voluntarily traveled outside of Maine while travel restrictions were in place may be required to use available accruals to cover any period of quarantine, unless their Department Manager determines that telework is available.
11. **Exposures:** Please notify your Department Manager if you have been in close contact with someone who has confirmed or probable infectious disease. Exposures will be dealt with on a case-by-case basis and handled according to CDC guidelines.

Section 3.13: ALCOHOL & DRUG USE AND ABUSE

The possession, sale, or use of alcohol, marijuana, illegal drugs, or related paraphernalia on the employer's premises on duty or off duty is strictly prohibited and is grounds for immediate dismissal. If an employee is unable to effectively perform his duties or causes disruptions in the workplace due to being under the influence of drugs or alcohol, disciplinary action may be taken up to and including termination.

- A. A supervisor who reasonably suspects another employee of prohibited drug or alcohol use during the workday should notify the Department Manager. The supervisor should articulate his or her specific, coincident observations that suggest the employee may be impaired in the workplace, including observations related to the employee's abnormal appearance, behavior, speech, gait, or body odors. Other observations that will be considered include a pattern of abnormal or erratic behavior, information provided by a reliable and credible source, or direct observation of drug or alcohol use.
- B. Employees who appear to be impaired may not be allowed to interact with the public or perform other official duties. The Department Manager, along with a supervisor or the Human Resources Director, should meet with the employee in a private space to discuss the observations and concerns regarding impairment.
- C. If the employee denies drug or alcohol use and a medical emergency is suspected, Gorham Fire Rescue will be contacted to assess the employee. If the employee refuses medical treatment the employee shall be immediately removed from duty and assisted in getting home, such as by a friend or family member of the employee, taxi cab (at the expense of the employee), or voluntary transport by the employee's supervisor in a Town vehicle. The Department Manager shall remain with the employee until the employee has left the premises. If an employee who appears impaired chooses to operate his or her personal motor vehicle, the Gorham Police Department shall be notified.
- D. Employees who struggle with drug or alcohol dependency are encouraged to proactively contact the Town's Employee Assistance Program (see Section 4.17) or health care provider for help and assistance before the effects of such substance use begins to adversely affect the employee's job performance and ability to serve the public.
- E. Pursuant to the Drug-Free Workplace Act of 1988 (41 U.S.C. c. 81), the Town of Gorham has established the following policy:

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Town of Gorham's workplace. As a condition of employment with the Town of Gorham, all employees will abide by the terms of the policy and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

The Town of Gorham, within 30 days of receiving notice, with respect to any employee who is so convicted, will take one of the following actions:

- taking appropriate personnel action against such an employee up to and including discharge; and/or
- requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

Section 3.14: SMOKING AND TOBACCO USE POLICY

A. Purpose

The purpose of this policy is to comply with Maine's Workplace Smoking Act and to establish clear guidelines with regard to the use of other tobacco products.

B. Policy

In accordance with the provisions of Maine's Workplace Smoking Act of 1985 (22 M.R.S.A. 1580-A), the Town of Gorham adopted a Smoking Policy prohibiting smoking in all Municipal buildings and vehicles.

1. It is the policy of the Town of Gorham to provide a safe and healthful place of business for Town employees and citizens. Therefore, all forms of smoking will be strictly prohibited within all Town owned and operated buildings and structures including, but not limited to, offices, hallways, waiting rooms, lunch rooms, meeting rooms, community areas, and vehicles and equipment. Smoking outside on Town property is prohibited within 20 feet (horizontal or vertical) of any entryway, designated walkway, open window, vent, or doorway. This Policy applies to all employees, citizens, guests, and other visitors.
2. In conjunction with the Smoking Policy, the Town recognizes that smokeless tobacco products, such as chew, dip, and Electronic Nicotine Delivery Systems (ENDS) can adversely affect employees and visitors. The personal use of such tobacco products can create an unclean and unsanitary work environment for others. Thus, as with smoking, the use of smokeless tobacco products is prohibited within all Town owned and operated Municipal buildings and vehicles.
3. Employees are expected to exercise common courtesy and to respect the needs and sensitivities of co-workers and the public with regard to the smoking policy. Employees are prohibited from smoking or using smokeless tobacco products while interacting with the public and while performing the duties of their position. Smokers have an obligation to keep designated smoking areas litter-free and not to abuse break and work rules. Complaints about smoking issues should be resolved at the lowest level possible but may be processed through the grievance process. Employees who violate this policy may be subject to disciplinary action.
4. This policy is not intended to restrict employees, who are making a bonafide effort to quit smoking, from using FDA approved Nicotine Replacement Therapy (NRT), including patches, gum, nasal spray, inhalers, and lozenges. Employees can seek support with smoking cessation through the Town's Employee Assistance Program and the Maine Tobacco HelpLine (1-800-207-1230).

This Policy is required to be communicated to all employees and posted at all Town owned and operated facilities.

Section 3.15: SEPARATIONS

- A. An employee may resign or retire from Town service in "good standing". "Good standing" shall mean the submittal of a written notice at least 14 calendar days in advance of the last day of actual work, which does not include any form of paid time off unless the employee is resigning during an approved leave of absence. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the Town. The Town Manager may permit a shorter period of notice if extenuating circumstances exist. Employees terminated for cause shall not be considered to have separated in "good standing".
- B. Department Managers should acknowledge resignations in writing to the resigning employee and then provide a copy of the resignation notice and acknowledgment to Human Resources. The effective date of the employee's termination with the Town is considered to be the last day actually worked.
- C. Upon separation from service in "good standing", or upon death of an employee, the Town shall pay all wages owed as well as any earned and/or pro-rated vacation pay, compensatory time, and/or accumulated sick time to which the employee is entitled according to the schedules outlined in the applicable sections of the Personnel Policy.
- D. Final payments to separating employees will be made in a lump sum on the next regular pay day following the employee's last day of actual work and will be processed according to normal payroll procedures. Payment of accrued time owed to an employee at the time of separation may not be paid over multiple weeks. Payments will not be made directly to beneficiaries of deceased employees.

Section 3.16: WORK SCHEDULES

Normal Work Hours

- A. A workweek shall be considered Sunday 12:00AM through Saturday 11:59PM for all employees, except that the Police Department, Fire Department, and Public Works Department may establish a different permanent workweek for some or all positions within their respective departments that better aligns with work schedules provided the designated workweek for each position is clearly documented and complies with all legal requirements. A pay period shall consist of two workweeks. The normal working days in the workweek shall be Monday through Friday; however, it is necessary, owing to the variations in the different services provided by the Town, that there be variations in the normal hours and days of work per week within different departments. The hours of work, the starting and quitting time, and 30 minute lunch periods will be established within each department with the Town Manager's approval. The hours of work, the starting and quitting time, or the scheduling of lunch periods may generally be changed by mutual agreement of the Department Manager and department employees, subject to approval by the Town Manager. Department operating days and hours are subject to change without agreement of employees and upon approval of the Town Manager. In such cases employees will be provided with as much advance notice as is practicable under the circumstances.
- B. Salaried employees who are exempt employees and not entitled to overtime pay shall accomplish the work assigned to the position regardless of the hours required to do the work, within reason. Consequently, salaried employees are generally afforded greater flexibility and discretion in their hours of work. Exempt employees who find they are consistently working more than 40 hours per week should notify their supervisor to review their workload.
- C. Subject to advance Department Manager approval, an employee may "flex" his or her time within a single workweek when it will not adversely impact service to citizens or create a burden for other employees. Flexing time has the advantage of enabling employees to avoid exceeding the number of hours budgeted for the position or incurring overtime. For example, working late one day and leaving early later in the same workweek. Hours shall not be flexed over a two-week period.
- D. It is the responsibility of each Department Manager to ensure that the department's work hours are adhered to by all employees and to review employee job duties as needed to ensure employee workloads are reasonable and distributed evenly.
- E. A regular employee's normal work schedule shall consist of a minimum of two consecutive days off. Exceptions may be made on a case-by-case basis upon approval of the Town Manager.
- F. Department Managers are responsible for ensuring that hourly non-exempt employees maintain a true and accurate record of hours worked and that all breaks and lunch periods, as required by law, have been taken. The method by which this is accomplished may vary by department but may include electronic or paper format. Supervisors are prohibited from coercing an employee to inaccurately report or not report time worked. An employee who knowingly submits hours they did not work and collects payment for them will be subject to disciplinary action, up to and including termination.
- G. All across-the-board pay increases, such as cost of living adjustments, will be effective on the first day of a workweek. Pay changes based on a specific date, such as an anniversary date, that fall in the first four (4) days of a workweek shall be effective for all hours worked that workweek as of the first day of the workweek. If the date falls during the last three (3) days of a workweek, the pay change will be effective on the first day of the following workweek.

Section 3.17: OVERTIME

- A. Any time actually worked in excess of 40 hours of a workweek shall be compensated for by overtime pay at a time and one-half rate or compensatory time if employees so desire. Holidays and vacation days shall be considered time worked for the purpose of calculating overtime. Sick leave and other forms of paid leave shall not be counted as time worked.

- B. Any time worked on a Holiday, regardless of what occurs during the rest of the regular workweek, shall be compensated for by overtime pay at a time and one-half rate or accrued as compensatory time. In addition, the employee still receives his or her Holiday pay.
- C. When an hourly paid employee has left work after the regular workday and then is called back into work, he/she shall be paid a minimum of three hours pay, which shall be considered hours worked for the purpose of calculating overtime. If and when time worked, for each particular call-in, exceeds three hours, he/she shall be paid for the actual hours worked.
- D. The Town will make every responsible effort to distribute overtime equally among employees and their respective departments.
- E. Employees shall not work overtime without prior authorization from a supervisor.

Section 3.18: COMPENSATORY TIME

- A. A regular, non-probationary employee who earns overtime (i.e. over 40 hours in a single workweek) may choose to accrue compensatory time in lieu of overtime pay. In no event shall a supervisor mandate an employee to accrue overtime as comp time. Comp time will accrue at the overtime rate; comp time may not be accrued for hours that are not otherwise eligible to be paid as overtime. For tracking purposes, comp time may not be used within the same two-week pay period in which it is earned. An employee may accumulate up to 40 hours of comp time, after which all overtime shall be paid as wages. In order to take comp time, an employee must make a request at least one (1) day in advance and must receive written permission from the Department Manager.
- B. With the approval of the Department Manager and the Town Manager, employees who earn excessive overtime because of a single storm event or because of a series of repeated storm events, and who have already accumulated the 40 hours of compensation time allowed in Section 3.18 Paragraph A, may accumulate up to an additional 40 hours of compensation time, in a separate account called "Storm Event Comp", for a combined total of 80 hours of compensation time. The total amount of an employee's compensation time must be reduced to no more than 40 hours by the following October 1 or the employee will be paid for the balance of comp hours in excess of 40 hours. In order to use this additional compensation time, an employee must make a request at least one (1) day in advance and must receive written permission from the Department Manager.
- C. Exempt employees shall not be eligible to accumulate compensatory time.
- D. Department Managers and other FLSA-exempt employees occupy positions of responsibility, accountability, and discretion. They may be required to work outside the normal schedule of working or office hours and are compensated, in part, on the basis of accomplishing the tasks demanded of the position without regard for the specific number of hours worked. They are also expected to be accountable for their time, be available to the public and other staff, and generally to conform to normal operating hours. Exempt employees may take discretionary time off without charging such time off to sick or vacation leave:
 1. When it does not interfere with the operations of their department or office.
 2. When there are no other priorities which should be completed which, if not completed, might interfere with the operations of another department.
 3. Separate absences of more than one-half a work day may be taken at the discretion of the employee's Department Manager; or, in the case of Department Managers, the Town Manager.
 4. Absences of one-half day or less may be taken at the discretion of the employee, subject to the review of the Department Manager; or, in the case of Department Managers, the Town Manager.

5. Discretionary Time: On a case-by-case basis upon request by an employee, the Town Manager may authorize an exempt employee who worked more than 50 hours in a single workweek to accrue one hour of discretionary time off for each hour worked over 50, provided the employee has maintained an accurate record of time worked. Such time must be taken as time off prior to the end of the fiscal year and is not eligible for payout upon separation.
- E. When an employee transfers from an hourly non-exempt position to a salaried exempt position, any accrued compensatory time must be paid out to the employee on the next available pay date at the employee's most recent hourly non-exempt position pay rate.

Section 3.19: INCLEMENT WEATHER/UTILITY FAILURE POLICY

A. Inclement Weather

Municipal facilities are made available with public funds to provide services to the public, our customers. It is the intent of the Town to remain open and maintain regular operating hours during most storm events. Employees are advised to be prepared for Maine weather events and are expected to report to work during storm events including most snowstorms. In the event of a particularly significant storm event, the Town Manager is authorized to use his/her judgment and may close appropriate facilities. Such closures will be reported to the local news stations as soon as a decision has been made.

1. When the Town Manager closes facilities because of a storm event, employees will be paid their regular wages (i.e. administrative pay) for the remaining balance of their scheduled workday. This provision applies only to regular part-time and regular full-time employees.
 - a. Employees who are not otherwise available and able to work on the day of the storm closure due to a scheduled day off, including preplanned vacation or sick leave, are not eligible for administrative pay for storm closures.
2. Employees who become concerned with travel conditions may request permission from their supervisor to absent themselves from work and Department Managers may grant or deny permission subject to the following conditions.
 - a. It is the responsibility of the Department Manager to ensure that sufficient personnel remain at work to provide adequate service to the public and may limit the number of employees who may leave to accomplish this goal.
 - b. Employees who absent themselves pursuant to this paragraph (2) must use accrued vacation time or unpaid leave regardless of whether the office is closed or not.
 - c. Some employees may occupy positions that are considered "essential" and may be denied permission to absent themselves from work depending on the nature of the event.

B. Utility Failure/Emergency Event

In the event of an inability to operate because of a utility failure, emergency event or some other condition, the Town Manager may establish temporary facilities at some other location or may declare appropriate facilities temporarily closed. In instances where facilities are closed and employees are asked to not report to work, regular part-time and regular full-time employees will receive their regular wages during the closure.

Section 3.20: 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.

A. POLICE DEPARTMENT

Marked Vehicles: Employees whose positions require that they be available during off-duty hours to respond to stakeouts, surveillance sites, fires or emergency calls, may with the prior approval of the Town Manager or the Town's Police Chief, use the Town's marked police vehicles while "on-call" during off-duty hours, even if such use involves personal matters.

Marked police 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 but for no other use outside the Town's municipal boundaries.

Unmarked Vehicles: This provision applies only to the Town's law enforcement officers who, for purposes of this provision, include the Town's full-time police detectives and other law enforcement officers who satisfy all of the following requirements: are involved in investigatory or crime prevention work, are authorized to carry firearms and regularly do so, execute search warrants, and are authorized to make arrests (other than merely a citizen's arrest). All such full-time law enforcement officers whose positions require that they be available during off-duty hours to respond to stakeouts, surveillance sites, fires or to emergency calls may, with prior approval of the Town Manager or Police Chief use the Town's unmarked law enforcement vehicles while "on call" during off-duty hours, even if the use of the vehicle involves personal matters.

Unmarked law enforcement vehicles used during off-duty hours may be used both within and outside the Town's municipal boundaries while the employee is off-duty but "on call". Any personal use of an unmarked law enforcement vehicle by an employee at a time when he/she is off-duty and not "on call" is prohibited unless the prior approval of the Town Manager or Police Chief is obtained, in which case the employee must maintain a legible daily log book that tracks the extent to which the vehicle is used for personal use during off-duty hours when the employee is not "on call" other than for commuting to and from work. The Town's Finance Director shall provide the employee with the form of the logbook to be used, and the employee shall return a complete photocopy or the original logbook to the Town's Finance Director at the end of each calendar year. Based on the daily logbook maintained by the employee, the Finance Director shall report the employee's personal use of the vehicle while not "on call" as a taxable fringe benefit to the Internal Revenue Service and the Maine Bureau of Taxation. If the employee fails to maintain a legible daily log book of his or her off-duty use of an unmarked law enforcement vehicle, then all of such off-duty use of the vehicle, whether "on call" or "off call", will be deemed to be personal use that is reportable as a taxable fringe benefit.

B. FIRE DEPARTMENT

Marked Vehicles: Employees whose positions require that they be available during off-duty hours to respond to fires or emergency calls, may with the prior approval of the Town Manager or the Fire Chief, use the Town's marked fire vehicles while "on call" during off-duty hours, even if such use involves personal matters.

Marked fire 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 but for no other use outside the Town's municipal boundaries.

C. PUBLIC WORKS DEPARTMENT

The Public Works Director is authorized to take home a Town vehicle to allow the Director, during off-duty hours, to respond to calls which require an inspection of road conditions or responding to emergency calls for service. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles will be treated as personal use and taxed as a taxable fringe benefit. The \$3.00 per day will be included in the Director's gross income, quarterly, based on the number of workdays for the quarter. Any other personal use of the Public Works vehicles during off-duty hours is strictly prohibited.

The Public Works Deputy Director and Roads Foreman are also authorized to take home a Town vehicle to allow them, during off-duty hours, to respond to calls which require conducting an inspection of road conditions or responding to emergency calls for service. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles will be treated as personal use and taxed as a taxable fringe benefit. The \$3.00 per day will be included in their gross income, quarterly, based on the number of workdays for the quarter. Any other personal use of the Public Works vehicles during off-duty hours is strictly prohibited.

D. TOWN MANAGER

The Town Manager is authorized to take home the Town's unmarked vehicle to allow the Town Manager, during off-duty hours, to respond to emergency calls or attend meetings and functions when acting as the Town's representative. Because commuting to and from work is a taxable benefit under IRS regulations, the commuting miles will be treated as personal use and taxed as a taxable fringe benefit. The \$3.00 per day 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 vehicle during off-duty hours is strictly prohibited.

E. OTHER

Except as stated in this policy, Town employees shall not be permitted to use the Town's vehicles for any other purpose while off-duty.

Any travel stipends must be treated as a taxable fringe benefit and will be paid through payroll, subject to all employment taxes.

F. WORKING CONDITIONS BENEFITS POLICY

A working condition benefit is any property or service provided to an employee to the extent that, if the employee paid for the property or service, the payment would be allowable as a trade or business deduction under Internal Revenue Code Section 162, or as a depreciation deduction under Section 167. In order to qualify as a working condition benefit that is excludable from an employee's income, the employer must require the employee to:

1. use the payment for expenses in connection with specific or pre-arranged activity for which a deduction is allowable under Internal Revenue Code Section 162 or Section 167;
2. verify that the payment is actually used for such expenses; and
3. return to the employer any part of the payment not so used.

If all three conditions are satisfied, the payment to the employee is not subject to payroll and income taxes.

Examples of working condition benefits include an employee's use of a Town vehicle for business and job-related education provided to an employee.

Uniform Allowances and Clothing Reimbursements

Clothing reimbursements and uniform allowances, in order for the amounts to be nontaxable, must meet the accountable plan rules:

1. be specifically required as a condition of employment;
2. not be adaptable to general usage as ordinary clothing; and
3. not worn for general usage.

It is not enough that an employee wear distinctive clothing, the Town must specifically require the clothing. Nor is it enough that the employee does not, in fact, wear the work clothes away from work. The clothing must not be suitable for taking the place of regular clothing.

Example: The cost and upkeep of work clothes for firefighters and law enforcement officers would be nontaxable to the employee since the above criteria have been met.

If clothing does not qualify as a deductible expense (i.e. is a uniform) then, according to IRS Regulations, these payments must be treated as a taxable fringe benefit and will be paid through payroll, subject to all employment taxes.

Example: A Public Works employee's jeans and branded t-shirts or a detective's suit jacket and related clothing, since they are suitable for everyday wear, do not qualify as a uniform and would be taxable to the employee.

Protective Clothing

Protective clothing reimbursements are nontaxable if for such items as safety shoes or boots, safety glasses, hard hats, and work gloves.

3.21: MOTOR VEHICLE OPERATORS' POLICY

A. Purpose

The purpose of this policy is to make certain that Town employees who drive a Town vehicle, whether regularly or sporadically as part of their jobs, have a valid Maine Driver's License and acceptable driving records.

B. Policy

The Policy will be enforced jointly by Human Resources and Department Managers of those areas where employees drive as part of their job responsibilities. Driving records will be checked as follows:

1. The appropriate Department Manager, with assistance from Human Resources as requested, will maintain a list showing the names and dates of birth of each employee who operates a motor vehicle as part of his/her job.
2. Human Resources will provide these lists to the appropriate state agency, such as InforME, who will conduct a motor vehicle records check of all names provided. A monthly report which shows the status and/or change to the status of employees' driving record will be generated and provided to the Human Resources.
3. Department Managers will meet with employees as necessary to discuss driving records and, if appropriate, any driving restrictions.
4. Driving records will be checked for any new hire that is expected to drive a Town vehicle as part of his/her job responsibilities.
5. Any employee who drives as a part of a municipal job and who is convicted of a criminal motor vehicle violation or has his/her driver's license suspended will report the incident immediately to their Department Manager. The Department Manager will gather the facts and discuss the circumstances with Human Resources so that a determination regarding future driving can be made.

3.22: REIMBURSEMENT OF EXPENSES

Travel Expenses: Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out approved, official Town business. Mileage reimbursement shall be made in accordance with current approved IRS rates upon submission of a standard expense sheet, signed by the employee's immediate supervisor. Such reimbursement shall not apply to travel between employee's home and the employee's normal work location. For example, an employee with a normal daily commute of 20 miles who drives to a training 100 miles from his or her home, may submit a reimbursement request for 80 miles each way. Google Maps shall be the standard measurement tool to determine mileage.

Requests for reimbursement of meals, parking fees, tolls, lodging, and registration fees must be accompanied by receipts of same whenever possible. There shall be no reimbursement for alcoholic beverages, entertainment, and personal incidental expenses that may be incurred while traveling for work-related purposes but are not otherwise related to or necessary for the performance of work. The Town will not reimburse employees for parking tickets, motor vehicle violations, or towing fees.

Section 3.23: INTERNET AND NETWORK ACCEPTABLE USE POLICY

A. Purpose

Electronic mail, network, Internet, and telecommunication access are resources made available to Town employees to communicate with each other, other governmental entities, companies and individuals for the conduct of business and the benefit of the Town of Gorham.

B. Policy

The Town of Gorham's Electronic Mail System (e-mail) and Internet connection is designed to facilitate any Town business communication among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information which may be more appropriately communicated by written memorandum or personal conversation. Employees are expected to use proper e-mail etiquette and demonstrate good judgment, discretion, and appropriateness when sending e-mail messages.

The e-mail system is Town property and intended for Town business. It must be understood that use of this system is a privilege, which may be limited or removed if the privilege is abused at any time or for any reason, at the sole discretion of the Town of Gorham. Requests for a Town e-mail account can be made to Human Resources; however, Town e-mail accounts should not be used for personal correspondence. Likewise, personal email accounts should not be used to conduct Town business. The system is not to be used for employee personal gain or to support or advocate for non-Town activities or business purposes. All data and other electronic messages within this system are the property of the Town of Gorham. E-mail messages have been found to be public records and may be subject to the right-to-know laws, depending on their content.

In addition, the Town, through its managers and supervisors, reserves the right to review the contents of employee's e-mail communications when necessary for Town business or performance purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization.

Intranet: Employees are provided access to an Employee Portal, which is an online intranet resource that allows employees to access helpful information on employee benefits, employee policies, general payroll forms, mandatory notifications, and related external links. Access the Employee Portal by visiting the Town website at www.gorham-me.org and clicking on the "Employee Portal" link at the bottom of the page. Login credentials are available through Human Resources.

The Town of Gorham owns and administers the necessary software and licenses to provide access to e-mail and Internet services. Employees may not rent, copy or loan the software, or its documentation. The Town has invested much time and money to secure its electronic systems from

intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town system. All Department Managers are responsible for the implementation and adherence of this policy within their departments. The IT Manager is responsible for periodically reviewing and recommending revisions to this policy to ensure it continues to reflect the latest information technology terminology and best practices.

C. Procedures

1. **General Information on Passwords:** While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that the e-mail is the property right of the employee. The use of the e-mail system is for Town business. Passwords should be periodically changed to ensure security of the e-mail system if the user is not enrolled in Two-Factor Authentication. The sharing of passwords is strictly prohibited. When not in use, computers and laptops must be locked with a password. Passwords must not be stored in unsecured locations, such as on sticky notes attached to monitors or underneath keyboards. Approved password management software is allowed at the discretion of the IT Manager.
2. **Internet Use:** The Internet provides the Town with significant access and dissemination of information to individuals outside the Town. The use of the Internet system for access and dissemination is intended to serve Town business. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. Internet messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the town and must comply with all state and federal laws.
3. **Prohibited Uses:** The Town's network, e-mail, and Internet systems may be used only for lawful purposes. The following are examples (but are not limited to this list) of uses which are prohibited:
 - Communications that in any way may be construed by others as disruptive, offensive, abusive, or threatening.
 - Communications of sexually explicit images or messages or that constitutes child pornography.
 - Communications that contain ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability or religious beliefs.
 - Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
 - Access to Internet resources, including web sites and news groups that are inappropriate in a business setting.
 - Communications that encourage conduct that would constitute a criminal offense or give rise to civil liability.
 - Downloading software and programs without authorization.
 - Using email, internet, and network resources for private financial gain.
 - Any other use that may compromise the integrity of the Town of Gorham and its business in any way.
4. **Retention of E-Mail:** Generally, e-mail and other electronic messages are intended to be temporary communications which are non-vital and may be discarded routinely. However,

depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to the Town's record retention schedules. These e-mail messages are similar to printed communication and should be written with the same care. Each Department Manager is responsible for establishing and maintaining department retention schedules for the information communicated through the e-mail system.

Employees should be aware that when they have deleted a message from their workstation mailbox, it is not deleted from the central e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period. Note that e-mail has been classified as "public" documents and is therefore generally available to the media and general public. Keep that in mind when you create or store e-mail.

5. **Applicability to Employees, Part-time Employees, Contractors, and Other Users:** This internet and e-mail policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the Town's system. Third parties should only be provided access to the e-mail system as necessary for their business purpose with the Town, and only if they abide by all applicable rules.
6. **Employee Termination, Leave of Absence, Vacation, and Other:** Employees who leave employment with the Town of Gorham or who have been suspended have no right to the contents of their e-mail messages and are not allowed access to the e-mail system. With prior authorization from the Town Manager, a Department Manager may access an employee's e-mail by submitting a request to the Town's IT Manager if employees are on leave of absence, vacation, sick leave, or otherwise absent and it is necessary for the Town's business purposes. Hourly employees should avoid checking and responding to emails outside of their normal working day as this time may be compensable under the FLSA.
7. **Penalties:** Misuse of the Internet, e-mail, network, or security policies may be considered sufficient cause for discipline, up to and including discharge of employment, in accordance with the Town of Gorham's Personnel policy and/or other applicable rules or laws. In addition, in the event of suspected, alleged or actual illegal activity, the Town may notify or cooperate with applicable law enforcement authorities for potential civil or criminal investigation or prosecution.
8. **Acceptance:** The Town may require employees to read and accept the terms of this policy before making electronic systems available.
9. **Physical Access:** The Town prohibits the sharing of keys, swipe cards, proximity cards, access codes, or other access control credentials, such as key fobs. Unauthorized personnel in restricted areas must be accompanied by a qualified/certified staff member. Keys and other forms of physical access control should not be left unsecured, such as in an unlocked desk drawer. Employees should notify their managers immediately of any lost or misplaced physical access devices.

Section 3.24: SOCIAL MEDIA POLICY

A. Purpose

The Town endorses the secure use of social media to enhance communication, collaboration, and information exchange, as well as to streamline processes and foster productivity. This Policy establishes the Town's position on the utility and management of social media by employees and provides guidance on its use, administration, and oversight. This Policy is not meant to address one particular form of social media, but rather social media in general, as advances in technology will occur and new tools will emerge.

B. Scope

Generally, the guidelines set forth in this Social Media Use Policy will be applied to any online medium where information may reflect on the image of the Town of Gorham or its employees. This Social Media Use Policy applies to all forms of social media including, but not limited to: blogs, vlogs, Facebook, Myspace, Wikipedia or other wikis, Twitter, LinkedIn, Instagram, TikTok, YouTube, and Pinterest. These guidelines may also apply to comments Town employees may leave on others' blogs or Facebook/Myspace pages, edits to wikis, responses to tweets, postings on message boards/forums, opinions on online polls, or any product/services Town employees may authorize.

The Town recognizes that some of our employees may choose to express themselves by posting personal information on the internet through personal websites, social networking sites, blogs, or chat rooms by uploading content, or by making comments at other websites or blogs. We value our employees' creativity and honor your interest in engaging in these forms of personal expression on your own time, should you choose to do so.

C. Guidelines

1. Employees are responsible for what they write or present on social media. Information is backed up often and repeatedly. Posts in professional or personal forums may be replicated through trackbacks and reposts or referenced. This creates an avenue for outside parties to link employees' personal writings to those created in a professional capacity.
2. Maintain confidentiality. Do not write, post, or link to information covered by HIPPA, Attorney-client privilege, or proprietary information of the Town and its citizens, which employees may have access to by virtue of their employment. Employees shall not transmit or otherwise disseminate confidential information, including photographs or videos, to which they have access to as a result of their employment without permission from their Department Manager or the Department Manager's designee.
3. Do not use social media to post or display comments about coworkers or supervisors or the employer that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the Town's workplace policies against discrimination, harassment, or hostility based on age, race, religion, sex, sexual orientation (including gender identity and gender expression), ethnicity, nationality, disability, or other protected class, status, or characteristic.
4. Employees may not make any statements, speeches, appearances, and endorsements, or publish materials that could reasonably be considered to represent the views or positions of the Town without express authorization. Employees are requested to voluntarily include the following disclaimer when discussing anything about the Town, its employees, citizens, vendors or other affiliates when using social media: *The views and opinions presented here are my own and not necessarily shared by my employer.*
5. If a negative post or comment is found online about the Town or an employee, do not counter with another negative post. Instead, seek assistance from your supervisor in defusing these types of situations. Town employees should be aware that they may be held personally responsible for their writings, posting, or comments on social media and may be subject to civil liability for any that are determined to be defamatory.
6. All social media accounts, blogs, web pages and related content carrying the Town brand identity are and will be owned and licensed by the Town as appropriate. Only authorized individuals may speak on behalf of the Town. Use of the Town's logo and/or related marks require prior, express, written consent.
7. Employees have no expectation of privacy when using the Town's electronic equipment. For more information, refer to the Town's Internet and Electronic Mail Policy.

8. The Town will not apply this policy to restrict or prohibit employees from communicating about the terms and conditions of employment or engaging in protected concerted activity.
9. Where appropriate, Town policies and procedures shall always apply. Refer to the Employee Personnel Policy for more information and general guidance on employee conduct and reporting.

D. Procedures for Town Sponsored Social Media

1. Determine Strategy.
 - a. Where possible, each social media page shall include an introductory statement that clearly specifies the purpose and scope of the Town's presence on the social media channel.
 - b. Where possible, the page should link to the Town's official website.
 - c. Social media page(s) shall be designated for the target audience and shall be professionally appropriate.
2. Town social media sites are subject to Maine's Freedom of Access Act (FOAA) and Records Retention Laws. Any content maintained in a social media format that is related to Town business may be public record and subject to disclosure and/or records retention schedules. Wherever possible, such sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure and records retention law. Public disclosure requests must be directed to the Freedom of Access Officer.
3. The Town reserves the right to restrict or remove any content that is deemed in violation of this Social Media policy or any applicable law.
4. For each social media tool approved for use by the Town Manager, the following documentation will be developed and adopted:
 - a. Operational and use guidelines.
 - b. Standards and process for managing accounts on social media sites.
 - c. Town and Departmental branding standards.
 - d. Standards for the administration of social media sites.

E. Definitions

Blog/Vlog: A self-published written diary or commentary on particular topic that may allow visitors to post responses, reactions, or comments. A "Vlog" is a blog made up of videos instead of written content.

Online: Connected to, served by, or available through a system and especially a computer or telecommunications system (as the Internet or cell phone). Connected to a computer, a computer network, or the Internet.

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social network site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, Myspace), microblogging sites (Twitter, Nixle), photo and video sharing sites (Flickr, YouTube, Instagram), Wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

Social Networks: Online platforms where users can create profiles, share information and socialize with others using a range of technologies.

Web 2.0: The second generation of the World Wide Web focused on shareable, user-generated content, rather than static web pages. Some use this term interchangeable with social media.

Wiki: Web page(s) that can be edited collaboratively.

Section 3.25: CELLULAR PHONE USE POLICY

A. Purpose

The purpose of this policy is to establish guidelines for employee cellular telephone usage. This policy outlines the appropriate use of Town owned and personal cellular phones while at work and the safe use of cellular phones while operating Town vehicles and equipment.

B. Policy

The use of handheld cellular telephones, including text messaging, while operating a Town vehicle or equipment is prohibited. The use of hands-free cellular phones is not in violation of this policy unless otherwise prohibited by law. Employees may be responsible for reimbursing the Town for the costs associated with personal calls and/or text messaging on a Town owned cellular phone beyond reasonable expected usage. The Town Manager may authorize a reasonable cell phone stipend to compensate individuals who use personal cell phones for business purposes on a regular basis.

Although we allow employees to bring their personal cell phones to work, we expect employees to keep personal phone calls and text messages to a minimum. While occasional, brief phone calls are acceptable, using social media and making frequent or lengthy personal calls and texts while working can affect productivity and disturb others. For this reason, employees should silence cell phone ringtones when working in shared spaces and should avoid using cell phones in the presence of customers and coworkers. Employees are expected to plan cell phone use so as to coincide with non-work time, such as breaks. An exception to this rule would include situations in which an employee is working alone, especially in a safety sensitive position. In these cases, and when prudent, Department Managers may allow or encourage to have a cell phone available in the event of an emergency.

Text Messaging: Text messaging is a convenient and valuable business tool when used properly. As with sending e-mails, however, employees are expected to use discretion and good judgment when sending text messages. As with email and other documents related to Town business, text messages are subject to Maine's Freedom of Access Act (FOAA). Sending text messages of a confidential or inappropriate nature should be avoided. Supervisors should also limit the excessive use of text messages as a form of communication to hourly employees outside of normal working hours or when a phone call would otherwise be advisable.

Employees who willfully violate this policy are subject to progressive disciplinary action for flagrant or continuous non-compliance to include having cellular phone privileges revoked while working.

Section 3.26: TELECOMMUTING POLICY AND PROCEDURE

A. Objective

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek. The Town of Gorham considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, it is not a Town-wide benefit, and it in no way changes the terms and conditions of employment with the Town.

B. Procedures

Telecommuting can be informal, such as working from home for a short-term project or on the road during business travel, or a formal, set schedule of working away from the office as described below. Either an employee or a Department Manager can suggest telecommuting as a possible work arrangement. Department Managers are ultimately responsible for approving or denying such requests, as well as establishing expectations and other details regarding the arrangement.

Any telecommuting arrangement made will be on a trial basis for a period of time as determined by the Department Manager and may be discontinued at will at any time at the request of either the telecommuter or the organization. Every effort will be made to provide adequate advance notice of such changes to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

C. Eligibility

Individuals requesting formal telecommuting arrangements must be employed with the Town for a minimum of 12 months of continuous, regular employment and must have a satisfactory performance and attendance records.

Before entering into any telecommuting agreement, the employee and Department Manager, with the assistance of the Human Resources Director, will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.
- Equipment needs, workspace design considerations, and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the telework.
- Tax and other legal implications. The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and Department Manager agree, and the Human Resources Director concurs, a draft telecommuting agreement will be prepared and provided to the Town Manager for approval. If authorized by the Town Manager, the agreement will be signed by all parties, and a trial period will commence.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone, video conference, and e-mail between the employee and the manager, and weekly face-to-face meetings to discuss work progress and problems. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After conclusion of the trial period, the manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective

telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

D. Equipment

On a case-by-case basis, the Town will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The Human Resources Director and IT Manager will serve as resources in this matter.

Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. The Town of Gorham accepts no responsibility for damage or repairs to employee-owned equipment. The Town reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign an inventory of all Town of Gorham property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company, unless other arrangements have been made.

The Town will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. The Town will also reimburse the employee for business-related expenses, such as phone calls and shipping costs, that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within his or her home for work purposes. The Town will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space. The employee is responsible for ensuring home internet connection speeds are adequate to effectively fulfill all job duties; the Town will not reimburse employees for the cost of home internet or upgrades.

E. Security

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

F. Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. The Town will provide each telecommuter with a safety checklist that must be completed at least twice per year. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite.

G. Time Worked

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using normal department procedures. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement may result in the immediate termination of the telecommuting agreement.

H. Ad Hoc Arrangements

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

Chapter 4: Benefits

Section 4.1: HOLIDAYS

A. The Town of Gorham observes the following 13 holidays:

New Year's Day	Labor Day
Martin Luther King Day	Columbus/Indigenous Peoples' Day
Washington's Birthday	Veteran's Day
Patriot's Day	Thanksgiving Day
Memorial Day	Friday After Thanksgiving
Juneteenth	Christmas Day
Independence Day	

If a regular holiday falls on a Sunday, the following Monday is considered a holiday; if on a Saturday, the preceding Friday, unless otherwise regulated by law.

- B. A person on unpaid family medical leave (FML), leave of absence, and/or extended sick leave shall not be entitled to holiday pay. A person on workers compensation leave, vacation, or paid sick leave will be entitled to holiday pay.
- C. Holiday pay is considered a normal day's wages in proportion to the normal workweek. For the purpose of this section, "day" shall be defined as one-fifth (1/5) of the normal workweek for a given position, except that employees scheduled to work a compressed workweek or irregular schedule will be paid holiday pay equivalent to the number of hours they otherwise would have been scheduled to work on a day a holiday is observed. When a holiday falls on an employee's regular day off, the Department Manager may choose to either adjust the employee's work schedule during the workweek or pay the holiday at a rate of one-fifth (1/5) the employee's normal workweek. Holiday time may not be accrued for use at a later date.
- D. Regular full-time and regular part-time employees, including those in their probationary period, are eligible for paid holidays. Employees in other employment classifications shall not be entitled to paid holidays.

Section 4.2: VACATION

A. Regular employees who work 20 or more hours per week shall earn paid vacation time in proportion to their normal workweek and in accordance with each employee's current term of continuous employment with the Town of Gorham. For purposes of this section, "day" shall be defined as one-fifth (1/5) of the normal workweek. The Town Manager shall have the discretion to authorize an employee to accrue vacation at an appropriate rate based on total years of relevant experience when deemed to be in the best interest of the Town. Otherwise, vacation will accrue in accordance with the following schedule:

Date of Hire	-	10 working days
Following five (5) year anniversary	-	15 working days
Following ten (10) year anniversary	-	20 working days
Following twenty (20) year anniversary	-	25 working days

- B. Service Recognition: In recognition of long-standing service to the Town, employees who attain 25 years of uninterrupted service to the Town as a regular employee will receive a one-time bonus of a paid "Service Day" to be used as time off. Employees who attain 30 years of service will receive a one-time bonus of two paid "Service Days" to be used as time off. "Service Days" are not eligible to be paid out upon separation and must be taken as time off prior to utilizing available vacation time according to normal time off request procedures.
- C. Requests for vacation time must be made on properly completed Leave Request Form. Department Managers have the option of notifying the Town Manager of vacations via Google Calendar or any other mutually agreed-upon method provided the time is also documented on the department payroll record. Scheduling of vacations shall be done by the employee's immediate supervisor and in accordance with operational needs. In the event a holiday falls within the vacation period, hours will not be deducted from the employee's vacation balance for that day. Employees must otherwise use available accrued paid leave in an amount sufficient to bring them up to full net wages for the work week. In the event an employee on pre-approved vacation leave suffers a personal injury or illness the employee may request to have the portion of vacation leave that was disrupted by the injury or illness converted to sick leave upon presenting medical certification to Human Resources.

It is the responsibility of employees to ensure that they have adequate earned vacation hours and/or compensatory time available to cover the vacation period requested. Vacation time may be granted only for time already accumulated. When an employee's time off request is approved but the employee subsequently fails to retain adequate accruals to cover the vacation period, the approval may be withdrawn. Only under special circumstances to be determined and approved by the Town Manager will employees be allowed to "borrow" on future earned vacation hours or take vacation periods unpaid. Employees may not take planned time off unpaid as a way of "saving" their accrued vacation time for future use.

- D. Accumulated vacation days may be utilized as "sick leave" days in the event the employee has exhausted all other accrued sick leave. Any absence from duty for which sick leave is paid or for official leaves of absence shall not constitute a break in the record.
- E. Unused vacation days for regular full-time employees and regular part-time employees may rollover from one fiscal year to the next a maximum number of hours as follows:

- Accrue 10 days per year - Rollover up to 20 days
- Accrue 15 days per year - Rollover up to 30 days
- Accrue 20 days per year - Rollover up to 35 days
- Accrue 25 days per year - Rollover up to 40 days (see Section M for conditions)

Unused vacation in excess of the maximum number of hours allowed will be lost after July 1st unless extenuating circumstances, as determined and approved by the Town Manager, prevented the time from being used as time off. Employees must submit any requests for exceptions to Human Resources for consideration by the Town Manager prior to July 1st.

- F. Employees are encouraged to maintain a healthy work-life balance and to use available vacation time as time off as it is intended. Employees who fail to periodically utilize their vacation time or who consistently reach the maximum may be asked to schedule time off by their Department Manager.
- G. For the purpose of internal audit/control procedures, finance/accounting personnel may be required to take at least five consecutive vacation days each year.
- H. No vacation of more than two (2) weeks duration will be allowed unless approved by the Department Manager and the Town Manager.
- I. Vacation leave will be accounted for on an hourly basis. Earned vacation time will be accumulated as the employee earns it each pay date and available time will be reflected on the paycheck stub. Employees are responsible for verifying the accuracy of their vacation balances.

- J. Any employee who has completed 120 days of employment may begin using accrued vacation leave in accordance with these policies.
- K. Upon transferring from a position governed by a union contract, an employee will accrue vacation time at an annual rate that is substantially equivalent to the rate the employee previously accrued under the labor agreement. Balances shall be subject to the maximums outlined in this policy.
- L. Vacation leave shall not accumulate after an employee has been absent due to a Workers Compensation injury for one year from the first date of absence.
- M. Retirement Health Savings (RHS) Account: The monetary value of vacation leave accrued in excess of 35 days as of the last pay period in June, shall be deposited as an employer paid contribution into the employee's MissionSquare Retirement Health Savings (RHS) account by the first pay period in July and the employee's vacation balance reduced accordingly.
- N. Accumulated vacation leave, subject to the maximum allowed, shall be paid to an employee upon separation as outlined in Section 3.15.

The Town's policies related to the accrual and use of vacation and sick time are intended to meet the requirements of Maine's earned paid leave law (26 M.R.S. § 637) and in no event shall employees accrue less than the amount of earned paid leave as set forth in the earned paid leave law referenced above.

Section 4.3: SICK LEAVE

- A. Regular employees who work 20 or more hours per week will earn paid sick leave each pay date from the date of hire at the rate of one day for each calendar month of service in proportion to the employee's normal workweek. Sick leave may accumulate to not more than a maximum of 180 days. For the purpose of this section, "day" shall be defined as one-fifth (1/5) of an employee's normal work week. Probationary employees shall not be entitled to use accrued paid sick leave until they have completed ninety (90) days employment.
- B. Sick leave may be granted for any of the following reasons:
 1. Personal illness or injury of an incapacitating nature sufficient to justify absence from work, including physical and mental illnesses and injuries. Employees should not report to work with a fever or flu-like symptoms.
 2. Personal medical or dental appointments which cannot be scheduled outside of working hours.
 3. Employees may use accrued sick leave in accordance with Family Medical Leave (FML) as specified in Section 4.4.
 4. For family medical needs, employees may use up to 40 hours of accrued sick leave in any 12 month period to attend to the employee's child, spouse, domestic partner, or parent who is ill and requires care by the employee, unless otherwise covered by Family Medical Leave (FML) which shall be used first.
 5. Parental Leave: A regular full-time employee who has completed at least one full year of employment will be granted an additional six (6) weeks of paid sick time upon the subsequent birth or adoption of his or her child to be used concurrently and continuously with any period of Family Medical Leave (FML) approved for the same reason. Such time shall be in addition to the employee's current paid sick time balance. Parental Leave expires 12 months after the date of birth or placement.
- C. An employee is required to contact the Department Manager or designee, prior to the start of the employee's regularly scheduled workday but no later than 15 minutes after the start of the regularly scheduled workday unless specific department policy requires otherwise. Notification from another employee or relative is not acceptable, except under emergency conditions. In the case of an emergency situation, e.g. hospitalization, the employee will make every effort to notify the Department

Manager or designee as soon as possible. Failure to report within this time frame may result in disallowance of sick pay for that day.

- D. All employee absences due to illness must be reported on the appropriate Leave Request Form and given to the Supervisor for approval as soon as is practicable. Employees must use available accrued sick leave in an amount sufficient bring them up to full net wages for the workweek, except as otherwise outlined in Section 4.4. An employee is required to call the Department Manager or designee each day of the absence unless previous arrangements have been made between the employee and the Department Manager. In the event that an employee fails to call the Department Manager or designee the day of the absence, and the day of the absence falls before or after a holiday, the employee will not receive holiday pay for that holiday period.
- E. Employees demonstrating clear patterns of sick leave use that suggest abuse, such as frequent unplanned absences on Mondays and Fridays, days before or after a holiday, and/or abutting previously scheduled vacation days may be subject to disciplinary action.
- F. Paid sick leave will not be granted to an employee who submits his or her resignation and subsequently has an unplanned absence during their two week notice period unless the employee provides a note from their health care provider substantiating the need for sick leave.
- G. Department Managers shall promptly notify the Human Resources Director of any absences from work that may meet the definition of a serious medical condition pursuant to the Family Medical Leave Act (FMLA). As a condition precedent to continuance of sick pay the Town Manager or designee may, after an absence lasting more than three (3) consecutive days or a series of intermittent absences that are taken for the same medical reason, require the employee to provide medical certification from a qualified health care provider certifying that the employee's condition justifies continued absence from employment.
- H. Fitness for Duty to Return from Medical Leave: After any extended illness, personal injury, or hospitalization an employee may be required to obtain a physician's statement, at his or her own cost, that states the employee is physically or mentally capable and safe to return to normal duty. Any accommodation needed must be documented accordingly. It shall be the responsibility of the Department Manager to ensure that this requirement is appropriately followed before the employee is allowed to return to his or her regular duties.
- I. Retirement Health Savings (RHS) Accounts:
 - 1. Employees will be provided access to a MissionSquare Retirement Health Savings (RHS) Plan, after which the monetary value of sick leave accrued in excess of the eligible annual maximum number of days as of the last pay period in June, shall be deposited as an employer paid contribution into the employee's RHS account by the first pay period in July and the employee's sick balance reduced accordingly.
 - 2. Employees who separate employment with the Town in "good standing" and who have a minimum of 10 years of service to the Town and are at least 55 years of age will contribute 50% of their eligible sick leave pay out to their RHS account, provided a minimum of 50 hours of sick leave is available to contribute to the plan.
- J. Upon an employee's separation from employment in "good standing", he or she is eligible to receive a pay out of accumulated sick leave, subject to the maximum allowed (180 days), according to the following schedule:
 - Less than 5 years' service: 0%
 - Beginning with the 5th year: 25%
 - 10 or more years' service: 50%
- K. In the event of an employee's death, the Town will pay out all accumulated sick leave benefits, subject to the maximum allowed.

Section 4.4: FAMILY MEDICAL LEAVE (FML)

The Town's Family Medical Leave Policy is established to integrate the provisions and entitlements of the Maine Family Medical Leave Act (MFMLA) and the Federal Family Medical Leave Act (FMLA). These laws are collectively referred to as "FML".

An employee who has been employed by the Town of Gorham for at least twelve (12) months (this does not need to be consecutive) and who has worked at least 1,250 hours during the prior twelve (12) months preceding the start of the leave may be entitled to a family medical leave of up to twelve (12) weeks in a 12 month period measured forward from the date family medical leave begins.

Leave may be taken for the birth of the employee's child or the employee's domestic partner's child; adoption of a child 16 years of age or less with the employee or with the employee's domestic partner; or due to the serious health condition or illness of the employee, child, domestic partner's child, spouse, domestic partner, or parent.

Eligible employees may also take leave in the event the employee's spouse, domestic partner, parent or child of the spouse, domestic partner, parent or child as a member of the State military forces, as defined in 37-B.M.R.S. § 101-A, or the U.S. Armed Forces, including the National Guard Reserves, dies or incurs a serious injury or illness while on active duty. Serious injury or illness generally means an accident or disease or condition that: (1) poses imminent danger of death; (2) requires inpatient care in a hospital, hospice, or residential medical care facility; or (3) any mental or physical condition that requires constant in-home care. (See Section 4.5).

- A. To be eligible for a family medical leave, the employee must give at least 30 days' notice of the intended date upon which family medical leave will commence, unless the employee is prevented from giving notice because of a medical emergency. Supervisors and Department Managers are responsible for notifying Human Resources of any verbal or written requests from employees for medical leave that may qualify for leave under the FMLA.
- B. The Town may require certification from a physician to verify the amount of leave requested by the employee. Recertification from a physician, along with any information to clarify or authenticate a certification, may be required after leaves of 30 days.
- C. FML is without pay. If the employee is enrolled in group medical insurance prior to taking unpaid FML, the Town of Gorham will ensure continuation of health insurance coverage during any period of approved FML. The Town will continue to pay the employer's share of the medical insurance premium for the period of the unpaid FML not to exceed twelve (12) weeks during a single 12 month period measured forward from the date family medical leave begins, or ten (10) weeks where the employee only qualifies for leave under the MFMLA. The employee's share of premiums for medical insurance, dental insurance, vision insurance, life insurance, and income protection plan coverage will continue to be owed during the period of unpaid FML; however, when an employee is on unpaid FML, the employee's share of benefit premiums will go into arrears and will be recovered upon the employee's return to work. Repayment plans will be coordinated with the Finance Director.
- D. Although FML is unpaid, employees who qualify for FML are given the option of taking such leave unpaid, utilizing available accrued paid leave, or using a combination of accruals and unpaid leave. Accurate and timely notification absences, including dates and hours used, will allow us to effectively administer employee leaves. The employee is responsible for notifying the Town (using normal department procedures) of the amount and type of accruals he or she would like to utilize during the absence, if any. If the employee is approved to take leave intermittently, he or she will need to notify the Town which absences are related to the FMLA-qualifying event, including each time he or she arrives late, leaves early, or is absent for a full shift. The total amount of FML may not exceed twelve (12) weeks in a single 12 month period measured forward from the date family medical leave begins, or ten (10) weeks where the employee only qualifies for leave under the MFMLA.
- E. Vacation, sick leave, and holidays do not accrue during an unpaid leave period in which the employee does not receive a paycheck.

- F. Employees out of work for their own serious medical condition will need to provide a Fitness for Duty to Return from Medical Leave certification from a healthcare provider prior to returning to work. Upon the end of the family medical leave period, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking of a family medical leave which prevent the restoration to the same or equivalent position.
- G. An employee should plan to return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of their leave, and has not received approval for leave under another provision within these regulations, his/her termination date will be the last day of the month in which the leave expired.
- H. When it is medically necessary, employees may take FMLA intermittently or on a reduced leave schedule. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation. Leave to care for or bond with a newborn child or for a newly placed adopted or foster child may only be taken intermittently with the employer's approval and must conclude within 12 months after the birth or placement. When notifying the Town of the need for FMLA, the employee should specify whether he or she is requesting leave on a continuous or intermittent basis, or by working a reduced schedule.
- I. Maine Family Medical Leave Act (MFMLA): There may be situations where an employee is eligible for leave under the Maine Family Medical Leave Act (MFMLA) and/or the Federal Family Medical Leave Act. Requests for family medical leave will be analyzed under both Maine and Federal FMLA. If not eligible for Federal FMLA as described above, an employee may qualify for leave under the MFMLA. Under this law, an employee who has worked for the Town for 12 consecutive months is eligible for up to 10 workweeks of unpaid FMLA during any two year period for the employee's serious health condition, the birth or adoption of a child, including a domestic partner's child, the serious health condition of a child, domestic partner's child parent, domestic partner or spouse, or sibling, or the death of the employee's spouse, domestic partner, parent, sibling or child who is a covered service member who dies while on active duty.
- J. In the event an employee does not qualify for leave under the MFMLA or FMLA, the employee may submit a written request to the Town Manager for Extended Sick Leave (Section 4.6) or an Unpaid Leave of Absence (Section 4.7).

Section 4.5: MILITARY FAMILY LEAVE

A. Qualifying Exigency Leave

Eligible employees whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

B. Military Caregiver Leave

Eligible employees are allowed to take up to 26 weeks of leave to care for a covered service member during a single 12-month period measured forward from the date family medical leave begins. A covered service member is:

- 1. A current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness*; or

2. A veteran who was discharged or released under conditions other than dishonorable at any time during the five year period prior to the first date the eligible employee takes Family Medical Leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.*

** The FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of "serious health condition".*

- C. The employee may use accrued holiday, vacation, or sick time in accordance with the policies concerning such leave.

Section 4.6: EXTENDED SICK LEAVE

A regular employee may be granted Extended Sick Leave for his or her own serious medical condition by the Town Manager. Requests for Extended Sick Leave will be evaluated on a case-by-case basis and will be considered under the following provisions:

- A. The employee provides to the Human Resources Director, no later than three weeks prior to the conclusion of his or her 12 weeks of Family Medical Leave, satisfactory medical certification from his or her physician, that an extension of sick leave is necessary, including estimated duration of incapacity. Employees who have been notified that they do not qualify for leave under the MFMLA or FMLA and have requested Extended Sick Leave will also be asked to provide medical certification from a health care provider that provides an estimate of the duration of incapacity.
- B. The employee has a sufficient amount of accrued time available to use during paid medical leave. The employee will be required to utilize a sufficient amount of available sick leave, compensatory time, accrued holiday pay (if applicable), and vacation time (in that order) to offset any absences.
- C. The employee notifies the Department Manager of their intent to return to work with a Fitness for Duty to Return from Medical Leave certification from his or her health care provider at least one week prior to returning from Extended Sick Leave. Employees who are not able to return to work when originally anticipated may be required to provide satisfactory medical evidence substantiating their need for continued leave and obtain re-authorization for Extended Sick Leave from the Town Manager.
- D. The employee will not accrue sick and vacation time during any portion of extended sick leave, nor will the employee be eligible for holiday pay during extended sick leave, unless an employee has been approved by the Town Manager to work a reduced work schedule while on extended sick leave and that individual is working at least half his or her normal hours per workweek.

Section 4.7: UNPAID LEAVE OF ABSENCE

A regular employee may be granted a temporary leave of absence for personal or medical reasons without pay by the Town Manager on recommendation of the Department Manager and Human Resources Director. Such leave will be granted at the discretion of, and on any terms directed by, the Town Manager and shall only be granted when it appears, because of the past record of the employee or because of the purpose for which the leave is granted, to be in the Town's best interest to grant the leave.

- A. Prior to receiving authorization for an unpaid leave of absence, the employee must first utilize all leave benefits to which they are entitled, such as vacation, comp time, and sick time.
- B. Employees may request an unpaid leave of absence by submitting a written request to the Human Resources Director at least thirty (30) days in advance of the need for leave or as soon as is practicable. Such requests shall include the reason for the leave and dates of leave. If an unpaid leave of absence is being requested as a result of failing to qualify for, or exhausting, FML and Extended Sick Leave, the employee must also submit medical certification from a health care provider justifying the need for the leave and setting forth the anticipated duration. All requests for unpaid leaves of absence will be reviewed by the Human Resources Director and approved by the Town Manager on a case-by-case basis.

- C. During an unpaid leave of absence the employee's share of premiums for medical insurance, dental insurance, vision insurance, life insurance, and income protection plan coverage will continue to be owed during the period of approved unpaid leave; however, the employee's share of benefit premiums will go into arrears and will be recovered upon the employee's return to work. Repayment plans will be coordinated with the Finance Director. Should an employee fail to return to work following an unpaid leave of absence the Town will seek repayment from the employee of any employer portion of premiums paid during the leave, as allowed by law, unless the employee is medically unable to return to work. The employee must return to work for at least a period equal to the amount of leave taken or they will be subject to the repayment obligation. Failure by the employee to return to work immediately after the expiration of an approved unpaid leave is deemed a resignation from employment.
- D. During an unpaid leave, the Town will discontinue its contribution towards an employee's retirement account. The granting of the leave shall only protect the employee's existing continuous service for the leave period but shall not count as service time for Maine State Retirement or the future accrual of sick leave and vacation, nor will the employee receive pay for municipal holidays.
- E. Employees may not perform any work while on an unpaid leave of absence, including use of Town e-mail and work-related calls, unless an alternative or intermittent work arrangement has been pre-approved by the Town Manager on recommendation of the Department Manager.

Section 4.8: MILITARY LEAVE

Regular full-time and regular part-time employees who are members of the military and who are required to perform periodic training and field duty will be granted a maximum of four (4) weeks in the aggregate of paid reserve service leave per fiscal year, in addition to normal vacation leave.

For any such period of reserve service leave, the Town will pay the difference (if any) between service pay, and the employee's regular pay, provided that the employee on military leave furnishes Human Resources with an official statement by military authorities giving his/her rank and gross pay for the period.

Section 4.9: JURY SERVICE

An employee will be granted special leave, as required, for jury service or performance of other civic duty requiring appearance in court or before another public body. An employee shall notify his or her supervisor of jury service obligations as soon as possible when such service is expected to result in absence from work. Upon receipt of an official statement of remuneration received for such service and day(s) served, the Town will pay the employee the difference (if any) in compensation between the amount received from the rendering of such service, not including mileage reimbursement, and his or her regular base pay, if the service occurred during a work day.

Time paid for Jury Service shall not be counted as time worked for purposes of overtime computation. These provisions shall apply only to employees who have completed their probation period and who give proper notice of such absence. An employee excused by the court for any reason shall be required to report to work promptly thereafter when they are released from service with at least four hours remaining in their shift.

Section 4.10: BEREAVEMENT LEAVE

- A. Special leave with pay shall be granted to regular employees for up to five (5) days for absence caused by the death of a member of the immediate family. "Immediate family" means parents, spouse, domestic partner, brother, sister, child, stepchild, stepparent, grandmother, grandfather, child-in-law, mother-in-law, and father-in-law. Special exceptions to this rule may be made by the Town Manager.

- B. Employees who need more than the initial 5 days of paid leave and who have accrued sick leave may also use up to 2 additional days of sick leave.
- C. Employees who have accrued sick leave may use up to 1 day of sick leave to attend the funeral of an Aunt, Uncle, Niece or Nephew, or sibling-in-law.
- D. Bereavement Leave is generally taken in a single continuous period; however, exceptions can be made on a case-by-case basis, such as when funerals are delayed to a later date. Employees must furnish reasonable proof of the family relationship of the deceased and/or timing of time off needs with the Request for Time Off.

Section 4.11: HEALTH, DENTAL, VISION, AND LIFE INSURANCE

- A. Health Insurance: Regular employees working 30 hours or more are eligible to participate in the Town's group health plan. The Town provides employees the choice between Maine Municipal Health Trust (MMEHT) Anthem PPO-2500 or the Anthem PPO-500 Plan. Should the Town change insurance providers an alternative will be offered.
 - 1. New hires have up to 60 days from date of hire to enroll in the health plan. Changes to coverage can be made annually during open enrollment or within 60 days of a qualifying event. Coverage will be effective on the first of the month following the date of enrollment.
 - 2. The Town provides a Health Reimbursement Arrangement (HRA), administered by Group Dynamic Inc. (GDI), to reimburse employees for a portion of out-of-pocket medical expenses that they and their eligible dependents may incur associated with their chosen health insurance plan, such as deductibles and coinsurance.
 - 3. Regular full-time employees who choose to decline the Town's group medical insurance and provide proof of possessing substantially equivalent coverage through another source will be eligible for an annual medical insurance buyout equivalent to twenty-five percent (25%) of the employer's share of the PPO-2500 health premium for the level of coverage in which the employee would otherwise be eligible to enroll. Payments will be prorated over 24 pay periods and will begin after the employee would otherwise be eligible for medical coverage and after Human Resources Director has received all necessary documentation and confirms eligibility. Retroactive medical buyout payments will not be made under any circumstances. Employees who choose this option must provide proof of valid health insurance coverage annually during open enrollment and sign any required forms. Employees who accept a buyout and subsequently fail to maintain other coverage, or fail to notify the employer regarding a reduction in health coverage eligibility, will be subject to disciplinary action up to and including termination or employment and be required to reimburse the Town for buyout payments made during any period of non-coverage or ineligibility.
 - 4. Coverage under the Town's medical insurance is available to an employee's registered domestic partner (and the domestic partner's dependent children), subject to the rules of MMEHT, IRS regulations, and the continuation by the Town in that program. The Town will not contribute to any portion of the health premium cost attributed to domestic partner coverage, unlike coverage of a legal spouse. Additionally, employees must pay any portion of the premium attributed to the domestic partner on an after-tax basis, unless the domestic partner meets the dependent definition in IRS Code Section 152.
 - 5. When an employee retires and qualifies as a "retiree," he/she may continue health insurance coverage on the same plan at his/her own cost through MMEHT, subject to certain eligibility criteria.
- B. Life Insurance: Participants in the MMEHT medical plan currently receive Basic Life Insurance equal to one year's salary at no cost. Employees who decline medical insurance may participate in the group life plan at their expense (Life No Medical). Supplemental and Dependent life insurance

coverage are also available through MMEHT and MainePERS at additional employee expense. Late enrollees and must satisfy evidence of insurability.

- C. Dental Insurance: Regular full-time employees and regular part-time employees working 20 hours or more a week are eligible to participate in Northeast Delta Dental Plan offered through MMEHT. New hires have up to 60 days from date of hire to enroll in the dental plan. Changes to coverage can be made annually during open enrollment or within 60 days of a qualifying event. Coverage will be effective on the first of the month following the date of enrollment.
- D. Vision Insurance: Regular full-time employees and regular part-time employees working 20 hours or more a week are eligible to participate in the VSP Vision Plan offered through MMEHT. New hires have up to 60 days from date of hire to enroll in the vision plan. Changes to coverage can be made annually during open enrollment or within 60 days of a qualifying event. Coverage will be effective on the first of the month following the date of enrollment. Employees who participate receive discounts and savings on eye exams, frames, lenses, contacts, prescription sunglasses, second pair of glasses, and laser vision correction surgery.
- E. Regular part-time employees working 20 hours or more may purchase Health, Dental, and/or Vision Insurance and Basic, Supplemental, and/or Dependent Life Insurance coverage at their expense and will not be eligible for HRA reimbursement.
- F. Employees who transfer from a position governed by a collective bargaining agreement to a non-union position will be offered the benefits associated with non-union positions and at the cost associated with such positions as of the first of the month following the transfer.
- G. Employees are responsible for consulting benefit plan documents for detailed policy information and are encouraged to obtain additional guidance directly from benefit providers prior to making enrollment and claim-related decisions. Employees may direct general questions about benefits to Human Resources or log in to the Town's Employee Portal to obtain copies of benefit summaries, information about the HRA, and insurance premium costs.

Section 4.12: SECTION 125 CAFETERIA PLAN

The Town may offer a cafeteria plan as set forth in Section 125 of the Internal Revenue Code to allow benefit-eligible employees to select and pay for Town offered health benefits through pre-tax payroll deduction. Some of the qualified health benefits include health insurance, dental insurance, vision insurance, life insurance, flexible spending accounts, and a retirement plan. By default, the Town will deduct these benefits on a pre-tax basis; however, employees may choose not to make such premium contributions on a pre-tax basis by submitting a written request to Human Resources.

Section 4.13: FLEXIBLE SPENDING ACCOUNTS

The Town offers regular full-time employees the ability to participate in a Medical and/or Dependent Care Flexible Spending Account (FSA) within 60 days of hire or a qualifying event and annually during open enrollment.

- A. A Medical FSA allows employees to be reimbursed for certain out-of-pocket medical expenses, such as copayments, orthodontics, vision services, and medical supplies.
- B. A Dependent Care FSA allows reimbursement of dependent care expenses, such as daycare.
- C. An FSA is funded by an employee's pre-tax contributions each pay period (24 deductions per calendar year). Employees may elect to contribute up to the IRS maximum allowed.

- D. An FSA requires re-enrollment each year and is a “use it or lose it” benefit; FSA dollars only be used during the plan year (and two-month grace period) and do not rollover from year to year. Changes to FSA elections may only be made with a qualifying event.

Section 4.14: WORKER’S COMPENSATION

The Town of Gorham provides Worker’s Compensation Insurance coverage for all employees. We look forward to working together to maintain a safe, healthy work environment, as well as provide opportunities for a proper recovery.

- A. Incident Reporting: When an on-the-job accident or near miss occurs the affected employee is to report it immediately to his or her direct supervisor and/or Department Manager. Employees who wait more than 60 days following an incident to report an injury to the employer may lose the right to claim workers’ compensation benefits.
 - 1. The Department Manager, or designee, shall notify the Human Resources Director of the injury by submitting a Workplace Injury Reporting Form no later than the next business day following the incident.
 - 2. The Town Manager and Human Resources Director must be notified immediately of serious physical injuries. Serious physical injuries involving fracture, amputation, or that necessitate immediate inpatient hospitalization must be reported to the Director of the Bureau of Labor Standards (BLS) within 24 hours of the occurrence and fatalities must be reported within eight (8) hours.
 - 3. Upon receiving the Workplace Injury Reporting Form, the Human Resources Director, or designee, will submit the First Report of Occupational Injury to the workers compensation insurance carrier.
 - 4. If the Department Manager and/or Human Resources Director advise further incident investigation, the employee and his or her supervisor will complete an Accident/Incident Investigation Report as soon as is practicable following the incident and submit to Human Resources.
- B. Preferred Provider Program: The Town of Gorham encourages safety in our work environment. We are concerned about employee well-being and take an active role to assist employees who have sustained a work-related injury with a proper recovery. For this reason, we have coordinated a preferred provider program for work-related medical services.
 - 1. As authorized by law under the Maine Workers' Compensation Act of 1992, Title 39-A, M.R.S.A., Section 206, initial medical treatment (first 10 days) must be obtained from one of the Town’s preferred occupational health care providers.* Exceptions will be made in emergency situations and when non-emergency medical treatment is necessary outside of the preferred providers’ business hours.
 - 2. After the first 10 days of treatment, the employee may choose to select a different health care provider by giving the name of the health care provider to the Town along with a statement of intention to treat with the health care provider.
 - 3. An employee’s initial visit with a preferred provider will be scheduled through the Department Manager, or designee.
 - 4. Employees should schedule follow-up appointments outside of normal working hours whenever possible.

** Please contact Human Resources for information on the Town’s preferred providers.*

C. Benefits: Compensation for incapacity to work is not payable for the first seven (7) days of incapacity, except that firefighters (by law) must receive compensation from the date of incapacity.

1. During this 7 day waiting period, an employee may choose to utilize available sick leave, take the time unpaid, or use a combination of sick leave and unpaid time.
2. When employees lose between 8 and 13 days of work because of an injury they will be compensated for those days by the insurance carrier.
3. When incapacity continues for more than 14 days, compensation is retroactive to the date of incapacity and the employee will be paid by the insurance carrier for all of the days he or she missed.
4. In some instances worker's compensation payments may be held up. If this occurs, the employee may elect to use available accrued sick leave or take the time unpaid.
5. When workers compensation paid by the insurance carrier is less than an employee's full salary, the employee may choose to use an amount of accrued sick time that, when added to the workers compensation payment, will bring the employee up to 100% of normal base pay.
6. Employees receiving worker's compensation must continue to pay their share of life, income protection, dental, vision, and medical insurances. Employees with MainePERS may also owe defined benefit retirement contributions on workers compensation payments.
7. When employees choose to have workers compensation checks mailed directly to them they have the option to either:
 - use adequate sick time to cover deductions, or
 - write a check payable to the Town of Gorham each month for their portion of benefit premiums.

Alternatively, an employee may request that the Town process his or her workers compensation payments through the Town payroll system (tax free), after which the employee will sign the original workers compensation check(s) over to the Town of Gorham.

D. Transitional Work Program: In the case of an employee out of work due to a work-related injury, the Human Resources Director will make an attempt to coordinate a transitional work program with the employee, employee's doctor, and Department Manager.

1. This program may be in the employee's department, in a different department, or spread over several departments and is designed to provide less strenuous work or modified work tasks to those employees able and approved by their doctor to return to work in some capacity.
2. Transitional work may start at a reduced schedule with a gradual increase in hours or may include a full-time work schedule as coordinated by the physician, employee, and Town. A temporary change to the employee's normal work schedule may be necessary depending on the transitional work assignment.
3. The availability of light duty assignments is not guaranteed; however, employees are expected to participate in the program to the extent transitional work is available.
4. The Town will notify the Workers Compensation insurance provider when an employee receiving Workers Compensation benefits refuses a transitional work assignment.
5. The Town reserves the right to discontinue the transitional work program or any employee's participation in this program consistent with the provisions of the Workers Compensation laws.

Section 4.15: RETIREMENT

Social Security - Employees in all classifications of employment must participate as a condition of employment as required by law.

MissionSquare Retirement (formerly ICMA Retirement Corporation)

A. 457 Deferred Compensation Plan

1. All regular full-time and part-time employees, as well as active members of the Call Fire Company, are eligible to participate in the 457 deferred compensation retirement plan. Eligible employees can join the plan at any time during their employment with the Town. Part-time regular employees and Call Fire Company employees are not eligible for employer contributions to the plan.
2. The plan offers various investment and managed account options. Employees should refer to current available literature from MissionSquare Retirement for information.
3. Employees may begin making contributions to the program on a pre-tax or a post-tax basis commencing with their first day of employment. The Town will not make contributions on behalf of employees for the first six months of employment.
4. After six months of employment the Town will provide a 1:1 match of contributions made by regular full-time employees up to a maximum of seven and one-half percent (7.5%) percent of an employee's gross earnings.
 - a. For example, if Employee A contributes two percent (2%) of his salary, the Town will match the employee's contribution with two percent (2%). If Employee B contributes seven and one-half percent (7.5%), the Town would contribute seven and one-half percent (7.5%).
5. Employees may contribute more than seven and one-half percent (7.5%) of their salary up to the IRS maximum allowed. However, the Town's matching contribution will not exceed seven and one-half percent (7.5%).
6. Employees can change their contribution elections at any time by submitting the applicable form to Human Resources.
 - a. Call Fire Company employees may select an appropriate percent they wish to contribute but will not have the option to contribute a flat dollar amount due to the variability of earnings each pay period.
 - b. Members of MainePERS may contribute to the 457 plan but there are no employer matching contributions.
7. All contributions to the 457 deferred compensation plan are immediately vested. Rollovers to and from other qualified retirement accounts are permissible.
8. 457 Plan Pre-Retirement Catch up & Age 50 Catch-Up: To take advantage of either of the following provisions for which you may be eligible, contact Human Resources to obtain the necessary forms.
 - **Pre-Retirement Catch Up** allows eligible participants to contribute an additional amount over the regular deferral limit in effect for the year (up to double the regular limit), to make up for years in which they did not contribute the maximum amount they were eligible to contribute under their current employer's plan.
 - **Age 50 Catch-Up** allows participants who attain age 50 (or older) during the year to contribute an additional amount over the regular deferral limit in effect for the year.
9. Withdrawal of funds from this program is strictly regulated by the Internal Revenue Service, and improper withdrawals may violate IRS Regulations. Request for withdrawals must be submitted on the applicable form and will be sent to MissionSquare Retirement for a

determination of conformity with I.R.S. regulations. The Town will not overrule a MissionSquare Retirement determination.

B. Individual Retirement Account (IRA)

Employees eligible to contribute to a 457 deferred compensation plan also have the option of opening an IRA and contributing through payroll deduction. An IRA can help individuals meet a variety of savings goals and can complement existing retirement plans through more flexible withdrawals and additional investment options. IRAs are another tax-advantaged way to help employees build retirement security and meet other savings goals. The Town will not contribute to employee IRAs.

C. Retirement Health Savings (RHS) Account

The VantageCare Retirement Health Savings (RHS) Program is designed to help employees and their loved ones meet a critical expense — retiree health care — through a tax-advantaged savings vehicle. All contributions to employee RHS accounts are set aside exclusively for qualifying medical expenses. In the event of an employee's death, his or her RHS account will be transferred to his or her surviving spouse and/or eligible dependents, who can continue to use benefits for reimbursement of their qualifying medical expenses.

1. Regular part-time and full-time employees are eligible to enroll.
2. Contributions to the account will be made through mandatory employee contributions of accrued vacation leave as outlined in Section 4.2 of this policy and sick leave as outlined in Section 4.3 of this policy.

Maine Public Employees Retirement System (MainePERS)

Effective January 7, 1997, the Town of Gorham withdrew from the Maine State Retirement System. Newly hired employees will not be eligible to enroll in MainePERS retirement, except as otherwise may be provided for in collective bargaining agreements.

Section 4.16: INCOME PROTECTION

The MMEHT Income Protection Plan (IPP) is a short-term disability plan that provides income benefits to employees who are unable to work due to a non-job related accident, injury, or illness.

- A. Regular full-time employees and regular part-time employees working 20 hours or more a week are eligible to participate in the IPP offered through MMEHT.
- B. New hires have up to 60 days from date of hire to enroll in the IPP. Coverage will be effective on the first of the month following the date of enrollment.
- C. Employees may select from three benefit levels: 40%, 55%, or 70% of their salary.
- D. Benefits begin on the 1st day of an accident or the 8th day of an illness and will be paid for up to 52 weeks for each separate period of disability, subject to plan exclusions/limitations.
- E. Benefits are paid regardless of sick leave or other income the employee may receive, subject to the specifications of the plan. Partial benefits are paid if an employee returns to work for less than the employee's normal work schedule.
- F. Cost of this coverage is at the expense of the employee. Deductions are withheld post-tax twice per month (24 deductions per year).
- G. There is no annual open enrollment period for income protection. Late enrollees will need to show evidence of insurability.

Section 4.17: EMPLOYEE ASSISTANCE PROGRAM

- A. Employment assistance is designed as a means of helping employees access resources and seek the necessary treatment to alleviate a variety of problems affecting job performance and well-being. The Town of Gorham has established an Employee Assistance Program (EAP) to support employees in managing everyday life-stressors, including drug or alcohol abuse, anxiety, depression, financial issues, legal concerns, and more. The Town of Gorham recognizes that alcohol and drug problems are problems for which there is effective treatment and rehabilitation in the majority of cases. EAP services offer employees resources to maximize productivity and meet the challenges of daily life.

Upon separation from employment, employees can still initiate EAP services for up to 30 days. Once the employee has had his or her first counseling visit through the Anthem EAP, he or she will have up to one (1) year to utilize the remaining two visits. The EAP Work/Life Team can also assist individuals through the process of finding a new job.

- B. The EAP covers all employees, even those who are not enrolled in the health plan. It also covers the household family members of all employees. For more information, please contact your supervisor or the Human Resources Director or call the EAP at (800) 647-9151.
- C. Employees may receive assistance from the EAP through self-referral or supervisory referral.
1. Self-referral is a referral in which an employee initiates contact with the EAP directly.
 2. Supervisory referral is a referral in which the supervisor strongly suggests to the employee that he/she seek consultation with the EAP. Supervisors may refer employees to the EAP when deteriorating skills or job performances do not respond to normal supervisory action.
- D. Employees who seek help through the EAP or who are referred to the EAP by a supervisor will be referred for diagnosis and/or evaluation by an Employee Assistance Counselor. The Employee Assistance Counselor is a person who has a Master's Degree (or similar certification) in counseling, human services or social work who will provide counseling or refer the employee to appropriate diagnosis, evaluation and/or treatment. The Employee Assistance Counselor will be designated by the Town.
- E. An employee who refuses help or demonstrates little or no effort to perform satisfactorily is subject to normal disciplinary actions. Employees participating in the EAP are expected to meet existing job performance standards and establish work rules.
- F. All EAP records are confidential and maintained separately from other personnel records. These records will be protected from disclosure to the fullest extent possible and existing State and Federal regulations.
- G. In the case of a supervisory referral, the Employee Assistance Counselor will ask the employee to sign appropriate release forms so that the Counselor can have contact with the supervisor and the referral agent, if applicable.
1. The Counselor will be responsible for keeping a record of the diagnostic evaluation and the treatment recommendation which will be kept confidential.
 2. The Counselor will inform the supervisor as to whether the employee kept the appointment with the Counselor and whether the employee was willing to follow through the treatment plan. The Counselor will follow-up with the employee as treatment progresses.
 3. If the employee's performance or attendance shows no improvement within a reasonable timeframe (mutually agreed upon if possible), the employee will be subject to appropriate disciplinary action.

Section 4.18: RIGHTS OF EMPLOYEES UTILIZING THE EMPLOYEE ASSISTANCE PROGRAM

- A. Employees using the EAP have the right to confidential services. EAP records do not become part of any personnel records and release of EAP records can only be made with the written permission of the employee.
- B. EAP information cannot be shared with supervisors without the employee's written consent.
- C. If the employee is using the EAP as a result of a supervisory referral, the Counselor will only provide the following information to a supervisor, unless the employee signs a written consent agreeing to the release of additional information:
 - Whether the employee made and kept the appointment;
 - Whether the Counselor assesses there is a problem (specifics will not be discussed); and
 - Whether the employee is open to recommendations made by the Counselor.
- D. Employees have the right to have access to their records, the right and relevant information regarding their treatment and referrals, and the right to any and all information regarding benefits.

Section 4.19: MILEAGE REIMBURSEMENT

The Town shall reimburse employees who use their vehicles for approved municipal purposes at the rate established by the IRS. Employees must provide appropriate documentation for reimbursement as outlined in Section 3.22 Reimbursement of Expenses. Employees who use their personal vehicles to conduct Town business should be aware that the Property & Casualty Insurance may only pay for the employee's deductible in the event of an accident.

Section 4.20: TUITION REIMBURSEMENT POLICY

A. Purpose

The Town of Gorham strives to support the continued growth and development of our employees. Recognizing the mutual benefits derived from personal growth and increased work competence, it is the policy of the Town to provide job-related academic educational opportunities for our employees to the extent fiscal resources are available to cover the projected cost thereof.

B. Eligibility

Regular full-time employees who have completed at least one full year of continuous employment may apply for reimbursement of job-related academic courses. Employees must be active on the payroll when a course is completed in order to qualify for reimbursement.

C. Procedures

1. Eligible employees should submit a written request for pre-approval to their Department Manager prior to registering for the desired course(s) using the Application for Tuition Reimbursement form. To be eligible for reimbursement, courses must be job-related or required as part of a degree program (associate or higher) at an accredited institution of higher learning. Courses may be online, in-person, or a hybrid format. To ensure proper budgeting for tuition reimbursement, employees, when practicable, shall notify their Department Manager and the Town Manager by February 1 of each year concerning anticipated course work or training during the upcoming fiscal year. When budget constraints exist, priority will be given to employees who are enrolled in a degree program and those pursuing their first post-secondary degree.

2. Department Managers may approve, disapprove, or defer tuition requests based on relevant factors including, but not limited to, budget availability and job-relatedness. The Department Manager's recommendation will be forwarded to the Town Manager for consideration and Human Resources will notify the employee of the Town Manager's decision.
3. Upon completion of each course an employee with pre-approval may request reimbursement of tuition costs the employee paid by submitting a Tuition Reimbursement Voucher (with department approval signature) and a Tuition Expense Reimbursement Request form (with tuition receipt and evidence of successful course completion, such as an official transcript) to Human Resources. Claims for reimbursement should be submitted within 30 days of the receipt of a final course grade unless extenuating circumstances exist.
4. The Town will reimburse each eligible employee 75% of the tuition cost paid by the employee only upon satisfactory completion of the pre-approved course(s). Reimbursement will be approved for up to 12 credit hours per fiscal year. The maximum reimbursement amount per credit hour shall be capped at 75% of the prevailing in-state tuition rate at the University of Southern Maine for the applicable degree program. Tuition reimbursements are subject to IRS regulations governing the taxability of tuition benefits. In no case shall the Town reimburse for courses for which the employee receives reimbursement from another source. Employees must attend courses and complete any approved coursework on their own time.
5. The Town also supports ongoing professional development. Please refer to Section 2.6 Training and Education for more information.

D. Definitions

Job-Related: Reasonably expected to improve the quality of an individual's performance in his or her current job or a similar position into which the individual might plausibly be promoted.

Undergraduate: Academic degree program leading to an Associate's (e.g. AA, AS, AAS) degree or Bachelor's (e.g. BA, BS, BFA) degree.

Graduate: Academic degree program leading to a Master's (e.g. MA, MS, MBA) degree or Doctoral (e.g. PhD, MD, JD) degree.

Professional Development: Job-related seminars, workshops, training sessions, conferences, certificate programs, continuing education, and informal learning opportunities that are intended to help employees grow, develop new skills, or meet continuing education required to maintain a professional license, designation, or certification and are separate from a degree program.

Successful Course Completion: Passing an academic course with a grade of "C" (numerical equivalent of 70%) or better. The Town will not reimburse for any grade below "C".

Accredited Institution of Higher Learning: A college, university, technical school, or business school that offers post-secondary level academic education leading to an associate or higher degree and that meets certain prescribed academic standards established by nationally recognized professional associations or regional accrediting bodies.