

# Town of Epping PERSONNEL POLICY



*Effective as of  
January 1, 2024*

## PREFACE

Welcome to the Town of Epping. We welcome you and wish you every success here. This Personnel Policy ("Manual") has been established as a guide to the policies of the Town of Epping for its employees and their supervisors in their relationship to each other and the Town of Epping. This Manual generally describes the policies and practices that the Town follows and the benefits that currently are provided or made available to employees. We hope that you find this information helpful regarding our policies and procedures. The Manual is available to guide and assist you in performing to the best of your abilities and developing and realizing your potential as one of the Town's valued employees.

These policies are intended as guidelines only and are subject to change at the discretion of the Town. This Manual should not be construed as and does not constitute a contract guaranteeing employment for any specified duration. To the extent permitted by law and subject to any governing collective bargaining agreement, employment at the Town is on an at-will basis. This means that employment at the Town is for no set period of time and can be ended by either the employee or the Town, at any time and for any reason or no reason and with or without notice, so long as there is no violation of applicable Federal or State law. All employee benefit programs, salaries, policies, classifications and pay plans are subject to change and should not be construed as contractual. When specific benefit plans conflict with this Manual, the benefit document will prevail.

This Manual supersedes any handbook or policy statements whether written or oral issued prior to the effective date of this version of the Manual. All employment-related policies, whether written or oral, that existed prior to the issuance of this Manual are null and void. Policies set forth in this document can be modified, revoked, or added to at any time at the sole discretion of the Board of Selectmen. Any revisions will substitute and replace prior policy or procedure statements and become a part of this Manual. To the extent a conflict exists between a particular policy in this Manual and the Police or Fire Department's standard operating procedures (SOP), the Department's SOP shall control. This Manual shall apply to Harvey-Mitchell Memorial Library and Water & Sewer employees only to the extent determined by the Harvey-Mitchell Memorial Library Board of Trustees, or the Water & Sewer Commission, as applicable.

Please read this Manual carefully and keep it for reference in the future. If you have questions about any of these policies, you are encouraged to ask your Department Head or call the Town Administrator's Office at 603-579-5441.

Notwithstanding anything herein to the contrary, temporary policies adopted by the Board of Selectmen in response to an emergency including any declared pandemic or epidemic shall continue in place in accordance with their terms and until such time that they expire or are terminated by the Board of Selectmen.

### **Administrative Responsibility:**

By majority vote, the Board of Selectmen is the sole authority for amending this Manual or Town policies. No Supervisor, Administrator or representative of the Town has the authority to make any promises, commitments, or changes which supersede the policies in this document unless agreed to by the employee and approved by the Board of Selectmen or appropriate commission.

**Nothing in this Manual is intended to supersede explicit provisions of the N.H. Revised Statutes Annotated pertaining to specific employees or specific departments, for example the Police and Fire Departments. However, this Manual shall apply to the extent that it is not inconsistent with any such statute, or policy properly adopted under such statute.**

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## **CHAPTER 1**

### **AUTHORITY, PURPOSE AND SCOPE**

**AUTHORITY:** The following policies and procedures are promulgated by the Board of Selectmen for the Town of Epping, New Hampshire.

**PURPOSE:** The purpose of this manual is to establish goals and procedures, to guide administrative actions relating to personnel and to inform employees by providing notice of information about some of the conditions and policies affecting their employment.:

**SCOPE:** The scope of this manual includes a compilation of policies and procedures which govern and affect personnel management for all departments within the jurisdiction of the Town of Epping unless specified by contractual agreement or otherwise herein.

**ADOPTION AND MODIFICATION:** The adoption of this manual by the Board of Selectmen supersedes all previous personnel policies. These policies are subject to regular review and amendment by the Board of Selectmen occasionally.

## **CHAPTER 2**

### **DEFINITIONS**

**DEFINITIONS:** The following words and terms, wherever used in this manual, shall have the meaning indicated unless the context requires otherwise:

**Appointing Authority-** The Board having the authority to oversee personnel including to hire and fire: Except as otherwise delegated, the Water and Sewer Commission for water and sewer personnel, the Library Trustees for library personnel and the Board of Selectmen for all other Town personnel. The term “Appointing Authority” as used in this manual, shall refer to the applicable Board, or such party delegated such authority.

**Appointment-** The designation of a person as an employee of the Town and their induction into a position in the classified service on either a temporary, probationary or permanent basis.

**Probationary Employee:** Except for any statutory or contractual requirements that may exist, the initial 12-month period beginning with the first day of service of an employee shall be considered probationary, and their performance shall be evaluated prior to achieving permanent status. During this period, an employee may be terminated with or without cause by the Board of Selectmen.

**Department Head:** The individual who by statute or grant of authority by the Board of Selectmen, is responsible for the overall operation of a department of the Town of Epping. This individual may adopt, subject to approval by the Board of Selectmen, rules and regulations for the operation of their department in addition to these policies and has the authority to recommend employment and discharge of employees to the Board of Selectmen.

**Job Description:** A written summary of the duties and responsibilities assigned to a position, including job classification and Fair Labor Standards Act (FLSA) status (i.e. nonexempt and exempt, etc.).

Full-Time Employee: A position regularly scheduled for work of thirty-five (35) hours or more per work week.

Part-Time Permanent: A position regularly scheduled for less than thirty-five (35) hours per work week.

Temporary Employee: The Town of Epping, from time to time, may employ temporary employees for a period of limited duration, normally no more than six months. Temporary employees must submit time records on a bi-weekly basis to their Department Head and/or supervisor.

On-Call: Individuals who are employed on an ad hoc, on-call, seasonal, or irregular basis for any number of hours in a workweek.

Seasonal Employees: Employees maintained by the Town, either full or part-time, to fill a specified need during a particular season of the year. These employees are not entitled to any benefits.

Non-covered, Exempt & Nonexempt Employees (FLSA Classification): Non-covered employees include elected officials, their personal staffs, policy-making appointees, legal advisors, legislative employees and bona fide volunteers. Exempt employees are those classified by the Fair Labor Standards Act as those falling into one of the following four (4) categories: executive, administrative, professional, and some seasonal recreation employees. Exempt employees are paid on a salary basis and meet the other requirements necessary to be considered exempt from the overtime requirements of the Fair Labor Standards Act (FLSA). Therefore, these employees are not eligible to receive overtime pay. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA. Upon hiring, employees are told whether they are classified as exempt or non-exempt. Exempt employees paid on a salary basis are expected to work a minimum of 40 hours per week.

Workweek: The workweek is defined as seven consecutive 24-hour periods beginning with Friday at 12:00 AM and running through Thursday at 11:59 PM. The workweek shall be calculated by including all time during which an employee is required to be on the employer's premises, on duty, or at a prescribed workplace. This definition may be further defined by the FLSA for such activities as Police and Fire services.

## **CHAPTER 3**

### **HIRING POLICIES**

**EMPLOYMENT AT WILL:** Unless otherwise provided in a written contract signed by the Board of Selectmen, all employees are employed at will, unless otherwise provided by RSA or applicable collective bargaining agreement. Either the Board of Selectmen or the employee may end the employment relationship at any time, for any reason, according to the notice policies outlined in this Policy unless otherwise provided by law or contract.

**EQUAL EMPLOYMENT OPPORTUNITY POLICY:** The Town of Epping is committed to the principle of equal opportunity for all its employees, and applicants for employment. Therefore, the Town of Epping does not discriminate based on age, sex, race, color, marital status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic information, military or veteran status or other legally protected status, except where such factor is a bona fide occupational requirement. This Policy applies to decisions

including, but not limited to, an employee's compensation, benefits, training, and development. The Town does not tolerate harassment in the workplace based on the above-mentioned factors.

**DIABILITIES/ACCOMODATIONS:** The Town is committed to providing equal employment opportunities to qualified individuals with physical or mental disabilities as required by State and Federal law. It is the Town's policy not to discriminate against any qualified employee or applicant regarding any terms or conditions of employment because of such individual's physical or mental disability or perceived disability so long as the employee can perform the essential functions of the job with or without a reasonable accommodation, in accordance with applicable law.

Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the applicable State and Federal law, who has made the Town aware of their disability, provided that such accommodation does not constitute an undue hardship on the Town.

The Town encourages individuals with disabilities to come forward and request reasonable accommodations. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should approach the Finance Director or the Town Administrator to make appropriate arrangements. When appropriate, the Town may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals to document that you have a disability and to assist us in assessing any functional limitations for which a reasonable accommodation may be needed. The Town will maintain all medical information in a confidential manner in accordance with applicable law.

**RECRUITMENT AND SELECTION/ PRE-EMPLOYMENT AND PROBATIONARY REQUIREMENTS:** All candidates applying for employment must complete and file an official application. Each applicant shall sign the form, and the signature shall certify the accuracy of all statements. The Town relies upon the accuracy of information contained in the application, as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data will be grounds for rejecting an applicant, or for termination of an employee who has already been hired.

Depending on the job requirements, applicants may be required to agree to criminal records check and/or license review. Pre-employment testing may also be required prior to the date of hire including employment physicals or other testing related to the position. Failure to agree to these checks will make an employment offer null and void.

All new employees will have a twelve (12) month probationary period. The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period to systematically evaluate employee capabilities, work habits and overall performance. At the end of the probationary period a decision will normally be made whether the employee meets the requirements of the position. New employee performance shall be evaluated during the first six months and the supervisor shall discuss unsatisfactory work with the employee prior to the end of six months. This will allow the employee a chance to correct their work level before the probationary period ends. Either the Town or the employee may end the employment relationship at any time during or after the probationary period, with or without cause. In the cases where cause or just cause is required by contract



or statute, the probationary period will act as a trial period where cause is not required to terminate the employment relationship.

**PERSONNEL FILES:** All personnel files are considered confidential by their nature. Every employee shall have the right of access to their file during normal working hours, and such inspection shall be made subject to prior arrangement with the Department Head. Without specific written permission from the employee, no persons other than the Board of Selectmen, Department Head or immediate supervisors shall have access to any information contained in personnel files.

**JOB CLASSIFICATION PLAN & JOB DESCRIPTION:** The Town Administrator will maintain an up-to-date job classification plan, including classification titles (i.e. laborer, clerical) and specific job description (inc. FLSA category, i.e., exempt, nonexempt).

Job classifications shall include the classification title (i.e., laborer, clerical, etc.) and the nature of the work to be performed.

A job description will be maintained for all positions. Job descriptions shall contain a minimum of at least the following information: job classification (i.e. laborer), duties and responsibilities, and a statement of the minimum skills and abilities required to execute the duties of the position. Also included will be a list of the minimum qualifications relative to experience and minimum educational requirements.

**Employee Evaluations:** Probationary employees shall be given a written evaluation (Appendix A, Employee Performance Evaluation Form) by their supervisor and approved by their Department Head at the end of their first 6-month of probationary period and again prior to the end of the 12-month probation.

All other employees shall receive an evaluation (See Appendix A) by their supervisors, which will be approved by the Town Administrator annually in December. When supervisors are being evaluated, the evaluator shall use input from the supervisor's subordinates to assist them in the process. In the event of a disagreement, an employee may, within ten (10) days, file a written response to the evaluation, and it shall be attached to the disputed evaluation and made part of the permanent file.

In addition to the above evaluations, at end of probationary period, and every December at time of performance evaluations, Department Heads shall perform a "Stay Interview" as specified in Appendix A of all employees within their Department and the Town Administrator shall perform such interviews of Department Heads.

D. **Promotions and Transfers:** Upon recommendation by the Department Head, promotions or transfers in any department must be approved by the Board of Selectmen. Promotions will be awarded on the basis of merit.

Although a retained management right, the Town encourages the advancement of current employees whenever possible through promotions. The Town may require in addition to minimum qualifications, the use of appropriate tests to determine those persons best qualified for such positions.

## **ANTI-NEPOTISM POLICY:**

### **Definitions:**

- (a) "Family Members" are all spouses, parents, siblings, grandparents, mothers/fathers-in-law, siblings-in-law, children, stepchildren, grandchildren, aunts, uncles, nieces, or nephews.

- (b) “Close relationships” include domestic partners, couples who are engaged to be married, boyfriends, girlfriends, roommates, and other close relationships which, in the judgement of the Town, could trigger one or more of the concerns referenced within this policy.

**Procedure:**

1. Family members and other close relationships shall not occur in the same department, whether contractors or town employees.
2. This policy shall apply to anyone employed in any full-time or part-time capacity by any department of the Town of Epping, and the policy applies to the employment of any employee’s family member or another with whom the employee has a close relationship within any department.
3. No employee’s family member or another with whom the employee has a close relationship shall work in the same department as the employee, even if they would be separated by another employee in the reporting chain of command.
4. All situations that violate this policy must be disclosed to the Board of Selectmen.

**Exception:**

If deemed in the best interest of the Town of Epping, the Board of Selectmen shall have the authorization to override this policy.

**CHAPTER 4**

**COMPENSATION**

**COMPENSATION, TIME SHEETS AND PAYROLL:** It is important that your time be accurately reported so that you are compensated for the hours that you work. You may be required to complete time sheets. No one is authorized to complete your time sheet on your behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment. Your supervisor will provide you with details concerning your obligation to report all time you have worked.

The payroll records will serve to record absences, types of leave, and all hours worked. Any and all variations from the employees regularly scheduled work period shall be noted on a personnel action form submitted by the employee prior to the requested time off.

Employees are paid on a bi-weekly basis on Wednesday for all hours worked during the preceding pay period. Please review your paycheck for errors. If you find a mistake, report it to the Department Head immediately. Paychecks will be distributed only to the employee unless written permission is provided.

**SALARY SETTING & REVIEW:**

**Salary Setting**

Department Heads are responsible for recommending hiring pay rates to the Board of Selectmen within the pay range for the position. Final authority to set pay rates rests with the Board of Selectmen, subject to Town Meeting appropriation. Requests for salary increases shall be submitted by department heads between June 1 and July 1 to be reviewed by the Board of Selectmen in July. Requests should include documentation supporting the argument for an increase. The Board of Selectmen will determine the

proper period for approved raises to go into effect. Exception: If employees were offered an increase upon the successful completion of a course, certification, or license, they may submit a request at any time. The Board of Selectmen may waive these provisions given certain circumstances.

Entry-level rates of pay and raises will be established using criteria such as job responsibilities, job performance, prior experience and training, rates paid comparable to positions in the area, and level of available funds.

#### Annual Salary Review

Adjustments in compensation may be made annually in the first full pay period following April 1, upon recommendation to the Board of Selectmen, within pay ranges adopted in the pay plan and within the constraints of the Town's budget. No pay increase will be effective until it is submitted on a properly approved PAF that is completed and signed by the employee, Department Head and Board of Selectmen.

#### **TIME-WORKED AND OVERTIME:**

##### Time Worked

"Time Worked" is defined to mean all time actually worked while acting directly in the scope of employment. Call back pay for all employees shall be paid at a minimum of two (2) hours per day when showing up for work.

**EMERGENCY CLOSING:** Town facilities may close temporarily for inclement weather. The Town Hall and Watson Academy will close or have a delayed opening in the event that Epping schools are closed or delayed. All other town facilities closures will be determined by the respective department head. The Town Administrator will announce closures that do not align with the schools. The Board of Selectmen may override this policy as needed.

**OVERTIME:** Overtime compensation shall be awarded and paid to all nonexempt employees pursuant to the Federal Fair Labor Standards Act (FLSA). Except as otherwise specified below for Fire Department Personnel overtime shall be awarded at a rate of time and one-half for each hour worked in excess of forty (40) hours per week.

Town employees engaged in fire protection activities will be entitled to overtime pay at the rate of one and one-half times their regular rates of pay for all hours worked in excess of eighty-four (84) hours in the 14-day work period. The Fire Department has elected the partial overtime pay exemption provided for under section 7(k) of the FLSA, but at a threshold of 84 hours in a 14-day work period.

All overtime must be approved by the employee's immediate supervisor or Department Head prior to its occurrence. Employees shall conform to their regular work schedule unless their supervisor has specifically authorized additional hours of work. This means that employees should not arrive at work earlier than scheduled, work through any portion of their regularly scheduled meal break, or stay at work later than scheduled without the prior authorization of their supervisor. The employee is responsible for reporting all hours worked in excess of their regular schedule for monetary compensation on the Town of Epping Time Sheet.

Time recorded as Leaves of Absence, Military Duty Leave, or Jury Duty shall not be considered as time worked in computing overtime. Only actual hours worked, Earned Time, Bereavement, and Holiday Hours will be used for this purpose.

**ADMINISTRATION OF OVERTIME:** Supervisors are authorized to schedule overtime when necessary, considering the maximum number of hours an employee can safely perform their work in any

continuous shift. The department head or supervisor has the authority and responsibility to relieve an employee from work due to an extended work schedule when it is determined that the employee may endanger the normal operation of the department or the safety of other employees or the general public, or themselves.

**COMPENSATORY TIME:** Non-exempt employees have the option to elect to receive compensatory time (Comp Time) in place of overtime, if agreed to in writing prior to the performance of the work and in compliance with the below requirements. In all cases concerning overtime and Comp Time for personnel, the specific provisions of the Fair Labor Standards Act (FLSA) shall control and, to the extent RSA 275:43 does not conflict with the FLSA, it too shall control. The Finance Director shall track Comp Time.

Employees may use Comp Time in accordance with applicable law and with the requisite Supervisor's approval. An agreement to accrue Comp Time must be signed in advance (see Town Administrator for agreement) in order to accrue Comp Time instead of overtime. The employee shall record such use on the Town's Time Sheet for that pay period.

Employees may accumulate up to 80 hours of Comp Time based on their regular workweek at the applicable rate. If an employee has accrued more than 80 hours of Comp Time (Comp Time accruals are adjusted for time and a half, if applicable), such employee shall be paid for the excess hours at their current rate of pay and at time and a half, if applicable.

When an employee requests the use of accrued Comp Time, the request shall be honored within a reasonable period of time unless doing so would unduly disrupt the operation of the department; mere inconvenience to the Employer is an insufficient basis for denial of a request to use Comp Time off.

Upon termination of employment for any reason, an employee shall be paid for unused Comp Time based on the final regular rate received by such employee.

If you are a member of a collective bargaining unit, your collective bargaining agreement shall control.

**EMERGENCY AND SPECIAL CONDITIONS PAY:** Employees exempt from the provisions of the Fair Labor Standards Act may receive overtime pay under the following conditions:

- A. The governing body must appropriate funds in the budget for such payment;
- B. The Board of Selectmen declares that an emergency exists and the use of compensatory time will unfavorably impact Town operations. Such compensation will be paid at straight time; and
- C. The Town Administrator shall report monthly to the Board of Selectmen the amount expended, under what conditions, and the total year-to-date expenses versus the approved budget amount.

**CALL BACK PAY:** Non-exempt employees who are called back to duty after the conclusion of their regular work day shall be paid for at least two hours of service at the rate of one and one-half times their regular pay. If the need for service is less than two hours, the employee will be guaranteed two hours. Except as to Firefighters and EMTS, if called back more than once during a single two-hour period, only one call back shall be paid for that period.

## **HOURS OF WORK & BREAKS:**

### **Hours of Work**

The Town determines daily and weekly work schedules based on the requirements of each department. The Department Heads establish employee schedules and are responsible for scheduling staff coverage adequate to serve the public, in accordance with policies determined by the Board of Selectmen. Such schedules may be changed at the discretion of the Town Administrator and the Board of Selectmen to suit varying conditions.

### **Scheduled Breaks**

Non-exempt employees will have a thirty (30) minute unpaid meal period and two fifteen (15) minute paid rest periods during which they are relieved of their job duties and with the approval of their Department Head or Supervisor are permitted to leave their work locations. Within regulatory guidelines, meals and rest periods will be scheduled at the discretion of the Department Head or Supervisor. Meal periods are to be taken within five hours after the beginning of the workday or shift.

## **PAYROLL DEDUCTIONS:**

**Payroll Deductions for All Employees:** The Town is required by law to make certain deductions from your paycheck, including Federal income taxes and your contribution to social security. The Town may also be required to make deductions from your paycheck pursuant to a Federal or State agency or court order, such as for child support. These deductions will be itemized on your check stub. The Town may make additional deductions for insurance and other purposes to benefit the employee as permitted under State and Federal law. Arrangements for these voluntary deductions can be made with the Finance Director.

**Payroll Deductions for Salaried Exempt Employees:** The Town complies with all Federal and State laws regarding deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried employees receive a predetermined salary that is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by the Town or due to the operating requirements of the Town. The Town recognizes that under Federal and State law there are only limited times when a salaried employee's salary can be subject to deductions.

The following deductions are permissible under law:

1. For absences from work for a full day or more (in daily increments) for personal reasons, other than sickness or disability.
2. For absences of a full day or more (in daily increments) occasioned by sickness or disability in accordance with the Town's policy which provides wage replacement benefits in the event of sickness or disability.
3. To offset jury or witness fees or military pay received by the employees for a particular pay period.
4. For penalties imposed in good faith for infractions of "safety rules of major significance".
5. Salary may be prorated to a daily basis when a salaried employee is hired after the beginning of a pay period, terminates of his own accord before the end of a pay period, or is terminated for cause.
6. For hours taken as unpaid leave under FMLA.
7. An unpaid leave of absence for salaried employee is allowed pursuant to a written bona fide plan, policy, or practice for absences of a full day or more, of an employee caused by bereavement leave.
8. A salaried employee voluntarily, without, coercion or pressure requests time off without pay for any portion of a pay period, after the employee has exhausted any leave time pursuant to a written

bona fide leave plan, practice or policy and such leave time requested by the employee is granted by the employer.

9. For unpaid disciplinary suspensions of one or more full days imposed for infractions of workplace conduct rules; and
10. Any pay period in which employee performs no work.

The Town prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities change, and at other appropriate times. Employees should also note that it is permissible for an employer to apply earned leaves and other forms of paid time off to full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

**Questions Regarding Paychecks and Deductions:** If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Director as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the Town Administrator.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. The Town will not tolerate retaliation against employees who have expressed concerns using this procedure.

## **CHAPTER 5**

### **BENEFITS**

**BENEFITS:** All full-time personnel shall be eligible for the benefits specified in this Chapter. No benefits shall be available except as provided by law or specified by these policies to those employees scheduled for less than 35 hours per week or to Temporary, On- Call or Seasonal employees. Temporary employees will be eligible for only those benefits required by law. Exception: Part-time employees who are regularly scheduled to work 30 hours or more per week shall be offered the same health insurance as full-time employees at the same payment ratio. The Town cost shares with eligible employees on the cost of insurance benefits, with employees' share of cost paid through payroll deductions. Please see Finance Director for current cost share allocation. Benefit coverage, vendor, features, costs, and Town contributions are reviewed annually by the Finance Director, Town Administrator and Board of Selectmen and are subject to change at the discretion of the Town.

If probationary employees are terminated before attaining permanent status, accrued benefits are forfeited and shall not be compensated.

<b>Benefit</b>	<b>Eligibility Requirements</b>
Health Insurance (optional)	Effective on the first day of the Month following date of hire
Dental Insurance (optional)	Effective on the first day of the Month following date of hire
Short Term Disability	Effective on the first day of the Month following date of hire
Health Reimbursement Account (optional only with health insurance)	Effective with enrollment in health insurance plan
AFLAC (optional)	Effective on the first day of the Month following date of hire
Vision Plan (hardware only)	Effective on the first day on the Month following date of hire
Flexible Spending Account (FSA) (optional)	Effective on date of hire or when enrolled.
Worker's Compensation	Effective on date of hire
Unemployment Insurance	Effective on date of hire
Social Security (mandatory except for Fire/Police)	Effective on date of hire
New Hampshire Retirement System (mandatory)	Effective on date of hire
ICMA (optional)	Effective on date of hire or when enrolled
PFPOPE (optional)	Effective on date of hire or when enrolled

**OPT-OUT OF HEALTH INSURANCE STIPEND:** Employees eligible for medical plan coverage who are also enrolled in a comparable group medical plan sponsored by another employer, or are covered by a spouse, domestic partner, or parent who is also employed with the Town may, consistent with the Town's Section 125 Plan, elect to discontinue their Town-sponsored medical plan coverage by opting out or waiving their coverage. An employee may only opt-out during annual Open Enrollment, or mid-year, following a change in Status Event. A Change in Status Event is an event that causes either gain or loss of other employer's comparable group medical coverage. With proof of alternative medical insurance

coverage, a full-time employee may request, in lieu of Town health insurance coverage, the below annual stipend payment payable at the end of each applicable qualifying year, providing the employee has not used employer provided insurance during the applicable year. To be eligible the employee must have been employed on or before June 30th. For an employee who is employed for less than a year, the annual payment shall be prorated based upon the number of months employed in the applicable year.

Employee stipends are calculated as follows:

Single Plan	\$ 750.00 annually (prorated and paid bi-weekly)
2-Person Plan	\$1500.00 annually (prorated and paid bi-weekly)
Family Plan	\$2000.00 annually (prorated and paid bi-weekly)

**HOLIDAYS:** The Board of Selectmen shall determine paid holidays for all full-time employees. Paid holidays are as follows:

New Year's Day	Labor Day
Civil Rights Day	Columbus Day
President's Day	Veteran's Day
Memorial Day	Thanksgiving Day and the Friday after
Juneteenth	Christmas Day
Independence Day	

Part-time employees are paid holiday pay if a holiday falls on their regularly schedule work day and paid at the same number of hours they would normally work for that day. If any of the above days falls on a full-time employee's regularly scheduled day off, the Department Head shall assign an alternate day off. To receive compensation, the employee must work the scheduled workday immediately before the holiday and the scheduled workday immediately after it or be on vacation before and/or after the holiday.

**EARNED TIME:** All full-time employees will accrue earned time. Earned time will be credited to employees each pay period, on a prorated basis. Earned time will be accrued based on the table below:

<b><u>YEARS OF SERVICE</u></b>	<b><u>ANNUAL HOURS PER YEAR</u></b>	<b><u>DAYS PER YEAR</u></b>
0 < 12 months	80 hours	10
1 < 4 years	160 hours	20
4 < 8 years	224 hours	28
8 < 12 years	240 hours	30
12+ years	256 hours	32

Earned time may be used any time after being earned. All planned absences will be mutually agreed upon by the employee and their Supervisor prior to the date of the absence. Unexcused absences will be unpaid and will not result in earned time being decreased. Employees may not use more days than accrued unless approved by the Town Administrator.

Full-time permanent employees shall have the option to roll over or sell excess earned time. The Town shall buy back up to 5 earned time days upon request of the employee at the rate of 1 hour for 1 hour of pay. Upon request by the employee and validation of the request by the Town, buyouts will be paid to the requesting employee at the first payroll in December. Employees may also roll over a maximum of five



accrued earned time days (40 hours) per year up to a Maximum of 400 hours to be placed in their earned time bank.

Planned earned time requests shall be filed with the employees' Supervisor within one week or seven days of their planned usage. In the event that the use of earned time conflicts with appropriate staffing, earned time will be granted to the most senior employees first. Department Heads can deny earned time requests as required.

Emergency or short notice earned time will be granted upon request to include but not limited to circumstances of illness and personal emergencies. The employee shall notify their Supervisor of illness or the nature of the emergency. The Town reserves the right to require proof of an emergency or illness if three or more unplanned days off are taken. If proof is not given, the time will be unpaid, and a written warning will be issued.

All unused accrued earned time will be paid to an employee upon voluntary separation, resignation, or retirement. At the rate of 1 hour for 1 hours pay. In the event that the employee fails to notify the Town of said voluntary separation, resignation, or retirement with a two-week notice then accrued earned time will only be paid out at 50% of the unused time with the remaining balance being forfeited by employee. Upon just cause termination of an employee, that employee shall forfeit all unused accrued time to the Town.

**BEREAVEMENT LEAVE:** Bereavement leave with pay may be granted upon the death of a spouse, child, parent or sibling for a period of 40 hours to be used in a 14-day period. In the case of the death of an employee's other family members including grandparents, aunts & uncles and a relative domiciled in the employee's household, employee will be offered 16 hours to be used within a 7-day period. If additional time is needed, the Town Administrator, Board of Selectmen and/or Department Head may use their discretion on an individual basis to allow additional leave.

In the event that you are on paid earned time at the time of the death of a relative, the bereavement leave will not be charged against your earned time, but instead bereavement leave shall be substituted in its place to extent provided for under this policy.

The employee shall inform their supervisor as soon as possible of the situation, including the identity of the immediate family member involved. The supervisor will then notify the Department Head or their designee.

The employee shall submit an application of leave form to the Department Head or their designee documenting the leave time requested.

**FAMILY & MEDICAL LEAVE ACT OF 1993 (FMLA):**

Under the Family and Medical Leave Act ("FMLA"), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:

- (1) The birth of the employee's child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child).
- (2) The placement of a child with the employee for adoption or foster care, and to care for the placed child (leave must be taken within twelve (12) months of adoption or placement of the child).

- (3) The serious health condition of a spouse (the term “spouse” shall include same sex spouse), parent, minor child, or adult child when the adult child is incapable of self-care, and the employee is needed for such care (“covered family members”).
- (4) The employee’s own serious health condition that renders the employee unable to perform their job.
- (5) A “qualifying exigency (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the United States Armed Forces in support of a contingency operation as a member of the National Guard or Reserves.
- (6) The employee is a spouse, son, daughter, parent, or next of kin of a “covered service member” (as defined in the Department of Labor Regulations, which includes National Guard, Reserves and Regular Armed Forces) who has a serious injury or illness, and the employee is needed to care for such person.

**Eligibility Requirements:** To be eligible for FMLA leave, an employee must satisfy both of the following conditions: The employee must have worked for the Town for at least twelve (12) months, must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request, and work at a site with at least 50 employees within 75 miles

**Leave Entitlement:** If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5), above, the employee is entitled to up to twelve (12) work weeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2024, four weeks beginning June 1, 2024, and four weeks beginning December 1, 2024, the employee would not be entitled to any additional leave until February 1, 2025. Beginning on February 1, 2025, the employee would be entitled to four weeks of leave; on June 1, 2025, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph (6), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph (6), above, will be limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph (6) above is to be applied on a per-covered-service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 work weeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness of injury, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

**Qualifying Exigency:** A Qualifying Exigency under paragraph (5) above must be one of the following:

1. Short-notice deployment: Issues arising from the military member’s short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member received notice of deployment, an employee may take qualifying exigency leave to address any issues that arise from the short-notice deployment.

2. Military events and activities: Attending military event and related activities, such as official ceremonies, programs, event and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.
3. Childcare and school activities: Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility. **Note:** The employee taking FMLA qualifying exigence leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son, or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).
4. Financial and legal arrangements: Making or updating financial and legal arrangements to address a military member's absence while on covered active duty, including preparing and executing financial and healthcare powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), or obtaining military identification cards.
5. Counseling: Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.
6. Rest and recuperation: Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.
7. Post-deployment activities: Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral; or
8. Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

To care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

1. A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.
2. A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."
3. Under the FMLA, a "spouse" means a husband or wife, including those in same-sex marriages, which were made legal in all 50 United States as of June 26, 2015.
4. The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as their nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated

individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as their next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(k).

**Tracking FMLA Leave:** When an eligible employee requests any leave of absence that qualifies under the FMLA, the Town has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work-related injury that qualifies as a serious health condition, the Town has the right to designate any time away from work as FMLA leave. In such circumstances, the Town will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

**Intermittent and Reduced Schedule Leave:** Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (3), (4), and (6), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph (5), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (1) and (2), above, use of intermittent leave is subject to the Town’s approval. When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee’s FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers’ compensation, short-term disability, or other benefits. If an employee is a salaried/exempt employee, the Town will adjust the employee’s salary based on the amount of time worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Town may temporarily transfer the employee to an available alternate position that better accommodates the employee’s recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a “reasonable effort” to schedule the treatment so as not to disrupt unduly the Town’s operations.

**Status Of Employee Benefits:** Employees are required to use any accrued, unused sick and vacation time during FMLA leave unless the FMLA leave is otherwise paid through workers’ compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period. Also, the employee’s FMLA leave may run concurrently with other types of leave.

During an approved FMLA leave, the Town will maintain the employee’s health benefits under the same terms and conditions applicable to employees not on leave.

If paid leave is substituted for unpaid FMLA leave, the Town will deduct the employee’s portion of the health plan premium as a regular payroll deduction.

If an employee's leave is unpaid, or is paid through workers' compensation, short-term disability benefits, or other benefits not provided through the Town's payroll system, the employee must pay their portion of the premium by making arrangements with the Town Administrator.

Health and other benefit coverage may be canceled if the employee's premium payment is more than thirty (30) days late. Before dropping coverage, however, the Town shall notify employee in writing that payment has not been received and that coverage will end in fifteen (15) days if the premium is not paid.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town for the cost of the premiums paid by the Town for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control. If the FMLA leave is for a condition that is covered under the Town's short- or long-term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

#### Requesting Leave:

Employees must complete the appropriate FMLA leave request forms. These forms are available from the Town Administrator.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give the Department Head thirty (30) days' prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Town's operations.

If the need for leave is not foreseeable, the employee must give notice to their supervisor as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all the Town's policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify the Department Head of their need for leave personally because of illness, the employee should ask someone else to call on their behalf.

**Medical Certifications:** If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Town Administrator or Department Head for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the Town will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The Town reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the Town at its expense, may require an examination by a second health care provider designated by the Town. If the second health care provider's opinion conflicts with the original medical certification, the Town, at its expense, may require a third health care provider agreed upon by the employee and the Town to conduct an examination and provide a final and binding opinion.

The Town may also require subsequent medical recertification. Failure to provide requested recertifications within fifteen (15) days may result in delay of further leave.

**Certifications for a Qualifying Exigency:** Employees who request a leave for a “qualifying exigency” arising from an immediate family member’s call to active duty or impending call or order to active duty will be required to provide a copy of the family member’s active-duty orders or other documentation issued by the military indicating the member is on active duty or call to active-duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

**Confirmation of Familial Relationship:** Employees requesting a leave of absence based on a familial relationship (e.g., leaves under paragraphs (3), (5) and (6)), may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child’s birth certificate, a court document, etc.

**Reporting While On Leave:** If an employee takes leave because of their own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member with a serious illness or injury, or for a qualifying exigency, the employee must contact the Department Head on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee’s intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

**No Work While on Leave:** The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

**Returning To Work:** At the end of an authorized FMLA leave, the employee will be reinstated to their original position or an equivalent position, except in the case of layoffs, shift eliminations, fraudulently obtaining leave, and occasions where the employee is unable to perform essential job functions. In addition, certain highly compensated employees or “key employees” may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Town. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the worksite. If an employee takes leave because of their own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from their health care provider confirming that the employee is medically able to resume work and perform the essential functions of their job. The return-to-work medical certification forms are available from the Town Administrator or Department Head. The Town reserves the right to clarify and authenticate such certification.

An employee who fraudulently obtains Family and Medical Leave from the Town is not protected by the FMLA’s job restoration or maintenance of health benefit provisions. In addition, the Town will take all available appropriate disciplinary action against such employee due to such fraud.

**Coordination With Pregnancy Related (Maternity) Leave:** As stated in the Disability & Pregnancy Related Leave policy, the Town provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee’s FMLA leave and Disability & Pregnancy Related Leave will run concurrently. Please refer to the Town’s Disability & Pregnancy Related Leave policy for more information. For purposes of coordinating FMLA and pregnancy related leaves (aka

maternity leaves), maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the Disability & Pregnancy Related Leave policy.

#### Coordination With Other Town Policies; Reference to FMLA And Federal Regulations:

The FMLA and the FMLA Federal regulations issued by the U.S. Department of Labor contain many limitations and qualifications for entitlement and governance of FMLA leave not stated herein. The terms of the FMLA and the FMLA federal regulations are incorporated herein and will be applied in all instances of requested or designated FMLA leave. Should a conflict arise between this policy and the FMLA and/or the FMLA Federal regulations, the FMLA and/or FMLA federal regulations shall govern. Any questions relative to FMLA leaves, including eligibility requirements, should be directed to the Town Administrator or Finance Director. A copy of the US Department of Labors “Rights and Responsibilities” FMLA poster is attached hereto as an **Appendix B**.

#### Disability & Pregnancy Related Leave Policy

The Town recognizes that during pregnancy and after, some pregnant women may have special needs. The Town will accommodate these needs as defined below.

**Eligibility:** Female employees, either full time or part time, who are temporarily physically “disabled” resulting from pregnancy, childbirth or related medical conditions are eligible for the benefits provided under this policy. The term “disability” or “disabled” in this circumstance means the employee cannot perform the essential functions of her job due to pregnancy. To be classified as “disabled”, the employee must be classified as “disabled” by her healthcare provider. Medical verification of the disability is required to receive eligibility under this policy.

**Duration of Leave:** Should your physician deem you temporarily disabled due to pregnancy, childbirth, or related medical condition your leave will extend until your physician states that such disability has ended, and you are able to return to work. The Town complies with all Federal and State laws governing pregnancy leave. Because this policy covers medical disability leave only, it is not available for the care of newborn, adoptive or foster child, or for child rearing although you may have rights under FMLA (see Family & Medical Leave Policy for details).

**Compensation During Pregnancy Disability Leave:** Pregnancy Disability Leave will be unpaid except for the following vehicle by which eligible employees may receive compensation during leave:

- Earned Leave
- Disability Insurance, if applicable.

**Health Benefits During Leave:** Your health benefits will continue while you are on pregnancy disability leave for the period that you are receiving compensation from the Town and the Town is able to deduct your standard benefits contributions. Should you move to an unpaid status you will continue to have the same health benefits available to you while on pregnancy-related disability leave. However, to maintain those benefits, you must write a monthly check to the Town for your portion of the benefit contributions. Monthly checks should be directed to the attention of the Town Administrator.

**Transfer Rights:** If you are pregnant and request a transfer, you may be eligible to transfer from your current position to a less strenuous or duties if such transfer is due to your pregnancy; and you provide a certification from your health care provider that such transfer is medically advisable; and the Town can reasonably accommodate such a transfer without undue hardship.

If it is foreseeable that it would be medically advisable for you to take intermittent leave or leave on a reduced schedule based on your medical needs, the Town may require you to transfer temporarily to an available alternative position that has equivalent pay and benefits, so long as you are qualified for the position, and the position better accommodates recurring periods of leave.

You will be reinstated to your regular job or comparable position when your health care provider certified that there is no further need for such transfer, intermittent leave or leave on a reduced work schedule due to your pregnancy.

**Returning From Pregnancy Disability Leave:** You will return to the Town with no less seniority then when your leave began. If you return to work at the end of a pregnancy disability leave you will be reinstated to your former position, unless the position no longer exists due to legitimate business reasons, such as a reduction in force or job abolishment. If your former position does not exist, you will be reinstated to an equivalent position if you are able to perform the essential functions of the job, unless such position is unavailable.

You will be required to provide the Town with a “fitness for duty” certification from your doctor stating that you are released to return to work and indicating any work restrictions you may have. You will not be permitted to return to work until you have provided this certification to the Department Head.

If you do not return to work after your leave has ended and have not contacted your supervisor at the end of your leave, the Town will assume that you have resigned, and your employment may be subject to termination unless you are eligible for some other legally mandated leave. In addition, your employment will be subject to termination after a pregnancy disability leave if you accept other employment during your leave, or you perform services for another employer during your leave without the Town’s express written permission.

**LACTATION/BREASTFEEDING POLICY:** As part of our family-friendly policies and benefits, the Town supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The Town has designated a room for this purpose. A small refrigerator reserved for the specific storage of breast milk will be available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting the Finance Director. Additional rules for use of the room may be designated by the Finance Director. Employees who work outside of the Town hall will be accommodated with a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.



**ACCURAL OF PAID LEAVE BENEFITS DURING PAID LEAVE:** All employees who are actively at work or on paid leave—such as earned time—will continue to accrue paid leave benefits provided by the Town.

**ACCURAL OF PAID LEAVE BENEFITS DURING UNPAID LEAVES:** Generally, employees on unpaid leave are not entitled to continue accruing paid leave benefits. This includes employees who are receiving income replacement benefits such as short-term disability, long-term disability, or workers' compensation. However, employees on eligible military leave may be entitled to reinstatement upon returning from military leave with all benefits that would have been obtained but for being absent on military leave. This right is provided for by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and is known as the "escalator principle."

When an employee is out on leave that is protected by the Family and Medical Leave Act (FMLA), that employee will continue accruing paid leave as long as the employee is using paid leave benefits such as the items listed above. If an employee on FMLA leave uses all paid leave in accordance with the Town's FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. During the period of unpaid FMLA leave, the employee will not continue to accrue paid leave, consistent with the Town's policy for all types of unpaid leave.

**LEAVE OF ABSENCE FOR VICTIMS OF CRIME:** In accordance with New Hampshire law, the Town will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a "victim" is any person who suffers direct or threatened physical, emotional, psychological, or financial harm because of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, "immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify the Department Head as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the Town. An "undue hardship" for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee's position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use their accrued, unused vacation time, sick leave, or personal days. The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

**OTHER LEAVE AND BENEFITS:** Full-time employees shall be granted leave with pay in addition to the above for the following reasons: job-related training (pre-approved by the Department Head). The absence for these purposes must be reported to Department Heads as soon as these dates are known.

**PARENTAL LEAVE:** All employees having completed at least three (3) consecutive months of full-time service shall be granted four (4) weeks of paid parental leave without loss of seniority or benefits for the purposes of giving birth or adopting a child under age eighteen or under age twenty-three if the person is mentally or physically disabled. This leave will take place after short-term disability, if applicable. Employees will be restored to the same or a similar position upon expiration of parental leave. Employees requesting leave pursuant to this policy must notify the Town at least six (6) weeks prior to the anticipated leave. Employees may opt to extend parental leave with their accrued earned time.

**MILITARY LEAVE:** The Town is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the Town's policy that no employee or prospective employee will be subjected to any form of discrimination based on that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment based on such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised their rights under applicable law or this policy. If any employee believes that they have been subjected to discrimination in violation of this policy, the employee should immediately contact the Department Head or the Town Administrator if the Department Head is unavailable or unable to be of assistance.

Military leaves of absence will be unpaid, unless otherwise required by law.

The specific details and procedures for military leave are set forth in Appendix D.

**Eligibility:** Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

Questions regarding this policy should be directed to the Finance Director.

**JURY DUTY:** Any full-time employee called for jury duty shall be excused from work for the duration of the employee's service and shall receive the difference between regular pay and jury pay, provided the employee presents an official statement of pay received. All benefits shall continue to accrue during such absence. If released from jury duty on any day, the employee is expected to return to work.

## **CHAPTER 6**

### **CONDITIONS OF EMPLOYMENT**

**CONDITIONS OF EMPLOYMENT:** Unless otherwise superseded by contract or labor agreement, the following shall constitute the conditions of employment for all employees regardless of classification:

**GENERAL RULES AND REGULATIONS:** The following regulations pertain to all employees of the Town of Epping and may be amended from time to time pursuant to the procedures previously herein described:

The following are examples of behavior that will result in disciplinary action, up to and including discharge:

- ☐ Stealing
- ☐ Workplace violence
- ☐ Insubordination
- ☐ Use of alcohol at work or reporting to work under the influence of alcohol
- ☐ Use, sale, or possession of drugs
- ☐ Absence from duty without permission
- ☐ Conduct unbecoming a public employee, including but not limited to inappropriate discussion of Town business, employees, or officials verbally or written including social media.
- ☐ Unauthorized use of Town equipment or property
- ☐ Failure to report an accident involving Town property
- ☐ Failure to follow safety rules
- ☐ Discrimination, sexual or other unlawful harassment, and inappropriate conduct in violation of Town policies
- ☐ Conduct off the job of a criminal nature that effects the employee's ability to perform their job or reflects negatively upon the Town.
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- ☐ Tardiness or absenteeism, Leaving work early
- ☐ Failure to report immediately to the supervisor any job-related accident or injury or unsafe working condition
- ☐ Failure to report an off-the-job accident or injury which may affect the performance of your job
- ☐ Smoking in restricted areas
- ☐ Gambling during work or on Town property
- ☐ Working on personal business or projects on Town time
- ☐ Creating or contributing to unsanitary or disorderly housekeeping conditions
- ☐ Failing to notify the Town promptly when you will be absent from work or late to work

- ☐ Soliciting employees while either the person being solicited or the person doing the soliciting is on work time. This applies to selling of any type; solicitation of memberships, pledges, or subscriptions; circulating petitions; or collecting money.
- ☐ Conduct that endangers you or another employee
- ☐ Unauthorized use of Town tools, equipment, telephones, postage or other Town property
- ☐ Failure to use safety equipment required by the Town or to comply with safety rules
- ☐ Remaining on or coming onto Town work premises during off-duty hours for purposes other than to work without advance approval
- ☐ Sleeping, loafing on the job, engaging in horseplay, throwing anything that may harm another, playing jokes or otherwise distracting or startling others, acting in a disorderly manner or being away from your work station unnecessarily
- ☐ Refusal or failure to carry out instructions fully or to perform work assignments as required by supervisory personnel
- ☐ Gross negligence or abuse resulting in the damage or destruction of tools, machinery, equipment, products, materials, or other property belonging to the Town or to others
- ☐ Removing Town property from the work site without written authorization
- ☐ Operating or tampering with Town equipment which you have not been authorized to use or repair
- ☐ Restricting work production, encouraging or persuading others to restrict work production or supporting an interruption of work
- ☐ Obtaining materials or tools on fraudulent orders or misrepresentations
- ☐ Bringing and/or consuming alcohol, drugs, or narcotics at work or working on the job under the influence of alcohol, drugs or narcotics
- ☐ Carrying explosives onto a work site
- ☐ Deliberate action causing damage or destruction or waste of tools, machinery, equipment, product, materials or other property belonging to the Town, a Town official or to a fellow worker
- ☐ Giving false information in making application for employment or pursuant to any Town inquiry or investigation, including but not limited to falsifying timesheets.
- ☐ Immoral or indecent conduct on a work site, including abusive or threatening language to any employee and the making of false or malicious statements or defaming another employee, Town official or the Town.
- ☐ Stealing or hiding any property of other employees, persons or the Town.

- ☐ Divulging confidential information to an unauthorized person or making any disclosure of confidential information regarding the Town to any person, agency, publication, radio or television station without authorization from the Town.
- ☐ Abusive conduct toward a fellow employee, Town official or member of the public

Please remember these are only examples of violations that may result in disciplinary action or immediate discharge. Other situations may arise and these too may result in discipline or discharge. These lists are meant to provide examples and are in no way intended to be all-inclusive.

**Town Property:** No person shall enter town property outside of normal operating hours unless they are scheduled to work or have approval from the respective department head. This includes employees, residents, and elected/appointed officials. The following buildings shall require permission from the listed individual or their designee:

Town Hall- Town Administrator  
 Police Department- Police Chief  
 Fire Department- Fire Chief  
 Highway Department/Transfer Station- Public Works Coordinator  
 Library- Library Director  
 Water/Sewer Facilities- Water and Sewer Administrator

**DRESS CODE:** The Town of Epping offices are open to the public and therefore, it is important that work areas be neat and clean, and an employee's attire and appearance be appropriate for a business setting during normal office hours, while at work. Footwear must be always worn. Employees should consider their audience and activities when determining appropriate attire, including attendance at workshops, seminars, meetings, etc. external to the Town; questions regarding appropriate attire/appearance should be directed to the employee's supervisor. In departments where the Town provides uniforms, they are required to be worn. Individual departments and supervisors may establish more specific policies on dress and appearance appropriate for particular positions, with the approval of the Board of Selectmen.

"Casual Fridays": Fridays have been designated as "Casual Day" for employees. This designation is a privilege that is offered to provide a more comfortable and relaxed work atmosphere. Certain other special circumstances (i.e. snow storms, office cleaning, etc.) may warrant relaxing the dress code policy. This policy may not apply to all departments especially those where uniforms are required.

**CORRECTIVE ACTION:** It is the policy of the Town to take corrective action against employees who violate rules, regulations, and standards of conduct, endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town: Documented verbal warning, written warning, suspension, and dismissal. While the Town will apply the concept of progressive discipline when it deems it appropriate, it reserves the right to determine, in its sole discretion, the appropriate level of discipline in any circumstance including immediate termination. For purposes of documenting conduct of an employee and issuing written warnings, the forms under **Appendix E** may be used. In addition, nothing in this Personnel Policy undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under Federal and State law. The Town may also demote an employee. The Appointing Authority shall have the authority

to impose discipline it deems appropriate to the situation. The Town Administrator may place an employee on a paid or unpaid administrative leave pending an investigation and discipline.

**DISPUTE RESOLUTION PROCEDURE:** If you feel you have a problem, you should present the situation to your Supervisor or Department Head so that the problem can be settled by examination and discussion of the facts. We hope that the Supervisor or Department Head will be able to satisfactorily resolve most matters.

An employee who is not satisfied with the Supervisor's response is urged to go to the Department Head and again try to resolve the issue. If the matter is not resolved by the Department Head within fifteen (15) business days, the Town Administrator is available to discuss the issue. We urge every employee to follow through rather than be dissatisfied. Any complaint will be investigated, and the findings and determination reported back to the employee.

Your suggestions and comments on any subject are important to us so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure.

**RESIGNATIONS:** Employees may voluntarily terminate their employment with the Town of Epping at any time. Employees wishing to resign should submit their written resignations to the Board of Selectmen with two weeks notice.

**CHAIN OF COMMAND:** No Town employee shall receive orders, supervision, or guidance from any Board, Commission, or Committee members unless the Board/Commission/Committee is acting as a whole. Employees should only accept orders, supervision, or guidance from their respective managers. Exception: The Town Administrator may receive said directions and delegate them as necessary.

**WORKERS' COMPENSATION INSURANCE AND REPORTING:** On-the-job injuries may be covered by the Workers' Compensation Insurance Policy provided at no cost to the employee. The Town follows all State of NH Labor Department policies with claims.

#### Reporting Injuries

If you are injured on the job, no matter how slightly, you must report the incident immediately to the Department Head. We ask for your assistance in alerting the Town to any condition that could lead or contribute to an employee accident. Employees must complete the necessary Workers' Compensation forms following any injury and submit immediately to the Finance Director. Department Head's must provide the report to the Finance Director upon receipt of the completed forms. A claim will be filed with the insurance carrier and Finance Director will follow up with the employee for medical updates. All medical documentation must be submitted to the Finance Director.

#### Weekly Income Benefits

The amount of the weekly Workers' Compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee's average weekly wages. These benefits are paid by the Town's Workers' Compensation carrier to eligible employees. Employees shall be permitted to use available earned time to make up the difference between the employee's regular weekly pay and the Workers' Compensation benefit.

#### Temporary Alternative Duty

In accordance with the provisions of RSA 281-A: 23-b, the Town will provide temporary alternative work opportunities for employees who suffer a work-related injury or illness.

When practicable, employees will be returned to their regular duties with modifications consistent with a healthcare provider's stipulated work restrictions. If such restrictions make it impracticable for an employee to perform their normal job duties, even with modification, the employee may be reassigned to different duties or a different work schedule and may include assignment to a different department with the Town.

The specific assignment of duties shall be determined on a case-by-case basis pursuant to the healthcare provider's restrictions and the work available at the time the employee is released to return to work with modifications.

The Temporary alternative duty is meant to be temporary and transitional to return the employee back to work full duty and is not intended for an employee who is deemed permanently disabled and/or unable to resume the employee's position, with or without reasonable accommodation(s).

The treating healthcare provider and the ill/injured employee share the responsibility of providing the Town with the NH Workers' Compensation Medical Form. This form provides information relating to the employee's capabilities and restrictions necessary to structure a temporary duty program. The Finance Director will work with the employee to facilitate a safe return to work program within limitations listed by the treating physician. If necessary, the Finance Director may contact the treating physician for additional information.

After each subsequent visit, the ill/injured employee will be responsible for providing an updated medical form completed by the treating healthcare provider and returned to the Town to determine if any modifications to the temporary alternative duty position or program is warranted.

Upon release by the healthcare professional, the employee will assume normal duties of their regular position.

#### Reinstatement

An employee who has sustained an on-the-job injury will be reinstated to their former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position with or without accommodation(s). A certificate from the employee's treating healthcare provider releasing the employee to the former position with or without accommodation(s) is required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if they have accepted a job with another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to their former position with or without accommodation(s). Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

**ANTI-HARASSMENT POLICY:** The Town is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's age, sex, race, color, marital status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic information, military or veteran status or any other legally protected status will not be tolerated.

Further, retaliation against an individual who has complained about sexual or other unlawful harassment and/or retaliation against any individual who has participated in an investigation of harassment or is a witness are unlawful and will not be tolerated.

#### Purpose

The Town believes that employees are more effective and get greater satisfaction from their jobs if they are provided with a business-like work environment free from all forms of unlawful harassment.

Unlawful harassment includes harassment based on a person's age, sex, race, color, marital status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic information, military or veteran status or any other legally protected status. Such harassment by any Town employee, officer, official, board member, volunteer, personnel, supervisor or other third parties is not allowed and will not be tolerated. Employees who take part in unlawful harassment will be disciplined, up to and including termination. All employees, officers, officials, board members, volunteers, personnel, supervisors and other third parties are required to follow this policy.

#### Definition

Although all forms of unlawful harassment are prohibited, the Town wants to give you information specific to one type of illegal harassment, sexual harassment. Sexual harassment refers to behavior of a sexual nature, whether done on purpose or not, that is unwelcome and personally offensive to the receiver. Sexual harassment is a form of behavior that is disrespectful and demeaning to another person and breaks down the employment relationship. Sexual harassment is defined as any repeated or deliberate unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either implicitly or explicitly a term or condition of employment; (2) admission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment is not limited to requests for sexual favors in return for job benefits. Sexual harassment may take the form of verbal abuse, leering, salacious jesters, inappropriate language, jokes of a sexual nature, or any undesired touching or patting.

#### Responsibility

All Town employees, officers, officials, board members, volunteers, personnel, and supervisors have a responsibility for keeping our work environment free of harassment. Any employee, officer, official, personnel, or supervisor, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it as soon as possible in accordance with Section e. below so that steps may be taken to protect the employee from further harassment and appropriate investigative and disciplinary measures may be initiated. When management becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the Town to do so.

The Town accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses another employee may be personally liable for such actions and their consequences.

#### Statement of Policy

It is the policy of the Town that all employees shall enjoy a working environment free from all forms of unlawful harassment and discrimination, including sexual harassment. Unlawful harassment shall be treated as employee misconduct and will not be tolerated. Note that the Town of Epping may take



corrective and/or disciplinary action to address inappropriate conduct even if it does not rise to the level of unlawful harassment.

All employees, officers, officials, board members, volunteers, personnel, and supervisors should understand that the use of the Town's equipment to harass others or even to communicate offensive jokes or remarks that may be considered offensive to another employee is not allowed.

#### How to Report

Any employee who believes that they have been harassed, must report the incident immediately to their supervisor. Where it is not practical to report the incident(s) to the immediate supervisor (such as when the supervisor is unavailable or when the allegation of misconduct involves the supervisor) the employee shall instead report the incident(s) to another supervisor, or the Town Administrator. If the allegation involves the Town Administrator, the complainant should present the allegation without delay to the Board of Selectmen. All complaints of unlawful harassment and retaliation will be investigated as carefully and confidentially as possible. However, absolute confidentiality cannot be guaranteed since the investigation necessarily requires the disclosure of the nature of the alleged behavior and complaint. Identities of those involved will be revealed only on a need-to-know basis. A prompt and thorough investigation will be organized by the Town Administrator, or their designee, as may be required (should the Town Administrator be the subject of the Complaint, the Board of Selectmen or its designee shall organize the investigation.) and appropriate action will be taken where it is needed. Such investigation may be conducted internally or by an outside investigator. Any person found to have violated the Town's policy against harassment will be subject to corrective and/or disciplinary action, up to and including termination of employment.

In no case shall an employee reporting an incident of harassment be subject to adverse employment action unless it is determined the employee is found to have made a false statement of harassment. The Town does not tolerate unlawful retaliation. Any person found to have engaged in such conduct will be subject to corrective and/or disciplinary action, up to and including termination of employment. The Town recognizes that false statements of harassment may have serious effects on innocent people. Employees found to have made false statements of harassment will be subject to corrective and/or disciplinary action, up to and including termination of employment. The Board of Selectman will use Appendix G for addressing sexual harassment claims, but can override it when they see fit.

### **WORKPLACE VIOLENCE PREVENTION POLICY:**

#### Objective

The Town is committed to preventing workplace violence and to maintaining a safe work environment. The Town has adopted the following guidelines to deal with intimidation, harassment, or other threats of or actual violence that may occur onsite or offsite during work-related activities.

#### Scope of Policy

All employees are covered under this policy.

#### Prohibited Conduct

All employees, customers, vendors, and business associates should always be treated with courtesy and respect. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee, customer, vendor, or business associate will not be tolerated. The Town resources may not be used to threaten, stalk, or harass anyone at or outside the workplace. The Town treats threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a supervisor, Department Head, Finance Director, or the Town Administrator. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Finance Director of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns regarding intimate partner violence. The Town will not retaliate against employees making good-faith reports. The Town is committed to supporting victims of intimate partner violence by providing referrals to the Town's employee assistance program and community resources and providing time off for reasons related to intimate partner violence.

#### Investigations and Enforcement

The Town will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as possible. The Town will not retaliate against employees making good-faith reports of violence, threats, or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation, The Town may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.

Anyone found to be responsible for threats of or actual violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The Town encourages employees to bring their disputes to the attention of their supervisor, Department Head, Finance Director, or the Town Administrator before the situation escalates. The Town will not discipline employees for raising such concerns.

#### **COMPUTER USE AND COMMUNICATIONS EQUIPMENT POLICY:**

The Town provides communication tools including computers, fax machines, telephones, voice mail, e-mail, and access to the Internet to help you do your job. This policy is designed to help you understand our expectations for the use of these resources and to help you use these resources wisely.

All employees should be aware that the Town has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail, and Internet use of all employees. For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems. The Town reserves the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy.

The following guidelines apply to all employees:

- Employees should be aware that in addition to monitoring e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), we have the ability and the right to monitor such things as each Internet web site visit, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created on them are the property of the Town and may be monitored by the Town at any time.

- Our computers and other communications equipment may not be used to violate any Federal, State, or local laws or regulations. Use of any Town resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any legitimate law enforcement investigation.
- The Town reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document on any Town system is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, sex, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic status, veteran status or any other legally protected status, or anything else that may be construed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
- Transmission of any religious or political messages is strictly prohibited.
- Access to non-Town related, obscene or offensive web sites is strictly prohibited.
- Any personal use of our computers or other communications equipment for any commercial activity (other than Town business) is strictly prohibited, as is the use of our computers and communications equipment for anything that may not be in the best interest of the Town including, but not limited to, activities that disclose any confidential or proprietary information of the Town.
- Town computers and other communications equipment are to be for Town use only by authorized users. Non-employees may not use the Town's computers, network, or other communications equipment for any reason.
- Use of another employee's account, username, or password, or access to their personal files without their consent (by anyone other than authorized individuals) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.
- All passcodes and passwords are the property of the Town. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by the Town or that is unknown to the Town. Users of the Town's computers, network, and other communications equipment must take reasonable precautions to prevent unauthorized access to our systems. Passwords should not be divulged to unauthorized persons.
- Destruction, theft, alteration, or any other form of sabotage of the Town's computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.
- The breaking into and/or corrupting of any of the Town's computer, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Town's technology is also prohibited and will be reported to the authorities.
- Any vulnerability in the Town's computers, network, or other communications equipment or resources should be reported immediately to the Department Head.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the Department Head.
- Accessing the Town's files or any other files on the network or the system that you did not create is prohibited unless you have prior authorization from the Department Head.
- Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, or hacking, or introducing malware or spyware is strictly prohibited.

- Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All Town data and information is considered confidential unless the Town has granted permission for an employee to disclose that information or unless required by law or judicial process. Accessing or attempting to access confidential data without authorization is strictly prohibited. Confidential information should be used only for its intended purpose. Employees' responsibility for confidentiality continues outside of work. Employees may not work on Town documents, data, or other business on home computers or other portable technology without the express prior approval of the Department Head.
- Employees are responsible for taking precautions to safeguard the physical security of the Town's network, Internet, computers, and other communications equipment. Disks, CDs, USB portable drives, Zip drives, and other removable drive devices containing sensitive, confidential, or proprietary information should be stored in a secured location, whenever possible. Computers should be turned off when not in use for an extended period of time or when an employee is out of their office.
- Employees are not allowed to introduce to our network, Internet, computers, or other communications equipment media from any external sources, including, but not limited to, CDs, disks, Zip drives, personal digital assistants (including, but not limited to, Blackberry and palm pilots), USB portable drives, and other removable drive devices without prior authorization from the Department Head.
- Employees also may not copy, transmit, or otherwise remove any information from our network, Internet, computers, or other communications equipment to CDs, disks, Zip drives, personal digital assistants, USB portable drives, or other removable drive devices without prior authorization from the Department Head.
- Employees may not intentionally download anything from the Internet without prior authorization. This includes, but is not limited to, screensavers, music, E-mail stationary, and other images.
- All downloaded files or applications are to be scanned for viruses before being saved on the Town's network.
- The Town retains the copyright to any Town-related material posted to any forum, newsgroup, chat, or World Wide Web page by any employee in the course of their duties.
- All information on the network, Internet, computers, and other communications equipment is the property of the Town. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town to continue using its equipment.
- All employees are required to report any violations, or suspected violations, of this policy.

## **CHAPTER 7**

### **MISCELLANEOUS**

#### **CELLULAR PHONE POLICY:**

**Purpose:** To establish guidelines for the issuance and usage of Town owned cellular telephones as well as procedures for monitoring and controlling costs related to cellular telephone use in connection with Town business. This policy outlines the cellular phone options supported by the Town of Epping, guidelines for appropriate use, and other administrative issues relating to cellular phone acquisition. This

policy was created in order to enhance employee safety, limit Town liability, and help manage telecommunications costs. Town cellular phones are provided to improve customer service and to enhance individual department efficiency.

**Scope:** This policy applies to all employees and other persons who have or are responsible for any cellular device issued by the Town of Epping to conduct business on behalf of the Town.

**General:** It is the policy of the Town of Epping to consider the issuance of cellular devices when the responsibilities of an employee require:

- The employee to be reachable immediately.
- The employee to be “on call” outside of normal business hours.
- The employee to be away from a fixed location where timely communication is difficult to transact.

The final decision on whether an employee will be issued a cellular device rests with the Department Heads as approved by the Board of Selectmen. However, cellular devices will not be issued to student workers, contracted employees, temporary personnel, consultants, or other workers that do not have a compelling use for a Cellular Phone.

The Board of Selectmen has ultimate authority interpreting and administering the Town of Epping Cellular Phone Policy.

**ISSUING A CELLULAR TELEPHONE:** Employees requiring the use of a Town owned cellular phone must be approved by the employee’s Department Head.

Once the Department Head has given approval for the issuance of a Town cellular telephone, the Town Administrator or their designee will notify the cellular telephone vendor to arrange for the new service. The Town Administrator and/or the Department Head will be responsible for determining the best plan and equipment for the Town. In order to take advantage of volume pricing discounts, the Town of Epping has standardized cellular device equipment, cellular service packages, and cellular accessories.

**TOWN-OWNED CELLULAR PHONES: APPROPRIATE USE:** It is imperative that cellular devices owned by the Town of Epping used to conduct Town business be used appropriately, responsibly, and ethically. The following must be observed:

1. Town owned cellular devices are the property of the Town of Epping and must be treated, used, and safeguarded as such. If an employee damages or loses a Town issued cellular phone, the employee must notify their Department Head immediately.
2. No employee is to use a Town owned cellular phone for the purpose of illegal transactions, harassment, obscene behavior or in violation of any other Town policy.
3. All costs associated with issued cellular telephone will be allocated to the appropriate department.
4. Monthly itemized bills will be received by the Town and reviewed by the Department Heads, Town Administrator, and Finance Director.
5. Any service minutes that are “included” in the monthly plan are property of the Town of Epping.

6. The employee may be asked to reimburse the Town of Epping for personal calls placed while on Town business.

Using a cellular phone while operating a motorized vehicle is contrary to State Law. Employees should plan to allow placement of calls prior to driving when practical. When an employee must use their cellular phone, while driving, they shall use a hands free cellular phone device at all times and without exception. No calls should be made if driving conditions are hazardous.

**USE OF PERSONAL CELL PHONE:** Employees deemed to be authorized by their Department Heads to be issued a Town-owned cellular phone may opt to not accept the Town-owned cellular phone with the following stipulations:

1. Employees who opt not to take a Town owned cellular phone favoring to use their own personal cellular phone will be liable in the event their phone is damaged while in the performance of their duties on the Town's time.
2. At no time will the Town of Epping reimburse an employee any costs for their personal cellular phones. This includes hardware, cellular phone cases, adapters, enhanced service plans, and any accessories.

**PERSONAL TELEPHONE CALLS:** Use of the Town's telephone system for personal calls is strictly limited to breaks or lunch periods when permitted by a Department Head or the Town Administrator. Long distance calls and the use of \*69 and 411 shall be prohibited, except as authorized by a Department Head, and documented the same as a long-distance call.

**TOBACCO USE:** The Town is committed to providing a safe, healthy, and tobacco-free work environment for our employees and all others. Consistent with our commitment and State law, RSA 155:66 – except as provided in RSA 155:67 and notwithstanding any law to the contrary, tobacco use, including smoking, vaping, and chewing tobacco, is prohibited in any area of Town buildings except in a designated tobacco use area. Any employee wishing to use tobacco must do so only during authorized breaks in a designated tobacco use area. Tobacco use is prohibited in all Town owned/leased vehicles.

**SOLICITATION AND DISTRIBUTION:** No solicitation of any kind is permitted during working time, unless first approved by the Department Head. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, mealtimes, and time before and after work hours. This rule applies to solicitations of both charitable and non-charitable causes.

No distributions of any non-work-related written materials are permitted in any work area of any kind, unless first approved by the Department Head. "Work areas" are defined as any Town office or facility, other than designated break areas.

Employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on the Town's premises at any time, unless authorized by the Department Head.

**MOTOR VEHICLE VIOLATIONS:** All employees who operate Town vehicles are required within 72 hours to notify their Department Head in writing if they have been convicted of, or plea nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicles is suspended, revoked, or otherwise restricted, the employee must notify the Department Head within one

working day of learning of the suspension, revocation, or restriction. Employees who are required but unable to drive and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

**TOWN SECURITY:** It is each employee's responsibility to help ensure that proper security measures are always exercised. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of the Department Head.

**MEDIA CONTACTS:** The Town acknowledges that our employees and the public have a genuine and legitimate interest in the Town's operations. The Town also recognizes that the news media plays a vital role in our community. Therefore, the Town will make every effort to disseminate information about the Town and its performance in a factual, accurate and timely manner when approached by the news media.

It is the policy of the Town that employees report all contact from/with the media to the Town Administrator. Only the Town Administrator and the Board of Selectmen or their designees may address matters related to the Town with the media.

**EMPLOYEE HEALTH AND SAFETY PROGRAM:** Safety can only be achieved through teamwork. Each employee, Supervisor, Department Head and Official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately.

Please observe the following precautions:

1. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your Supervisor immediately.
2. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Town property is prohibited. Employees are subject to random drug and alcohol testing.
3. The use, adjustment, and/or repair of machines or equipment are to be performed only by you if you are trained and qualified.
4. Employees should get help when lifting or pushing heavy objects.
5. Employees should understand their job fully and follow instructions. If unsure of a safe procedure, ask a Supervisor or Department Head.
6. Know locations, contents, and intended use of all first aid and firefighting equipment.
7. Wear personal protective equipment in accordance with the job you are performing.
8. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials; and
9. All job descriptions include keeping Town facilities and lots clean and safe.

Every employee must participate in this effort. Violations of safety precautions may lead to disciplinary action.

**JOINT LOSS MANAGEMENT COMMITTEE (JLMC):** The Town maintains an active JLMC comprised equally of management and regular employees, which meets quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Town Administrator for details.

**SEAT BELT POLICY:** The Town is concerned about employee safety and recognizes that the use of seat belts has proven to be a positive factor in the reduction of personal injury when a vehicle accident occurs.

The NH Administrative Rules for Public Employee Safety and Health under RSA 277, (Labor 1403.43) require wearing of appropriate personal protective equipment. Seat belts are personal protective equipment; therefore, the Town of Epping is charged under state law to require the use of seat belts while on Town business.

#### Policy

- All Town employees are required to wear seat belts while operating or riding in any vehicle while on Town business. This applies to personally owned vehicles as well as the vehicles of others.
- Passengers in vehicles operated by Town personnel while on Town business are required to wear seat belts. Clients transported in Police vehicles shall wear seat belts unless fastening the belt would place the officer in danger.
- This policy shall not apply in the use of vehicles in which the manufacturer has not installed seat belts.
- Town employees are prohibited from disengaging or disarming automatic seat belt systems/alarm.
- Violations of this policy may subject the employee to disciplinary action.

**HAZARDOUS MATERIALS:** It is the Town's goal to have a workplace free from injury. The Town inspects the workplace to evaluate and determine any risk of injury and take corrective action whenever appropriate. The Town also relies on its employees to see to it that their workplace is free from safety hazards. Any employee who sees a situation that could be a safety concern must report the problem to the Department Head or Town Administrator immediately.

**HAZARDOUS SUBSTANCES:** Due to work requirements, hazardous substances may be in the workplace. Notices of hazardous substances will be clearly marked with a "WARNING" sign, near the substance itself along with information about the substance that will include at a minimum, hazards of exposure, safe use of the substance, procedures for cleaning up spills, etc. Applicable material safety data sheets are readily available to employees from Department Heads.

All employees working with hazardous substances will receive training in the proper handling of the substance and will be provided with the necessary safety equipment for the handling of any hazardous substance.

**ALCOHOL & DRUG FREE WORKPLACE POLICY:** The Town of Epping is a "Drug Free" Municipality. We consider all town employees to be an extremely valuable resource, with their health and safety as one of our major concerns. Therefore, the Town will not condone the use of drug and or alcohol use or abuse in the workplace. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers and the Town's assets and will not be tolerated.

#### General Policy

The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

Specifically, it is the Town's policy, that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance, (except medically prescribed drugs), by any employee, on Town property, engaged in Town business, while operating Town equipment or while under the authority of the Town, is strictly prohibited. The Town will notify and cooperate with law enforcement agencies in the investigation of a covered person suspected of being in possession of or trafficking of illicit or inappropriate drugs. Further, anyone convicted of on-the-job possession, trafficking in illicit or



inappropriate drugs, using while working, or driving while “under the influence”, will be immediately terminated.

#### Employee Responsibilities

1. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
2. Any employee convicted under a federal or state statute regulating controlled substances shall notify the Department Head within five (5) days after the conviction.
3. Employees are prohibited from consuming alcoholic beverages within four (4) hours of work, during work hours, or while at work during breaks or lunches.
4. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.
5. No employee shall represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.
6. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the Town.
7. If an employee is using prescription or non-prescription medication that may impair the ability to safely perform duties, the employee shall report that fact to their Department Head prior to performing any work.
8. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the Department Head.

#### The Town’s Drug & Alcohol Program Administrator

The Town’s Drug & Alcohol Program Administrator designated to monitor, facilitate, and answer questions pertaining to these procedures is: the Town Administrator.

#### Disciplinary Action

Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, violations of this policy will lead to appropriate disciplinary action, up to and including termination.

#### Alcohol & Drug Testing

**Purpose:** Town government provides a variety of public services. The employees of the Town are its most valuable resource, since it is through their work that services are provided. When delivering services, the health and safety of the public and the residents of the Town’s facilities and the health and safety of employees are of paramount importance.

Drug and alcohol abuse is a problem of serious concern and one that affects all segments of the community, including the workplace. Such behavior poses risks to members of the public and to Town employees. Employees have the right to work in an alcohol and drug-free environment. Residents and members of the public have the right to be free from the harmful effects of alcohol and drug abuse in the provision of public services. The objective of the Town is to provide a safe work environment and to protect the public by ensuring a drug-free workplace.

**Policy:** It is the policy of the Town of Epping not to test employees for the use of drugs and/or alcohol other than as provided herein. Employees who display job difficulties may be required, upon reasonable suspicion, to undergo testing as set forth in this policy for substance use or abuse. Such testing shall include Reasonable Suspicion testing, and Post Accident testing.

Employees of the Town who are required to have a Commercial Driver’s License (CDL) as part of their jobs are subject to drug and alcohol testing as required by the U.S. Department of Transportation through the Federal Highway Administration (“FHWA”). CDL employees, in addition to Reasonable Suspicion and Post Accident testing, shall be subject to Pre-employment testing, Random testing and Return to

Work testing. Pursuant to NH Admin. Rule Saf-C 1801.02(a)(1), for purposes of this policy, the term “CDL employee” shall not include fire service personnel driving emergency vehicles assigned or registered to the Town Fire Department in pursuit of fire service purposes.

In addition, all job applicants for Town positions that are considered a “Safety Sensitive Position”, shall be subject to Pre-Employment Drug Testing. For purposes of this policy “Safety Sensitive Position”, means a position that requires an employee to: carry a firearm; work closely with an employee who carries a firearm; perform life-threatening procedures; work with heavy or dangerous machinery; emergency medical technicians, firefighters, work directly with elderly residents; work directly with children; work with detainees in the correctional system; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; hold a position in which a momentary lapse in attention could result in injury or death to another person; or a position requiring a Commercial Driver’s License (CDL).

#### Treatment and Rehabilitation

The Town provides an Employee Assistance Program for employees needing treatment or rehabilitation as well as medical plan coverage for both inpatient and outpatient treatment. Accrued leaves may be used for treatment and rehabilitation purposes. Treatment and rehabilitation are entirely the financial responsibility of the employee. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program, if available.

#### Prohibitions

This policy prohibits the following:

1. The unauthorized use, possession, manufacture, distribution or sale of an illegal drug, controlled substance, or drug paraphernalia on Town property or while on Town business, in Town supplied vehicles or during working hours.
2. The unauthorized use, possession, manufacture, distribution, or sale of alcohol on Town premises or while on Town business, in Town supplied vehicles or during working hours.
3. Storing any illegal drug, drug paraphernalia, any controlled substance whose use is unauthorized, or any container of alcohol, in or on Town property (including vehicles).
4. Reporting to work, or working, while under the influence of illegal drugs or the illegal use of legal drugs or alcohol, whether on Town premises, on Town business, or in Town supplied vehicles.
5. Failing to notify the employee's supervisor before beginning work that the employee is taking medications or drugs that may interfere with the safe and effective performance of duties.
6. Refusing to immediately submit to an alcohol and drug test when requested by a supervisor, in accordance with this policy.
7. Failing to provide, by the next workday following a request, their valid prescription for any drug or medication identified when the results of a drug test are positive.
8. Refusing to submit to an inspection as described in the Enforcement section when requested by a supervisor, in accordance with this policy.
9. Failing to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
10. Violating any criminal drug or alcohol statute while working. Conviction under any criminal drug statute.
11. Failing to notify the Department Head of any arrest or conviction under any criminal drug or alcohol statute by the next workday following the arrest or conviction.

#### Enforcement

When there is a reasonable suspicion to believe that an employee's job performance may be impaired by drugs or alcohol, the supervisor may: (a) direct the employee to submit to a drug/alcohol test; and/or, (b) search, with or without employee consent, all areas and property in which the Town maintains control or joint control with the employee.

Testing:

#### Drug and Alcohol Testing

A test under this policy is a urinalysis (for drugs) and an evidential Breathalyzer test (for alcohol) administered under approved conditions and procedures conducted for the sole purpose of detecting drugs and alcohol. Other FHWA approved methods to detect the presence of alcohol may be added later, including blood/alcohol and saliva tests. The test will be conducted by a Town appointed medical laboratory and paid for by the Town. See Appendix F, for applicable forms.

An employee ordered to submit to a test or an applicant for employment directed to test by the Department Head shall not refuse. A refusal will equal a positive test. Following authorization for reasonable suspicion or post-accident drug testing, the supervisor or other authorized person will transport the employee, as necessary, to the designated test site.

#### Pre-Employment Testing

The Town requires that drug tests shall be conducted before applicants for Safety Sensitive Positions are hired, or after an offer to hire but before Safety Sensitive functions are performed for the first time.

Testing is also required when employees transfer to a Safety Sensitive Position. The test will be administered after a conditional offer of employment has been made and before any tentative start date. All offers of employment or transfer to a Safety Sensitive Position shall be subject to a negative drug test result under this category.

This test will be conducted under the SAMHSA (Substance Abuse Mental Health Services Administration) standards and protocols. The test will involve an unobserved urine sample collection for drug testing. All urine drug testing will be conducted by a SAMHSA certified laboratory.

A positive test will exclude an applicant from being hired or transferred.

#### Reasonable Suspicion

"Reasonable Suspicion" is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform their job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- Slurred speech.
- Irregular or unusual speech patterns.
- Impaired judgment.
- Alcohol odor on breath.
- Uncoordinated walking or movement.
- Unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility, or aggressiveness; or
- Possession of alcohol or drugs.

#### Random Testing

During the calendar year, a percentage of drivers of commercial motor vehicles requiring commercial driver licenses (CDL) will be tested at percentage rates in accordance with applicable law on a random basis for the presence of drugs and for the presence of alcohol. Approximately quarterly, although testing could occur anytime during the year, names of CDL holders will be drawn randomly to select individuals

for drug and alcohol testing. These individuals will be scheduled for testing at a site designated by the Town. All individuals will be required to go to such location as determined by the Town Administrator for testing. No advance warning will be given to employees regarding the date and time of the random test.

#### Post-Accident

Post-Accident drug or alcohol testing is testing based on an accident or observation of unsafe work practices when the employee's performance either contributed to an accident or cannot be discounted as a contributory factor to an accident or based on an accident which could have reasonably resulted from an employee's performance. Any accident involving a Town vehicle must be reported as soon as possible by the employee to their supervisor. The supervisor should investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and alcohol test. An employee shall have a drug or alcohol test when the employee is involved in a workplace accident and if there is reasonable suspicion that the employee caused or contributed towards the cause of the accident. In addition, testing is mandated in the following circumstances:

- An accident that has resulted in the loss of human life.
- An accident in which the CDL driver receives a citation and there is an injury requiring medical attention away from the scene of the accident.
- An accident in which the CDL driver receives a citation and any vehicle in the accident must be towed from the scene.

A post-accident drug and alcohol test should be completed immediately. Drug testing must occur no later than 32 hours after the accident. Alcohol testing must occur no later than 8 hours after the accident. In the instance of a CDL driver, if more than two hours elapse before an alcohol test is administered, the Town is required to prepare and maintain on file an explanation of why a test was not promptly administered for the FHWA. If alcohol testing is not administered within 8 hours following the accident, the Town shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

A driver is prohibited from consuming alcohol for 8 hours after an accident or until they have taken a drug and alcohol test.

**Note:** A police officer investigating an accident has legal authority under certain circumstances to order a blood sample to be taken for drug and alcohol testing.

#### Return to Work Testing

When a CDL employee has tested positive for drugs or alcohol during a random or post-accident test the provisions in the section below on Discipline and/or Treatment/Rehabilitation will apply. In addition, the following specific rules apply in the case where the Employee's employment has not been terminated as a result of the positive test results:

- Employees will be referred to the Employee Assistance Program or to the Substance Abuse Program as part of their return-to-work requirements.
- The employee must comply with any recommended rehabilitation.
- The employee must have a negative retest before being permitted to return to work.
- Unannounced follow-up tests will be conducted at least 6 times within the first 12 months after an employee returns to work. The follow-up tests will be at the expense of the employee.
- Testing may be extended for a period of up to 60 months after return to work.

#### Procedures

The laboratory shall test for the following:

- Amphetamines
- Cocaine
- Opioids
- PCP (Phencyclidine)
- THC (Marijuana)
- Alcohol\*

\*Tested through an evidential Breathalyzer instrument at a level of .02 alcohol/breath concentration or greater, expressed in terms of grams per 210 liters of breath.

#### Pre-Duty Use of Alcohol

Employees are prohibited from consuming alcohol for 4 hours before going on duty or before operating a commercial motor vehicle. This regulation from the FHWA applies to scheduled shifts and all callout situations. If an employee cannot meet this requirement, it is their responsibility to tell their supervisor, or person initiating the callout, that they cannot report to work.

#### Impairment

The supervisor shall directly observe the employee's behavior and document in writing the facts constituting reasonable suspicion. When circumstances permit, a second person shall also observe the employee to verify that there is a reasonable basis to believe that drug or alcohol impairment may be present. If possible, the supervisor shall question the employee regarding the situation. When a determination is made that an employee may be impaired because of drug or alcohol use, the employee shall be relieved of their duties and placed on paid leave status.

The supervisor shall immediately notify the Department Head. Upon review, the Department Head may authorize testing. In no case shall the time for review exceed two hours.

The individual shall appear at the designated testing location at the time instructed by the Department Head.

A "Positive" drug test result includes all the following:

- A verified positive.
- Refusal to allow or appear for a test.
- Adulterated or Substituted tests.
- Inability to provide a medical explanation for a "shy bladder" or "shy lung".
- Failure to cooperate in any way with the testing process.
- Admits to the collector that they adulterated or substituted their specimen.
- Behaves in a confrontational way that disrupts the collection process.
- Fails to follow the "Observer's" instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process; or
- Refuses to wash their hands – after being directed to do so.

Any Employee receiving a "shy lung" or "shy bladder" report from a Medical Review Officer, (MRO) will need to acquire a medical explanation of their doctor explaining why they cannot physically produce enough air for Breath Alcohol Testing or enough urine for a Drug Specimen Collection.

In the case of prescriptive drug use that may affect an employee's ability to perform their job safely, the Town will require the subject to provide, by the next scheduled workday, a bona fide verification of a valid current prescription for the drug identified. The applicant shall be dropped from eligibility, or the employee will be subject to disciplinary action when:

- Verification of a valid prescription is not provided, and the employee has not previously notified their supervisor; or
- The prescription provided is not in the subject's name.

Specimen samples shall be sealed and labeled. Samples shall be stored in a secure and refrigerated atmosphere. A large enough sample will be taken to allow for a second, follow-up test.

Any sample that has been adulterated or is shown to be a substance other than urine shall be reported as such. Any applicant or employee providing false information about a urine or breath specimen or who attempts to contaminate such sample shall be subject to removal from consideration for hiring or terminated.

#### Results of Drug Testing

All laboratory results will be reported by the laboratory to an MRO designated by the Town. The MRO will review the results of the test and determine if the sample contains any illegal drug, legal drug or alcohol at levels that would cause impairment or reveal its use in an illegal manner. The MRO will also review the medical history made available by the subject when a confirmed positive test could have resulted from a legally prescribed medication.

The results shall be forwarded immediately to the Town for further review. The Department Head will send a copy of the drug testing results to the employee's home address upon request.

#### Positive Results

When there is a confirmed presence of alcohol at the .04 level or greater or any legal drug, for which in the opinion of the Town no reasonable explanation or proof is provided, the subject shall be deemed to have failed the test. The employee shall be subject to disciplinary action as outlined in the personnel policies of the Town up to and including termination.

In addition, when there is a confirmed presence of alcohol at the .02 level or greater, the employee is deemed unable to safely operate a motor vehicle, operate machinery or perform safety-sensitive work. If these tasks are part of an employee's job (in the opinion of the supervisor), they shall be considered unable to work and will be sent home for the remainder of their work shift. The individual shall be required to take leave without pay. The employee shall not be permitted to take sick leave or vacation time. The employee shall return to work after a period of 24 hours or at the beginning of their next workday or shift (whichever period is greater). Under this policy, a Breathalyzer test of between .02 and .39 would be considered a positive test and may result in further disciplinary action other than taking leave without pay for the remainder of their workday(s) or shift.

#### Notification

**Job Applicants:** In the case of job applicants, the Town shall notify the applicant. An opportunity to have the original urine sample retested at the applicant's expense shall be afforded. The applicant must request a re-test within 72 hours. If there is a confirmed positive retest, the Department Head shall remove applicant from eligibility for hire.

**Employees:** The Town shall advise the employee of the positive test result. The employee shall be afforded the opportunity to have the original urine sample retested. Retests must be requested within a period of 72 hours after notification of an initial positive test by the Department Head.

#### Retesting of Employees

The original lab (at the Town's expense) will do a re-test unless the employee wishes to pay for a re-test at a different laboratory. The second test must be done by a SAMHSA certified lab. If the Employee declines a re-test, or, the re-test confirms the results of the initial test, the Department Head shall be notified. The Department Head shall determine the appropriate action to be made.

#### Discipline

As with any issue of employee misconduct, an appropriate investigation and assessment of circumstances needs to be made with guidance from the Department Head and the Appointing Authority. Advice from medical professionals may be sought. A decision to refer for substance abuse evaluation, treatment and/or discipline may be made depending on the nature and severity of misconduct, the employee's work history, and other pertinent facts and circumstances. In certain situations, follow-up drug testing may be recommended and conducted to ensure the employee remains drug and alcohol free. Rehabilitative treatment and follow-up testing shall be the financial responsibility of the employee.

A referral for evaluation by a substance abuse professional is mandatory for CDL holders when there is a positive test. The evaluation by the substance abuse professional shall be the financial responsibility of the employee.

Any disciplinary action will be carried out in accordance with Town Personnel Policies.

#### Negative Test Results

Employees who have been tested for drugs and alcohol, where no substance abuse was found, shall receive notice of such findings from the Town. A copy of this notice and a record of the negative results shall be placed in a confidential folder in a separate, secured file maintained by the Town Administrator or designee. In the case of job applicants, the Department Head shall notify the Appointing Authority that the applicant is clear for hire.

#### Confidentiality

Laboratory reports of positive test results shall not appear in an employee's general personnel folder. Information of this nature will be placed in a separate confidential medical folder that will be maintained by the Department Head.

The positive reports or test results shall be disclosed only on a need-to-know basis. Disclosures without employee/applicant consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the Town and the employee; (3) the information is to be used in administering an employee benefit plan such as for drug or alcohol treatment; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient (employee) who is unable to authorize disclosure.

No records containing information required by this policy will be released except as provided as follows:

- Upon written request of the employee.
- Upon written authorization of the employee, records will be disclosed to a subsequent employer subject to use as specified by the employee; or
- Upon specific, written authorization by the employee, records will be released to an identified person, for use only as specified by the employee.

- Records may be disclosed to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, including, but not limited to, a worker's compensation, unemployment compensation or other proceeding relating to a benefit sought by the driver.

#### Independent Contractors

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

#### Record Retention Requirements

The Town shall maintain all records related to drug and alcohol testing for each employee in a secure location with controlled access. The Town shall keep all documents sent by the laboratory or the collection site.

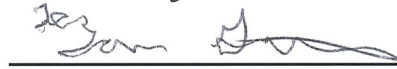
**WORKPLACE SEARCHES:** To safeguard the safety and property of our employees, residents, and the Town and to help prevent the possession and use of illegal drugs on Town premises, it may become necessary to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from Town property. In addition, the Town reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and the Town. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town and are issued for the use of employees only during their employment with the Town. An employee shall have no expectation of privacy in any such Town property. Inspections may be conducted at any time at the discretion of the Town.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, or illegal drugs, may be subject to disciplinary action, up to and including discharge.





**Joe Trombley, Chairman**



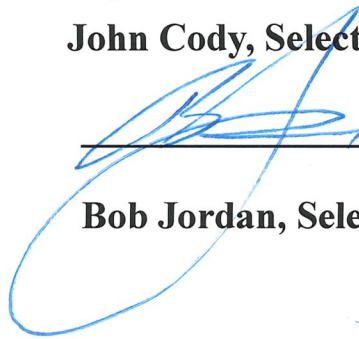
**Tom Gauthier, Vice-Chairman**



**Pamela Tibbetts, Selectman**



**John Cody, Selectman**



**Bob Jordan, Selectman**

Signed

12/18/2023

### **Longevity Award**

Eligible employees shall be entitled to a longevity award for every five years of continuous service. This award shall be included in the payroll period following the employee's anniversary hire date in five-year increments.

The amount of longevity pay an eligible employee receives increases with the length of employment, as shown in the following schedule:

- After completion of five (5) years of continuous service, an employee shall receive \$175;
- After completion of ten (10) years of continuous service, an employee shall receive \$350;
- After completion of fifteen (15) years of continuous service, an employee shall receive \$525;
- After completion of twenty (20) years of continuous service, an employee shall receive \$700;
- After completion of twenty-five (25) years of continuous service, an employee shall receive \$875; and
- For each subsequent five (5) years of completed continuous service, the amount of longevity pay shall increase by an additional \$175.

The length of eligible service is calculated on the 12-month period that begins the day the employee starts full-time employment.

Eligible employees under this policy shall be Full-Time employees of the Town who are not members of a collective bargaining unit.

**Added to personnel policy on 3/4/2024 (see Select Board minutes)**

**Appendix A**  
**Employee Performance Evaluation Form**



<p><b>Town of Epping</b>  <b>Employee Performance</b>  <b>Evaluation</b></p>	<p><b>Distribution</b>  Original ..... Human Resources  Copies to ..... Employee  ..... Department File</p>
--	---

<b>Initiative</b>	Consider the ability to perform duties in a consistent and reliable manner, the willingness to take on new tasks, offer constructive suggestions and accept responsibility.			
Requires constant encouragement. Never volunteers to undertake work. Has no drive or ambition.	Dislikes responsibility and has very little drive. Lacks resourcefulness and requires more than average encouragement.	Requires normal encouragement. Seldom seeks new tasks. Will accept responsibility when necessary. Accomplishes routine work.	Requires minimal encouragement. Occasionally seeks new tasks. Works well when given responsibility.	Self-starter that goes out of the way to accept responsibility. Very alert and constructive.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				
<b>Attitude &amp; Dealing With Co-Workers</b>	Consider willingness to work with and help others and attitude toward co-workers and supervisors. Ability to accept constructive criticism. Demonstrates enthusiasm, flexibility and willingness to accept tasks.			
Difficult to work with. Uncooperative and rude. Resents constructive criticism. Constant co-worker problems.	Reluctant to cooperate. Stubborn and at times unwilling to follow orders without argument. Frequent co-worker problems.	Tries to cooperate and usually agreeable. Accepts constructive criticism. Few problems with co-workers.	Cooperative most of the time. Interested in work. Responds to constructive criticism. Co-worker problems rare.	Very cooperative. Shows great interest in work. Encourages constructive criticism. Admired by co-workers.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				
<b>Public Contact</b>	Consider the willingness to work with the public and project a good image of Town employees.			
Cannot deal with the public. Inconsiderate and projects a bad image. Receives numerous valid complaints.	Has trouble dealing with the public. Occasionally lacks common courtesy and receives some valid complaints. Sometimes rude or inconsiderate. Projects a poor image.	Usually maintains courteous effective relations. Generally pleasant and considerate. Seldom receives valid complaints and projects an acceptable image.	Good in dealing with the public. Very pleasant and tactful. Rarely receives valid complaints. Projects a good image.	Excellent in dealing with the public. Exceptionally courteous and well mannered. No valid complaints received. Projects an excellent image.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				
<b>Operation &amp; Care of Town Equipment and Property</b>	Consider the concern for safe, responsible and reasonable operation or use of Town equipment or property, including requesting appropriate maintenance or repair.			
Shows no concern for the proper use and maintenance of equipment or City property.	Minimal concern for equipment or City property. Often careless with usage.	Shows concern for equipment and City property. Handles with some care. Requests maintenance only if necessary.	Handles equipment and City property with care. Occasionally will request repair and maintenance as needed.	Operates and maintains equipment and City property with extreme care. Schedules repair and maintenance in a timely manner.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				

<p><b>Town of Epping</b>  <b>Employee Performance</b>  <b>Evaluation</b></p>	<p><b>Distribution</b>  Original ..... Human Resources  Copies to ..... Employee  ..... Department File</p>
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<b>Attendance</b>	Consider the adherence to policies on absenteeism and tardiness.			
Often absent or tardy. Does not report absence or tardiness in advance. Very undependable.	Inconsistent attendance and punctuality. Seldom reports absence in advance. Not dependable.	Occasionally tardy or absent, but reports in advance in most cases.	Seldom absent or tardy. Always reports absences or tardiness in advance. Dependable.	Excellent attendance. Always at work and on time. Very dependable.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				
<b>Safety</b>	Consider the attitude toward personal safety as well as that of co-workers and citizens.			
Has a poor safety record. Often violate safety rules. Has to be constantly reminded to wear personal protective equipment and use appropriate safety devices.	Has a fair safety record. Does not always follow safety rules. Sometimes uses personal protective equipment and appropriate safety devices without being reminded.	Has an acceptable safety record. Usually observes safety rules and is rarely careless. Usually wears personal protective equipment and uses appropriate safety devices.	Has a good safety record. Alert in observing safety rules. Commonly wears personal protective equipment and uses appropriate safety devices.	Extremely conscious of safety. Exceptional safety record and is extremely alert in observing all safety rules. Always wears personal protective equipment and uses appropriate safety devices.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				
<b>Communication</b>	Consider the ability to effectively communicate, both verbal and written, with employees and superiors.			
Excessive and repetitive errors in written reports. Poor verbal communication skills	Written reports often need thorough inspection. Frequent errors. Sometimes unable to express subject matter clearly.	Written reports meet set standards with normal errors. Reasonably clear in expression.	Above set standards. Errors are infrequent. Messages are mostly clear and easily understood.	Expresses self clearly and effectively on all subjects. Uses appropriate language for any situation.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				
<b>Leadership</b>	Consider the ability to command and guide others in the accomplishment of their duties and tasks; actively influences events and originates actions rather than passively accepting.			
Fails to earn the respect and cooperation of employees. Fails to adequately lead the employees.	Lacks aggressiveness in leading employees. Not held in high regard and lacks leadership qualities.	Adequately supplies leadership and usually gains the respect of employees. Usually looked to for leadership.	Effectively leads employees. Aggressive and provides leadership in most situations.	Very aggressive in leading employees. Obtains cooperation of employees in all situations. Gains utmost respect from employees and leads by example.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				

<p><b>Town of Epping Employee Performance Evaluation</b></p>	<p><b>Distribution</b></p> <p>Original ..... Human Resources  Copies to ..... Employee  ..... Department File</p>
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<b>Dependability</b>	Consider the ability to perform duties while maintaining a high level of productivity in a reliable and consistent manner with little direct supervision.				
Requires constant supervision. Lacks follow-through. Cannot be depended upon. Does not follow instructions.	Requires more than normal supervision. Is easily distracted. Seldom follows instructions.	Requires normal supervision. Generally dependable and follows instructions.	Requires minimal supervision. Good follow-through and follows instructions.	Requires little or no supervision. Can always be depended upon. Follows instructions with great accuracy.	
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
<b>Comments:</b>					
<b>Policies and Procedures</b>	Consider the knowledge and understanding of Town of Epping Policies and Procedures as well as departmental rules and regulations.				
Lacks basic knowledge of Town policies. Shows disregard for departmental rules and regulations. Supervisor rarely enforces safety rules.	Unfamiliar with many applicable Town policies and departmental rules. Regularly commits infractions. Supervisor does not always enforce safety rules.	Basic knowledge of Town policies and departmental rules. Generally does not commit major infractions. Supervisor usually enforces safety rules.	Knows applicable Town policies and departmental rules well. Rarely commits infractions, and if so, are minor in nature. Supervisor is very conscious of safety rules.	Extremely knowledgeable of Town polices and departmental rules. Strictly adheres to all rules and sets an example for others to follow. Supervisor always enforces safety rules.	
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
<b>Comments:</b>					
<b>Planning and Organizing</b>	Consider the ability to plan and organize work.				
Lacks basic planning skills. Plans are extremely short range without consideration of long range effects. Lacks the ability to organize resources or determine work methods efficiently.	Plans and organization lacks thorough consideration. Sometimes overlooks long range effects. Resource estimates and organization are not always practical.	Plans and organizes work adequately. Resource estimates and organization are sensibly aligned with projected workloads. Determines feasible work methods.	Plans and organizes work well. Usually considers likely complications and long range effects. Projects workloads and relating resource needs accurately.	Extremely effective in planning and organizing. Always conscious of detail and long range effects. Exceptionally accurate in projecting workloads and resource needs.	
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
<b>Comments:</b>					
<b>Decision Making</b>	Consider the ability to make sound, logical decisions.				
Does not make reasonable or logical decisions. Lacks perception and does not evaluate alternatives.	Occasionally uses poor judgment. Logic is sometimes questionable. Tendency to postpone decisions.	Usually makes reasonably logical decisions. Does not usually postpone decisions.	Evaluates facts carefully and makes sound, logical decisions. Perceptive and decisive.	Uses excellent logic and perception in making timely, accurate decisions. Never postpones decisions.	
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	
<b>Comments:</b>					

<p><b>Town of Epping</b></p> <p><b>Employee Performance</b></p> <p><b>Evaluation</b></p>	<p><b>Distribution</b></p> <p>Original ..... Human Resources</p> <p>Copies to ..... Employee</p> <p>..... Department File</p>
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<b>Productivity of Employees</b>	Consider the productivity of the supervisor, his/her employees, and the promptness in which work is performed.			
Employees work slowly, waste time and continually make errors. Quality of work is poor. Supervisor does not enhance good quantity or quality.	Employees often work at a slow pace and are careless, inclined to make mistakes. Quality of work is barely acceptable.	Supervisor monitors productivity adequately and employees work at a steady pace. Quality of work meets requirements.	Supervisor consistently achieves good productivity. Employees work at a fast pace. Few errors are made; quality of work exceeds requirements.	Employees work at a very fast pace. Quality of work is exceptional and errors are rare. Supervisor is exceptional at obtaining high standards of productivity.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				

<b>Employee Evaluation and Development</b>	Consider the supervisor’s ability to effectively evaluate employee performance and encourage professional development.			
Expresses no interest in employee development. Avoids necessary disciplinary measures. Not always objective in evaluation of employees.	Not always objective in the evaluation of employees. Does not always show interest in employee development. Varies in enforcing disciplinary measures.	Evaluates employees consistently, generally identifies deficits and makes suggestions accordingly and usually recognizes meritorious employees. Gives attention to employee development.	Evaluates employees effectively and recognizes strengths and weaknesses. Commonly counsels employees on training and development.	Extremely perceptive in identifying employees individual differences and rating them accordingly. Constantly counsels employees on training and development.
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>Comments:</b>				



<b>Town of Epping</b> <b>Employee Performance</b> <b>Evaluation</b>	<b>Distribution</b> Original ..... Human Resources Copies to ..... Employee ..... Department File
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Job Knowledge		Communication	
Quantity of Work		Leadership	
Quality of Work		Dependability	
Initiative		Policies and Procedures	
Attitude & Dealing With Co-Workers		Planning and Organizing	
Public Contact		Decision Making	
Operation & Care of City Equipment and Property		Productivity of Employees	
Attendance		Employee Evaluation and Development	
Safety			
Employee Rating Total Score			

Divide the employee’s Total Score by the number of applicable topics.

4.6– 5.0	Exceptional / Outstanding
3.6 – 4.5	Above Average
2.6 – 3.5	Average
1.0 – 2.5	Below Average

**PERFORMANCE EVALUATION RECOMMENDATIONS**

**Employee Strengths:**

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**Areas Needing Improvement:**

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

<b>Town of Epping Employee Performance Evaluation</b>	<b>Distribution</b> Original ..... Human Resources Copies to ..... Employee ..... Department File
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**CERTIFICATIONS**

**CERTIFICATION BY RATER**

I hereby certify that this report constitutes my best judgment of the job performance of this employee and is based on personal knowledge of his/her work. If the employee has worked under my supervision for less than three months, I certify that I have discussed the employee’s performance with the previous supervisor and that the employee’s performance under this supervisor is reflected in the appraisal.

Signature of Rater: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

**CERTIFICATION BY REVIEWER**

I hereby certify that I have carefully reviewed this report and informed the rater of any inconsistencies/errors noted and/or lack of required documentation as given on this form. I understand that if I do not agree with an assigned rating, I can discuss my disagreement with the rater and use the comments section below to state my disagreement.

Signature of Reviewer: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewer Comments:

**REVIEW BY EMPLOYEE**

I hereby certify that I have received a copy of this performance evaluation and that it has been discussed with me. If I disagree with the evaluation, I will use the comments section below to state my complaints.

Signature of Employee \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Employee Comments:

**REVIEW BY HUMAN RESOURCES DIRECTOR**

I hereby certify that I have received this report and noted any inconsistencies/errors.

Signature of Human Resources Director: \_\_\_\_\_ Date: \_\_\_\_\_

Comments:



## **EMPLOYEE STAY INTERVIEW**

### **ANSWERS TO BE INCLUDED WITH THE EMPLOYEE PERFORMANCE EVALUATION FORM**

If you could change something about your job, what would that be?

What is a problem in your department that you would like to help address?

Have you thought about leaving for another job in the last six months? If so, what made you consider this option?

Which of your talents are not being used in your current role?

What can I do to support you better?

How would you rate our work-life balance? How could it be improved?

What does your dream job look like?

Is there anything you would like to share with me or the Board of Selectmen?

**Appendix B**  
**Employee Notification Form**

# TOWN OF EPPING ~~ EMPLOYEE NOTIFICATION FORM

Employees receiving this report are hereby put on notice of a violation of the Town of Epping's rules and/or standards of employee conduct. Further violation(s) of such conduct may result in further discipline including the possible termination of employment.

Employee's Name \_\_\_\_\_ Date \_\_\_\_\_

Department \_\_\_\_\_ Position \_\_\_\_\_

## VIOLATION

- |  |   |
|--|---|
| <input type="checkbox"/> Attendance                                  | <input type="checkbox"/> Threatening or Engaging in Violence                    |
| <input type="checkbox"/> Lateness/Early Quit                         | <input type="checkbox"/> Unfit for Duty   |
| <input type="checkbox"/> Unauthorized Absence From Work Area         | <input type="checkbox"/> Insubordination  |
| <input type="checkbox"/> Substandard Work Quality                    | <input type="checkbox"/> Violation of Safety Rules                              |
| <input type="checkbox"/> Drinking/Drugs While at Work                | <input type="checkbox"/> Working on Personal Matters/Conflict of Interest       |
| <input type="checkbox"/> Carelessness                                | <input type="checkbox"/> Unsatisfactory Behavior Towards Employees or Customers |
| <input type="checkbox"/> Violation of Company Policies or Procedures | <input type="checkbox"/> Other _____  |
| <input type="checkbox"/> Willful Damage to Material/Equipment        |   |

## EMPLOYER'S STATEMENT

Date of Violation \_\_\_\_\_ Time \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## EMPLOYEE'S STATEMENT

- ☐ I agree with Employer's Statement  
☐ I disagree with Employer's description of violation for these reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

## PREVIOUS WARNINGS

Date	Oral	Written	Other	Supervisor/Manager
_____				
_____				
_____				

## ACTION

- ☐ Warning ☐ Suspension ☐ Dismissal ☐ Other \_\_\_\_\_

## TIMETABLE FOR IMPROVEMENT

- ☐ Immediate ☐ 30 days ☐ 60 days ☐ Other \_\_\_\_\_

## CONSEQUENCES

Failure to improve will result in: ☐ Warning ☐ Suspension ☐ Dismissal ☐ Other \_\_\_\_\_

☐ I have read this Employee Warning Report and understand it. ☐ Employee declined to sign this form.

_____	_____	_____	_____
Date	Employee Acknowledgement of Receipt	Date	Supervisor/Manager Signature

**Appendix C**  
**US Department of Labor “Rights and Responsibilities” FMLA Poster**

## **Appendix D**

### **Procedures for Military Leave**

#### **Procedures for Military Leave**

1. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the Town with advance written or verbal notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.
2. To request a temporary or extended military leave of absence, the employee should provide written notice to the Department Head. However, a written notice is not required under the law or this policy.
3. The Department Head will review and submit such request to the Town Administrator for approval and collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly. An employee's request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the Town Administrator based on a case-by-case basis.
4. Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.
5. When the employee intends to return to work, they must provide notice of the date of return to work to the Department Head within the time set forth below.

#### **Benefits**

If an employee is absent from work due to military service, benefits will continue as follows:

1. An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31-day period, the employee and covered dependents can continue group health insurance as provided for under USERRA up to 24 months at 102% of the overall (both employer and employee) premium rate. When the employee returns to work, they will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.
2. Life insurance provided by the Town will terminate immediately following the month in which the employee's leave of absence begins.
3. The long-term disability insurance provided by the Town will terminate immediately following the month in which the employee's leave of absence begins.
4. Employees do not accrue vacation, personal leave, or sick leave while on military leave of absence status.
5. For any applicable retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and that is not greater in duration than three times the length of the employee's military service.

### Reemployment

Upon an employee's prompt notice to the Town of the intent to return to a position of employment with the Town (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the Town, in the position in which the employee had been employed prior to military service.
2. More than 90 days and less than 5 years of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the Town, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. Employee with a service-connected disability - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position they would have attained or in the position that they left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the Town; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

### Request for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, notify the Town of the employee's intent to return to a position of employment according to the following:

1. If service is less than 31 days - then the employee should return to work on the first full regularly scheduled workday following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service.
2. If service is for 31 days or more but less than 181 days - the employee must submit a written request for reemployment with the Town Administrator no later than 14 days following the completion of service.
3. If service is over 180 days - the employee must submit a written request for reemployment with the Town Administrator no later than 90 days following the completion of service.
4. If the employee is hospitalized or convalescing from a service-connected injury - the employee must submit a written request for reemployment with the Town Administrator no later than two years following completion of service.

### Exceptions to Reemployment

In addition to the employee's failure to notify the Town of the employee's intent to return to a position of employment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The Town's circumstances have so changed as to make reemployment impossible or unreasonable
2. Reemployment would pose an undue hardship upon the Town.
3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.



4. The employee if discharged from military services did not receive an honorable discharge from military service.

#### General Benefits upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. Upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

#### Documentation

The Department Head will, upon the employee notifying the Town of the employee's intent to return to a position of employment, request that the employee provide the Town with military discharge documentation to establish the timeliness of the request for reemployment, the duration of the military service, and the date of release from active duty or, if discharged, evidence of honorable discharge from the military service.

**Appendix E**  
**Administrative Review**  
**Employee Statement and Request**

The following statement is provided concerning my personal observations regarding an incident involving questionable employee conduct:

Date of Incident \_\_\_\_\_

Time of  
Incident \_\_\_\_\_

Individuals  
Involved \_\_\_\_\_

Other witnesses \_\_\_\_\_

Description of incident (attach additional sheets as needed):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that this information is an accurate and complete description of my personal observations.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Employee \_\_\_\_\_ Date \_\_\_\_\_

Written Employee Reminder

From: \_\_\_\_\_ Date \_\_\_\_\_  
Department Head Name

Department \_\_\_\_\_

To: \_\_\_\_\_  
Employee Name Title

Problem situation \_\_\_\_\_

Observation of an employee's conduct (or performance)

Effect of employee's conduct on performance\_\_\_\_\_

Similar situation in the past\_\_\_\_\_

Standards expected in the future\_\_\_\_\_

Purpose of corrective action\_\_\_\_\_

The following consequences will occur if employee fails to meet the above standard

These matters will be reviewed on\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Department Head/ Supervisor's Signature

I have read and received a copy of the above statement.

\_\_\_\_\_

**Appendix F**  
**Drug and Alcohol Testing Forms**

## Drug Testing: Reasonable Suspicion Documentation

Date: \_\_\_\_\_

Name of Employee: \_\_\_\_\_

Job Title: \_\_\_\_\_

Location/Department: \_\_\_\_\_

Prior to sending any employee for drug or alcohol testing due to a reasonable suspicion, this form must be completed by a member of management who has had a first-hand observation or conversation with the employee. Document any second member of management who has also witnessed the behavior. If the employee is in a safety sensitive area, remove them from work immediately until a second observer can talk with the employee and/or a decision can be made on whether testing is necessary.

When completing the following document, list all observations you noticed. Be as specific as possible including names of employees/witnesses, when and where you noticed these behaviors occurring, what the employee was doing at the time and any witnesses of these events. Include any observations or changes in appearance, smell, speech, movement, or actions of the employee. Some signs of impairment may include slurred speech, difficulty walking, clumsiness, dilated pupils, watery and/or red eyes.

First Observer Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Observations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Second Observer Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Observations: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Once the observations are documented, the involved management should immediately meet with the Department Head, if available, and decide as soon as possible on whether or not to send the employee for reasonable suspicion testing to rule out the possibility that they may be under the influence of drugs or alcohol at work. This decision should be made and handled in accordance with the Town's Alcohol & Drug Free Workplace Policy.

Describe Action Taken: \_\_\_\_\_

---

---

---

### **Employee Consent for Drug and Alcohol Test**

I, \_\_\_\_\_ (Employee's name), do hereby agree to submit to testing to be performed by \_\_\_\_\_ (laboratory name/address) for detection of drugs and alcohol. I give permission for test results to be released to the Town of Epping.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Employee Signature \_\_\_\_\_

Date \_\_\_\_\_

Witnessed by: \_\_\_\_\_

Date \_\_\_\_\_

### **Authorization of Applicant for Drug/Alcohol Testing**

I, \_\_\_\_\_ (applicant name), do hereby agree to submit to testing to be performed by \_\_\_\_\_ (laboratory name/address) for detection of drugs and alcohol. I give permission for test results to be released to the Town of Epping.

I understand that positive test results, refusal to be tested, or any attempt to affect the test results or test sample will result in withdrawal of my application for employment, withdrawal of any provisional employment offer I have received from the Town of Epping or termination of employment, depending on when results are received.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Applicant Signature \_\_\_\_\_

Date \_\_\_\_\_

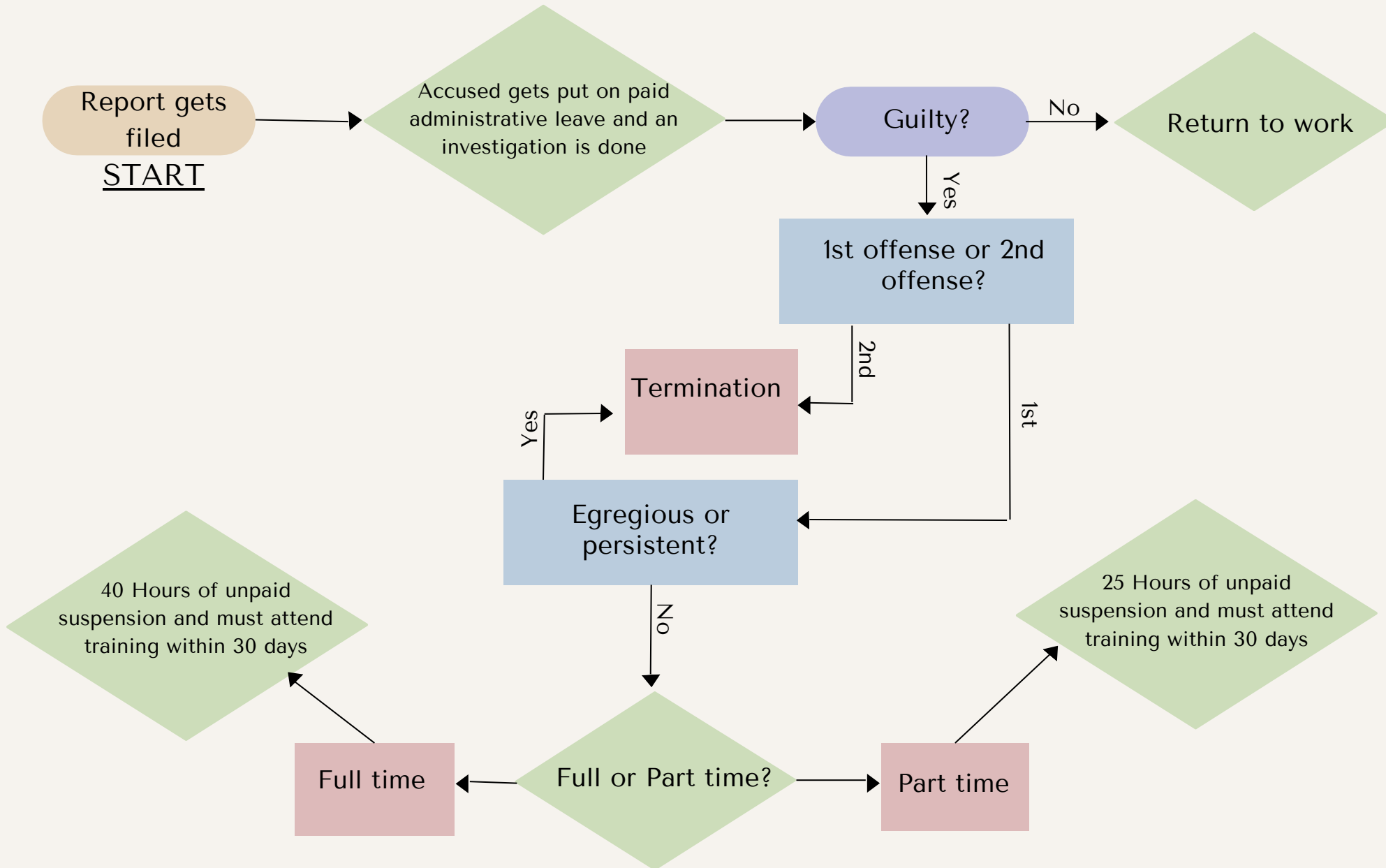
Witnessed by: \_\_\_\_\_

Date \_\_\_\_\_



**Appendix G**  
**Sexual Harassment Flowchart**

# ADDRESSING SEXUAL HARASSMENT



**Receipt and Acknowledgement**  
**Of the Town of Epping's**  
**Personnel Policy**

I have received a copy of the Town of Epping's (the "Town") Personnel Policy, and I understand that I am responsible for reading the personnel policies and procedures within it.

I understand that this Manual replaces all prior manuals and may be changed any time without notice by the Town. I acknowledge, subject to applicable law, that my employment is terminable at will, either by myself or the Town, at any time, regardless of the length of my employment or the granting of benefits of any kind. I further understand that this Manual does not create a contract of employment, either express or implied.

I understand that the Town has included in this Manual an Anti-Harassment Policy because the Town seeks to provide a workplace free of sexual and other prohibited harassment. I understand that unlawful harassment will not be tolerated by the Town.

If I have questions regarding the content or interpretation of this Manual, I will bring them to the attention of my supervisor or Department head.

Employee  
Name \_\_\_\_\_ Date \_\_\_\_\_

Employee  
Signature \_\_\_\_\_

**PLEASE SIGN ABOVE AND RETURN THIS FORM TO YOUR DEPARTMENT HEAD**

4888-5016-9489, v. 4