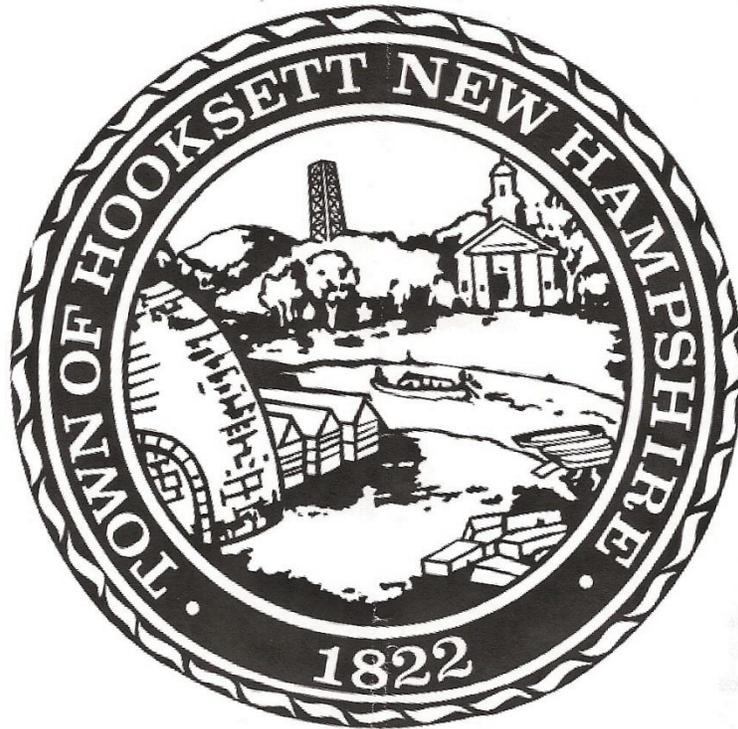


# TOWN OF HOOKSETT

## PERSONNEL PLAN



This document supersedes all personnel policies previously established or approved by the Town Council.

Approved - February 17, 2010  
Latest revision – August 24, 2016

## **WELCOME TO THE TOWN OF HOOKSETT**

Starting a new job is exciting, but at times can be overwhelming. This Personnel Plan has been developed to help you get acquainted with our policies and procedures, and, to answer many of your initial questions.

As an employee of the Town of Hooksett, the importance of your contribution cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. You are an important part of this process.

This Personnel Plan book explains our policies and benefits. It is not intended to be comprehensive, all encompassing, or to address all possible applications of, or exceptions to, the general policies or procedures described. For that reason, if you have any questions concerning a benefit, policy, or practice related to you as an employee, you should address your specific questions to your department head or Human Resources.

The Town is always interested in your constructive ideas and suggestions for improving the operations. We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion offers a reasonable suggestion for improvement.

We are glad you have joined us and we hope you will find your work to be both challenging and rewarding.

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## **PURPOSE**

The purpose of this personnel plan is to establish policies and procedures to ensure, insofar as possible, uniform treatment and administration of personnel employed by the Town of Hooksett, and to inform the employees of the Town of the working conditions regarding their employment.

The overall responsibility for the administration of the Personnel Plan rests with the Town Administrator. Department Heads are responsible for administration within their departments. Besides the Town Council, the Town Administrator is the only one who has the authority to make a special exception to anything in this Personnel Plan.

If any provision of this plan or the application thereof to any person or circumstances is determined to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this plan.

The policies outlined in this manual should be regarded as guidelines only, which may require changing from time to time. The Town of Hooksett retains the right to make decisions involving this Personnel Plan and your employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town of Hooksett. This manual supersedes and replaces any and all prior personnel plans, manuals, policies, procedures, and practices of the Town of Hooksett.

This manual summarizes the current benefit plans maintained by the Town of Hooksett for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this manual. This manual and other plan documents are not contractual in nature and do not guarantee any continuance of benefits.

This manual is not and should not be construed as an express or implied contract and does not modify any existing at-will status of any Town of Hooksett employee. It is not intended to create any due process protections or requirements in excess of federal or state constitutional or statutory requirements, nor does it guarantee any fixed terms or conditions of employment and/or benefits.

As you review the Personnel Plan you will notice that terms such as “workplace” and “premises” appear in many of the policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this manual, please understand that we are discussing Town of Hooksett buildings, facilities and properties, as well as any remote job site to which you may be assigned to work and any vehicle you may be traveling in or using for Town of Hooksett related business.

The Town of Hooksett reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Personnel Plan at any time. If and when provisions are changed, you will be given replacement pages for those sections that have become outdated.

## **1. EMPLOYEE CLASSIFICATIONS**

This section is used to explain the classification of each position and the tools and terms used in identifying and describing each position such as a job description, job title, position classification, exemption status, etc.

**Job description.** A written job description will be provided for each employee. The job description will be a document that describes the general and specific duties assigned to the position. It shall be used as a tool or guide in the job performance of the employee working in the position it applies to. The job description is meant to be illustrative and is in no way all-inclusive. Job descriptions may be amended from time to time on an as-needed basis upon request of the Department Head through Human Resources. When an amended job description is completed, the employee it pertains to will receive a copy and a copy will be placed in the employee's personnel file.

**Job title.** Each employee will be assigned a job title for the position to which they are hired into. No person shall be hired into a position unless the position has been approved by the Town Council.

**Position classification.** Each employee is classified into a certain category of employment. Classifications allow employees to have a clearer understanding of the rights and benefits that are applicable to their positions. When hired you are classified as full-time, part-time, temporary, seasonal, etc, and you will be informed as to whether you qualify for benefits. Unless otherwise specified in this Personnel Plan or as required by law, the benefits described in this Personnel Plan apply only to full-time employees. All other policies described in this Personnel Plan apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of which classification you are, please ask your department head or Human Resources.

- **Full-time:** An employee who has been specifically hired as full-time and who is regularly scheduled to work 35 hours or more, per week. A full-time employee is eligible for all benefits as described in this Personnel Plan.
- **Part-time:** An employee who was specifically hired as part-time and is regularly scheduled to work less than 35 hours per week. A part-time employee is not eligible for benefits described in this Personnel Plan except to the extent required by state or federal law.
- **Temporary:** An employee who was specifically hired for temporary work and is regularly scheduled to work for specific periods of time or for the completion of a specific project. A temporary employee is not eligible for benefits described in this Personnel Plan except to the extent required by state or federal law.
- **Seasonal:** An employee who was specifically hired for seasonal work and is regularly scheduled to work in a specific department for specific periods of time during the year dependent on the season/weather. A seasonal employee is not eligible for benefits as described in this Personnel Plan except to the extent required by state or federal law.
- **Exempt:** Exempt employees are paid on a salary basis and their duties and responsibilities allow them 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. However, it is understood that specific salaried positions are paid on the basis of job responsibility to accomplish the work assigned to the position regardless of the hours required to do the work.

- Non-exempt: Non-exempt employees are paid on an hourly basis and 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.

## **2. PRE-EMPLOYMENT CONDITIONS and CRITERIA**

**Vacancy.** When a position vacancy occurs which the department head wishes to fill, a notice shall be created to include the department, job title, a brief description of duties, starting wage or salary, shift assignment and other pertinent information deemed necessary. This notice will be posted on each department's bulletin board for seven days and in one issue of a local newspaper. If the position is to be filled by promotion or transfer, the posting only needs to be done on each department's bulletin board.

**Creating an additional full-time permanent position.** When a department head wishes to create an additional full-time permanent position, the department head will notify the Town Administrator in writing with the proposed information such as the job title, job description, wage scale, reason for the request, and any other information deemed pertinent. No additional full-time permanent position will be established without the approval of the Town Administrator, vote of the Town Council and placement on the ballot. For clarification purposes, an additional full-time permanent position is one that did not previously exist. This does not mean an increase in the number of workers for a position already in existence. This pertains to the creation of an additional full-time permanent position not in existence. Additional part-time and temporary full-time positions may be added by the Town Administrator within the scope of the same fiscal year without the approval of the Town Council.

**Application.** Application for employment must be filed on the available form(s) prescribed by Human Resources. All applications must be signed by the applicant. Although a resume is generally requested, a resume may or may not be submitted with the application, depending on the request of the vacancy notice. If only a resume is submitted, upon hiring, an application must also be filled out for continuity.

**Equal Employment Opportunity.** The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against applicants for employment based on any legally-protected status, including, but not limited to: veteran or military status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, genetic information or ancestry.

In accordance with the Americans with Disabilities Act of 1990 and RSA 354-A, the Town prohibits any form of discrimination in hiring as well as in all terms and conditions of employment against individuals with physical or mental disabilities. The Town will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process and in performing essential job functions, so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

**Pre-employment checks/tests.** Upon conditional offer of employment, applicants are required to submit to and pass the Town's physical examination, drug testing, alcohol testing, criminal background check, motor vehicle record check, reference checks, and any other applicable checks as deemed necessary by the Department Head or Human Resources.

**Hiring and appointment.** All hirings and appointments shall be made according to merit and fitness, and examining the experience, education, possession of required licenses/certifications, knowledge, skills, abilities and behaviors of the applicants. The priority of all examinations shall be to look at job relevant criteria. All hires must be screened through Human Resources before being presented to the Town Administrator. The department head hires employees after approval from the Town Administrator. The Town Administrator hires department heads after approval from the Town Council.

**Nepotism.** While the Town is committed to hiring the most qualified and capable individuals available for every position, it recognizes the importance of maintaining a collegial and positive work environment. Therefore, the Town will not employ a relative, domestic partner, or roommate

of current employees within the same department if 1) the current employee will be directly supervised by the new employee or 2) the new employee will be directly supervised by the current employee. "Same department" includes all divisions within that department. For the purpose of this policy "relative" means spouse, civil union partner, child, step-child, parent, step-parent, grandparent, grandchild, sibling, aunt, uncle, niece, nephew, immediate first or second cousin, in-law, domestic partner, roommate. "Domestic partner" means adults who are in an ongoing relationship sharing a residence or not. "Roommate" means adults who platonically share a residence.

**Rate of pay.** The rate of pay at the time of hiring will be the minimum rate for that position unless the applicant has above normal qualifications for the position to be filled, in which case the department head may, with approval of the Town Administrator, hire the applicant at a pay rate above the minimum rate. Justification for approval will be in recognition of exceptional qualifications or experience of the applicant. Lack of qualified applicants may also justify an increased rate.

**At-will employment.** Unless otherwise provided in a written contract, a collective bargaining agreement, or set forth by statute, all Town of Hooksett employees are considered to be employees at-will. Employment at-will means that employees are free to resign from their employment at any time, with or without cause, or notice, for no reason. As well, the Town of Hooksett has the right to terminate the employment relationship with an employee at anytime, with or without cause, or notice, for no reason, except as provided by law.

**Previous employment.** Any previous employee who was dismissed or released from employment under less than favorable conditions will not be rehired. If a previous employee of good standing is rehired, all previous benefits, position, rank, accruals, and everything associated with the previous employment will not be carried forward to the new employment. The new employment will begin brand new.

### **3. EMPLOYMENT CONDITIONS**

**Equal Employment Opportunity.** The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees based on any legally-protected status, including, but not limited to: veteran or military status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, genetic information or ancestry. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, benefits and training. See the section in this Personnel Plan on EEOC, Non-Discrimination, Harassment, Sexual Harassment for more information.

**Americans with Disabilities.** In accordance with the Americans with Disabilities Act of 1990 ("ADA") and RSA 354-A, the Town prohibits any form of discrimination in hiring as well as in all terms and conditions of employment against individuals with physical or mental disabilities. The Town will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process and in performing essential job functions, so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Please notify your supervisor if, because of a disability, you require an accommodation to perform the essential functions of your job. You may be asked to provide medical information regarding your disability and possible accommodations, and the Town expects that you will engage in this interactive process in good faith so that we may determine eligibility for accommodation and identify reasonable accommodations. The Town will maintain all medical information in a confidential manner in accordance with the ADA, and will provide reasonable accommodations as required by law. The Town may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

**Confidentiality.** The Town's information and records relating to Hooksett business, operations, plans, projects, strategies, employees, or citizens may be confidential. Therefore, employees must treat all matters accordingly. No Hooksett information, including, without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town) may be removed from Town premises unless permission is received from the Town Administrator. Additionally, the contents of Hooksett's records may not be disclosed to anyone, except as required by law. Employees unsure about the confidential nature of specific information are expected to seek clarification from their supervisor. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

**Work week.** The number of work days in a pay period varies depending on the department. Normal work days are five out of seven, however, the days of work are subject to change depending on the circumstances and services of each department. The work week pay period is from Monday through Sunday.

**Hours of work.** Shift times and schedules vary depending on the circumstances and services of each department and are established by the department head and approved by the Town Administrator. Full-time employees are required to work 35 or more hours per week. In order to qualify as full-time their work must be for one position and not a combination of several part-time positions. Their work must be on a permanent basis and not a fill-in basis. Their classification must be "full-time". The Town Administrator has the authority to reduce or increase hours of any position in any department under administrative control and after consultation with the appropriate department head.

With the exception of pre-approved absences, an employee who is not going to be showing for work must call in as soon as they are able to, but no later than 15 minutes before the start of the shift. Because each department has different call-in standards and is unique with their public service duties, it is the employee's responsibility to be familiar with their department's call-in requirements.

**Policy on Hours of Work for Salaried Exempt Employees.**

Whereas the Town of Hooksett employs a number of salaried exempt employees in various managerial, professional and administrative positions; and

Whereas the Town Council desires to see that town government provides timely service to our residents, businesses and visitors in an effective and efficient manner; and

Whereas this service is provided by our town employees charged with this responsibility; and,

Whereas accountability of employees is guaranteed by, and their access to the information they may need is enhanced by, the presence of their supervisors; and,

Whereas we believe it is important for the safety of the employees, as well as the first responders, to know, as much as possible, who should be present in the building at any given time,

We, the Town Council therefore establish the following policy regarding the hours of work for all salaried exempt employees:

All salaried exempt employees are expected to be present at their duty stations (e.g., the town offices, the safety center, dpw garage) between the hours of 8:00 am and 4:30 pm from Monday through Friday.

It is understood that salaried exempt employees may be required to work additional hours for meetings or special events as part of their regular job duties.

If the employee's duties require them to be away from their primary duty station (e.g., for a meeting, workshop or other) they should inform their immediate supervisor in writing and in advance.

Exceptions to this policy for specific positions may be granted by the Council if they feel that the position requires different hours or more flexibility in order to provide the Town of Hooksett with the best possible service. The process for requesting exceptions is as follows: The person presently in the position should write a request to the Council with a copy to the Town Administrator. The Town Administrator will put it on a Council agenda and the Town Administrator will include a recommendation as to whether the Council should or should not grant the exception. The requesting employee will be given a chance to address their request at the Council meeting. The Council's decision will be final.

We understand that an employee deviating from these hours cannot have his or her salary impacted, but rather that non-compliance is considered a disciplinary matter to be handled in accordance with the town personnel policy.

This policy will go into effect on July 1, 2015, which will give employees time to request exemptions before it takes effect.

**Snow day or other work closure.** Excluding emergency services, employees generally are expected to report to work during inclement weather. However, there may be occasions when all Town offices will be closed for an entire day, will close early, or will have a delayed opening, due to severe inclement weather or other reasons. When that occurs, employees will be paid for the entire shift. You should contact your supervisor or watch Channel 9 news (power prevailing) for information as to whether the Town will be open for business. If the departments are not closed due to severe inclement weather, but an employee is unable to get to work, then they must call their supervisor to explain why they could not get to work. Hourly employees who do not come to work because of inclement weather, may use any of their accrued leave time excluding sick leave, unless there is illness. If the accrued leave time has been exhausted, the employee will not be paid for the work-time missed, unless otherwise required by law.

**Probation.** All employees, whether a new hire, promotion, or transfer, will serve in a probationary status for six months from date of hire except employees covered by a collective bargaining agreement (CBA). CBA employees shall follow their CBA. If the CBA coverage doesn't start until after completion of probation, the probationary employee will follow the Personnel Plan. At the end of probation the employee must be evaluated by the department head or applicable supervisor. The evaluation will be done utilizing an evaluation form prescribed by Human Resources. A satisfactory or above rating means the employee successfully passed the evaluation and completed their probation. After successfully completing probation, the employee will be issued a 2% end of probation increase. This increase must be recommended by the department head and approved by the Town Administrator on the evaluation form. The 2% increase will become effective on the first day of non-probationary employment/status. No merit or cost of living increases will be issued to the probationary employee while on probation or retroactively at the conclusion of probation if the employee was on probation on July 1<sup>st</sup>. The Department Head, after consultation with the Town Administrator, may discharge any employee without advance notice during the probationary period.

**Probation extension.** The department head may recommend to the Town Administrator an extension of the probationary period in cases where the employee's performance falls below expectation. The minimum extension of a probationary period is 30-days.

**Probationary employee evaluation.** Evaluations of probation employees including new hires, promotions, transfers, demotions, or any other category, will be conducted by the immediate supervisor at the end of probation. The evaluation will be reviewed with the employee. All involved will sign. The evaluation will be placed in the employee's personnel file.

**Evaluation.** In order for the employee to improve their performance and better understand the Town's expectations, the performance of employees will be evaluated annually by the appropriate supervisor. The employee evaluation will be conducted at the end of the fiscal year. The evaluation will be done utilizing an evaluation form prescribed by human resources. Performance reviews of employees is a continuing process throughout the course of employment, and the employee may meet with their supervisor to discuss performance at other times during the year as well. However, during the annual evaluation process, the supervisor will discuss the evaluation with the employee, giving the employee an opportunity to understand the expectations of their position and to examine strengths and areas in which the employee may need to improve. The employee will have the opportunity to comment and sign the review. The employees signature indicates having seen the evaluation and does not indicate agreement or disagreement with it.

The evaluation will be placed in the employee's personnel file. An evaluation is one of many factors used in connection with compensation, promotion, and retention decisions. It is not a contract or a commitment to provide a compensation adjustment, a promotion, a bonus, or continued employment.

**Meal breaks.** Meal breaks will be taken in accordance with established Town rules and no less than Department of Labor laws.

**Uniforms.** Uniforms are not to be worn off duty with the exception of driving to and from work. Uniform items that are damaged, destroyed, are made unserviceable or are unrepresentable will require the employee to pay for the repair or replacement, if, in the opinion of the department head, the damage resulted from the carelessness, negligence or improper use by the employee while on duty. If the uniforms were worn off-duty and are damaged in any manner or destroyed, the employee will be required to pay for the repair or replacement. Uniforms damaged or destroyed while on-duty will be repaired or replaced by the Town.

**Uniforms – Police Department (non-union).** All sworn non-union Police personnel required to wear a uniform shall receive a uniform allowance each year on the first payday in December in the amount of \$850.00. Uniform allowances shall be for the purposes of purchasing and maintaining required uniforms. Probationary employees shall receive a pro-rated uniform allowance. In order to secure tax deductibility for the allowance the employee shall be required to comply with the Internal Revenue Service regulations which mandate the submission of a receipt as a condition before taking a lawful tax deduction. Such receipt shall be submitted to the Town on or before November 15th of each year or this stipend shall be considered to be ordinary income to the recipient.

A uniform allowance will not be due any non-union Police personnel leaving employment for any reason within the first 365 days of employment.

All uniformed personnel shall be responsible for wearing the uniform as specified in Department regulations and shall be required to keep uniforms clean and in good repair. Uniform items that are damaged, destroyed, are made unserviceable, or are not presentable will not be replaced by the Police Department if in the opinion of the Chief the damage resulted from the carelessness, negligence or improper use by the employee.

**Dress code.** The Town expects all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Footwear such as flip-flops or other beach type footwear is not acceptable. Tight-fitting clothing, low riding pants, tank tops, bare midriff shirts, shirts with bare backs, casual shorts, mini skirts, and mini dresses are not considered workplace appropriate clothing. Exceptions to the personal dress policy may be made for inclement weather. If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law. Any questions concerning dress should be directed to Human Resources.

**Pay period.** Employees are paid on a weekly basis. Payday is every Thursday. The pay period is from Monday through Sunday. Pay is for all hours worked during the preceding pay period. Employees should review their paychecks for errors. If they find a mistake, they should report it to their Department Head. Paychecks will be distributed only to the employee via hand-out; or the US Postal Service upon request.

**Reporting of time worked.** It is important that your time be accurately reported so that you are compensated for the hours that you work. A time slip must be completed at the end of the pay period. No one is authorized to fill out another employee's time slip. However, a Department Head or designee may authorize payment for time worked. The employee's time slip must be obtained when the employee returns to work. Falsification of time records could lead to disciplinary action, up to and including dismissal.

**Overtime.** An employee who is classified as non-exempt (hourly) is eligible for overtime. Personnel shortages, peak work loads and other emergency situations may make it necessary for

an employee to work beyond their regular work schedule in a pay period. An employee is eligible for overtime pay if their work hours during a pay period exceed their regular work schedule. The calculation of work hours includes all approved absences and does not include unapproved absences. Hours above the regular work schedule in a pay period will be paid at the rate of time and one-half. Overtime must have the approval of a supervisor.

**Distribution of overtime.** To the extent possible, overtime will be distributed as evenly as possible among the employees qualified to perform the particular job. This will not be grounds for a grievance procedure and the final decision rests with the department head.

**Call-outs.** Non-supervisory employees called out to perform emergency work on other than paid holidays shall be compensated for at least three hours of work. If a call-out is on a paid holiday, the call-out pay will be in addition to the holiday pay.

**Compensatory time.** An employee who is classified as hourly (non-exempt) is eligible for compensatory time. An employee is eligible for compensatory time if their work hours during a single pay period exceed their regular work schedule. If the employee chooses compensatory time in lieu of overtime, approval must be obtained from their supervisor. The calculation of work hours includes all approved absences and does not include unapproved absences. Work conducted over the regular work schedule in a single pay period will be given to the employee at a rate of time and one half in the form of paid time off. Employees will be encouraged to use compensatory time as soon as possible after the time is accrued. In no case will an employee be allowed to accrue more than twenty (20) hours of compensatory time. Accrued compensatory time must be used during the fiscal year in which it was accrued. In the rare instance when an employee wants to carry over any unused compensatory time into the next fiscal year, approval must be received from the Town Administrator, otherwise, the leftover compensatory time is forfeited.

Each Department Head will decide if the compensatory time policy will apply to their department. If not allowed, the policy will remain as "not allowed" until the Department Head changes it. If allowed, it applies only to non-exempt hourly employees, per the provisions of the Fair Labor Standards Act.

When the employment of an employee ends, for any reason, the employee will be eligible for payment of accrued compensatory time up to the 20-hour cap.

**Flextime.** Flextime is a schedule or arrangement by which an employee may work an alternate work schedule within specific limits dictated by the needs of the job, conforming to the requirements of the department, and is subject to department head review and approval. As an example, if an employee arrives to work 30 minutes beyond the regularly scheduled start time, but could work an additional 30 minutes at the end of the shift to make up the time, then the department head has the authority to allow that employee to work the additional 30 minutes on that day or another day as long as it's all during the same pay period. Alternatively, an employee who works an extra 30 minutes on a particular day, and wishes to leave work early by 30 minutes on the same day or another, may do so as long as it is within the same pay period and has approval of the department head. The end result being no overtime or comp time would be accrued or used, and the employee would be paid for their normal work week.

When a flextime schedule or arrangement is used, it is the department head's responsibility to ensure that staffing is always available to meet the operational requirements of the department as well as the needs of the public during normal business hours. The department head has the discretion to determine if staffing coverage is adequate and sufficient to meet the operating requirements of the department. The department head may, at their discretion, implement, continue, discontinue or modify flextime work schedules. The department head has the right to return an employee to a standard work schedule. The department head ensures that flextime is

administered consistently and equitably within the department. The employee must plan and organize their time to meet the job requirements established by the department head.

**Payroll deductions for all employees.** There are two categories of payroll deductions, those required by state or federal law and those authorized by the employee. Payroll deductions required by state and federal law include federal withholding, FICA, NHRS, and wage garnishments. (i.e. child support payments, court-ordered payments, IRS garnishments). If authorized by the employee, the Town will also make payroll deductions for union dues, health insurance, dental insurance, direct deposit, supplemental options, and any other Town authorized deduction. These deductions will be itemized on the paycheck stub. Under New Hampshire law, the Town may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except, with appropriate authorization.

**Payroll deductions for salaried exempt employees.** The Town complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried exempt employees receive a predetermined salary which 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 Town prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Exempt 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. Exempt employees should also note that it is permissible for an employer to apply vacation, sick, personal and other forms of paid time off to partial or full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

**Compensation system.** The compensation system is created by the Town Administrator subject to approval by the Town Council. The compensation system is used to assign a wage/salary to each position by job title. All assigned wages/salaries will be within the compensation system and will be determined by the financial policy of the Town and other economic considerations.

**Compensation system amendment.** The Town Administrator may present to the Town Council, or request an amendment be done by the Town Council, on the compensation system. This could be due to changes in position responsibility, the creation of a new position, updating the compensation amounts or ranges as they fall behind, the Town's financial position or policies, or other information which would warrant such a request. All amendments to the compensation system must receive final approval by the Town Council prior to going into effect.

**Pay increases.** Pay increases will be issued according to the instructions and approval of the Town Council. The Town Council annually decides the type of increase such as merit, cost of living, etc., and the percentage amount for the type(s) of increase. Increases will be awarded at the beginning of the fiscal year unless otherwise instructed by the Town Council. A merit increase will be issued after an evaluation has been completed with a recommendation by the Department Head and approval by the Town Administrator. A cost of living increase will be issued at the beginning of the fiscal year, unless otherwise instructed by the Town Council. Cost of living increases are not tied to an evaluation. All increases, regardless of the type, will be issued or not issued, in accordance with Town Council instructions associated with it.

**Promotion.** Employees are welcome to apply to any posting which would result in a promotion. The Town strives to provide employees with the opportunity to make full use of their skills, interests and potential. To support employee growth and development, the Town will make every effort to promote qualified employees if possible, based upon the needs of the position and employee qualifications. The Town will also recruit individuals from outside of the Town employ when applicable. I.e.: If no applicants are qualified for the position.

A promotion within a department must be recommended by the department head and approved by the Town Administrator. Department head consideration must be given to the promotability of all applicants. In the event that an employee and non-employee appear to be equally well qualified, preference shall be given to the employee. When two or more employees appear equally qualified for a promotion, preference shall be decided upon by the department head. If applicants are employees from different departments, preference shall be decided upon by the department head. All benefit accruals and insurances will remain with the employee upon promotion and will continue based on length of employment with the Town provided the employee has been promoted.

When promoted, beginning on the first day in the new position, the employee will begin a new rate of pay, will follow a new job description, will have a new job title, and will begin a new probationary period. If the promoted employee will be governed by a CBA or other employment contract, the CBA or employment contract will be followed for these items.

**Transfer, demotion, reclassification, reorganization.** It may be necessary at times for employees to be transferred, demoted, reclassified, or a department to be reorganized due to staffing, budgetary needs, most effective use of personnel, inability to handle position responsibilities, or discipline. Employees are to be trained on new responsibilities a new position requires. Once an employee successfully completes the training, the employee may receive appropriate compensation based on the education, possession of required licenses/certifications, knowledge and abilities.

If an employee applies for a position in another department and is hired, this will be called a transfer. In the case of this type of a transfer, both Department Heads must recommend the transfer with final approval by the Town Administrator. Transfers of any type will not effect an employee's seniority.

**Temporary Alternative Duty/Light 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, the employee will be returned to his/her regular duties with modifications consistent with a healthcare provider's stipulated work restrictions. In the event that such restrictions make it impracticable for an employee to perform his or her normal job duties, even with modification, the employee may be reassigned to different duties or a different work schedule which may include assignment to a different department in 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.

Temporary alternative duty will be available to employees for a period of time as long as the circumstances of the illness/injury requires, but not longer than four months and as such duties are available.

The treating healthcare provider and the employee share the responsibility of providing the Town the workers compensation medical form after each medical appointment. This form provides information relating to the employee's capabilities needed in order to structure a temporary alternative duty program. After each medical appointment the employee will provide the updated medical form to the Department Head.

The Department Head will work with the employee to facilitate a safe return to work process within limitations listed by the treating physician. If necessary, the Town may contact the treating physician for additional information. Additional modifications will be made to the process as required.

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

**Benefits – start of employment.** All benefits begin upon date of hire with the exception of contractual benefits such as insurances, which may have a specific contractual start-date such as the first of each month. Additional detailed information on benefits are listed elsewhere in the Personnel Plan and are available in Human Resources.

**NHRS – start of employment.** Upon employment with the Town, a booklet which is provided by the New Hampshire Retirement System (NHRS) is provided to each employee. This booklet outlines all benefits and other pertinent information regarding this pension plan system. The NHRS is a public employee pension plan that provides retirement, disability, and death benefits to its members and their beneficiaries. NHRS is a defined benefit plan, which offers eligible members a lifetime pension. The amount of the pension is based on a formula of salary, average final compensation, and creditable service, not on the contributions paid into the plan. A percentage of the employee's gross earnings are deducted weekly from the employee's paycheck and are submitted monthly to the NHRS by the Town. The Town submits, at the same time, a percentage towards each employee's retirement fund. The current percentages are designated by the NHRS. NHRS is made up of two groups. Group I is for employees of school districts, counties, municipalities and other political subdivisions. Group II is for police officers and firefighters. NHRS administers a post-retirement medical insurance subsidy for eligible police officers, firefighters, retired employees and teachers. The NHRS is governed by RSA 100-A. Because the laws regulating the NHRS change regularly, contact Human Resources or the NH Retirement System for more information on the specifics of the system.

**Personnel file.** Personnel records are maintained on all employees. These files are property of the Town and are securely maintained in Human Resources. These files are considered the employee's official employment records and are the only permanent personnel records within the Town. The files may include, but are not limited to, wage/salary status, benefit information, performance evaluation, commendations, disciplinary actions, training records, and other information, which is necessary for administrative functions. Files are categorized according to law. Employees are allowed access to their files and/or may have a copy of anything within their files upon reasonable notification to Human Resources and the completion of an access form. To ensure the integrity of the contents of the files, access is only granted under the supervision of a Human Resources official or an administrative designee. Portions of the records may not be removed at any time unless State or Federal law, or a Union Contract allows such action. If the employee disagrees with any information contained in the files they may write a statement explaining their version of the information and the statement will be added to the files as permanent record.

**Political Activities.** It is the right of employees to belong to political parties of their choice and to freely exercise their right to political involvement. However, while on-duty the following restrictions apply.

- Employees are not allowed to use their position to advance the candidacy of any individual or cause.
- Employees are not allowed to campaign by any means for an individual or cause.
- Employees are not to erect any type of signage on Town-owned property with the exception of applicable State laws pertaining to right-of-ways.
- Employees are not allowed to campaign on Town property off-duty with the exception of a public polling place or annual Town meeting(s) and if so, must follow all applicable State laws.

The Town complies with the applicable Federal and State laws concerning the political activity of public employees.

**Conflict of Interest.** The Town expects its employees to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create an actual conflict or the appearance of a conflict of interest. Examples of conduct and behavior that would create a conflict or the appearance of a conflict include, but are not limited to, the following:

- Investing in any of the Town vendors or suppliers, unless the securities are publicly traded and the investments are on the same terms available to the general public, and not based on any inside information. Or, having any financial interest in a vendor or supplier that could cause divided loyalty or even the appearance of divided loyalty.
- Using, directly or indirectly, Town funds, assets, or other resources for any unlawful goal or purpose.
- Engaging in practices that violate Federal, State or local laws or ordinances.

Employees with any questions regarding these guidelines are required to discuss them with their department head or Human Resources prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including dismissal.

**Outside Employment.** No employee will accept or engage in any outside employment or self employment which interferes with the proper performance of their duties, constitutes as a conflict of interest, or reflects discredit upon the Town. No employee will solicit or engage in any employment or self-employment during their regular working hours, nor will an employee use town vehicles, equipment, or facilities in the pursuit of performing outside employment.

**Criminal and motor vehicle citations, arrests, convictions.** When an employee is convicted of a crime of any level or a motor vehicle violation of any level, occurring on-duty, is work related, or would somehow affect the job responsibilities, requirements, or duties of the employee, the employee is required to report the incident to their department head, Human Resources, or the Town Administrator immediately. Such violations of law that affect the employee with regards to the Town and their Town employment will result in disciplinary action, up to and including dismissal.

If the crime or motor vehicle violation does not affect the work position, responsibilities or duties of the employee while on-duty, it is not necessary to report it to the department head. If the employee is unsure, it is their responsibility to speak with a supervisor or Human Resources to get a determination.

#### **4. WORKPLACE CONDUCT**

##### **Workplace violence**

##### **Prescription and over-the-counter medicine**

##### **Smoking**

##### **Workplace searches**

##### **Standards of conduct**

##### **Drugs and alcohol in the workplace and testing**

Employees must, as a condition of employment, abide by the terms of this entire Workplace Conduct section. A violation of any part of this section will result in disciplinary action, up to and including dismissal and may also have legal consequences including the notification of law enforcement and prosecuting violators to the fullest extent of the law. If you become aware of a violation of any part of this section, you are required to immediately report the matter to your supervisor, Human Resources, or the Town Administrator.

The Town reserves the right to require any employee to submit to a fitness for duty exam when there is a reasonable basis to believe that the employee may be under the influence of alcohol or drugs, may be otherwise unfit for duty, or may be violating any part of this section. Fitness for duty exams may include, but are not limited to, tests for the presence of drugs, alcohol, psychological fitness, etc. Employees must consent to fitness for duty exams as a condition of employment. The cost of any such fitness for duty exams will be covered by the Town.

**Workplace violence.** Unfortunately, violence in the workplace has become a reality for many employers. The Town hopes that we never have to face this growing problem. Violence, verbal or physical threats of violence of any type in the workplace or on Town property will not be tolerated

**Prescription medication and over-the-counter medication.** In order to provide for a safe work environment for all employees and the public, it's required that any employee who uses certain types of medications as described below talk to their Department Head about it. All discussions will be kept confidential with the exception of Human Resources. This type of information is important for the Town to know about for liability purposes in order to protect the public, co-workers, and the employee himself. By having this information, the Town also would be able to assist during a medical emergency or urgent situation involving the employee himself. The Town maintains the following reporting requirements concerning authorized medicines, unauthorized medicines, and over-the-counter medicines:

- Any employee who is taking medication that may impair his or her ability to safely perform job functions must inform their Department Head immediately, and must not perform any work until authorized to do so by the Department Head.
- Any employee who is taking any type of medication which causes some effect, must inform their supervisor in writing with complete information on the medication such as name of medicine, amount taken, when taken, pharmacy name if applicable, doctors name and phone number. The supervisor must forward this information to Human Resources and it will be kept in the employee's confidential medical file in Human Resources. Once the employee is no longer taking the medication, or there is any type of a change in the status of the usage, or type of medication, etc, the employee must also put that into writing which will also be kept in their confidential medical file in Human Resources.

**Smoking.** The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees and all others. Consistent with our commitment and state law,

smoking is not allowed in any area of Town buildings except in a designated smoking area. Any employee wishing to smoke must do so only during authorized breaks in a designated smoking area. Smoking is not allowed in Town owned/leased vehicles.

**Workplace searches.** 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. To safeguard the safety and property of the employees, residents, and the Town, and to help prevent the violation of any section in the Personnel Plan, it may become necessary to question employees entering and leaving our premises, and to inspect, without prior notice, any packages, parcels, purses, bags, briefcases, lunch boxes, or any other possessions or articles carried to and from Town property. This also includes Town vehicles and privately owned vehicles brought onto Town property or at locations where work-related activities are being conducted. In addition, the Town reserves the right to search any employee's office, desk, files, locker, vehicle, or any other area or article on Town property in pursuit of our concern to safeguard the safety and property of employees and the Town. 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 the questioning or an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, any type of a weapon, illegal drugs, alcohol, or anything in violation of the Personnel Plan, will be subject to disciplinary action as listed in the opening subsections.

**Standards of conduct.** All employees are required to comply with normal standards of conduct, which are intended to promote consistency and harmony in the workplace, and to support the missions and objectives of the Town. We recognize that no list can be all inclusive. Incidents may arise that are not covered by the below list which may lead to discipline, up to and including dismissal. The following list is intended to be a guide in recognizing certain behaviors which are clearly prohibited and which are considered by the Town to constitute cause for disciplinary action, up to and including dismissal.

- **Absence and lateness.** Excessive absenteeism and/or lateness; failing to call in when absent; overstaying allotted break time; leaving the work area or work early without permission; misuse of any leave of absence.
- **Employment records.** Making a false statement on the application form; falsifying Town and employment records.
- **Attitude.** Using abusive language to any person while at work, creating any type of disturbance, demonstrating a lack of cooperation, verbally abusing or neglecting visitors or residents of the Town.
- **Safety.** Violation of safety regulations or endangering the health or safety of other persons; failing to report any work-related accidents; failing to notify supervisor or appropriate contact person of a safety issue.
- **Employee relations.** Using abusive or profane language to another employee; negligent or intentional destruction of another employee's personal possessions; threatening bodily harm; intent to strike; striking another employee. Using threatening, abusive or profane language or other provocation which might reasonably be expected to result in a disturbance.
- **Crime.** The conviction of any level crime, occurring on-duty, or work-related, or would somehow affect the job responsibilities and duties of the employee. See 'Employment Conditions' for more information.
- **Dishonesty.** Dishonesty to a coworker, resident, or visitor to the Town.

- Incompetence. Repetition of avoidable mistakes to a point that the mistakes demonstrate a disregard for the Town's interest.
- Neglect of duty. Negligence in the performance of duties which conflicts with the Town's interest. Neglect of duty resulting in inferior work, lack of work, equipment breakdown, or waste of materials, supplies or products.
- Unsatisfactory job performance. Failing to demonstrate the requisite skills or abilities to satisfactorily discharge the employee's duties.
- Telephone, facsimile, computer, e-mail, photocopier. Excessive use of Town telephone, facsimile, computer, e-mail, Internet access and/or photocopier for personal purposes.
- Theft or destruction of property. The theft or negligent or intentional destruction of any Town property or the personal property of a coworker, resident or visitor.
- Insubordination. Acting in an insubordinate manner toward any supervisor or in disregard of any directive of the Town.
- Violation of the Town's policies, procedures or rules. Violating or failing to follow the Town's policies, procedures or rules.

**Drugs and alcohol in the workplace, and testing**. The Town is committed to providing a work environment that is healthy, safe, and free of drugs and alcohol. In doing so all employees are required to submit to drug and alcohol testing upon request of a supervisor. In support of our commitment to a healthy and safe work environment, the Town prohibits the following conduct and any conduct which, in our determination, is not consistent with our commitment.

- The manufacture, distribution, sale, possession, storage, or use of a controlled substance, unauthorized prescription drug, drug paraphernalia, or alcohol, at any time on Town property, on duty, while conducting Town business elsewhere, or during work hours.
- Reporting to work or otherwise working under the influence of drugs or alcohol, or under the influence of legal drugs that may impair your ability to safely perform your job functions.
- Reporting to work in a condition that is not fit for work. In addition to being under the influence as mentioned above, other indications of a lack of fitness for duty are smelling of alcohol, appearing to be "hung-over", or otherwise appearing or being unable to effectively interact with citizens, visitors, and co-workers, and work safely and properly without impairment.
- Failing to submit to a required fitness for duty exam.

The Town recognizes drug dependency as an illness and a major health problem. Employees needing help in dealing with such problems are encouraged to use services provided with their health insurance, or the "Employee Assistance Program". More information on EAP is available in Human Resources. Conscientious efforts to seek such help will not jeopardize any employee's position.

An employee must, as a condition of employment, report to their Department Head any arrest under a criminal drug statute which occurred on Town property, while on-duty, conducting Town business outside of the normal work hours, or an arrest which would jeopardize their job

functions. This report must be made on the following work day after the arrest. Once the case has been finalized/closed, the employee must also report to the Department Head the final disposition of the case on the following work day.

The Town follows all protocols of the U.S. Department of Transportation drug and alcohol testing program for all employees whether they fall under the federal criteria, or not.

**1. Prohibitions.** No employee shall report for duty, remain on duty or operate a Town vehicle or any equipment, while under the influence, while in possession of, or while using alcohol or a controlled substance, or over-the-counter medications which may have an effect. In the case of controlled substances, an exception is made if prescribed by or used pursuant to advice of a physician. The employee must be advised by their physician or pharmacist that the substance won't impair their ability to operate a motor vehicle. Any employee shall inform their supervisor of therapeutic drug use that may impair the employee's ability to perform job functions. Please see "Prescription medication and over-the-counter medication" for more information.

Employees shall not perform safety sensitive functions within four hours after using alcohol.

No supervisor having actual knowledge that an employee is under the influence, in possession of, or using alcohol or a controlled substance, shall permit the employee to perform or continue to perform safety sensitive or non-safety functions.

**2. Testing.** Testing shall apply to all employees. The refusal to submit to a required test will be treated as a positive result.

The following classes of drugs will be subject to testing by urinalysis: marijuana, cocaine, phencyclidine (PCP), opiates (includes codeine) and amphetamines, and any other class of drugs covered under the U.S. Department of Transportation Drug and Alcohol regulations. Alcohol testing is done through breath analysis or any other method used by the collection site facility in accordance with approved U.S. DOT protocol.

**Positive test result:** (Employee fails drug/alcohol test) A positive result during the initial screening requires that the laboratory do a confirmation test. Once confirmed, the results are submitted to the MRO. The MRO will attempt to contact the employee. The MRO will either declare a verified positive test, or cancel the positive result after discussion with the employee. In the event the MRO is unable to contact the employee in accordance with DOT regulations, the laboratory positive result will be reported to Human Resources. Human Resources will contact the Department Head with the test results. The Department Head will contact the employee and arrange to meet with them and discuss the disciplinary measures to be taken. See "Positive test consequences".

In the case of a positive drug test result, the employee may request a test (B bottle) (at their own expense) of the split sample urine specimen by contacting the MRO. Should the test result in a negative test result, the Town will reimburse the cost of the test (B bottle) to the employee. The employee will be reinstated with back pay and full benefits. Documentation of the negative test result will be placed in the employee's file.

Types of drug and alcohol testing include pre-employment, reasonable cause/suspicion, post accident involving fault or injury, random, return to duty, and follow-up.

Positive alcohol screenings are confirmed through a second breath analysis. After various steps, which could include a discussion with the employee, the MRO will declare a verified positive test or cancel the test altogether.

**Positive test consequences:** Employees who are directed to take a test and refuse to cooperate will be subject to immediate suspension and will be treated as an employee who tests positive.

If the employee's drug test result is positive, the employee is placed on paid administrative leave for the remainder of the workday and driven home. The employee is then placed on unpaid suspension. The employee's unpaid suspension from work will be for a minimum of seven workdays and a maximum unlimited days until the employee does all of the following:

- Meet with a licensed substance abuse professional for assessment and begin appropriate treatment.
- A fit-for-duty report must be provided to Human Resources.
- Take and pass a drug and/or alcohol test at the Town's medical facility.

A. Pre-employment. All offers of employment extended for any position must be conditioned upon negative drug and alcohol tests. If the applicant fails the test, the offer of employment shall be withdrawn.

B. Reasonable Cause/Suspicion. Reasonable cause/suspicion includes but is not limited to personal and contemporaneous observation of specific behaviors or performance or physical characteristics which indicate that an employee may be under the influence of drugs or alcohol during work hours.

A supervisor trained in the detection of symptoms of drug and alcohol abuse must observe the behavior of any employee who appears to be under the influence of drugs or alcohol at work. If available, another person should witness or confirm these observations. These observations must be documented in writing. The supervisor shall observe and consider the employee's performance, speech, breath odor, balance, overall appearance and any physical evidence of alcohol or drugs.

The supervisor will do the following.

- Approach the employee and ask, "Are you feeling okay?" or "How are you feeling?" This is a non-threatening, non-defensive way to begin your discussion. Remember that behavior which can indicate drug and/or alcohol use may be an indication of a variety of other medical or non-medical conditions.
- Ask the employee if they are taking any prescription medication or other medication that may cause the appearance of drug or alcohol impairment. If appropriate, require the employee to provide written proof of such within 24 hours.
- Listen very carefully to the response given by the employee. Using your best judgment, determine if the employee is a threat to their safety or the safety of others based on your concerns and observations. If you believe the employee is not fit for duty remove the employee from their regular duties.
- After removal of the employee from their duties, ask the employee to wait for you in a private office or area. Escort the employee to that location. Have someone wait with the employee while you contact the Department Head for approval to drug and/or alcohol test. Be prepared to describe specifically the documented behaviors and physical symptoms that indicate to you that this employee may be under the influence of an a drug or alcohol.
- Once approval is received, contact the medical facility to arrange for the tests.
- Inform the employee that they will be tested and what they will be tested for.

- If the employee refuses to be tested inform them that refusal will result in suspension without pay and they will be treated as an employee who tests positive. If the employee still refuses, restate the repercussions of refusing the test. Should the employee refuse a third time, contact the Department Head for approval to suspend. If you are the Department Head, follow suspension guidelines listed under section "XI Positive Test". Do not allow the employee to go home on their own accord. Arrange to transport the employee home. Thoroughly document the meeting. Documentation must be completed and signed by a witness within 24 hours of the meeting.
- If the employee consents to be tested, accompany the employee to the medical facility. Stay with the employee until the test(s) are completed. Inform the employee that they will be placed on paid administrative leave for the remainder of the workday and suspended without pay pending the results of the test(s). Take the employee home after the test is complete or arrange for transportation. Do not allow the employee to go home on their own accord. Document the meeting and show the administrative leave and suspension on applicable time sheets.
- The transportation of an employee appearing to be under the influence will require the supervisor to attempt to contact the employee's family to arrange transportation. The supervisor will make reasonable efforts to get the employee home safely. The supervisor will not detain the employee against their will, however, under certain circumstances it may be necessary for the supervisor to contact local police.
- Notify Human Resources of all of the above.

Reasonable cause/suspicion negative test result: (Employee passes drug/alcohol test)  
Human Resources will be contacted with the results of the test. Human Resources will contact the Department Head with the results of the test(s). The Department Head will inform the employee that they will be allowed to return to work without loss in pay and benefits unless the behavior(s) itself which prompted the test warrants discipline or it is established that the employee was impaired due to other reasons in violation of this policy.

C. Post Accident. After an accident of any type (motor vehicle or non-motor vehicle), an employee may be subject to testing and/or disciplinary action based on reasonable cause. Testing is also required if the accident results in a fatality or injury of any sort, or if the employee is found to be at fault of the accident.

Drug testing must be performed as soon as practicable after the accident. Alcohol testing must be performed within two hours after an accident. If, for unavoidable reasons, alcohol testing is performed beyond two hours but before eight hours post accident, the Department Head must document why there was a delay in testing. If alcohol testing cannot be performed within eight hours post-accident, all attempts to an alcohol test shall stop. The Department Head must document why testing could not be done within the required period. Any employee that is involved in an accident in which alcohol testing is required must abstain from alcohol use until they are alcohol tested; or eight hours have elapsed post accident. Post accident alcohol testing may be performed or referred by trained law enforcement officials in lieu of a medical facility. If testing is performed post accident, follow the procedures outlined under "Reasonable Cause." The employee's supervisor will transport the employee or arrange to have the employee transported to the testing or collection site.

If an employee is injured, unconscious, or otherwise unable to consent to testing, all reasonable steps will be taken to obtain a sample. The Department Head will notify the hospital or medical treatment facility where the employee has been taken, of the need to obtain specimens for drug and alcohol testing. Necessary medical attention will not be delayed in order to collect any specimen and any injury to the employee should be treated first.

The consequence for a positive post accident test result is immediate discharge. An employee will be suspended without pay pending the result of post accident test(s). In the event that the test(s) are negative, the employee will be reinstated without loss of pay or benefits, unless other conduct warrants discipline under Town policy.

D. Random. The consortium is responsible for the random selection of employees for testing and will provide a list of randomly selected employees to Human Resources. Random tests will be conducted on a monthly or quarterly basis at threshold levels prescribed by the Town. Each employee in the pools will be assigned an identification number. Except for providing and updating the employees information to the consortium, the Town will not be involved in the random selection process.

It is important for employees in the random pools to understand that if they are drawn for a drug or alcohol random test, their identification number is not withdrawn from the pool. Rather it goes back into the random pool and may be selected again in the future. This can result in an employee being randomly tested several times in one year.

At least 25 percent of employees in the DOT pool shall be selected for random drug testing and 10 percent shall be selected for random alcohol testing each year. These percentages are subject to amendment up or down by the US DOT.

Each department head will be the medical contact person for their department unless designated to another member of that department. The Department Head shall keep all information confidential at all times with the exception of testing appointments and results. Each quarter Human Resources will provide a list of the selected employees to be tested to the Department Head who is responsible for scheduling the test appointments. Tests shall only be scheduled during work hours. If a selected employee is on leave, their name may be held in reserve until such time as they are available for testing. The Department Head will contact the testing facility and supply all information needed, such as name of the employee, social security number, date of birth, whether the employee is a random DOT or Non-DOT test, etc, and the type of test(s) to be performed. The Department Head will not notify the selected employee that they have been scheduled. The Department Head will only notify selected employees to report for testing when the employee is on duty and immediately before the scheduled appointment. At the time of notification the employee must report immediately for testing. All time spent reporting for and during testing shall be considered on duty. If the employee uses his or her personal vehicle to report to a testing site, mileage will be reimbursed. The laboratory will send test results to the consortium for review.

Random negative test results: (Employee passes drug/alcohol test)  
Human Resources will notify the Department Head of the negative result by employee name. The Department Head then must notify the employee of the test result(s).

**3. Collection Site.** A collection site is a place designated by the Town where employees present themselves to provide a urine specimen to be analyzed for the presence of drugs and/or breath and/or blood sample for alcohol analysis. The Town reserves the right to change designated collection sites under this policy and a designated collection site may be any suitable location where specimens can be collected under the conditions set forth in regulations, including a properly equipped mobile facility. In the case of a post accident drug test, specimens may be collected in the hospital or emergency medical facility where the employee has been taken for medical attention, provided that it meets the collection conditions set forth in the US DOT regulations. Any site which meets the requirements of US DOT collection regulations may be substituted by the Town if it is impractical for a drug test to be performed at one of the designated collection sites.

The service of collection sites, the MRO, and the testing laboratory are contracted by the Town for purposes of compliance with this policy. Their employees are not employees of the Town and neither the collection site, the testing lab, their employees, nor the MRO are under the direction or control of the Town. All collection sites, labs and MRO's are independent contractors.

- Collection Site Procedures. Cooperation of employees is required at collection sites. Any lack of cooperation will be reported to Human Resources and appropriate disciplinary action will be taken. The employee must show a picture ID upon check in. If positive identification cannot be made, the collection process will stop. The collection site will notify Human Resources if the scheduled employee fails to arrive at their assigned time.

Alcohol tests are conducted by US DOT protocol. Any test with a BAC result of .02 or greater is considered positive. Any positive alcohol test will be confirmed by a second test by breath alcohol testing. Employees who refuse to provide a specimen or fail to cooperate with collection personnel will be reported to Human Resources. The behavior shall be documented and appropriate disciplinary action will be taken. Refusal to provide a specimen for analysis will be treated as if the employee tested positive.

- Collection and Testing Procedures. The Town will follow drug and alcohol procedures contained in 49 CFR Part 40 Procedures for Transportation Workplace Drug Testing Programs and 49 CFR 382 which include preparation for testing, specimen collection procedures, laboratory requirements, retention of samples, and MRO qualifications and functions.

The collection site procedures shall provide for the collection of split sample urine specimens in accordance with standard procedures. Alcohol testing shall include an initial screening test through breath analysis or any other method used by the collection site facility in accordance with approved US DOT methods.

Chain of custody and quality control of samples shall follow NIDA and US DOT guidelines to assure the accuracy of collection and testing procedures. A quality control program for drug testing will be maintained including the submission of blind samples to assure the accuracy of collection and testing procedures.

- Contractors. Agreements between the Town and independent contractors providing services will include certification that the contractor is in compliance with US DOT drug and alcohol testing requirements, if the contractor's services fall within the US DOT guidelines.

**4. Medical Review Officer Duties (MRO).** The MRO will review the results of testing, verify each test and conduct an administrative review of all negative results before they are reported to Human Resources.

Before the MRO makes a final decision to verify a positive test result, the employee shall have an opportunity to discuss the test result with the MRO during a medical interview. The interview, which may be by telephone, will be used to determine whether there is a legitimate medical explanation for a positive drug test result from the lab. Initially, the MRO shall contact the employee directly, on a confidential basis. If after 24 hours of making all reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact Human Resources who will confidentially direct the employee to contact the MRO.

Any employee directed to contact the MRO under this section shall be required to do so immediately and either participate in or expressly decline the medical interview. The MRO may verify a test result as positive without having communicated directly with the employee about the test where the employee expressly declines the opportunity to discuss the test or participate in a medical interview or the employee has not contacted the MRO after being directed to do so, or under other circumstances provided for in US DOT testing regulations.

If a test is verified as positive by the MRO after an employee fails to contact the MRO, the employee may thereafter present to the MRO information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from timely contacting the MRO. On the basis of such information, the MRO may reopen the verification, allowing the employee to present information concerning a legitimate explanation for the positive test. If the MRO determines the explanation to be reasonable, the MRO shall declare the test to be negative. If the MRO determines, after the appropriate review, that there is a legitimate explanation for the confirmed positive test result other than the unauthorized use of prohibited drug or substance abuse, the MRO shall report this as a negative test result and so inform the employee regarding this finding. The MRO may conclude that a particular drug test is scientifically insufficient for further action. Under these circumstances, the MRO should conclude that the test is negative for the presence of a prohibited drug.

Following the verification of a positive alcohol test result, the MRO shall refer the employee's case to Human Resources for further action as provided under this policy.

If the MRO determines, after review, that there is no legitimate medical explanation for a confirmed positive drug test result other than the unauthorized use of a prohibited drug, the MRO shall refer the employee tested to Human Resources for appropriate action in accordance with this policy.

**5. Testing of split samples.** Should any question arise as to the accuracy or validity of a positive drug test result, the MRO may order at any time a test of the split sample at the certified laboratory and verify that the lab report and assessment are correct. The employee who tested positive may also request that the MRO direct that the split sample be tested.

If a positive result is consistent with legal drug use (a determination that there is a legitimate medical explanation for the positive test result) the MRO shall report the test result to Human Resources as negative. Within 60 days of an employee's receipt of a final positive test result from the MRO, the employee shall have the right upon written request to the MRO, to have the original specimen retested, either at the original lab or at another NIDA certified laboratory. Only the MRO can authorize a re-analysis of a sample.

An employee electing to have an original test of a split sample tested will pay in advance all costs associated with the shipping and testing, but the employee will be reimbursed by the Town if the retest is negative.

If a specimen is sent to a second lab, the first lab must maintain the chain of custody.

If a test of a split sample is negative, the drug test results shall be deemed negative by the MRO. Samples that yield positive results on the confirmation will be retained by the testing laboratory in properly secured, long term, frozen storage for at least 365 days. Within this 365 day period, the employee, his representative, or the Town may request that the testing laboratory retain the sample for an additional period.

**6. Confidentiality of information.** Except as otherwise provided herein or under federal law, the MRO shall not disclose to a third party any medical information provided by the employee to the MRO as part of the testing verification process. The MRO may disclose such information to Human Resources, a US DOT agency or other federal safety agency, or physician responsible for determining the medical qualification of the employee under a US DOT agency regulation, only if:

- An applicable US DOT regulation permits or requires such disclosure; or,

- In the MRO's reasonable medical judgment, the information could result in the employee being determined to be medically unqualified under an applicable US DOT agency rule; or
- In the MRO's reasonable medical judgment, in a situation in which there is no US DOT rule establishing physical qualification standards applicable to the employee, the information indicated that continued performance by the employee of their safety-sensitive function could pose a significant safety risk.

The Town's contract with the provider/consortium requires that the contractor/medical facility maintain employee records in confidence, as provided in US DOT regulations. The contract provides that the laboratory shall disclose information related to a positive test of an employee to the employee, the Town, or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from a certified positive test.

Any employee who is the subject of a drug or alcohol test under this policy shall, upon written request, have access to any records relating to their test and any records relating to the results of any relevant certification, review, or revocation of certification procedures.

**7. Records.** Human Resources shall keep the following:

- Records that the collection process conforms to federal law, for five years.
- Records that show employees who failed a drug test and the type of test failed, permanently in the employee's medical or drug/alcohol testing file.
- Records that demonstrate rehabilitation, if any, and include the following, for five years:
  - a. Type of test failed.
  - b. The prohibited drugs/alcohol used by the employee.
  - c. The disposition of the employee.
- Records that show employees who passed a test, permanently in their drug testing file.
- Records that show the number of employees tested and the type of test, will be kept for five years.
- Records of employee substance abuse, and employee assistance program education, permanently in their medical or drug/alcohol testing file.
- Supervisor substance abuse detection training, permanently in their personnel file.
- Employee substance abuse training, permanently in their personnel file.

An employee who is the subject of an alcohol or drug test shall have access to any records relating to their test, and any records relating to the results of any relevant laboratory certification, review, or revocation of certification proceedings, upon a written request to Human Resources using a reasonable timeframe.

**8. Employee Assistance Program.** The Employee Assistance Program (EAP) will provide the following assistance:

- Supervisory training on the specific physical, behavioral and performance indicators of probable substance abuse to include alcohol abuse; and drug use. Completion of the

supervisory training is mandatory before any supervisor may refer an employee for reasonable cause/suspicion testing.

- Employee education on drug and alcohol abuse.
- Informational materials on substance abuse. These materials will be distributed at training and are available at other times from Human Resources.
- Referrals to substance abuse professionals for assistance and counseling.

Employees with substance abuse problems are encouraged to contact the EAP for counseling or referral before a substance abuse problem results in job difficulties or a positive test. Voluntary participation in a drug or alcohol rehabilitation program will not result in disciplinary action by the Town. However, such participation will not insulate the employee from disciplinary action when otherwise warranted. Participation in the EAP program is treated on a confidential basis. For employees that test positive, the EAP or substance abuse professional involved must report to Human Resources any failure or refusal by the employee to adhere to their program of prescribed rehabilitation and treatment.

**9. Return to work.** Under normal circumstances, an employee that has a verified positive test will be returned to work on their regular job after completion of a rehabilitation program and all criteria listed in "Positive test consequences". However, the Town reserves the right, due to special circumstances, to temporarily reassign the employee to other duties where circumstances warrant such a reassignment. In making a decision as to the reassignment, factors to be considered include the ability of the employee to perform essential job functions, the degree of supervision to be provided to the employee, the potential degree of hazard involved in the employee's performance of their duties, the degree of public contact which the employee has, the availability of work in other areas, and other like considerations.

If an employee has not adequately completed rehabilitation and/or is unable to return to regular duties, the Town may fill the employee's job. The employee whose job has been filled shall be considered dismissed.

Any employee returned to work under this section will be required to undergo mandatory unannounced follow-up testing during work hours at any time within the next five years after the employee's return to work. All followup testing will be observed in accordance with US DOT regulations. During this time period the employee shall be tested a minimum of six times. If the results of any such tests are verified positive by the MRO, the employee will be subject to immediate dismissal. If the employee refuses to participate in a follow-up test, the employee will be subject to immediate dismissal. Any employee returned to work under this section after completing rehabilitation that has a verified positive test for substance abuse at any time thereafter will also be subject to immediate dismissal.

**10. Legal Compliance.** This policy is based on and intended to comply with all applicable laws. Certain provisions of applicable laws are referred to specifically in this policy. All applicable laws apply in their entirety, even if not specifically referred or identified in this policy. Should any of these regulations or procedures be modified or amended, or should the Town become subject to additional Federal or State regulations or regulation changes, this program will be modified accordingly. If a conflict should arise between any provision of this policy and a current or future law, the law will apply.

Procedures for employee notification will consist of the following:

- Distribution of the policy/procedures to all employees; Educational meetings for all employees; Training sessions for supervisors.
- All management and supervisory employees are charged with the responsibility of being alert to the possibility of drug and alcohol usage or drug related activity in their area of responsibility. It is the responsibility of the Department Head to report these activities promptly to Human Resources.
- This policy is issued to all employees and will become part of the Personnel Plan and all Collective Bargaining Agreements.
- This policy applies to all employees and contractual employees.
- It is required that all employees carefully and thoroughly read, understand and adhere to this alcohol and substance abuse policy.

#### **11. Definitions.**

- EAP (Employee Assistance Program) shall mean a program offered to employees through their health insurance which assists employees with issues.
- Employee shall mean any person employed by the Town to include full-time, part-time, seasonal, temporary, contractual, or otherwise, but not including probationary employees, whether they are covered under the DOT or Non-DOT list.
- DOT employee shall mean any employee who is required to have or obtain a commercial drivers license (CDL) as a condition of employment.
- Non-DOT employee shall mean any employee who operates or may operate a Town owned vehicle or equipment but is not required to obtain a CDL as a condition of employment.
- Town property shall mean any structure, land, premise, equipment, vehicle, or anything else owned by, leased by, or under the control of the Town.
- Provider shall mean the contractor used by the Town to provide alcohol and drug services in compliance with US DOT regulations.
- MRO (Medical Review Officer) shall mean an authorized person of the medical facility where the tests are conducted and reported.
- Work hours shall mean within the normal daily hours of work, including overtime, callback time, meal breaks, and any other Town business contained within the hours of work.
- Safety sensitive function shall mean any work performed while on-duty. The following on-duty functions are illustrative only and are not all-inclusive.
  - Operating any motor vehicle, heavy equipment, light equipment, hand equipment, office equipment, etc.
  - Inspecting, servicing, maintaining, conditioning of any motor vehicle or equipment.
  - Manual labor work such as tree trimming, brush burning, loading supplies, raking, shoveling, running errands, cleaning, etc.
  - Office functions with office equipment of any type.

- Time waiting to be directed to work duties.

**Employment Driver's Records Checks.** The Town is committed to providing an environment that is safe to both its employees and the community it serves. In doing so, as a condition of employment, employees who operate Town heavy machinery/equipment or vehicles are placed on either a DOT (CDL-B) or Non-DOT list. These are the same lists within the Town's Personnel Plan Section 4. Workplace Conduct - Drugs and alcohol in the workplace and testing. On a quarterly basis Administration/Human Resources will select ¼ of employees on each list noted above for each quarter to conduct Employment Driver's Records Checks. All active employees on these lists will have one driver's records check per year unless there was reasonable cause/suspicion to complete more. The year is defined as January 1<sup>st</sup> to December 31<sup>st</sup>.

If violations are found in the employee's annual driver's records check, the employee may be required to complete safe driver training(s) as it relates to the violation. Violations resulting in endangering the safety of others may result in an employee loss of operating Town heavy machinery/equipment or vehicles on a temporary or permanent basis.

Reasonable cause/suspicion includes but is not limited to personal and contemporaneous observation of specific behaviors or performance or physical characteristics which indicate that an employee may be unfit for duty to operate Town heavy machinery/equipment or vehicles. The Town reserves the right to require any employee to submit to a fitness for duty exam when there is reasonable basis to believe that the employee may be otherwise unfit for duty.

Refer to the Town of Hooksett Safety Manual and departmental operation procedures for additional criteria on safely operating heavy machinery/equipment and vehicles.

## **5. EEOC, NON-DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT**

If you experience or witness what you believe may be a violation of any of the below categories, you must report the incident to your supervisor, Human Resources, or the Town Administrator. The matter will be promptly investigated and appropriate action will be taken, depending on the nature and severity of any proven incident.

Supervisors of all levels who become aware of a violation of any of the below categories, must report the conduct or complaint immediately to their supervisor, Human Resources, or the Town Administrator.

Because the Town takes an allegation of discrimination, harassment, or sexual harassment seriously, we will respond promptly to a complaint. Where it is determined that inappropriate conduct has occurred, and whether or not it rises to the level of legally actionable conduct, the Town will act promptly to eliminate the conduct and implement any necessary remedial or corrective action, including disciplinary action where appropriate.

The Town will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.

The complainant will be informed in a general nature on the outcome of the investigation and whether remedial action is being undertaken by the Town.

Retaliation against an employee or person who complains in good faith about any of the below categories, or who participates in good faith in an investigation of a complaint, is a violation of this policy. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. If you believe that you have been subjected to retaliation, you should report the incident to your supervisor, Human Resources, or the Town Administrator.

**EEOC and NON-DISCRIMINATION.** The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees or applicants for employment based on any legally-protected status, including, but not limited to: veteran or military status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, genetic information or ancestry. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, benefits and training.

**HARASSMENT.** In support of our commitment to equal employment, the Town prohibits harassment of any employee by another employee or supervisor, on any of the bases following. An employee who harasses another employee, citizen, or visitor, will be subject to discipline, up to and including dismissal. The Town defines harassment as verbal and physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, sex, pregnancy, national origin, ancestry, age, religion, disability, marital status, sexual orientation or veteran status, or that of their relatives, friends, or associates, and that it has the purpose or effect of creating an intimidating, hostile or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment opportunities.

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of this policy. However, the following are some examples of conduct which may constitute harassment:

- Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that are based on or that relate to race, color, religion, gender, national origin, ancestry, pregnancy, age, disability, sexual orientation, marital status, or veteran status.
- Written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, ancestry, age, disability, sexual orientation or veteran status.

The Town prohibits all of the above, whether engaged in by a supervisor, agent, employee, co-worker, or non-employee (such as a vendor) who is on Town premises or who comes in contact with our employees. Any supervisor or employee who harasses or discriminates against another employee or non-employee will be subject to discipline, up to and including dismissal.

SEXUAL HARASSMENT. The Town's goal is to provide a workplace that is free of sexual harassment. Sexual harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment, or, retaliation against an individual who has cooperated in an investigation of sexual harassment, is unlawful and will not be tolerated.

The definition of sexual harassment is defined as an unwelcome sexual advance, a request for a sexual favor, or other verbal, physical, and nonphysical conduct of a sexual nature when submission to such conduct is made explicitly or implicitly, as a term or condition of employment; or,

Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation or assistance; or,

Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome behavior emphasizing sexual identity. Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

This section of the Personnel Plan prohibits all of the activities above, whether engaged in by a supervisor, employee, co-worker, agent, or non-employee who is on Town premises or who comes into contact with Town employees.

It is not possible to list all of the additional circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct that will not be tolerated. However, the following are some examples of prohibited conduct.

- Unwelcome sexual advances, whether or not they involve physical touching.
- A sexual epithet; sexual joke; written or oral reference to sexual conduct, gossip regarding one's sex life; a comment on an individual's body; a comment about an individual's sexual activity, deficiencies, or prowess.
- Displaying sexually suggestive objects, pictures, cartoons.
- Leering, whistling, brushing against the body; sexual gestures.

- Suggestive or insulting comments. Inquiries into an individual's sexual experiences.
- Discussion of one's sexual activities.

Experience has shown that a clear statement to the person engaging in the offensive behavior is sometimes all that is necessary to stop the conduct. If you believe you are being harassed, we encourage you to let the person engaging in the conduct know how you feel. However, if you do not feel comfortable taking this step, you are not required to do so. If you believe that you have been subjected to sexual harassment, you should report the incident to your supervisor, Human Resources, or the Town Administrator. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

**6. DISCIPLINE**  
**VOLUNTARY DISPUTE RESOLUTION**  
**GRIEVANCE/APPEAL PROCEDURE**

Policies are essential to provide for an efficient, safe, nondiscriminatory and pleasant work environment. Violators will be subject to disciplinary action in accordance with this section. It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the departments in the Town. Disciplinary action may be taken for conduct or actions which interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public.

Discipline. It is the policy of the Town to take corrective action against employees who violate rules, regulations, or standards of conduct, or who endanger the safety of others, or perform in an unsatisfactory manner.

Generally, there are four types of disciplinary actions used by the Town.

- Documented verbal warning
- Written warning
- Suspension
- Dismissal

All discipline will be in writing with the employee receiving a copy and a copy to Human Resources for the employee's personnel file.

While the Town will apply the concept of progressive discipline when appropriate, it reserves the right to determine the appropriate level of discipline in any circumstance.

Nothing in this section or the Personnel Plan 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 paid or unpaid administrative leave, on a temporary basis, as permitted under Federal and State law.

Voluntary dispute resolution. If an employee feels they have a problem, dispute, or wish to grieve discipline, they should present the situation to their supervisor so that the problem can be settled by examination and discussion of the facts. The supervisor will make every attempt to satisfactorily resolve most matters.

Grievance/appeal procedure. The grievance procedure applies only to a verbal warning, written warning, or suspension. It does not apply to a dismissal. A grievance is a procedure which an employee has the right to use if they feel they have been disciplined unfairly or are unable to resolve the issue using voluntary dispute resolution. It is defined as a dispute raised by an employee involving a decision made by a supervisor concerning discipline, excluding dismissal.

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 ten business days, the employee may then go to Human Resources to try to resolve the issue. If the matter is not resolved by Human Resources within a reasonable amount of time, the employee may then go to the Town Administrator to try to resolve the issue. If the matter is not resolved within a reasonable amount of time, the employee may then go to the Town Council to try to resolve the issue. The Town Council is the final step. The employee must follow all steps. On all steps, the employee must put their grievance in writing to the applicable person they are meeting with.

If nepotism applies in the grievance process as the process goes up the levels, then the process would skip up to the next level.

The Town urges every employee to follow through rather than be dissatisfied. A grievance will be investigated and the general findings and determination reported back to the employee.

Your suggestions and comments on any subject are important and the Town encourages 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.

## **7. EDUCATION, TRAINING**

The following reimbursement policy will apply to all employees after one year of service. The Town agrees to provide reimbursement for fifty percent (50%) of the cost of courses if all of the following are met:

- Course reimbursement not to exceed two hundred dollars (\$200.00) per course and four hundred dollars (\$400.00) per employee per semester.
- Courses must be approved in advance by the department head.
- Courses are related to the employee's job or as part of an approved career development program.
- Not more than one thousand dollars (\$1,000.00) will be paid for any employee in any calendar year for course reimbursement.
- Budgeted funds are available.
- Successful completion of course work with a "C" grade or the numerical equivalent grade or better and satisfactory proof of attainment.

If a course is paid for in whole or in part through federal, state or private industry programs, then the Town will not reimburse for the same course, it being the intent of this section to eliminate double payment for any course.

Education reimbursement expenses include: tuition, registration, books, supplies, and course material.

The restriction and requirements above will not apply to courses which the Town requests an employee to take during on-duty time.

All employees may be required to engage in such on the job training programs as may be deemed necessary or desirable by the appropriate Department Head and/or the Town Administrator.

## **8. COMPUTER, COMMUNICATIONS, OFFICE EQUIPMENT**

The Town provides communication tools including computers, facsimile machines, telephones, voicemail, e-mail, access to the Internet, and other types of office equipment to assist with job responsibilities, all of which is the property of the Town.

No expectation of privacy. All employees should be aware that the Town has the right, but not the duty, to monitor the computer, network, facsimile, 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 Town computers or other communications equipment, including e-mail and voice mail systems. The Town has the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including dismissal from employment for the misuse of these resources or other violations of this policy. Additionally, all information sent or received on these resources is and remains the property of the Town.

The following guidelines apply to all employees:

- Employees should be aware that in addition to having the ability to monitor e-mail messages sent and received on the Town's system (including e-mail messages sent and received from personal e-mail accounts accessed from the system), the Town has the ability and the right to monitor such things as Internet web site visits, newsgroup discussions, chat room discussions, computer network use, voicemail accounts, and any other equipment and property owned by the Town.
- The 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 dismissal from employment, and the Town reserves the right to report the matter to law enforcement authorities. The Town will cooperate with any resulting law enforcement investigation.
- The Town has the right to inspect any and all files stored on the computer network, including any files in private areas of the network, in order to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document by e-mail or through any other means using the Town's system is a violation of our policy on sexual harassment. Computers and other communications equipment may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, religion, national origin, disability, veteran status, marital status or other protected status's in a manner that may be viewed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mails or files is strictly prohibited.
- Transmission of any religious or political messages is strictly prohibited.
- Access to non-work related obscene or offensive web sites is strictly prohibited.
- Occasional, limited, appropriate personal use of the computer system and all other office equipment is allowed provided that the use does not interfere with the employee's work performance, is conducted during the employee's break, does not interfere with any other user's work performance, does not have an undue impact on the operation of the computer system, or violate any other provision of this policy, any other policy, or State or Federal laws. Personal use of the computer system is a privilege, not a right, and it may be revoked at any time. While use of the Internet may be used for occasional off-duty personal information gathering from time to time, being used for personal business ventures is prohibited. At all times, users have the responsibility to use computer

resources in a professional, ethical, and lawful manner.

- Town owned computers, other communications equipment, and office equipment are to be used only by authorized users.
- Use of another employee's account, user name, or password, or access to their personal files without their consent is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited. Exceptions to this are the Town Administrator, and any authorized computer agent or authorized employee, authorized by the Town Administrator.
- Destruction, theft, alteration, or any other form of sabotage of the Town's computers, programs, software, hardware, networks, websites, files, data, other communications equipment, resources and office equipment 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 computers, network, or other communications equipment, or office equipment is strictly prohibited. Hacking into a third party computer or other information systems using the Town's technology is also prohibited, and will be reported to the authorities.
- Accessing the Town's files or any other files on the network that you did not create, or the system, is prohibited unless you have prior authorization from the person who is responsible for that file.
- 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, hacking, or introducing spyware is strictly prohibited.
- Any vulnerability in the Town's computers, network, other communications equipment, resources, or office equipment must be reported immediately to the Town Administrator or Human Resources.
- 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 Town Administrator or Human Resources.
- 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. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should be used only for its intended purpose. All employees have the responsibility of confidentiality continued outside of work.
- All employees are responsible for taking precautions to safeguard the physical security of the Town's network, Internet, Intranet, computers, other communications equipment, resources, and office equipment. Computers should be turned off when not in use for an extended period of time or when an employee is out of his or her office.
- Employees are not allowed to introduce to the Town's network, Intranet, computers, or other communications equipment, any media from any external sources, including, but not limited to, CDs, disks, Zip drives, personal digital assistants (including, but not limited to blackberries and palm pilots), USB portable drives, and other removable drive devices.

- Employees may not intentionally download anything from the Internet without prior authorization. This includes, but is not limited to, software, screensavers, music, e-mail stationary, and other images.
- 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, Intranet, computers, other communications equipment, and office 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 received 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.

## **9. LEAVES of ABSENCE.**

**Holiday Leave.** Full-time employees and non-union Police Department personnel, with the exception of Police Sergeants, are entitled to the paid holidays listed below. Holidays are observed in accordance with the laws of the State of New Hampshire. The following list of holidays are observed by the Town of Hooksett.

New Year's Day  
Martin Luther King Jr./Civil Rights Day  
President's Day  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day

Holidays falling on a Saturday will be observed on the preceding Friday. Holidays falling on a Sunday, will be observed on the following Monday. Employees who are absent without authorization, on a work day directly preceding or following a holiday will not be paid for the holiday. Full-time employees who do not work on holidays will be paid for the holidays at their regular straight time rate. Those absent without pay on an extended authorized leave of absence will not be paid holiday pay. Straight holiday pay shall be considered actual hours worked and shall be figured in when calculating overtime pay. Employees who work on holidays will be paid for the holiday at the rate of one and one-half (1½) times for each hour worked, but in no case will such employees be credited with less than two hours of work.

**Holiday Leave – Police Department Sergeants.** Police Sergeants shall be granted a floating holiday in lieu of the Day after Thanksgiving holiday. This day is to be granted in accordance with the employee's preference and the needs of the Department.

The Police Sergeants shall be eligible to receive holiday pay provided the employee works the scheduled day preceding and the scheduled day following the holiday unless that employee's failure to work on either day results from an excused absence. An "excused absence" shall be defined as vacation leave, pre-scheduled sick leave, personal leave, workers' compensation leave, military leave or compensatory leave. Any leave taken by the employee must be authorized in accordance with the General Orders or Standard Operating Procedures of the Department.

If a Police Sergeant is scheduled to work on a holiday with the exception of the floating holiday, in addition to the holiday pay, he/she will be paid time and one-half (1.5) of his/her regular rate of pay for the hours worked on the day designated as the holiday by the Department. In the event that a Sergeant is required to perform unscheduled work on a holiday with the exception of a floating holiday, in addition to his/her holiday pay, he/she shall be paid two (2) times his/her regular rate of pay for the hours worked on the day designated as the holiday by the Department.

The Police Sergeants holiday pay will be paid in two checks. The dates of payment will be the second pay period of July and the first pay period in December. Holidays shall be calculated on a calendar year basis without regard to the fiscal year of the Town. The payment due during the first pay period in December shall only relate to holidays falling within that calendar year and the Sergeants are only eligible for payment if they were employed by the Hooksett Police Department on the date the holiday fell. Should a Sergeant terminate employment in any year between the first pay period in December and Christmas Day, the holiday pay for Christmas Day shall be deducted from his/her final paycheck.

**Vacation Leave.** The purpose of vacation leave is to provide full-time employees the opportunity for a break in their work schedule. The amount of vacation time earned annually is based on the number of years employed. Vacation time is accrued monthly. Vacation accruals are as follows:

Vacation leave shall be accrued at the following rates for full-time employees beginning with their first month of employment. The employee must start work by the 15<sup>th</sup> of the month in order to accrue in the first month.

During the first seven years of continuous service, the employee earns 6.66 hours per month. This equates to ten 8-hour days per year. No more than 240 hours can be carried forward as of June 30<sup>th</sup> each year.

At the beginning of the eighth year of continuous service through the fourteenth year of continuous service, the employee earns ten hours per month. This equates to fifteen 8-hour days per year. No more than 240 hours can be carried forward as of June 30<sup>th</sup>.

At the beginning of the fifteenth year of continuous service and onward, the employee earns 13.33 hours per month. This equates to 20 8-hour days per year. No more than 320 hours can be carried forward as of June 30<sup>th</sup>.

One vacation day equals one normal eight-hour work day. Vacation time may be used in increments of one hour. If accruals exceed the maximum caps listed above, the accrual overages are forfeited. No vacation leave shall be taken before accrual. Each month's accrual will be officially accrued once the month has been completed and will be eligible for use on the first day of the following month. As an example, vacation time accrued for January will be available for use on February 1<sup>st</sup>. If a holiday occurs during a vacation, the employee may extend their vacation for one day or take the vacation day at another time. Use of vacation leave at a particular time is contingent upon whether the employee's services can be spared. Employees must submit their vacation requests as early as possible in the calendar year. Supervisors shall approve vacation requests taking into consideration that the remaining work force at all times will be adequate to cope with the expected work load. In cases where too many requests are made for a particular date, employees with the earliest request with sufficient accrued leave will be given preference.

**Military Leave.** Any full-time employee who is drafted or recalled to active military duty with the Armed Forces of the United States will be granted military leave. During military leave the employee will receive their rate of pay less the amount of compensation received from the military. Upon return from military leave the rate of pay and other benefits will be the same as if the employee had worked continuously with the Town in the job held when military leave was granted. While on military leave all benefits including insurances and leave accruals will continue for a maximum of 24 months in accordance with USERRA. Part-time employees who are drafted or recalled to active military duty will be granted unpaid military leave.

When a full-time employee who is a member of one of the reserve components of the Armed Forces is required to meet their annual two week obligation, the employee will be granted military leave. During military leave the employee will receive their rate of pay less the amount of compensation received from the military. While on military leave all benefits including insurances and leave accruals will continue for a maximum of 24 months in accordance with USERRA. When a part-time employee is required to meet this two week obligation, the employee will be granted unpaid military leave.

**Notice of leave request.** Any employee needing time away from work for service or training in the military must make their Department Head aware of the need for leave as soon as written or verbal orders from the military are received. Such notice will be in writing providing all pertinent

information such as the first day on leave and the anticipated return to work date. If requested by the Department Head, the employee will provide proof of the need for military leave.

**Reinstatement to work.** As soon as the employee has a return to work date, they must notify their Department Head in writing. The Town will reinstate the employee promptly. Eligibility for reinstatement will be determined with reference to USERRA regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request and/or the total time spend in service.

**Disabled service members.** If a returning employee was disabled or a disability was aggravated during uniformed service, the Town will make reasonable accommodations and efforts to help the employee perform the duties of their reemployment position.

**Maternity Leave.** Employees who are unable to work because of pregnancy, childbirth or related medical conditions will be considered disabled and will be extended the same benefits as any eligible employee on disability. The employee will submit documentation from the doctor with the date they are no longer able to work and when they are expected to return to work. Full-time employees may apply for disability coverage for their maternity leave. While on disability all insurance benefits will continue and the employee will continue to be responsible for any payroll deductions. All leave accruals will not continue. See the disability section for more information on disability leave.

If the employee is part-time they are not eligible for disability insurance. During their maternity leave, they must apply for an unpaid leave of absence through their Department Head. Documentation from the doctor must be submitted with the date they are no longer able to work and when they are expected to return to work.

Eligible employees will be placed onto FMLA leave. FMLA will run concurrently with any other type of leave the employee may be on. See the FMLA section for more information on FMLA.

**Bereavement Leave.** Bereavement leave with pay will be granted to an employee in the case of a family member's death. Only full-time employees are eligible for bereavement leave. The family members include spouse, child, person acting in loco parentis, parent, sibling, immediate in-laws. Initial bereavement leave will not exceed three days.

Bereavement leave with pay will be granted to an employee in the case of a family member death where the family is a grandchild, grandparent, aunt, uncle. Initial bereavement leave will not exceed one day.

A request for addition bereavement days will be approved at the discretion of the Department Head.

**Court Service Leave.** When an employee is called for jury duty or witness service, this will be called court service leave. The employee must provide the Department Head written documentation as to the need for court service leave and the days needed for such leave and if requested must provide a copy of the summons paperwork. The employee, whether full-time or part-time, will receive their rate of pay less the amount of compensation received from the court. A full-time employee who has personal business in court which is not Town related and was not summoned or subpoenaed, must apply for and be granted an appropriate applicable leave such as a personal day, vacation leave or unpaid leave. Sick leave is excluded. A part-time employee must apply for an unpaid leave of absence.

**Crime Victim Leave.** An employee will be granted 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 as a result 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, civil union partner, 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 their 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 Town will maintain any such notices or records in confidence in Human Resources, and will disclose them only on a need to know basis.

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, the Department Head will consider the size of the operations, the employee's position, and the 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, personal days, or other applicable leave.

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. All benefits and accruals will remain and accrue normally.

**Sick Leave.** Full-time employees will receive paid sick leave. The employee will accrue sick leave at a rate of eight hours per month. Sick leave may be accrued up to a 240-hour cap. At the end of the fiscal year, any sick leave over the 240-hour cap will be reimbursed to the employee at half pay.

The minimum amount of sick leave that may be used is one hour.

Sick leave shall be accrued for full-time employees beginning with their first month of employment. The employee must start work by the 15<sup>th</sup> of the month in order to accrue in the first month.

No sick leave shall be taken before accrual. Each month's accrual will be officially accrued once the month has been completed and will be eligible for use on the first day of the following month. As an example, sick time accrued for January will be available for use on February 1<sup>st</sup>.

Sick leave may be used only to cover absences resulting from bona-fide sickness or injury; to cover absences required by exposure to contagious disease; to cover absences resulting from a necessity to attend to an ill member of the employees household or a family member; for a medical provider office visit; physical therapy; or, any type of medically related use. All sick leave must be approved by the supervisor.

In order to receive pay for sick leave, the Department Head or appropriate supervisor must be notified of the absence no later than fifteen minutes after the start of the employee's work day. Certain departments may have a more strict departmental policy in place for this, so the employee must check with the Department Head. Upon return to work, the employee must fill out

the appropriate paperwork to use sick leave. The Town may require a doctor's note/statement for any sick leave absences of three days or more. The doctors note/statement must be provided upon request. The doctors note/statement may be required before being allowed to return to work.

Each fiscal year, 16 hours of annual sick leave will be considered 'personal leave' for the employee to use for personal reasons during the current fiscal year. These 16 hours will be taken from the employee's sick leave account when used. All personal leave will follow the same procedure as sick leave when applied for. At the end of the fiscal year, unused personal leave will be converted back to sick leave and will be carried over into the next fiscal year. This will result in the employee having a total of no more than 16 hours of personal time per fiscal year.

Chronic cases of absenteeism may be reviewed by the Department Head and a determination will be made regarding continued employment. If an employee is suspected or known to be misusing sick leave for reasons other than sickness or a medically related issue, the Department Head or designee may require a doctors note, and/or conduct an investigation into the alleged misuse. Upon conclusion of the investigation, the employee may or may not be required to reimburse the paid sick leave depending on the investigation results. If found to be misusing sick leave, discipline will be issued up to and including dismissal.

**Unpaid Leave of Absence.** Any employee who requests time off but has no accrued leave available may be granted an unpaid leave of absence. Unpaid leave of absence may be granted by the Department Head for a period not to exceed 30 days. An employee who has taken an unpaid leave of absence will have no loss of insurance benefits or seniority but will not accrue leave benefits such as vacation, sick, etc. Insurance benefits will be paid by the Town in accordance with the established level of contribution and the employee will be responsible to pay for their weekly payroll deductions and any previously agreed upon financial obligations. When the unpaid leave of absence ends, the employee will be reinstated to the position held before the leave was granted.

**Unauthorized Absence.** Any unauthorized absence will be without pay and will be subject to disciplinary action up to and including dismissal. In the case of an employee who was medically incapacitated and unable to contact their department, proof would be required prior to returning to work or upon return to work in order to be reinstated to their position. Approval and confirmation by the Department Head would be needed for reinstatement.

**Administrative Leave.** The Town Administrator may excuse employees from duty for short periods of time with pay and without charge to leave. Examples would include extreme weather conditions, disasters, and days of national mourning or celebration. This additionally may be granted to exempt employees as a result of extensive work requirements or other employees as determined by the Town Administrator for specific programs.

Department heads, or supervisors with a Department Head's consent, may be required to place an employee on unpaid or paid administrative leave pending the outcome of an investigation, or the result of a test.

**Family and Medical Leave Act.** The FMLA allows eligible employees to 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.

**Reasons for FMLA leave.**

1. The birth and/or first year care of a child.
2. The placement of a child with the employee, adopted or foster care, and to care for the newly placed child.
3. The care of a spouse, minor child, adult child, or parent with a serious health condition.
4. The serious health condition of the employee.

5. A “qualifying exigency” as defined in the Department of Labor regulations, arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty or has been notified of impending call or order to active duty in the U.S. Armed Forces in support of a contingency operation as a member of the Nation Guard or Reserves.
6. The employee is a spouse, son, daughter, parent, or next of kin of a “covered servicemember” as defined in the Department of Labor Regulations who has a serious injury or illness and the employee is needed to care for such person.

Eligibility for FMLA leave. To be eligible for FMLA an employee must have:

1. Worked for the Town for the last 12 months; and,
2. Worked at least 1250 hours during the year preceding the start of leave.

Defining the Length of FMLA leave. The employee is entitled to take up to 12 weeks in any 12-month period. If an employee takes FMLA leave listed in “Reasons for Leave” #1 - 5, the employee is entitled to up to 12 weeks of unpaid leave during a single 12-month period. That 12-month period is defined as a “rolling” 12-month period measured backward from the date an employee begins an FMLA leave. For example, if an employee used 4 weeks beginning February 1, 2008, 4 weeks beginning June 1, 2008, and 4 weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. February 1, 2009 would be the start of a second 12-month period in which 12 weeks of FMLA could be used.

If an employee takes FMLA leave for the reason stated in “Reasons for leave” #6, 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 #6 will be limited to a combined total of 26 weeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in #6 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 workweeks 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 workweeks of leave may be taken within any single 12-month period.

Request for FMLA. When an eligible employee requests to be placed onto FMLA, the employee will put their request in writing and will make every effort to provide the notice at least 30-days prior to the first day of FMLA leave. Their written notice must contain all applicable information for the request such as the reason for leave, start date and estimated end date. Once received, the Town will verify that the employee is eligible and provide the employee with the same notifications and requirements as if the employee had been placed on FMLA leave.

Placement onto FMLA. When an eligible employee is subsequently out on any leave of absence that qualifies under the FMLA, the employee will be placed onto FMLA. The Town has the right to place that employee onto FMLA without a request from the employee. In such circumstances the Town will provide the eligible employee with the same notifications and requirements as though the employee had specifically requested FMLA leave.

Intermittent and Reduced Schedule FMLA 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 #3, 4, and 6. 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 #5.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in “Reasons for leave” #1 and #2, use of intermittent leave is subject to the Town 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 available. If an employee is a salaried employee, the Town will adjust the employee's salary based on the amount of time actually 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.

FMLA Additional Medical Certifications. The Town may require subsequent medical recertification of the employee. Failure to provide the requested information within the time designated may result in the delay of further leave.

FMLA Qualifying Exigency. An employee who requests 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 members' active duty orders or other documentation issued by the military indicating the member is on active duty or is on a call to active duty status in support of a contingency operation.

FMLA Confirmation of familial relationship. An employee requesting FMLA leave based on "Reasons for leave" #1, #2, and #3, may be required to provide reasonable documentation or a statement of family relationship. This documentation may take many forms including but not limited to a child's birth certificate, a court document, etc.

Updates while on FMLA. While an employee is on FMLA for any reason listed in "Reasons for Leave", the employee will be required to provide monthly updates about the status of the need for their leave. This requirement will be listed in the letter they receive from Human Resources.

No work while on FMLA. The taking of another job including self-employment while on FMLA leave may lead to disciplinary action, up to and including dismissal.

FMLA Status of employee benefits. The Town will maintain the employee's coverage under any group health plan on the same condition as coverage would have been provided had the employee been continuously employed during the leave period. During this time the employee must maintain their portion if any, of any group health benefits. If the leave is unpaid, the employee must make payments to the Town for his/her portion of the premium by a day mutually agreed upon by the employee and the finance department.

FMLA Returning to work. With the exception of employees designated as "key employees" or "highly compensated employees", an employee will be reinstated to the same or equivalent position with equivalent benefits, pay and other terms and conditions of employment when returning from FMLA leave. Prior to returning to work the employee must provide a written notice of their intent to return to work and a fitness-for-duty report or certification from the employee's health care provider. This report must medical clear the employee to resume work and be able to perform all functions of the position.

Key employees or Highly compensated 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.

## **10. INSURANCES**

**Health.** The Town shall maintain health insurance for single, two-person, and family plans, paid by the Town to a maximum monthly premium and/or a percentage determined by the Town Council. The employee shall be responsible to pay the difference through payroll deductions. In the event the Town changes health carriers, this health section becomes null and void, and the new health policy will be adhered to.

**Health insurance stipend agreement.** The Town agrees to pay five-thousand dollars annually, disbursed per pay period at a rate of \$96.15, to each full-time regular employee not covered under the Town's health insurance plan, provided the employee does the following:

- Provides proof of equivalent coverage with another health insurance provider.
- Submits annually certification of equivalent coverage from the health insurance provider.
- Immediately notifies the Town of any changes in health insurance coverage or provider or of the termination of coverage.
- Receives no coverage under the Town's health insurance plan from a spouse or other relative employed by the Town.

**Dental.** The Town shall maintain dental insurance for single, two-person, and family plans, paid by the Town to a maximum monthly premium and/or a percentage determined by the Town Council. The employee shall be responsible to pay the difference through payroll deductions. In the event the Town changes dental carriers, this dental section becomes null and void, and the new dental policy will be adhered to.

**Disability.** The employees present disability plan provides benefits based on 67% (short-term disability) and 66 2/3% (long-term disability) of regular wages. Disability plan benefits are payable starting with the eighth day in the event of nonoccupational accident or sickness and continues for the duration of total disability, subject to a maximum duration.

This plan contains a nonduplication clause which stipulates that the 2/3 benefit will include any benefits from a statutory plan (i.e., social security, NH Retirement System, and/or disability, etc.). In order for the employee to receive a full paycheck while out on disability, the employee may choose to supplement the remaining 33 % (STD) 33 1/3% (LTD) of the unpaid disability out of his/her sick, vacation, leave accruals, so long as the leave has been earned/accrued prior to the disability leave, and is available for use. It is the employee's responsibility to notify the Finance Department of this choice. In the event the Town changes disability carriers, this disability section becomes null and void, and the new disability policy will be adhered to. Should the new policy also provide only 67% or 66 2/3% of regular wages, the employee will have the choice to supplement the remaining 33% or 33 1/3% unpaid leave, using his/her sick, vacation, etc. as stated above.

Pay raises, sick leave, vacation leave and holiday pay will not accrue while on disability.

While on disability all insurance benefits will continue and the employee will continue to be responsible for any payroll deductions associated with and required on health and dental insurances.

See Human Resources for more information on the current disability coverage.

**Worker's compensation.** On-the-job injuries are covered by workers compensation insurance, which is provided at no cost to the employee. If an employee is injured on the job, no matter how

slightly, the employee must report the incident immediately to their supervisor. Employees must complete the necessary workers compensation forms following any injury. Once a claim is approved, the employee will receive a dollar amount for a period of time from the workers compensation company, as specified by State law. Workers compensation is tax exempt and is not considered compensation under the New Hampshire Retirement System.

If an employee has applied for workers compensation and is awaiting approval, the employee may use any available accrued time in order to receive a paycheck. Examples of accrued time are sick, vacation, personal day, floater, etc. The employee must agree in writing that upon receipt of workers compensation a reimbursement will be done to restore the accrued leave time that was used; and, to ensure the employee will not have been paid more than 100% of the employee's regular gross wages between workers comp and the Town. This process will be as follows: On the employee's next regular paycheck, the amount of accrued time previously used, will be reversed from their paycheck and placed back into their accrual account. If the amount of reversal is of a size that cannot be reversed from one paycheck, the amount will be divided up and reversed over multiple paychecks. The employee will keep their workers comp check/wages and the Town will supplement that workers comp payment in an amount that will equal 100% of the employee's gross wages. This is known as the differential. The employee keeps the differential pay. The differential will be paid for up to a maximum of 15 weeks.

If the employee has been denied workers compensation, the employee has the right to appeal and continue to use any available accrued time in order to receive a paycheck while waiting for the appeal decision. Examples of accrued time are sick, vacation, personal day, floater, etc. If the appeal is won, the same reimbursement process would apply.

An employee who has sustained an on-the-job injury will be reinstated to his or her former position within eighteen 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. A fitness-for-duty certificate may be required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen 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. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

Upon return to work the employee will receive any cost of living increase that would have normally occurred while on workers compensation.

Upon return to work the employee will receive, if qualified, any merit increase that was missed while on workers compensation. The same evaluation process will be used as is used for all other employees.

Sick leave and vacation leave will not be accrued while on workers compensation. Additional holiday pay above workers compensation payments will not be awarded while the employee is on workers compensation.

**Life.** The Town shall provide life insurance to its full-time employees in the amount equal to one years salary, rounded upward to the next highest thousand to a maximum of \$100,000. Coverage begins on the first day of the month following 90-days of employment or as the life insurance contract dictates. Benefits are payable in both occupational and nonoccupational causes. The amount of life insurance and AD&D is reduced by 35% of the original benefit at age 70. Life and AD&D are reduced by an additional 15% of the original benefit at age 75. In the event the Town changes life insurance carriers, this life insurance section becomes null and void, and the new life insurance policy will be adhered to.

## **11. END OF EMPLOYMENT CONDITIONS and REQUIREMENTS**

**End of employment notification.** When an employee decides to end their employment relationship with the Town, the employee must put their notice into writing to their Department Head. The employee will make every effort to give at least a two week notice in advance of the planned ending date. This will allow the Town to maintain work schedules and provide important services to the public as well as prepare the employee's ending paperwork and payroll.

**Layoff.** The Town reserves the right to lay off any employee if circumstances dictate. The decision that such a layoff is necessary will be made by the Town Administrator after consultation with the appropriate Department Head and approval of the Town Council. It is the responsibility of the Department Head to conduct the layoff procedure after the layoff has been approved. The determining factors of a layoff procedure will be established by the Town Administrator. No employee shall be laid off without at least a two week notice, or as required by law. In the event that a recall is necessary, employees shall be recalled in the reverse order of the layoff process. A recall procedure will be used only within twelve months of the original layoff. An employee, if qualified, may be offered a lower paid position if a vacancy exists, in lieu of a layoff. Acceptance of such a position shall in no way prejudice the employee's return to their former position should rehiring take place for that position.

**Exit interview.** The purpose of the exit interview is to discuss any relevant separation benefits benefit continuation, and to receive feedback from the employee on ways in which the Town can improve operations and retention of employees.

When an employment relationship with the Town ends for any reason, the Department Head shall conduct an exit interview with the employee in the presence of the Town Administrator or designee. At the time of this interview, the employee shall account for all Town property in their custody or control. The exit interview form shall be signed by all involved to record the fact that the interview was held.

If an employee refuses to participate in an exit interview, a notation shall be made for the employee's personnel file.

**Benefits – end of employment.** Employees who are dismissed will receive all accrued vacation leave and shall forfeit any applicable sick leave which is normally paid over the 30-day cap at 50%.

Employees who retire, resign, or end their employment for reasons other than dismissal will receive all accrued vacation leave and applicable sick leave which is normally paid over the 30-day cap at 50%. Unused personal days will be converted back to sick days in order that they may be applied to the total accrual of sick days. Accrued sick leave will be to the date of separation from employment.

**Benefits - upon death.** If an employee dies while in an employment relationship with the Town, all monies owed the employee shall be paid to a beneficiary(s) named by the deceased and recorded with Human Resources. If no beneficiary is on record, these monies shall be paid to the estate of the employee. Any accrued sick days over the 30-day cap will be reimbursed at half pay.

**NHRS – end of employment.** The New Hampshire Retirement System (NHRS) is a public employee pension plan that provides retirement, disability, and death benefits to its members and their beneficiaries. NHRS is a defined benefit plan, which offers eligible members a lifetime pension. The amount of the pension is based on salary, average final compensation, and creditable service, not on the contributions paid into the plan. NHRS administers a post-retirement medical insurance subsidy for eligible police officers, firefighters, retired employees and teachers. The NHRS is governed by RSA 100-A. Because the laws regulating the NHRS

change regularly, contact Human Resources or the NHRS for more information on the specifics of of the system.

**Termination of employees not able to work.** An employee who has exhausted all accrued and approved leaves, and is no longer protected by FMLA, is subject to termination of the employment relationship with the Town.

If the employee is on disability or workers compensation and is no longer protected by FMLA, the employee is subject to termination of the employment relationship with the Town.

**Unemployment compensation.** The Town pays into the unemployment compensation fund established by the State of New Hampshire. Employees no longer working for the Town may be eligible for unemployment compensation benefits through the NH Department of Employment Security.

**COBRA.** The “Consolidated Omnibus Reconciliation Act of 1985” requires the Town to offer covered employees and their family members the opportunity for a temporary extension of health insurance coverage through the group at their own expense in certain instances where coverage would otherwise end. The extension is not automatic and the coverage is not free. For more information on COBRA contact Human Resources.

## DEFINITIONS

**APPOINTMENT** - The designation of a person as an employee of the Town and their induction into a classified position.

**CBA** - Collective Bargaining Unit. Union.

**COMPENSATION** - The salary, wages, fees, and all other forms of valuable consideration earned or paid to an employee, but does not include allowances for expenses authorized and incurred as incidents to employment.

**DEMOTION** - The change of an employee from one position to another position having a lower rate of pay, less responsibility/duties, etc.

**DISMISSAL** - Involuntary termination of the employment relationship with an employee.

**ELIGIBLE** - A person who has met the minimum qualification requirements established for a position or has met the requirements established to receive benefits from the Town.

**EXAMINATION** - Any test of fitness used to evaluate the ability of applicants or employees, to perform the duties of a position. (i.e., oral board, written test, performance test, physical examination, psychological exam.)

**INCUMBENT** - An individual currently occupying a specific position.

**JOB DESCRIPTION** - A descriptive statement of each position's duties, requirements, and responsibilities.

**JUST CAUSE** – Misconduct or negligence by the employee.

**LAYOFF** - Involuntary termination of an employment relationship with an employee resulting from a reduction in workforce due to lack of work, lack of funds or abolishment of the employee's position.

**LEAVE** - A period of authorized absence during which an employee does not work but is still considered to be in the employ of the Town. Leave may be authorized with or without pay.

**PERSONNEL ACTION** - All activities effecting any aspect of an employee's status. This includes appointment, change in appointment, original hiring, re-employment, transfer, promotion, demotion, changes in hours, reallocation, reclassification, resignation, suspension, dismissal, placement in leave status, etc.

**POSITION** – An established job in the Town.

**PREMISES** - Town owned or controlled buildings, facilities and properties, and any remote job site to which an employee may be assigned to work and any vehicle the employee may be traveling in or using for Town related business.

**PROBATIONARY PERIOD** - A working test period, following an appointment, hire, promotion, demotion, etc., during which an employee is required to demonstrate by conduct and actual performance, their fitness for the position to which they are in.

**PROMOTION** - The change of an employee from one position to another which provides a higher rate of pay, responsibility, duties, etc.

**RESIGNATION** - Separation of an employee from Town employment by their own voluntary act.

**SUSPENSION** - An enforced leave of absence for disciplinary purposes, pending the completion of an investigation or charges made against an employee, or other purposes.

**TERMINATION** - Separation of employment, by any means such as resignation, retirement, dismissal, etc.

**TEMPORARY APPOINTMENT** - An appointment to an approved position for a period of limited duration.

**TRANSFER** – The change of an employee from a position in one department to another position in another department.

**UNAUTHORIZED ABSENCE** – The absence of an employee from duty for a single day or part of a day that is not authorized by a supervisor.

**VACANCY** – A vacant, open, unfilled position. An authorized position which has no assigned employee.

**WORK PLACE** - Town owned or controlled buildings, facilities and properties, and any remote job site to which the employee may be assigned to work and any vehicle the employee may be traveling in or using for Town related business.

**WORK WEEK** - Four or five days out of seven continuous days, 35 or more hours per week.

## AMENDMENT DETAILS

| <u>Date</u>       | <u>Section(s) Amended</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| February 11, 2015 | Added new policy Employment Driver's Records Checks to Section 4. Workplace Conduct                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| February 25, 2015 | Updated Nepotism to add "within the same department if 1) the current employee will be directly supervised by the new employee or 2) the new employee will be directly supervised by the current employee." to Section 2 Pre-Employment Conditions and Criteria.<br><br>Updated Grievance/appeal procedure to add "If nepotism applies in the grievance process as the process goes up the levels, then the process would skip up to the next level." To Section 6 Grievance/Appeal Procedure                         |
| May 27, 2015      | <u>Section 3 – Employment Conditions</u><br>Added new policy "Policy on Hours of Work for Salaried Exempt Employees" with effective date of July 1, 2015                                                                                                                                                                                                                                                                                                                                                              |
| January 27, 2016  | <u>Section 4 – Workplace Conduct</u><br>➤ Drugs and Alcohol in the workplace, and testing – 2 (D) Random = Updated DOT random from 50% to 25% (FMCSA 12/21/15 effective 01/01/16)<br><u>Section 10 – Insurances</u><br>➤ Health insurance stipend agreement - updated annual amount to \$5,000.00 (Council 10/28/15 effective 01/01/16)<br>➤ Disability - updated short-term disability % vs. long-term disability % (Council 12/09/15)<br>➤ Life – updated life and AD&D reduced % at age 70 & 75 (Council 12/09/15) |
| June 22, 2016     | <u>Section 4 – Workplace Conduct</u><br>➤ <u>Workplace violence</u> - remove sentence "The Town therefore prohibits employees from bringing weapons of any type onto any Town property"<br>➤ <u>Firearms and other deadly weapons</u> – remove entire section                                                                                                                                                                                                                                                         |
| August 24, 2016   | <u>Section 2 – Pre-Employment Conditions and Criteria</u><br>➤ <u>Creating a new position</u> – clarified adding permanent full-time positions vs. part-time or temporary full-time                                                                                                                                                                                                                                                                                                                                   |