

TOWN OF MECHANIC FALLS

PERSONNEL POLICY

As Revised: 02/09/2015

***PREAMBLE:** The following rules and regulations are to be followed by the Town Manager in administration of personnel activities and are to be used to govern procedures for the administration of all departments. A copy of this policy shall be provided to all employees upon the commencement of their employment with the Town of Mechanic Falls, and any amendments or revisions of said policy shall be provided to all employees currently in the employ of the Town of Mechanic Falls as said amendments or revisions become effective. These policies do not constitute an employment contract. They may be amended at any time by the Town without prior notice.*

In addition, it should be understood that employees may be requested to abide by specific rules and regulations that pertain to the department or division of the government of the Town of Mechanic Falls from which they accept employment. Departmental policies and any provisions of individual employment contracts supersede any policy in this document. Barring mention of a particular policy in an aforementioned document, the provisions herein apply.

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SECTION 1: DEFINITIONS:

Anniversary Date: An employee's Anniversary Date is considered to be the nearest July 1st date to their actual Hire Date. Anniversary Date is used to determine years of service for purposes such as determining Annual Leave. An employee whose Hire Date is November 5th, 1998 is considered to have an Anniversary Date of July 1st, 1998 for purposes of determining years in service and Annual Leave. An employee hired February 22nd, 1999 is considered to have an Anniversary Date of July 1st, 1999 for purposes of determining years in service and Annual Leave. The Anniversary Date method is used to correspond with the fiscal year and for ease of recordkeeping with regard to new effective rate of accumulating Annual Leave.

Compensatory Time: See Compensatory Time Policy contained herein.

Employment Year: The 365-day long period between an employee's Anniversary Dates. For purposes of calculating year of service and available benefits, all employees shall be considered to have a July 1 to June 30th work year.

Exempt Employee: An employee who is paid a pre-determined annual wage in equal installments. Salaried employees are subject to Compensatory Time, but not Overtime.

Firefighters, Municipal: An active member, whether full-time, part-time, or on call, who aids in the extinguishments of fires and is compensated for that aid.

Firefighters, Volunteer: An active member of the town's volunteer fire association who receives no compensation other than injury and death benefits.

Flex-time: A benefit of leave offered to eligible employees. Flex-time is used at the request of the employee, subject to the employee's supervisor and may be used to compensate work loss due to illness, funeral leave, jury duty, personal reasons or other reason as approved by the employee's immediate supervisor.

Full-Time Employee: An employee who averages or whose position is classified as 37.0 hours per week or more during a 52 week period. Full-time employees receive all benefits as described herein.

Three Quarter-Time Employee: An employee who averages or whose position is classified as 30 hours per week up to 37.0 hours per week during a 52 week period. Three Quarter-time employees are eligible to receive flex-time (see section 20), as well as Overtime Pay, Worker's Compensation, Social Security and FICA, and Unemployment Insurance, and other such Federal and State minimum labor requirements as may be applicable. Half-time employees receive flex-time but no other benefits of any sort (sick leave, vacation, holidays, funeral leave, retirement, medical insurance, etc.). (Amended November 3, 2014)

Hire Date: The month and day date the employee is hired.

Non-Exempt Employee: An employee who is compensated at an hourly rate of pay. Non-exempt employees are entitled to overtime pay.

Overtime: Overtime will be paid to non-exempt employees for hours exceeding 40 in a given work week, with the exception of the Police Dept. whose standard work week is 42 hours. All overtime is compensated at 150% of the normal wage.

Part-Time Employee: An employee who averages or is expected to average 12-29 hours a week during a 52 week period. Part-time employees receive flex-time but no other benefits of any sort (sick leave, vacation, holidays, funeral leave, retirement, medical insurance, etc.). (Amended November 3, 2014)

Resignation in Good Standing: In order to resign in good standing, an employee must give at least 14 days' notice to their immediate supervisor, and must not be under suspension for disciplinary action. Failure to resign in good standing will result in loss of accrued Sick Pay.

Temporary Employee: An employee hired for a pre-established or limited period of time. Temporary employees are subject to a probationary period, and receive no benefits as described herein except those required by state and federal law.

Work Day: The normal number of hours that are worked in a shift as described by an employee's job description or departmental policies. Vacation, sick, holiday, and funeral leave shall be based on the number of hours in a standard work day.

Work Week: The work week begins at 12:01 AM Sunday and ends at 12:00 PM the following Saturday. For payroll purposes, regularly scheduled shifts that begin on Saturday and end on Sunday will be paid for in the week in which the shift began.

SECTION 2: EMPLOYMENT CONDITIONS

Attendance and Punctuality

The Town of Mechanic Falls expects employees to be reliable and punctual in reporting for scheduled work. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Poor attendance or excessive tardiness may lead to disciplinary action, up to and including termination of employment.

Disciplinary Action

Disciplinary action shall occur whenever, in the opinion of the supervisor, an employee is performing below satisfactory levels. Disciplinary action may consist of the following alternatives, including but not limited to immediate termination of employment, depending upon the severity of the behavior: Written Warnings, Suspension (with or without pay), Demotion, and/or Termination.

Verbal consultations may be documented, but are not required to be in that format, and may be included in the employee's personnel file for purposes of conducting employee evaluations.

This policy is intended for guidance only and does not entitle employees to progressive discipline or any other disciplinary procedures in any particular case. The facts of each particular situation will be unique and may, therefore, lead to different responses by the Town. This discipline policy does not alter the at-will nature of any employee's employment. While some employees may be terminated only for cause, most are at will.

When employees have engaged in unsatisfactory conduct that does not result in immediate discharge, the Town may follow progressive discipline procedures. Certain types of misconduct are sufficiently serious that progressive discipline will not be followed. In such cases, the Town may choose to discharge the employee for the first offense.

Supervisory personnel are responsible for documenting disciplinary issues and measures, putting such documentation in the appropriate personnel file, and informing the Town Manager of same.

Equal Employment Opportunity

The Town of Mechanic Falls declares its intent to pursue a policy of non-discrimination in its personnel practices. This includes: recruiting, hiring, opportunities for transfer and promotion, conditions or privileges of employment, as well as compensation and benefits. Such practices shall not favor or penalize any person because of race, creed, color, sex, marital status, national origin, age, sexual orientation or handicap, where these are not found to be bona fide occupational qualifications.

The Town recognizes its responsibility to enhance the purposes set forth in the Maine Human Rights Act as well as federal statutes which may apply as a result of Federal grant activities.

Hours of Work

Departmental working schedules are established by Department heads with the approval of the Town Manager and Town Council. Working schedules will be established depending upon the service requirements of their departments and taxpayer convenience. Lunch breaks are not compensated and may be established as the Department head deems appropriate for the department, subject to Town Manager approval. Flex time schedules for exempt employees, with the approval of their supervisors, may be established provided such scheduling is not overly inconvenient.

Mandatory Training:

Every municipal employee, regardless of their employment classification is required to participate in annual trainings determined by Town administration as recommended by the Maine Bureau of Labor Standards (MBLS) and Occupational Safety and Health Administration (OSHA). These annual trainings, conducted by the Mechanic Falls Safety Committee each December, are to educate the employees of the safety policies and procedures adopted by the Town. Participation is a required condition of employment and employees who do not complete the requirement by January 31st immediately following the December training may be subject to termination.

Each municipal department may also have mandatory trainings, certification or licensures specific to that department. Employees who do not maintain current required trainings, certifications or licensures may be subject to termination.

Probationary Period

All employees, regardless of status or average number of hours worked per week, will be subject to a six-month probationary period beginning at their Hire Date. It is to be understood that the six-month probationary period is to be considered as part of the selection process. When a probationary period crosses into a new fiscal year, where employees may receive a Cost of Living Adjustment (COLA), an employee is not entitled to said COLA during their probationary period, or retroactive compensation upon completion of the six-month period. Upon completion of the probationary period, the employee may receive the COLA, but it is not retroactive.

Promotions

It is the policy of the Town is to give present employees primary consideration when any vacancy occurs. Promotions will be based upon previous job performance, relative qualifications for the position and length of service. When, in the opinion of the Town Manager and/or Town Council, a qualified internal candidate is not available, the Town may seek external candidates, and/or ask internal candidates to compete with external candidates in a selection process. Promoted employees will be subject to a six-month probation.

Residency Requirements:

(Adopted by Charter November 2, 2010)

At the time the Town Manager appoints an Administrative Officer (employee), the employee need not be a resident of the Town or State. The employee shall reside within ten driving miles of the Town Office within nine (9) months of his or her appointment. The Council retains the authority to extend that time period as they deem appropriate. Administrative Officers are defined as the Finance Director, Fire Chief, Chief of Police, Water Department Superintendent, and Public Works Director. The Finance Director shall be exempt from the residency requirement.

At the time of the Manager's appointment, the Manager need not be a resident of the Town or State. The Town Manager shall, however, reside within ten (10) road miles of the Mechanic Falls town office within nine (9) months of his or her appointment. The Council retains the authority to extend that time period as they deem appropriate.

SECTION 3: PAY:

Acting Manager Pay

Employees may, from time to time, be appointed by their supervisors as an Acting Manager (Acting Town Manager, Acting Chief, Acting Town Clerk, Acting Community Development Director, Acting Public Works Director, etc.). An employee is expected to temporarily fill a department manager's position for up to two weeks without additional remuneration. In the event that an employee is appointed to serve in the full capacity of their supervisor for more than two weeks, the employee shall be entitled to a level of pay at mid-point between their current level of pay and that of the department director for the period that they serve in that increased capacity.

Compensatory Time

All Employees are eligible for compensatory time off under the following guidelines, and at the discretion of the Town Manager.

Exempt employees are presumed to have a base work week of 42 hours. For hours worked in excess of that number, compensatory time is earned at a rate of one to one for each hour in excess of 42 hours.

Non-exempt full-time employees who choose to take compensatory time in lieu of over-time will earn time at a rate of one to one and a half for each hour in excess of 40 hours, 42 hours for public safety personnel.

Employees may accrue up to a maximum of 24 hours of compensatory time and must take all accrued compensatory time within the same budget year. Extreme or unusual circumstances may not permit an employee to use all accumulated comp time in the same budget year, therefore at the discretion of the Town Manager, while considering budgetary restrictions, may authorize either the carry-over of said comp time or the payment for said comp time. It is the exclusive responsibility of the employee to be able to demonstrate time worked in excess of a base work week which would entitle them to compensatory time.

Compensatory time must be used prior to expending sick or vacation time.

Expenses

Employees who have successfully completed their six month probationary period may be eligible for reimbursement of expenses. The Town Manager may on a case-by-case basis grant exceptions for those who have not completed their probationary period. (Adopted by Council : September 7, 2010)

Motor Vehicle Use

Employees who use their own motor vehicle in the performance of their duties shall be reimbursed for mileage traveled at the prevailing Internal Revenue Service rate. Other travel related expenses (tolls, parking, etc.) shall be reimbursed upon production of a receipt for said expenses. All employees who drive either private or Town-owned vehicles to conduct Town business shall ensure that they are properly licensed and that any private vehicle used for Town business is properly registered and insured. If an employee is involved in a vehicle accident while driving or traveling in their private vehicle and conducting Town business within the scope of their employment, the insurance policy for that private vehicle will provide insurance protection for the employee. Therefore, it is essential that the employee consult with their insurance agent to determine adequate insurance coverage. The Town will reimburse the employee for the amount of insurance deductible paid by the employee up to a maximum of one thousand dollars (\$1,000) with proof of payment. (Adopted by Council : September 7, 2010, Amended October 1, 2012)

Educational / Professional Development

Expenses related to maintaining an employee's professional licensure and/or other required certification shall be reimbursable when pre-approved by the Town Manager. Other reimbursable training expenses shall include all training that is mandated by Town, County, State, or Federal agencies, and any training needed for an employee to perform duties in a safe manner. (Adopted by Council : September 7, 2010)

Employees wishing to enroll in non-mandatory educational or vocational course work that is directly related to their present position must secure prior approval from the Town Manager through their Department Head. In cases where the approval is granted, the Town will reimburse an employee not more than 50% of the total cost of tuition, provided that the employee satisfactorily completes the course and makes a passing grade of B- or better. Budget permitting, the Town Manager may agree to front up to 25% of the total tuition for a course hinged on a payroll deduction agreement with the employee. Failure to complete the course or obtain the minimum grade will cause the total funds fronted by the Town to be deducted from the employees pay as part of the agreement. Approvals will be granted based on availability of funds, employee's tenure and Department Head recommendation. Employees will only be entitled to reimbursement for one course per fiscal year. (Adopted by Council : September 7, 2010)

Miscellaneous training sessions that are not mandatory and do not issue grades, certifications or licenses do not need the approval of the Town Manager if the specific department has money in the budget for training. (Adopted by Council : September 7, 2010)

Overtime Pay

(Amended by Council 2/9/2015)

Employees will receive time and a half pay when overtime is worked. Overtime will be paid when an employee has actually worked more than their regularly scheduled work week. A regular work week is defined as forty hours per week, or 36 hours and 48 hours per week for hourly employees in the Police Department. Holidays, as listed within this employment policy, will be counted toward determining overtime. Vacation, Sick and Funeral Leave hours will be excluded from the total hours worked when factoring for overtime compensation. If an employee is working a shift on a Holiday, which

also constitutes hours in excess of their standard work week, they will receive a number of hours equal to their standard work day for the Holiday, and time and one-half for the actual number of hours worked as Overtime. All overtime must be approved by the Town Manager before the overtime is worked, except in the event of an emergency.

Pay Day

Pay day for all Town employees is on Thursday for wages earned the previous week. Should pay day fall on a holiday, payment will be made on the preceding day.

Police Details/Pay

Police officers may be called upon from time to time to attend to a special detail where a third party will be paying. In those cases, the third party pays the town the prevailing rate as determined by the Town Council, and the town pays the officer at a rate of one and one-half times the wage of the highest hourly wage among current patrolmen. Detail time shall be logged separately and apart from normal work hours and shall not be accounted for under normal or overtime work hours.

Wage Increases

The Mechanic Falls Town Council recognizes the annual need to review pay and wage scales for the municipal employees.

Prior to the creation of the municipal budget proposal, generally at the December Council meeting, the Town Manager will present a proposed range of pay increase for the staff. The manager's range will be based on a number of factors. He / she will take into consideration the proposed cost of living increase based on figures provided by the Bureau of Labor's consumer price index, increased cost for pensions and insurances, the potential impact on the budget as a whole and wage comparisons from the Maine Municipal Annual Salary Survey. The range will be a flat percentage increase from which the Town Council will decide to select from within that range or choose to set their own rate.

(Amended by Council 9/2/2014)

The total budget amount needed to affect the proposed wage increases, as established by the rate increase determined by the Council, will be added to the Pensions and Insurances budget category as a single line item. Once the total budget has been passed and it is determined that raises have been allocated, the funding will be distributed to all eligible employees. The rate of increase will take effect at the beginning of the next fiscal year, (or budget year in the case of the water department).

At the beginning of a new fiscal year, the Town Manager may decide not to allow wage increases previously approved in the budget.

Employees who become certified in duties directly relevant to their position, either by the MMA or other professional organization establishing professional certification criteria, may receive a pay increase, as may be determined by the Town Council from time to time, upon receipt of the official certification document.

SECTION 4: BENEFIT TIME OFF:

Flex-Time For Three-Quarter Time Employees

(Amended November 3, 2014)

YEARS OF SERVICE	HOURS OF FLEX-TIME / YEAR	ACCRUAL RATE**
0-6 months	No Benefit	None
6 months -2 years	40 Hours / Year	3.33 Hours / Month
2 years -10 years	80 Hours / Year	6.66 Hours / Month
10 years +	120 Hours / Year	10 Hours / Month

Flex-time is available to those who have successfully completed their initial six-month probationary period and work at least an average of 30 hours per week. Those eligible for this benefit are entitled to the hours of flex-time time indicated above. Hours may be used solely at the discretion of the employee with approval from their immediate supervisor. All flex-time must be taken in the budget year that it is earned. Any flex-time that remains unused at the turn of the budget year will be lost. Unused flex-time is generally not compensable, but, under unique circumstances, may be granted at the discretion of the Town Manager when conditions existed such that the employee could not reasonably have taken time off. Employees are not permitted to "sell back" accrued time for monetary compensation.

** One of the months will need to be rounded up to arrive at an even 40 hours and an even 80.

Flex-Time For Part Time Employees

(Amended November 3, 2014)

FULL YEARS OF SERVICE	HOURS OF FLEX-TIME / YEAR	ACCRUAL RATE**
0-1	No Benefit	None
2-9	30 Hours / Year	2.5 Hours / Month
10+	40 Hours / Year	3.33 Hours / Month

Flex-time is available to those who have given at least two years of service and work at least an average of 12-29 hours per week. Employees must have completed the required number of years as of their Anniversary Date to be eligible for this flex-time. Those eligible for this benefit are entitled to the hours of flex-time time indicated above. Hours may be used solely at the discretion of the employee with approval from their immediate supervisor. All flex-time must be taken in the budget year that it is earned. Any flex-time that remains unused at the turn of the budget year will be lost. Unused flex-time is generally not compensable, but, under unique circumstances, may be granted at the discretion of the Town Manager when conditions existed such that the employee could not reasonably have taken time off. Employees are not permitted to "sell back" accrued time for monetary compensation.

** One of the months will need to be rounded up to arrive at an even 40 hours.

Holidays

The following paid holidays are recognized by the Town of Mechanic Falls: New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, July 4th, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving**, and Christmas.

Additionally, each full-time employee may take off one paid day per year as a "floating holiday," to replace Patriots Day, only with the advanced approval of their supervisor. Should an employee give timely notice of intent to take a floating holiday (at least five working days' notice) and such request is denied by the employee's supervisor, the employee will be compensated as working on a holiday (1 ½ times base pay) for those hours, but the holiday is considered "expended and compensated."

The Police Department and Water Department personnel are expected to work on a holiday if it is their scheduled day of work.

** Police Department and Water Department personnel, because of their unique scheduling demands, are considered to have two floating holidays per year, but do not receive the day after Thanksgiving as a holiday.

Insurances

(Amended March 3, 2013)

Full-time employees shall be eligible for individual and dependent health insurance in accordance with the provisions of the Maine Municipal Employee Health Trust with respect to enrollment periods (60 days), late enrollees (>60 days), and special enrollments (marriage, birth, adoption provisions). The Town Council, while factoring budgetary conditions, shall make a determination as to what percentage of the health insurance premiums will be paid for by the employee annually. Employees may opt to pay their employee share as a pre-tax deduction from their pay.

Full-time employees are entitled to life insurance coverage in an amount equivalent to one times their annual salary as may be provided with the Town's medical insurance policy.

All employees of the Town of Mechanic Falls are covered by the Worker's Compensation Law of Maine. If an employee is injured on the job, related bills for diagnosis and treatment and sums for wage replacement may be paid as provided by the Maine Worker's Compensation Act. If the worker elects to take sick leave during the absence caused by an accident, Worker's Compensation insurance wages shall instead be paid to the Town. Sick leave shall be used up at a rate that is pro-rated to reflect the workers compensation payments to the Town; that is, to the extent sick pay is greater than workers compensation pay, the ratio between the difference between those two payments and the sick pay received shall be the percentage of a sick day's worth of time that is deducted from an employee's entitlement to sick leave. For example, if an employee ordinarily earns \$90 a day and the workers compensation rate is \$60 a day, an employee would receive \$30 more a day by electing to use sick time. Sick time would be used up at a rate of 30/90 of a day each day, or 1/3 of a sick day for each day out.

The Town recognizes that employees may become ill or injured in circumstances that do not arise out of and in the course of their employment by the Town. Whether the injury or illness is caused by concurrent employment elsewhere or from any other event or cause, the Town reserves the right to require the Town employee, whether full-time, part-time or on-call, to submit medical evidence of the ability to perform the essential functions of their employment duties for the Town, with or without reasonable accommodation.

The Town maintains its own self-funded unemployment fund under the laws of the State of Maine, providing employees with unemployment income in the event of lay-off.

Insurance Opt Out:

The Town recognizes a considerable savings for employees who do not participate in a health insurance program with the Town. If an employee annually provides evidence that he/she has comparable health insurance coverage for his/her family, the Town will offer a yearly stipend of \$1,800.00, paid in weekly installments (\$34.615) to that employee. Those funds are intended to reimburse the employee for premiums paid to the other carrier. This reimbursement is subject to regular payroll taxes.

Retirement Benefits

Full-time employees are entitled to participate in either the ICMA Retirement program or the Maine State Retirement System.

The Town Council of Mechanic Falls will establish its employer match for each program as it deems in the best interest of the Town. Currently the Town provides a match equal to a maximum of 6.5% of the employee's pay if the employee provides the same or greater match from their own pay. The Town may not, at any time, avail itself of any funds held in trust for the employee's retirement.

Sick / Medical Appointments

Full-time employees accumulate eight hours of sick leave for each calendar month worked. Sick leave may be used when the employee is ill, has medical appointments, or when the employee must attend to a family member who is ill or has medical appointments. As a protection for workers and their families, employees may accumulate up to 576 hours of sick leave of which only 480 hours may be carried over from year to year. Employees calling in sick must call their direct supervisor or the sick pay may be withheld. Employees who are sick for three days in a row may be required to provide a statement from their physician regarding their condition and expected duration of the illness. Failure to do so could result in the sick leave pay being withheld.

In the event of an extended illness, the employee will receive his or her normal compensation by first using any and all sick leave, then any and all compensatory time, then the Floating Holiday, and finally any vacation available at the time of illness. During the illness, the employer may ask for medical evidence of the employee's ability to do his or her job, with or without reasonable accommodation.

Unused Sick Leave Compensation:

It is the policy of the Town to compensate employees for unused sick leave under two circumstances: end of fiscal year or resignation in good standing. At no other time shall employees "sell back" accrued sick time for monetary compensation. When compensation is authorized in the above mentioned circumstances, the rate of compensation shall be 40%. Compensation for unused sick leave is reimbursed at 16 hours pay for 40 hours turned in over 480 hours (40% over 480 hours on the books) annually. Total accrued sick time (not to exceed 576 hours) is payable at the same rate (40%) upon retirement or resignation in good standing.

Donation of Benefit Time

(Adopted by Council June 4, 2012)

Employees of the Town who have accrued benefit time shall be permitted to voluntarily donate some of their unused time for the benefit of an employee who has completely depleted their time.

It is recognized that there will be occurrences in employee's lives when they will deplete their benefit time for medically necessary reasons for themselves or while caring for an immediate family member. For an employee to be eligible to receive donated time from another employee to care for a family member, they must meet the same requirements to be eligible for time off under the Family and Medical Leave Act.

For an employee to be eligible to donate, they must meet the following criteria:

- employee will be required to fill out a "Gift of Benefit Agreement"
- employee must have a minimum of at least forty hours of sick time or 20 hours of vacation time accrued
- employee cannot gift more than 25% of their own accrued benefit time
- employee will not be returned any unused donated time from the receiving employee
- employee understands that they are gifting hour for hour and not a monetary value of said hour

Snow Emergency

In the event a snow emergency has been declared by the Town Manager or his/her designee, administrative staff, clerks, code enforcement, library staff, and clerical staff may go home. Employees choosing to leave will have their time lost covered by a deduction from their available vacation time. Those who may not leave are: police officers, public works' equipment operators, and water department operators.

If at least one clerk decides to stay on the job, the Town Office will remain open to the public.

Vacation Time For Full Time Employees

FULL YEARS OF SERVICE	HOURS OF VACATION-TIME / YEAR	ACCRUAL RATE**
0-1	40 Hours / Year*	3.33 Hours / Month
2-9	80 Hours / Year*	6.66 Hours / Month
10-15	120 Hours / Year*	10 Hours / Month
16+	160 Hours / Year*	13.33 Hours / Month

Employees must have completed the required number of years as of their Anniversary Date to be eligible for the next step increase in vacation rates. Requests for vacation are to be made to the employee's supervisor. Vacation will generally be authorized except under conditions where the employee is critical to the department's functioning during the period requested for leave.

All vacation must be taken in the year that it is earned (by June 30th of each year). Any vacation that remains unused as of July 1 of each year will be lost. For Water Department personnel, the end of the year is December 31st for determining a date when vacation is lost. Unused vacation is generally not compensable, but, under unique circumstances, may be granted at the discretion of the Town Manager when conditions existed such that the employee could not reasonably have taken time off.

An employee may, with permission of the Town Manager, have a negative vacation balance (take days in advance of earning such days), but only to the extent that if the employee did not return to work, outstanding wages would compensate the negative balance. Prior to incurring a negative balance, an employee must sign a written agreement stating that the negative balance may be deducted from wages due if the employee does not return to work. Negative vacation balances are not permitted during probationary status. Employees are not permitted to "sell back" accrued time for monetary compensation.

* Due to a regularly scheduled 42 hour work week, non-exempt full-time police department employees will accrue vacation time based on the following schedule: 0-1 year - 42 hours (accrued at a rate of 3.5 hours per month); 2-9 years – 84 hours (accrued at a rate of 7 hours per month); 10-15 years – 126 hours (accrued at a rate of 10.5 hours per month); 16+ years – 168 hours (accrued at a rate of 14 hours per month).

** One of the months will need to be rounded up to arrive at an even 40 hours, an even 80 hours, and so on.

SECTION 5: LEAVE TIME:

Domestic Violence Leave

(Adopted by Council September 2, 2008)

The Town will grant reasonable and necessary leave from work, with or without pay, for an employee to:

- A. Prepare for and attend court proceedings;
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent, or spouse or domestic partner is a victim of violence, assault, sexual assaults under Title 17-A, sections 251 to 258, stalking, or any act that would support an order for protection under Title 19-A, sections 4001 to 4014. The Town will not punish or retaliate against an employee or deprive an employee of pay or benefits for requesting domestic violence leave.

The Town may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.

Leave may not be granted if:

- A. The Town would sustain undue hardship from the employee's absence;
- B. The request for leave is not communicated to the Town within a reasonable time under the circumstances; or
- C. The requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the Town.

Family And Medical Leave

(Adopted by Council September 2, 2008)

In compliance with the Family and Medical Leave Act of 1993 ("FMLA"), the Town will grant up to 12 weeks of unpaid leave during a 12-month period to an "eligible employee" for one or more of the following reasons:

- (A) the birth, adoption or foster care placement of the employee's child or the employee's domestic partner's child, and in order to care for that child during the 12-month period after birth or placement;
- (B) to care for the employee's child, the employee's domestic partner's child, the employee's spouse or domestic partner, or the employee's parent, if that spouse, domestic partner, child, or parent has a serious health condition;
- (C) a serious health condition of the employee that renders him or her unable to perform the functions of his or her job; or
- (D) the donation of an organ for a human organ transplant.

If an employee is entitled under existing Town policy to take paid leave (e.g., vacation, personal, family or sick leave) for one of the reasons above, the Town will require that paid leave be substituted for the otherwise unpaid family or medical leave, until the paid leave is exhausted. For example, present Town policy allows employees to take paid sick leave when they have a serious health condition that prevents them from being able to work. Therefore, an employee who takes leave because of his or her own serious illness would be required to substitute any accrued paid sick leave to which that employee is entitled. However, an employee who takes leave in order to care for the employee's seriously ill parent, spouse or child would not be required (or allowed) to substitute any accrued paid sick leave available to the employee because Town policy does not permit the use of sick leave for that purpose.

Definition of "Domestic Partner." As defined by 26 M.R.S.A. § 843, domestic partner means the partner of an employee who:

- A. Is a mentally competent adult as is the employee;
- B. Has been legally domiciled with the employee for at least 12 months;
- C. Is not legally married to or legally separated from another individual;
- D. Is the sole partner of the employee and expects to remain so; and
- E. Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property.

Employees Who Are "Eligible." Employees are "eligible" to take family or medical leave if they have worked for the Town for at least one year, and for at least 1,250 hours over the previous 12 months, and if there are at least 50 employees of the Town within 75 miles.

Meaning of "12-Month Period." The 12-month period during which an eligible employee can take a leave under this policy is measured backward on a "rolling" basis from the date when an employee uses any FMLA leave. Each time an employee takes leave, the remaining leave entitlement consists of any balance of the 12 weeks which has not been used during the immediately preceding 12-month period.

Advance Notice Requirement. Whenever the need for leave is foreseeable, an employee must give the Town at least 30 days advance notice before leave will commence. A form for requesting leave is available from the Town.

When the need for leave is not foreseeable 30 days in advance, an employee must give notice to the Town within two working days of learning of the need for leave, absent extraordinary circumstances. If an employee knew about the need for leave, but failed to give timely notice to the Town, the Town may deny the taking of leave until 30 days after the date of the employee's request.

Mandatory Medical Certification. Any employee requesting leave because of a serious health condition (of the employee or the employee's parent, spouse, domestic partner, or child) must furnish the Town with a medical certification to support the request, to be completed by the appropriate health care provider on a form provided by the Town. An employee normally must submit the medical certification form along with his or her leave request, and the Town may deny the taking of leave until the required certification is provided. In cases of unforeseen leave, the medical certification must be submitted to the Town as soon as possible. The Town may, in its discretion, require any employee seeking leave because of a serious health condition to obtain a second, and possibly a third, opinion at Town expense.

When an employee is on leave, subsequent recertifications of a medical condition must be submitted to the Town every 30 days or upon Town request in other appropriate circumstances, such as when an employee requests an extension of leave or there is a change in circumstances regarding the serious health condition for which the leave is taken.

Intermittent or Reduced Leave. When medically necessary, an employee may take "intermittent" leave (two or more separate leave periods) or "reduced" leave (where an employee continues to work, but for fewer hours per day or per week). In such cases, the 12-week limit applies to the total number of hours or days of leave taken by the employee. An employee must make a reasonable effort to schedule such leave in a manner that will not disrupt unduly the Town's operations. The Town may transfer an employee to an available alternative position with equivalent pay and benefits for which the employee is qualified, if that position can better accommodate recurring periods of leave than the employee's regular job.

Benefits. An employee who takes leave will not lose any employment benefits which were accrued prior to the date on which the leave commenced. However, an employee will not accrue any seniority or benefits during the leave period, and will not be entitled to any rights or benefits to which the employee would have been entitled if he or she had not taken the leave. With the exception of health insurance coverage (see below), no employee benefits will be provided by the Town while the employee is on unpaid leave.

Health Insurance Coverage. An employee who is out on leave will be maintained on the Town's health insurance plan at the same level, with the same coverage, and under the same conditions as if the employee had not taken leave. For an employee on paid leave, the employee's share of premium payments will be deducted from his or her salary in the usual manner. An employee on unpaid leave is responsible for making timely payments to the Town for the employee's share of premium payments, in accordance with the schedule established by the Town before unpaid leave commences, in order to avoid cancellation of the employee's health insurance coverage.

If an employee's premium payment is late, the employer must provide written notice to the employee that the payment has not been received in order to later drop coverage of that employee. Such notice will be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided.

If an employee fails to return to work at the end of the leave period, and the failure to return is not due to circumstances beyond the employee's control (including the continuation, recurrence or onset of a serious health condition), the employee must reimburse the Town for health insurance premiums paid by the Town while the employee was out on leave. The Town will require sufficient medical certification of an employee's inability to return to work because of such a serious health condition before the employee will be released from the requirement to reimburse the Town for health insurance premiums paid during the employee's leave period.

Employee Reporting Requirements During Leave. An employee on leave must report to the Town every 30 days on his or her status and intent to return to work. The Town's obligations under the FMLA (including maintenance of health insurance coverage and restoration to an equivalent position) cease when an employee gives the Town notice of his or her intention not to return to work.

Medical Certification of Fitness to Return to Work. Under circumstances where, in the Town's judgment, an employee's serious health condition may pose a significant risk of substantial harm to himself or others, the Town may require the employee to obtain medical certification of his or her ability to perform the essential functions of the employee's position. The Town will give notice to an employee when such certification is required before the employee will be permitted to return to work.

Restoration to Position. Upon return from leave, an employee will be restored to either the same position he or she held when the leave commenced, or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment. However, this guarantee of restoration does not apply to certain highly compensated employees, if necessary to avoid substantial and grievous economic injury to the Town's operation.

Husband and Wife Both Employed by the Town. If both husband and wife are employed by the Town, they may be entitled to an aggregate of 12 workweeks of leave during any 12-month period, if such leave is taken for the birth or foster care placement of a child, or to care for a parent who has a serious medical condition.

Family Care Leave

(Adopted by Council September 2, 2008)

Under Maine's Family Care Act, employees are allowed to use up to 40 hours of accrued and unused "paid leave" for the care of an "immediate family member" who is ill. This leave is available regardless of how long an employee has worked for the Town. This kind of leave is available only if the employee has paid leave that they have in fact accrued. (For example, if an employee only has five days of accrued paid leave, they can take only five days of Family Care Act leave.) Paid leave is defined as vacation, sick, or other compensated time (such as the Town's flex-time). Paid leave does not include paid short-term or long-term disability. Under this policy, an immediate family member is defined as a child, a spouse, a domestic partner, or a parent.

If an employee needs to take leave under this provision to provide care for an immediate family member who is ill, they must notify the Town Manager as soon as they are aware of the need for such time off. Town employees must also use the same procedure as if they were calling in sick: employees

must notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted and provided an update for each additional day of absence. If an employee needs to be absent for three or more consecutive days, a physician's statement may be required to verify the illness and its beginning and expected ending dates.

This provision does not provide more leave but permits employees to use accrued paid time to care for an immediate family member who is ill.

Funeral & Grief Leave

Up to three days of funeral and grief leave shall be granted, with pay, when a death occurs in the immediate family (spouse, domestic partner, children, step-children, grandchildren, mother, father, brother & sister, grandfather, grandmother, father-in-law, and mother-in-law). The death of a brother-in-law, sister-in-law, niece or nephew entitles the employee to one day of paid leave. Normal annual leave may be taken to supplement paid leave with permission from the employee's supervisor.

Involuntary Medical Leave

(Adopted by Council September 2, 2008)

Any employee, who is put out of work from their regular employer by a physician, due to a medical condition, will be put on involuntary medical leave from employment with the Town of Mechanic Falls. The employee shall remain on medical leave until such time that written documentation from that physician has been provided that permits the employee to return to his / her regular employment.

Physician's notes that clear an employee to return to work with the town will not be accepted if the employee has not been medically cleared for his / her regular employment.

Regular employment is defined as any employer who provides the greater amount of wages and benefits to the employee and with whom the employee commits more time.

Jury Duty

The Town fully recognizes the civic responsibility of serving on jury duty and understands that duty pay is well below the employee's average wages. In recognition of such, the Town will pay the employee's wages not covered by duty pay. For example, if an employee earns \$100 per day working for the Town and jury duty pays \$15 per day, the Town will pay \$85 per day to that employee upon proof of income from jury duty, for the duration of the duty requirement. All other benefits and insurances shall not be affected by the absence of the employee while on duty.

Military Leave

Military leave is governed by the Uniformed Services Employment and Reemployment Rights Act of 1984. When an employee is called to service in an active duty role that would require the employee to be away from employment, the Town will reinstate that employee upon return to the same or equivalent position with similar pay and benefits as when the employee left for service. Pay and benefits will not be disbursed while the employee is not available for employment to the Town.

SECTION 6: EMPLOYEE EXPECTATIONS

Cell Phones

(Adopted by Council : January 2, 2012)

The Town of Mechanic Falls supplies cellular phones to specific positions within the town government to improve the efficiency and effectiveness of the services being provided as well as for the convenience to the employer.

The cellular phones for town business and personal use should be minimized. If the employee makes personal calls that generate a charge to the municipality then those call minutes shall be reimbursed to the Town.

The Finance Director shall assure that all personnel which cellular phones are assigned receive a copy of the monthly phone call details. Any non-business calls shall be reimbursed by the employees to the Town base upon the policy above. All reimbursements shall be deposited into the department's communications expense account and recorded monthly. Any reimbursable amounts due to the Town that are greater than 60 calendar days from the date of the detail phone invoice shall be reported to the Manager immediately.

Computer Use

The Town's computer system is for municipal use. Employees must remember that the computer system is a network of Town equipment, it contains confidential information that must be protected, and it is vulnerable to outside viruses and other risks if those who use it are not careful. This policy applies at all times, regardless of the time of day or whether the Town is open. Remember that emails and other documents may be subject to disclosure under Maine's freedom of access act.

The computers, including email and Internet access systems and hardware, are the property of the Town. All passwords and codes and all email and Internet messages and attachments composed, sent, or received are the property of the Town. Documents created and/or saved on the Town computer system are the property of the Town. Consequently, employees should not consider information on the system private, including email messages, content, attachments, and web sites visited. Incoming and outgoing messages and attachments are subject to being accessed, reviewed, or monitored at the sole discretion of the Town at any time, with or without notice, and notwithstanding any password. The Town also reserves the right to track and monitor employee use of the Internet, including web sites visited and files downloaded by the employee.

Because the computer system is for municipal use, but also because of our duty to protect confidential information, no one other than an employee is allowed to use any Town computer at any time. In addition, employees who do not use the computer system for any part of their job responsibilities should not be using the computer system at any time. For those employees who do need to use the computer system for their job responsibilities, they must limit their access to those portions of the system necessary for performing their work, unless otherwise authorized by the Town Manager.

Because of the threat of viruses and other risks posed by Internet use, as well as a variety of civil and criminal laws, the following rules also apply:

- A. The Town computers, including emails and Internet access, are not to be used to create any offensive or disruptive messages. Among those which are considered offensive are messages or materials that contain sexual implications, racial or ethnic slurs, or other comments that offensively address someone's age, sex, sexual orientation, religion, national origin, ancestry, or disability. In addition, the system must not be used to communicate other improper messages; for example, messages or material that is defamatory, obscene, or otherwise inappropriate. When messages are sent by anyone in the Town office, they announce to the world that they issue from the Town. What is sent thus speaks for our community and affects its image. What is sent may also create liability on the part of the Town. The Town must therefore regulate how its computers are used regardless of how capable, professional, and responsible its employees are.
- B. The Town computers must not be used to visit sexually explicit, offensive, or otherwise inappropriate web sites or engage in computer games or gambling activities.
- C. The Town computers may not be used to violate any law, regulation, or Town policy.
- D. In order to avoid violating the laws protecting copyrighted materials, trade secrets, proprietary information, client confidences, or similar materials, as well as to avoid the danger of viruses, spam, and other computer threats, the utmost care shall be used in sending or receiving (downloading and opening attachments) materials via the Internet.
- E. Town computers may not be used to create, send, or forward "chain letter" emails.
- F. Town computers may not be used by any former employee without prior management authorization.

Courtesy And Professionalism:

The employees of the Town are public servants and the citizens must be treated with courtesy and consideration. Every employee should remember that he or she may be the only contact a citizen has with his or her local government. The impression that the employee makes will determine for a long time to come what the citizen thinks of our Town Government. Failure of an employee to act with reasonable courtesy may result in disciplinary action. Employees are expected to practice a high level of personal hygiene, dress neatly and conduct themselves with a professional demeanor.

Distracted Driving

(Adopted by Council January 2, 2012)

Employees of the Town of Mechanic Falls may not use any hand-held cell phone while operating a municipally owned vehicle that is in motion or stopped at a traffic light. This includes but is not limited to, answering and making phone calls, engaging in phone conversations and reading or responding to emails, instant messages or text messages.

If employees need to use their phones, they must pull over safely to the side of the road or other safe location.

If it is determined that through the course of duty a direct link to a person is necessary via cell phone, public safety personnel responding to the aid of that person using a cell phone to maintain that link shall be exempt from this policy.

Drug And Alcohol Use:

The Town is concerned about protecting the safety, health, and well-being of its employees, citizens, and all people who come into contact with its employees or use its services. The Town recognizes that drug and alcohol abuse pose a direct and significant threat to this goal, and to the goal of a productive and efficient working environment in which all employees have an opportunity to reach their full potential. The Town is committed to providing a drug-free work place and employing a drug-free work force.

While on municipal premises and while conducting Town-related activities off municipal premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. Even when off municipal premises and off work time, no Town employee may use, possess, distribute, sell, or be under the influence of any illegal drug. The Town does not want to be associated with such activity or have employees who use illegal drugs. The same is true of the illegal use of alcohol, whether driving while under the influence or furnishing alcohol to a minor. The Town also prohibits the use of illegal drugs or alcohol off the job that impairs performance on the job.

The legal use of prescribed drugs is permitted on the job if it does not impair an employee's ability to perform the essential functions of the job and in a safe manner that does not endanger other individuals in the workplace. Employees may be asked to provide a doctor's certification regarding safety and the ability to perform the essential functions of the job. Each employee must consult with his or her health care provider to determine whether the use of a prescribed medication could lead to impairment. Medicines brought to work must be brought in the original prescription container or over-the-counter container.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Town Manager without fear of reprisal.

Hostile Work Environment:

In general, municipal employees are not required to remain in a hostile work environment. Employees who feel they are in a threatening situation, or a situation in which sexually explicit or foul language is being directed at them, or similar circumstances, should declare themselves to feel that it is becoming a hostile environment and request the offender cease the offending behavior immediately. If the offender does not stop or refuses to stop the hostile behavior, the employee is within their rights to remove themselves from the area, and immediately notify their supervisor of the circumstances and the decision to declare a hostile work environment.

Employees working as Police Officers are anticipated to be situations where they will be subject to hostile work environments, and may not exercise this portion of the Personnel Policy when investigating a problem, affecting an arrest, questioning a suspect and the like. They may exercise this portion of the policy when being angrily confronted by a member of the public who is not violating the law and/or subject to arrest.

Under no circumstances is an employee permitted to return the hostile behaviors to the offending party (push them, threaten, swear at them, etc.). Employees should tell the party that they are being overly hostile, and that the employee will be leaving if they do not stop. The employee should instruct the person as to whom their supervisor is, and ask them to take up the matter with the supervisor, and then politely leave the scene.

Personal Phone Calls / Messages

(Adopted by Council : January 2, 2012)

Employees of the Town of Mechanic Falls are expected to perform to their full capacity while being compensated for their work. Non-emergent, non-work related phone calls, instant messages and/or text messages being made or received while on duty are discouraged and will be kept to a minimum.

Sexual And Unlawful Harassment Policy Statement

The Town is proud of its tradition of maintaining a work environment that encourages respect for the dignity of each individual. Harassment based on race, religion, color, sex, age, national origin, veteran status, disability, sexual orientation, or any other characteristic protected by law by anyone, whether in Town facilities, in work assignments outside Town facilities, at Town-sponsored social functions or in any employment related context, or retaliation against anyone who complains about harassment, will not be tolerated whether or not it is illegal.

While in some cases individuals may make comments or jokes or personal advances without intending harm, such actions can be unwanted, threatening, and perceived as harassment. Stopping harassment in its many forms requires an increased awareness by everyone at the Town of the impact that such actions may have on others.

Definition Of Harassment

Harassment on the basis of sex is a violation of Section 4572 of the Maine Human Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or targeted at someone because of his or her sex (that is, gender) constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Prohibited harassment can also include harassment based on race, religion, color, age, national origin, disability, or sexual orientation. A hostile environment can be comprised of various types of conduct. The fact that a situation may feel "hostile" does not mean that it is illegal. Examples of what the Town would like to be told about so that it can respond to whatever the problem may be include: offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. The bottom line is that harassment is not permitted at the Town whether it is illegal or not.

The following is a partial list of unwelcome behavior that may be considered sexual harassment:

- Unwelcome sexual jokes, language, epithets, advances, or propositions;
- Written or oral abuse of a sexual nature, or sexually degrading or vulgar words used to describe an individual;
- The display of sexually suggestive objects, pictures, posters, or cartoons;
- Unwelcome comments about an individual's body, sexual prowess, or sexual deficiencies;
- Asking questions about sexual conduct;
- Harassment consistently targeted at only one sex, even if the content of the verbal abuse is not sexual;
- Unwelcome touching, leering, whistling, brushing against the body, or suggestive, insulting, or obscene comments or gestures;
- Demanding sexual favors in exchange for favorable reviews, assignments, promotions, continued employment or promises of the same.

Similar conduct based on bias against a protected characteristic other than gender is illustrated by the above examples as well. For example, unwelcome comments about a person's disability or obscene comments targeted at a particular race might be considered disability harassment or racial harassment. The bottom line is think about whether statements and conduct, in addition to being truthful, are also necessary and kind.

Individuals Covered Under The Policy

This harassment policy covers all employees. When individuals are subject to harassment from third parties (*e.g.*, potential and former employees, outside contractors, vendors, visitors), the Town will take whatever appropriate steps that it can to eliminate the problem.

Procedures in Response to Harassment

It is the goal of this policy and its procedures to create an environment in which people who have experienced harassment or who have concerns about harassment issues feel free to discuss those situations or concerns with someone in a position to do something about them, secure in the knowledge that they will be listened to and treated with respect. All information will be handled with the highest degree of confidentiality possible under the circumstances and with due regard for the rights and wishes of all parties, recognizing that there are circumstances where complete confidentiality may not be possible.

Option 1: Mediation

An individual who wants help in handling a harassment problem can contact one of the Town's harassment mediators. They are: the Town Manager and Adult Education Director. The individual will have a private meeting with that mediator, at which time he or she can discuss the situation. Mediation can take a variety of forms. For example, the individual may wish to have the mediator join him or her in a meeting with the alleged offender. Alternatively, the individual may wish that the mediator act as an intermediary in dealing with the alleged offender without the individual present. In said instances, the form of mediation used shall be selected by the mediator, with due consideration given to the wishes of the individual involved. If the complainant is dissatisfied with the result of the mediation, he or she may file a complaint under Option 2.

Option 2: Complaints

Investigation

In those instances where an individual decides that he or she wishes the Town to take action, the individual, or a mediator acting on behalf of the individual, should notify the Town Manager or, in the absence of the Town Manager, the Adult Education Director. The person contacted will determine whether there is sufficient reason to undertake an investigation.

If that person determines that an investigation is warranted, a harassment investigator shall then be appointed who may be a man or a woman and may be a person inside or outside the Town. The investigator will meet with and make a record of the individual's statement of events. Specifically, the investigator will request information which may include the following: a description of the incident(s), the name of the alleged offender, times, locations, specific words/actions, and the name of any witnesses to the incident(s). The investigator's notes will be for the investigator's own use during the investigation. An individual making a complaint may bring a friend or colleague from within the Town to the meeting, but may not be represented by counsel.

The harassment investigator will meet privately with the alleged offender. The alleged offender will be informed of the allegations and will have the opportunity to respond to them, including by submitting a written statement. The alleged offender may also submit the names of witnesses. The alleged offender may bring a friend or colleague from within the Town to the meeting, but may not be represented by counsel. Each party will have an opportunity to respond to the other party's statement of events.

Any witnesses that the investigator decides should be contacted will be interviewed privately. Neither the individual making the complaint nor the alleged offender will be present at witness interviews.

Upon completion of the investigation, the harassment investigator will report the findings to the person who made the appointment, who will review the findings with the Town Manager, or, in the absence of the Town Manager, the Adult Education Director. This review may result in a plan of action being formulated or, if necessary, the matter may be referred back to the investigator for further investigation and/or fact finding. When the findings as originally reported or as amended are accepted by the Town Manager, or, in the absence of the Town Manager, the Adult Education Director, the person making the complaint and the alleged offender will be notified of the action to be taken.

Confidentiality

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much confidentiality as possible without compromising the thoroughness of the investigation or the rights of the alleged offender. The harassment investigators will not discuss the complaint or the investigation with anyone who is not directly involved in the investigation.

Resolving the Complaint

The Town Manager or the Adult Education Director shall take appropriate action to resolve the complaint. If the findings reveal that an individual has engaged in actions or conduct constituting harassment, appropriate disciplinary action shall be taken. The disciplinary action will depend on the seriousness of the violation.

Protection Against Retaliation

Retaliation is a serious violation of this policy and should be reported immediately to any of the management persons of the Town identified in this policy. Retaliation against any individual for reporting harassment, whether by the harasser or from another source, will not be tolerated and will be treated with the same strict discipline as harassment itself. Each offense will be investigated and sanctioned separately.

Individuals who are not themselves complainants, but who assist in a harassment investigation, will also be protected from retaliation under the policy.

Pursuant to 5 M.R.S.A. § 4553(10)(D), it is illegal to punish or penalize, or attempt to punish or penalize, any person for seeking to exercise any of the civil rights set out in the Maine Human Rights Act or for complaining of a violation of that Act or for testifying in a proceeding brought under that Act.

Maine Human Rights Commission

Employees who have been harassed have a right to file a claim with the Maine Human Rights Commission. Although employees may also file a complaint with a court, by-passing the Commission may limit the remedies available. The Commission will conduct an investigation to determine if harassment occurred. An employee may initiate the complaint process with the Commission by calling (207) 624-6050 or by writing to:

**The Maine Human Rights Commission
State House Station 51
Augusta, ME 04333-0051**

Social Media:

(Adopted by Council : January 2, 2012)

Employees of the Town of Mechanic Falls are expected to perform to their full capacity while being compensated for their work. Employees are restricted from using social media web sites while on duty unless posting authorized public information on the municipally sponsored sites.

Employees are free to express themselves as private citizens on their own time on social media sites to the degree that their speech does not impair working relationships of this municipality for which loyalty and confidentiality are important, impede the performance of duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the municipality.

As public employees, municipal employees are cautioned that speech on- or off-duty, made pursuant to their official duties—that is, that owes its existence to the employee's professional duties and responsibilities—is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the municipality. Employees should assume that their speech and related activity on social media sites will reflect upon their position of employment and this municipality.

Employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the town manager or his or her designee.

For safety and security reasons, employees are cautioned not to post information pertaining to any other member of the department without their permission. As such, employees are restricted from doing the following:

- A. Display department logos, uniforms, or similar identifying items on personal web pages.
- B. Post personal photographs or provide similar means of personal recognition that may cause them to be identified as a police officer, firefighter or medical responder of this municipality. Police officers who are, or who may reasonably be expected to work in undercover operations, shall not post any form of visual or personal identification.

When using social media, employees should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the municipality's code of conduct is required in the personal use of social media. In particular, employees are prohibited from the following:

- A. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals.
- B. Speech involving themselves or other department employees reflecting behavior that would reasonably be considered reckless or irresponsible

Employees may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the municipality without express authorization.

Employees should be aware that they may be subject to civil litigation for

- A. publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
- B. publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
- C. using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
- D. publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

Reporting violations—Any employee becoming aware of or having knowledge of a posting or of any website or web page in violation of the provision of this policy shall notify his or her supervisor immediately for follow-up action.

Use Of Municipal Vehicles

Employees operating any municipal vehicles must have a current driver's license, including endorsements or certifications that permit the use of specialized vehicles that may be operated within that employee's specific department. Examples of such endorsements or certifications include but are not limited to: CDL, school bus endorsement, or AVOC - Ambulance Vehicle Operators Course.

When a Town employee is assigned to a Town vehicle or other piece of equipment, he or she is responsible for its proper use and maintenance. Any defects of operation must be reported to the department head immediately. All Town vehicles must be operated in accordance with the traffic laws. Should an accident occur, the employee driving the vehicle must do the following:

1. Assist any injured person.
2. Contact the Police Department.
3. Take the names and addresses of the other persons.
4. Take the names and addresses of all witnesses present.
5. The foregoing will be made available to the Police immediately in the event the employee has been unable to contact the Police first.

Municipal employees shall be allowed to take municipal vehicles home with permission of the Town Manager, in accordance with specific departmental policies as determined by the Town Council. At no time will a municipal vehicle be used for any private purpose and at no time shall an employee's family or friends operate or ride in a municipal vehicle.

All personnel shall use the available safety belt restraining system while operating or riding as a passenger in any departmental vehicle. It is the sole responsibility of the operator of the departmental vehicle to insure that passengers have restraint devices in place. Any inoperable or malfunctioning restraining device shall be reported by the vehicle operator to his/her supervisor for appropriate repair. Failure to abide by the municipal vehicles policy may result in disciplinary action.