

**TOWN OF LIMERICK
PERSONNEL POLICY
And
EMPLOYEE HANDBOOK**

PREAMBLE and PURPOSE

- A. The Board of Selectmen hereby adopts the following Policy for utilization by the Town of Limerick in the administration of the personnel activities of the employees of the Town of Limerick. These rules and subsequent modifications shall supersede any policy and rules made previously by the Board of Selectmen.
- B. The Board of Selectmen may delete, amend, modify, or change any or all the provisions contained in this Policy without prior notice. The provisions set forth are not contractual, but rather, are for the general guidance of the Town in its relationship with its employees.
- C. Elected officials including the Board of Selectmen in addition to all town committee members are not under the jurisdiction of the Personnel Policy. However, it is expected that these persons utilize sound judgement in exercising their official duties and recognize relevant sections (e.g., Employees Conduct, Conflict of Interest, Harassment and Sexual Harassment, Confidentiality) of the Personnel Policy as a guide of their duty to serve the Town and voters.
- D. All municipal volunteers, and employees of the Town of Limerick, to the extent relevant and appropriate and if not exempted by policy definitions, are subject to this policy.

EMPLOYMENT

The employment of all personnel shall be the responsibility of the Board of Selectmen.

- A. Department Heads shall be responsible to the Board of Selectmen for the recruitment, training, safety, discipline, and the efficient functioning of their Departments, its employees, and personnel.
- B. All applicants must submit a written application for employment.
- C. Background records checks will be performed on all applicants considered for employment. Records checks shall consist of the following:
 - National criminal records check
 - Driver's license history check
 - Sex offender registry
 - Validation of any professional licenses or certifications

Information obtained from these checks shall be made available to those directly involved in the hiring process. Results of these checks shall be filed in the individual's personnel file

D. Employee personnel records will be maintained in accordance with 5 M.R.S.A. §95-B and Maine Local Government Record Retention Schedules. Employee records will be kept in three separate and distinct files.

1. Personnel File: This file will include items such as: verification of pay, hiring data, applications, resumes, reference letters, signed job descriptions, employee acknowledgement forms, probationary and annual review, letters of commendation and recognitions, disciplinary actions, case notes, copies of professional qualifications/certifications/licenses, exit interview forms and other pertinent documents. This file will be secured and maintained by the Selectmen's Secretary at the town office.
2. Medical File: This file will include any employee medical information, pre-employment physicals, annual medical examinations, respirator clearances, worker's compensation claims or treatment. This includes mental health or substance abuse. This file will be secured and maintained by the Selectmen's Secretary at the town office.
3. Training File: This file will include employee training and qualification documents as they relate to the individual's job and requirements of the Maine Bureau of Labor Standards Compliance Directives. This file will be maintained by the department head or designee.

https://www.maine.gov/labor/workplace_safety/compliancedirectives/index.shtml

E. An employee may, with reasonable notice to the Selectmen or their Department Head and at a convenient time review his/her employment file during regular working hours.

F. Employee files will be treated as confidential, to the extent permitted by law. Employee information is available only to the Selectmen and Department Heads when appropriate.

G. Destruction of files for employees that have left the employ of the town shall occur in compliance with state and federal record retention requirements.

H. Whistleblower Protection: The Town strives to conduct its business with integrity and in strict compliance with all applicable federal, state, and local laws and regulations. Accordingly, employees/volunteers are encouraged to bring to the attention of their Supervisor or the Selectmen any actions of municipal officials or employees/volunteers that they believe are illegal or unsafe. The Town will not retaliate against any person who makes a report in good faith to either his Supervisor or the Selectmen or to a regulatory body.

EQUAL OPPORTUNITY EMPLOYER

The policy of the Town of Limerick is to provide equal opportunity to all employees and applicants without regard to religion, age, sex, marital status, sexual orientation, race, color, ancestry, and national origin, physical or mental disability, except as a bona fide occupational qualification.

Policy on Harassment

An employee, who believes that he or she has been harassed, or believes that he or she has observed harassment of another employee, should follow the reporting policy contained in the Town's Equal Employment Opportunity Policy.

Harassment based on sex is a violation of state law. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of employment.
- Submission to or rejection of such conduct is used as the basis for employment decisions; or
- Such conduct has the purpose or effect of substantially interfering with an employee's work performance, or creating an intimidating, hostile, or offensive work environment.

The following are examples of illegal sexual harassment:

- Unwelcome sexual advances
- Sexual or lewd remarks
- Unwanted hugs, touches, kisses
- Requests for sexual favors
- Retaliation for complaining about sexual harassment

Sexual harassment can take the form of other types of conduct as well.

All reports of unlawful harassment will be investigated immediately. Any employee whose conduct is found to constitute sexual harassment or other unlawful harassment will be disciplined. Discipline may include verbal or written warning, suspension without pay, or termination, depending upon the circumstances.

Equal Employment Opportunity Reporting Policy

Any employee of the Town who believes that he or she has been discriminated against in employment on the basis of race, color, religion, national origin, age, sex, disability, or veteran status, has been denied any employment benefit on that basis, or has been harassed, must report the behavior to a supervisor. The Town takes allegations of discriminatory treatment very seriously. The Town will investigate every allegation of discrimination promptly and take whatever action is necessary to stop unlawful discrimination and remedy any effects of unlawful discrimination.

An employee who feels that he or she has been discriminated against, or believes he or she has witnessed discriminatory treatment of another employee, should report the conduct to one of the following individuals:

- The employee's supervisor or
- The Board of Selectmen

An employee can report discriminatory treatment or harassment verbally or in writing. An employee's report will be investigated immediately.

TYPES OF APPOINTMENTS

The following types of appointments may be made to the Town's service in conformity with the rules established:

- A. **Probationary employees.** All new employees and every person promoted, transferred, or rehired to a position are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process during which time employees will be subject to review and evaluation. In no case will the probationary period be extended. If an employee's job is temporarily interrupted during the probationary period, upon return he/she will be required to complete the probationary period and may be given credit for the time already served. New probationary employees accrue vacation and sick leave but are not eligible to use vacation leave until after their first year of employment is completed, unless approved by the Selectmen. Probationary employees may be removed at any time during the probationary period without cause and without right to a hearing.
- B. **Full-time.** A full-time employee works 30 hours or more per week on a continuing 52-week basis. Such employees are subject to all personnel policies and rules and receive all benefits for which they satisfy required eligibility criteria.
- C. **Continuous Part-time.** An employee in this classification works more than 20 hours and less than the 30-hour workweek, but on a continuing 52-week basis. Continuous part-time employees are subject to all personnel policies and rules and are entitled to a pro rata share of vacation, holiday, and sick leave benefits. Benefits will be prorated according to the average hours per day that are worked compared to a full 40-hour work week.
- D. **Temporary or seasonal employees** work on a non-continuing basis, within a limited time frame. Temporary employees are subject to all personnel policies and rules but are not entitled to any benefits except those benefits required by law such as worker's compensation and unemployment compensation.
- E. **Exempt employees.** Employees, who by the nature of their work, meet the exemption requirements of the federal Fair Labor Standards Act (FLSA), are deemed exempt from the payment of overtime for hours worked in excess of forty (40) hours in any week.
- F. **Non-exempt employees.** All hourly wage-earning employees who do not meet the "executive, administrative or professional" criteria as set by the FLSA and, who are not otherwise exempt, or partially exempt from the overtime requirement of the FLSA, are eligible to receive overtime compensation paid at time and one-half (1.5) for hours worked in excess of forty (40) hours during any week.

The Department Head or the Selectmen should preauthorize all overtime when possible but must authorize overtime recorded on weekly time sheets.

- G. **Contract Employment.** Contract employment is employment under a personal services contract between the Town and an individual. Such employees receive salaries and benefits

as negotiated and stipulated in each contract and are covered by these Rules and Regulations with regard to those areas not specifically addressed in the contract.

- H. **On Call.** These employees are scheduled to work on an intermittent as-needed basis. These employees do not have a regular schedule. On call employees are subject to all personnel policies and rules but are not entitled to any benefits except those benefits required by law, including workers' compensation and unemployment compensation.
- I. **Per Diem.** These employees routinely work scheduled hours and are not included in any of the above categories. The Town offers this category in limited classifications and to a limited number of employees, such as Fire/EMS personnel. Per-Diem employees are not entitled to any benefits, except those benefits required by law, including workers' compensation and unemployment compensation. Service in this category cannot be credited toward a benefit program if the employee changes employment to a benefit eligible category. See item "F" exception to Holiday pay.
- J. **Overtime Exemption for Firefighters.** Firefighters may be subject to special Garcia Act rules which permit the establishment of work periods up to 28 days. If such work periods are adopted, overtime is not measured in terms of 40-hour work weeks but instead be paid for work performed in a "work period". The employee "employed in fire protection activities" as defined in Section 3(y) of the Fair Labor Standards Act (FLSA). Section 7(k) of the FLSA provides that employees engaged in fire protection or law enforcement may be paid overtime on a "work period" basis. A "work period" may be from 7 consecutive days to 28 consecutive days in length. For work periods of at least 7 but less than 28 days, overtime pay is required when the number of hours worked exceeds the number of hours that bear the same relationship to 212 (fire) as the number of days in the work period bears to 28. For example, fire protection personnel are due overtime under such a plan after 53 hours in a 7-day work period or 106 hours worked during a 14-day work period or 212 in a 28-day work period. For the purpose of this ordinance, work period, work week and pay period are the same.

PUBLIC AND EMPLOYEE RELATIONS

- A. The employees are prohibited from engaging in any conduct, which could reflect unfavorably upon the Town or disrupt the efficient operation of the administration of the Town. Town employees must avoid any action, which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.
- B. Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy, and responsibility are the key elements of good service.
- C. These policies and regulations are provided to assist the employees and Town administration in functioning at peak efficiency with minimal cost to the taxpayers.

1. Receipt of gifts.

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person, within or

outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties.

Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

2. Business Activities and Solicitations.

No employee shall engage in any business other than his/her regular duties during work hours.

3. Confidentiality.

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information, which is required under the Freedom of Access Act, 1 M.R.S.A. Sections 401-410.

WORK WEEK

- A. **Work Week:** The regular work week for payroll purposes begins on Monday and ends Sunday midnight. Pay day is Thursday of each week. If a holiday falls on Thursday checks may be picked up on Wednesday.
- B. **Deductions:** Employees may request deductions from their pay to a financial institution. These requests will made to the Treasurer in writing.
- C. **Time Recording:** For purposes of public accountability, to facilitate compliance with the provision of the FLSA and other federal and local laws and related regulations, and to accurately track vacation, and personal/sick paid time off for all employees, exempt and non-exempt are required to keep accurate and complete record of their attendance and hours worked on timecards.
 - a. Employee's name and employee number must be recorded on the timecard in the space provided.
 - b. Timecards are due no later than Monday noon of each week.
 - c. Timecards are official business records and may not be altered without the employee's supervisor's approval with signature and the date and may not be falsified in anyway. Falsification of time records is a breach of town policy and may result in disciplinary action including the possibility of dismissal. No employee should punch another employee's timecard. Under certain circumstances when an employee cannot punch or forgets to punch, time will be entered manually and needs supervisor approval with signature and date.
 - d. Vacation and holidays need to be documented with the dates and time used.

- e. Employees must not punch in more than seven (7) minutes before their shift begins and seven (7) minutes after unless authorized by their Supervisor or Selectmen.

D. Lunch and Break Periods- Employees are entitled to one (1) hour unpaid lunch meal period. One fifteen (15) minute break during the first half of the work shift and one fifteen (15) minute break during the second half of the work shift is permitted. Break time may not be taken at the beginning or end of the work shift, or immediately before or after a lunch break. Break time cannot be accumulated to be applied toward an alternate work schedule. Break time is not limited to only time spent at the place break is taken. Breaks are not to be taken as conversation time in offices of other employees who are not on break.

E. Overtime

- a. Exempt employees: Exempt employees will not receive overtime pay and are expected to work at least 40 hours per week or more as required to perform the job. However, an exempt employee shall be entitled to one hour of compensation time for each hour worked in excess of their regular scheduled weekly hours. Compensation time may be accumulated up to twenty-four (24) hours per calendar year. Compensation time will not carry over from one year to the other without approval by the Selectmen. There shall be no payment for unused compensation time at the termination of employment for exempt employees.
- b. Non-exempt employees: Any time worked by non-exempt employees in excess of forty (40) hours and 212 hours in a 28-day period in the case of firefighters shall be compensated at an overtime pay rate of time and one-half (1 ½). For the purpose of computing overtime, within any given week, hours spent on the job and actually worked along with military and jury time will be used to calculate overtime pay. Vacation, sick leave, bereavement leave, holiday, and all other leave will not be counted toward calculating overtime pay.
- c. Overtime. The Department Head and Selectmen will exercise discretion in authorizing overtime (and/or compensatory time if applicable). Overtime shall be considered necessary only in critical situations where additional effort is needed to complete a task within a certain amount of time. Employees working within emergency services may, at times when determined by the Fire Chief or designee, hold over staff to ensure proper staffing coverage.

F. Expense Reimbursement: Employees shall be reimbursed for the authorized expenses incurred while carrying out official Town Business. Reimbursement for the use of personal vehicle for Town business shall be at the per mile rate established by the Board of Selectmen and expenses for tolls, parking, meals, lodging etc. will be reimbursed at cost. The Town will reimburse for any taxes or tips paid on such expenses but not for alcoholic beverages. Employees submit a signed mileage sheet and all receipts for tolls, parking, meals, lodging etc.

G. Garnishment of Wages: The municipality encourages all employees to manage their personal finance accordingly but will comply with all state and federal laws that apply to garnishment of employee wages.

SENIORITY

Seniority is the length of continuous service with the Town commencing with the employee's most recent date of hire, subject to adjustment for certain layoffs or leaves of absence. If an employee's status changes between full-time and part-time, the employee's service as a part-time employee will be credited at half the rate credited for service as a full-time employee. Seniority affects many of employee benefits, such as vacations. In addition, where skills, ability, and work record are equal, seniority may be the deciding factor in such actions as promotions, layoffs, recalls, and vacations.

An employee will lose all accumulated seniority upon resignation or termination of employment. Former employees who are rehired will not generally be credited with prior seniority in determining benefit eligibility.

ATTENDANCE

Employees shall be at their respective places of work at the appointed starting time. It is the responsibility of employees who may be absent from work to see that their immediate supervisor is advised of the reason for such absence, not previously arranged for, if possible, within two (2) hours of the beginning of the starting time of his/her workday.

Snow/Severe Weather Days

With the exception of emergency services personnel, employees may be excused from work due to snow days or severe weather at the discretion of the Board of Selectmen. Compensation for that absence shall be considered as follows.

1. If normally open municipal buildings and the transfer station are closed to the public because of inclement weather, affected non-essential employees will be compensated for the hours they normally would have worked at their normal rate of pay. If an employee is off on scheduled vacation, sick or other leave they are not entitled to any weather-related paid time off for that day.
2. When a municipal building is open, if a non-exempt employee does not report for weather related reasons, is offered the opportunity to leave work early and does so, or is late arriving, such employees will use vacation time or any available time for the absence, or simply take unpaid leave if approved by the Board of Selectmen.
3. Under the Fair Labor Standards Act, exempt employees are not subject to wage reduction due to inclement weather absences during a week where regular work is performed. However exempt employees are expected to demonstrate professionalism and good judgement with regard to the performance of their duties in such weeks.
4. At the discretion of the chairman of the Board of Selectmen, employees will be contacted when the municipal building will be closed due to inclement weather. Department heads and the chairman of the Board will coordinate to make these

decisions. This involves the library, town hall and transfer station personnel as well as any Fire Department non-emergency administrative support personnel.

HOLIDAYS

- A.** Subject to these rules, the following holidays shall be paid holidays for Full-time or Permanent Part-time Town employees:

New Year's Day
Martin Luther King, Jr. Day
President's Day
Patriots Day – Amended 04/01/13
Easter – Amended 06/20/12
Memorial Day
Juneteenth (June 19th) 06/21/2021
Independence Day
Labor Day
Veteran's Day
Indigenous Peoples Day
Thanksgiving Day
Thanksgiving Friday – Amended 10/07/13
Christmas Day

- B.** If a regular holiday falls on a Sunday (with the exception of Easter) the following Monday is considered a holiday; if on a Saturday, the preceding Friday is considered the holiday, unless otherwise established by law.
- C.** A person on a leave of absence without pay shall not be entitled to holiday pay.
- D.** Holiday pay is to be based upon the number of hours that the employee would have worked if the holiday occurred on a regular workday. Holidays within vacation time are not considered a vacation day.
- E.** Any other employees working 52 contiguous weeks will be paid for floating holidays, e.g., 1st of January (New Year's Day), 4th of July (Independence Day), 11th of November (Veteran's Day), 25th of December (Christmas Day) that fall on a day the employee was required to work. Easter will be observed only for those employees that are scheduled to work on Sundays. Compensation for holidays will be based upon the number hours that the employee would have worked if the holiday occurred on a regular workday.
Amended 12/16/2019
- F.** Per Diem employees who are scheduled to work the following holidays shall receive one and half times their regular hourly pay:

New Year's Day (12 hr) Veterans Day (12 hr)
President's Day (12 hr) Thanksgiving Day (24 hr)

| | |
|--------------------------|------------------------|
| Patriot's Day (12 hr) | Christmas Eve (12 hr) |
| Memorial Day (12 hr) | Christmas Day (24 hr) |
| Independence Day (24 hr) | New Year's Eve (12 hr) |
| Labor Day (12 hr) | |

VACATION

A. Vacation privileges are available to full-time and permanent part-time employees subject to the following conditions. Each full-time and permanent part-time employee shall earn annual vacation pay on the following basis:

| <u>Completed Years of Service</u> | <u>Accumulated Annual Vacation</u> |
|-----------------------------------|------------------------------------|
| 1 – 2 | 1 week |
| 3 – 5 | 2 weeks |
| 6 – 12 | 3 weeks |
| 13 – 19 | 4 weeks |
| 20+ | 5 weeks |

- B. Vacations will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Due consideration will be given to an employee's seniority in regard to scheduling vacations. Vacation leave will ordinarily be taken in blocks of one (1) or two (2) week periods, but vacations for a lesser period may be permitted by the Board of Selectmen for special reasons.
- C. Vacation time may be carried over to the next calendar year. The amount to be carried shall not exceed one half (1/2) of eligible vacation. Vacation that is carried must be used by December 31st of the next year.
- D. Vacation leave shall accrue from the date of hire as a full-time or permanent part-time employee; however, employees shall not receive vacation leave until they have completed their first year of employment by the Town as a full-time or permanent part-time employee.
- E. Employees may receive their vacation pay prior to the start of their vacation, but must advise the Town Treasurer in writing, at least ten (10) days in advance.
- F. Upon termination an employee will receive any unused earned vacation time in the form of a check

BENEFITS

- A. Life, disability, vision, income protection and dental insurances are available to eligible employees at their own expense.
- B. The Town participates in the Maine Municipal Employees Health Insurance Trust or equal or better plans for all eligible employees requesting coverage. Only full-time employees who work 30 hours or more per week continuously all year long are eligible for health insurance benefits or monthly reimbursement if covered by other health

insurance. The Town offers the PPO/2500 plan effective January 1, 2020. Employees may purchase family medical coverage at their own expense.

- C. Employees may enroll in the PPO/500 or PPO/1500 by paying the difference in the premium above the PPO/2500.
- D. Full time employees who voluntarily elect to withdraw from participation in the health insurance plan provided by the Town may do so and be reimbursed upon presentation of proof of other health insurance monthly. Full time employees opting out of coverage will be compensated at the rate of \$500.00 per month. This will be paid each month for which a premium for the employees' health insurance is not paid by the Town for the employee.
- E. The Town reserves the right to change insurance carriers and/or benefit levels as deemed necessary.
- F. Retirement - The town of Limerick offers retirement to its full-time employees through the MainePERS Retirement Program.
- G. Worker's Compensation-This program protects employees against income losses caused by job-related injuries and occupational disease. The Town provides workers compensation insurance in accordance with Maine law. Report filing, processing, and review are governed by State guidelines. Employees are required to immediately report any incident or accident to the Department Head, or in the absence of a Department Head to the Selectmen regardless of how minor the injury.
- H. Unemployment Insurance –The Town provides unemployment compensation benefits to employees in accordance with state and federal law.
- I. Social Security-The Town participates jointly with employees in making Social Security payments. Benefits provided include a retirement feature; survivors benefits payments if death occurs before retirement, disability insurance and Medicare coverage.

A-E Amended 12/16/19

WAGE INCREASES

Cost of Living Increases

On March 9, 2019, the Town approved an annual cost of living increase to be tied to the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) prepared by the Bureau of Labor Statistics (BLS). The third quarter of the current year will be used and take effect in January of the next year. If the CPI-W is zero or negative, no cost-of-living raise will be given.

Merit Reviews

The employee's continued development in the employee's job is an important factor in the success of the Town. At least once each year, the employee's performance (including the employee's initiative, judgment, efficiency, attendance, dependability, accuracy, and other job-related factors) will be reviewed by the employee's Supervisor. The quality of the employee's job performance will have a direct impact on the employee's pay rate. The better the employee's performance, the larger the employee's wage increases are likely to be. Marginal or

unsatisfactory work may result in no pay increase or even a reduction in pay. Merit increases are granted to recognize superior performance. Performance reviews will be conducted by November 1st of year in preparation of the next year's budget.

Merit increases will be at the discretion of the Selectmen and subject to budget approval.

LEAVES OF ABSENCE

The Town of Limerick shall provide Earned Paid Leave, effective January 1, 2021, in accordance with applicable Maine state law, 26 M.R.S.A. §637.

A. Eligibility

1. Accrual of Earned Paid Leave (EPL) begins on January 1, 2021, or at the start of employment occurring after January 1, 2021, as applicable for all employees who fall within the definition of "employment" as set forth in 26 M.R.S. §1043(11).
2. Any employee currently covered by a collective bargaining agreement during the period between January 1, 2021, and the expiration of the agreement will not receive EPL under this policy until the collective bargaining agreement term ends. New contracts negotiated after January 1, 2021, must account for Earned Paid Leave as required by 26 M.R.S. §637.
3. Exceptions to eligibility: The following categories are not eligible for EPL.
 - a. Call Firefighters: Call Firefighters are not entitled to EPL if they are excluded from the definition of employment as set forth in 26 M.R.S. 1043 (11)(F)(17)(i)(iv):
 - (iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency. This exemption does not include every fire, storm, snow, earthquake, or flood. It applies to specific unforeseen emergencies. Snowstorms in Maine are not considered unforeseen emergencies. Likewise, controlled fires or training events are not considered emergencies. As such, the hours worked for such purposes may be counted toward the employee's eligibility for EPL.
 - b. Certain volunteers are also exempt under 26 M.R.S. 1043 (11)(F)(35): "Service performed by an individual who volunteers for an employer or governmental entity if the volunteer:
 - Performs hours of service for the employer or governmental entity for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. Although a volunteer may receive no compensation, a volunteer may be paid expenses, reasonable benefits, or a nominal fee to perform such services.
 - Offers services freely and without pressure or coercion, direct or implied, from an employer; and is not otherwise employed by the same employer or

governmental entity to perform the same type of services as those for which the individual proposes to volunteer.

c. Election Workers: An Election Worker is not entitled to EPL if they are paid less than \$1,000 in a calendar year. See 26 M.R.S. §1043(11)(F)(17)(i). If an election worker is paid more than \$1,000 in a calendar year, then they are a covered employee and are entitled to EPL under this policy. They would start accruing leave on their first date of employment as of January 1, 2021.

d. Seasonal Workers: Please refer to Maine Department of Labor seasonal employment list for more detailed information. Employees determined to be seasonal employees by the Unemployment Insurance Commission are not eligible for EPL during the seasonal period of June 15-September 15.

e. Elected Municipal Officers: If the Municipal Officers are elected, they are not entitled to EPL.

f. Board/Commission Members: If a board member meets the exemption in 26 M.R.S. 1043 (11)(F)(17)(i)(v), then they are not entitled to EPL.

(v) In a position that, under or pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position or a policy-making or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week.

B. Accrual of EPL

1. Use of EPL accruals will be charged against sick leave accruals for all full-time employees.
2. Earned paid leave (EPL) shall accrue for all covered Town employees, as defined by the Employment Security Act, 26 MRS §1043(11), at a rate of one (1) hour earned for every forty hours worked in one year of employment. A “covered employee” may include a person who is employed by the Town in a full time, part time or per diem capacity.
3. No more than 40 hours of earned paid leave will be accrued during any one-year period of Town employment. The one-year “EPL eligibility period” shall be defined as follows:
 - For existing Town employees hired prior to 1/1/2021: Accrual of EPL for existing employees will begin on 01/01/2021; such existing employees shall thereafter accrue and use EPL on a calendar year basis (January 1st through December 31st annually).
 - For employees hired after 01/01/2021: Employees hired on or after 1/1/2021 will accrue EPL on a calendar year basis, commencing on their date of hire for the remainder of the calendar year: such employees shall thereafter accrue and use EPL on a calendar year basis (January 1st through December 31st annually).
5. EPL does not entitle any employee who is eligible to accrue sick leave hours under Town policies to any additional hours than are already allocated in sick accruals.

C. Use of Accruals

1. Existing employees who have been employed more than 120 days as of 1/1/2021 may begin using EPL as of 1/1/2021. All other employees, including employees hired on or after 1/1/2021, may not use EPL until after 120 days of Town employment. Full time employees eligible to accrue sick leave under Town policies shall have any usage of EPL deducted from their sick leave accruals on an hour for hour basis.
2. EPL can be used in increments of one hour. The Town may require that EPL be used if the employee takes a planned absence, or if the employee is out due to an emergency, illness, or sudden necessity.
3. All EPL used will be paid at the employee's regular rate of pay as established in the week immediately prior to taking the earned leave.
4. EPL can be used for any purpose. An employee taking EPL, absent an emergency, illness, or other sudden necessity, shall give reasonable notice to their supervisor of the employee's intent to use EPL. Use of EPL must be scheduled to prevent undue hardship as determined by the Town. The Town may request a medical note or other documentation if the leave is for more than 3 consecutive days, unplanned. An emergency or sudden necessity under the EPL is anything within reason that is unforeseen and requires the employee to interrupt their work schedule. Written documentation may not be required unless over three consecutive days, but a request for a shorter EPL does require a general description, i.e., illness of a child, illness of a day-care provider, or a transportation issue.
5. The Town may deny a requested date of use if it significantly impacts departmental operations. Department hardship may be dependent upon department staffing, events, disaster, or weather emergencies (not an all-inclusive list). An undue hardship is significant impact on the operation of the town or significant expenses, considering the financial resources of the town, the size of the workforce, and the nature of the department.

D. Carryover of Accruals

1. Covered employees with accrued and unused hours of EPL from the previous year of EPL eligibility (as defined above) will have those unused EPL hours available for use in their next year of EPL eligibility, up to a maximum of forty (40) hours.
2. EPL will thereafter continue to accrue up to forty (40) hours in their next EPL eligibility period; however, at no time in any given EPL eligibility period may any employee (i) have more than 40 hours of EPL in their EPL bank; (ii) continue to accrue EPL so that their EPL bank exceeds 40 hours; or (iii) use more than 40 hours of EPL in any given EPL eligibility period.

Example: An employee rolls over 8 hours of unused accrued Earned Paid leave from the previous year. In the present year, the employee is only entitled to accrue up to 32 additional hours of Earned Paid Leave, regardless of how much leave the employee uses in the current year (up to a maximum of 40 hours).

E. Separation of Employment

1. EPL does not have a cash value and will not be paid out at termination of employment. Any employee who returns to work for the Town within a one-year period of the last of previous employment will have any unused balance reinstated.

F. Bereavement Leave.

Upon request, an employee may be granted a leave of absence of up to five (5) consecutive days for the purpose of attending the funeral or taking care of arrangements related to the death of a member of the employee's immediate family. Immediate family includes the employee's mother, father, sister, brother, spouse, children, grandchildren, grandparent, stepparents, stepsisters, stepbrothers, and the employee's current spouse's parents. If the employee is a regular full-time employee and is granted such a leave, the employee will be paid at the employee's regular rate for time the employee would regularly have been scheduled to work. In appropriate cases, an employee may make arrangements to use paid vacation or Personal Paid Time Off, in connection with a bereavement leave. In the event of the death of a grandparent of an employee's spouse, a one (1) day bereavement period will be granted. For the attendance at the funeral of an aunt, uncle, niece, nephew, an employee may be excused from work for one (1) day with full pay.

- A. **Leave without Pay:** If an employee is absent from work the appropriate accrued leave time shall be used first. A full-time or permanent part-time employee may be granted a leave of absence without pay by the Board of Selectmen for a period deemed necessary by the employee for the purpose of the leave, but not in excess of sixty (60) calendar days. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the Board of Selectmen. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service. Employees may choose to continue insurance benefits for the duration of the leave by paying the monthly insurance premiums as they incur. Vacation will not continue to accrue during the leave.

Employment Leave for Victims of Domestic Violence

The Town is required by law to grant reasonable and necessary leave from work with or without pay, for an employee who is a victim of domestic violence to:

- a) Prepare for and attend court proceedings.
- b) Receive medical treatment; or
- c) Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

An employee qualifies for leave if the employee is a victim of violence, assault, sexual assault, stalking, or abuse as defined by Maine's Protection from Abuse Act. Leave shall also be allowed if the employee's child, parent, or spouse is the victim.

Requests for leave from work for the reasons stated above should be made to the employee's supervisor as far in advance of the leave as possible.

An employee may be asked to provide information supporting a request for leave under this policy. A request may be denied if the employee's absence will create an undue hardship for the Town and is not requested within a reasonable time under the circumstances, or is unreasonable or unnecessary, based upon all the information that the employee has provided to the Town.

Jury Duty:

The Town shall pay to an employee called for jury duty the difference between his/her regular pay and juror's pay provided the employee presents an official statement of jury pay received.

Family & Medical Leave (FMLA)

As provided by the Federal Family and Medical leave Act (FMLA), all employees who have worked for the Town for at least one year and have worked more than 1,250 hours in the past 12 months are entitled for up to 12 weeks of job-protected leave during a 12-month period for specified family and medical reasons. Employees not eligible for leave under the Federal FMLA may be entitled up to 10 weeks of leave in a two-year period under the terms and conditions of Maine law.

Eligible employees are entitled to:

- a) Twelve workweeks of leave in a 12-month period for:
 - a. the birth of a child and to care for the newborn child within one year of birth.
 - b. the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement.
 - c. to care for the employee's spouse, child, or parent who has a serious health condition.
 - d. a serious health condition that makes the employee unable to perform the essential functions of his or her job.
 - e. any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" **or**
 - b) Twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).
- Calculation of Leave: for the purposes of FMLA leave eligible employees have up to 12 weeks of unpaid leave available during any 12-month period. The Town will use a rolling 12-month period measured backward from the date any employee uses any FMLA leave. Each time an employee uses leave, the town computes the amount of leave the employee has taken under this policy and

subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time.

- **Benefits:** Insurances paid by the employee shall be continued to be paid by the employee in person or by mail to the Selectmen's office by the 1st of each month. Those who receive the benefit of the Town's Qualified Insurance Program will continue to receive the monthly premium payment for the 3-month period they are on leave. If the employee does not intend to return to work at the end of the leave period the monthly benefit will end. Any premiums not paid by the employee to the Town, the Town will be entitled to recover the payments at the end of the leave period in a manner consistent with the law.
- **Job Security:** An employee who has been on family or medical leave will be restored to the same job or a job with equal status, pay, benefits and other employment terms.

Military Leave:

The Uniformed Services Employment and Reemployment Rights Act (USERRA) grants rights to civilian employees whose employment is interrupted for military service or training and the Town will comply with its obligations under the Act.

- Members of the military reserves or National Guard who are required to undergo field training during normal work hours shall be entitled to a leave of absence. They shall receive the following:
 - Differential pay not to exceed two (2) weeks in any one-year period.
 - The Town will pay the difference between compensation for the military activities with proof issued by military authorities stating his/her rank, pay and allowances and the amount of straight time pay due as an employee of the Town.
 - If the military compensation is equal to or greater than the net straight time salary or wages due as a Town employee than no payment will be made.

Smoking

Smoking is not permitted in Town buildings and within 20' of entry ways and building vents.

Drugs and Alcohol

The Town is committed to providing a drug-free, healthful, and safe work environment. The term "drug(s)" also includes alcohol, marijuana, illegal drugs, and prescription drugs when they are taken other than how they are prescribed. This policy applies during an employee's assigned work hours on Town premises and while conducting business-related activities of the Town.

Employees at work shall not be under the influence of alcohol or drugs that could impair their safe work performance. The use of, distribution, dispensing or sale of alcohol, marijuana or

other illegal drugs during work time is strictly prohibited. Those who violate this policy are subject to corrective discipline up to and including termination.

Employees using medication that may impair their work performance or pose a safety threat should notify their Supervisor or Selectmen. At the discretion of their Supervisor or Selectmen may be reassigned to a less hazardous task or be placed on sick leave if the impaired performance might pose a threat to oneself or others.

GUIDELINES FOR EMPLOYEE CONDUCT

Safety

Safety is everyone's full-time job. The Town will make every effort to provide a clean, safe, and healthy workplace. Employees are expected and required to do their part to work safely, abide by all safety rules and regulations, and keep their workplace neat and clean.

Safety Rules

Employees shall:

1. Obey the safety rules of the employee's specific job and posted State and Federal safety rules and regulations.
2. Immediately report all unsafe conditions or acts observed to the employee's Supervisor.
3. Immediately report all accidents, injuries, and illnesses, however minor, to the employee's Supervisor
4. Keep exits, entrances, and aisle ways clear.
5. Do not operate or attempt to repair any equipment unless the employee is authorized and has been instructed how to do so.
6. Always practice good personal hygiene.
7. Always keep floors and work areas clear of waste and debris. Dispose of waste materials in appropriate receptacles.
8. Do not engage in unsafe acts or behavior which may cause injury to the employee or another person.
9. Always use any required or prescribed personal protective equipment or adaptive devices and abide by any medically established restrictions on performing job duties.

Accidents

Any accident involving an employee, member or visitor, no matter how slight, must be reported to a Supervisor or the Selectmen immediately. The Supervisor or the Selectmen, the injured employee or third party, and any witnesses must give a full description of the accident so that a

written accident report can be prepared. The Supervisor or the Selectmen will complete the report.

It is important that accident reporting procedures are followed. If they are not followed, an injured employee may not be eligible for Workers Compensation Insurance benefits.

Rules of Conduct

Each of our jobs depends on how we and our co-workers conduct ourselves. In any organization it is necessary to have established and understood rules so that all employees understand what is generally expected of them and what types of conduct are prohibited.

Violation of the rules and regulations will subject an employee to disciplinary action. Discipline ranges from verbal reprimand to immediate discharge. A combination of work rule violations will be dealt with according to the circumstances of each case.

The consequences for improper conduct can range from a verbal or written warning up to and including termination of employment. The type of disciplinary action taken rests in the sole discretion of the Board of Selectmen.

The following is a list of items the Town considers improper. Please note that these are merely examples of improper conduct and not an exclusive list:

- Excessive shortages/overages in the cash drawer
- Violation of written Town policies
- Insubordination
- Unexcused Absence
- Theft of Town property
- Embezzlement
- Breaching of information that is classified confidential

Personnel Information

An employee is responsible for notifying the Town whenever there is a change in the employee's:

- Name
- Address
- Marital status
- Dependents
- Immigration status
- Military status
- Make, Model and Color of Vehicle
- Telephone number
- Insurance beneficiaries

- Person to notify in case of emergency

Employees are reminded of their responsibility to safeguard and secure any personal information under their charge. This information is only to be used in the course of official duties.

GRIEVANCE PROCEDURES

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of the Town's personnel rules, regulations and policies or the terms of employment, within five (5) working days from the incident, he/she shall submit the details of such grievance in writing to the Board of Selectmen.

Within thirty (30) calendar days thereafter, the Board of Selectmen shall meet with the employee for the purpose of discussing the grievance and the Board of Selectmen shall render their final written decision within thirty (30) working days after said meeting.

RESIGNATION

All employees resigning from service of the Town shall give a written two-week notice.

In cases of termination, an employee is required to return keys and all other Town property issued to the employee. Employees are also expected to participate in an exit interview to tie up "loose ends" (such as discussing benefit conversions, reasons for termination, forwarding address, etc.).

AND IN CONCLUSION . . .

We hope that reading through this handbook has been helpful and enlightening in showing you some details concerning your job here. The Town of Limerick recognizes that to maintain our high-quality service we must be able to attract and retain the highest quality employees that are available. Your job here is important to you, your family, and the Town of Limerick and its citizens; and we ask you to think of yourself as a vital part of our combined success.

The Town of Limerick is continually engaged in reviewing and adjusting its policies, procedures, and benefits to reflect changes in the Town's operations. This handbook is intended only as a guide to current policies, procedures, and benefits. Neither this handbook nor any other custom, usage, or practice should be construed or relied upon as restricting the Town from making such changes as it deems necessary or appropriate in the future. Any changes to this Policy shall be in writing and signed by the Selectmen.

Adopted with changes: May 23, 2022


Board of Selectmen:



John M. Medici, Chairman



Wade E. Andrews



Katherine Proctor



Ronald Smith, Jr



Gilbert Harris

Amended Page 9 Holidays B & E 12/16/2019

Amended Page 10 Benefits A-E 12/16/2019

Amended Pages 1 Preamble, 4 Types of Appointments, 7 Lunch Break Periods, 16 Personnel Information 11/2/2020

Approved with changes 4/20/2021

Reviewed by Town Attorney, May 28, 2021

Adopted with Changes June 6, 2021

Amended pages 10 Vacation and 11 Retirement, December 6, 2021

Amended Page 9 Per Diem Holidays 5/23/22