



**Board of Selectmen**

Charles R. Cunningham, Chairman  
Steven C. Lewis, Vice Chairman  
Dale C. Harmon  
Kristina Ford  
Michael Tomacelli

**Town Manager**

Daniel Bryer

Town of Boothbay  
Board of Selectmen Meeting  
Wednesday October 24<sup>th</sup>, 2018  
7:00 PM  
Agenda

**1. Pledge of Allegiance**

**2. Public Hearing**

**3. Public Comment**

**4. Approve Minutes- October 10<sup>th</sup>, 2018**

**5. Reports- Town Office Reports**

**BOS Action Items**

1. The landscaping around rte. 27
2. The Common project
3. The Umaine Aqua Ventus project
4. MDOT Park and Ride Facility
5. Land and Water Grant

**Pending BOS Action Items**

1. Broadband
2. The housing group is continuing to discuss availability of land or subdivisions near municipal water and sewer for the analysis of affordable, workforce, and elder housing options.
3. BOS Meeting with Board Trustees

**6. Old Business- 1. Broadband Grant**

2. Banner Policy
3. Discussion re: School Trustee/ Board BOS request for information
4. Potential grant for electric vehicle charging station
5. Personnel Policy



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7.      **New Business- 1. Healthy Lincoln County Update**
  
8.      **Public Comment**
  
9.      **Review Warrants**
  
10.     **Adjourn Meeting**

**Board of Selectmen**

Charles R. Cunningham - Chairman  
Steven Lewis - Vice Chairman  
Dale Harmon  
Kristina Ford  
Michael Tomacelli

**Town Manager**

Daniel Bryer Jr.



**Town of Boothbay  
Board of Selectmen Meeting  
Wednesday, October 10, 2018  
7:00 PM  
MINUTES**

**Present:** Steven Lewis, Michael Tomacelli, Chuck Cunningham, Kristina Ford, Town Manager Dan Bryer and Secretary Sherry Tibbetts

**Pledge of Allegiance:**

**Public Hearing:** None scheduled

**Public Comment:** Frank Fasset said on behalf of BRCTV he wanted the Board to know that they have decided to retract a little and take a reactive stance. They are not pulling out of the Broadband project just pulling back, they will stand by and be ready to answer questions and help in any way possible.

**Approve Minutes:** Steve Lewis made a motion to approve the minutes of 03/28/2018 with two corrections ( page one, under public hearing the vote was 5-0 in favor not 5-2, and on page 4 an email was received from Nancy Lindbergh not Nancy Limberg) and Mike Tomacelli seconded the motion. Vote: 3-1 in favor. Kristina Ford cast the one negative vote. Kristina Ford made a comment about being uncomfortable with the minutes although they were factual.

Steve Lewis made a motion to approve the minutes of 09/12/2018 as presented and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

Kristina Ford said she did have a correction to the minutes she would like made. The correction would be on page 2, New Business: Broadband, she would like the whole paragraph deleted and the following put in its place: "There was a follow-up discussion from a recent joint board meeting on this topic. The Selectmen had a draft application for committee members drafted by Wendy Wolf. Kristina Ford said she thinks the committee-member-application form is premature until we decide what the committee's functions will be if we receive the MCF Broadband grant. The towns of Boothbay and Boothbay Harbor, in conjunction with JEDC should establish what they hope to accomplish with regard to expanding Broadband, then establish a Citizen Broadband Committee to help achieve the Broadband goals. Ford offered to write a first-draft of the application to the MCF Broadband Grant, circulate that draft for comment from both Towns, JEDC and any other interested parties. After the grand application has been submitted, it'll be clearer what we expect a Citizen Broadband Committee to accomplish. At that point, we can ask for citizens to volunteer to serve."

Chuck Cunningham made a motion to approve the minutes of 09/12/2018 with the above correction made by Kristina Ford and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

**Reports:**

**Town Office Reports –**

Dan Bryer reported that the Code Enforcement Office is still very busy with a variety of permits.

The Public Works is busy with ditching and culvert work. Still doing some clean up from last month's storm. Paving on Presley Drive was coming to completion and Matthews Road will be the next to be paved. Dan Bryer suggested to the board that it was time for all of them to do a drive around and assess the roads before doing another 10 year plan for their maintenance and paving. The last drive around was done about 5 years ago.

The Business Office is very busy with absentee ballots, the request for ballots is far greater than they have ever had before. Dan Bryer said they are doing an excellent job and his hat is off to them.

**BOS Action items –**

The Landscaping around RT. 27 – Dan Bryer reported there has been another round of hydro seeding and it appears as if it took and the grass is growing more than the weeds this time. Chuck Cunningham said he thinks the landscaping looks good and that the committee did a good job. Mr. Cunningham said he thinks the town now needs to look at the Common, it is in bad shape. He suggested to see if the Landscaping Committee would be willing to take on another project and have them look into what needs to be done to the Common (new grass, leveling, etc.). Mr. Cunningham said this has been talked about for a few years and now is the time to look into fixing it.

Clifford Park – some of the border areas are going to be replaced.

Umaine Aqua Ventus project – Dan reported they are currently working to try and raise money for the project. They have not released results of their testing yet.

MDOT Park and Ride facility – the signage is up

Land and Water Grant – no update

Personnel Policy – Steve Lewis asked where this was at and Dan Bryer said he has received no comments on it and he will put it on the next agenda to be formally adopted by the board.

**Pending BOS Action Items –**

Broadband – this will be discussed under old business.

The housing group is continuing to discuss availability of land or subdivisions near municipal water and sewer for the analysis of affordable, workforce, and elder housing options.

BOS meeting with Board Trustees- will be discussed under old business

Banner Pole Policy – The policy was reviewed and discussed. Several amendments were suggested and discussed. Dan Bryer will make the suggested amendments and bring it back to the board.

**Old Business:**

**Broadband Grant** - Kristina Ford drafted the application for the MCF Broadband Grant and shared it with others. She said Mary Ellen Barnes was one who responded well to the draft. This is moving along well and will get submitted on time. Kristina Ford said everyone has stepped up and thanked them for the support and help. Steve Lewis thanked Kristina Ford for doing this.

**Discussion re: BOS and School Trustee meeting** - Dale Harmon and Dan Bryer attended a meeting with the Trustees last week to talk about the possibilities. It was discussed that before you can even look at the options such as Consolidation, Tuition or a New School you need numbers, you need dollar numbers, cost, projected number of students, etc. All of these details are needed before going public with these discussions. There was a discussion on where to go from here. There was also a discussion about repeal and replace the charter. It was suggested there needs to be two committees, one to look at the school system and what can be done and one to look at the governing of the system.

**New Business:**

**Potential grant for electric vehicle charging station** – Dan Bryer said he was at a recent meeting in Augusta about the reoccurring power outages on Barbers Island. As he was leaving the meeting someone told him about grants for Town's for vehicle charging stations, Dan Bryer said he has not done any research on this yet, he wanted to see first if the board was interested in him looking in to it. The Board said they would like to have more info on this.

**Public Comment:** None

**Review Warrants and sign:** Kristina Ford made a motion to review the warrants and sign them and Mike Tomacelli seconded the motion. Vote: 4-0 in favor.

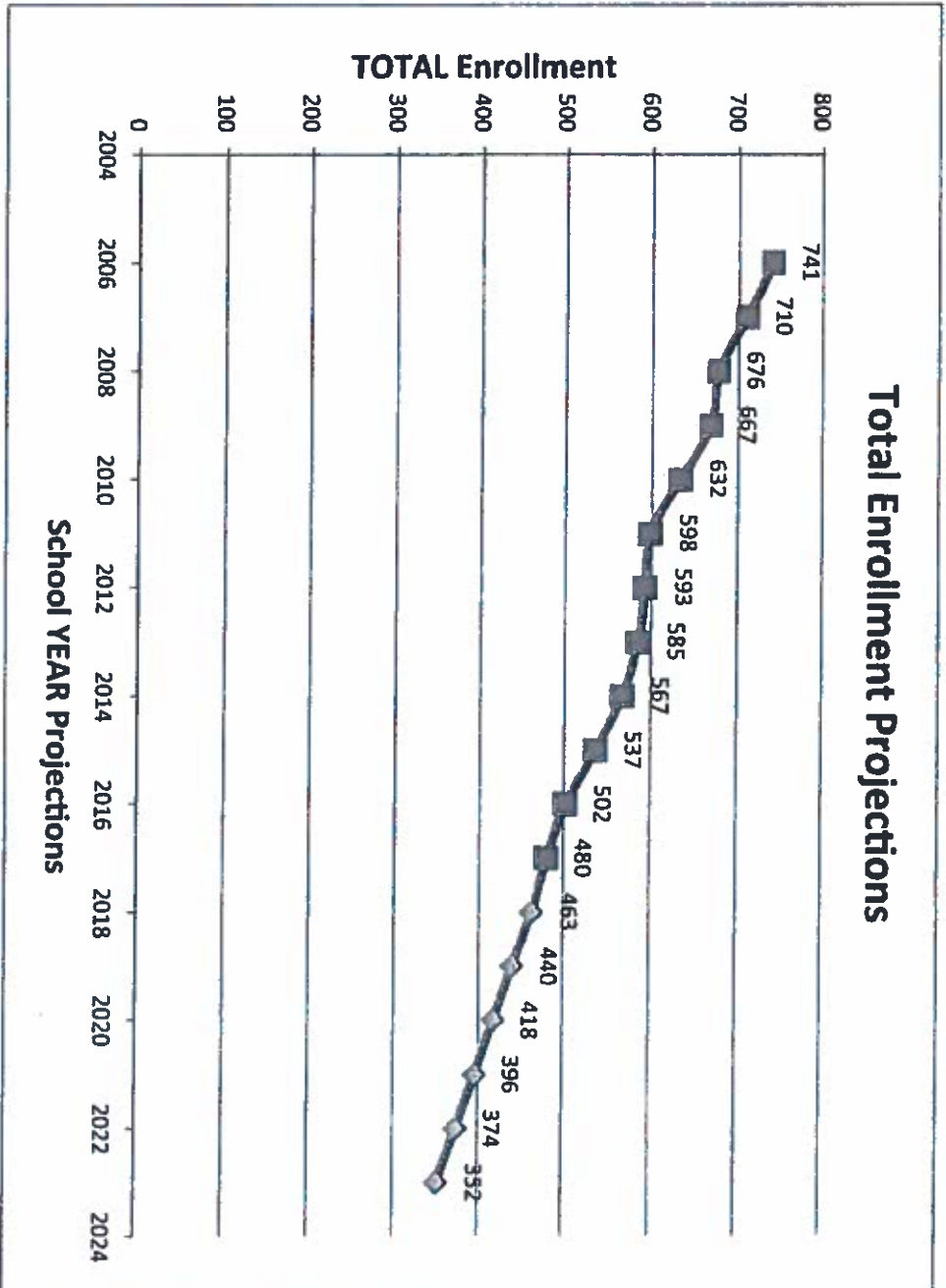
**Adjourn meeting:** At 8:20PM Mike Tomacelli made a motion to adjourn the meeting and Kristina Ford seconded the motion. Vote: 4-0 in favor.



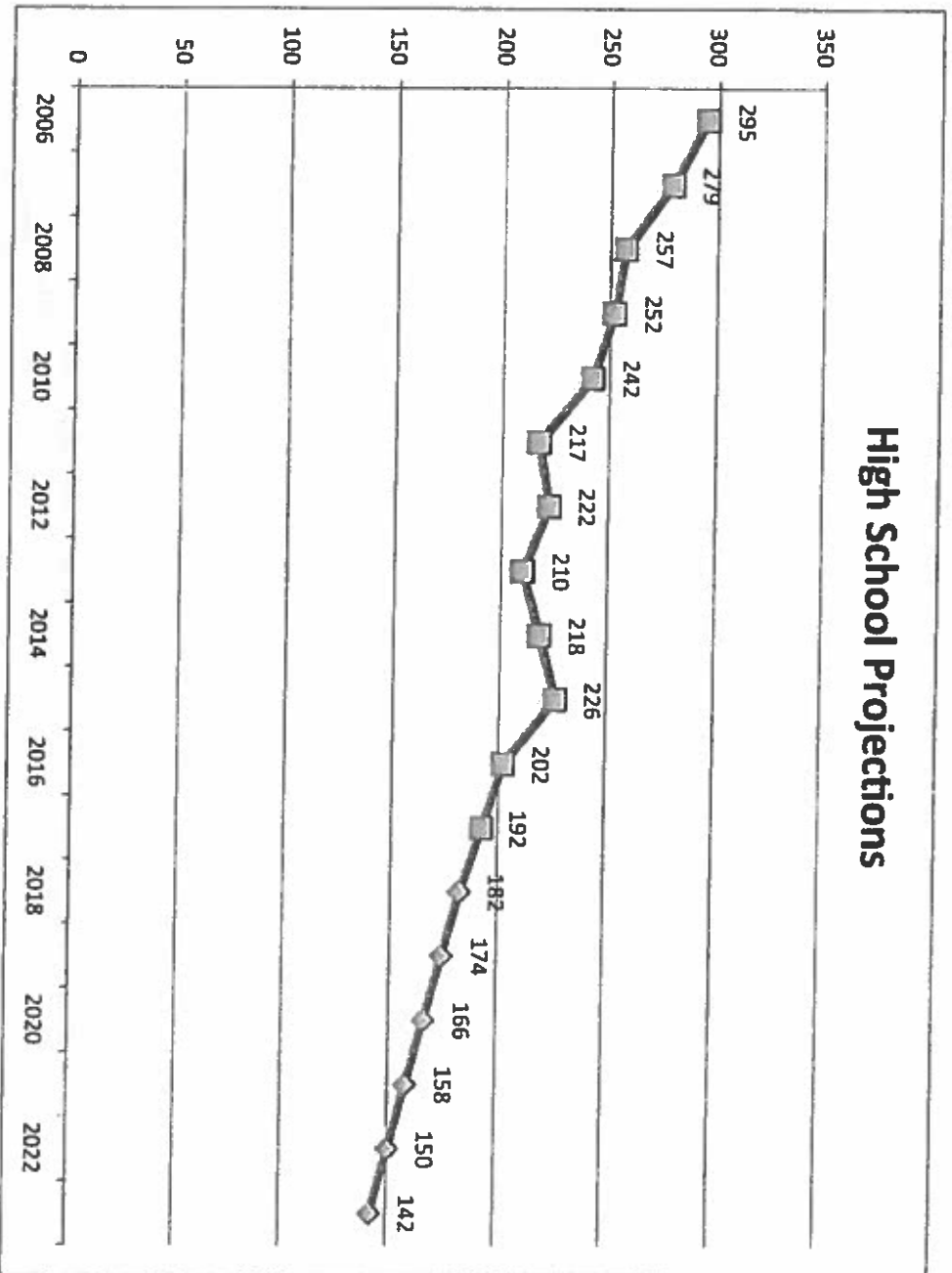
# AOS 98 Enrollment Numbers

	BRES	BRHS	Georgetown	Edgecomb	Southport
Pre-K	26		3	15	
K	21		2	11	2
1st	32		6	12	3
2nd	25		7	11	3
3rd	27		5	12	4
4th	24		8	5	2
5th	30		10	9	7
6th	24		10	16	2
7th	40				
8th	41				
9th		46			
10th		50			
11th		35			
12th		51			
TOTAL SCHOOL	290	182	51	91	23
TOTQL AOS	637				

Year	Total
2006	741
2007	710
2008	676
2009	667
2010	632
2011	598
2012	593
2013	585
2014	567
2015	537
2016	502
2017	480
2018	463
2019	440
2020	418
2021	396
2022	374
2023	352



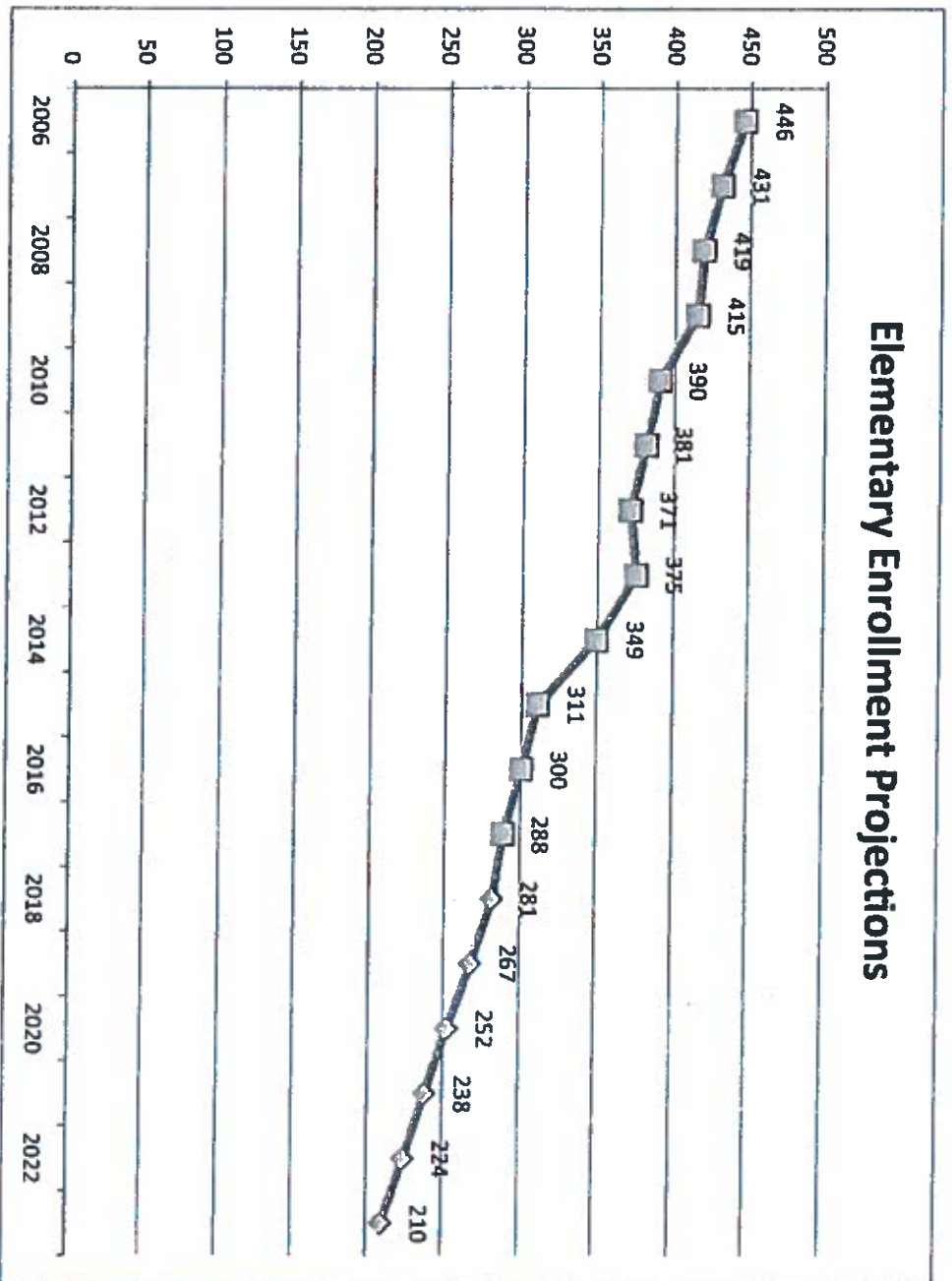
Year	HS
2006	295
2007	279
2008	257
2009	252
2010	242
2011	217
2012	222
2013	210
2014	218
2015	226
2016	202
2017	192
2018	182
2019	174
2020	166
2021	158
2022	150
2023	142



Year ES

2006	446
2007	431
2008	419
2009	415
2010	390
2011	381
2012	371
2013	375
2014	349
2015	311
2016	300
2017	288
2018	281
2019	267
2020	252
2021	238
2022	224
2023	210

## Elementary Enrollment Projections



**AOS 98 2018 OCTOBER ENROLLMENTS**

Please list number of students for each grade who reside in the different towns.

Return to Evelyn by October 15th.

Thank you!

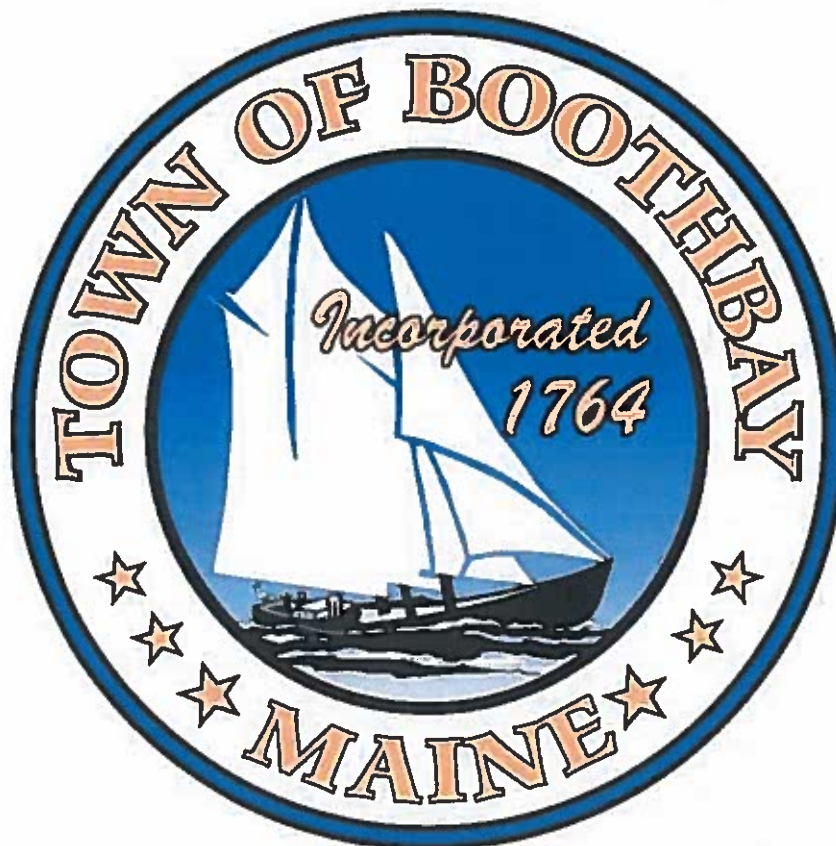
School Initials:	<b>BRES</b>					
GRADES	Boothbay	Boothbay Harbor	Edgecomb	Southport	Georgetown	Other
4 YO	17	8	1 S.A. Lassen			
Kindergarten	15	6				
1	21	9	1 S.A. Lassen 1 S.A. St. Germain			S.A. 1 Bath/Phelps
2	19	7				1 Westport
3	17	8				1 Waldo/Flagg 1 Hesse/Carlson 1 Bath/Phelps
4	14	10				S.A. 1 Dresd/Crowell
5	21	9	1 S.A. S. Wood 1 S.A. A. Blake			
6	16	8				
7	18	11	7	2		2 Alna
8	22	10	6	2		1 Westport
9						
10						
11						
12						
Totals Each Town:	180	86	18	4	0	9
School Total	297					



# TOWN OF BOOTHBAY

## PERSONNEL POLICIES MANUAL

Adopted February 14<sup>th</sup>, 2011  
Revised June 25<sup>th</sup>, 2012  
Revised May 14<sup>th</sup>, 2014



## **TABLE of CONTENTS**

<b>1. Preamble:</b>	<b>4</b>
<b>2. Purpose:</b>	<b>4</b>
<b>3. Administration:</b>	<b>4</b>
<b>4. Scope:</b>	<b>5</b>
<b>5. Equal Opportunity:</b>	<b>5</b>
<b>6. Probationary Period:</b>	<b>5</b>
<b>7. Performance Review:</b>	<b>5</b>
<b>8. Personnel Files:</b>	<b>6</b>
<b>9. Payroll Files:</b>	<b>6</b>
<b>10. Benefits Eligibility:</b>	<b>6</b>
<b>11. Workplace Attire:</b>	<b>8</b>
<b>12. Tardiness:</b>	<b>8</b>
<b>13. Time Clock:</b>	<b>8</b>
<b>14. Compensation:</b>	<b>8</b>
<b>15. Call out:</b>	<b>9</b>
<b>16. Comp Time:</b>	<b>10</b>
<b>17. Travel mileage and rate:</b>	<b>10</b>
<b>18. Professional Dues:</b>	<b>10</b>
<b>19. Training:</b>	<b>10</b>
<b>20. Holiday Leave:</b>	<b>10</b>
<b>21. Vacation Time:</b>	<b>11</b>
<b>22. Personal Days:</b>	<b>11</b>
<b>23. Sick Leave:</b>	<b>12</b>
<b>24. Court Leave:</b>	<b>14</b>
<b>25. Bereavement Leave:</b>	<b>14</b>
<b>26. Request for time off:</b>	<b>14</b>
<b>27. Earned time tracker:</b>	<b>14</b>
<b>28. Rest/Break time:</b>	<b>14</b>
<b>29. Purchases from customers:</b>	<b>14</b>
<b>30. Gifts from customers:</b>	<b>15</b>

31. Telephone use:	15
32. Email/Computer use:	15
33. Typing:	17
34. Tidiness of office and work area:	17
35. Noise in the work area:	17
36. Smoking Policy:	17
37. Expected behavior:	17
38. Disciplinary Action:	18
39. Grievance Procedure:	19
40. Vault:	20
41. Safety Policy:	20
42. Emergency Closings:	20
43. Harassment Policy:	20
44. Drug-free workplace:	23
45. Workplace Violence Policy for the Town of Boothbay	23
46. Disclaimers	24
47. Order of Priority	25

### ***1. Preamble:***

It is declared in the Town of the Boothbay that employment shall be based upon merit and the ability to perform the essential functions of the job, free of personal and political considerations. All persons shall be treated fairly and equally regardless of race, color, religion, sex, age, sexual orientation, physical or mental disability, or national origin. Just and equitable incentives shall be established and maintained along with the provisions of safe, sanitary and decent work conditions. Barriers to employment and advancement that arise from unfair and unequal treatment of any and all persons shall be eliminated to promote equality of opportunity. These rules and modifications shall supersede any policy and rules made previously by the Board of Selectmen. The Board of Selectmen may delete, amend, modify or change any or all of this manual, by posting notice of the change in a conspicuous place at the Town Office and Public Works location and by enclosing such a notice with all employees' pay checks, and in both cases shall be provided at least thirty (30) calendar days in advance of the meeting at which the Board of Selectmen adopts any amendments to the manual.

### ***2. Purpose:***

- A. It is the purpose of the Board of Selectmen in prescribing these rules, to establish and set forth a uniform and equitable system of personnel administration for the Town of Boothbay.
- B. In order to assure that the most appropriate rules are established for the particular circumstances in which the Town of Boothbay is operating, the rules set forth in this manual may be changed at any time when the Board of Selectmen determines changes are advisable. The personnel policies manual is not an employment contract and should not be construed as such.

### ***3. Administration:***

Insuring the day-to-day administration of these and any different or subsequent rules and personnel procedures developed pursuant to these rules shall be the responsibility of the Town Manager. The Town Manager may delegate such operational and administrative authorities as he may deem fit, including but not limited to the authority to sign contracts, authorize financial transactions and purchase services on behalf of the town.

**4. *Scope:***

Positions that are covered include ALL employees, except where to the extent sections are superseded by an employment contract and in so far as it pertains to an elected position.

**5. *Equal Opportunity:***

The Town of Boothbay is committed to providing equal employment opportunities for all persons making application to the Town and equitable treatment and advancement opportunities for its employees. This policy sets forth rules of nondiscrimination in hiring, employment, and personnel actions based on race, color, religion, sex, age, sexual orientation, physical or mental disability, or national origin.

- A. The Town may condition employment on the completion of a physical examination by a doctor of the Town Manager's choice at the expense of the Town.
- B. No person shall be employed under the age of eighteen years of age.

**6. *Probationary Period:***

The probationary period for new employees is six months, except as otherwise provided by State statute. During this period, the employee has an opportunity to demonstrate proper attitudes and abilities for the position for which employed. An employee may be dismissed in the absolute discretion of the Town Manager during this period. The probationary period may be extended by written statement to the employee for reasonable causes explained in the statement but may never be extended beyond two-six (6) month periods.

**7. *Performance Review:***

Employees shall be evaluated at the completion of the initial probationary period, once each year thereafter, and when performance is deemed necessary to document. Employees shall be afforded the opportunity to review and discuss their written evaluation with their immediate supervisor and shall sign their evaluation as proof of discussion and understanding although they may not necessarily agree with the evaluation. An employee may prepare a written response to any item included in the evaluation. This response shall be submitted to the evaluator and attached to and become a part of the evaluation. A copy of the complete evaluation will be provided to the employee and placed in his/her personnel file. Performance reviews will be the responsibility of

the Town Manager. Evaluations will cover goals, objectives, improvements, certifications, achievements, and wage scales.

Each year, the Town Manager will recommend an amount for performance raises to the Board of Selectmen as part of the annual budget preparation. Performance reviews and the size of the appropriation adopted as part of the annual budget will determine how any performance increases in wages are determined.

**8. *Personnel Files:***

Personnel files are utilized by the Town of Boothbay as an employment record for each Town employee containing training, employee performance, and professional conduct information. In so far as permitted by law, all personnel records shall be confidential and shall not be shown or released to any person other than the employee, those authorized in writing by the employee, their immediate supervisor and/or the Town Manager.

The Town Manager shall be responsible for the contents of all personnel files. Requests for additions to or deletions from a personnel file shall be made to the Town Manager.

During regular business hours, an employee may inspect his/her personnel file. Requests to inspect a personnel file shall be made to the Town Manager. No personnel file shall be removed from the Town Manager's office. An employee may receive a copy of any document contained within his/her personnel file.

**9. *Payroll Files:***

Each employee shall have a payroll file kept by the Town Manager. The purpose of the file is for benefits administration and payroll records.

**10. *Benefits Eligibility:***

Employees must be full-time (work at least 28 hours per week on a regular and continuous basis year round), not temporary or part-time, to be eligible for Holiday Pay, Vacations, Sick Leave, paid Bereavement Leave, Health Insurance or other available insurances.

- A. Health Insurance: any full time employee of the Town, who is not otherwise under differing contractual standards, shall contribute to

his/her health insurance costs at a rate set from time to time by the Board of Selectmen. Contributions of the employee shall be made through payroll deductions.

Retirement: all full time employees, who are not otherwise under differing contractual standards, receive a retirement plan.

Retirement: all full time employees, who are not otherwise under differing contractual standards, receive a retirement plan.

- a. Effective January 1<sup>st</sup>, 2019, employees that do not contribute the required employee matching component into the retirement plan the Town will contribute only 5% of eligible compensation.
  - b. Effective January 1<sup>st</sup>, 2020, as long as employees who are eligible contribute at least 1% of their eligible compensation, the Town will contribute 10% of eligible compensation.
  - c. Effective January 1<sup>st</sup>, 2021, as long as employees who are eligible contribute at least 2% of their eligible compensation, the Town will contribute 10% of eligible compensation.
  - d. Effective January 1<sup>st</sup>, 2022, as long as employees who are eligible contribute at least 3% of their eligible compensation, the Town will contribute 10% of eligible compensation.
  - e. Effective January 1<sup>st</sup>, 2023, as long as employees who are eligible contribute at least 4% of their eligible compensation, the Town will contribute 10% of eligible compensation.
  - f. Effective January 1<sup>st</sup>, 2024, as long as employees who are eligible contribute at least 5% of their eligible compensation, the Town will contribute 10% of eligible compensation.
- B. Income Protection: is available to employees and offered at no cost to the Town.
- C. Social Security: employees shall contribute to the Social Security System on a cost sharing basis with the Town. Contributions of the employee shall be made through payroll deductions. The percentage is periodically subject to change by federal law and increases shall be automatic.
- D. Dental: The Town will offer a dental insurance plan at no cost to the Town provided the minimum number of employees enroll in the plan.
- E. The Town will provide uniforms to the Public Works Department employees. Uniforms will include pants, shirts, sweatshirts, jackets, coveralls, and such other items as need and approved by

the Town Manager. The Town will provide reimbursement of uniform costs to full time Public Works employees once annually provided that sufficient documentation of the same accompanies any such request for reimbursement.

***11. Workplace Attire:***

Employees are expected to dress in a manner consistent with the nature of the work performed. If there are questions as to what constitutes proper attire, employees should consult their supervisor or the Town Manager. Employees who are inappropriately dressed, in the opinion of their supervisor or Town Manager, may be sent home and required to return to work in acceptable attire.

***12. Tardiness:***

Our work involves communication among staff; it is important that everyone start work at their stated normal work time and not hold up other employees by being late. On the rare occasion that you are tardy, the lost time may be charged to “comp time” if the supervisor or Town Manager deems necessary. Missed time cannot simply be made up by staying later in the day.

Employees shall be at their respective places of work at the appointed starting time. All employees shall keep daily records to be submitted to their supervisor, and furnish such additional periodic reports as may be requested. Time sheets must be approved and signed by the employee’s immediate supervisor or the Town Manager.

***13. Time Clock***

Each employee is required to report time worked. Regular full-time employees and regular part-time employees are required to punch in and out using a time clock. Under no circumstances is an employee allowed to punch in or out for another employee. Any deviations to regular punching at the time clock (missed punch, double punch, or use of accrued time, etc.) must be reported immediately.

***14. Compensation:***

All hourly and salaried employees will receive pay raises under the following criteria:

- A. In order to maintain wage scales at a competitive level, determination of any annual pay adjustment is at the sole discretion of the Town Manager and ratified by the Board of Selectmen.
- B. Longevity: As an incentive to employees who remain in the employment of the Town, the following step increases in pay will apply, as set by the Board of Selectmen. Incentive levels are as follows regarding time of service:
  - 6 Months Continuous Service- Determined by Town Manager
  - 3 Years Continuous Service- \$0.50/Hour
  - 7 Years Continuous Service- \$0.50/Hour
  - 12 Years Continuous Service- \$0.50/Hour
- C. Overtime: Wage rate employees shall be paid overtime after (40) hours of actual work per week. Wage rate employees shall be paid overtime after (8) hours work on a given day.
- D. In the absence of the Public Works Foreman, the assigned replacement, as designated in advance by the Town Manager, shall receive an additional \$1.00/hour increase in wage while performing these additional duties.

**15. Call out:**

- A. Public Works employees who are called out after regularly scheduled work hours will receive a minimum of (3) hours pay, even if the work can be completed in less than three hours. This provision applies to hours worked that were not planned in advance of a work day. The supervisor may indicate prior to the end of the work day that the scheduled work day has changed and it will not constitute a call out.
- B. On Call: Public Works employees shall receive compensation to equate one call out while being on call for the period of a week. The Public Works Foreman will be responsible for notifying employees that they are scheduled to be on call for the week. If the "on call" employee is called out, Section 13(A) above applies as well.

***16. Comp Time:***

Comp time shall be allowed with the previous permission of the Supervisor or Town Manager for all hourly employees. This shall accrue at the rate of 1.5 hours for each hour worked over 40 hours in a week. Comp time shall not accrue beyond a total of 24 hours. Comp time requests must be submitted to the Town Manager to be recognized.

***17. Travel mileage and rate:***

The usual manner of computing travel mileage when on an out-of-the office assignment is the distance to the place of engagement from our office and return.

Mileage will be reimbursed at the IRS business standard mileage rate. Mileage may not be reimbursed if not previously approved by the Town Manager or Supervisor.

Actual cost of tolls will also be reimbursed, provided a toll receipt is obtained.

***18. Professional Dues:***

Town employees are urged to be members of the State Association relating to their job, e.g., Maine Town & City Clerks Association for the Town Clerk. The Town will pay the membership dues. The Town reserves the right to manage participation in State Association groups.

***19. Training:***

Training is encouraged via affiliate groups (e.g., Maine Town & City Managers Association) and the Maine Municipal Association. Prior approval of the Town Manager is required before scheduling such trainings. If approved in advance by the Town Manager, the Town will pay the cost.

***20. Holiday Leave:***

The Town observes the following holidays. When such holidays fall on any Monday through Friday, the employee will have the day off with pay.

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Patriots Day
5. Memorial Day

6. Windjammer Days- ½ day on the day of parade
7. Independence Day
8. Labor Day
9. Columbus Day
10. Veterans Day
11. Thanksgiving Day
12. Day after Thanksgiving Day
13. Christmas Day

When New Year's Day, Independence Day, Veterans Day or Christmas Day falls on a Saturday or Sunday, regular full-time employees shall be paid or time off given the immediate Friday/Monday adjoining that weekend.

When Christmas Eve Day falls on a Monday through Friday, that day will also be a one-half day holiday, with the Town Office closing at noon.

Work on Christmas and Thanksgiving is compensated at double the applicable wage rate.

Employees on a leave of absence are not entitled to holiday pay.

***21. Vacation Time:***

All regular full-time employees shall be entitled to a vacation with pay as follows:

- A. Upon the first anniversary of date of hire through to the fifth anniversary, employees earn 10 days of vacation.
- B. Upon the fifth anniversary date through to the sixth anniversary date, vacation earned equals 15 days.
- C. Upon the sixth anniversary, employees will thereafter earn an additional day of vacation for every year of service. The maximum earned vacation time for an employee with less than twenty years of service is 20 days.
- D. Upon the twentieth anniversary date and thereafter, 25 days are earned.

The Town reserves the right to schedule vacations so as not interfere with Town operations. Vacations will normally be granted for the period requested by the employee with the approval of the Town Manager. When there is a conflict over requested vacation periods, the employee having

greater seniority will be given preference. Employees may not elect to receive cash in lieu of vacation time, except with the prior approval of the Town Manager; said approval is to be granted only under extraordinary circumstances. Vacation time will not be permitted to accrue, unless approved by the Town Manager, and must be taken during the calendar year following the year in which it is earned.

In cases where the employee voluntarily resigns, the vacation pay shall be pro-rated based on the actual time worked in the calendar year. Any unused time shall be paid to the employee upon his retirement or to his beneficiary upon his death.

**22. *Personal Days:***

Employees are entitled to two (2) personal days per calendar year; provided however that employees are not entitled to any personal days during their probationary period. Personal days not used during the calendar year lapse at the end of the year and cannot be carried over to the next calendar year. Employees may utilize personal time in increments of one hour (1) with the approval of his/her supervisor.

**23. *Sick Leave:***

It is the intent of the Town to protect its employees against undue loss of pay due to accidents or illness.

During the first six months of employment, paid sick time is not available. After six months, sick time will be earned at the rate of 1 day per calendar month of employment.

- A. Sick leave shall accrue at the rate of one day for each full calendar month of service, accumulated to a maximum of fifty (50) days.

The employee shall use accumulated sick leave, vacation time, comp time, and personal time in consecutive 40 hour per week increments when on sick leave. An employee may not use sick time to increase their total weekly hours beyond 40 hours in a week unless approved by the Supervisor or Town Manager.

- B. Sick leave may be used only in the following cases:
  - 1. Personal illness or injury of such degree to render the employee unable to perform the duties of his/her position.
  - 2. For the employee to provide care of individuals who reside in the employee's household.

3. If required by the Town, the employee shall furnish the Town with a certificate from an attending physician of the employee's choice at the expense of the Town after any of the first 2 consecutive days of absence or after an accumulative 3 days of absence in a 12 month period.
  4. Sick leave may be used in one hour increments.
- C. In case of illness, it is the responsibility of the employee to inform his/her supervisor at least one-half hour before the commencement of the work day that he is ill and will not be able to work.
  - D. Credit for sick leave will not accrue for any month during which the employee is off duty due to sickness for more than 25% of his/her scheduled work days.
  - E. The Town complies with all relevant provisions of the Federal and State Medical Leave Acts. Employees wishing to exercise their rights under these Acts should make their requests to the Town Manager and complete information on employee benefits under these Acts, including sick leave or leave due to disability or workplace injury where appropriate, will be provided. The Town reserves the right to designate any qualifying absences as Family Medical Leave and to designate the method by which the entitlement period is calculated.
  - F. Any employee who is out on sick leave for 5 or more consecutive days may be required by the Town to present a physician's statement verifying his ability to return to work. Said physician's statement is to be at the employee's expense.

Unused sick time at the time of termination can be converted to cash at 25% the rate of the time available, if the employee leaves in good standing and provides a 2 week notice.

Fair Labor Standard non-exempt employees that use three days or less of their allotted sick days will be eligible for a \$350 bonus for their good attendance. The "Good Attendance" bonus is subject to the budget process. Awards for the "Good Attendance" bonus will be made based calendar year attendance starting the first day of November. For the purposes of starting this policy clause, all attendance will be prorated for both sick days and bonus amount, from the day of adoption. If an employee would qualify

except for time missed due to a job-related injury or illness, the employee will be paid the bonus.

**24. *Court Leave:***

Employees of the Town shall not lose employment pay or benefits while serving on jury duty for a reasonable amount of time. The Town shall pay the employee when said employee signs over his/her jury duty check to the Town.

**25. *Bereavement Leave:***

In the event of death in the immediate family of an employee, up to 3 consecutive days leave of absence may be granted the employee, with full pay (five days for spouse or child). "Immediate family" includes spouse, child, step-children, parent, siblings, parents-in-law, grandparents, grandchildren, brother-in-law, and sister-in-law. Vacation time can be used for extra time needed.

**26. *Request for time off:***

To use vacation time or comp time, an employee should schedule such leave request with his/her supervisor at least 2 weeks in advance. Requests may be taken up on shorter notice and may be granted so long as work schedule problems are not incurred. Leaves of absence without pay may be granted in the Town Manager's sole discretion. No employee will be permitted to take any leave without pay if the employee has accrued leave time available. Continued leave of absence without arranged extensions will be considered a resignation from service.

**27. *Earned time tracker:***

The Town Manager shall track the time earned for all eligible employees.

**28. *Rest/Break time:***

During a normal 8 hour workday, an employee will receive a paid 15 minute rest break during the morning and a paid 15 minute rest break in the afternoon. If an employee so wishes, the 15 minutes can be split up into 2 shorter breaks during that time.

**29. *Purchases from customers:***

The Town recognizes and respects the patronizing of businesses of the Town. In this regard, employees of the Town should not solicit special terms from the business.

***30. Gifts from customers:***

Employees of the Town are not to accept cash gifts from customers. Nominal in-kind gifts may be accepted, when appropriate, but their receipt should be made known to the employee's Supervisor.

***31. Telephone use:***

Personal telephone calls are allowed at work, but only on a limited basis as needed. However, when waiting on a customer, do not carry on a personal telephone conversation. If a personal telephone call comes in, call the person back at a more convenient time or take care of this after hours.

Employees being paid by the Town should not conduct outside, non-Town business activities during regular work hours. Abuse of this policy will result in disciplinary action.

When a person is busy with other work and is unable to answer the telephone, other employees shall answer the telephone during that time. The telephone is not the duty of any one person.

***32. Email/Computer use:***

All parts of the network, databases, and/or email system, including computers and hardware, are owned by the Town and/or are provided for use in the Town's business activities. The Town has the right and ability to monitor and review all electronic communications, the use of the Internet and the use of computers at any time without notice to its employees or any other party, and for any purpose. Except for incidental personal use, no part of the system is to be used for employee personal gain or to support or advocate for non-business related activities or purposes. The Town of Boothbay has and is always establishing computer use policies that will be adhered to at all times by employees. **All data and electronic messages within this file system are the property of the Town. No use, message, or communication within the system is private.**

While employees have confidential passwords, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that email is the property right of the

employee. Employees should be aware that when they have deleted a message from their workstation mailbox, it might not have been deleted from the centralized systems and all document retention rules apply to digital documents and correspondence.

Employees may not provide or use alternative software to access the systems. Employees may be held responsible for any damages caused by unauthorized software, spyware, or viruses they introduce into the system. Please keep note that messages are also subject to network security procedures and spam filters, which may inadvertently isolate or delete valid emails since these functions are not foolproof.

If an employee wants to connect their own peripheral tools or equipment to the town owned systems (such as digital cameras, PDA's, cell phones, MP3 players or flash drives) they must receive permission from their supervisor or the Town Manager.

#### Guidelines:

Employees are expected to abide by the generally accepted rules of computing and network etiquette. These include but are not limited to the following:

##### A. General Guidelines:

- Be polite
- Use appropriate language
- Do not reveal sensitive information through electronic communication
- Create minimal network traffic
- Use only the services you have authorization to access
- Always represent yourself as yourself
- Materials that would be considered inappropriate, offensive, or disrespectful by others should not be accessed or stored.
- Respect copyrights and licenses

### Security Responsibilities:

- If you identify a security problem notify the Town Manager
- Do not reveal your account password or allow another person to use your account
- Be accountable for passwords necessary to perform your duties
- Do not use another individual's account

### **33. *Typing:***

Employees of the Town should not request personal typing from the clerical staff. The Town's stationery is not to be used for other than the Town's official business.

### **34. *Tidiness of office and work area:***

A never-ending job is keeping our work area in order. Of necessity, we are required to have many papers, files and records in use while working. Each employee of the Town must make every effort to leave his/her particular work area in good order at the close of each business day.

### **35. *Noise in the work area:***

The aim of the Town is to maintain a friendly work atmosphere. Good judgment must prevail at all times, and we feel that a friendly atmosphere can be maintained together with the atmosphere of a serious business office.

Care should be exercised to assure that non-business conversation is neither excessive nor distracting to others. If you have no immediate assignment, please be sure to find something useful to do.

Use of radios within the work area is allowed when appropriate. Consideration to others will be a priority.

### **36. *Smoking Policy:***

It is the policy of the Town of Boothbay not to allow any smoking within any Town owned building or any Town owned vehicle. Each Town owned building has a designated exterior smoking area. "Chewing" tobacco is allowed if disposed of properly at the discretion of the supervisor. The Supervisor will provide employees with smoking areas.

### **37. *Expected behavior:***

Employees are expected to conduct themselves in a professional manner that reflects positively upon the Town and does not disrupt the efficient operation

of the administration of the Town. If there is a problem between co-workers, the issue shall be taken to the Town Manager so that the Town Manager may assist in the resolution of these problems. The Town of Boothbay operates under the Town Manager form of government and all such comments and actions need to be directed through the Town Manager.

Due to the nature of the Town as a servant of local government, it is expected that employees would act with discretion in regard to their activities in partisan politics at any governmental level. Political activities including running for office, working on campaigns, circulating petitions, etc., should be discussed with the Town Manager before they are undertaken. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

### ***38. Disciplinary Action:***

The Town of Boothbay subscribes to the concept of “progressive discipline.” Under normal circumstances, instances of employee misconduct or poor performance will result in oral or written reprimands. Subsequent employee misconduct or poor performance by the same employee will result in more severe disciplinary action including suspension and ultimately discharge. A significant instance or frequent recurrence of employee misconduct may be cause for suspension or dismissal. Disciplinary action may result from any action which reflects discredit upon the Town and its services or acts as a hindrance to the effective performance of municipal services. Such just cause may include, but is not limited to: misconduct, inefficiency, incompetence, insubordination, indolence, malfeasance or willful violation of personnel rules.

The conduct for which disciplinary action is being imposed and the action to be taken shall be specified in writing to the affected employee prior to the taking of such action except in cases where the employee’s continued presence on the job has been documented to present a danger to persons or property.

The Town reserves the right to accelerate disciplinary levels where necessary to ensure safe and efficient operations. The Town Manager may impose any/all of the disciplinary levels in lieu of the Supervisor.

### *Oral Reprimand*

An oral reprimand may be necessary to correct an employee's work performance, or minor infractions of department rules or regulations, or minor instances of inappropriate employee conduct. The Supervisor or supervisor shall implement the discipline and should, if necessary, document the oral reprimand with a "counseling memo" placed in the employee's personnel file.

### *Written Reprimand*

A written reprimand may be necessary to correct more serious or additional employee misconduct. The Supervisor or supervisor shall prepare the written reprimand, review the incident with the employee, have the employee sign it, and place it in the employee's personnel file. The employee's signature does not acknowledge agreement with the reprimand but only that the employee has reviewed it. The employee may, within 7 calendar days, prepare a written response and have it attached to the written reprimand placed in the personnel file.

### *Suspension*

A suspension of 5 work days or less may be imposed by a Supervisor for significant employee misconduct or repeated lesser offenses. The Supervisor shall provide the employee with a written notice of the suspension and the reasons therefore.

Instances of suspension of more than 5 work days may be made by the Town Manager after notice to the employee. An employee suspended for more than 5 work days may request a hearing before the Town Manager.

### **39. *Grievance Procedure:***

The following procedure is the sole and exclusive method of resolving an employee's grievance. An employee who has a complaint, grievance, dispute or difference about any discipline imposed must comply with the provisions of this procedure. General levels of wages, fringe benefits or other broad areas of financial management and staffing are not grievable issues. Any employee who has a grievance must:

#### *Step 1:*

The grievance shall first be discussed with the employee's Supervisor (or with the Town Manager if the employee's Supervisor is the Town Manager). The Supervisor or Town Manager, as appropriate, shall then take such steps

as are advisable, including consultation with the employee's immediate supervisor in an effort to resolve the grievance informally.

*Step 2:*

If the grievance is not resolved within 5 work days of initial discussion in Step 1, the grievance may then be submitted in writing to the Town Manager who shall provide the employee with a decision in writing within 5 work days of submission.

*Step 3:*

If the grievance is not resolved within 5 work days after the receipt of the written decision from the Town Manager in Step 2, the grievance may then be submitted in writing to the Board of Selectmen. The Board of Selectmen shall call and conduct a hearing of all parties involved within 30 days after submission. The Board of Selectmen shall provide the employee with a written decision within 10 work days of the hearing. The decision of the Board of Selectmen is final.

**40. Vault:**

The vault shall be closed and latched at the end of the business day. Office spaces and Public Works Department areas shall be closed and locked if left unattended for 24 hours.

**41. Safety Policy:**

The Town of Boothbay has and is always establishing safety policies that will be adhered to at all times by all employees.

**42. Emergency Closings:**

At time, emergencies such as severe weather, fires, power failures, or earthquakes can disrupt Town operations. These circumstances may require the closing of a work facility. When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid.

**43. Harassment Policy:**

A. Our Town is committed to a workplace free from harassment. Harassment and intimidation based on sex, race, color, national origin, religion, age, sexual orientation or physical or mental disability is a violation of Town policy. The Town will not tolerate such misconduct. This policy applies to all Town employees as well as customers and others who come in contact with the Town. Reprisals against those who file complaints under

this policy will not be tolerated. Violators of this policy will be subject to discipline, up to and including discharge. Any Town employee who receives a complaint and does not act on it under the procedures of this policy will also be subject to discipline, including dismissal.

Occasional compliments of a socially accepted manner or statements or acts that are acceptable to all elements of society are not harassment.

Harassment is statements or acts that are offensive to some people. What may constitute harassment may differ from person to person.

#### B. Examples of Harassment.

Examples of harassment related to sex, race, color, national origin, religion, age, sexual orientation or physical or mental disability include the following, which may be a series of incidents or a single occurrence: unwelcome sexual advances, gestures, comments or contact; threats; offensive jokes; subjecting employees to ridicule, slurs, or derogatory actions; basing employment decisions or practices on submission to such harassment; refusal to work with employees in performing work assignments; inequitable disciplinary actions and work assignments.

#### C. Procedures.

Any employee who feels harassed by a supervisor, manager, co-worker, subordinate, client or other person should take the following course of action:

1. Tell the offending individual (s) to stop the harassment. State your objection to the action and the specific behavior to which you object. Have a witness present if possible. Also note the time and date of the discussion and write a summary of what you said and how the offender responded. If uncomfortable with a discussion with the harassing individual(s), state your objections in writing and keep a copy. In any harassment case, documentation will help support contentions of harassment. Keep a log of the specifics of the actions to which you object. Record dates, times and witnesses. Keep copies of any notes and materials.
2. An individual who does not feel comfortable confronting the offending party in person or in writing may proceed directly to this step but should still keep a log of occurrences. If step one does not resolve the problem, or if you fear reprisals will result from a

complaint, immediately complain to your supervisor, the Town Manager, or any other supervisor. In the case of a complaint against the Town Manager, the complaint should be submitted to the Chair of the Board of Selectmen. You have a right to discuss your complaint with a supervisor with whom you feel comfortable. All complaints will be handled in a timely fashion. Your complaint and all details of the investigation will be treated as confidential information to the extent provided by law. Only those involved in this investigation, witnesses to the harassment and the alleged harasser will be contacted. Your identity, as far as possible, will be withheld from all involved parties. The Town will attempt to do the utmost to protect the privacy of the complainant. The Town will also attempt to protect the integrity of any individual who may have been wrongly accused of harassment.

3. An individual who receives a complaint will contact the Town Manager. The alleged harasser will be contacted, along with witnesses, co-workers and other possible victims. The Town Manager will cause the matter to be investigated and once the investigation is complete, determine any immediate action, including any disciplinary action. Both the victim and the alleged harasser will receive copies of the investigator's findings. While the investigation should be thorough and complete, in only the most unusual circumstances will it take longer than 10 days.
4. Throughout the investigation and after the determination of any disciplinary action, if any, the complainant will be assured there will be no reprisals from any Town employee. A complainant's career will not be adversely affected by the outcome of the investigation.
5. Appeals of the investigator's findings may be made to the Board of Selectmen. Any Selectperson involved in the harassment is excluded from the appeal decision-making process.
6. Only the victim and the accused harasser will be told the final disposition of the complaint. Details of the investigation will be released only as provided by law.

**D. Harassment by customers or others:**

Town policy prohibits harassment from any source. The above procedure will be followed in cases of alleged harassment by customers or suppliers. If the investigation substantiates the charge, the Board of Selectmen will take prompt remedial action. Possible remedial steps range from letters of objection to the accused to refusal to continue business relationship. Individuals filing complaints against customers or others should be aware of the limits of the Town's ability to control an outsider's behavior.

***44. Drug-free workplace:***

A. The Town of Boothbay is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. No employee may use, possess, distribute, sell or be under the influence of alcohol or illegal drugs while on the Town premises or while conducting Town business. Further, certain Town employees are subject to alcohol and drug testing in accordance with federal law and the Town's Alcohol and Drug Testing Policy and Procedures. Any violation of this policy will result in disciplinary action, up to and including dismissal, and may have legal consequences.

B. As a condition of employment with the Town, all employees are required to notify the Town of any criminal or civil conviction for a drug violation occurring in the workplace no later than five (5) days after such conviction.

***45. Workplace Violence Policy for the Town of Boothbay***

The Town of Boothbay is committed to a safe working environment, free of harassment, intimidation or physical harm. All of our employees have a right to work in a safe environment and share the responsibility for assuring that right. The Town of Boothbay has taken a "zero tolerance" position on violence and threats of violence. Any employee who violates this policy may be subject to disciplinary action up to and including immediate termination.

Any employee who believes he or she has been the target of violence or threats of violence, or has witnessed violent or threatening conduct by another employee has a responsibility to report those threats to the Town Manager. All reports of threats are confidential and will only be shared with

those who have a need to know. All reports are taken seriously and will be investigated thoroughly.

The Town of Boothbay prohibits physical assaults (fights), threatening comments, intimidation, and harassment, the intentional destruction of any Town property or merchandise, or any behavior that causes intimidation or reasonable fear responses in others. Under no circumstances should the Town of Boothbay employees bring weapons, fire arms, explosives or other threatening devices on Town property. This includes Town parking lots, in Town vehicles or while engaging in official Town business.

The Town of Boothbay also feels deep concern for those who might be affected by domestic violence, abuse or stalking. As with threatening conduct, those who feel threatened by spousal abuse or know of others who might be a target of domestic violence have an obligation to notify management in order to protect the threatened individual and other employees in our work environment.

The Town of Boothbay feels deep concern about threats of violence from the public. An individual should not try to handle these situations alone. If a threat of violence is levied against any individual, he or she must reduce the threat by leaving the situation immediately and calling for help from law enforcement immediately. Under no circumstances should an employee place themselves in a known threat of danger.

#### ***46. Disclaimers***

Although these rules outline the rights, responsibilities and benefits of the Town of Boothbay employees, the document does not create legally enforceable rights.

The following disclaimers are included to provide notice to that effect:

- This manual is not an employment contract and nothing in the manual affords employees any contractual rights.
- Where this manual contains descriptions or references to insurance or other benefit plans, the specific provisions of the benefit plan will take precedence and govern should a conflict arise concerning interpretation, application or benefit level.

***47. Order of Priority***

In the event of any inconsistency or conflict of any provision of this Personnel Policy with any provision of (a) the Town's Conflict of Interest Policy or (b) the Town's Domestic Abuse Policy or (c) any employment contract, the provision of the Conflict of Interest Policy or Domestic Abuse Policy or employment contract, as the case may be, shall govern and prevail.

