



Town of Wayne, Maine
Personnel Policies and Procedures
Amended April 16, 2024

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1. Introduction

The Select Board hereby adopts the following Personnel Policies for utilization by the Town of Wayne (Town) in the administration of personnel activities of the employees of the Town. These policies and subsequent modifications shall supersede any policies and rules made previously by the Select Board.

The Select Board may delete, amend, modify, or change any or all of the provisions contained in these policies. The provisions set forth are not contractual. They are for the general guidance of the Town Manager in the Town Manager's relationships with Town employees. In addition, conflicting changes in local, state, or federal laws take precedence over the contents of the Personnel Policies, whether or not those changes were incorporated into the Personnel Policies.

The Town specifically reserves the right to repeal, modify, or amend these Policies as necessary. These Policies are intended as informational guidance and the Town reserves the right to interpret any provision and to change policies with reasonable notice to employees. These Policies are not to be interpreted as promises of specific treatment or as creating contractual rights to any employee.

2. General Provisions

2.01 Hiring

The Town of Wayne is an equal opportunity employer. In practice this means that the most qualified applicant for an open and available position will be offered the position without regard to factors other than necessary qualifications for that position. In order to determine who is most qualified there must be a clear statement of the duties of the position and of the skills required. Each applicant's qualifications are to be judged against the requirements used by the supervisor to advertise the position. The Town will not accept nor maintain unsolicited applications, resumes or letters from prospective applicants where there is no current open and available position that the Town is actively seeking to fill.

The Town Manager has the responsibility to seek out the most qualified employees for the Town. In no instance shall the Town Manager be limited to current employees when seeking to fill a position. In any instance where the Town Manager does not believe that the pool of applicants for an open and available position meets the required standards or best interests of the Town, the Town Manager has the authority to re-open the hiring process to additional candidates or amend the standards to meet the Town's need.

Post-offer, preemployment background checks, which may include, but not limited to, a credit and driving history check, criminal background check, reference checks, and a post-offer physical exam may be required as a condition of employment. Refusal to consent to a background check may result in withdrawal of the offer of employment. Certain offers of employment to some positions may be contingent on a satisfactory medical examination by a physician designated by the Town at Town expense. The physician must evaluate the candidate's qualifications to perform the essential functions of the position, with or without reasonable accommodations, with specific reference to

the job description and actual duties, and without posing a direct threat to the health and safety of the applicant or the safety of others. Any medical examinations of new hires shall be conducted for all applicants in the same job category.

The Town of Wayne relies upon the accuracy of information contained in the employment application as well as the accuracy of other data presented throughout the hiring process and employment. Any willful misrepresentations, falsification, or material omissions in any of this information or data shall result in the Town of Wayne's exclusion of the individual from further consideration for employment or, if the person has been hired, possible termination of employment.

The Select Board, under the terms and conditions contracted between the Town Manager and the Select Board shall employ the Town Manager. The provisions of these Personnel Policies apply to the Town Manager unless the Town Manager and the Select Board agree contractually that these Personnel Policies do not apply in whole or in part.

2.02 Equal Employment Opportunity

The Town of Wayne is an equal opportunity employer and shall provide all employees and prospective employees equal opportunity for employment regardless of race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age, disability, or genetic information, as well as protection against whistleblower's retaliation and previous Worker's Compensation claims, and any other categories protected by state or federal law.

Reasonable accommodations shall be made for any otherwise qualified individual, applicant or employee who requests such an accommodation, in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act. Reasonable accommodation applies to people with disabilities, as well as to people with religious beliefs and practices that require accommodation.

Applicants must meet the minimum requirements for the position applied for. Applicants must be able to perform the essential functions of the job applied for. The Town Manager shall employ, from the above applicants, the best-qualified person available for the position with preference given to residents of Wayne, all other factors being equal.

2.03 Hiring of Relatives

It is the Town's practice to hire and promote on the basis of an individual's merit, knowledge, skills, and abilities. The employment of relatives in the same area of an organization may create conflicts and the perception of favoritism, and impact employee morale. For that reason, except as may be authorized in extreme circumstances by the Town Manager, such as emergency temporary staffing, employment of an immediate family member of another employee within the same department or situations in which one relative could hire, supervise, discipline, conduct performance reviews or set any other conditions of employment for another relative is prohibited. These restrictions are also applicable when assigning, transferring, or promoting an employee.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage, including parents, children, siblings, spouses, in-laws, uncles, aunts, first cousins, domestic partners, stepchildren, nieces and nephews.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, the next level of supervision will decide.

This policy may be adjusted for Firefighters. In addition, this policy does not apply retroactively for employees who were not in conformity with this policy on its date of adoption.

2.04 Employee Classifications

Employee classification relates to work schedules, exempt/non-exempt status, and eligibility for benefits. The Town Manager shall assign newly hired employees to one of the following categories of employment.

a. Probationary employee

Any full-time or part-time employee appointed or hired to a regular position shall be considered a probationary employee for the first 180 days of employment. Probationary employees are eligible for benefits in accordance with this policy but are not eligible to due process or the grievance and appeal procedures in this Personnel Policies and Procedure manual.

b. Regular employee (between 30 – 40 hours)

Has completed the probationary period and is hired to work a regular weekly work schedule of at least 30 hours per week on a continuous basis. Such employees may be exempt or non-exempt based on the federal Fair Labor Standards Act criteria.

Non-exempt employees are paid on an hourly basis and are eligible for overtime pay for all hours actually worked over 40 hours during the Town's work week. Exempt employees are paid on a salaried basis and are not eligible for overtime pay. Regular employees are eligible for benefits on a prorated basis in accordance with this policy.

c. Regular Part-time employee

Hired to work less than 30 hours per week on a continuous basis, even if on occasion they are required to work in excess of 30 hours. Part-time employees are eligible only for those benefits which are required by federal and/or state laws unless as otherwise provided in this policy and may be provided such benefits on a prorated basis. They may also be classified as exempt or non-exempt.

d. Temporary/Seasonal/Other employee

Hired to full-time or part-time positions for a limited period, usually less than six months. Temporary employees are not eligible for benefits unless as outlined herein and are not eligible to due process or the grievance and appeal procedures in these Personnel Policies.

Temporary/Seasonal employees changing status to a part-time or full-time employee after six months will receive credit toward their probationary period for time worked as a temporary/seasonal employee.

Other employees may also include those in grant-funded positions for a limited time, or in a part-time position of less than 15 hours a week.

2.05 Status of Employee Probation

Any full-time or part-time employee appointed to a new regular position shall be considered a probationary employee for the first 180 days of employment.

During the probationary period, any unpaid break in service lasting longer than two weeks except for military leave shall not be credited towards the 180 days probationary period. Every employee must complete the probationary period prior to becoming a regular employee. During the probationary period, the Town may remove an employee for any reason, including a determination that the employee is unable or unwilling to perform required duties, repeatedly expresses scorn or hostility towards the job, co-workers, or the public, or has unsatisfactory work habits. Any such determination is final and not subject to grievance or appeal.

Prior to completing the probationary period, an employee shall receive a formal written evaluation from their supervisor, which shall become part of the employee's personnel file. Any employee who successfully completes the probationary period shall transfer to regular or part-time employee status.

2.06 Promotions

The Town encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to more responsible positions. No supervisor shall deny an employee permission to apply for a promotional opportunity in any Town department, but no such promotion is guaranteed.

The hiring authority shall apply the following standards with respect to promotions and the filling of job vacancies within the Town, with no single standard taking precedence: The job-related skills, knowledge, ability, experience, education, and past performance which will contribute to the satisfactory performance of duties of the position.

2.07 Demotions

The Town reserves the authority, but is not required, to demote an employee to an open and available lower position for which they are qualified for any of the following reasons:

- When an employee would otherwise be laid-off because their position is being abolished, lack of work, a cut-back in personnel due to the Town's financial condition or because of the return to work from authorized leave of another employee to such position in accordance with these rules (leave of absence).
- When an employee does not possess the necessary qualifications to render satisfactory service in the position they hold.
- When an employee does not render satisfactory service after being advised of their shortcomings and given ample opportunity and appropriate support to improve their performance.
- When an employee voluntarily requests such demotions.

2.08 Salaries & Wages

Salary administration is the responsibility of the Town Manager within the bounds set by the appropriations provided by the Town at Town Meeting. The Town Manager will endeavor, subject to budgetary constraints, to set wages at a level that will attract and keep competent employees, thus minimizing staff turnover and employee replacement costs and nurturing efficient town operations. The Town Manager shall set salary ranges for each position in town government, subject to Select Board approval.

The salary ranges shall be based on compensation for similar positions/jobs in the local public and private sectors. The Town Manager shall be responsible for determining each employee's position within the appropriate salary range, such determination to depend on experience, length of service, education, professional training, additional duties, and other factors as deemed significant by the Town Manager.

Employees shall be paid only for their actual hours worked. Pay for hours not worked must be applied against eligible and approved benefits such as vacation, compensatory time, or sick leave.

Each employee shall have a work schedule as prescribed by the Town Manager after consultation with the affected employee. Employees with a prescribed work schedule shall have specific, regular working days and hours and the schedule may require either a minimum or maximum number of hours of work per week or month.

A full-time employee or a part-time employee who is also a volunteer for the Wayne Fire Department shall be allowed to be "On Call" during the employee's normal working hours for emergencies involving the Fire Department. The employee shall make arrangements with the Fire Chief and Town Manager to ensure that primary job requirements are met.

2.09 Salary Increases

The decision to provide salary increases shall be determined during development of the Annual Budget subject to approval by the Select Board. The Town Manager's recommendation to the Select Board shall be based on the Cost-of-Living Adjustment (National CPI-W) and other factors such as exemplary performance, improved productivity, or labor market realities.

Salary increases are subject to approval at the Annual Town Meeting and will become effective with the first full pay cycle of the fiscal year, or on a date designated by the Town Manager.

2.10 Overtime

Non-exempt (hourly) regular full-time employees generally will be compensated for overtime work at a rate of one and one-half times their established hourly rate for hours actually worked in excess of forty hours in one work week. Overtime hours must be preapproved by a supervisor. Unauthorized overtime hours will be paid but may also subject the employee to disciplinary action.

“Hours actually worked” for purposes of overtime calculations includes any hours gainfully spent performing assigned tasks and functions of the job. It shall not include hours incurred for vacation time, sick time, paid or unpaid leave time of any nature, compensatory time, worker’s compensation leave, or certain travel time unless authorized or required by law.

2.11 Paydays

All employees are paid bi-weekly on Thursdays for the previous two work weeks, which run from Sunday through Saturday. Each paycheck will include earnings for all work performed through the end of the previous pay period.

In the event that a regularly scheduled payday falls on a day off such as a holiday, employees will receive pay on the last day of work before the regularly scheduled payday. Full-time and part-time employees may have pay direct deposited into their bank accounts if they provide advance written authorization to the Town. Employees will receive an itemized statement of wages when the Town makes direct deposits.

2.12 Expense Reimbursement

In addition to mileage, all real, actual, and necessary business expenses incurred by an employee shall be reimbursed by the Town when submitted on a Town provided expense report form, along with itemized receipts. All business expenses must be approved by the Town Manager or department head, as appropriate. Approved expense report forms, received by the town, shall be reimbursed within fourteen (14) working days from the signing of the Warrant by the Select Board on which the expenses appear.

2.13 Professional Development

The Town Manager may approve funds annually for professional development including training programs/sessions, courses/seminars, and conferences/conventions, or in-service training for full-time and part-time employees required by, or for the benefit of the Town. The Town shall pay the cost of any fees, tuition and material, and mileage incurred by an employee in attending a professional development program approved for attendance by the Town Manager. The employee shall also be compensated for all time

attending the professional development program, and meals during the training as appropriate.

For professional development program requested by an employee must receive approval from the Town Manager and for the benefit of the Town. If the Town has expended more than \$100 for fees, tuition, and material, the employee shall reimburse the Town for 50% cost of the fees, tuition and materials in the event the employee leaves Town employment within six months of the completion of the professional development, or the employee shall reimburse the Town for 25% of the cost of the fees, tuition and materials if the employee leaves Town employment between six months and one year of completion of the professional development program.

2.14 Job Description

Each employee will receive a job description identifying both the essential and non-essential duties and responsibilities, general expectations, position qualifications and the training/experience required. As necessary, the Job Description will identify any physical requirements (for example, the employee must be able to lift 50 pounds), and work environment for the position.

The Job Description will be used as part of the hiring process to identify the duties and requirements of the job and used in the performance evaluation process. Each applicant shall receive a copy of the applicable Job Description when applying for any positions with the Town.

2.15 Qualifications – Position Requirements, Training and Experience

The supervisor of the position sets the qualifications required for each authorized position within the Town. Over a period of time the qualifications required for any specific position may change. In the event of a change, the Job Description will be updated. To the extent possible, training should be provided to allow the current employee holding that position to continue to be qualified for the position.

2.16 Assignments

Specific employee assignments are the responsibility of the supervisor. Assignments should normally be those related to the employee's Job Description. Other duties may be assigned as required by the supervisor. Each employee is expected to perform the duties assigned.

2.17 Performance Evaluation

The Town Manager or their designee annually shall evaluate each full-time and each part-time employee to determine if the employee is performing their job satisfactorily. A copy of each evaluation shall be given to and reviewed with the employee, after which a copy of the performance evaluation shall be placed in the employee's personnel file. In addition, employees shall be evaluated at the completion of the initial probationary period and at least once each year thereafter. The inability of the Town to timely schedule or hold a performance evaluation meeting should not be construed as either an endorsement or criticism of the employee's performance.

It is the responsibility of the Town Manager to ensure that the annual evaluations of the employees are completed.

The purpose of the Town's Work Performance Evaluation shall be the following:

- To provide the Town Manager and the employee a formal means of defining jointly the assigned tasks for each job, as defined in the position's Job Description.
- To provide a regular and dependable means for bilateral discussions of job responsibilities and performance standards.
- To provide employees regular feedback and coaching on performance.
- To assess employee performance.
- To provide the Town Manager and other supervisors, if any, with a better understanding of employee needs.
- To identify needs and strategies for employee's professional growth and determine the supports needed for that growth.
- To record, on a permanent and continuing basis, the employee's pattern of performance.

On an annual basis the Town Manager, in joint consultation with the employee, shall establish performance outcomes that are mutually agreed upon whenever possible and that are reasonable and attainable under normal working conditions.

As part of each performance review, the Town Manager has an affirmative obligation to provide counseling which offers a constructive means and positive direction for correcting deficiencies.

The Town Manager or their designee shall assist the employee to understand the Town Manager's opinion of the employee's performance.

The Town Manager or their designee shall assist the employee in defining performance objectives. The Town Manager or their designee shall address remedial deficiencies, the employee actions needed to remediate those deficiencies, and the supports needed to assist the employee to take those actions. By mutual consent between the employee and the Town Manager, any item contained in an employee's personnel file may be removed.

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 part of the evaluation. A copy of the complete evaluation will be provided for the employee and placed in their personnel file.

3. Conditions of Employment

3.01 Normal Hours of Work

The regular work week for payroll purposes shall begin on Sunday at 12:01 am and end on Saturday at midnight. The actual hours of work for employees shall be established by the Town Manager and communicated to employees. Any subsequent change in actual hours of work for an employee shall be established by the Town Manager.

Any employee who works at least six (6) consecutive hours on any day shall be given an unpaid lunch break of thirty (30) minutes. Lunch breaks may be interrupted, as needed, to serve the public and to answer the telephone. Each employee shall have a fifteen (15) minute rest break during each 4 consecutive hours worked.

It is the responsibility of each department supervisor to ensure that all employees adhere to the department's work hours. It is understood that salaried employees who are exempt from overtime shall accomplish the work assigned to the position regardless of the hours required to complete work. This policy will be applied within reason.

3.02 Records of Hours Worked

Accurately recording time worked is the responsibility of each hourly employee. Federal and State laws require the Town of Wayne to keep an accurate record of the time worked in order to calculate employee wages. Time worked is the time actually spent on the job performing assigned duties.

Each employee shall accurately record the time they work each week. They should also record any time used for vacation, sick or other leave. Overtime worked shall be performed only with prior approval from the Town Manager and recorded in that specific area of the timecard.

Altering, falsifying, tampering with time records, or recording time on another employee's time record shall result in disciplinary action, up to and including termination of employment.

It is the employee's responsibility to sign their time record to certify the accuracy of all time recorded. Time records shall be countersigned by the Town Manager.

3.03 Attendance and Lateness

Each employee shall be in the employee's respective place of work at the appointed scheduled time. It is the employee's responsibility to inform their supervisor of an unavoidable absence, such as illness, prior to the start of the workday and each day thereafter. If they expect to be late, the employee must contact their supervisor to inform them that they will be late and at what time they plan to arrive.

3.04 Unapproved Absences

An employee who is absent from work for three (3) consecutive days without approval, or who exhibit a pattern of unexcused absences regardless of the number of consecutive days, shall be deemed to have resigned. A written notice will be sent to the employee, or to the employee's address on file.

3.05 Outside Employment

Each full-time employee, prior to engaging in any non-Town of Wayne employment, must discuss the matter with their supervisor. No employment will be allowed that is in conflict with the employee's duties, functions, and responsibilities with the Town that would impact on the employee's ability to fully meet job expectations or is in conflict with the interests of the Town.

Town office space, equipment, time and materials are not to be used for outside employment or non-Town business purposes.

3.06 Smoking Prohibition

Smoking or vaping of any substance is prohibited in all buildings and on all grounds.

3.07 Drug and Alcohol

The Town of Wayne has a zero-tolerance policy for the possession, use or distribution of illegal drugs (including prescription drugs for which the employee does not have a prescription), or alcohol for its employees in the workplace. The possession, use or distribution of illegal drugs (including prescription drugs for which the employee does not have a prescription), or alcohol is prohibited in the workplace and the work area and is cause for dismissal.

3.08 Loss of Job as a Result of Loss of License

If an employee in a specific position is required to possess a valid license, then it shall be a condition of employment for that employee to maintain such license. Failure to maintain such license shall result in job loss or reassignment to an alternative position. The cost of an employee's license required as a condition of employment and the cost of an employee taking courses, seminars or workshops to renew the license or certification that is used solely for work for the Town of Wayne shall be reimbursed to the employee by the Town. Any such loss of the license must be reported to the Town Manager within 24 hours or the next workday.

3.09 Workplace Injuries and Workers' Compensation Procedures

The Town provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers an injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period, or if the employee is hospitalized, immediately.

If an employee sustains a work-related injury or illness, they are required to contact their immediate supervisor immediately. This notification is required regardless of whether the injury/illness seems minor and regardless of whether medical treatment is sought, or the employee has lost time from work. It is important that the injury or illness be reported promptly so that the Town can comply with its reporting requirements and so that the claim can be handled properly.

Failure to immediately report such injury or illness may also result in the denial of the claim by both the workers' compensation carrier and the employee's health insurer. Neither the Town nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the Town, or from employment outside the Town.

If an employee is receiving Workers' Compensation, they must continue to pay their share of any employee benefits.

3.10 Policy on Workplace Threats and Violence

It is the policy of the Town of Wayne to promote a safe environment for its employees. The Town of Wayne is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated; that is, all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals, including employees, visitors and others who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Firearms are not permitted in the Town of Wayne offices and building, with the exception of those carried by law enforcement officials.

The Town of Wayne needs the cooperation of all employees in order to implement this policy effectively and maintain a safe working environment. Please do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If an employee observes or experiences such behavior by anyone on the Town of Wayne's premises, whether the person is an employee or not, report it immediately to a supervisor or Town Manager. Supervisors who receive such reports should seek advice from the Town Manager regarding investigating the incident and initiating appropriate action. **(PLEASE NOTE: Threats or assaults that require immediate attention should be first reported immediately to police at 911).**

3.11 Lay-Offs

Any employee may be laid off by the Town whenever it is necessary because of a shortage of funds, lack of work, or related reasons, which do not reflect negatively upon the employee. The needs of the Town in each particular case shall be the basis for determining layoffs and any recall from layoff. If rehired within two years of the date of the layoff, the employee will retain all accrued benefits.

3.12 Resignation

An employee may resign from Town service in "good standing" upon the submittal of a written notice to the Town Manager fourteen calendar days in advance of the last day of

actual work. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the Town. The Town Manager may permit a shorter period of notice if extenuating circumstances exist. The Town shall also have the discretion to accelerate the employee's departure if in the best interest of the Town.

Upon separation, the Town shall pay all wages owed as well as earned vacation pay, on the next regular pay date.

3.13 Employment References or Employment Verification

The following information will be provided for references or verification:

- Whether the individual is currently employed by the Town
- The employee's current or last job title
- The dates of employment at the Town

3.14 Public Relations

a. Employee Conduct

The Town requires that all employees treat the public with promptness, patience, courtesy, and respect. We encourage employees to ask for help from colleagues or their supervisor if members of the public behave in angry, threatening, or otherwise unacceptable ways. Employees may call 911 in situations in which they feel threatened.

b. 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 the employee's official duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or promotional materials such as pens, note pads and calendars is permitted.

c. Business Activities and Solicitations

No Town employee shall engage in any personal business activities during regular scheduled working hours. Personal phone calls, cellular phone calls, or electronic mail communication shall be kept to an absolute minimum and only on breaks from regular work hours.

d. Political Activity

Employees may seek or accept nomination or election to any office in the Town government while employed by the Town, provided that no person may hold elective office while employed by the Town. Therefore, any employee elected to any Town Office shall resign from employment prior to taking office. This rule does not prevent Town employees who are not employed in a town school from running for school board.

During the course of their employment, employees shall refrain from using their influence publicly in any way for or against any candidate seeking elective office in the Town government.

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 meetings, from expressing their views on political matters, or from voting with complete freedom in any municipal, state, or national election.

e. Confidentiality Policy

Town employees having access to confidential information pertaining to persons or property in the Town shall not use this privileged information to the employee's private advantage or to provide others with private advantages. The Town Manager, their designee, or department head is responsible for releasing information required under the "Right to Know" law, 1 M.R.S.A., Sections 4021-410. Since Town employees often have access to information that is personal but not confidential, we expect all Town employees to refrain from sharing personal information about members of the public that they learn about in the course of their employment.

f. Appearances, Dress, and Fragrance

As representatives of the Town, employees are expected to maintain a neat professional appearance and dress appropriately for their job responsibilities. Appearance also means maintaining good hygiene and grooming while working. The use of scented personal products (such as fragrances, colognes, lotions, and powders) that are perceptible to others should be limited. Other scented products (candles, sages, potpourri and similar products) are also not permitted in the workplace.

3.15 Conflict of Interest

No Town employee who is authorized to make purchases shall have any interest either directly or indirectly in any purchase or any contract with the Town. No Town employee shall sell materials to the Town or in any way award any type of contract or proposal for purchases or services in which they have a direct or indirect interest other than through a sealed bid process or written approval by the Town Manager.

3.16 Use of Electronic Equipment

a. Objective: To provide guidance on appropriate use of electronic mail, Internet, or other means of access to or use of resources made available to Wayne employees to communicate with each other, other governmental entities, companies, and individuals for the benefit of the Town of Wayne.

b. Policy: The Town of Wayne's computer network, Electronic Mail System (e-mail) and Internet connection is designed to facilitate Town business, and to provide for communications among employees and other business associates for messages or memoranda. Since no computer system is completely secure, the e-mail/Internet system is not intended to transmit sensitive materials, such as personnel decisions, and other similar information which may be more appropriately communicated by written memorandum or personal conversation.

These computer network, e-mail and Internet systems are the Town of Wayne's property and intended for Town business. Although some incidental use of the computer

e-mail and Internet access for personal use is expected, it must be understood that such use is a privilege which may be limited or removed if the privilege is abused, or, at any time and for any reason, at the discretion of the Town Manager. 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-Town related activities or purposes. **All data and electronic messages within this system are the property of the Town of Wayne.** As such, no computer files, or communications of any type through the Town's Electronic Mail System or Internet connection can be considered private. Electronic communications have been found to be public records and may be subject to the Freedom of Access laws, depending on their content. **No use, or message, or communication within the system is private.**

While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee.

In addition, consistent with any confidential relationships or obligations with clients or program participants that may exist, the Town of Wayne reserves the right to authorize its managers to review the contents of the employee's computer files, or e-mail/Internet communications whenever it may deem necessary for business or performance purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other person's e-mail messages or computer files, without proper authorization. Passwords should be periodically changed to ensure security of the system.

Users should not share their passwords with anyone else, other than their managers, or Town Manager may require.

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 filter, which may inadvertently isolate or delete valid e-mails since these functions are not foolproof.

The internet provides the Town of Wayne with significant access and dissemination of information to individuals outside of the municipality. The use of the Internet for access and dissemination is intended to serve Town business. Like all e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author. Messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the Town, and must comply with all state and federal laws.

c. General Prohibitions: The Town of Wayne's email and Internet systems may be used only for lawful purposes. The transmission, distribution, or storage of any information, data, or material in violation of any applicable law or regulation or this policy

is prohibited. Without limitation of the foregoing, it is prohibited to create, transmit, distribute or store any information, data, or material which:

- Is libelous, defamatory, hateful, or constitutes an illegal threat or abuse, or contains ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, national origin, sex, age, disability, or religious beliefs.
- Is obscene or constitutes child pornography, contains sexually explicit images or messages, or may be construed as offensive, abusive, or threatening.
- Infringes any copyright, trademark, trade secret, or other intellectual property right.
- Is solicitation for commercial ventures, religious or political causes, outside organization or other non-job-related solicitations except for incidental personal use.
- Is or encourages conduct that would constitute a criminal offense or give rise to civil liability.

d. 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:

e. General Guidelines:

- Be polite.
- Use appropriate language. Do not swear, use vulgarities or any other inappropriate language.
- Do not reveal address or phone numbers of others. Providing both internal and your own personal address or phone number is personal choice but be aware that Internet transmissions can be monitored by others.
- Note that electronic mail (e-mail) is not private. Both internal and Internet transmissions can be easily intercepted by others and can be altered en route.
- Do not use computers or networks in such a way that you would disrupt their use by others. This includes being aware that you can create significant network traffic and consume scarce computing resources by your use of the Internet. Do not send large files needlessly.
- Use only services you have authorization to access.
- Always represent yourself as yourself – never someone else.
- Do not send un-encrypted Wayne confidential or proprietary information over the Internet. If you are uncertain whether material is confidential or proprietary, consult your supervisor. If you need to utilize encryption, please contact the Town Manager for directions.
- Material that would be considered inappropriate, offensive, or disrespectful to others should not be accessed or stored.
- Respect copyrights and licenses.

Security Responsibilities:

- If you identify a security problem, notify the Town Manager immediately.
- Do not show or identify a security problem to others.
- Do not reveal your account password or allow another person to use your account.
- Do not use another individual's account.

- Any user identified as a security risk or having a history of problems with other computer systems may be denied access.
- Check with your supervisor before clicking on links in unsolicited emails before responding to any email that asks for personal or Town information.

Vandalism/Harassment:

Vandalism is defined as any malicious attempt to harm or destroy data of another user, the internet or other networks. This includes, but is not limited to, creating and/or knowingly downloading computer viruses. Vandalism and/or harassment will result in the cancellation of the offending user's account and/or further disciplinary action.

Harassment is defined as the persistent annoyance of another user or the interference in another user's work. This includes, but is not limited to, the sending of unwanted e-mail.

Electronic Documents:

"Electronic Documents" includes word processing documents, digital photos, spreadsheets, scanned images or any other data stored in a digital or electronic format. "Electronic Documents" include electronic data stored on servers, hard drives or PCs at work and/or at home, compact disc, diskettes, flash memory chips or cards, digital cameras, or any other storage media capable of storing Electronic Documents.

Litigation Hold Letters:

An Electronic Document retention policy may be suspended if the Town of Wayne is served a "litigation hold letter" by a court. In the event, management will advise the retention protocol to be followed. Employees whose position at the Town of Wayne exposes them to HIPAA protected information should comply with this policy and the HIPAA Acceptable Use Agreement.

Generally, messages are intended to be temporary communications that are non-vital and may be discarded routinely. However, depending on the content of the message, it may be considered a more formal record and should be retained pursuant to a department's record retention schedule. As such, these messages are similar to printed communication and should be written with the same care. Each department's retention schedule for other forms of communication should apply to electronic communications as well.

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. The message may be residing in the recipient's mailbox or be forwarded to other recipients. Furthermore, the message may be stored on the systems backups for an indefinite period. Employees should delete personal messages as soon as possible after reading. An accumulation of files will degrade system performance and response times. This policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the Town's system. Third parties should only be

provided access to the system as necessary for their business purpose with the association and only if they abide by all applicable rules.

Employees who leave employment with the Town of Wayne have no right to the contents of their network drives or e-mail messages and are not allowed access to the e-mail system. Supervisors or management may access an employee's e-mail if employees are on a leave of absence, vacation, or are transferred from one department to another department and it is necessary for the Town's purposes.

Any misuse of the Internet or e-mail privileges may be considered sufficient cause for disciplinary action in accordance with the Personnel Policies and Procedures, and/or other applicable rules or laws. In addition, in the event of suspected, alleged or actual illegal activity, the Town of Wayne may notify or cooperate with applicable law enforcement authorities for potential civil or criminal investigation or prosecution.

3.17 Use of Other Town Property

Employees shall not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities.

4. Employee Discipline

4.01 Dismissal / Termination

Termination of an employee's employment with the Town, when not by mutual agreement, must be for just cause, after notice and due process. The Town reserves the right to take circumstances, including past performance and history, into account when determining the level of discipline.

4.02 Progressive Discipline

The Town Manager shall be responsible for the administration of Town policies, the employment of employees, and the efficient, orderly, and timely carrying out of the administration of the Town's business. Whenever, in the Town Manager's judgment, the performance or behavior of an employee, while on the job, is unsatisfactory, the Town Manager shall administer appropriate discipline to the employee. At all stages but dismissal, the discipline shall include assessment and documentation of any support needed to help the employee improve job performance. Where appropriate, the Town will follow progressive disciplinary steps in an effort to improve performance or behavior or address issues in the workplace. However, depending on the nature of the violations, progressive discipline may not be appropriate in every circumstance, and more serious disciplinary action may be appropriate for a first offense.

Progressive discipline may be applied as follows:

- Verbal reprimand
- Written reprimand
- Suspension with pay
- Suspension without pay
- Dismissal

a. Verbal Reprimand:

For most minor first-time occurrences of performance or behavioral problems, and for most minor performance or behavioral problems, the Town Manager shall discuss the matter with the employee and orally inform the employee that the employee has received a verbal reprimand. There shall be a letter stating that a verbal reprimand has been issued placed within the employee's personnel file for a period of six months. Should there be no further disciplinary actions within the six months; the letter shall be removed from the personnel file.

b. Written Reprimand:

The Town Manager shall discuss subsequent occurrences of performance or behavioral problems, and first-time more serious performance or behavioral problems with the employee, and shall thereafter, if warranted, issue a written reprimand to the employee, a copy of which shall be placed in the employee's personnel file within thirty-six (36) hours.

c. Suspension with or Without Pay:

When, after receiving either a verbal or written reprimand, an employee persists in unsatisfactory performance or behavior, or when serious misfeasance, malfeasance or nonfeasance has occurred, the Town Manager may suspend an employee with or without pay for not more than ten (10) consecutive working days for full-time employees, and not more than two (2) consecutive weeks for part-time employees. Vacation and sick leave accruals and health insurance coverage and Town payments therefore shall not be affected by suspension with or without pay. The Town Manager shall provide the affected employee who is suspended with or without pay the reasons in writing for taking such action and a copy of the written reasons shall be timely placed in the employee's personnel file.

d. Dismissal:

When previous disciplinary actions have been unsuccessful in changing the unsatisfactory performance, or in instances of gross misconduct, the Town Manager may dismiss the employee. The Town Manager shall provide the reasons in writing for taking such action and a copy of the reasons shall be timely placed in the employee's personnel file and concomitantly mailed or given to the dismissed employee.

APPEALS:

A disciplined employee may appeal any disciplinary action in accordance with the grievance procedure.

4.03 Grievance Procedure

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of these Personnel Policies or the terms of employment, or treatment by a fellow employee, the employee shall within ten (10) working days from the incident or knowledge of the incident, submit the details of such grievance in writing to the Town Manager.

Within ten (10) working days thereafter, the Town Manager and/or the Town Manager's designee shall schedule and meet with the employee to investigate the merits of the grievance.

The Town Manager shall respond in writing within five (5) working days thereafter to the employee outlining the findings of fact and the Town Manager's disposition of the grievance. The decision of the Town Manager shall be final unless the grievant appeals the decision of the Town Manager to the Select Board.

If an employee is not satisfied with the Town Manager's disposition of the grievance, the employee may within five (5) working days after receipt of the Town Manager's decision, appeal the grievance to the Select Board. The Select Board shall schedule a meeting as soon as possible in executive session with the grievant and the Town Manager and any other interested party the Select Board deems appropriate, to review the grievance. The Select Board shall be bound by these Personnel Policies as amended from time to time. After reviewing the merits of the grievance, the Select Board shall issue a decision within ten (10) working days to the grievant and the Town Manager.

Neither the Town Manager nor the Select Board nor any Town official or employee shall take any retaliatory action against any employee who has used or who is expected to use this grievance procedure.

5. Time Off from Work

5.01 Holidays

The Town of Wayne observes the same holiday schedule as observed by State of Maine agencies. Eligible employees shall be paid for holidays when the recognized holiday falls on the scheduled workday of the employee. Eligible employees shall be granted a floating holiday to be used during that pay period if a State of Maine Holiday falls when the Town Office is normally closed. The employee will be paid for the number of hours that the employee was normally scheduled to work on that day.

State of Maine Holidays		New Year's Day
Martin Luther King Jr Day	Memorial Day	Veteran's Day
President's Day	Independence Day	Thanksgiving Day
Patriot's Day	Labor Day	Day After Thanksgiving
Juneteenth	Indigenous Peoples Day	Christmas Day

Whenever a designated holiday falls on a Saturday, Sunday, and Monday, the Town office shall be closed in accordance with when the State of Maine shall be closed. This schedule may vary depending on actual days the Town Office is open.

5.02 Vacation

Regular full-time employees shall earn vacation leave as follows:

Employed 40 Hours/Week, 100% FTE:

Time Employed	Set-Up	Days Earned/Year
0 to less than 36 months employment	6.67/Hr/Mo	2 Weeks (10 days) (80 Hours)
3 years to less than 5 years of employment	10/Hr/Mo	3 Weeks (15 days) (120 Hours)
5 + years employment	13.33/Hr/Mo	4 Weeks (20 days) (160 Hours)

Employees shall accrue vacation time prorated based on an employee's weekly scheduled hours.

Example: Employed 32 Hours/Week, 80% FTE:

Time Employed	Set-Up	Days Earned/Year
0 to less than 36 months employment	5.34/Hr/Mo	2 Weeks (8 days) (64 Hours)
3 years to less than 5 years of employment	8/Hr/Mo	3 Weeks (12 days) (96 Hours)
5 + years employment	10.66/Hr/Mo	4 Weeks (16 days) (128 Hours)

One day of vacation shall be calculated at a rate of eight (8) hours.

Employees shall accrue vacation time based on the employee's weekly scheduled hours. Vacation leave shall be accrued through the payroll system and noted on each employee's payroll check stub in hours accrued to date.

No vacation leave may be taken during the employee's probationary period. No vacation may be taken in anticipation of future accruals, unless specifically authorized by the Town Manager.

Vacation leave shall not accrue beyond the following hour limits based on the number of years employed:

0 – 36 Months = 80 Hours 3-5 years = 120 Hours 5+ years = 160 Hours

An employee who severs employment shall be paid for the value of accrued vacation leave calculated at the employee's final rate of pay. In the event of death of the employee, compensation for unused accumulated vacation leave shall be paid to the beneficiary designated by the employee under the Town's Group Life Insurance or to the estate of the deceased.

Vacations shall be scheduled at such time as shall be mutually agreeable to the employee requesting the vacation leave and the Town Manager and will not be denied except for operational needs.

5.03 Illness, Sick Leave and Work-Related Injury

The general policy is that if an employee of the Town is sick or otherwise disabled, the employee should not come to work. The employee must, however, contact their supervisor and report that they will be absent due to illness, or have someone else make the report.

If requested by the Town Manager, an employee who has been on sick leave for more than three consecutive days shall furnish the Town Manager with a certificate from a doctor verifying the incapacity of the employee. The Town shall reimburse the employee for any costs associated with obtaining a doctor's certificate. Refusal to provide a doctor's certificate as requested by the Town Manager may result in non-payment of sick leave.

The Town Manager shall review all sick leave records periodically and shall investigate any case that indicates abuse of sick leave. Abuse of sick leave shall be subject to disciplinary action.

The Town Manager, at their discretion, may require an employee to leave the workplace if they feel that the employee is too sick or contagious to be at work. The employee may use their sick leave while out. The employee may return to work the same day if they obtain a doctor's certificate stating that the employee is healthy enough to return to the workplace.

A regular full-time 100% FTE employee earns one day of sick leave per month, all other employees accrue time prorated based on their actual hours scheduled to work.

Sick leave shall not accrue beyond a maximum of 100 hours.

At separation of employment and during the "notice period" (which shall be defined as the last two weeks of employment) it shall be expected that sick time will not be used for any reason other than a critical issue or emergency. The Town expects departing employees to work their "notice period."

Sick leave can only be used for the following:

- Bona fide employee illness and incapacity;
- Serious illness requiring of a member(s) of the employee's immediate family or domestic partner as provided for in the Family Medical Leave, 26 M.R.S.A. section 843. For extended use of this provision, the employee shall provide the Town Manager with a medical certification of the illness and a statement for the need for care; and/or
- Employee's medical or dental appointments and for transporting a dependent immediate family member to medical and dental appointments.

Immediate family shall be defined as husband, wife, son, daughter, foster child, mother, father, grandmother, grandfather, grandson, granddaughter, in-law, step relationships, or those sharing a unique relationship with employee, as approved by the Town Manager. A unique relationship shall be defined as a relationship that exists between an employee and another person over a period of time and which evinced a state of responsibility, caring and closeness similar to kinship.

Workers' Compensation rules must be followed by the supervisor and employee in cases of on-the-job accidents.

5.04 Bereavement Leave

Full-time employees may be excused from work for up to five (5) workdays and part-time employees may be excused for a pro-rated period based on the full-time workweek, immediately following the death of a member of the employee's immediate family as defined in the Sick Leave section. Bereavement leave is for the purpose of handling necessary arrangements and attendance at the funeral, memorial service, or burial. In extenuating circumstances, the Town Manager may grant, upon request from the employee; additional bereavement leave that shall be deducted from the employee's accumulated sick leave.

The Town Manager may on a case-by-case basis grant an employee one (1) workday in each instance with pay for attendance at a funeral, memorial service or burial for a person not covered under the above definition.

Bereavement leave shall be paid only for the employee's regularly scheduled workdays or portion thereof.

5.05 Military Leave / Reserve Service Leave

A full-time employee or a part-time employee who is a member of the military forces, including the Maine Army and Maine Air National Guards and the Reserves of the United States Armed Forces, who, in response to federal or state orders, take a military leave of absence, shall give notice as far in advance as possible to the Town of their absence for military duty. The Town Manager may require a confirmation from the Adjutant General, Camp Keyes, Augusta or applicable reserve component headquarters, of satisfactory completion of their military duties, which would be provided upon return to active employment status with the Town, or immediately thereafter.

Any employee who has been on military leave of absence and who is still qualified to perform the duties of the employee's former position, must be reinstated without loss of pay, seniority, benefits, status, and any other incidences or advantages of employment as if the employee had remained continuously employed. The period of absence shall be construed as an absence with leave.

An employee who is on military leave of absence shall continue to accrue normal vacation, sick leave, bonus (if any), advancement and other advantages of employment normally to be anticipated in the employee's particular position.

5.06 Jury Duty / Witness Leave

The Town shall pay to an employee called for jury duty on an employee's regular workday, the employee's regular pay, provided the Town is reimbursed by the employee for all jurors' pay received by that employee. The employee must present an official statement of attendance including the amount of jury duty within thirty days from the date the employee received payment.

The Town shall pay an employee subpoenaed as a witness for a matter involving the municipality on an employee's regular workday, the employee's regular pay, provided the Town is reimbursed by the employee for all witness pay received by the employee. The employee must present an official statement of attendance at court/hearing including the amount of the witness fee received. This provision does not cover an employee of the Town who is a plaintiff in a lawsuit or complaint against the Town.

5.07 Unpaid Personal Leave of Absence

The Town Manager may grant leave without pay to any employee for a period of time that should not exceed ten (10) consecutive workdays.

In all cases, such leave without pay shall only be granted if it results in no substantial burden on the Town or on other Town employees.

During periods of leave without pay, no employee shall be paid for holidays, nor accrue vacation and/or sick leave. An employee may also be responsible for all cost of their benefits. (The Select Board has discretion over dictating the responsible party for the benefit costs during the leave period.)

Unpaid Temporary Disability Leave: Unpaid temporary disability leave does not constitute a break in employment. Unpaid temporary disability leave may be granted by the Town Manager, not to exceed six (6) months.

5.08 Legislative Leave

Legislative Leave shall be defined and granted under the provisions of 26 M.R.S.A. Section 821.

5.09 Family Military Leave

Family Military Leave shall be defined and granted to employees as provided under 26 M.R.S.A. Section 814.

5.10 Family Medical Leave

Family Medical Leave shall be defined and granted to employees as provided under 26 M.R.S.A. Section 843-848.

An Employee may use accumulated sick leave during any period of family medical leave.

5.11 Maine Earned Paid Leave

Maine’s earned paid leave (MEPL) allows Maine workers to accrue one hour of paid leave for every 40 hours worked, up to a total of 40 hours per year, to use for any reason after 120 days of employment. Any employees who are not eligible to receive any vacation or sick leave are eligible (part-time workers less than 30 hours per week).

6. Employee Benefits, Programs and Services

6.01 Overview

Full-time employees shall be entitled to all the benefits provided by these Personnel Policies under the Full-Time Employees Benefit section and the Part-Time Employees shall be entitled to all the benefits provided by these Personnel Policies under the Part-Time Employees Benefit section. Other employees shall not be entitled to any benefits unless otherwise granted by the Town Manager and/or the Select Board. All appropriations for benefits must be approved annually at Town Meeting.

The following is an overview of the Town’s current benefit plans. These descriptions are only summaries of the benefits currently provided. For complete details regarding the terms, conditions, restrictions, eligibility requirements and coverage, employees should refer to the summary plan descriptions, which are provided to eligible regular employees, or contact the Town Manager, who will provide the employee with a summary sheet pertaining to the current level of benefits.

The Town reserves the right to change or eliminate any benefit plans at any time and for any reason, without advance notice by the Town. In the event of any discrepancy between the summaries contained in these policies and the specific insurance documents or summary plan descriptions, the insurance documents and summary plan descriptions will govern.

Regular Employees (30-40) Hours/Week shall be entitled to the following benefits as described herein:		
Leave without Pay	Jury Duty Leave	Witness Leave
Bereavement Leave	Paid Holidays	Military Leave
Library Card	Legislative Leave	Sick Leave
Family Medical Leave	Retirement Plan	Professional Dues
Family Military Leave	Life Insurance	Mileage Reimbursement
Expense Reimbursement	Medical & Dental Insurance	Vacation (prorated)

Part-Time Employees shall be entitled to the following as defined herein:		
Leave without pay	Paid Holidays *	Military Leave
Bereavement Leave	Library Card	Sick Leave

Family Medical Leave	Mileage Reimbursement	Witness Leave
Maine Paid Leave		

**Only if holiday falls on their regular scheduled workday.*

a. Contractors:

These Personnel Policies shall not apply to persons who provide services to the Town pursuant to written or oral contracts, except for the provisions of the sections on political activity and harassment shall apply.

6.02 Medical, Dental and Vision Insurance

The Town shall provide all full-time employees who meet the insurer’s eligibility requirements, and who request such coverage from the Town, with paid medical and dental insurance with coverage and benefits under the plan adopted by the Town for all eligible employees. If requested by the full-time employee, medical and/or dental coverage for the dependents of this category of employees may be included on the Town’s policy at the employee’s expense.

Full-time employees may take the option of having an insurance buyout equal to 50% of the premium cost savings to the Town based on the insurance coverage that the employee (individual) is eligible for. Employees must opt in/out of a buyout during open enrollment to be effective for January 1 and shall be paid such taxable monies on a bi-weekly basis.

Additional benefits may be granted to a category of employee by amendment to these Personnel Policies.

6.03 Life Insurance

The Town shall provide each full-time employee with term life insurance equal to the employer’s annual projected wages, without consideration of overtime, rounded down to the nearest thousand dollars.

6.04 Mileage Reimbursement

Town employees shall be reimbursed for all actual and necessary use of private motor vehicles on Town business at the current IRS standard mileage rate, plus tolls and parking charges submitted on an expense report form along with receipts for approval by the Town Manager.

Mileage reimbursement shall be determined based upon the most direct round-trip distance between the employee’s place of work or home (whichever is less) and destination. Mileage reimbursement for commuting between an employee’s home and place of work is not permitted.

Any private motor vehicle used for Town business shall be properly registered and insured by the owner of the vehicle against liability and the operator shall have a valid driver’s license. Additionally, a current Maine Motor Vehicle Insurance Identification Card for the privately owned vehicle being utilized shall be within the vehicle.

6.05 Retirement Plan

The Town agrees to pay up to five percent (5%) into a 457 Deferred Compensation Plan or other Retirement Plan established for full-time employees, contingent on a one-to-one match to the five percent total figure by the Employee, who also may elect at their own option, and with no Town contribution, to defer additional monies into the retirement plan.

Participation in Social Security is mandatory, with both the Town and Employee making the required contributions. All appropriations for this policy must be approved annually at Town Meeting.

6.06 Professional Dues Payments by the Town

The Town shall pay professional dues for full-time employees in certain professional organizations when deemed beneficial to the Town. The full-time employee must request the Town to pay the dues to the organizations. The following are the guidelines that will be used in the Town's decision as to whether or not certain organizations are eligible under these provisions:

- The activities of the organization are those which assist the full-time employee in obtaining training and/or providing better service to the citizens of Wayne.
- The organization's activities are those which specialize in the full-time employee's primary area of work.
- The membership fees by the Town in the organization shall not total more than \$100 annually per full-time employee.
- The organizations do not in any way advocate the welfare interests of employees.

6.07 Storm Delayed Openings and Early Closings

The Town Manager may delay employees reporting to work due to inclement weather or may excuse employees from continuing to work to the end of the employee's normal workday. When the delay or early closure to a workday occurs, the employees affected shall receive a full day's pay. A delayed opening or early closure shall be announced as determined by the Town Manager. The Town Manager may contact employees via telephone or their email address for delayed openings or for early closures. Employees anticipating a delayed opening must call the Town Manager within one hour of scheduled starting time if they have not already been contacted.

7. Employment Related Policies

7.01 Americans with Disability Act

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

7.02 Non-Discrimination and Anti-Harassment Policy

It is the policy of the Town that all Town employees should be able to work in an environment free from all unwanted and unwelcome forms of harassment. Harassment,

as defined by this policy, is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers, or employees and members of the public. Any complaints of harassment shall be made to the Town Manager and shall be investigated promptly. In the event that the Town Manager is the subject of the complaint of harassment, the complaint shall be made to the employee's immediate Supervisor and/or the Chairperson of the Select Board and shall be investigated promptly. There shall be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

a. Sexual Harassment:

Sexual harassment is the attempt to control, influence or affect the career, wages, or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct that creates a hostile or offensive work environment or unreasonably interferes with the employee's ability to perform work. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.

Specific conduct which is prohibited includes, but is not limited to the following:

- Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment;
- Unwelcome sexual flirtations, advances or propositions, or similar behaviors that a reasonable person would know to be unwelcome to most people;
- Verbal or written abuse of a sexual nature;
- Graphic verbal comments about an individual's body;
- Sexually degrading words used to describe an individual; and/or
- The display in the workplace of sexually suggestive objects or pictures.

Any employee who believes he or she has been the subject of sexual harassment should report the alleged act to the Town Manager, or in the event the Town Manager is alleged to have sexually harassed an employee, to the employee's immediate Supervisor and/or Chairperson of the Select Board.

The Town Manager or any employee who is found, after appropriate investigation, to have engaged in sexual harassment shall be subject to discipline, up to and including discharge.

b. Verbal Harassment: Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, sexual orientation, or the distribution of written or graphic material having such an effect, are prohibited. Any employee who believes he or she has been the subject of such harassment should report the alleged conduct to the Town Manager, or in the event the Town Manager is alleged to have verbally harassed an employee, to the Chairperson of the Select Board. Any supervisor or employee who is found, after appropriate investigation, to have engaged in any harassment shall be subject to discipline, including dismissal. An employee who reports an incident of verbal harassment to the Town Manager shall be asked to sign and date

a memorandum of the incident prepared by the Town Manager as soon as possible. The memorandum shall be a recitation of the incident and shall be placed on file.

The Town annually shall provide all employees with individual written notice that includes at a minimum the following information: the illegality of sexual harassment; the definition of sexual harassment under state law; a description of sexual harassment, utilizing examples; the internal complaint process available to the employee; the legal recourse and complaint process available through the Maine Human Rights Commission; directions on how to contact the Maine Human Rights Commission and the protection against retaliation as provided pursuant to Title 5, M.R.S.A., Section 4553, subsection 10, paragraph D.

This notice shall be delivered in a manner to ensure notice to all employees without exception, such as including the notice with an employee's pay. Additionally, the Town shall conduct an education and training program for all new employees within one year of commencement of employment that includes at a minimum all of the above. Employers shall conduct additional training for managerial employees within one year of commencement of employment that includes at a minimum the specific responsibilities of managerial employees and methods that these employees shall take to ensure immediate and appropriate corrective action in addressing verbal and sexual harassment complaints.

7.03 Internal Complaint Procedure

Any employee who believes that they have been the subject of harassment should report the incident or act immediately to any Town supervisor or to the Town Manager. Each employee alleging discriminatory harassment will be requested, but not required, to put the specifics in writing. Employees who observe or learn of conduct which could be construed as sexual harassment should immediately bring those concerns to the Town's attention. All information will be held in confidence to the extent possible and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint.

The individual may also contact the Maine Human Rights Commission at:

Maine Human Rights Commission
51 State House Station
Augusta, ME 04333
(207) 624-6050

Any employee who is found, after appropriate investigation, to have engaged in sexual harassment will be subject to discipline, up to and including termination.

No employee will be punished or penalized in any way for reporting, complaining about or filing a claim concerning discriminatory harassment, or for participating in any investigation of a discriminatory harassment complaint.

All reported complaints will be investigated by a person assigned by the Town, and we will seek to keep any information obtained as confidential as possible, although confidentiality cannot be assured. In determining whether the conduct in question is sexual harassment, the nature of the conduct and the context in which it occurs must be examined. If it is determined that sexual harassment has occurred, appropriate action will be taken, up to and including the dismissal of the person engaging in the harassment.

Retaliation Prohibited: Employees should feel free to report concerns about sexual harassment without any fear of reprisal. Any person who brings a sexual harassment complaint or concern will be protected from retaliation in any form and should report any retaliation immediately to any supervisor or the Town Manager.

In addition, the Town also encourages employees to report other conduct which affects the workplace and working conditions, including harassment based on any other protected category, such as race, national origin, age, etc. Harassment under such circumstances is prohibited. All such complaints will be addressed and, if necessary, appropriate action will be taken. Employees who report such conduct will be protected from retaliation in any form and should report any retaliation immediately to any supervisor or the Town Manager. All complaints of retaliation will be investigated, and prompt remedial action will be taken.

7.04 Workplace Smoking Policy

Smoking and vaping of any substance is prohibited in all buildings and on all grounds.

8. Personnel Files

The Town maintains personnel files regarding each employee. The file shall be kept under conditions that ensure its integrity and safekeeping. The Town Manager shall be responsible for maintaining each employee's personnel file.

An employee may request from the Town Manager or the Town Manager's designee a review of their personnel file, which review shall be governed by 26 M.R.S.A. Section 631. Each employee shall have prompt access to their personnel file and the right to copy documents contained therein during normal work hours, under the supervision of the Town Manager or the Town Manager's designee.

An employee shall be afforded the right to attach permanently a response to any document in their personnel file so long as the Town Manager is present.

Anonymous or un-attributed materials shall not be placed in the personnel file. By mutual consent between the employee and the Town Manager, any item contained in an employee's personnel file can be removed.

9. Severability and Effective Date

If any provisions of these Policies and Procedures or any application of these Policies and Procedures to any employee or any group of employees shall be found contrary to

law, then such provision(s) or application shall not be deemed valid and subsisting except permitted by law, but all other provisions or applications shall continue in full force and effect.

10. History of Policy Changes:

- 4/4/23** Adopted new Personnel Policies
- 4/18/23** Revised Section 5.02, deleted vacation package for employees working 15 hours/week.
- 4/18/23** Revised section 6.01, (1) Removed (15-29) in part-time employee benefit heading, (2) updated part-time benefit to reflect Maine paid leave instead of vacation.
- 04/16/24** Removed policy to cash in vacation time.

**Employee Receipt and Acknowledgment
Of Personnel Policies and Procedures Form**

As part of your orientation, the Town of Wayne Personnel Policies and Procedures manual will provide important information.

It is your responsibility to read it thoroughly.

Revisions to the policies may occur from time to time, as the Town deems necessary. When any of the policies are updated, they supersede the policies in this manual and you will be provided with copies of the updates.

The Town of Wayne Personnel Policies and Procedures do not constitute an employment contract.

I understand that during my probationary period (applicable to new employees and employees promoted, demoted, or transferred to new positions), my employment with the Town is "at will." I understand that during the probationary period. I have no right of hearing, grievance procedures or appeal.

I acknowledge that I have received and read the Town of Wayne Personnel Policies and Procedures manual and understand that it is my responsibility to comply with these guidelines.

(Employee Signature)

(Date)

Note: The signed copy of this form is to be filed in the employee's personnel file.