

TOWN OF HAMPDEN

PERSONNEL POLICY

The Town of Hampden hereby ordains as follows:

1. All prior versions of the Town of Hampden Personnel Rules and Policies entitled Ordinance/Handbook are hereby repealed.

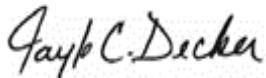
ADOPTED: Hampden Town Council, December 19, 2011
(in substitution of August 15, 2005 Ordinance)
Effective Date: January 18, 2012

REPEALED: Hampden Town Council, November 16, 2020
(for repeal of January 18, 2012 Ordinance)

ADOPTED as POLICY: November 16th, 2020
Effective Date: November 16th, 2020

AMENDED: May 11, 2021
AMENDED: December 1, 2021
AMENDED: June 22, 2022
AMENDED: September 21, 2022
AMENDED: April 10, 2023

CERTIFIED BY:



Hampden Town Clerk

PERSONNEL POLICY

TOWN OF HAMPDEN, MAINE

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SECTION 1

A. MISSION STATEMENT

The Town of Hampden will enrich the lives of our citizens through proactive, comprehensive planning to create an exceptional environment while providing exemplary services to enable our community to thrive and prosper.

To achieve our Mission, we uphold the following Core Values:

Our organization exists to responsibly serve the varied interests of our citizens with transparency that encourages involvement and accountability to our citizens.

We will be honest, ethical and diligent and our actions will comply with all local, state and federal laws.

We will treat everyone with dignity, respect and fairness while providing outstanding customer service that is polite, friendly and responsive.

We will strive to achieve the best outcomes through effective teamwork between Council, associated Boards, Committees, and Town staff to promote a healthy, engaged community.

B. GENERAL PROVISIONS

Purpose: The purpose of the Town Council in adopting the Personnel Policy is to set forth a uniform and equitable system of personnel administration for the Town of Hampden, to promote the most effective and efficient municipal operations on behalf of the citizenry, and to pursue positive employee morale. The Personnel Policy sets forth work procedures, benefits, privileges, responsibilities, and expectations of employees. It is important that you read and understand the contents of the Personnel Policy.

Scope: Except as otherwise provided, the rules and policies set forth in the Personnel Policy shall apply to all Town of Hampden employees, except that the terms of a collective bargaining agreement shall control for those employees covered by such agreement. Fringe benefits provided by the Town apply to full time employees only.

Administration: The Town Manager, with the assistance of Department Heads, administers the Personnel Rules. It is the responsibility of each Department Head to ensure his/her own familiarity with the Personnel Rules, as well as that of his/her staff.

Department Rules: It is recognized that there may be a need to establish and maintain departmental rules of conduct and procedures, especially in the emergency service areas. In the case of conflict between the Personnel Rules and Department Rules, the Personnel Rules shall control.

Compliance with Governmental Laws and Regulations: The Town of Hampden has made every effort to ensure that the Personnel Rules are in compliance with all federal,

state, and local employment laws and regulations. In the event that a provision of the Personnel Rules conflict with a federal or state law, the Town will comply with federal, or state law and the Personnel Rules will be amended to the extent necessary to comply with such federal or state law.

Union Contracts. These rules apply to unionized employees to the extent that they do not conflict with the provisions of a union contract. In the case of a conflict, the union contract will prevail.

C. NATURE OF PERSONNEL RULES

The Personnel Rules are not intended to create an employment contract, express or implied, and the Town of Hampden reserves the right to modify the rules, policies, and procedures contained in the Personnel Rules at any time without prior notice.

D. ORIENTATION

All new employees will be provided with an orientation including, but not limited to:

1. A tour of the work area
2. Introduction to co-workers
3. Basic information on keys, rest rooms, break areas, entrances, exits
4. Review and discussion of job descriptions, job expectations, and short-term goals
5. Details on the work area (use of telephones, computers, e-mail system, appropriate access instructions)
6. Completion of necessary payroll forms and communication of pay cycles
7. Lunch/break schedules
8. Assign a peer to shadow when applicable
9. Provided a copy of this Personnel Policy, which the employee is expected to read and understand. All employees will be required to sign an acknowledgement form acknowledging receipt of the handbook. A copy of the receipt will be given to the employee and a copy will be placed in the employee's personnel file.

SECTION 2

A. EQUAL OPPORTUNITY POLICY

The Town of Hampden is committed to providing equal employment opportunities for all persons making application to the Town and for equity of treatment and advancement opportunities for its employees. The Town therefore sets forth the following:

1. The Town of Hampden shall recruit, hire, upgrade, train, and promote in all job titles without regard to race, color, sex, sexual orientation, physical or mental disability (except where based on a bona fide occupational qualification), religion, age, ancestry or national origin, veteran status, previous assertion of a right under the Workers' Compensation Act, previous action protected by the Whistleblower Protection Act, or any other protected category recognized by the Maine Human Rights Act.
2. All other personnel actions, such as compensation, layoffs, discipline, etc. shall be administered without regard to those characteristics as outlined in #1 above.
3. All employment decisions will be based upon the principles of Equal Opportunity and with the intent to further the Town of Hampden's commitment to Equal Opportunity.
4. It is the policy of the Town of Hampden that no person shall, on the grounds of any legally protected category, be discriminated against.
5. Any violation of this policy, or the practice of discrimination by any person employed by the Town of Hampden, may be considered grounds for disciplinary action, up to and including dismissal.

The responsibility for implementing and monitoring this policy for the Town of Hampden is assigned to the Town Manager and/or the Human Resource Officer.

B. SEXUAL HARASSMENT POLICY

It is the policy of the Town of Hampden that all employees have the right to work in an environment free of illegal discrimination, which includes freedom from sexual harassment and a sexually harassing hostile work environment. The Town will not tolerate any form of sexual harassment by supervisors, co-workers, members of the general public, or any other visitors to the workplace. This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens human dignity and employee morale.

Sexual Harassment is outlined in the EEOC Sexual Discrimination Guidelines and the Maine Human Rights Act.

1. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when (a) submission to such conduct is made

either explicitly or implicitly a term or condition for employment (b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions (c) such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile, or offensive working environment.

2. The following are some common types of conduct that may constitute sexual harassment:
 - slurs, jokes, or degrading comments of a sexual nature
 - unwelcome sexual advances
 - suggestive or lewd remarks
 - unwelcome hugging, touching, or kissing
 - requests for sexual favors
 - repeated offensive sexual flirtation or propositions
 - the display of sexually offensive pictures or objects
 - repeated unwelcome physical contact or touching such as patting, pinching, or repeated brushing against another's body

Department heads and supervisors are responsible for monitoring behavior which could be construed as harassment and for initiating necessary action to eliminate such behavior and reporting it to the Town Manager and/or the Human Resource Officer. An employee who feels that he/she has been subject to discrimination should immediately report the matter to his/her Supervisor, Department Head or if they prefer, the Town Manager and/or the Human Resource Officer.

The Town Manager, or designee, will immediately investigate any complaints and take disciplinary action if warranted. Such action may include suspension, demotion or termination of employment.

In addition, state law at 5 M.R.S.A. § 4611 includes a procedure to file a timely charge of unlawful employment discrimination, including sexual harassment, available through the offices of the Maine Human Rights Commission in Augusta, and the law provides at 5 M.R.S.A. §§ 4611 to 4623 for the filing of a legal action in Maine Superior Court. The Commission can be contacted by mail at 51 State House Station, Augusta, ME 04333-0051, or by telephone at (207) 624-6290, fax (207) 624-8729, TTY Maine Relay 711.

C. OTHER DISCRIMINATION AND INCIVILITY POLICY

It is the policy of the Town of Hampden that all employees have the right to work in an environment free of illegal discrimination based on any legally protected category, including race, color, sex, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, veteran status, previous assertion of a right under the Workers' Compensation Act, previous action protected by the Whistleblower Protection Act. The Town will not tolerate unlawful discrimination of any kind.

Furthermore, the Town of Hampden promotes a productive work environment and does not tolerate verbal or physical conduct by any employee that disrupts or interferes with another's work performance. The Town will not tolerate incivility.

For the purpose of this policy, "incivility" is defined as seemingly inconsequential, inconsiderate words or deeds that violate a conventional workplace conduct. It includes such behavior as shaming, verbal humiliation, potshots, sarcasm, and rudeness. Passive hostility, manipulation, and team sabotage are also considered to be an "incivility".

Such behavior should be reported to your Supervisor, Department Head, or Town Manager. The Human Resource Officer is also available if necessary.

D. REASONABLE ACCOMMODATION POLICY

In the event an employee believes that he/she requires a reasonable accommodation in order to perform a function of the employee's job because of a physical or mental disability, religious requirement, or other reason, the employee should contact the Human Resources Officer to discuss the need for an accommodation and to explore possible accommodations.

The Pregnant Workers Fairness Act (PWFA) requires accommodation for employees with known limitations related to pregnancy, childbirth, and related medical conditions, regardless of whether it meets the definition of disability under the Americans with Disabilities Act, such as assigning light duty and allowing more frequent bathroom breaks. Included, the Providing Urgent Maternal Protections for Nursing Mothers Act (known as the PUMP Act) expands workplace lactation accommodations to employees who qualify. Other reasonable accommodations will be addressed on a case by case basis.

E. RETURN TO WORK POLICY

The Town of Hampden is concerned about the health and well-being of its employees. We are committed to working with our employees and their healthcare providers to find work designed to assist injured workers in transitioning back to the workplace by performing meaningful work within their capabilities.

At any time, the Town may require written documentation from a licensed physician describing the limitations, progress, and physical abilities of the employee.

Providing there is a reasonable expectation that the employee will be able to resume full duties within or by 90 calendar days subject to available work that will be beneficial to the employer. Work consistent with temporary work restrictions may be assigned to the employee for up to 90 calendar days or until the employee is capable of returning to full duty, whichever occurs first. In the event that a modified duty assignment becomes available, the employee is expected to accept the assignment.

The employee is expected to be an active participant in this process by providing M1s Practitioner's Reports (Diagnostic Medical Report) following medical appointments and communicating changes in their restrictions. The employee and employer commit to following restrictions as outlined in the M1 Practitioner's Reports or otherwise agreed upon.

This policy recognizes the Family Medical Leave Act which is a part of the Town of Hampden Personnel Policy, along with any and all Standard Operating Procedures that individual departments may have. It is intended to work in conjunction with them.

Modified work is not intended to be used as permanent reasonable accommodation under the Americans with Disabilities Act. No temporary work assignment described or covered under this policy is intended or offered as a permanent assignment.

SECTION 3

A. TYPES OF EMPLOYMENT

Full Time Employment: An appointment to work 40 hours per week (unless employed by the Fire Department, in which case a standard week is 84 hours over a two (2) week period) on a continuing or indefinite basis.

Part Time Employment: An appointment to work less than a standard work week, but on a continuing or indefinite basis. No employer-paid benefits will be offered by the Town of Hampden other than those required by law.

Permanent Part Time Employment: An appointment to work a regular year round weekly schedule of at least 32 hours per week. An employee in this classification shall be granted proportional vacation, holiday, and sick time. No employer-paid benefits will be offered by the Town of Hampden other than those required by law.

Seasonal Employment: An appointment to work for a specific season (may work a standard work week or less) and with the expectation of being laid off at the end of the season for which appointed. No employer-paid benefits will be offered by the Town of Hampden other than those required by law.

Student Appointments: An appointment on an “internship basis” and afforded to students majoring in public service fields to give them an opportunity to gain work experience. Such appointments are for a definite period of time, typically less than six (6) months. No employer-paid benefits will be offered by the Town of Hampden other than those required by law; compensation will be determined in accordance with the internship program of the sending school.

Temporary Employment: These appointments are made for a definite but limited period of time when a special project requires additional employees for a specific time, or to fill a position of an employee on a leave of absence, or long-term training. These appointments may also include persons hired under an existing federal manpower program. No employer-paid benefits will be offered by the Town of Hampden other than those required by law; the range of benefits made available to such employee will be provided in accordance with applicable federal or state regulations.

On Call Employment: An appointment to render a specified type of service to the Town on an irregular basis and only in response to a specific call to service from the Town. Periods of service normally involve only a few hours. No employer-paid benefits will be offered by the Town of Hampden other than those required by law.

B. PROBATIONARY PERIOD

All persons appointed, promoted, or transferred to full-time and/or part-time positions in the Town Government shall serve a probationary period of six (6) months, except that police officers shall serve a probationary period that lasts for one year after graduation from the Maine Criminal Justice Academy or the date the board waives the basic training

requirement, or six (6) months from date of hire if the officer has previously completed the training requirement.

During the probationary period, an employee's employment may be terminated without cause and without recourse to the grievance provisions of this Policy.

A full-time employee who is transferred or promoted and who does not meet or otherwise comply with the work standards of the new position shall be transferred to the previous position held, if possible, or to another position for which she/he is deemed to qualify if one is available. Reasonable efforts shall be made to schedule such transfers as to protect the employee's job security.

C. PAY CLASSIFICATIONS

The Town Manager shall maintain an inventory of Town positions. Positions shall be separated into pay classifications.

Pay Classification: A position's pay classification is determined by considering the relative difficulty of the position, the responsibility of the position, and the prevailing pay for similar types of work in the relevant public and private labor market. The Town may, but is not required to, use a pay step scale to reward longevity. The Town Manager may provide merit-based pay increases for individual employees.

1. New employees will be paid at the minimum rate applicable to the position classification for which they were hired. At the request of the Department Head, exceptions may be made by the Town Manager for an applicant with unusual experience or education.
2. The rate of pay for employees promoted or transferred shall be established by the Town Manager.
3. The Town Council may, at its sole discretion, decide to grant periodic cost of living increases.

D. PROMOTIONS AND TRANSFERS

The Town Council desires that Town employees be given maximum opportunity for advancement. The Town will fill a vacancy with the most qualified candidate, but present employees are encouraged to apply when interested in a posted position and may be given preference in filling a vacancy.

E. HOURS OF WORK AND STANDARD WORK WEEK

The work week shall be the calendar week commencing 12:01 A.M. on Sunday and expiring at midnight on the following Saturday.

1. Town office Administration employees are scheduled for four (4) workdays of ten (10) hours each for a total of forty (40) hours per week.

2. Upon approval by the Town Manager, Community & Economic Development, IT, and Planning employees are allowed flexible scheduling due to night meetings, work performed on weekends, and other extenuating circumstances that preclude the same schedule as Administration employees. In all cases, however, flexible scheduling shall total forty (40) hours per week.
3. Public Works and Library employees are scheduled for five (5) workdays of eight (8) hours each for a total of forty (40) hours per week.
4. Public Safety scheduling is defined by the Public Safety Director.
5. The Lura Hoit Pool scheduling is defined by the Pool Director.
6. The Recreation Department scheduling is defined by the Recreation Director

The Town Manager and the Department Heads shall establish employees' specific work schedules.

F. EMERGENCY CALL-BACK PAY

All full-time hourly employees shall be paid a minimum of four (4) hours for emergency call backs. Call-backs occur when an employee has returned home and is requested to resume work at a time when not normally scheduled to work. Instances where an employee is required to continue working overtime after the shift ends or is called to start work early prior to a shift beginning are not considered call-backs. Only hours actually worked shall be counted in calculating overtime, if any.

G. OVERTIME

When circumstances warrant, employees may be required to work overtime. All overtime hours must be approved by the appropriate Supervisor or Department Head in advance.

All employees who are not exempt employees under the Federal Labor Standards Act shall be paid time and a half for hours actually worked within a single work week in excess of forty (40) hours, or they shall accrue compensation time at the same rate.

The use of sick time, vacation time, bereavement time, comp time or other leave is not counted toward overtime.

H. ATTENDANCE

Employees are expected to arrive at work on time and stay through the end of their assigned shifts. Specific work hours are assigned by the Department.

It is the responsibility of the employee to notify the employee's immediate Supervisor or the Supervisor's designee, and make any arrangements for any absence, late arrival, or early departure, not previously approved, prior to the beginning of the work shift to be missed.

Each Department Head shall be responsible for maintaining daily attendance and work records and shall furnish weekly reports to the Payroll Department.

I. TIME SHEETS

Employees shall fill out timesheets on a daily basis and submit them on a weekly basis to the Department Head for approval. Employees shall keep accurate records of their time, including the amount of vacation, sick and compensatory time used. Employees are not paid for lunch breaks but are entitled to paid fifteen-minute breaks in the morning and afternoon. If an employee discovers an inaccuracy on the pay stub, the employee must report it to the Payroll Department immediately so that the records may be corrected. Intentional falsification of payroll records is a serious offense that may result in dismissal.

Department Heads shall complete transmittal sheets that include all hours broken down respectively for each employee and shall submit them to the Finance Office on Monday morning before 9 AM, except that when a Monday is an observed holiday, Department Heads shall make other arrangements acceptable to the Finance Office.

All employees are required to have direct deposit of their payroll check. Pay stubs will be provided to employees.

J. EMPLOYEE PERFORMANCE EVALUATION

The Town conducts employee performance evaluations on a regular basis using standard evaluation forms. Evaluations will be reviewed with the employee by the Department Head and signed by both parties. A copy of each evaluation will be kept in the employee's personnel file.

Frequency of evaluation:

1. Probationary employees shall be evaluated by the Department Head prior to the conclusion of a six-month probationary period. The Department Head shall make a recommendation to the Town Manager whether the employee should be retained.
2. Thereafter, evaluations shall be conducted annually.
3. Additionally, special evaluations may be established by Department Heads, as needed.

K. EMPLOYEE TRAINING

The Town of Hampden is committed to the maintenance of a well-trained and efficient staff. It shall attempt to make opportunities for development available to employees within the framework of organization needs and priorities. Employees, as a condition of employment, shall attend and participate in such training programs and courses as may be

directed by the Department Head or Town Manager and for which the Town assumes the cost. Documentation of attendance at training shall be kept in the employee's personnel file. Employees are required to return to work on any day or part of a day that the employee is excused from training early.

L. TRAVEL REIMBURSEMENT

The Town of Hampden reimburses all approved travel expenses directly related to its activities and reasonable under the particular circumstances involved. This policy and related practices apply to all paid employees, as well as the Town Council.

All travel plans and anticipated expenses must have prior approval by the Department Head and/or the Town Manager.

Take a copy of the Tax Exemption Certificate to avoid tax charges. A copy can be obtained from the Finance Office.

1. The following travel costs are reimbursed at the stated rates:
 - a. For employees and Council members who use their private vehicle, reimbursement is determined by the official IRS mileage reimbursement rate.
 - b. Tolls, parking, taxi, and other fares are paid at actual costs: Receipts are required.
 - c. Travel by air requires special permission.
2. Documented actual meal and lodging costs are reimbursable if reasonable for the function and location. Reasonable service tips are paid. Receipts are required.
3. The Town of Hampden will not reimburse employees for separate travel costs associated with the employee's spouse, partner, or other family members. The cost of a shared hotel room need not be allocated between you and your spouse/partner unless said room is a higher rate than the cost for a single person.
4. For non-overnight travel, an employee will be paid for all travel time, even if it goes beyond the regularly scheduled working hours for the day. The Department Head will be expected to adjust the employee's schedule for the rest of that week to avoid overtime unless overtime has been pre-approved.
5. For overnight travel, an employee will be paid only to the extent that the business travel occurs during the employee's standard work hours, regardless of what day of the week travel takes place.
6. Claims for reimbursement must be submitted:
 - a. on the correct Expense Request form

- b. with receipts
- c. signed by the employee and the Department Head
- d. submitted to the Finance Office within 30 days following the completion of the travel

M. DRESS CODE

Employees in the Public Safety and Public Works Departments are required to wear uniforms, which are provided by the Town of Hampden.

Pool and Recreation employees are permitted to dress more casually than other departments because of the nature of their jobs. However, all clothing is required to be clean, neat, and in good condition. Shirts with Town logos, which will be provided by the Town, must be worn when working certain programs and events.

Town office administration employees must wear clothing that is clean, neat, and in good condition. Jeans are allowed provided they are not significantly worn or faded. Employees are encouraged to wear name tags with the Town logo, which will be provided by the Town.

All employees are asked to dress appropriately. It is important to present a responsible and respectable image to the customers that we deal with daily. 'Mini' skirts, short shorts, halter tops, revealing clothing, and clothing with holes or other defects (whether intentional or not) are not appropriate dress for any Town employee.

N. PERSONNEL FILES

The Town of Hampden keeps a personnel file containing records relating to each employees' Town employment. It includes, but is not limited to, records such as the application for employment, resume, job description, letter of hire (including starting date and scheduled hours), job title, starting wages, evaluations, investigations, discipline, and benefits. Documents may be placed in the employee's file upon written request and with the approval of the Town Manager.

The Human Resource Office keeps a separate file containing confidential information, such as medical information and verification of employment requests. Workmen's Compensation claims also have a separate file.

If an employee wishes to look at their file, you may make an appointment with the Human Resource Officer. The file may be examined on the premises. Nothing may be removed from nor added to the file. Employees may have a complete photocopy of their file upon request.

Requests for general information for an employee will be directed to the Human Resource Officer, such as date of hire, job title, and verification of employment. Specific

questions pertaining to an employee's job abilities or character will be referred to their Department Head.

O. LAY-OFF, RECALL, RESIGNATION, RETIREMENT

Lay-off: An employee may be laid off by the Town for lack of work, lack of funds, reductions in staff, or other legitimate reasons. All employees shall be furnished a written statement setting forth the reasons for the lay-off.

Lay-off Procedure: Full-time employees will, in so far as possible, be laid off in order of seniority within the department by classification and with "bumping" rights provided the employee is qualified to perform the duties of the job to which he/she is to be transferred.

Lay-off Notice: Full-time employees shall be given one (1) week notice before the effective date of the lay-off. Employees who are not full-time and full-time employees who have not completed the probationary period may be laid off at any time without notice.

Recall: If the need for the layoff subsides, the Town may recall employees. The Town may recall employees on the basis of need but shall attempt to recall employees to the extent possible by department based on seniority.

Reemployment: Employees who are laid off in good standing shall, provided that their qualifications are equal to the qualifications of other applicants, be given preference for re-employment. In the case of substantially equal qualifications among former employees seeking re-employment, preference shall be given to the employee with the greatest seniority within the hiring department at the time of lay-off. For purposes of this article, seniority rights shall be retained for one (1) year after the date of lay-off.

Resignation: Any employee wishing to leave Town Employment in good standing shall file with his/her Department Head a written notice of intent to terminate employment two (2) weeks prior to termination, except that a Department head must file the written notice thirty (30) days prior to such time. All Town property shall be returned to the Town prior to separation from service. Final pay shall include wages earned, accumulated vacation and compensation time, and 25% of accrued sick time. Payment will occur on the 1st payroll following termination.

In-service Retirement Program: In certain instances, an employee may retire and then be re-hired for the same or different position with the Town. This practice is not an entitlement but will be decided on a case by case basis according to the needs of the Town, and the qualifications of the employee as determined by the Town Manager.

In order to be a bona fide retirement under State and Federal law, all unused sick, vacation, or compensatory time must be paid out to the employee per policy guidelines, or otherwise zeroed out. If the employee is a member of MPERS, he/she must file a Service Retirement Application in order to be considered a returned to work retiree. For an employee to be eligible for the program, he/she must give 45 calendar days' notice

with a retirement date that falls on the last day of the month and be immediately rehired in the first of the following month.

An employee who is rehired after retirement may retain some or all seniority held at the time of separation from employment at the discretion of the Town Manager upon consultation with the department head. In some instances, the rehire of a retired employee may be for the purpose of facilitating a smooth transition process for the Town as other personnel are recruited, hired, and trained, or it may be for a longer period.

The employee shall be paid the regular rate of pay received on the last day of employment prior to retirement. The employee shall receive cost of living increases but shall be ineligible for reclassification or step increases. If the employee was a participating member of MPERS, they shall no longer be eligible and will be subject to the payment on earnable compensation going forward and pay the unfunded actuarial liability (UAL) rate of the plan equal to the greater of 5% or the aggregate as set by MPERS. The employee will be eligible to participate in a 457 deferred compensation program at the employee's expense but will be ineligible for an employer's contribution.

The employee will be subject to earning sick, vacation time and compensatory time based on their years of service prior to retiring and the personnel policy guidelines. The employee will continue to be eligible for health insurance and pay the employee's share of the premiums based upon the health insurance provider's current rates. The employee will be subject to all other applicable provisions of the Town of Hampden Personnel Policy.

P. OUTSIDE/NON-TOWN EMPLOYMENT

No employee shall, during non-duty hours, be engaged in any employment activity or enterprise that is incompatible or in conflict with his/her duties with the Town. Such employment may be ordered to be curtailed or terminated by the appropriate Department Head or the Town Manager if, in his/her judgment, such employment hinders the employee in the impartial or efficient performance of his/her duties. In any event, no employee shall fail to appear for a mandatory work assignment or shift due to conflicting outside employment or business commitments.

Q. POLITICAL ACTIVITIES

Employees are prohibited from using their positions to advocate for or against any candidate for elected office or for any initiative. Town employees shall not, during work hours, circulate any petitions or literature for candidates for elected office of the Town of Hampden or for any initiative, or be in any way connected with soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to the government of the Town of Hampden. This rule does not prevent Town employees from becoming, or continuing to be, members of any political organization, or from attending, on their own time, political organization meetings, expressing their views on political matters, or from voting with complete freedom in any election.

R. TELECOMMUTING

The general expectation is that all employees will perform their duties at their normal job sites. However, there may be occasions when working at the normal job site is not possible. In such situations, the Town Manager may temporarily allow an employee to work from home provided certain conditions are met. The Town Manager has the sole discretion whether to authorize telecommuting and whether to terminate telecommuting authorization.

In order to be considered for temporary telecommuting authorization:

1. The position must be one that may reasonably be performed remotely.
2. The employee must be deemed to have the ability to work effectively in an independent environment.
3. The Town may inspect the employee's proposed work area to ensure it is safe, appropriate, and has the capacity for remote connectivity.
4. The Town may provide hardware where appropriate. Additionally, office supplies will be provided by the Town as needed.
5. If there are dependents in the home, evidence of suitable arrangements for dependent care during work hours will be required.
6. The employee will be required to take appropriate actions to protect all materials and work product, including taking security measures to maintain confidentiality and to protect them from damage or theft.
7. The employees will be required to keep accurate records of time worked and submit them on a weekly basis.
8. The employee's compensation, benefits, work status and work responsibilities will not change.
9. The amount and quality of work the employee is expected to perform will not change.
10. The Town will require the employee to sign a Telecommuting Agreement, which may contain additional terms and conditions, including the duration of the authorization.

Please contact the Town Manager for additional information.

SECTION 4

A. EMPLOYEE BENEFITS

Retirement System: The Town of Hampden is a participating district in the Maine Public Employees Retirement System (“MainePERS”) for the benefit of all full-time employees who are eligible and who choose to join. The Town also participates in the International City Manager’s Association Retirement (ICMA) 401 plan and the 457 plan.

The employee must choose which plan he/she would prefer. Information on these plans can be obtained from the Human Resource Office.

Social Security: In addition to the MainePERS System and/or the ICMA Retirement Program, the Town participates jointly with the employees in Social Security payments. Benefits provided include a retirement feature, survivor’s benefit payments if death occurs before retirement, disability insurance and Medicare coverage.

Group Hospital, Surgical, and Major Medical Insurance: The Town participates in the Maine Municipal Employees Health Trust Benefit Plan (MMEHT) up to and including the family level of coverage. Major features of this plan will be explained at the time of employment and are available for full-time employees.

The Town pays 100% of the cost for a single subscriber to the health plan, or 70% of the difference between single subscriber and the cost for family or employee/dependent coverage as a weekly payroll deduction. Full time employees who are covered by insurance from their spouse or an alternate source may elect to receive a payroll adjustment (subject to all tax and FICA withholdings) in lieu of insurance coverage equal to 50% of the annual single subscriber premium through the Maine Municipal Employees Health Trust. Employees electing to utilize this provision must provide the Payroll Department with proof of alternative health insurance coverage.

Scheduled part-time employees working a minimum of 20 hours per week may purchase Group Hospital coverage at Town’s rates but paid for 100% by the employee.

Group Life Insurance: The Town participates in a group life insurance program which offers life insurance and accidental death and dismemberment coverage. Provisions of this policy will be outlined at time of employment and are available for full-time employees.

Unemployment Compensation: The Town provides unemployment compensation coverage for its employees as required by law.

Dental Insurance: The Town participates in a dental plan, up to and including the family level of coverage. Major features of this plan will be explained at the time of employment and is available to full-time employees. The Town pays \$150.00 yearly per employee toward the dental insurance premium for employees who elect to participate.

Questions regarding employee benefits may be directed to the Human Resource Officer.

B. WORKER'S COMPENSATION

The Town of Hampden provides Workers' Compensation Insurance for all its employees, as required by law. The purpose is to provide medical/hospital care and partial salary replacement when an employee is incapacitated due to work related reasons.

All employees must report injuries at work, no matter how slight, to the employee's Department Head or Supervisor. The Department Head will provide the necessary accident report forms (Employers First Report of Occupational Injury or Disease and Accident/Injury Investigation Form). These forms are completed regardless of whether medical care is received and/or time from work is lost. Injury reports must be made and must reach the Human Resources office within 24 hours of the injury, or the next business day if the injury occurs on a weekend or holiday.

Employees who suffer injuries that require time off to recover are still Town of Hampden employees and will be asked to comply with certain procedures. While off work due to an injury, employees shall report to their Supervisor and the Human Resources Office once a week, at a previously arranged time, in order to keep the Town informed of the employee's status and when return to work can be expected. If the employee is ambulatory, this weekly reporting should be made in person.

If an employee is out of work due to an accepted or established work injury, the employee may use sick, vacation, and comp leave to make up the difference between the employee's workers' compensation rate of pay and their normal rate of pay during a period of incapacity.

When an injured employee is released in writing by his/her attending physician for alternative work or regular work, the release should be presented by the employee to the Human Resource Office immediately.

Please contact the Human Resources Office for more information or information about the Town's preferred provider.

SECTION 5

A. VACATION/ EARNED PAID LEAVE

The Town of Hampden provides vacation/earned paid leave to employees as follows For all classifications, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month .

1. Accrual for part-time, part-time seasonal, part-time temporary, student, and on-call employees:

Vacation/ earned paid leave shall accrue at the rate of 1.00 hour per 40 hours worked, up to a maximum of 40 hours per year. Employees in this classification must have worked 120 hours before utilizing paid leave. Unused vacation/earned paid leave may be carried over to the following year up to a maximum of 40 hours.

2. Accrual for permanent part-time employees:
 - a. From date of hire through completion of year 4 of employment:
 - i. Vacation/earned paid leave shall accrue at the rate of 1.48 hours per 32 hours worked to a maximum of 77 hours earned per year.
 - ii. During this period of time, no employee in this classification may have a balance of more than 109 hours of vacation/earned paid leave. No more time will accrue beyond the maximum allowed.
 - b. Beginning year 5 through the completion of year 9 of employment:
 - i. Vacation/earned paid leave shall accrue at the rate of 1.85 hours per 32 hours worked to a maximum of 96 hours earned per year.
 - ii. During this period of time, no employee in this classification may have a balance of more than 128 hours of vacation/earned paid leave. No more time will accrue beyond the maximum allowed.
 - c. Beginning year 10 through the completion of year 19 of employment:
 - i. Vacation/earned paid leave shall accrue at the rate of 2.58 hours per 32 hours worked to a maximum of 134 hours a year.
 - ii. During this period of time, no employee in this classification may have a balance of more than 166 hours of vacation/earned paid leave. No more time will accrue beyond the maximum allowed.
3. Accrual for full-time (including full-time seasonal and full-time temporary) employees:

- a. From date of hire through completion of year 4 of employment:
 - i. Vacation/ earned paid leave shall accrue at the rate of 1.85 hours per 40 hours worked.
 - ii. During this period of time, no employee may have a balance of more than 136 hours of vacation/ earned paid leave, unless a larger balance is authorized by section (5). No more time will accrue beyond the maximum allowed.
 - b. Beginning year 5 through the completion of year 9 of employment:
 - i. Vacation/ earned paid leave shall accrue at the rate of 2.31 hours per 40 hours worked.
 - ii. During this period of time, no employee may have a balance of more than 160 hours of vacation/ earned paid leave, unless a larger balance is authorized by section (5). No more time will accrue beyond the maximum allowed.
 - c. Beginning year 10 through completion of year 19 of employment:
 - i. Vacation/ earned paid leave shall accrue at the rate of 3.23 hours per 40 hours worked.
 - ii. During this period of time, no employee may have a balance of more than 208 hours of vacation/ earned paid leave, unless a larger balance is authorized by subsection (5). No more time will accrue beyond the maximum allowed.
 - d. Beginning year 20 of employment and above:
 - i. Vacation/ earned paid leave shall accrue at the rate of 3.69 hours per 40 hours worked.
 - ii. During this period of time, no employee may have a balance of more than 232 hours of vacation/ earned paid leave, unless a larger balance is authorized by section (5). No more time will accrue beyond the maximum allowed.
4. Accrual of leave begins at the start of employment, but an employee may not use leave before completing 60 days of employment.
 5. At the end of each anniversary year, the Town will pay out the difference between the number of vacation/ earned paid leave hours used that year and 40 hours, such that all employees will have used or been paid for at least 40 hours of vacation/ earned paid leave each year.

6. In the event of extreme circumstances that are beyond the employee's control (such as staff shortages, medical emergencies, etc.) which prevent an employee from taking vacation leave, the Town Manager may allow additional vacation/ earned paid leave hours to be carried over to the following year.
7. Vacation/ earned paid leave may be taken at such time or times as is mutually agreeable to the employees and their Department Heads and shall be scheduled at such time as not to disrupt departmental operations. Due consideration shall be given to an employee's seniority in regard to scheduling vacation.
8. An employee, upon resigning, is entitled to payment of 100% of accrued vacation/ earned paid leave.
9. An employee may request a payout of up to two (2) weeks of vacation/ earned paid leave per year for good cause. The Town Manager may grant or deny the request at the Town Manager's sole discretion. Contact the Finance Office for the necessary paperwork.
10. An employee may request an advance of up to two (2) weeks of vacation/ earned paid leave per year for good cause. The Town Manager may grant or deny the request at the Town Manager's sole discretion. Contact the Finance Office for the necessary paperwork.
11. Vacation/ earned paid leave hours are not counted as hours worked for purposes of calculating overtime.
12. Existing employees who on January 1, 2021, have a vacation balance exceeding the caps shown in subsection (2) above, will retain the higher balance but will only accrue additional vacation/ earned paid leave in accordance with Section 5 until such time as the balance falls below the caps shown in subsection (2).

B. SICK LEAVE

Accrual: Full-time employees shall accrue sick leave at a rate of 8 hours for each calendar month of service. Permanent part-time employees shall accrue sick leave at a rate of 6.4 hours for each calendar month. The first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month.

Maximum: An employee may accumulate a maximum of 960 hours of sick leave. Once an employee reaches the maximum, any hours earned over and above the limit of 960 hours will be deposited into a health savings account for use by the employee after retirement.

Sick Leave Usage: Sick leave may be used for personal illness, injury, or physical/mental incapacity of such degree as to render the employee unable to perform the duties of his/her position or other assigned duties within their respective department.

Sick leave may also be used to care for the illness of the employee's child, spouse or parent.

If an employee runs out of sick leave, the employee must first use comp time and then vacation time to extend the employee's paid time off. Once an employee exhausts all of their accrued time, they may apply for donated sick time from the catastrophic leave program.

Verification: If an employee is out of work on sick leave for three (3) consecutive days, the Town may require the employee to furnish the Department Head a certificate from his/her attending physician.

Abuse of Sick Leave: The Town Manager/Human Resource Officer shall review all sick leave records periodically and shall investigate suspected abuse of leave. Willful abuse of the sick leave privilege may be cause for dismissal.

Sick Leave and Worker's Compensation: Employees are eligible for Worker's Compensation for a service-connected injury and may elect to take earned sick leave in addition to Worker's Compensation to the extent that it provides no more than regular pay, and to the extent of earned sick leave credit.

Sick Time Payment: At the time of resignation or retirement, an employee in good standing is entitled to payment for 25% of accrued sick time.

Sick leave hours are not counted as hours worked for the purpose of calculating overtime.

C. VOLUNTARY CATASTROPHIC LEAVE PROGRAM

The Voluntary Catastrophic Leave Donation Program establishes a pool of paid time off to permit salary and benefits continuation for regular full-time employees who have exhausted all paid leave due to their own serious illness or injury, or due to the need to care for a serious illness or injury of the employee's child, spouse, or parents.

Establishment: Employees may, but are not required to, donate sick or vacation leave to the Voluntary Catastrophic Leave Program benefit pool.

1. Donations may be made by submitting a confidential form to the Town Manager or Director of Human Resources indicating the amount of donation and whether it is a one-time donation or a recurrent donation.
2. Donations are made to the program pool, not to particular employees.
3. An employee may donate up to 50% of their annual paid leave per year.
4. All donations are anonymous.

Usage: An employee may apply for Catastrophic Leave Program benefits by submitting a confidential application to the Town Manager or Director of Human Resources. To qualify:

1. An employee must have an approved leave of absence from the Town Manager;
2. An employee must have a debilitating illness or injury that incapacitates the employee or prevents them from working because the employee is the only person available to care for the serious illness or injury of the employee's child, spouse, or parents;
3. The employee may be asked to provide a physician's written note verifying the illness or injury;
4. The employee must be facing a financial hardship because the employee has exhausted all eligible vacation, sick, and comp time, and the employee is not receiving short-term disability or Workers' Compensation benefits; and
5. There must be donated leave time available.

The Town Manager will determine on a case-by-case basis whether a request to draw from the pool qualifies for Catastrophic Leave usage.

An employee is limited to a maximum of 160 hours of benefits from the program annually.

D. JURY DUTY

Employees called upon to serve on jury duty will be compensated for the difference between the amount received for jury duty and the employee's salary with the Town of Hampden. Time spent on jury duty will be considered equal to regular working hours.

Payments received from jury duty service must be turned in to the Finance Department for processing. The employee will receive a full paycheck for the period of time in question.

Employees are required to return to work on any day or part of a day that the employee is excused from jury duty.

E. HOLIDAY LEAVE

The Town of Hampden offers the following thirteen (13) paid holidays to all full-time employees:

New Year's Day	Labor Day
Martin Luther King's Birthday	Indigenous People Day
President's Day	Veterans Day
Patriots Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas Day
Juneteenth (June 19 th)	

For employees who work a Monday to Friday schedule, holidays that fall on a Saturday are observed on the preceding Friday and holidays that fall on a Sunday are observed on the following Monday.

For employees who work a Monday through Thursday schedule, holidays that fall on Sunday are observed the following Monday, holidays that fall on a Friday are observed the preceding Thursday, and holidays that fall on Saturday are a paid holiday.

If a holiday is observed on a day that the employee is scheduled to work, the number of paid holiday hours is based on the employee's normal workday, so if an employee normally works an eight (8) hour day, the employee receives eight (8) hours of holiday pay, and if an employee works a ten (10) hour day, the employee receives ten (10) hours of holiday pay. This allows all employees to enjoy a holiday off from work without losing pay.

If a holiday is observed on a day that an employee is not scheduled to work, an employee will receive eight (8) hours of holiday pay or may take a day in lieu of to be used at a later date within the current fiscal year. When this option is chosen, hours will be added to the employee's compensatory time which does not accrue over 40 hours. If an hourly employee must work on an observed holiday, the employee will be paid the holiday plus time and a half for hours actually worked. If a holiday falls on a date when an employee

is on vacation, the employee will be paid for the holiday and will not be charged a vacation day. Employees on a leave of absence without pay are not eligible for holiday pay.

The Town of Hampden offers proportional holiday pay for the holidays listed under this section to permanent part-time employees based upon the following criteria:

If a holiday falls on a day that an employee in this classification is normally scheduled to work, they would receive 8 hours holiday pay.

If a holiday falls on a day that an employee in this classification is not scheduled to work, they would receive 6.4 hours of holiday pay.

Additionally, the Town may, at its sole discretion, decide to grant additional paid holidays or partial holidays (or early closures) on special occasions.

Holiday hours are not counted as hours worked for the purpose of calculating overtime.

F. BEREAVEMENT LEAVE

The Town Manager may grant up to three (3) days of leave with pay, as necessary, in the event of the death of an immediate family member. For the purpose of bereavement leave, immediate family member is defined as: spouse, children, stepchildren, parents, stepparents, parents-in-law, siblings, stepsiblings, grandparents, grandchildren and domestic partners. This leave may be used for travel, to make necessary arrangements, attend wake/funeral, and similar activities. The bereavement days need not be taken consecutively.

For the death of other family members, such as aunts, uncles, nieces, nephews, cousins, in-laws not listed as immediate family, persons sharing your residence, and other people with whom you have a close/special relationship, the Town Manager may grant one (1) day of paid bereavement leave.

The Town Manager may grant additional days of paid bereavement, provided the total bereavement leave does not exceed a maximum of five (5) days. Extended leave will only be considered for extenuating circumstances.

Employees who need bereavement leave must contact their Supervisors or Department Head as soon as possible. Nothing herein prevents an employee from using vacation or comp time for bereavement purposes or to extend bereavement leave upon approval.

Bereavement days are not counted as hours worked for the purpose of calculating overtime.

G. COMPENSATORY TIME

Accrual:

Hourly Employees. Hourly employees who actually work more than 40 hours in a week are entitled to overtime paid at 1.5 times the normal rate of pay. For the purposes of calculating overtime, the 40 hours must have actually been worked; the use of sick time, vacation time, bereavement time, comp time, or other leave is not counted toward overtime.

1. In lieu of paid overtime, hourly employees may earn compensatory time (“comp time”) up to a maximum of 40 hours at the discretion of the Department Head. Thereafter, any additional overtime will be paid at the overtime rate in the employee’s next paycheck.
2. Comp time will be accrued at a rate of one (1) hour per one (1) hour actually worked if the employee has actually worked 40 or less hours in a week (which may be the case if the employee has used sick, vacation, or comp time in the week). If an employee has actually worked more than 40 hours in a week, comp time will accrue at the rate of one and a half hours (1.5) per one (1) hour actually worked.

Exempt Employees. Exempt employees are paid a set salary for a week’s work and are not entitled to overtime. Nevertheless, exempt employees who actually work more than 50 hours in a week are allowed to accrue comp time up to a maximum of 40 hours.

1. Comp time will be accrued at a rate of one (1) hour per one (1) hour actually worked.

If an employee is carrying a balance of comp time in excess of 40 hours as of January 1, 2021, the employee is ineligible for additional comp time (but will be paid for overtime if the employee is hourly) until the balance drops below the 40-hour maximum.

Usage and Cash Out:

1. Comp time may be taken at such time or times as is mutually agreeable to the employees and their Department Heads and shall be scheduled at such time as not to disrupt the department.
2. If an employee has accrued comp time as of June 30 of a given year, the Town will pay out the comp time so that no employee will have comp time as of July 1 of each year. An employee may also request a payout of comp time of up to 40 hours within a fiscal year for good cause and with the approval of the Town Manager.
3. If an employee has accrued comp time on the date of separation from employment, the comp time will be paid out at the higher of the average regular rate received by the employee during the last three (3) years of the employee’s employment, or the employee’s final regular rate.

4. Comp hours used are not counted as hours worked for the purpose of calculating overtime.

H. DISCRETIONARY LEAVE WITHOUT PAY

A full-time employee may be granted a leave of absence without pay by the Town Manager for a period deemed necessary for the purpose of the leave, but in no case to exceed six (6) months without prior approval by the Town Council. The employee must use all accrued vacation, sick leave (if the need for the leave qualifies), compensatory and holiday entitlements before commencing his/her leave of absence. The employee is expected to return to work upon expiration of the granted leave or arrange an extension of the leave prior to its expiration. Failure on the part of the employee to return to work on the expiration of a granted leave, without good cause or having arranged for an extension of leave, shall be deemed a resignation from the Town of Hampden. If an employee works for another employer during a leave under this section, the employee will be deemed to have resigned.

During such a leave, an employee will not receive a salary or Town-paid fringe benefits. Employees on discretionary leave may continue to participate through the Town in Group Health, Life and Dental Insurance at their own expense. A leave of absence is not considered a break in service, but time spent on a leave of absence is not counted as time worked for purposes of computing an employee's length of service.

I. EMPLOYMENT LEAVE FOR VICTIMS OF VIOLENCE

Pursuant to 26 M. R. S. § 850, the Town of Hampden will grant reasonable and necessary leave from work for an employee to:

1. prepare for and attend court proceedings.
2. receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse.
3. obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee, or the employee's daughter, son, parent or spouse are victims of violence, assault, sexual assault, stalking or any act that would support an order of protection.

The leave is unpaid, but an employee may use accrued sick, vacation, or comp time.

Any request for leave from work must be made in advance, within a reasonable time given the circumstances. Reasonable time will be defined by the Town Manager on a case by case need. These requests must be made in writing to the Town Manager accompanied by the proper documentation. Confirmation and/or Denial of leave will be made in a timely fashion.

The Town of Hampden does reserve the right to deny requests for leave for any of the following reasons:

1. if the Town would sustain undue hardship from the absence
2. the request for leave is not communicated to the Town Manager within a reasonable time frame under the circumstances
3. the requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the Town Manager.

The length of leave shall be determined by the purpose for which it is sought.

J. FAMILY AND MEDICAL LEAVE

Federal Family Medical Leave

The Town of Hampden provides qualified employees with leave pursuant to the Family & Medical Leave Act (29 U.S. C. § 2601, et seq.).

1. To be eligible to take FMLA leave, an employee must have: (1) worked for the Town for at least twelve (12) months; and (2) worked at least 1,250 hours during the prior twelve (12) months.
2. Eligible employees may take up to 12 weeks of unpaid leave in a 12-month period for the following reasons:
 - a. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
 - b. Because of the placement of a son or daughter with the employee for adoption or foster care.
 - c. In order to care for the spouse, or a son, daughter, a child the that the employee is responsible for, or parent of the employee, if such spouse, son, daughter, child the employee is responsible for, or parent has a serious health condition.
 - d. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
3. Additionally, Military Family Leave is available for employees who meet the eligibility requirements of (1) above, for the following reasons:
 - a. To address a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed forces;

- b. To care for a covered service member who is the spouse, child, parent or next of kin of the employee (for up to 26 workweeks in a 12-month period).
- 4. The Town may require an employee requesting leave to provide supporting documentation.
- 5. The Town uses a 12-month rolling period rather than a calendar year, so a 12-month period means the 12-months immediately preceding the request for leave.
- 6. Leave is unpaid, but the Town requires employees to use any accrued sick, vacation, and comp time while on leave.
- 7. Leave may be taken on an intermittent, as-needed basis, if appropriate.
- 8. Notice.
 - a. If the need for leave is based on (2)(a) or (b) and the need for leave is foreseeable based on an expected birth or placement, the employee shall provide the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave, except that if the date of the birth or placement requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.
 - b. If the need for leave is based on (2)(c) or (d) and the need for leave is foreseeable based on planned medical treatment, the employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, parent, or covered service member of the employee, as appropriate; and shall provide the employer with not less than 30 days' notice, before the date the leave is to begin, of the employee's intention to take leave, except that if the date of the treatment requires leave to begin in less than 30 days, the employee shall provide such notice as is practicable.
 - c. If the need for leave is based on (3)(a) or (b) and is foreseeable, whether because the spouse, or a son, daughter, or parent, of the employee is on covered active duty, or because of notification of an impending call or order to covered active duty, the employee shall provide such notice to the employer as is reasonable and practicable.

State Family Medical Leave

The Town of Hampden also provides qualified employees with leave pursuant to the Maine Family Medical Leave law (26 M.R.S. § 843, et seq.).

1. To be eligible to take Maine FMLA leave, an employee must have worked for the Town for 12 consecutive months.
2. Eligible employees may take up to 10 work weeks of unpaid leave in any 2 years for the following reasons:
 - a. Serious health condition of the employee
 - b. Birth of the employee's child or the employee's domestic partner's child
 - c. Placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner
 - d. A child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition
 - e. Donation of an organ of the employee for a human transplant or
 - f. Death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child, is a member of the state military forces or of the United States Armed Forces, including the National Guard and Reserve, dies or incurs a serious health condition while on active duty.
3. The employee must give at least 30 days' notice of the intended date upon which family medical leave will commence and terminate, unless prevented by medical emergency from giving that notice.

If both Federal and State leave are applicable, the time on leave will count toward the leave limits under both the Federal and the State laws, as it is the Town's intent for leave to run concurrently under both laws.

For further information, contact the Human Resource Office. All necessary forms are also available at the same location.

K. MAINE FAMILY MILITARY LEAVE

The Town of Hampden provides leave, pursuant to the Maine Family Military Leave law (26 M.R.S. § 814), to the spouse, domestic partner, or parent of a person who is a resident of the State and is deployed for military service for a period lasting longer than 180 days.

1. To be eligible to take Maine FMLA leave, an employee must have: (1) worked for the Town for at least twelve (12) months; and (2) worked at least 1,250 hours during the prior twelve (12) months.

2. Eligible employees who serve in the state military forces or the U.S. Armed Forces, including the National Guard and Reserves, may take up to 15 days of unpaid leave per deployment in a 12-month period for the following reasons:
 - a. The 15 days immediately prior to the deployment
 - b. Deployment, if the military member is granted leave
 - c. The 15 days immediately following deployment
3. Notice.
 - a. An employee must give at least fourteen (14) days' notice of the intended date upon which the leave will commence if leave consists of 5 or more consecutive workdays.
 - b. An employee taking family military leave for fewer than 5 consecutive workdays must provide such advance notice as is practicable.
 - c. An employee shall consult with the Town to schedule leave so as not to unduly disrupt the operations of the Town.
4. Leave is unpaid, but the Town requires employees to use any accrued sick, vacation, and comp time while on leave.

An employee may continue the employee's benefits at the employee's expense during any family military leave. Taking family military leave will not result in the loss of any employee benefits accrued before the date on which the leave commences.

L. MILITARY SERVICE LEAVE

The Town provides military leave as necessary in compliance with all applicable state and federal laws.

Reserve Service Leave: Reserve service leave is available to regular full-time employees who are members of the military reserves or National Guard in accordance with the terms of applicable Federal and State law.

In addition, for any period of reserve service up to two (2) weeks in any calendar year, the Town will compensate the employee for the difference between his/her regular weekly wages and his/her total military pay. In instances where the military pay is equal to or exceeds the pay that would have been earned by the employee in service to the town, such leave shall be without pay.

Employees using reserve service leave must furnish the Department Head with an official statement of reserve service pay received. Any amount served in excess of two (2) weeks shall be considered leave without pay.

Long-Term Active Duty Leave: Regular full-time employees required to interrupt their active employment specifically for the purpose of entering active military service are entitled to a leave of absence in accordance with the Uniformed Services Employment and Reemployment Rights Act.

SECTION 6

A. SMOKE FREE WORKPLACE POLICY

Employees are prohibited from smoking tobacco or any other substance in any Town building, in any Town vehicle, or on town owned property unless in a designated smoking area. For the purposes hereof, the term “smoking” includes carrying or having in one’s possession a lighted cigarette, cigar, pipe or other object giving off or containing any substance giving off smoke, including vaping or the use of e-cigarettes.

Exception: The Town may, but is not required to, establish a designated outdoor smoking area that complies with the requirements of 22 M.R.S. § 1580-A (smoking area must be at least twenty (20) feet from all entryways, vents, windows, and doors).

B. DRUG FREE WORKPLACE POLICY

It is the policy of the Town of Hampden to maintain a drug/alcohol free workplace.

1. Employees of the Town of Hampden are prohibited from possessing, using, or being under the influence of illegal drugs or alcohol while on Town property, while attending business-related activities, while on duty, or while operating a vehicle or equipment leased or owned by the Town.
2. All employees are expected to report to work and remain at work "fit for duty" and free from impairment from alcohol and drugs.
3. Employees may use physician-prescribed medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace. Employees may not possess medical marijuana on Town property or use medical marijuana during working hours.
4. All CDL holders are also subject to and must comply with the Town’s CDL Alcohol and Drug Policy and Testing Procedures.
5. Violation of this policy is cause for disciplinary action, up to and including discharge.

C. VIOLENCE FREE WORKPLACE POLICY

It is the policy of the Town of Hampden to promote a safe work environment for its employees. We are committed to working with employees to maintain a work environment free from violence, threats of violence, harassment, intimidation and other disruptive behavior. **The Town Office and Public Safety lobbies are under video surveillance, 24 hours a day, 365 days a year.**

The Town of Hampden does not tolerate violent, threatening, aggressive, abusive, intimidating, or other disruptive behavior on the part of employees, customers or anyone else involved in its business or facilities.

If an employee engages in violent, threatening, aggressive, abusive, intimidating, or other disruptive behavior, report it to your Supervisor. All reports of such incidents will be taken seriously and will be dealt with appropriately.

If a customer is behaving in a manner that you find intimidating, explain our policy regarding behavior, discontinue providing service and focus on de-escalating the situation.

1. If the customer cannot resume appropriate behavior and he/she is on the telephone, tell them that they may call back when they are calm and hang up.
2. If a customer cannot resume appropriate behavior and are in your physical presence, ask the customer to leave telling them they may return on another day when they are under control.
3. If the customer refuses to leave, disengage, leave the area and notify your Department Head or Supervisor who will then assume direction of the situation.

If, in your best judgment, an individual's behavior, whether a co-worker, customer, or other guest may endanger anyone or if the person refuses to leave the premises, call the police (or closest law enforcement official) and notify your Department Head or Supervisor.

Do not ignore violent, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on the premises, whether an employee or customer, report it to your Department Head or Supervisor. The Supervisor will notify the Town Manager who will log the incident, investigate as necessary and assure that appropriate action is taken.

If you have foreknowledge of a potentially abusive or violent circumstance that may present itself in our workplace (e.g., the arrival of an abusive partner or an irate customer) immediately inform your Department Head or Supervisor or the most senior staff person in the facility.

D. WHISTLEBLOWER PROTECTION

The Town of Hampden strives to conduct its business with integrity and in strict compliance with all applicable federal, state and local laws and regulations. Accordingly, employees are encouraged to bring to the attention of the employees' supervisors, or the Town Manager any actions of town officials or employees which the employee believes may be improper. The Town will not retaliate against any employee who makes a report in good faith to the employee's supervisor, the Town Manager, or a regulatory body.

SECTION 7

A. INFORMATION SYSTEMS POLICY AND PRACTICES

This policy applies to all information systems owned, leased or used by the Town of Hampden and used by employees to manage and communicate information, including, but not limited to, paper documents, spoken communication, telephones and cell phones, voice mail, fax machines, computer hardware and software, e-mail, cameras, recording devices, photocopiers, and any other information systems.

Employees are expected to utilize the Information Systems, including the Internet, and the equipment in a responsible, professional manner for programmatic and business activities of the Town of Hampden. As a benefit to employees, an employee may occasionally use the Town's computers for Internet access for other non-job-related use during breaks or times approved by your Department Head or Supervisor. Such personal use is governed by the same expectations that the systems and equipment be used in a responsible, professional manner in accordance with this policy and in such a manner that will not embarrass or otherwise effect the reputation of the Town of Hampden or limit our ability to accomplish our work. Any personal use shall not interfere with an employee's performance of their duties.

All information transferred to and from and/or stored on equipment and in files owned by the Town of Hampden is the property of said Town. The Town of Hampden reserves the right to examine all voice mail, e-mail, faxes, electronic documents, databases, personal file directories, and other information transferred through or stored on computers and telephones owned by the Town, as well as paper documents and records. By using equipment, you waive all expectations of privacy in respect to document files, software, e-mail, voice mail, fax communications and Internet access. All information systems must be used in accordance with all Town policies and practices.

If you have questions about the appropriateness of any activity, consult your Department Head or Supervisor. Irresponsible or inappropriate use of the Town's equipment and information may be subject to corrective action, up to and including dismissal.

1. Purchasing of software and equipment:

The Town of Hampden intends to have standardized equipment and software. All purchases shall be made through the IT Director using Town procurement policies under the guidance the Town Manager. Equipment and software are provided for the use of the employees when needed to conduct Town business. The installation or downloading of new software on the computers is the sole duty of the IT Director with the approval of the Town Manager. No installation of software shall be done without the approval of the IT Director or the Town Manager.

2. Personal computers:

Configuration of desktops will be managed by the IT Director to obtain maximum efficiency and uniformity from Town owned machines.

Computer equipment may not be altered or added to in any way without the knowledge and authorization of the IT Director.

If you find your environment uncomfortable or unsafe, report the condition to your Department Head or Supervisor for further evaluation and correction.

Password Requirements:

- a. All computer equipment will be password protected.
- b. Passwords must be at least 12 characters long and must contain a minimum of 3 out of the following 4 types of characters: numbers, lower-case letters, upper-case letters, and special characters.
- c. Passwords must be changed every 365 days.
- d. Users are not permitted to reuse any of their last ten passwords when selecting a new one.
- e. Accounts will be locked out after 3 consecutive failed log-on attempts. If you need your account reenabled during the lockout period, contact the IT Department.
- f. Every user is responsible for any actions performed using their network or account. Therefore, users may not store passwords in an unencrypted text file on their computer, or on paper that can be readily seen by others.
- g. Passwords must never be shared with anyone.
- h. Users must report all password compromises or attempted compromises to IT.
- i. Passwords must be changed if there is any suspicion of compromise.

3. Using e-mail and voice mail systems:

Activity, communications, and messages are subject to review at any time to ensure that the use of the system is consistent with the Town's legitimate interests.

Employees should attend to current e-mail messages in a timely way.

E-mail and voice mail messages should be deleted or archived as soon as possible to avoid degrading the performance of the system.

Voice mail greetings must be professional and courteous.

The content of e-mail and voice mail messages should be brief and courteous. Sensitive information should not be sent via electronic mail.

Distributing protected works without permission is a violation of copyright laws and is prohibited.

Be mindful of phishing attempts and think twice before opening attachments or links in an email. If you don't know the sender, delete the email.

4. Social media/Town website:

Any postings to be made on the Town's website or social media pages must have advance approval of the Town Manager or Department Head.

Under no circumstances will protected or confidential information be posted on social media sites.

Personal use of Facebook, Twitter, Linked In or other social networking sites must not interfere with working time. Personal use of social networking sites from Town equipment is prohibited.

Written messages on personal social media sites from your personal device may still be considered public right-to-know. Use common sense.

5. Fax machines:

If possible, fax machines should be avoided for transmission of information that is restricted or confidential. If the information is confidential or restricted, a cover letter must accompany it stipulating that the information is confidential or restricted.

Faxing of information should be limited to job related duties. It is not to be used for public faxes, except at the library as a provided service. You may make personal use of the fax machine, at cost, on an infrequent basis consistent with these policies.

6. Removable Media:

Staff may only use removable media in their work computers that has been provided or authorized by the IT Department.

Town provided removable media may not be connected to or used in computers that are not owned by the Town without the permission of the IT Director.

Protected or confidential information may only be stored on removable media when required in the performance of your assigned duties.

7. Mobile Devices/Laptops

The use of personal mobile devices may be used to access Town information only upon approval by the IT Department or Town Manager.

The theft or loss of a town issued mobile device or laptop must be reported to the IT Department immediately.

Town issued mobile devices and laptops must be physically secured at all times.

Laptops are subject to the same internal controls as workstations, including patch requirements, malware protection, firewall rules, screen saver timeouts, etc...

8. Remote Access:

Remote access to the Town network will be provided by the IT Director to users authorized by the Town Manager.

Any devices used for remote connectivity to the Town network will be provided by the Town unless authorized by the Town Manager and vetted by the IT Director for conformance to Town standards.

Termination of an authorized user's remote access is handled through the standard employee termination process upon employee termination or at the Town Manager's request.

The remote workstation will be kept physically secure and not be used by anyone other than a Town of Hampden employee.

Remote sessions will automatically disconnect after 10 minutes of inactivity.

9. Other Prohibited Acts:

Employees are prohibited from using Town equipment for:

- a. Engaging in any communication that is discriminatory, defamatory, pornographic, obscene, racist, sexist, or that evidences religious bias, or is otherwise of a derogatory nature toward any specific person.
- b. Browsing or downloading and/or forwarding and/or printing pornographic, profane, discriminatory, threatening, or otherwise offensive material from any source including, but not limited to, the Internet.
- c. Engaging in any communication that is in violation of Federal, State or Local laws.
- d. Promoting any religious belief or tenet.
- e. Campaigning for or against any candidate for political office or any ballot proposal or issue.
- f. Sending, forwarding, redistributing or replying to "chain letters".

- g. Unauthorized use of passwords to gain access to another user's information or the Town of Hampden's communications system or elsewhere.
- h. Advertising, solicitation, or other commercial, non-programmatic use.
- i. Knowingly introducing a computer virus, spyware, or malware into the Town's communication system or knowingly causing damage to the Town's systems.
- j. Using the Town's systems in a manner that interferes with normal business functions in any way.
- k. Excessive personal use of the Town's technologies that preempts any business activity or interferes with Town productivity.
- l. Sending e-mail messages under an assumed name or obscuring the origin of an e-mail message sent or received.
- m. Manually operating a cell phone in any manner while operating a Town vehicle is prohibited. It is permissible to use hands-free functions provided the employee is able to safely operate the vehicle without being distracted.

B. WEATHER CLOSURES

The Town of Hampden may, from time to time, decide to close the Town Office or other Town Departments or portions thereof due to inclement weather or other emergency. Employees affected by a closure, whether a full-day closure or early release, will be paid for their regularly scheduled hours. However, weather closures are not similar to holidays; if an employee is required to work during a Town department closure, the employee is not entitled to additional pay.

SECTION 8

A. DISCIPLINARY ACTION

In general, the Town of Hampden follows the concept of progressive discipline, which means that repeated instances of poor job performance or misconduct will be subject to progressively severe discipline, including suspension and discharge. Notwithstanding the general policy of progressive discipline, the Town may issue discipline at whatever level of discipline it deems appropriate to the circumstance. Serious job performance problems or misconduct such as, but not limited to, dishonesty, violence or theft, may result in more severe disciplinary sanctions, up to and including dismissal, even on the first occurrence. Discipline will only be issued upon a finding of cause, except that nothing in this Section shall limit the Town's right to suspend or discharge a probationary employee during the employee's probationary period with or without cause.

Examples of Conduct Warranting Disciplinary Action: The following examples illustrate types of conduct which may constitute grounds for disciplinary action, and are not exclusive:

1. Attendance
 - a. Improper or unauthorized use or abuse of sick leave.
 - b. Excessive absenteeism, regardless of reason, the effect of which disrupts or diminishes operational effectiveness.
 - c. Being absent without authorized leave or repeated unauthorized late arrival or early departure from work.
 - d. Abuse of break and lunch periods.
2. Behavior
 - a. Violation of the provisions of Town ordinances, including the Personnel Policy, department operating rules or procedures, or related directives.
 - b. Failure to carry out a direct order from a supervisor, except where the employee's safety may reasonably be jeopardized by the order, or the order is illegal or in conflict with any law.
 - c. Nondisclosure of a conflict of interest.
 - d. Conduct that discredits the employee or the Town, or willful misrepresentation of the Town.
 - e. Conviction of a crime, including convictions based on a plea of nolo contendere or of a misdemeanor involving dishonesty or moral turpitude, the nature of which reflects the possibility of serious consequences related to the continued assignment or employment of the employee.
 - f. Knowingly falsifying, removal, or destruction of information related to employment, payroll, or work-related records or reports.
 - g. Soliciting outside work for personal gain during business hours; participating in any off-duty employment that adversely affects the employee's performance of work for the Town.
 - h. Discourteous treatment of the public or other employees, including harassing, coercing, threatening, or intimidating others.
 - i. Conduct that interferes with the management of Town operations.
 - j. Violation or neglect of safety rules or contributing to hazardous conditions.

- k. Unauthorized use of Town property.
 - l. Physical altercations.
 - m. Any act or conduct that is discriminatory in nature toward another person's race, creed, color, national origin, sex (including sexual harassment), age, religious beliefs, or political affiliations.
 - n. Accepting gratuities intended to influence the employee's job performance.
 - o. Misuse of Town telephones, computers, or internet service.
 - p. Possession, display, or use of explosives, firearms, or other dangerous weapons while on duty or on Town property. (Except for police officers and other authorized employees in the performance of their duties.)
 - q. Possession of alcohol, narcotics, or drugs while on Town property (except in the official discharge of police duties). Alcohol may only be on Town property at sanctioned events as authorized by the Town Manager.
3. Performance
- a. Inefficiency, incompetence, or negligence in the performance of duties, including failure to perform assigned tasks or training, or failure to discharge duties in a prompt, competent, and reasonable manner.
 - b. Refusal or inability to improve job performance in accordance with written or verbal direction after a reasonable trial period.
 - c. Refusal to accept reasonable and proper assignments from an authorized supervisor.
 - d. Intoxication or incapacity on duty due to the use of alcohol or drugs.
 - e. Driving under the influence of alcohol or drugs while on duty; suspension of driver's license where job duties require driving.
 - f. Careless, negligent, or improper use of Town property, equipment or funds, including unauthorized removal, or use for private purpose, or use involving damage or unreasonable risk of damage to property.
 - g. Unauthorized release of confidential information or official records.
4. Other good cause

A Department Head may attempt to address an issue using informal counseling before the issue rises to the level of requiring formal action. Such informal counseling is not considered discipline.

The Town Manager shall have the authority to take necessary disciplinary action which may include such remedies as verbal warnings, written reprimands, suspension with or without pay, demotion, or dismissal. The Town Manager may delegate the authority to issue oral warnings, written reprimands, and suspension of up to two (2) days to the Department Heads.

Investigations

If a complaint is received alleging misconduct by an employee, the Town Manager or the Manager's designee shall conduct an investigation before issuing any discipline. The Manager will interview the complainant, the employee, and witnesses to obtain the facts before deciding whether to initiate a disciplinary proceeding.

The Town Manager may place an employee on paid administrative leave while investigating allegations against an employee. Such paid administrative leave is not considered discipline.

Due Process Hearing

Before making a final decision to suspend an employee without pay for more than two (2) days, demote, or dismiss an employee, the Town Manager shall hold an informal hearing. The employee shall be given written notice of the proposed disciplinary action and the reasons therefore in advance of the informal hearing. The employee will be afforded an opportunity to respond to the information and to present reasons why the employee believes the discipline is not justified or present any mitigating factors. The employee shall be permitted to have witnesses speak on the employee's behalf and to be assisted by a representative.

Appeal to Personnel Appeals Board

An employee who has been suspended without pay for more than two (2) days, demoted, or dismissed may file an appeal of the decision to the Personnel Appeals Board. A written appeal must be filed with the Town Clerk within seven (7) calendar days of the decision or the right to appeal is waived. The appeal shall set forth the basic facts, the nature of the violation, and the relief sought. The Personnel Appeals Board will conduct a hearing on the matter within fourteen (14) calendar days from the receipt of the appeal by the Town Clerk. Within seven (7) calendar days of the hearing, the Board shall render a written recommendation based on its findings to the Town Council and Town Manager pursuant to Section 301 of the Town Charter.

B. GRIEVANCE PROCEDURES

A grievance is a dispute between an employee and the employer concerning the interpretation or application of the terms of the Personnel Policy or Department Rules but excluding disciplinary matters involving a suspension without pay for more than two (2) days, demotion, or dismissal.

Procedure:

1. Any employee who deems himself or herself aggrieved with respect to an interpretation of applicable rules may, within five (5) calendar days of the occurrence or knowledge of the problem, file a grievance with the employee's immediate Supervisor. The Supervisor shall render a decision within five (5) calendar days of receipt of the grievance.
2. If the employee does not feel the matter has been adequately resolved, the employee may appeal the grievance denial to the Department Head. Such an appeal must be made in writing and be filed within five (5) calendar days from the date of the denial. The Department Head shall have five (5) calendar days in which to render a written decision.

NOTE: If the immediate Supervisor is the Department Head, the employee shall proceed, in the case of dissatisfaction, from step 1. to step 3.

3. If the employee is not satisfied with the decision of the Department Head, the employee may appeal the grievance denial to the Town Manager. Such an appeal must be made in writing and be filed within five (5) calendar days from the date of the denial. The Town Manager will meet with the employee to discuss the grievance. The Town Manager will render a written decision within seven (7) calendar days.
4. Should the employee be dissatisfied with the Town Manager's decision, the employee may appeal the grievance denial to the Personnel Appeals Board. Such an appeal must be made in writing and be filed within seven (7) calendar days from the denial. The Appeals Board will conduct a hearing into the matter within fourteen (14) calendar days from the receipt of the grievance. Within seven (7) calendar days from the conclusion of the hearing, the Board shall render a written recommendation based on its findings to the Town Council and Town Manager pursuant to Article III of the Town Charter. The Town Manager will consider the recommendation, but the Town Manager has the final decision-making authority whether to affirm, modify, or reverse the decision under appeal.
5. The time limits may be extended by written agreement. If an employee fails to file a grievance or grievance appeal in a timely manner (and the parties have not agreed to an extension of time), the decision becomes final, and no further appeal is permitted. If a decision on a grievance or grievance appeal is not issued in a timely manner (and the parties have not agreed to an extension of time), the

grievance or grievance appeal is deemed to have been denied and appeal may be taken to the next step.

EMPLOYEE ACKNOWLEDGMENT FORM

By signing this form, I acknowledge that I have received a copy of the Town of Hampden's Personnel Policy and understand its contents. Furthermore, I understand that the Personnel Policy describes important information about my employment with the Town and that it is my responsibility to read, understand, and comply with the policies contained in this Handbook and any revisions made to it. I understand that I should consult the Human Resource Officer regarding any questions I have about the Handbook or other employment questions not addressed by the Handbook.

I certify that I have entered into my employment relationship with the Town of Hampden voluntarily and acknowledge there is no specified length of employment, unless otherwise provided in a notice of appointment or employment contract signed by the Town Manager. I acknowledge that this Policy is not a contract of employment, and the Town of Hampden may change it at any time.

Date

Signature
Printed Name: