



**SELECT BOARD MEETING
MONDAY, FEBRUARY 22, 2021
BUDGET COMMITTEE 5:30 P.M.
REGULAR MEETING: 6:00 P.M.**

ZOOM ONLY

(If you wish to attend via Zoom, please email the Town Manager at kgeorge@thomastonmaine.gov or visit the calendar on the Town website at www.thomastonmaine.gov for the meeting link.

BUDGET COMMITTEE MEETING 5:30 P.M.

Discuss the recommendation to place Penobscot Energy Recovery Company (PERC) funds into a Solid Waste Reserve account.

SELECT BOARD REGULAR MEETING AT 6 P.M.

- 1. CALL THE MEETING TO ORDER**
- 2. PUBLIC HEARINGS:**

To hear comment on Article 2 of the Special Town Meeting Warrant to establish a Solid Waste Facility Reserve with funds received from Penobscot Energy Recovery Company (PERC) of \$363,440.93 with the ratification of expenditures of (\$48,578.00) for a total of \$314,862.93 plus interest to fund the new Solid Waste Facility Reserve.

- 3. APPROVE THE MINUTES OF: February 8, 2021**
- 4. APPROVE THE WARRANTS**
- 5. ADJUSTMENTS TO THE AGENDA**
- 6. TOWN MANAGER'S REPORT**
- 7. TOWN BOARDS & COMMITTEES UPDATE**
- 8. PUBLIC COMMENTS**
- 9. OLD BUSINESS**

- A. Update on the Project Canopy Assistance Grant by Sandy Moore. (Tabled 2/8/21)
- B. Consider accepting the highest bid of \$20,210 as submitted by Dan Ford on the foreclosed property located on 59 Water Street. (Tabled 2/8/21)
- C. Update on the Thomaston Green Task Force by Zel Bowman-Laberge

10. NEW BUSINESS

- A. Call for a Special Town Meeting on Wednesday, March 3, 2021 at 6 p.m. and review for approval the Special Town Meeting Warrant.
- B. Update on the Thomaston Historical Society happenings per Susan Devlin.
- C. Review the request of the Library Board of Trustees to increase distribution rates from 4% (operating expenses) and 3.5% (book fund) to 4.5% on both funds.
- D. Review for approval the new Personnel Policy.
- E. Confirm the Town Manager’s appointment of Ian Anderson to Reserve Officer.

11. ADJOURN

Upcoming Dates:

- | | |
|---|--|
| Tuesday, February 23 at 5:30 p.m. | City of Rockland Zoom Meeting with Summit Natural Gas |
| Wednesday, March 3 at 6 p.m. | Special Town Meeting |
| Thursday, March 4 at 6 p.m. | Budget Committee Meeting |
| Monday, March 8th at 6 p.m. | Select Board Meeting |

**SPECIAL TOWN MEETING WARRANT
WEDNESDAY, MARCH 3, 2021**

TO: Timothy Hoppe, a Constable of the Town of Thomaston in the County of Knox and State of Maine

GREETINGS: In the name of the State of Maine, you are hereby required to notify and warn the voters of the Town of Thomaston, in the County of Knox and State of Maine, qualified to vote by law in Town affairs, to meet at the **THOMASTON MUNICIPAL BUILDING** at 13 Valley Street in said Town on **WEDNESDAY, MARCH 3, 2021 AT 6:00 P.M.** prevailing time, then and there to act upon **ARTICLES 1 & 2 OF THE SPECIAL TOWN MEETING WARRANT.**

ARTICLE 1: To choose a moderator to preside at said meeting.

ARTICLE 2: To see if the Town will vote to establish a Solid Waste Facility Reserve with funds received from Penobscot Energy Recovery Company (PERC) of \$363,440.93 with the ratification of expenditures of (\$48,578.00) for a total of \$314,862.93 plus interest to fund the new Solid Waste Facility Reserve.

Explanation:

\$363,440.93 Initial payment received from PERC

(\$48,578.00) For Thomaston's share towards the purchase of two (2) trash compactors at the Owls Head, South Thomaston, Thomaston Cooperative Transfer Station.

\$314,862.93 + Interest to fund the new Solid Waste Facility Reserve

BUDGET COMMITTEE & SELECT BOARD RECOMMENDS

Given under our hands this _____ day of _____ in the year of Our Lord Two Thousand Twenty-One by the vote of the Thomaston Select Board.

THOMASTON SELECT BOARD:

Peter Lammert, Chairman

Bill Hahn, Vice Chairman

Zel Bowman-Laberge

Diane Giese

Sandy Moore

**Town of Thomaston
Board of Selectpersons
Minutes
February 8, 2021**

Executive Sessions:

ACTION: Sandy Moore made a motion, seconded by Zel Bowman-Laberge to enter executive session at 5:03 p.m. pursuant to MRS Title 1, Section 405 (6C), to review the poverty abatement request #20-2. VOTE: 5-0

ACTION: Sandy Moore made a motion, seconded by Diane Giese to exit executive session at 5:08 p.m. VOTE: 5-0

ACTION: Diane Giese made a motion, seconded by Zel Bowman-Laberge to approve the abatement of \$2,945.01 for poverty abatement request #20-2. VOTE: 5-0.

ACTION: Sandy Moore made a motion, seconded by Bill Hahn to enter executive session at 5:14 p.m. pursuant to MRS Title 1, Section 405 (6E), for consultation between a body or agency and its attorney. VOTE: 5-0

ACTION: Sandy Moore made a motion, seconded by Bill Hahn to exit executive session at 5:51 p.m. VOTE: 5-0

ACTION: Zel Bowman-Laberge made a motion, seconded by Sandy Moore to set a future special town meeting date for voters to authorize moving Penobscot Energy Recovery Company (PERC) funds into a Solid Waste Facility Reserve. VOTE: 5-0

Regular Meeting:

Board Present: Chair Pete Lammert, Vice-Chair Bill Hahn, Sandy Moore, Diane Giese, Zel Bowman-LaBerge, Town Manager Kara George, Recording Secretary Donna Culbertson.

Chair Peter Lammert called the meeting to order at 6 p.m. via Zoom.

ACTION: Motion to use the Breen amendment made by Bill Hahn, seconded by Sandy Moore to take the agenda out of order. VOTE: 5-0 to accept.

OLD BUSINESS

9A. Owls Head South Thomaston Thomaston (OHSTT) Solid Waste Board.

Zel Bowman-LaBerge (Board member of OHSTT) informed the Select Board as to the latest developments of the new Transfer Station expansion project. When PERC was dissolved, the money that each town had paid in over the years was given back to the towns. The Select Board voted to place the funds into a reserve account with the intent

to use the funds towards the future renovation project. However, the Town Attorney advises that the Town needs to hold a Special Town Meeting to move the PERC funds into a reserve account. The project will be environmentally better for the land. Zel will provide the Board with more information as the project moves forward.

9B. Update Project Canopy Assistance Grant.

Sandy Moore and Pete Lammert met to discuss location of new trees in Town. The Project Canopy Assistance Grant requires a 50% match. The Public Works Department can assist in planting the trees, as matching funds can be met with labor. Sandy will provide a full update in 2 weeks.

NEW BUSINESS

10A. Deem property at 362 Pleasant Street as a dangerous building.

Code Enforcement Officer Bill Wasson described the current condition of the property located at 362 Pleasant Street. The property is owned by Bill Perry. The building does not have heat, water, or electricity. The building has already been condemned. Adult Protective Services has been contacted. Park Manager Beth Anthony stated that the trailer is falling apart. The trailer cannot be removed without falling apart due to its condition.

ACTION: Motion made by Diane Giese to hold a Public Hearing on April 12th to discuss deeming the building dangerous. Seconded by Zel Bowman-LaBerge. VOTE: 5-0.

10B. Open bids for two foreclosed properties per voter requirements.

Town Attorney Paul Gibbons recommended that the Select Board does not open bids for 31 Booker Street at this time because the property owner plans to redeem it. If the property owner does not redeem the property, then the bids will be opened next Wednesday.

ACTION: Motion made by Diane Giese, seconded by Sandy Moore to have Town Manager Kara George sign the Quit Claim Deed for 31 Booker Street. VOTE: 5-0.

The property located at 59 Water Street is assessed at \$96,729. Alvin Chase of Warren bid \$15,000 and Dan Ford of Hope bid \$20,210.

Daryl Hahn mentioned to the Board that she would like to contact Habitat for Humanity to partner with the Town on rehabbing the house. This action would have to go to a Town vote. It was also suggested that the Fire Chief could deem it a fire hazard. Police Chief Tim Hoppe mentioned that wellness checks have been made on the occupants in the dwelling.

ACTION: Motion made by Sandy Moore, seconded by Diane Giese to accept the highest bid. (No vote.)

Attorney Paul Gibbons suggested the Board reject all bids until some type of agreement could be made with the owners. To date, the property owners are not responding to any calls or visits. The house is being run off the CMP meter by a generator because electricity has been shut off.

ACTION: Motion made by Bill Hahn to table accepting a bid until the next Select Board meeting for further discussion. Seconded by Sandy Moore. VOTE: 5-0

10C. Watts Block recommendations from the Municipal Facilities (MFC) Reserve

The MFC Committee Chair, Susan Devlin, presented the recommendations for the future of the Watts Block building. The MFC recommends that the Town of Thomaston retain the Watts Block building with a 5-year plan to reassess after that time. A 501C3 was recommended to manage the 2nd floor area. If at any time after the first 5 years (starting March 1, 2021) it is determined that the building has failed to become financially self-sustaining or does not make continual progress of increased utilization within the first 10 years, the Select Board should take the measures necessary to sell the Watts Block property,

ACTION: Motion made by Sandy Moore, seconded by Diane Giese to accept the recommendation of the MFC for the future of the Watts Block building. VOTE: 5-0.

10G. Authorize expenditure of \$5,915 from the Computer Reserve

Assessors' Agent Dave Martucci explained the expenditure is for the importing of tax data into the new TRIO software that will enable online tax payments and web services.

ACTION: Motion made by Zel Bowman-LaBerge to expend \$5,915 from the Computer Reserve. Seconded by Diane Giese. VOTE: 5-0

10D. Discuss the Thomaston Green Task Force Directive.

Zel Bowman-LaBerge has been reviewing the timeline of the Thomaston Green and the history of the site. There are currently 31 documents representing the history. A section of the Town website would be for the Green documents. Once a group is formed, they will set up goals and meetings to meet the directive requirements. The cost of the annual upkeep. The Town Office has received several applications to become a member of the Task Force. The Select Board will appoint the members.

ACTION: Motion made by Bill Hahn to accept the Thomaston Green Task Force Directive plan. Seconded by Sandy Moore. VOTE: 5-0.

10E. Set Annual Town Meeting date

The Annual Town Meeting will be by paper ballot again. The ballot needs to be at the printer by April for absentee voting in May.

ACTION: Motion made by Diane Giese, seconded by Zel Bowman-Laberge to use paper ballots at the Annual Town Meeting and to hold a Public Hearing prior to.

VOTE: 5-0.

10F. Approve the 2021 contract renewal for the Septic Waste Disposal Facility Agreement with Interstate Septic Systems, Inc.

ACTION: Motion made by Bill Hahn to renew the Septic Waste Disposal Facility Agreement with Interstate Septic Systems for \$2,300, seconded by Diane Giese. VOTE: 5-0.

10H. Resignations.

ACTION: Motion made by Bill Hahn, seconded by Sandy Moore to accept with regret the resignations of Shirley Hamlin from the Municipal Facilities Committee and Andrew Josephs from the Personnel Committee, Comprehensive Plan Committee, and the Economic Development Committee. VOTE: 5-0.

10I. Diane Giese appointment.

ACTION: Motion made by Bill Hahn, seconded by Zel Bowman-LaBerge to confirm the appointment of Diane Giese to the Library Board of Trustees. VOTE: 4-0-1 (Diane Giese abstained).

10J. J.T. O'Hare appointment to Ambulance Captain.

ACTION: Motion made by Zel Bowman-LaBerge to confirm the appointment of J.T. O'Hare as Ambulance Captain, seconded by Diane Giese. VOTE: 5-0.

3. Approve the minutes: (as amended) 8/24, 10/19, 10/26, 12/14, 1/19/21.

ACTION: Motion made by Bill Hahn, seconded by Sandy Moore to approve the minutes of 8/24/20, 10/19/20, 10/26/20, 12/14/20, and 1/19/21 as amended. VOTE: 5-0.

4. Approve the Warrants

ACTION: Motion made by Bill Hahn, seconded by Sandy Moore to approve the warrants. VOTE: 5-0

Town Managers Report (See Attached)

AGENDA ADJUSTMENT

Confirm the appointment of DJ Jones as Police Sergeant.

ACTION: Motion to confirm the appointment of DJ Jones as Police Sergeant. Seconded by Zel Bowman-LaBerge. VOTE: 5-0.

Meeting adjourned at 8 p.m.

Chair Peter Lammert

Recording Secretary Donna Culbertson

Dan Ford
318 Hatchet Mountain Road
Hope, ME, 04847
323-2755

1/29/21

I, Dan Ford, submit a bid of \$20,210 for house and property located at #59 Water Street that the Town of Thomaston has out to bid.

If my bid is accepted, a bank check in the full amount will be paid immediately to the Town of Thomaston.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dan Ford', with a stylized flourish at the end.

Dan Ford



70 Park St. Rockland, ME 04841

Tel: 207-594-5250
Fax: 207-594-7461

Bid for 59 Water St.
Thomaston -

\$ 15,000

Alvin Chase Jr.
729 Middle Rd
Warren.

207-596-9128

Kara George

From: Janet Bosworth <jbosworth10@gmail.com>
Sent: Friday, February 12, 2021 1:44 PM
To: Kara George; Bill Hahn; Diane Giese; PETER LAMMERT; Sandy Moore; Zel Bowman-Laberge
Cc: Caroline Ward-Nesbit; Janet Bosworth
Subject: Update on Endowment Distributions

Hi, all,

The Board of the Thomaston Public Library wants to notify the Select Board of an anticipated change in endowment distribution rates from 4% (operating expenses) and 3.5% (book fund) to 4.5% on both. Our decision is based upon a spike in expenses as well as a strong market. According to the recommendations from the Trust Fund Committee made **years ago**, the Library Board needs to notify the Select Board of any changes.

As we go into this budget season, we are anxious to have the maximum flexibility to do the best by the library and the community while at the same time recognizing the need to protect our investments.

Regards,

Janet Bosworth
President, Thomaston Public Library



TOWN OF THOMASTON
TOWN MANAGER
13 VALLEY STREET
THOMASTON, MAINE 04861-0299
TEL: (207) 354-6107

To: Select Board
From: Kara George, Town Manager
Date: February 12, 2021

Re: Review of Draft Personnel Policy

Attached please find a copy of the old and the new draft personnel policy for your review.

I have drafted this new Personnel Policy over the last several months and have reviewed the policy with all Department Heads for their feedback. The old Personnel Policy was last reviewed in 2009. Since 2009, there have been changes that must be incorporated into our policy to be compliant with state laws and to be on par with other municipalities.

Below I have outlined some of the more significant changes and proposals for your consideration:

- 1) "Return to Work Policy" as needed to be a part of the Workers' Compensation Safety Incentive Program through MMA.
- 2) An updated Smoking, Alcohol & Drug Policy that prohibits the use of all tobacco products including smokeless products like e-cigarettes and vape pens.
- 3) A "Social Media" Policy that addresses employee off-duty conduct and how behaviors reflect on the reputation of the Town.
- 4) Amendments to sick time payouts upon separation of employment
- 5) New "Earned Paid Leave" Laws
- 6) Health Insurance Opt-out for non-enrollment.

Sick Time Payouts Upon Separation

I am proposing amendments to the Town's current sick time payouts benefit. Currently, the Personnel Policy states that "Upon retirement, employees shall be compensated for up to thirty (30) days of accumulated sick pay at the daily rate of the time of retirement. Accumulated sick pay is forfeited when an employee separates from employment with the Town."

The Teamsters Union contract states that "upon retirement which shall be considered at age 62 with ten years of continuous service or 25 years with no age limit, employees shall be compensated for up to forty-five (45) days of accumulated time at the daily rate at the time of retirement (for this purpose compensation for each day shall be one-fifth (1/5) of the average weekly base pay at the time of retirement.)

The policy and the collective bargaining agreement are inconsistent. In reviewing other municipal personnel policies, I am recommending new language that I feel is reasonable and equitable for the employees (see page 25 of the policy):

THE TOWN OF THOMASTON IS AN EQUAL OPPORTUNITY PROVIDER

At the time of separation from employment by the employee, accumulated sick leave, up to the maximum allowed sick hours of 45 days (360 hours), shall be paid the employee in good standing as follows:

Start of employment through the fifth year	No Payment
Beginning with the sixth year through fifteen years of service	25%
Beginning with the sixteenth year of service or over	50%

Health Insurance Opt-Out for Non-Enrollment

I am also recommending an opt-out for non-enrollment of Town health insurance. Enclosed you will find a comparison of what other municipalities pay employees that opt out of insurance. There is also a spreadsheet showing potential savings to the Town if an employee is to opt-out of our insurance. This could be significant savings to the Town and offer an incentive to employees to take their spouses or partners insurance, reducing the cost of the Town's share of insurance coverage (see page 27-28 of the policy.)

The Town of Thomaston offers an annual opt-out amount to full-time eligible employees who opt not to participate in the Town's insurance plan for themselves and/or eligible dependents. The annual amount shall be paid through payroll on the last pay period of the year in which the employee qualifies and is subject to all applicable state and federal taxes as well as retirement contributions. Employees must provide satisfactory proof of health insurance coverage elsewhere during the open enrollment period each year in order to receive the opt-out benefit. The opt-out benefit, depending on the level of coverage waived, are as follows:

Single Coverage	\$500.00
Employee & Child	\$1,000.00
Employee & Spouse	\$1,000.00
Employee & Family	\$1,500.00

Other stipulations regarding the opt-out amounts are as follows:

- 1) If a married couple works for the Town, both qualify separately for the Town's health insurance, and one spouse enrolls the family, the other spouse is not eligible for the opt-out amount.
- 2) If an employee drops coverage for dependents that are no longer eligible for coverage due to age, the employee is not eligible for the opt-out amount.
- 3) There are no pro-rated opt-out amounts for partial years.

I have spent a significant amount of time reviewing many other municipal personnel policies to ensure that we have a fair, reasonable, and up-to-date policy. In the past year as your Town Manager, I have discovered many inconsistencies and holes in our personnel policy and our collective bargaining agreement when I was confronted with personnel issues that were not addressed in the policy/agreement. This new policy will give me the tools to be a more effective manager in dealing with personnel issues that arise.

Respectfully,



Kara George
Town Manager

Proposed Estimated Savings to the Town

Type	Monthly Town Costs- POS C PLAN	Yearly Town Costs-POS C PLAN	Proposed Annual Payout Amount	Yearly Town Savings
Single	\$ 1,118.55	\$ 13,422.60	\$ 500.00	\$ 12,922.60
Double	\$ 1,662.63	\$ 19,951.56	\$ 1,000.00	\$ 18,951.56
Family	\$ 2,189.25	\$ 26,271.00	\$ 1,500.00	\$ 24,771.00

Payment in Lieu of Health Insurance

Municipality	Payout Amount	Type of Insurance	How Paid Out
Waterboro	\$ 600.00	Employee Only	Monthly
Waldoboro	\$ 1,000.00	Employee Only	Annual
	\$ 2,000.00	Dependent Only	Annual
	\$ 3,000.00	Employee & Dependents	Annual
Skowhegan	\$ 1,500.00	Employee Only	Annual
Sanford	30 % of POS 200 Plan/Up to \$6,000	Employee & Family	Annual
Rockland	\$ 1,000.00	Employee Only	Annual
	\$ 1,800.00	Employee & Child	Annual
	\$ 2,200.00	Employee & Family	Annual
Lewiston	4 months premiums of PPO 500	Employee & Family	Annual
Biddeford	\$ 1,500.00	Employee	Annual
Raymond	\$ 3,454.00	Family	Annual
	\$ 2,413.00	Couple	Annual
Dexter	1/2 month premium	Employee	Monthly
Lisbon	\$ 3,000.00	Employee	Annual
Berwick	\$ 1,500.00	Employee	Annual
Cape Elizabeth	\$ 120.00	Employee	Bi-weekly
	\$ 250.00	Employee & Family	Bi-weekly
South Portland	\$ 3,766.20	Single	Annual
	\$ 5,515.57	Employee & Dependents	Annual
	\$ 7,209.14	Employee & Family	Annual
Pownal	25% of Annual Benefit Cost	Employee	Annual
Knox County	\$ 500.00	Employee	Annual
	\$ 1,000.00	Employee & Spouse	Annual
	\$ 1,500.00	Employee & Child	Annual
	\$ 2,000.00	Employee & Family	Annual
Poland	\$ 2,400.00	Employee & Family	Annual

York	50% of Employer Premium	Employee & Family	Semi-Annually
Bar Harbor	\$ 2,974.00	Employee Only	Bi-weekly
	\$ 6,670.00	Employee & Spouse	Bi-weekly
	\$ 4,852.00	Single Parent w/children	Bi-weekly
South Berwick	\$ 500.00	Employee & Family	Monthly
Monmouth	3 months premiums	Employee & Family	Annual
Hancock	\$ 8,580.00	Single or Family	Annual
Fairfield	\$ 250.00	Employee/Family	Monthly
Jay	50% of Town savings in insurance	Employee/Family	Unknown
Eliot	\$ 250.00	Employee	Monthly
Minot	\$ 6,000.00	Employee	Every Payroll
Topsham	80% Payment of Insurance Costs	Employee	Unknown



DRAFT

Town of Thomaston
Municipal Employees Handbook
Personnel Policies and Procedures

<i>Revised</i>	9/17/88
<i>Revised</i>	9/29/88
<i>Accepted</i>	11/14/88
<i>Revised</i>	7/19/90
<i>Revised</i>	7/13/92
<i>Revised</i>	10/07/02
<i>Revised</i>	02/17/04
<i>Accepted</i>	02/23/04
<i>Revised</i>	07/21/08
<i>Accepted</i>	04/27/09
<u><i>Accepted</i></u>	<u> </u>

Town of Thomaston
Municipal Employees Handbook
Personnel Policies and Procedures

Table of Contents

Chapter 1:	Introduction	
	Purpose.....	4
	Town Government Organization.....	4
Chapter 2:	General Employment Policies & Practices	
	Equal Opportunity Employer.....	6
	Americans with Disability Act.....	6
	Harassment & Retaliation Policy.....	6
	Whistleblowers' Protection Act Policy.....	8
	Workplace Safety.....	9
	Anti-Nepotism.....	10
	Alcohol, Smoking & Substances Policy.....	10
	Municipal Vehicle Use.....	11
	Dress Code.....	12
	Outside Employment.....	12
	Off-Duty Conduct.....	12
	Confidential Information.....	12
	Personnel Files.....	13
	Cell Phone Policy.....	13
	Social Media Policy.....	13
	Email, Internet, and Software Policy.....	14
	Disciplinary Procedures & Grievances.....	15
	Employment.....	18
	Performance Evaluations.....	18
	Promotions.....	18
	Demotions.....	19
	Terminating Employment.....	19
Chapter 3:	Wage and Hour Policies & Practices	
	Employment Classifications.....	20
	Work Schedules.....	21
	Timesheets.....	21
	Overtime/Comp Time.....	21
	Attendance.....	22
	Storm Day Policy.....	22
	Paydays & Direct Deposit.....	23
	Travel Reimbursement.....	23
	Lunch/Rest Periods.....	23

Table of Contents

Chapter 4:	Benefits	
	Holidays.....	24
	Vacation.....	24
	Sick Leave.....	24
	Earned Paid Leave.....	26
	Employee Assistance Program.....	27
	Health Insurance.....	27
	Health Benefits Continuation Privileges.....	28
	Retirement.....	28
	Leaves of Absence.....	28
	Employee Acknowledgement & Agreement.....	34

Chapter 1: Introduction

Purpose

The general purpose of this policy is to establish a system of personnel administration that meets the social, economic, and program needs of the Town of Thomaston. The purpose of this handbook is to provide each employee with a written summary of work benefits, privileges and responsibilities to ensure that fair and consistent practices will be followed for all personnel. The policy and procedures apply to all employees, unless inconsistent with a collective bargaining agreement. These policies and procedures are not intended and do not constitute a binding employment contract with any individual or group of employees.

The goals of personnel management in the Town of Thomaston:

1. Promote effectiveness, economy, and productivity in delivering services to the citizens of Thomaston;
2. Encourage a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills; and
3. Provide reasonable assurances that all rights and benefits of employees and applicants for employment are protected and respected.

The Town may change, amend, repeal or modify any of these policies or procedures at any time for any reason.

Each employee shall be furnished with a copy of the Handbook. Each employee shall be required to read the Handbook, and acknowledge their receipt and agreement to comply with the policies set forth in the Handbook. When any of the policies set forth in the Handbook are updated, they supersede the prior policies in this document and employees will be provided with copies of the update. It shall be the responsibility of all employees to acquaint themselves thoroughly with this material and any subsequent revisions.

Town Government Organization (Town Meeting - Select Board - Manager)

(Local Government in Maine-MMA publication)

The Town Manager Plan clearly defines the duties, responsibilities, and powers of the manager. As administrator of local government, the manager appoints some municipal employees directly and some with the approval of the Select Board. The law gives the manager authority over much of the town's operations. The manager prepares the budget for the Select Board to submit to town meeting, and the manager administers the budget, with the oversight of the Select Board, following town meeting approval. The manager reports to the Select Board and may be removed by the Board according to provisions of the state law and any contractual agreement. The manager administers all municipal operations, but not the public schools, which are separately controlled by a school board and superintendent.

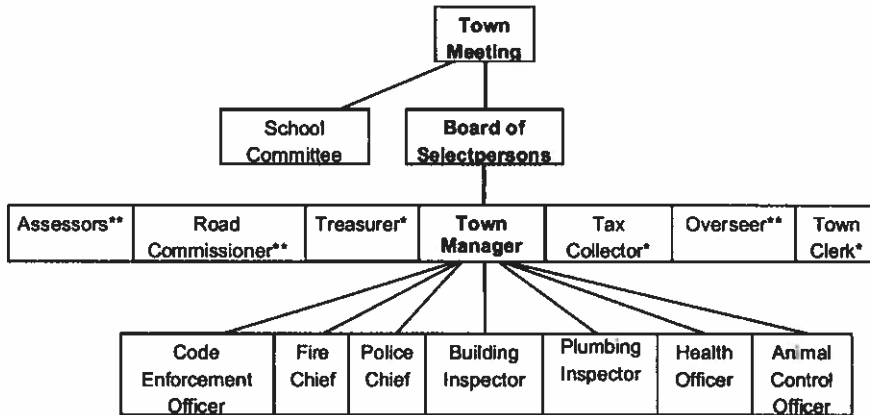
In the Town Meeting-Select Board-Manager form of government, the legislative and executive functions of government remain fully separated. The town meeting continues as the legislative body, determining what laws should govern the town and where the money is to be spent. The Select Board is the executive body, but it now has a single chief administrator, the manager, to supervise daily operations. There are many variations of this form of government within Maine communities. Towns have considerable flexibility in determining which offices will be under the town manager, which departments the manager will head, which departments have a separate person in charge reporting to the manager, and which offices will be elected at town meeting.

The town manager's powers and duties are derived from 30-A M.R.S. § 2636 which, in brief, provides that the town manager:

1. Is the chief executive and administrative officer;

2. Administers all departments and offices;
3. Executes laws and ordinances;
4. Is the department head when so directed by the Select Board;
5. Appoints department heads subject to confirmation by the Select Board;
6. Appoints, supervises, and controls town officials and employees (with some exceptions)
7. Is purchasing agent;
8. Must attend meetings of the Select Board;
9. Shall make recommendations to the Select Board for the more efficient operation of the town;
10. Shall attend town meetings and hearings;
11. Shall inform the Select Board and town residents of the town's financial condition;
12. Shall collect data necessary to prepare the budget;
13. Shall assist residents; and
14. May remove all persons whom the manager is authorized to appoint.

TOWN MEETING-SELECTMEN-MANAGER FORM OF GOVERNMENT CHART



- * The tax collector, treasurer, and town clerk may also be appointed by the select board, if authorized by the voters.
- ** Selectpersons may also serve in this function; for road commissioner, service must be as a board

(Municipal Officers Manual–MMA)

Chapter 2: General Employment Policies & Practices

Equal Employment Opportunity Policy

The Town of Thomaston 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 Thomaston will not discriminate in hiring, promotion, compensation, discharge or any other term or condition of employment due to race, color, ethnicity, national origin, ancestry, religious belief, political affiliation or belief, age, gender, sexual orientation, marital status, veteran status, physical or mental disability, or any other classification protected by law.
2. Employees who believe they have been subject to unlawful discrimination of any kind should bring the matter to the attention of the Town Manager. Any complaints will be investigated promptly and corrective action taken as deemed appropriate, while restricting information to those who have a need to know. Further, the Town Manager will ensure that there is no coercion, harassment, retaliation, or intimidation directed toward any employee who has registered a complaint of unlawful discrimination or who has been involved in the investigation or hearing of a complaint.
3. Any violation of this stated policy, or the practice of discrimination by any person employed by the Town of Thomaston, may be considered grounds for disciplinary action, up to and including dismissal.

American with Disabilities Act (ADA) Policy

The Town of Thomaston will not discriminate against any qualified applicant or employee with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the individual can perform the essential functions of the job, with or without reasonable accommodation.

Consistent with nondiscrimination, the Town will provide reasonable accommodation to a qualified individual with a disability, as defined by ADA and state law, who has made us aware of his or her disability and need accommodation in accordance with the law.

Harassment & Retaliation Policy

The Town will not tolerate harassment, bullying, or workplace violence based on sex (with or without sexual conduct), sexual orientation, race, color, religion, national origin, age or disability, for speaking out against discrimination, or for participating in the complaint investigation process. This policy applies to supervisors, co-workers, vendors, and other non-employees. The Town fully supports this policy and its management is committed to the prevention of any form of harassment or retaliation.

Sexual Harassment

Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. The following constitute sexual harassment when:

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

The following type of conduct is considered sexual harassment and is not permitted. This list is illustrative and not intended to be comprehensive:

A. Physical assaults of a sexual nature such as:

1. Rape, sexual battery, molestation, or attempts to commit these assaults; and
2. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.

B. Unwanted sexual advances, propositions or other sexual comments, such as:

1. Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome;
2. Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
3. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of that employee's job more difficult because of that employee's sex.

C. Sexual or discriminatory displays or publications anywhere in the workplace by employees, such as:

1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic or bringing into the work environment or possessing any such material to read, display, or view at work. A picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the Town and who is posed for the obvious purpose of displaying or drawing attention to private portions of his/her body.
2. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic; and
3. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace.

In addition, unwelcome sexual advances need not occur at work in order to be considered harassment. The activity is not permitted regardless of where it occurs, if the harassing activity creates a hostile or offensive work environment.

Non-Sexual Harassment

Non-sexual harassment is defined as unwelcome conduct or behavior based on race, color, gender, sexual orientation, disability, age, ancestry, national origin, marital status, religion, veteran's status, genetic pre-disposition or whistleblower status when:

1. Enduring the conduct becomes a condition of continued employment.
2. Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual; or
3. The conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples include, but are not limited to:

1. Physical abuse, such as shoving, punching, tripping, stalking, groping;
2. Damage to personal possessions

3. Verbal harassment/abuse, such as threats, innuendoes, foul language;
4. Racist comments or derogatory stereotypes;
5. Offensive jokes;
6. Inappropriate comments, slurs, ridicule or jokes about an employee's accent, disability, age, religion, gender, sexual orientation;
7. Inappropriate or offensive nicknames.

Complaint Process

Any individual who believes he or she has been the subject of any form of harassment should immediately report the incident or act to your supervisor or the Town Manager. Reports can be verbal or written. You are not required to report to anyone harassing or retaliating against you. The Town will promptly investigate any and all complaints. If warranted, the municipality may take appropriate disciplinary action against any employee or official found to have engaged in sexual harassment or non-sexual harassment, which may include disciplinary action and/or measures to prevent a reoccurrence. Confidentiality will be preserved to the fullest extent possible consistent with Maine law and our need to respect the rights of all employees involved.

Any employee or official that believes that he/she has been the subject of illegal discrimination, sexual harassment or non-sexual harassment also has the right to file a complaint with the Maine Human Rights Commission (MHRC). The MHRC is the state agency responsible for enforcing state employment discrimination laws.

There is no requirement that an employee utilize the municipality's internal complaint process first, nor is it required that any internal process be exhausted before a MHRC complaint is initiated. For more information on how to file a charge with the MHRC, contact the MHRC at 51 State House Station, Augusta, Maine 04333, by telephone at (207) 624-6290 or visit www.maine.gov/mhrc/.

Whistleblowers' Protection Act Policy

No employee will be retaliated against for speaking out against or opposing illegal discrimination or harassment, or making a charge of illegal discrimination or harassment or otherwise participating in a related investigation or proceeding.

More generally, the Town will not retaliate against any employee who reports illegal or unsafe activities in the workplace and will protect employees from retaliation for making any such report in good faith.

It is illegal for the Town to fire an employee, threaten an employee, retaliate against an employee or treat an employee differently because the employee:

1. Reported a violation of the law;
2. Reported something that risks someone's health or safety;
3. Refused to do something that will endanger his/her life or someone else's life and the employee has asked the employer to correct it; or
4. Has been involved in an investigation or hearing held by the government.

You are protected by this law ONLY if:

1. You tell the Town of Thomaston about the problem and allow a reasonable time for it to be corrected; or
2. You have good reason to believe that the Town of Thomaston will not correct the problem.

To report a violation, unsafe condition or practice or an illegal act at the Town, employees should contact the Town Manager.

Workplace Safety

Safety Mission Statement

The Town of Thomaston recognizes its employees as one of its most important assets. As such, management has set a goal of providing a safe and healthful workplace for all employees. The Town's safety program recognizes that the safe work behavior of each employee is a key to meeting this goal. Our ultimate goal is to achieve an accident-free work environment for our employees.

To accomplish this the Town will provide safety training to all employees based on the particular potential hazards of their job duties. The Town also will provide the necessary personal protective equipment to help reduce exposure to potential hazards and will allocate resources as needed to correct hazardous conditions that are brought to our attention.

It is the responsibility of each employee to follow all safe work rules and procedures. If an employee is unsure of how to do a particular task safely, they should not proceed until they have received instruction from their supervisor. Each employee is also obligated to report all unsafe working conditions to their supervisor or manager. It is the responsibility of each supervisor to monitor and assist employees in the safe performance of their duties. Safe work behaviors and attitude are an expected part of each employee's job performance.

Reporting an Illness or Injury on the Job

Employees must advise their Department Heads of all accidents, injuries, or illnesses that occur while at work; the Department Head will notify both the Town Manager and Finance Director at the Town Office. All accidents, injuries or illnesses that occur while at work must be reported immediately no matter how slight they may appear. Vehicular accidents must also be reported to a law enforcement agency in the location of the accident.

The Town will provide the proper forms for reporting job-related accidents, injuries, and illnesses. Any employee failing to report such occurrences will be subject to disciplinary action.

In the event of a vehicular accident involving a Town-owned vehicle or while on Town business, the employee must report all information immediately to the Department Head, the Finance Director, and the Town Manager. In no instance should responsibility for an accident be expressed to anyone until the Department Head or the Town Manager has been notified and permission has been obtained to make statements.

Every employee is covered by Workers' Compensation while on the job to provide for payment of medical expenses and for partial salary continuation in the event of a work-related accident or illness. The amount of benefits payable and the duration of payment depend on the nature of the injury or illness.

Workers' Compensation Benefit

The entitlement to and payment of workers' compensation benefits is governed by State law with the Maine Workers' Compensation Act and administered by the Maine Workers' Compensation Board. Any future amendments or modifications to the law or regulations will be automatically incorporated as part of the personnel policy.

If an employee suffers an on the job injury or illness, the employee shall notify the Department Head within 24 hours of the injury or illness, or as soon as possible thereafter, but in no event shall the notice be later than sixty (60) days after the date of injury. If an employee suffers an on the job injury which results in a loss of time which is less than seven (7) days and thereby not reimbursable by Workers' Compensation, the employee must use his/her sick leave. The claim is also subject to a two year statute of limitations.

Return to Work Policy

The Town of Thomaston 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. Upon notification from the employee's treating physician that the employee is released to return to duty with temporary medical or physical restrictions, the employee shall provide his/her supervisor with documentation from the treating physician detailing the employee's limitations and work restrictions.

If work is available that meets the limitations and/or restrictions set forth by the employee's physician, the employee may be assigned transitional duties for a period of up to ninety (90) days or until the employee is able to return to full duty, whichever comes first. If supported by medical documentation, an extension beyond ninety (90) days will be considered on a case-by-case basis by the Town Manager. In no event shall transitional duty assignments exceed one (1) year.

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

This policy recognizes the Family Medical Leave Act along with the Standard Operating Procedures (SOPs) that the department may have.

Modified work is not intended to be used as a permanent reasonable accommodation under the American with Disabilities Act.

No temporary work assignments described or covered under this policy is intended or offered as a permanent assignment.

Anti-Nepotism Policy

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

For the purposes of this policy, relatives include the following: parents, spouse, domestic partner, brother, sister, child, stepchild, stepparents, adopted child, grandmother, grandfather, mother-in-law, father-in-law, son-in-law and daughter-in-law.

This policy does not apply to Fire/EMS departments, Election Officials, or seasonal student employees. In addition, this policy does not apply retroactively for employees who were not in conformity with this policy on its date of adoption.

Smoking, Alcohol & Drugs Policy

Smoking

Smoking of cigarettes, cigars, pipes or other objects giving off smoke and including the use of smokeless tobacco products (e-cigarettes and vape pens) in or on any Town-owned building, vehicles, or other structure or property under the control of the Town is strictly prohibited. Smoking outside will be in designated areas only, a minimum of 20 feet from doors, windows, vents or openings to buildings, per MRS Title 22, Section 1541-1545.

Alcohol & Drugs

It is the policy of the Town of Thomaston to prohibit the use of or for any employee to be under the influence of any illicit drugs or alcohol while performing any work associated with any Town government function of any sort. Use of illicit drugs or alcohol during the course of one's duties, or the impaired performance of one's duties by reason of having engaged in the use of illicit drugs or alcohol prior to commencing work shall result in disciplinary action.

Alcohol & Drug Testing Procedures

It is the intent of this policy to assure compliance with mandated Federal and State laws and regulations regarding drug and alcohol testing of employees with commercial drivers' licenses in the workplace. This includes:

- Rules and Regulations under CFR 49 Part 653- Prevention of Prohibited Drug Use in Transit Operations
- CFR 49 Part 382- Substances and Alcohol Use and Testing, and the State of Maine Substance Abuse
- Testing Law (26 MRSA, Chapter 7, Section 3-A)
- Omnibus Transportation Employee Testing Act.

The Town of Thomaston has a strong commitment to the health, safety, and welfare of its employees, their families, its customers, and the public at large. Therefore, the Town seeks to hire and employ workers requiring a Commercial Drivers' License (CDL) who are free of illegal and abused drugs and alcohol. The Town requires the final applicant selected for a position requiring a CDL to undergo an alcohol and drug test to detect the presence of alcohol and drug abuse substances in the body.

All applicants/candidates for employment in positions requiring a CDL shall be required to pass a drug and alcohol test as a post-offer condition of employment. Any applicant with a positive post-offer test may be denied employment with the Town by reason of the positive test.

Employees shall remain free from the abuse of alcohol and controlled substances. An employee may be tested at any time based on the following:

- A. Reasonable suspicion testing– occurs when a Town official believes the employee shows signs of drug abuse and/or alcohol misuse while on duty.
- B. Post-Accident testing– following a qualifying motor vehicle accident.
- C. Random testing– unannounced on an ongoing basis.
- D. Return to duty testing– following a verified positive test result.

An employee who fails to submit to testing may result in disciplinary action up to and including dismissal.

Municipal Vehicle Use

1. The Town of Thomaston vehicles will be used for official municipal business only. Other use by other department municipal staff/officers shall be permitted only if the vehicle is not being used for the purpose it was acquired and must be approved by the Department Head.
2. The use of alcohol or any illegal drugs is strictly prohibited. Smoking or the use of any tobacco or any tobacco products in the vehicle is strictly prohibited.
3. All Town employees that are driving municipal vehicles are required to follow all state and federal laws regarding vehicle driving and operations. This includes wearing a seat belt, no texting and driving, and using handsfree cell phone devices while driving.
4. Only authorized town employees/personnel may be passengers in Town-owned vehicles, unless approved by the Town Manager.
5. All accidents, regardless of severity, must be immediately (in the event of personal injury, as soon as practical) reported to the Department Head or Town Manager. The vehicle operator must document all details surrounding the accident, including name, address, and insurance information for any other vehicles involved. This documentation must be submitted to the Town Office by close of business the day of the accident, or as soon as possible thereafter.

6. Individuals using the vehicle are responsible for any speeding tickets, parking tickets, or any other expenses that result from a violation of local, state, or federal ordinance, regulations or laws.
7. Violations of this policy by Thomaston employees may result in disciplinary action up to and including dismissal. Employees violating this policy may have the privileges to use this vehicle revoked.
8. Routine vehicle maintenance will be the responsibility of Department Heads.
9. Vehicle cleanliness is important. This is because our citizen's have a direct interest in the condition and appearance of the vehicle. Vehicle cleanliness is the responsibility of the last person using the vehicle. To the extent possible, the Department Head or Town Manager should be informed of any problems found prior to using the vehicle.

Dress Code

Discretion in style of dress, appropriate appearance, grooming, language and behavior are essential to the Town's successful operation. Employees may come into contact with members of the public and are expected to present a professional image to the public. A professional appearance contributes to a positive impression.

Employees are expected to be suitably attired and groomed during working hours and at all times when representing the Town. Employees should wear uniforms when required and/or provided.

Department Heads may ask an employee to return home to change if his/her appearance and dress are not appropriate.

Outside Employment

A Town employee may engage in outside employment if it does not interfere with job performance and does not conflict or appear to conflict with the interests of the Town. If the Town feels a conflict of interest exists, a meeting will be held with all parties concerned to discuss the matter and make a determination. An employee who continues to engage in outside employment that has been determined to be a conflict by the Town will be subject to disciplinary action up to and including termination of employment.

Off-Duty Conduct

At no time does the Town wish to interject itself into what an employee does during off-duty hours. Under certain circumstances, however, it is necessary that the Town concern itself, and at times take appropriate action to protect proper Town and employee interests. Specifically, the Town must concern itself when an employee's conduct reflects unfavorably on the Town or other employees; or when employee's off-duty activities are such as to take substantial time, thoughts, and effort, thereby rendering the employee less capable of performing efficiently and alertly in their jobs.

The Town officially discourages an employee's off-duty activities when there is indication that Town interests are being jeopardized as set forth herein. In the event that an employee's off-duty conduct is so serious as to reflect unfavorably on the Town and/or harm the reputation of the Town and/or results in the employee's inability to work with other employees or to do the job properly, disciplinary action up to and including termination of employment will be considered.

Confidential Information

During the course of their duties, employees of the Town are often privy to sensitive and confidential information. Examples of this include, but are not limited to, employee relations, medical records, general assistance request, and personnel actions. The Town expects any employee with access to such information to respect the confidential nature of the matter, not to share or provide access to such information with members of the public, including family members, and to take all reasonable measures to maintain confidential documents in a secure manner.

The Town is subject to the Freedom of Access Act- "Right to Know" laws. A mistaken or erroneous release of information-or a refusal to release information-could result in liability to the Town. Accordingly, any employee who receives any request for information under the "Right to Know" statute must direct the request to the Town Manager and the Public Information Officer for the Town's official response. Employees and other Town officials must not undertake to respond without receiving specific authorization to do so from the Town Manager or the Public Information Officer.

Personnel Files

The Town is responsible for creating and maintaining centralized personnel files for all employees. Files are retained concerning applicants for Town positions and personnel files of former employees. Personnel files should include such records and information to document the employee's personnel actions during his/her employment with the Town.

Employee personnel files are considered confidential documents. Only those persons with the right to know or the need to know may have access to the personnel files. Any employee has the right to inspect his/her personnel file or to receive copies of his/her own file. Requests to view or inspect centralized personnel files should be made in advance to the Town Manager.

Cell Phone Policy

It is the Town's policy to provide identified employees with cellular phones. The Town prohibits the use of cellular phones in any way that violates federal, state, or local laws or that is otherwise unsafe, including texting while driving. This policy outlines the safe use of business-provided and personal cellular phones while working.

While working, employees are expected to exercise the same discretion in using cellular phones, whether provided by the Town or personal, as is expected for the use of Town phones. Excessive personal calls during work time, regardless of the phone used, can interfere with employee productivity and be distracting to others. The Town will not be liable for the loss of a personal cellular phone brought into the workplace.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested may be expected to bear the cost of replacement.

Employees whose job responsibilities include regular or occasional driving and who use a cellular phone for business are to use hands-free technology while driving if available. Safety must come before all other concerns. Under no circumstances are employees to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their cellular phone while driving will be solely responsible for all liabilities that result from such actions. Employees who violate the Town's Cell Phone Policy will be subject to disciplinary action, up to and possibly including termination of employment.

Social Media Policy

The Town of Thomaston recognizes that social media can be a valuable way to communicate with members of the community and relay important information. Social media includes websites such as Facebook, Google, Twitter, Instagram, LinkedIn, YouTube; blogs, forums, tweets, wikis, and podcasts and/or any other website where one posts or communicates information in a public or quasi-public internet forum.

The Town understands that social media is pervasive in today's world and that employees may be using social media sites in relation to both work and leisure. The Town also recognizes that employees may enhance the delivery of municipal services through the appropriate use of social media. However, employees should abide by the following guidelines when using social media. Any violation of these guidelines will be reviewed by the Town Manager on a case-by-case basis and may lead to discipline, up to and including

termination of employment. This policy is not intended to interfere in any way with employees' legal rights.

1. Dissemination of confidential information about the Town, their employees, members, or visitors on social media sites is strictly prohibited.
2. When and if an employee makes any Town-related comment on his/her personal social media, the employee should make it clear that the comment is made in his or her personal capacity and not as a representative of the Town, or on behalf of the Town.
3. The Town expects employees to comply with all applicable employment policies, including the Town's harassment, discrimination, and confidentiality policies when using social media. While doing so, employees should therefore refrain from making discriminatory, harassing, threatening, violent, abusive, or obscene remarks in any way to their employment, or publicizing any confidential information which he/she may have access to due to employment with the Town.
4. Employees should understand that even when they are engaging in off-duty conduct, including use of social media sites, their actions, words, and behavior may reflect upon themselves and the Town. The Town of Thomaston expects its employees to be truthful, courteous and respectful towards supervisors, coworkers, members, citizens, customers and other persons associated with the Town of Thomaston.
5. As public employees, Town personnel are cautioned that their speech either on or off-duty, and in the course of their official duties has connection to the employee's professional duties and responsibilities. Town personnel shall assume that their speech and related activity on social media sites will reflect upon their position within the Town of Thomaston and the Town itself.
6. This policy in no way restricts, or should be construed to restrict or inhibit employees' rights to engage in protected concerted activity that is protected under free speech.

Electronic Mail (E-Mail), Internet & Software Policy

E-mail

The Town of Thomaston's e-mail and internet connection is designed to facilitate any Town business communication among employees and other business associates for messages or memoranda.

The e-mail system is Town property and intended for Town business. It must be understood that use of this system is a privilege, which may be limited or removed if the privilege is abused at any time or for any reason, at the sole discretion of the Town of Thomaston. E-mail messages have been found to be public records and may be subject to the Freedom of Access Act Laws, depending on their content.

The electronic mail system may not be used to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations. The e-mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive are any messages which contain sexual implications, racial slurs, derogative gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability. The e-mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization. Additionally, all handbook policies apply to communications taking place over e-mail.

The Town reserves the right to review the contents of employee's e-mail communications when necessary for Town business or performance purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' e-mail messages without proper authorization. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message.

Passwords

All passwords and codes used in connection with the e-mail system are the property of the Town of

Thomaston. The Town may override passwords and require employees to disclose all passwords. The Town prohibits employees from accessing or attempting to access or use the email or voice mail systems of a co-worker unless authorized to do so. Employees should log on to computer devices with their own user names and passwords. Passwords are not to be shared among employees, with the exception of a department supervisor for backup purposes. If another person becomes aware of an employee's password, the employee should change the password immediately.

Internet-Use & Software

Access to the Internet has been provided to employees at their workplaces and/or Town-owned cell phones and similar devices for the benefit of the Town and those it serves. Every employee has a responsibility to maintain and enhance the Town's public image and to use the Internet in a productive manner. Employees accessing the Internet are representing the Town. All communications should be for professional reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical, and lawful manner.

All employees are expected to maintain a secure environment for the electronic systems and information.

1. Protect the electronic systems, software, and services from all types of misuse, misappropriation, misapplication, and vandalism.
2. Maintain the privacy of proprietary, privileged, personal or otherwise sensitive information.
3. Use computer software and other copyrighted material in accordance with licensing agreements and applicable copyright laws.
4. Protect the electronic systems and information from viruses by not downloading software of any type. Under no circumstances may you make any unauthorized connection between the electronic systems or information and any third party systems, software, or data. Employees must be aware of risks including, but not limited to, the partial or complete loss of Town and personal data due to an operating system crash, errors, bugs, viruses, malware, and/or other software or hardware failures, or programming errors that render the device unusable.
5. Employees should be aware that, if they choose to access personal accounts from work computers, the activity is not private. All messages created, sent, or retrieved over the Internet are the property of the Town and should be considered public information. The Town reserves the right to access and monitor all messages and files on the computer system as deemed necessary. All communication including text and images can be disclosed to law enforcement or other third parties without prior consent.
6. If an employee suspects a data or system breach has occurred or a password has been compromised, or suspects that his/her computer has been infected with a virus, malware, spyware, or observes that the computer is behaving unusually, he/she should notify the Department Head or Town Manager immediately.

Penalties

The misuses of the Internet, e-mail, or software may be considered sufficient cause for discipline, up to and including discharge of employment, in accordance with the Town of Thomaston's Personnel Policy and/or other applicable state and federal laws. In addition, in the event of suspected, alleged or actual illegal activity, the Town may notify or cooperate with applicable law enforcement authorities for potential civil or criminal investigation or prosecution.

Disciplinary Procedures & Grievances

Disciplinary Procedures

Whenever, in the Department Head or Town Manager's judgment, an employee's performance, attitude, work habits, or personal conduct at any time falls below an acceptable level, the employee will be notified promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable

period of time for improvement may be allowed before initiating disciplinary action. Discipline will normally include, but is not limited to, the following: verbal warning; written warning; demotion; suspension; and termination. Discipline is not necessarily progressive. Depending on the nature of the offense, the Town has the right to impose the discipline the Town considers warranted based upon the nature and gravity of the offense and is not under a duty to follow all the progressive steps of discipline in every case. The Town Manager shall be made aware of any action initiated as outlined in the disciplinary process sections of this policy.

Unacceptable Conduct

Unacceptable conduct includes, but is not limited to, the following:

1. Insubordination, including refusal to accept an assignment or walking off the job.
2. Theft or destruction: stealing, misappropriation of Town funds, or carelessly or willfully causing destruction of Town property.
3. Reporting to work under the influence of alcohol or illegal drugs; consumption, possession, distribution, sale, transfer, or use of alcohol or illegal drugs on Town property.
4. Discourtesy: discourtesy to the public, supervisors, or co-workers while on the job.
5. Poor attendance: habitual tardiness, excessive absences, abuse of sick leave, or absence without authorized leave.
6. Falsifying records, such as information on an application for employment, time cards, etc.
7. Poor job performance: evidence of continued unsound judgment in performing official duties or failure to comply with the adopted policies and procedures of the Town.
8. Unauthorized release of confidential information.
9. Criminal Activity: conviction for any criminal activity may be cause for termination of employment.
10. Willful misuse of computer equipment, internet, e-mail, voicemail, or other forms of electronic communication, including, but not limited to, unauthorized software installation, excessive or inappropriate personal use of e-mail or other improper use of a Town computer.
11. Violation of safety procedures and policies.
12. Violation of policies on non-discrimination, unlawful harassment, retaliation, or sexual harassment; being the aggressor in a fight or threatening violence in the workplace.
13. Falsely stating or making claims of injury or illness.
14. Disorderly or inappropriate conduct of any kind.

Corrective Action

The Town reserves the right to determine the seriousness of the offense and/or conduct to determine the appropriate action of discipline. Corrective action may include any of the following:

- A. **Verbal Warning**: is defined as a verbal notice to an employee that his/her behavior or performance must be improved or corrected. An oral reprimand may be given by the immediate Department Head and should define the improvement or corrective action required. The Department Head should inform the employee that failure to comply with the verbal warning will result in more serious action. Department Heads shall record the date and the subject of the verbal warning and this record shall be placed in the employee's personnel file.
- B. **Written Warning**: is defined as a written notice to an employee that his/her performance or behavior must be improved or corrected. Such notice may be given by the Department Head after conferring with the Town Manager. The notice shall contain a statement of the cause for the action, improvement or

corrective action required of the employee, time frames for such action, and possible results of the employee's failure to comply. Written warnings shall be placed in the employee's personnel file. An employee receiving a written warning may respond to the action and a copy of the response shall be attached to the written warning.

- C. **Demotion:** is defined as reallocating an employee from their present job to another job with less responsibilities, skill requirements, performance standards or rate of pay due to disciplinary reasons. The decision to demote an employee shall be the responsibility of the Town Manager after conferring with the Department Head. A copy of such a written notice will be given to the affected employee and be placed in the employee's personnel file.
- D. **Suspension:** is defined as the temporary removal of an employee from duty with or without pay. Suspension should be used when all other means have been tried without success and it is believed that suspension will bring about the required improvement in the employee's behavior or performance, or when the cause is sufficiently serious to warrant such action. The decision to suspend an employee shall be the responsibility of the Town Manager after conferring with the Department Head.
- E. **Termination:** is defined as the removal of an employee from Town service. Termination will be used when all other means of improving the employee's behavior have failed, or when the nature of the misconduct warrants this action. The decision to terminate an employee shall be the responsibility of the Town Manager.

Appeal of Suspension or Discharge

Suspensions or discharges for just cause are subject to review, at the request of the terminated employee, by the Select Board. Any such request for review shall be submitted in writing to the Select Board within seven (7) business days of the suspension or discharge. The Select Board shall have a hearing within seven (7) business days, and the employee shall be permitted to present evidence in his/her defense either personally or, at his/her own expense, through legal counsel. The Select Board shall affirm or vacate the Town Manager's discharge or suspension decision.

Grievance Procedures

A grievance is a dispute between any employee and the Town concerning the interpretation or application of the terms of employment. Excluded from consideration as a grievance are those matters pertaining to management's judgments of qualifications and/or performance relating to: hiring or promotion of personnel, and compensation adjustments, except that regular employees may appeal performance evaluations.

1. Any employee who perceives a grievance as defined, shall, within ten (10) working days of the date of the event which gave rise to the grievance, or within ten (10) working days of the date he/she could reasonably be expected to have knowledge of the event submit such grievance in writing to his/her Department Head, who shall attempt to resolve the matter within five (5) working days thereafter.
2. In the event that the matter is not thereby resolved, the employee may within five (5) working days following the Department Head's decision, or failure to act, bring the grievance in writing to the attention of the Town Manager. The Town Manager shall have five (5) working days to consider the matter and render a decision in writing, which may be appealed to the Select Board within five (5) working days.
3. If the employee appeals the decision of the Town Manager to the Select Board, the Select Board shall hear the grievance in a hearing. A written decision will be given within five (5) working days after the hearing.

Employment

Applications

Application for employment shall be made on a standard application form provided by the Town of Thomaston and may be submitted in-person, e-mail, postal mail, or fax. Depending on the position, a resume and cover letter may also be required. The Town reserves the right to re-advertise a position if it is deemed in the best interest of the Town to do so.

Taking time limitations into account, there shall be as wide a search for qualified candidates as practicable. The character of the recruitment and selection process for all positions will vary contingent on the position, but may include a variety of advertising and recruitment resources. The Town reserves the right to hire from within, without externally posting the job vacancy if appropriate.

The Town relies upon the accuracy of information contained in the employment application and the accuracy of other data presented throughout the hiring process, the background check, and during employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the rejection of any application for employment, the withdrawal of a conditional offer of employment, the exclusion of the individual for employment, or if the person has been hired, termination of employment.

Examinations

Upon a conditional offer of employment from the Town and depending upon the position, a prospective employee may also be required to complete a medical examination, a psychological examination, a fitness for duty test, a driver's license check, and/or drug and alcohol test.

Probationary Period

All new employees and every person promoted, transferred or rehired to a position are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process during which time employees will be subject to review and evaluation. In no case will the probationary period be extended. New probationary employees accrue vacation and sick leave but are not eligible to use vacation leave until after the probationary period is completed, unless approved by the Town Manager. Probationary employees may be removed at any time during the probationary period without cause and without right to a hearing.

Performance Evaluations

A performance evaluation is the examination and review of job performance for purposes of determining continuation of employment, promotion, and demotion.

The immediate supervisor shall evaluate all employees, regardless of their employee classification, annually. In addition, employees shall be evaluated at the completion of the initial probationary period and at least once each year thereafter. The inability of the Town to timely schedule or hold a performance evaluation meeting should not be construed as either an endorsement or criticism of the employee's performance.

Employees shall be afforded the opportunity to review and discuss their written evaluation with their immediate supervisor and shall sign their evaluation as proof of discussion and understanding although they may not necessarily agree with the evaluation.

An employee may prepare a written response to any item included in the evaluation. This response shall be submitted to the evaluator and attached to and become part of the evaluation. A copy of the complete evaluation will be provided for the employee and placed in his/her personnel file.

Promotions

The Town encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to more responsible positions. No supervisor shall deny an employee

permission to apply for a promotional opportunity in any Town department but no such promotion is guaranteed.

The Town desires that employee vacancies be filled by the most qualified applicant. Employees shall be given maximum opportunity for advancement. Present employees shall be given first consideration in filling a vacancy, but it is recognized that, from time to time, the good of the service will require that a vacancy be filled from outside the service.

Demotions

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

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

Terminating Employment

General

Employees may leave a job in a variety of ways including resignation, retirement, layoff, or discharge. When possible, an exit interview with the Town Manager will be conducted prior to the employee's last day. The purpose of the meeting is to provide information regarding any benefits that are due to the employee, such as insurance coverage, unused vacation and accrued sick leave. All Town property such as keys, equipment, etc. issued to the employee shall be returned to the Town in good condition prior to the employee's last day.

References

Reference requests should be submitted in writing to the Town Manager. The Town will provide verification on dates of employment, job title and a description of duties and work history. No additional information will be furnished unless it falls within the guidelines of state and federal regulations governing public information about municipal employees.

Resignations/Retirement

Exempt-salaried staff shall provide at least one (1) months' notice of resignation. Non-exempt hourly staff shall provide at least two (2) weeks' notice of resignation. Written notice should be provided to the Town Manager. At the discretion of the Town Manager, the notification period may be waived. Employees are encouraged to give as much advance notice as possible to assist in a smooth replacement procedure.

Payments Upon Separation

Payments of accrued comp time, sick time, and vacation time will be paid out in accordance with the Town of Thomaston Personnel Policies and Procedures Handbook:

- Accrued Comp Time will be paid out at time and a half (1 1/2) to all non-exempt hourly employees
- All accrued vacation time will be paid out to both exempt and non-exempt employees
- Sick time will be paid out to all employees in good standing. Employees who have worked 6-15 years will receive 25% of accrued sick time. Employees who have worked 16 years or more will receive 50% of accrued sick time.

Chapter 3: Wage and Hour Policies & Practices

Employment Classification

Probationary Employees

All new employees and every person promoted, transferred or rehired to a position are considered probationary for the first six (6) months of employment. Newly hired probationary employees may receive a performance review after 6 months of employment, although probationary employees may be terminated without cause and without advance notice.

Regular Full-Time Employee

An employee regularly scheduled to work forty (40) hours per week on a continuing basis. The regular full-time employee receives the benefits as set forth in this manual, except as otherwise provided in collective bargaining agreements.

Regular Part-Time Employee

An employee who is regularly scheduled to work fewer than forty (40) hours per week. Regular part-time employees receive reduced benefits.

Temporary or Seasonal Employees

Temporary or seasonal employees work on a non-continuing basis, within a limited time frame. Temporary employees are subject to all personnel policies and rules but are not entitled to any benefits except those benefits required by law. Extensions of temporary employment may be granted by the Town Manager, but there is no expectation of continued or indefinite employment.

Exempt Employees

Employees, who by the nature of their work, meet the exemption requirements of the federal Fair Labor Standards Acts (FLSA), are deemed exempt from the payment of overtime for hours worked in excess of forty (40) hours in a week.

Non-Exempt Employees

All hourly wage earning employees who do not meet the "executive administrative or professional" criteria as set by the FLSA and, who are not otherwise exempt, or partially exempt from the overtime requirement of the FLSA, are eligible to receive overtime compensation paid at time and one-half (1.5) for hours worked in excess of forty (40) hours during any week.

Contract Employment

A contractor is engaged to perform a certain service or project contract under a written personal services contract with the Town and is subject to and governed by the terms of that agreement. A contractor is not an employee of the Town. Such individual is required to provide a certificate of liability insurance.

On Call

On call employment is to work on an intermittent and as-needed basis. Employees who are on-call do not have a regular schedule but work as available and as needed. Such employees are paid only for hours worked or by annual stipend and are not eligible for any other benefits except those mandated by law.

Per Diem

These employees routinely work scheduled hours, such as the Fire/EMS employees. Per diem employees are not entitled to any benefits, except those benefits required by law.

Student Interns

Students participate in internships in order to fulfill requirements in their program of study. Each study program determines the rules under which the student can complete the internship. Student employees are not eligible for benefits other than those mandated by law.

Volunteers

Volunteer work occurs when non-employees choose to donate or volunteer their time free of charge to the Town. Normally, volunteers are not entitled to receive any pay or benefits.

Work Schedules

The regular work week for payroll purposes begins on Sunday and ends Saturday. It is necessary, owing to the variations in the different services provided by the Town, that there be variations in the hours and days of work per week within different departments. The hours of work, the starting and quitting time, and 30 minute lunch periods will be established within each department with the Town Manager's approval. These hours may be changed by mutual agreement of the Department Head and department employees, subject to approval by the Town Manager.

Timesheets

In order to ensure accurate payment for hours worked and in accordance with applicable state and federal laws the following procedures have been established by the Town of Thomaston for reporting and payment of hours worked. Any intentional misrepresentation of hours worked constitutes fraud and will usually result in disciplinary action or possible termination of employment. Timesheets are a legal document and must represent an accurate and true report of hours worked and hours taken. The accuracy of timesheets is the responsibility of both the employee and the Department Head.

1. Time sheets must be fully and accurately completed, including signature and submitted to the Department Head or designee each week for approval and signature by the Department Head.
2. All time worked must be entered; All employees, exempt or non-exempt must record actual hours of work as well as paid or unpaid leave on their timesheets. If corrections are needed, both the employee and Department Head will initial next to the change on the timesheets. If a mistake is made after reporting time and is not realized until after the payroll process has been completed the employee will write a memo to the Department head stating the error. The Department Head will notify the Finance Department of the error and the correction will be made in the following week's payroll.
3. Without exception, Department Heads or the designee are responsible for getting time sheets to the Finance Department by 9 a.m. each Monday morning.

Overtime/Comp Time

Exempt Employees (Salaried)

The following is a list of guidelines to assist in establishing accrual and use of compensatory (comp) time for non-union personnel who are exempt under the Fair Labor Standards Act.

1. Exempt (salaried) employees do not earn overtime. Comp time may be accrued on an hour for hour basis for hours worked beyond 45 hours in a workweek.
2. "Hours worked" for the purposes of comp time include all duties that are required in the performance of the job, as per the job description.

3. Exempt employees will submit a timesheet, noting all hours worked and any use of comp time. Comp time accumulation will be tracked through the payroll system.
4. Comp time for exempt staff is not compensable at termination of employment.
5. No more than 15 days (120 hours) can be accumulated.

Non-Exempt/Hourly Employees

1. Any time worked by non-exempt (hourly) employees in excess of forty (40) hours shall be compensated at an overtime pay rate of time and one-half (1.5).
2. Non-exempt (hourly) employees will not receive comp time unless authorized by the Town Manager.
3. Overtime hours shall not be worked without prior authorization of the Department Head and/or Town Manager.
4. Any employees that are part of a collective bargaining agreement shall follow the overtime and comp time procedures as stated in the written contract.

Attendance

Employees shall be at their respective places of work at the appointed starting time and remaining at work until the end of the scheduled workday. It is the responsibility of employees who may be late or absent from work to see that their immediate department head is advised of the reason for lateness or absence with as much advance notice as possible.

Excessive absenteeism, tardiness, or misuse of sick leave will result in discipline up to and including termination.

Failure to show up or call in for a scheduled shift without prior approval may result in disciplinary action. If an employee fails to report to work or call in to inform their supervisor of the absence for three (3) or more consecutive days, the employee will be considered to have voluntarily resigned employment.

Storm Day Policy

It is the Town of Thomaston's intention during adverse weather, except in the most extreme weather conditions, to keep the offices open for business, and employees are expected to make a good faith effort to be at the work place on regularly scheduled workdays. Employees shall use their own best judgment in determining whether it is appropriate to travel to work during adverse weather conditions.

Weather conditions can be different depending on where employees may be traveling from and employees should use their discretion on the safety of attempting to travel. The Town will be tolerant, within reason, of tardiness under such conditions. The Town will also attempt, where possible, to allow employees extra time to return to their homes if adverse weather conditions develop during the workday. However, if an employee does not report for work, he/she will not be paid for the absences if the department stays open. Employees will be offered the opportunity to use comp or vacation time or given the opportunity to make up the time. In the event that an employee is not scheduled to be at work because they have planned ahead to paid time off, the day will be recorded in the pre-arranged method.

Non-emergency personnel will be contacted when a municipal building will close due to inclement weather. Department Heads and the Town Manager will coordinate to make these decisions. For purposes of this policy, non-emergency personnel shall refer to the following: Library, Town Office, and the Recreation Department.

Paydays & Direct Deposit

All employees are paid weekly on Wednesday for the previous work week from Sunday through Saturday. Library employees receive pay bi-weekly. With the exception of per diem weekly pay, Fire and EMS employees are paid monthly. Each paycheck will include earnings for all work performed through the end of the previous payroll.

In the event that a regularly scheduled payday falls on a holiday, employees will receive pay by the following Thursday.

All employees are required to enroll in direct deposit, with the exception of grandfathered employees hired prior to June 12, 2020. Employees can distribute their pay in up to two (2) bank accounts.

It is the responsibility of the employee to submit written authorization to the Finance Department of any changes to direct deposit.

Travel Reimbursement

Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out approved, official Town business. Such reimbursement shall be made in accordance with current approved rates upon submission of a standard expense sheet, signed by the employee's immediate supervisor. Such reimbursement shall not apply to travel between the employee's home and the Town Office or designated place of work.

Requests for reimbursement of meals, parking fees, lodging and registration fees must be accompanied by receipts of same whenever possible.

Lunch/Rest Periods

Pursuant to Maine State Revised Statutes, Title 26, Chapter 7, Section 601: In the absence of a collective bargaining agreement or other written employer-employee agreement providing otherwise, an employee may be employed or permitted to work for no more than 6 consecutive hours at one time unless the employee is given the opportunity to take at least 30 consecutive minutes of rest time, except in cases of emergency in which there is danger to property, life, public safety or public health. This rest time may be used by the employee as unpaid mealtime, but only if the employee is completely relieved of duty.

Chapter 4: Benefits

Holidays

The Town of Thomaston observes the following holidays:

New Year's Day	Labor Day
Martin Luther King Day	Indigenous Peoples' Day (Columbus Day)
Presidents' Day	Veterans Day
Patriot's Day	Thanksgiving Day
Memorial Day	Floating Day
Independence Day	Christmas Day

1. Part-time and full-time employees are eligible for holiday pay and will receive a normal day's wage.
2. If a regular holiday falls on a Saturday, the preceding Friday is considered a holiday; if on a Sunday, the following Monday is considered a holiday.
3. A person on unpaid family medical leave, leave of absence, and/or extended sick leave shall not be entitled to holiday pay.
4. Temporary and seasonal employees shall not be entitled to paid holidays.
5. Certain employees are required to work during a holiday. These employees will receive holiday pay in addition to regular wages for time worked.

Vacation

All full-time employees shall be entitled to paid vacations with pay each calendar year according to the following schedule:

One (1) year of service and less than seven (7) years of service	2 weeks (80 hours)
Seven (7) years of service and less than fourteen (14) years of service	3 weeks (120 hours)
Fourteen (14) years of service and less than eighteen (18) years of service	4 weeks (160 hours)
Eighteen (18) years of service or more years of service	5 weeks (200 hours)

1. Vacation leave shall be earned on a weekly pro rata basis and shall be scheduled upon mutual agreement with the Department Head. Department Heads shall schedule vacations upon mutual agreement with the Town Manager. Vacations shall be scheduled and approved in such a manner so as not to interfere with the work schedule of the department.
2. Vacations are calculated based on regularly scheduled hours.
3. No employee may accumulate more vacation time than the employee may earn in two (2) years of employment with the Town. At the discretion and approval of the Town Manager, employees may request to be paid in lieu of vacation, not to exceed two weeks per year.
4. Accumulated vacation leave, subject to the maximum allowed, shall be paid to an employee upon separation or upon death, to his or her beneficiary.

Sick Leave

Accrued Sick Days

Full-time employees shall be entitled to one (1) working day of sick leave per month to accumulate to a maximum of ninety (90) days. Any sick time earned over this maximum will be forfeited.

Unused Sick Leave

After accumulating ninety (90) days of sick leave, the employee is entitled to one full day’s pay for each six-month period in which no sick leave is used. The anniversary date shall begin and end each calendar year.

Use of Sick Leave

Sick Leave may only be used in the following cases:

1. Doctor’s appointments– Employees may take sick leave to attend a personal doctor’s appointment.
2. Illness or incapacity– Personal illness or physical incapacity of such degree as to render the employee unable to perform the duties of his/her position, unless the employee is found capable of other work in the Town and is assigned to that other work.
3. Family members– An employee may use up to five (5) available sick leave days each calendar year to care for a child, spouse or parent who is ill. An employee may also use additional sick leave to care for a family member with a serious health condition if the leave qualifies under either the federal or state Family and Medical Leave Acts.

Abuse of Sick Leave

Use of sick leave based on false claims of sickness or disability, or falsification of proof to justify such sick leave shall be cause for disciplinary action up to and including termination. Sick leave is a privilege and, unlike vacation leave, must be earned by an employee; therefore, it may not be used for any other purpose except those specifically permitted under these rules and regulations.

Sick Leave Requests

Requests for sick leave shall be made to the employee’s Department Head or designee promptly. An employee is required to call the Department Head each day of the absence unless previous arrangements have been made between the employee and the Department Head.

Physician’s Certificate

When an employee is absent for more than three (3) consecutive days, the Town reserves the right to request that the employee furnish a signed certificate from a physician stating the nature of the absence(s) and that the employee is fit to return to work and perform his/her duties. The employee must bear the expense of obtaining the certificate, except as otherwise provided by the Town’s family medical leave policy or under Worker’s Compensation.

Sending Employees Home

The Town also reserves the right to send an employee home if the Town has reason to believe that an employee is not fit or able to perform his/her regular duties, or poses a threat to the safety of the rest of the personnel. Employees who are sent home from work under these circumstances will be charged sick time, or if the employee has no accrued sick time, such time off will be unpaid. Employees who are sent home from work and later are able to medically demonstrate that they were fit for duty when sent home will be credited back any sick time used during their absence.

Separation of Employment Benefit

At the time of separation from employment by the employee, accumulated sick leave, up to the maximum allowed sick hours of 45 days (360 hours), shall be paid to the employee in good standing as follows:

Start of employment through the fifth (5th) year	No Payment
Beginning with the sixth (6th) year through fifteen (15) years of service	25%
Beginning with the sixteenth (16th) year of service or over	50%

Such payment shall be made at the employee's regular rate of pay at the time of retirement or separation.

If the employee is terminated for cause, the employee forfeits any payment of unused sick leave.

In the event of an employee's death, the Town will pay all accumulated sick leave benefits, subject to the maximum allowed, to the employee's beneficiary.

Earned Paid Leave

The Earned Paid Leave Act (EPL) (*effective January 1, 2021*) applies to any employee who is employed more than 120 days in any calendar year. Because the Town provides fringe benefits that meet the earned paid leave requirements (holiday, vacation, and sick leave) that is accrued on a weekly pro rata basis, additional earned paid leave is not available for regular full-time employees.

Employees that qualify for EPL include but are not limited to: part-time Library staff, part-time custodial staff, per diem EMS staff, temporary staff and seasonal staff if applicable.

Employees will earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins on start of employment with a maximum of 40 hours allowable at any time. Accrued time will be earned on a weekly pro rata basis.

Once employees have been employed for 120 calendar days, they may use earned paid leave for any reason and can use it in increments of 1 hour. EPL will be paid at the employee's regular rate of pay.

Employees must provide prior notice to their Department Head of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible.

Unused EPL will be carried over into the next year of eligibility, up to a maximum of forty (40) hours per calendar year. At no time may any employee have: 1) more than 40 hours of EPL accrued, 2) continue to accrue EPL so that their accruals exceed forty (40) hours, or 3) use more than forty (40) hours of EPL in a calendar year.

Accrued leave has no cash out value. Upon separation, in good standing, from employment the employee will be paid for unused EPL (up to 40 hours).

Employee Assistance Program

For many employees, an Employee Assistance Program (EAP) can be the key to recovering from a traumatic event such as divorce, death in the family, or financial difficulties. The Health Trust, in conjunction with Anthem, provides an EAP to all employers that participate in the Health Trust health plan. The EAP is provided at no additional cost to employees or employers.

The Anthem EAP covers all employees, even those who are not enrolled in the health plan. It also covers the family members of all employees. Unfortunately, retirees are not eligible to use this service.

Anthem EAP offers many great resources to deal with everyday problems and questions. Licensed mental health professionals are available 24/7 without an appointment and at no charge. Employees may speak with a professional counselor near their work or home, you get a referral for up to three in-person visits at no cost. The service is confidential, in accordance with federal and state law, and professional ethical standards.

Other benefits of the Anthem EAP include:

Financial Services – Making ends meet can be a challenge. Maybe you have a lot of credit card debt, or you're trying to stick to a budget. If you have questions, you can talk with a financial professional on topics such as getting out of debt, retirement, free identity theft monitoring and recovery and more.

Legal Services – If you have a legal problem, you may feel worried and stressed. After all, the law can be confusing. Anthem EAP can help you understand and work through legal issues, including small claims court, divorce and custody issues and criminal matters.

Longevity Pay

Longevity pay is paid to employees for continuous service to the Town and includes a series of ten (10) steps. Each step is a one percent (1%) wage increase.

Health Insurance

All non-union employees receive the benefits as outlined below in this policy. All Union employees receive benefits in accordance with the current collective bargaining agreement. All new hires have a 30-day waiting period for eligibility.

Medical

The Town participates in the Maine Municipal Employees Health Trust for all employees requesting the coverage. Only full-time employees who work 40 hours per week continuously all year long are eligible for health insurance benefits. The Town reserves the right to change insurance carriers and/or benefit levels as deemed necessary. The Town offers employees the POS C plan effective November 1, 2020. The POS A plan will continue to be an option as well. Any employee who elects to enroll in the POS A plan will pay 100% of the premium difference between the POS C and POS A in addition to any premium contribution already determined for the POS C plan. The Town pays 100% employee-only coverage and 77% of the dependent family coverage, with the employee paying the additional 23% of the dependent family coverage. The employee's share as described herein shall be withheld weekly through payroll deductions.

Employees hired prior to January 1, 2006 are entitled to 100% insurance coverage for the employee and dependent family coverage.

Dental

The Town participates in Northeast Delta Dental through the Maine Municipal Employees Health Trust. This plan is 100% paid by the employee and is available to all employees that work a minimum of 20 hours or more per week.

Vision

The Town participates in VSP Vision Insurance through the Maine Municipal Employees Health Trust. This plan is 100% paid by the employee and is available to all employees that work a minimum of 20 hours or more per week.

Life and Disability Insurance

Life insurance is provided at no extra cost only for employees who are covered by the Town's health insurance plan. The basic policy is a death benefit in the amount of the employee's annual salary. Short term disability insurance (Income Protection Plan) is available for employees that work an average of 20 hours or more a week. The plan provides benefits for up to fifty-two (52) weeks in accordance with the provider's rules and in the amount selected by the employee. Long term disability insurance is also available at the employee's cost. All plans are through the Maine Municipal Employees Health Trust.

Section 125 Cafeteria Plan

The Town provides a Section 125 Cafeteria Plan that enables employees to pay certain qualified expenses such as health insurance premiums, on a pre-tax basis, thereby reducing their total taxable income and increasing their spendable/take-home income.

Health Insurance Opt-Out for Non-Enrollment

The Town of Thomaston offers an annual opt-out amount to full-time eligible employees who opt not to participate in the Town's insurance plan for themselves and/or eligible dependents. The annual amount shall be paid through payroll on the last pay period of the year in which the employee qualifies and is subject to all applicable state and federal taxes as well as retirement contributions. Employees must provide satisfactory proof of health insurance coverage elsewhere during the open enrollment period each year in order to receive

the opt-out benefit. The opt-out benefit, depending on the level of coverage waived, are as follows:

Single Coverage	\$500.00
Employee & Child	\$1,000.00
Employee & Spouse	\$1,000.00
Employee & Family	\$1,500.00

Other stipulations regarding the opt-out amounts are as follows:

- 1) If a married couple works for the Town, both qualify separately for the Town's health insurance, and one spouse enrolls the family, the other spouse is not eligible for the opt-out amount.
- 2) If an employee drops coverage for dependents that are no longer eligible for coverage due to age, the employee is not eligible for the opt-out amount.
- 3) There are no pro-rated opt-out amounts for partial years.

Health Benefits Continuation Privileges

COBRA

The Consolidated Omnibus Budget Reconciliation Act (COBRA) gives workers and their families who lose their health benefits the right to choose to continue group health benefits provided by their group health plan for limited periods of time under certain circumstances such as voluntary or involuntary job loss, reduction in the hours worked, transition between jobs, death, divorce, and other life events. Qualified individuals may be required to pay the entire premium for coverage up to 102% of the cost to the plan.

COBRA generally requires that group health plans sponsored by employers with 20 or more employees in the prior year offer employees and their families the opportunity for a temporary extension of health coverage (called continuation coverage) in certain instances where coverage under the plan would otherwise end. For more information, please visit the U.S. Department of Labor website at www.dol.gov.

Retiree Group Companion Plan

Employees who are participating in a Municipal Employee Health Trust health insurance plan at the time of retirement will be eligible to continue coverage for as long as the Town is a member of the Health Trust, and as long as premiums are paid.

Retirees who are under the age of 65, and who are not eligible for Medicare, will be provided with the same benefits as active employees of the employer. Retirees who are age 65 and over, and who are on Medicare, will have Medicare as their primary coverage. The Health Trust will then provide these Medicare retirees with a Group Companion Plan for supplemental and prescription coverage.

Retirees who continue coverage under any of the MMEHT Health Plans receive a Basic Life Insurance benefit of \$2,000. An equal amount of Accidental Death & Dismemberment coverage is also provided, until the retiree's 70th birthday. Accidental Death & Dismemberment coverage for retirees terminates at age 70.

Retirement

In addition to Social Security, the Town is a participating local district (PLD) in the Maine Public Employees Retirement System (MainePERS). The employer's contribution as mandated by the Maine State Retirement System will be paid by the Town for all eligible and participating full-time employees. Employee rates are determined and set by the Maine State Retirement System. Employees who wish to participate in MainePERS, as it applies to the Town, must apply upon commencement of employment. No other enrollment date is given while employed by the Town of Thomaston.

Leaves of Absence

Jury/Witness Duty Pay

The Town encourages all regular employees to fulfill their civic responsibility if called to serve as a juror. The

Town will continue to pay full-time employees their compensation for regularly scheduled hours of work missed as a result of being called for jury duty or serving as a juror, and in return the employee will be asked to sign over their jury pay to the Town. Upon receiving legal notice to serve, an employee will present the notice to his/her Department Head in advance so that staffing can be arranged during the absence. Employees are expected to return to work (if reasonably practical) on any day or half day when not required to serve.

Bereavement Leave

Immediate Family– In the event of the death of the employee's spouse, domestic partner, mother, father, or child, a full-time employee shall be entitled to up to five (5) days of leave with pay for the purpose of attendance at the funeral and assisting in the necessary family arrangements.

Other Family Members– In the event of the death of the employee's grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law and stepparents, an employee shall be entitled to up to three (3) days of bereavement leave.

Other Funeral Attendance–For attendance of an aunt, uncle, niece, nephew, an employee may be excused from work for one (1) day with full pay.

Additional time off may be granted, on a case by case basis by the Town Manager.

Maine Family Medical Leave Act (FMLA) 10/20 Maine Department of Labor

Basic Leave Entitlement

FMLA requires covered employers to provide up to 12 weeks of unpaid job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption of foster care;
- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

Military Family Leave Entitlements

Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA- also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period. A covered servicemember is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the servicemember medically unfit to perform his or her duties for which the servicemember is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee has continued to work. Upon return from FML, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

Substitution of Paid Leave for Unpaid Leave

Employees may choose or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FML, employees must comply with the employer's normal paid leave policies.

Employee Responsibilities

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days notice is not possible, the employee must provide notice as soon as practicable and generally must comply with an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Leave for Victims of Violence, Assault, Sexual Assault or Stalking

Must be allowed upon request if an employee (or a child, parent or spouse of an employee) is a victim of violence, assault, sexual assault or stalking or any act that would support an order for protection under Title 19-A M.R.S.A., c. 101 and the employee needs the time to: Prepare for and attend court proceedings; or Receive medical treatment; or Obtain necessary services to remedy crisis.

For additional information, please visit the Maine Department of Labor at www.maine.gov/labor/bls or call 207-623-7900.

Federal Family Medical Leave Act (FMLA) 04/16 U.S. Department of Labor: Wage and Hour Division

Leave Entitlements

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent. An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

Benefits and Protection

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave. Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions. An

employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

Eligibility Requirements

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave; and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

Requesting Leave

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary.

Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified. Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Employer Responsibilities

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility. Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Enforcement

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer. The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

For additional information, please visit the U.S. Department of Labor at www.dol.gov/whd or call 1-866-4-USWAGE.

Uniformed Services Employment and Reemployment Rights Act (USERRA)

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

Reemployment Rights

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- You ensure that your employer receives advance written or verbal notice of your service;
- you have five years or less of cumulative service in the uniformed services while with that particular employer;
- you return to work or apply for reemployment in a timely manner after conclusion of service; and
- you have not been separated from service with a disqualifying discharge or under other than honorable conditions. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

Right to be Free From Discrimination and Retaliation

If you:

- are a past or present member of the uniformed service;
- have applied for membership in the uniformed service; or
- are obligated to serve in the uniformed service;

then an employer may not deny you:

- initial employment;
- reemployment;
- retention in employment;
- promotion; or
- any benefit of employment because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

Health Insurance Protection

If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.

Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

Enforcement

The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations. For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <http://www.dol.gov/vets>.

Town of Thomaston Personnel Policies & Procedures Handbook

Employee Acknowledgement and Agreement

I acknowledge that I have read and understand the provisions of the Personnel Policies & Procedures Handbook. I understand that it describes the Town of Thomaston's policies and procedures, and that it is a guide to assist employees in following these policies and procedures. By accepting this Handbook and acknowledging its receipt, I agree to follow these policies and procedures.

I also understand the following:

- I am an employee at will and the employment relationship between me and the Town of Thomaston can be terminated at any time and for any reason, unless I am otherwise covered specifically by statute, written agreement, or collective bargaining agreement.
- There is no verbal agreement regarding the terms, conditions, or length of my employment, and the policies set forth in this Handbook do not constitute a contract of employment, unless I am otherwise covered specifically by statute, written agreement, or collective bargaining agreement.
- The policies contained in this Handbook may be changed without notice at the sole discretion of the Town of Thomaston, which retains the right to interpret and apply the stated policies as it deems appropriate, unless otherwise provided specifically by statute, written agreement, or collective bargaining agreement.

I, the undersigned, acknowledge that I have received and have read this Handbook. I have met with my supervisor or department head and have had an opportunity to clarify any questions which I may have concerning one or more portions of this Handbook. I understand that a copy of this Acknowledgment will be kept in my personnel file.

Printed Name: _____

Signature: _____

Date: _____

Please sign and date one copy of this notice and give it to your supervisor or department head by the time specified; you may wish to retain a copy for your reference.