

TOWN OF WALDOBORO, MAINE PERSONNEL MANUAL

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Contents

- Section 1: Purpose of this Manual
 - Section 2: Definitions
 - Section 3: Implementation of Manual Policies
 - Section 4: Recruitment and Selection
 - Section 5: Promotion, Demotion, Resignation, and Layoffs
 - Section 6: Compensation: Salaries and Hourly Wages
 - Section 7: Employee Evaluations
 - Section 8: Conditions of Employment
 - Section 9: Compensation: Salaries and Hourly Wages
 - Section 10: Leave Benefits
 - Section 11: Holidays
 - Section 12: Vacations
 - Section 13: Separation of Employment
 - Section 14: Discipline
 - Section 15: Harassment
 - Section 16: Interpersonal Relationships Between Employees
 - Section 17: Customer Complaint Policy
 - Section 18: Employee Appeals
 - Section 19: Ethics
 - Section 20: Amendment, Severability and Effective Date
- Attachment I: Compensation Ranges

1. Purposes of this Manual

The Waldoboro Select Board (the Board) has approved this Personnel Policy Manual (the Manual) to promote a professional, positive and equitable working environment for Town of Waldoboro (the Town) Employees, Elected Officials, and Volunteers. The Board's goal is to nurture and maintain a working environment and workforce that are second-to-none, and to encourage Employees, Elected Officials, and Volunteers gladly and readily to serve the Town's residents efficiently, effectively and credibly. This Manual provides guidelines for hiring and advancement, training and career development, job classification, salary administration, retirement, benefits, discipline, and much more.

This edition of the Manual differs from its predecessors. It now applies to all Volunteers, Elected Officials and all members of *appointed* committees and boards and *elected* Town boards, as well as to Employees. It contains enhanced ethics and harassment policies and revised vacation days, and it sets ranges—not steps—for salaries and wages.

The Manual is a living document, which the Board interprets, reviews and alters at its discretion to keep it current, to reflect best practices and to address conflicts with, and changes in, local, State and Federal ordinances and laws. This Manual does not create a vested contractual right in any Employee, Elected Official or Volunteer, and it does not limit the Board's prerogative to change it.

The Board recognizes that Town departments have established rules and procedures unique to their operations. If there's a conflict between Town department rules and guidelines and this Manual, this Manual controls, unless the Board decides otherwise.

This Manual applies to Employees who are subject to collective bargaining agreements to the extent that it does not conflict with those agreements.

This Manual does not limit the Board's sole authority to negotiate the terms and conditions of the Town's contracts.

2. Definitions

Benefits means any combination of health insurance, life insurance, workers' compensation, Maine PERS, Income Protection Insurance, Dental and Vision Insurance, leaves, holidays, and vacation benefits the Town makes available to Regular Full-Time Employees. The Board, with the assistance of the Town

Manager, determines the level and nature of all Benefits and who pays for them. Benefits are more fully described in Sections 9, 10, 11 and 12 of this Manual.

Elected Official means any person the voters of the Town elect by popular vote to fill a Town position or whose replacement the Board appoints because of resignation, death, or dismissal.

Employees means, unless otherwise specified, Paid On-Call Employees, Part-Time Employees, Per Diem Employees, Regular Full-Time Employees, and Seasonal Employees.

Immediate Family includes Employee and spouse, domestic partners, parents, grandparents, children, grandchildren, siblings, and parents-in-law.

MMA means Maine Municipal Association.

Maine PERS means Maine Public Employees Retirement System.

Overtime means hours worked in excess of forty (40) hours a week. Overtime computation includes actual hours worked plus hours worked on holidays.

Paid On-Call Employees are fire service Volunteers whom the Town pays an hourly stipend for work they perform on a call-by-call basis. On-Call Employees do not work scheduled hours, and they are entitled only to benefits required by law.

Part-Time Employees are those whom the Town regularly schedules to work less than 32 hours per week on a continuing basis.

Per Diem Employees are EMS employees who routinely work scheduled hours that vary from week-to-week. The Town offers EMS positions to a limited number of individuals and pays them a daily or hourly wage for each day of work.

Regular Full-Time Employees work 32 or more hours per week on a continuing basis. They are eligible for Benefits.

Seasonal Employees work 40 hours or less per week during spring, summer, fall or winter. Seasonal work is temporary; the Town pays an hourly wage to

Seasonal Employees. Seasonal Employees are only eligible for Benefits required by law.

Volunteers means all Town committee and board appointees, elected board members and part-time Town officials. For the purposes of this Manual, if one is not an Elected Official, a Paid On-Call Employee, a Part-Time Employee, a Per Diem Employee, a Seasonal Employee, or a Regular Full-Time Employee, one is a Volunteer.

3. Implementation of Manual Policies

3.1 Board and Manager Responsibilities. The Board hires and supervises the Manager. The Board also appoints all non-elected volunteer board and committee members. The Manager appoints and supervises all Town Department Heads. The Manager recommends to the Board for its approval, and supervises, all Town officials the Board is, by statute, required to appoint. The Manager, in consultation with Department Heads, hires Part-Time Employees, Paid On-Call Employees, Per Diem Employees, Regular Full-time Employees, and Seasonal Employees. The Manager reports all appointments to the Board.

3.2 Employee, Volunteer and Elected Official Responsibilities. Employees, Elected Officials, and Volunteers must read this Manual, which is also available on the Town's website: www.waldoboromaine.org.

Employees, all Elected Officials, and Volunteers must not:

- engage in conduct, which could reflect unfavorably on the Town;
- disrupt or unreasonably interfere with Town operations;
- use public employment or volunteer positions for private gain;
- withhold information in violation of the Maine Freedom of Access Act
- release information in violation of executive session rules and other laws and ordinances governing confidentiality;
- undertake any business or alternative work during working hours;
- accept gifts, gratuities, loans or other items of material monetary value from any person or entity, which could influence performance and the unbiased exercise of discretion.

4. Recruitment and Selection

4.1 Equal Employment Opportunity (EEO) Employer. The Town is committed to remaining an EEO employer. The Town does not discriminate against applicants for employment or volunteer positions and follows the principle that every individual is entitled to EEO without regard to religion, race, sex, sexual orientation, marital status, age, color, ancestry, national origin, creed, political affiliation, veteran status, sexual preference, or physical or mental disability. The Town's EEO commitment applies to recruitment, employment, compensation, Benefits, staff development and training, promotion, termination, and all other conditions of employment.

4.2 Recruitment. The town seeks to employ the best-qualified personnel available at the Salary and Wage ranges set forth in Section 6 of this Manual. Allowing for time constraints the Town conducts as broad a search for candidates as possible. The nature of the recruitment and selection process varies by position and may include advertising; open, competitive tests; and consultation with public and private employment and other agencies and resources. The Town's priority is, if possible, to hire from within.

4.3 Application, Interview, Selection and Nepotism. The Manager and, if the Manager requests, the Finance Director review applications for job vacancies. The Manager may seek the counsel and advice of others, including Department Heads, Board members, Employees and Town residents to help with application reviews and interviews or to be on search committees. The interview process considers each candidate's skill set, knowledge, experience, attitude, education, prior demonstrated performance and the compatibility of compensation requirements with the Town's compensation ranges. Immediate Family Members must not participate in the application review, interview and selection processes. The Manager, the Finance Director or Department Head, as appropriate, initiates and completes criminal background checks and makes a record of information received from each candidate's references. If the Town makes an offer of employment, it may be subject to a physical examination that confirms an applicant's ability to perform the essential functions of the position. The Manager may refuse or terminate employment if the candidate does not complete a satisfactory physical examination.

The Town may not hire, promote or transfer Employees to positions where the supervisor is an Immediate Family member.

5. Promotion, Demotion, Resignation, and Layoffs

5.1 Promotion Policy. The Town encourages Employees to develop and improve the skills and knowledge needed to advance to more responsible Town positions. The Town prefers to promote from within, whenever possible.

5.2 Promotion Standards. When considering the promotion of an Employee, the Manager, in consultation with the Finance Director and Department Head, as appropriate, weighs related skills, knowledge, abilities, experience, education, past performance, leadership potential, compatibility and opinions of colleagues.

5.3 Demotion. The Manager may demote an Employee if the Employee would otherwise be laid off or if other employees return to work from authorized leaves to take back their jobs, or if an Employee voluntarily requests a demotion.

5.4 Reductions in Hours. The Manager may reduce an Employee's hours because of lack of funds, lack of work or other causes. Permanent reductions in the hours of Regular Full-Time Employees are subject to Board approval if the reductions are not the result of reduced, voter-approved budget allocations. In this Section 5.4, "reductions in hours" means a permanent change to a Regular Full-Time Employee's normal working schedule; it does not preclude the Manager from adjusting or reducing an Employee's hours on an occasional or intermittent basis.

5.5 Lay-Offs. The Manager is authorized to lay-off any Employee due to lack of funds, lack of work or other causes. The Board must pre-approve lay-offs of Regular Full Time Employees, whose positions budgeted through voter-approval.

6. Compensation: Salaries and Hourly Wages

6.1 Comparable Compensation. The Town compensates its Employees at levels that are comparable with salaries and wages for public and private work in Maine's Mid-Coast Region. As of July 1, 2020 the Board has established the Compensation Ranges set forth in Attachment I to this Manual.

6.2 Compensation Range Review. The Board may, from time-to-time and in consultation with the Manager and others, review and update the

Compensation Ranges by adjusting the minimum and maximum salaries or wages of each range. When reviewing and modifying Compensation Ranges, the Board and the Manager consider the cost of living, the Benefits package, the Town's financial capacity, compensation other towns offer for similar positions, and other relevant factors.

6.3 Initial Compensation. The Town compensates new Employees in accordance with their respective qualifications and experience.

6.4 Compensation increases within Ranges. The Manager may recommend during each annual Town budget review, with Board, Budget Committee and Town voters' approval, compensation increases within the Compensation Ranges set forth in Attachment I on the basis of merit. Merit increases are subject to voter approval of the budgets reflecting the increases. The Town does not award automatic compensation increases, and all increases are subject to the Compensation Range caps.

6.5 Standard Work Week and Overtime Compensation.

6.5.1 The Town's work week commences at 12:00 a.m. on Monday and ends at 12:00 p.m. on Sunday.

6.5.2 The Town's customary working hours are:

- Town Office: Currently, Monday through Thursday from 9:00 a.m. to 5:00 p.m. Regular Full-Time Town Office Employees customarily work a 40 hour week, however due to budget constraints those hours may change or be staggered down to 32 hours per week.
- Police and EMS offices. Work shifts and hours worked are determined by EMS and Police Department Heads.
- Public Works Garage. Forty hours per week, Monday through Friday, 7:00 a.m. to 3:30 p.m. with a half hour unpaid lunch.
- Transfer Station. Forty hours per week, Tuesday through Saturday, 8:00 a.m. to 4:00 p.m.

6.5.3 All Employees must not work hours in excess of their regular approved schedule, including overtime, without the prior written approval of their Department Heads. The Town compensates hourly Employees who work overtime either at 1.5 times the regular hourly wage for each over time hour worked or with compensatory time at 1.5 hours for each overtime hour worked.

6.5.4 Regular Full-Time Employees, all of whom receive salaries, work as long as is reasonably necessary to perform their duties. The

Manager may award compensatory time to Regular Full-Time Employees on a case-by-case basis when the Manager deems hours worked to be excessive. Regular Full-Time Employees are not eligible for overtime.

6.5.5 The Town requires direct deposit of pay checks. The Finance Director prints a payroll stub for each Employee to permit Employees to track earnings, benefits, deductions and withholdings.

7. Employee Evaluations

Department Heads evaluate their probationary Employees not later than two weeks prior to the end of the Employees' probationary periods.

Department Heads evaluate their non-probationary Employees annually during the months of April and May and immediately discuss their evaluations with each Employee.

The Manager supervises the evaluation process and provides evaluation forms to each Department Head. Department Heads must submit all completed evaluation forms to the Manager without delay. The evaluation forms are intended to:

- 7.1 fairly assess each Employee's strengths, weaknesses, and potential for growth;
- 7.2 encourage each Employee to develop additional skills and work interests;
- 7.3 use Employee feedback to improve departmental operations; and
- 7.4 serve as a basis for recommendations of merit pay increases.

8. Conditions of Employment

8.1 Probationary Periods

8.1.1 Objective. Probation is an integral part of the Employee selection process. Department Heads and the Manager use it to assess the suitability of new hires or promoted Employees.

8.1.2 Duration. Every appointed or promoted Employee must complete a probationary period of not less than six (6) months. The Manager may extend the probationary period at the Manager's discretion.

8.1.3. Discharge. The Manager may dismiss probationary Employees without notice or hearing during the probationary period.

8.2. Elective Training.

8.2.1 Employees. The Manager or Department Head may require an Employee to attend an elective seminar or training course during working hours. The Town pays Employees attending seminars or training sessions normal wages if they take place during normal working hours. If a course is scheduled after working hours the Town does not pay wages or salaries, however it does reimburse Employees for documented travel, meals and tolls.

8.2.2. Volunteers. Volunteers, Elected Town Officials or elected members of boards or committees may benefit from attending seminars and training courses, and sometimes the nature of their responsibilities requires them to attend. The Town pays the costs of such courses or seminars if the Manager approves them and if funds are available in the Town budget to support the expense.

8.3 Mandatory In-Service Training. The Town recognizes the significance of mandatory training to keep current, required Employee licenses and certifications necessary for the performance of their jobs. The Town makes every reasonable effort to enable Employees to attend mandatory trainings and does not unreasonably deny Employee requests for training. The Town may reasonably deny requests for training because the location of the training is inconvenient or expensive or because manpower is not available to support operations during the Employee's absence.

8.4 Examinations. The Town may require Employees to take physical or other qualifying exams at the Town's expense, whether or not they take place during or after normal working hours. Employees taking Town-required exams during normal working hours do not lose salary or wages.

8.5 Personal Identification. The Town provides Employees with personal identification. Employees must carry and display the identification the Town provides while they are on the job.

8.6 Safety Equipment. The Town must provide appropriate safety equipment to all Employees. Employees must use the equipment for its intended purpose and in the required manner. Failure to do so could result in immediate disciplinary probation or dismissal.

8.7 Accidents and Workplace Injury. The *Town of Waldoboro Safety Manual* requires all Employees involved in an accident or who sustain a workplace injury immediately to report the accident and injury, if any, to their Department Head. The Department Head or injured Employee must complete and submit to the Finance Director a "first report" of the accident or injury within 24 hours of its occurrence and follow up with post-accident or injury reporting requirements.

9. Insurance and Retirement Benefits for Regular Full-Time Employees

9.1 Group Life Insurance. The Town offers life insurance benefits under Maine PERS to Regular Full-Time Employees. The Town provides base coverage of two times each Regular Full-Time Employee's annual salary. Health insurance participants also receive life insurance coverage equal to one times their annual salary at no cost to the employee.

9.2 Income Protection, Dental, and Vision. The Town offers an income protection benefit under the MMA Income Protection Plan. Regular Full-Time Employees pay the cost of this Benefit. The Town also makes dental and vision insurance available at their own expense.

9.3 Health Insurance. The Town pays 100% of the premium for Regular Full-Time Employee health insurance and 85% of the premium for dependent coverage. The Town offers health insurance through the Maine Municipal Employees Health Trust (MMEHT) Insurance Plan PPO 2500, as well as a Health Reimbursement Account, which the Town funds up to the limit of the deductibles and co-pays. The Town's previous insurance plan was known as the MMEHT POS-C plan. The Board may change the health insurance plan Benefit or vendor in its sole discretion. Effective June 25, 2019, the Board voted to permit Select Board members to participate the Town's health insurance plan at their own expense.

9.4 Conditions for Cash in Lieu of Health Insurance. Regular Full-Time Employees who voluntarily decide not to participate in the Town's health insurance Benefit may do so upon submission of proof of alternative health insurance coverage to the Finance Director. The Town reimburses non-participating Regular Full-Time Employees in an amount equal to 20%

(twenty percent) of the cost of single coverage under the Town's health insurance Benefit. If a Regular Full-Time Employee's spouse or other family member works for the Town, neither may receive cash in lieu of payment. Effective July 1, 2021 for budget purposes.

9.5 Retirement. The Town offers retirement benefits pursuant to Maine PERS.

10. Leave Benefits

- 10.1. Bereavement Leave.** If a member of a Regular Full-Time Employee's Immediate Family dies, the Manager may grant the Employee up to five days' leave-of-absence with full pay to make household adjustments and to attend funeral services. In the event of the death of a non-family member, Department Heads may grant up to one day's leave for funeral service attendance.
- 10.2. Jury Duty Leave.** The Town grants leaves-of-absence with full pay to Regular Full-Time Employees called for jury duty or by subpoena by virtue of their employment with the Town. Employees on jury duty leave must sign over to the Town all compensation they receive for jury duty service except for travel expense reimbursements, which the Employees may keep for themselves.
- 10.3. Unpaid Leaves-of-Absence.** The Manager may grant Regular Full-Time Employees leaves-of-absence without pay or Benefits for up to six months as long as the leave times are commensurate with the actual time the Employees need. The Board must approve leaves-of-absence exceeding six months. Employees granted leaves must use all accrued vacation, compensatory time, and holiday entitlements before commencing their leaves. The Town expects Employees away on leave to return to work immediately upon expiration of the granted leave period or to request an extension, which the Town may refuse. The Town considers Employees who do not return from leave upon expiration of the leave term or the extended leave term to have resigned their position without salary or Benefits. While away on leave Employees may continue to participate in the Town's Group health, life, dental and/or vision insurance Benefits at their own expense, provided the carrier is amenable. If Employees accept employment elsewhere, employment and leave of absence with the Town terminate immediately. In computing length of service, the Town does not include time away on leaves-of-absence, effectively changing Employees' anniversary dates for merit increases and other Benefits. The Town makes a best effort to keep Employees' positions

available while they are away on leave, but with no guarantee. At the conclusion of their leaves-of-absence, Regular Full-Time Employees in good standing may return to their positions if openings still exist.

10.4. Sick Leave.

10.4.1. Regular Full-Time Employees begin to earn sick leave from their dates of hire and accumulate sick leave at the rate of 1.85 hours per week up to a maximum of seven hundred and twenty (720) hours.

10.4.2. The Department Head or Manager may require a physician's certificate prior to granting paid sick leave in excess of three consecutive days. The Town pays the cost of the certificate if it exceeds the available health reimbursement.

10.4.3. Unless incapacitated, Employees requesting sick leave must report to the Manager or to the Department Head by phone or in person a minimum of one (1) hour before the start of work during each day of absence. EMS Employees must report by phone or in person not less than three (3) hours before the start of work during each day of absence. Employees leaving sick leave telephone messages must also leave the phone numbers where they can be reached. Failure to do so may result in loss of pay.

10.4.4. Employees may use available sick leave in an amount of up to forty (40) hours per calendar year to attend to family illnesses. The Manager may allow more than 40 hours sick leave per year, if the Manager believes the situation warrants. For purposes of this section "family" has the meaning used in the Family Medical Leave Act of 1993, as amended.

10.4.5. The Town charges sick time used to each Employee's sick leave account in half-hour increments.

10.4.6. The Town complies with Federal and State laws concerning family medical leave. Medical leave the Town grants pursuant to Federal and State law shall run concurrently—as opposed to consecutively-- with the paid or unpaid leave the Town makes available pursuant to this Manual.

10.4.7. The Town has an Employee sick and vacation leave donation program. It enables Employees to donate a portion of their accrued sick or vacation time to other Employees in need. To be eligible to receive donated time, Employees must have completed their six-month probationary period; be on an approved medical leave; have qualified for income protection; have exhausted all accrued paid leave and income protection time, and not be receiving compensation through Workers' Compensation or Social Security

Disability insurance. Donor Employees provide their hours of accrued sick or vacation time on a purely voluntary and confidential basis. Donor Employees must maintain a balance of 12 sick days and 10 vacation days for their personal use. Employees who wish to make a sick or vacation leave donation to another Employee must contact the Finance Director to determine eligibility of both the donor and donee and to obtain the necessary written authorization. Unused donated sick or vacation leave time is returned to the donating Employee's balances.

10.5. Snow and Severe Weather Days.

10.5.1 The Manager may excuse non-emergency service Employees from work during severe snow days. The Town office notifies Employees about closures due to inclement weather.

10.5.2 If Town offices or buildings are closed to the public because of severe weather, the Town compensates non-emergency service Employees at their usual rate of pay for the hours they would have normally worked. If, during periods of severe weather, an Employee is on scheduled vacation leave, sick leave, a leave of absence or otherwise taking time off, the Employee is not entitled to weather-related paid time-off.

10.5.3 If a non-emergency Employee does not report for work because of bad weather, or is offered the opportunity to leave work early and does so or is late arriving to work because of bad weather when the Town office or Town buildings are open, the Employee must use vacation time or available comp time to account for the absence or, with the Manager's approval, simply take unpaid leave. Under the Fair Labor Standards Act, emergency Employees, who must be available to work during bad weather conditions, are not subject to wage reductions. During bad weather periods, the Town expects emergency Employees to demonstrate professionalism and good judgement in their decisions to make themselves available to perform their duties.

10.6 Maine Earned Employee Leave

10.6.1 Eligible employees earn 1 hour of paid leave for every 40 hours worked, up to a maximum of 40 hours per year. Eligible

employees begin accruing on hire date, but cannot use the time until 120 days of employment. This paid leave can be used for any reason.

10.6.2 If an employee takes earned leave the Town will pay the employee at the same pay rate the employee received immediately prior to taking earned leave.

10.6.3 If an employee takes earned paid leave, it should not affect his or her right to receive health benefits "on the same terms and conditions as applicable to similarly situated employees."

11. Holidays

The Town counts the following days as holidays and pays Employees their regular hourly rate for each holiday:

New Year's Day	Indigenous Peoples Day (Union)
Martin Luther King Day	Veteran's Day
Presidents' Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving Day
Independence Day	Christmas Eve (Non-Union)
Labor Day	Christmas Day

11.1. In lieu of Patriots Day the Town affords Employees one (1) floating holiday per calendar year at their straight rate of pay. Employees must use their floating holiday during the calendar year in which they receive it or lose it. Employees must obtain the prior approval of the Manager or their Department Head to use their floating holiday. The non-union employees have traded Indigenous Peoples Day for Christmas Eve, and the union employees opted to keep Indigenous Peoples Day.

11.2. Employees must observe on Friday the holidays which occur on a Saturday and on Monday the holidays which occur on a Sunday. If a holiday falls on a Monday, Transfer Station Employees who have a scheduled day off on Monday will receive their usual rate of pay for 8 hours work.

11.3 The Town pays non-salaried Employees, whom the Town requires to work on a holiday, at the rate of 1.5 times the Employees' regular hourly rate for actual hours worked up to 10 hours. If non-salaried Employees work on a holiday for more than 10 hours the Town pays them their adjusted holiday hourly rate times a factor of 1.5.

12. Vacations**12.1 Employees accrue vacation time as follows:**

<u>Vacation Time Accrual</u>	<u>Years of Service</u>
Eighty hours (80)	Start to under 7 years of service
One hundred and twenty hrs. (120)	7 to under 14 years of service
One hundred and sixty hrs. (160)	14 to under 20 years of service
Two hundred hrs. (200)	20 years of service and over

12.2 Employees must submit their requests for vacation time to their respective Department Heads on the Town's vacation request form not less than 14 days prior to their requested vacation start date. Department Heads may waive the 14-day advanced notice requirement. Department Heads grant leave at the convenience of the department, when Employees' absences will not unduly disrupt operations

12.3 Regular employees may accrue vacation time for a maximum of two (2) years, after which vacation time accrual ceases until the Employee has used sufficient vacation time to reduce the accrual level to less than the level permitted for two years of service. Department Heads may exempt Employees from the foregoing accrual limitation if accrual levels in excess of two years' service resulted from the Town's denying Employee vacation requests. The Employee must use-- and Department Heads must permit the use of-- accrued vacation time carried forward during more than two years of service during the next succeeding 6-months period, or the Employee will forfeit the accrued vacation time. The Town does not purchase vacation time from its Employees unless there are special circumstances and the Board approves the purchase. For consideration, Employees must submit vacation buy-back requests to their Department Heads prior to the next succeeding year's budget process.

12.4 The Town charges vacation time used to each Employee's vacation account in one-half (1/2) hour increments.

12.5 The Town does not permit Employees to use vacation time during the first six months of their employment.

13. Separation of Employment

13.1 Upon separation, including involuntary separation, the Town pays its Employees all wages and vacation accrued up to the effective date of separation.

13.2. The Town makes the accrued wages and vacation payments set forth in Section 13.1 on the next regularly scheduled pay day, provided that the Employee has returned to the Town office all Town-owned and issued equipment, tools, or clothing.

13.3 In addition to the compensation set forth in section 13.1 of this Manual, the Town pays Regular Full-Time Employees who have twenty (20) years of consecutive service the dollar equivalent of up to a maximum of thirty (30) sick days, provided that the Employee has complied with Sections 13.2 and 13.4 of this Manual.

13.4 Separating Employees must give the Town 14 business days' prior written notice of their voluntary termination of employment.

14. Discipline

14.1. Disciplinary Responsibility. The Manager is responsible for enforcing this Manual's policies and its rules, regulations and administrative requirements. The Manager may, from time-to-time, delegate some or all of the responsibilities to a Department Head.

14.2. Disciplinary Procedures. The Town limits disciplinary actions to the following:

14.2.1 Oral Reprimand. The Manager, or Department Head, may, for minor infractions, issue Employees an oral reprimand in private. The Manager or the Department Head must make a written record of the date, time, and circumstances of the reprimand using the Town's Counseling Action Form and place it in the Employee's personnel file.

14.2.2 Written Reprimand. The Manager or Department Head may give the Employee a written reprimand, first sharing it with the Employee and then placing it in the Employee's personnel file.

14.2.3 Disciplinary Probation. The Manager may place an Employee on disciplinary probation. The Manager gives the Employee a written notice setting forth the reasons for disciplinary

probation and its start and end dates--a period not to exceed 60 working days. The Manager must place a copy of the notification in the Employee's personnel file. Employees on disciplinary probation continue their duties on paid status. Upon expiration of disciplinary probation, the Manager must notify the Employee in writing that either (i) the Employee's performance and behavior are satisfactory and employment with the Town will continue or (ii) the Employee's performance and behavior remain unsatisfactory and the Manager is taking steps to terminate employment.

14.2.4 Suspension. The Manager may suspend an Employee without pay for up to twenty (20) working days. The Manager must give the Employee written notice asserting the reasons for the suspension and its start and end dates.

14.2.5. Administrative Leave. The Manager may place an Employee on administrative leave with or without pay to conduct an investigation or for any other reason the Manager deems appropriate. Within three (3) working days of placing the Employee on administrative leave, the Manager must give the Employee a written notice asserting the Manager's reasons for the leave.

14.2.6. Discharge. The Manager may discharge an Employee after notice and hearing for unsatisfactory job performance or for violations of laws or rules or policies, including the policies in this Manual. As noted in Sections 8.1.3 of this Manual, the Town does not consider termination of probationary Employees as a discharge. Probationary Employees are not entitled to notice of termination and a hearing.

14.3 Causes for Disciplinary Action. Causes for disciplinary action include, but are not limited to the following:

14.3.1. Incompletion, indolence or inefficiency in the performance of Employee duties;

14.3.2. Insubordination (violation of any reasonable or official order or failure to carry out any lawful and reasonable direction made and given by a proper supervisor and failure to follow a chain of command)

14.3.3. Habitual tardiness or absence from duty;

14.3.4. Exhibiting rude behavior including using inappropriate language;

14.3.5. Misconduct;

14.3.6. Stealing or misusing town property or property of others;

14.3.7. Intoxication or drug abuse;

14.3.8. Falsifying reports or timecards, making false allegations and any other form of lying;

14.3.9. Sleeping on the job (unless authorized);

14.3.10. Wanton carelessness or negligence;

14.3.11. Malfeasance, misfeasance, perjury, or subornation of perjury; or

14.3.12. Willful violation of any provision of this Manual; or

14.3.13. Violation of the Town's Information Technology Policy.

14.4 Causes for Immediate Dismissal. The actions and behaviors set forth in Sections 14.3.5 through 14.3.12 of this Manual are so unacceptable that any one of them may constitute just cause for immediate dismissal.

15. Harassment. The Town is committed to providing its Employees with a safe and respectful work environment which is free from all forms of- intimidation and harassment. The town has zero tolerance for non-sexual harassment and sexual harassment, including harassment for race or color, gender, sexual orientation, physical or mental disability, age, ancestry, national origin, marital status, religion, veteran's status, genetic predisposition or whistleblower activity.

15.1. Definitions:

15.1.1. **Sexual Harassment** is a form of illegal gender discrimination and is prohibited by Title VII of the federal Civil Rights Act and by the Maine Human Rights Act. Sexual harassment means unwelcome

sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- 15.1.1.1. submission to sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's employment,
- 15.1.1.2. submission to or rejection of sexual conduct is used as the basis for employment decisions affecting the target of the advances; or
- 15.1.1.3. the sexual conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can also include conduct that is not sexual in nature, but is gender related or directed at an individual because of gender. It includes harassment of the same or of the opposite sex.

Examples of sexual harassment include, but are not limited to:

- Offensive sexual flirtations, gestures, leering;
- Verbal or physical abuse of a sexual nature or directed at an individual because of gender;
- Advances or propositions;
- Lewd jokes or nicknames;
- Sexually suggestive sounds, writings, comments or gestures;
- Unwelcome touching or advances, groping, sexual practical jokes or horseplay;
- Display of sexually suggestive, lewd or offensive objects, pictures or materials.

- 15.1.2. **Non-Sexual Harassment:** Non-sexual Harassment is 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:

- Physical abuse, such as shoving, punching, tripping, stalking,
- Damage to personal possessions;
- Verbal harassment/abuse, such as threats, innuendoes, foul language;
- Racist comments or derogatory stereotypes;
- Offensive jokes;
- Inappropriate comments, slurs, ridicule or jokes about an employee's accent, disability, age, religion, gender, sexual orientation;
- Inappropriate or offensive nicknames.

15.2 Zero Tolerance for Non-Sexual Harassment and Sexual Harassment:

The Town has zero tolerance for Non-Sexual and Sexual harassment. Either is grounds for disciplinary action up to and including immediate dismissal.

The Town expects all Town Employees and Officials, Volunteers, and Elected Officials to treat one another professionally and respectfully. The Manager and Department Heads are responsible for creating and maintaining a work environment free of harassment and discrimination. Town staff are responsible for actively stopping or preventing inappropriate conduct and are required to take immediate and appropriate action whenever becoming aware of conduct in violation of this policy. Corrective action is required regardless of whether a complaint is filed.

15.3 Investigative Measures and Complaint Process

The Town promptly and thoroughly investigates all complaints and circumstances involving sexual or non-sexual harassment or discrimination in its workplace. All Employees, Volunteers, Elected Officials and officials must cooperate fully in any investigation. If warranted, the Town may initiate disciplinary action against any Employee or official or Volunteer found to have engaged in sexual harassment or non-sexual harassment, including disciplinary actions designed to prevent a recurrence. The Town respects and safeguards the privacy of all of its Employees, officials and Volunteers to the fullest extent possible, consistent with Maine law.

A Town Employee, Volunteer or official who witnesses, becomes aware of, or is the recipient of sexual harassment, non-sexual harassment or discrimination in violation of this policy is encouraged and expected to report it to a supervisor and immediately to contact and file a complaint with:

Finance Director by phone: 207-832-5369 or via
email: finance@waldoboromaine.org

Town Manager by phone: 207-832-5369 or via
email: townmgr@waldoboromaine.org

EMS Director by phone: 207-832-5369 or via
email : ems@waldoboromaine.org

15.4. Maine Human Rights Commission:

An Employee, Volunteer, or official who believes that he or she has been the subject of 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. In most cases, a complaint must be filed with the MHRC within 300 days of the date of the occurrence.

The Town does not require Employees to utilize the Town's internal complaint process first, and the Town does not require 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 04333-0051 or by telephone at 624-6050, TTY: 1-888-577-6690. Additional information is available on the MHRC website at: www.maine.gov/mhrc/index.shtml

15.5. Retaliation Prohibited:

This policy expressly prohibits retaliation against any Employee, Volunteer, or official for reporting suspected discrimination, sexual harassment or non-sexual harassment or for participating in any part of the complaint process.

If you have questions concerning this harassment policy, please contact the Manager at 207-832-5369 or townmgr@waldoboromaine.org

16. Interpersonal Relationships between Employees

The Town recognizes the right of Employees to engage in social relationships with each other, including relationships of a romantic or intimate nature. However, the Town also recognizes that such relationships may cause problems in the workplace. They may lead to favoritism, discrimination, unfair treatment, friction among co-workers, or the perception that they generate such problems.

To achieve balance between Employee rights and workplace needs, the Town has adopted this Policy to apply to supervisor/subordinate and subordinate/subordinate interpersonal relationships.

If a dating relationship exists or develops between Employees, *both* parties involved must report it to A) their immediate supervisor or B) the Finance Director.

For the purposes of this Section, a supervisor/subordinate status means a situation where one Employee, irrespective of job title or union membership, makes or has the authority to make decisions or to take action concerning another Employee's compensation, promotion, demotion, discipline, daily tasks, or any other terms, conditions or privileges of employment with the Town.

The Town authorizes and requires the Finance Director, the Manager and the respective Department Head to address interpersonal relationships in the workplace that come to their attention in a manner they deem appropriate.

Any Employee who violates this policy is subject to disciplinary action, including discharge. The Town regards a violation of this policy as particularly serious.

Nothing in this policy alters an Employees at will status.

17. CUSTOMER COMPLAINT POLICY

From time to time, Employees may field customer service complaints or concerns regarding the quality of the services the Town provides. It is important to address such complaints promptly. In most instances, the first staff person to hear a complaint should be able to resolve the issue immediately and the Town encourages Employees to do so. When immediate resolution is not possible, the Employee must refer the complaint to the Department Head or Supervisor who

takes responsibility for it and informs the Manager if necessary. The Department Head or Supervisor completes the appropriate complaint form, and works to resolve the matter through direct interaction with the complainant. If the Department Head or Supervisor's proposed resolution is acceptable to the complainant, the Supervisor closes the case and completes and submits a summary report to the Manager. If the proposed resolution of the complaint is unacceptable to the Supervisor and the Complainant, the Manager reviews the case and the proposed resolution. The Manager makes the final determination for disposition of the complaint.

18. EMPLOYEE APPEALS

Employees have the right to appeal disciplinary action or the interpretation or application of this Manual using the following appeal process:

18.1. Employees must first discuss and attempt to resolve their appeals with their respective Department Heads. If both parties cannot reach an immediate, mutually satisfactory solution Employees submit the appeal in writing to the Department Head, who, upon receipt of the appeal, must render a written decision to the Employee within ten (10) calendar days and send a copy of the appeal and the decision to the Manager.

18.2. If the Employee remains unsatisfied with the Department Head's written decision the Employee may file a formal appeal in writing to the Manager within ten (10) calendar days of the Department Head's reply. The Employee's appeal to the Manager must include a statement of the problem, why the Employee is not satisfied with the Department Head's decision and a suggested resolution. The Manager must submit a written decision to the Employee within ten (10) calendar days of the Manager's receipt of the Employee's appeal.

18.3. Department Heads follow the guidelines in paragraphs 18.1 and 18.2 if they wish to direct their appeals to the Manager. The Manager must submit to the Board all written correspondence from the Department Head to the Manager. If Department Heads are unsatisfied with the Manager's proposed resolution to their appeals, they may appeal to the Board via Executive Session. The Board may hear the appeal, but is under no obligation to take any action or to render a decision in the matter.

18.4 The Board handles Manager appeals to the Board in the manner set forth in the Manager's Employment Contract.

18.5 All appeals must be submitted to the respective party not later than thirty (30) days after the occurrence of the event giving rise to the appeal, or within thirty (30) days after the event became known to the Employee, whichever is later.

19. ETHICS

19.1. Personal Conduct. The Town's taxpayers and residents are entitled to the best customer service the Town can give. Cooperation and teamwork by all Employees, officials, and Volunteers are essential to efficiency. The Town's Employees are public servants; they must treat the Town's citizens with courtesy and respect. Every Employee must remember that Employees may be the only contact a citizen has with local Town government. The impression the Employee makes will determine what the citizen thinks of Town Government. The Town expects its Employees to conduct themselves professionally. An Employee's failure to act with reasonable courtesy may result in disciplinary action or termination.

19.2. Conflict of Interest. Town Employees, Volunteers and officials are subject to the requirements of 30-A M.R.S.A. § 2604 et seq. and this ethics policy. Employees, Volunteers and officials of the Town shall not knowingly participate in a conflict of interest situation without making a full disclosure to the Manager or the Board, as appropriate. A conflict of interest is any situation where an Employee, Volunteer or official personally benefits or is perceived personally to benefit from knowledge gained or decisions made with regards to contracts, appointments, purchases and sales. The Manager or, if appropriate, the Board is authorized to take all steps necessary to ensure that a real or perceived conflict of interest is publicly acknowledged.

19.3. Gifts. This policy prohibits all Employees, Volunteers and Elected Officials from soliciting or accepting any gift, gratuity, favor, entertainment, loan or any other item of monetary value from (i) any person who has or is seeking to obtain business with the Town or (ii) any person who may unfairly benefit from an Employee's or Volunteer's or official's performance or non-performance of official Town duties

The Town permits the acceptance of food and refreshments during the ordinary course of Town business meetings and unsolicited advertising or promotional materials, (pens, note pads, calendars or similar items of nominal value). The Town expects Employees, Volunteers and officials to share such gifts, as appropriate. Department Heads must avoid placing themselves in

positions that could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No Department Head shall accept gifts from subordinates other than those of nominal value for special occasions, and no Department Head shall borrow money or accept favors from any subordinate.

19.4. Employees, Volunteers and officials must not, directly or indirectly, use or allow the use of Town property of any kind for other than official Town activities and operations. The Board may permit nominal, community-related use of Town property so long as such use does not interfere with Town operations. All Town property the Town issues to Employees, Volunteers, and officials, such as keys, tools, and equipment, shall be returned to the Town in good operating condition, prior to the Employee's or Volunteer's or official's last day. Failure to return Town property may result in actions to obtain restitution or to assert legal rights. Employees, Volunteers and Town officials must not use the Town's telephone facilities for personal calls when the placing of such calls would interfere with normal Town duties, would incur additional financial liability for the Town or would interfere with the use of the facilities for official business. Personal use must be urgent, infrequent and of short duration.

20. Review, Amendment and Severability

20.1. POLICY REVIEW - The Manager and Board review this Manual at least annually and more often, if necessary

20.2. AMENDMENT PROCEDURE - The Manager or the Board may propose amendments to this Manual, the Manual will be made available to employees for comment prior to final adoption. Comments concerning proposed amendments may be submitted to the Select Board for consideration.

20.2.1 The Town specifically reserves the right to repeal, modify or amend this Manual. The Manual is intended as informational guidance and the Town reserves the right to interpret any provision and to change policies with reasonable notice when possible. No provision of this Manual shall create, or be deemed to create, a vested contractual right in any Employee or to limit the power of the Board to amend or repeal this Manual at any time.

Conflicting changes in local, State or Federal laws take precedence over this Manual's policies, whether or not those changes were incorporated into this Manual.

20.3 SEVERABILITY The invalidity of any provision of this Manual does not invalidate any other provision.

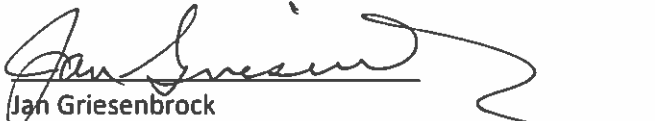
20.4 EFFECTIVE DATE

The effective date of this Manual is September 8, 2020. This Manual supersedes and replaces all previously adopted or amended versions.

Select Board:
Town of Waldoboro, Maine


Robert L. Butler


Abden S. Simmons, Chair


Jan Griesenbrock


Joanne C. Minzy, Vice Chair


Katherine W. Winchenbach

Amended: September 8, 2020

$\frac{1}{2} \frac{d}{dt} (v^2) = \frac{1}{2} \frac{d}{dt} (v_x^2 + v_y^2 + v_z^2)$
 $= \frac{1}{2} (2v_x \frac{dv_x}{dt} + 2v_y \frac{dv_y}{dt} + 2v_z \frac{dv_z}{dt})$
 $= v_x \frac{dv_x}{dt} + v_y \frac{dv_y}{dt} + v_z \frac{dv_z}{dt}$
 $= \mathbf{v} \cdot \frac{d\mathbf{v}}{dt}$

$\frac{d}{dt} \left(\frac{1}{2} m v^2 \right) = \mathbf{F} \cdot \mathbf{v}$

Work done by a force \mathbf{F} on a particle moving with velocity \mathbf{v} is