

<b>NAME</b>	<b>ATTEND</b>
Michelle Hannan, Chair	
Mark Kelley, Vice-Chair	
Eric Boucher	
Jim Annis	
Denise Munger	
Jonathan Duke, Town Manager	
Rockport AV Staff	
General Public	
Robin Chace Payson	
Sam Temple	
Abbie Leonard	



**December 12, 2022 – 6:00 p.m.**

**Geoffrey C. Parker Room – Rockport Opera House**

**- PUBLIC MEETING -**  
**Rockport Select Board**  
Monday, December 12, 2022  
Geoffrey C. Parker Meeting Room, 6:00 p.m.  
Streamed at [vimeo.com/rockportmaine](https://vimeo.com/rockportmaine)

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**AGENDA**

**I. Call Meeting to Order**

**II. Town Manager's Report/Update**

**III. Public Input on Non-Agenda Items**

**IV. Amendments to the Agenda**

**V. Consent Agenda**

- a. Committee Resignation(s):
  - David Pio – Planning Board
- b. Approve Meeting Minute(s):
  - November 14, 2022

**VI. Action Items**

- a. Act on Committee Application(s):
  - Robin Chace Payson – Harbor Committee
- b. Act on Committee Workplan(s):
  - Harbor Committee
- c. Act on Harbor Fee Schedule
- d. Act on Personnel Policy Amendments
- e. Act on Resignation – Town Clerk – Linda Greenlaw
- f. Act on Appointment - Town Clerk – Elizabeth Lowe

**VII. Discussion Items**

- a. Discussion on FY '23 Capital Improvement Plan

**VIII. Select Board Liaison Reports**

**IX. Executive Session**

- a. Discussion of Labor Contract Negotiations

**X. Adjourn**

**Future Meetings, Office Closures, Etc.**

Friday, December 23, 2022 – Christmas Eve (observed)  
Monday, December 26, 2022 – Christmas Day (observed)  
Friday, December 30, 2022 – Select Board Executive Session  
Monday, January 2, 2023 – New Years' Day (observed)  
Monday, January 9, 2023 - Regular Select Board Meeting

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## Town of Rockport, Maine

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### Town Manager's Office

Town Office  
101 Main Street  
Rockport, Maine 04856  
Telephone: 207-236-0806 x3  
Fax: 207-230-0112

### Jonathan Duke, Town Manager

Email: [jduke@rockportmaine.gov](mailto:jduke@rockportmaine.gov)

### Diane Hamilton, Executive Assistant and General Assistance Administrator

Email: [dhamilton@rockportmaine.gov](mailto:dhamilton@rockportmaine.gov)

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## Town Manager's Report & Update December 12, 2022

### **Town Clerk:**

#### Comings and Goings.

After a long search, I am pleased to announce the hiring of Elizabeth Lowe as the new Town Clerk, as of January 6<sup>th</sup>. Liz, who lives in Rockport with her husband Andrew, is currently Camden's Deputy Town Clerk and comes with many years of experience in the field. We are excited to have Liz begin work on December 19<sup>th</sup> as she and departing Town Clerk, Linda Greenlaw, transition from one administration to another. Please stop by and join me in welcoming Liz to our Town Office!

Retirement Party. While so many residents have stopped by to offer congratulations to Linda on almost 27 years of service to Rockport as Town Clerk, there is yet another opportunity to say, "thank you." On Sunday, January 8<sup>th</sup> from 2:00p to 5:00p at the Rockport Opera House, friends' family and co-workers will gather at the Rockport Opera House to wish Linda well on her next chapter. We welcome all to attend.

### **Harbor:**

Holiday on the Harbor. This coming New Year's Eve the fireworks will return to Rockport harbor with food vendors, luminaries, and more! Festivities will begin at 4:30 and the fireworks will begin at 6pm. Then stick around Rockport Village as The Right Track will be performing at the Opera House from 8-11pm to ring in the New Year.

Those Rockport businesses and individuals who wish to financially support our events at the Harbor should reach out to Harbormaster Abbie Leonard. It is through generous contributions that the Town is able to hold wonderful community events such as these.

Offseason Hours. Though the boating season has ended for many in Rockport Harbor, Harbormaster Abbie Leonard is available for questions and concerns at the Harbormaster's building in the Marine Park during normal business hours.

Harbor Fee Schedule: The Select Board will consider at their meeting on Monday updated harbor fees for the boating season this summer. Billing for moorings will be circulated in early January. Please ensure your information is accurate on your mooring applications as we will soon transition to a new method of billing for moorings.

**Assessing:**

Assessor Kerry Leichtman received over 400 applications for the property tax stabilization program with the deadline for submission having passed on December 1. Staff will review the applications received and request information where needed to complete a given application.

**Planning and Community Development:**

TIF District Update. The Town has submitted the documents to the Maine Department of Economic and Community Development following voter approval of the new TIF district on Route 90 and the amended Downtown TIF in the village. Maine DECD must approve the structure of the district before it is able to go into effect.

Comings and Goings. We are pleased to welcome Ann McGowan as our new assistant in the Planning and Community Development department. Ann, who lives in Lincolnville with her husband Bob, has served in the assessing field in Belfast and Hampden before joining us, serving the last few years as Hampden's assessor. When you are in the office, be sure to stop by and say, "hello!"

GovPilot. The Town's new online building permit application is now live! Applications can now be submitted online. [https://main.govpilot.com/web/public/5b377b7d-c64\\_Multi-Purpose-Permit-Application-rockporttownme?uid=25963&ust=ME&pu=1&id=0](https://main.govpilot.com/web/public/5b377b7d-c64_Multi-Purpose-Permit-Application-rockporttownme?uid=25963&ust=ME&pu=1&id=0)

Appeals. The Town received an appeal for the application from Hope for The Future project at the former medical office buildings along Route 1. The Zoning Board of Appeals denied the appeal last week.

**Buildings and Grounds:** Our Buildings and Grounds department has been busy in several locations but most notably at the Opera House. For those attending events in the next few weeks, I hope you will notice a renovated entry space and some other improvements on the 2<sup>nd</sup> level. Glen and Matt are doing a fine job providing the maintenance and upkeep our buildings need.

**Public Works:**

Project Updates: While we wait for the storms to come, other projects rise up the list... from brush cutting to helping the state complete its responsibility to paint crosswalks in key locations along roads paved this fall.

**Civic Ready:**

We encourage all residents to sign up for this, if you are interested in knowing what is happening in the Town of Rockport. What is great about this system is that you decide which types of information you receive whether it is a reminder when property taxes are due to information on an upcoming event at the Opera House or when a public works project is happening in your neighborhood; Civic Alert can keep you informed. Those interested can also sign up for alerts on our website at <https://rockportmaine.gov/civicready>

**Emergency Management Update:**

While we have been able to gain approval of a pair of the projects from the October 31, 2021, storm from FEMA, another thirteen remain in limbo. We are working diligently with representatives from FEMA, but this process is exhausting. Many thanks to Finance Director Megan Brackett for keeping her eye on the prize and holding FEMA's feet to the fire. Many

communities might have given up hope of reimbursement by now despite the incredible costs incurred. We will push forward.

EMA Director Jason Peasley is working with Knox County EMA to schedule a winter tabletop training exercise for employees and our Select Board sometime in January or February.

### **Fire Department:**

The department has totaled 210 calls through the end of November with a healthy portion of those calls amount consisting of car accidents.

Santa Mailbox. We are nearing the end of our season for mail pick up for Santa outside of the fire station. The last day kids can drop off letters for Santa is December 15<sup>th</sup>! We also ask that you do not forget to include a return address so that Santa is able to reply back. We want to thank Santa's many helpers who make it possible for us to gather these letters and get a response back from the North Pole.

For those interested in learning more about joining the fire department, please contact Chief Peasley at [jpeasley@rockportmaine.gov](mailto:jpeasley@rockportmaine.gov)

### **Finance:**

Outsourced Payroll System. The Town has started using their new web-based payroll system and so far, it has surpassed expectations. Even our less tech savvy employees are working well through this new system.

### **Employment Opportunities:**

We have several job openings with the Town of Rockport, stop by the Town Office for an application or call and we can email you an application. Also, job applications are available on our town website, along with a detailed job description. <https://rockportmaine.gov/jobs>

All applications will be accepted until the positions are filled. The Town of Rockport is an Equal Opportunity Employer.

- **Public Works Truck Driver/Equipment Operator/Laborer** - This position involves manual work in road construction, repair, and maintenance, snow and ice removal, and other seasonal public works projects. A CDL is preferred. This is a full-time year-round position for an anticipated opening in the spring.
- **Video Technician** – This position primary responsibilities are to operate the video and audio equipment at the Rockport Opera House for recording and Livestreaming meetings and events. This is a part-time year-round position with a lot of flexibility (most hours are evenings with some occasional weekends needed).

### **Library:**

Events. Many events are happenings at the library so please keep an eye on the Rockport Public Library website, Facebook page, and Rockport Resource Newsletter. You can also view our library calendar at [rockportmaine.gov/librarycalendar](https://rockportmaine.gov/librarycalendar)

### **Opera House:**

While we have been able to be much more active with a wide variety of events over the last twelve months, but I was struck by a video of a recent contra dance with Flying Shoes of Belfast who posted a video with people wall to wall having a fantastic time dancing along. Sometimes

we can minimize items in town government to their costs alone, but events like that remind us all that these costs translate into services that for our residents. Sometimes those services are obvious in protecting public safety but from time to time our responsibility is in creating places for our community to gather and have fun. I am glad we have our century old Opera House for events like this and many others.

Events. Stay tuned to the Opera House's Facebook/Instagram accounts for more updates or the Opera House calendar on the Town's website. You can also view our library calendar at [rockportmaine.gov/operahousecalendar](http://rockportmaine.gov/operahousecalendar)

### **Police Department:**

Training. The Bolawrap restraint devices have arrived, and our officers will start training on them soon.

Cruiser Replacement. The last of our two cruiser purchases for this year is undergoing outfitting with the necessary gear to go into service. Once complete, the old cruiser will be put into service at the Town Office to provide town employees a vehicle to conduct inspections and attend trainings out of town.

### **Donut Festival:**

Town staff have begun preparations to hold a donut festival in June. The Town website has information for a poster design contest and a decent size musical act has already pledged to be play a big part.

For those unfamiliar, the inventor of the donut hole, Hanson Gregory, was born in Rockport and it seems well past time for Rockport to honor one of our most notable residents.

### **Wastewater:**

Maine Water Assistance Program. The Maine Housing Authority oversees a new Federally funded program to help support eligible households in having access to drinking water and wastewater utility services. Households will be required to have a water liability in order to be eligible for the drinking water/wastewater program. To receive an application, you can call 888-623-6762 or email [water@mainehousing.org](mailto:water@mainehousing.org).

### **Recreation Committee:**

Marge Jones Fields are now closed for the winter.

If you want to schedule the use of a field for next year, email [rockportrec@rockportmaine.gov](mailto:rockportrec@rockportmaine.gov).

### **Rockport Resource Newsletter:**

If you would like to receive the Rockport Resource Newsletter via email you can sign up through our website.

### **Employee Training:**

All town employees will be attending their annual safety training on Tuesday, January 10<sup>th</sup> at the Opera House. All town offices will be closed on this day.

## Consent Agenda

- a. Committee Resignation(s):  
David Pio – Planning Board
- b. Minute(s):  
November 14, 2022

### *Suggested Motion:*

*I move the Board Approve the Consent Agenda as presented (or amended)*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

<b>NAME</b>	<b>ATTEND</b>
Michelle Hannan, Chair	X
Mark Kelley, Vice-Chair	
Eric Boucher	X
Jim Annis	
Denise Munger	X
Jonathan Duke, Town Manager	X
Rockport AV Staff	X
General Public	X
Jan Rosenbaum	X
Lee Goss	X



**November 14, 2022 – 6:00 p.m.**

**Geoffrey C. Parker Room – Rockport Opera House**

## Consent Agenda

- a. Minute(s):  
October 11, 2022 (2)  
October 24, 2022

***Suggested Motion:***

***I move the Board Approve the Consent Agenda as presented (or amended)***

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				X		
Mark Kelley, Vice-Chair						
Eric Boucher		X		X		
Jim Annis						
Denise Munger	X			X		

## Action Item

- a. Act on Committee Applications(s):
- Lee Goss – Rockport Parks and Beautification
  - Jan Rosenbaum – Planning Board

### Manager's Comments: Action item

Both will be present to answer any questions you may have.

#### *Suggested Motion:*

*I move the Board appoint Lee Goss to the Rockport Parks and Beautification Committee with a term ending in June 2023, for the remainder of Janice Baldwins term.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				X		
Mark Kelley, Vice-Chair						
Eric Boucher		X		X		
Jim Annis						
Denise Munger	X			X		

#### *Suggested Motion:*

*I move the Board appoint Jan Rosenbaum as a regular member position with a term ending in June 2023, for the remainder of Mark Haley's term.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				X		
Mark Kelley, Vice-Chair						
Eric Boucher		X		X		
Jim Annis						
Denise Munger	X			X		

Additional Comments:


## Action Item

- b. Act on Committee Workplan(s):  
➤ Conservation Commission

### Manager's Comments: Action item

The proposed Conservation Commission workplan for the calendar year 2023.

Bill Bow and Meggan Dwyer, co-chairs of the Conservation Commission will be present to answer questions concerning the work plan.

### *Suggested Motion:*

*I move the Board approve the Conservation Commission workplan as presented (or amended).*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				X		
Mark Kelley, Vice-Chair						
Eric Boucher		X		X		
Jim Annis						
Denise Munger	X			X		

Additional Comments:


## Action Item

c. Act on Peddlers Permit Extension – Native Sauna

At the Board’s last meeting in September, Native Sauna was granted a peddler’s permit which would expire on October 31<sup>st</sup> and they wish to extend the time they wish to use this location until March 31, 2023. The Board discussed this at its last meeting on October 12<sup>th</sup> and tabled this discussion until tonight so that further information could be gathered by the Harbor Committee and the Harbormaster. Abbie has prepared a memo which outlines her recommendation for the use of the Marine Park relative to Native Sauna’s request.

Josh from Native Sauna will be present to answer any questions.

*Suggested Motion:*

*I move the Board approve the extension of the Peddlers Permit to Native Sauna until March 31, 2023.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				X		6:43 p.m.
Mark Kelley, Vice-Chair						
Eric Boucher	X			X		
Jim Annis						
Denise Munger		X		X		

Additional Comments:


## Action Item

d. Act on Planning Board Bylaws

### Manager's Comments: Action item

*The proposed changes reflect the change in ordinance approved by voters on November 8<sup>th</sup> which clarifies the role of the Planning and Community Development Director in the agenda setting process, including the review of applications for completeness.*

### Suggested Motion:

*I move the Board approve the Planning Board Bylaws as presented. (Or amended)*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				X		6:44 p.m.
Mark Kelley, Vice-Chair						
Eric Boucher		X		X		
Jim Annis						
Denise Munger	X			X		

Additional Comments:


## Action Item

- e. Act on Village Partnership Initiative Task Force Bylaws- Village Partnership

### Manager's Comments: Action item

*The change in these draft bylaws reflect the adoption of the Remote Participation Policy for this group.*

### Suggested Motion:

*I move the Board approve the Village Partnership Initiative Task Force Bylaws as presented (or amended).*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				X		6:45 p.m.
Mark Kelley, Vice-Chair						
Eric Boucher		X		X		
Jim Annis						
Denise Munger	X			X		

Additional Comments:


## Discussion Item

a. Discuss Reduction in Mowing/Alternate Landscaping

### Manager's Comments:

Following your last meeting, you had requested to continue the conversation concerning reducing the amount of mowing of grass on town properties. To further that discussion, the chairs of the Parks and Beautification Committee (Doug Cole) and the Conservation Commission (Meggan Dwyer and Bill Bow) are invited to attend.

Additional Comments: (Time:        )


## Discussion Item

b. Village Partnership Initiative Letter of Application

### Manager's Comments:

At the Special Town Meeting on November 1<sup>st</sup>, there were concerns raised relative to the transparency of the effort from the VPI Task Force. This letter is a summation of the work of the task force thus far and describes in some detail the goals and efforts to seek out further planning grants to complete the application.

Additional Comments: (Time:        )


**Added Motion- To appoint Eric Boucher and Denise Munger as signing authority of warrants until December 1, 2022.**

Motion- Michelle

Second- Eric

Favor- All

## Adjourn

*Suggested Motion:*

*I move the Board adjourn the meeting.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair				X		7:20
Mark Kelley, Vice-Chair						
Eric Boucher		X		X		
Jim Annis						
Denise Munger	X			X		

## Action Item

- a. Act on Committee Applications(s):
  - Robin Chace Payson – Harbor Committee

### Manager’s Comments: Action item

Robin will be in attendance to answer any questions. Robin will fill the Alternate Vacancy due to the resignation of Doc Wallace and will finish that term ending June 2025.

### *Suggested Motion:*

*I move the Board approve Robin Chace Payson to the Harbor Committee as Alternate with a term ending in June 2025.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

# APPLICATION FOR COMMITTEE SERVICE

Town of Rockport • 101 Main Street • Rockport, ME 04856

Name: Robin Chace Payson

Home Address: 32 Pleasant St. Work Address: 198 Commercial St. Rockport

Mailing Address (if different): -

Phone Number: (Home) - (Work) cell 207-272-0356

E-mail Address: robin.e.chace@gmail.com

Committee you wish to serve on: Harbor Committee

Why do you want to serve on this committee?

Abbie Leonard suggested I apply. It'd be nice to participate now that I find myself owning property and running a business near Rockport Harbor.

Do you have any background that would be helpful to this committee?

Sailmaker, sailboat rigger, lifelong Rockport Harbor enthusiast?

Land Use philosophy: (if applicable)

N/A

**APPLICATION FOR COMMITTEE SERVICE – continued**

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Are there objectives you wish to see accomplished?

Approaching this opportunity with an open mind.

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Are you interested in serving on other committees?

Not yet.

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Interview comments:

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Appointment Date: \_\_\_\_\_

## Action Item

- b. Act on Committee Workplan(s):
  - Harbor Committee

### Manager's Comments: Action item

Attached is the proposed Harbor Committee workplan for the calendar year 2023.

I'm unsure if there is priority to the bullets listed for the proposed work plan, but I would suggest the addition of a new bullet to review the most recent edition of the Rockport Harbor Rules which were last approved in December 2014. This review should come in concert with the review of commercial use and a vendors policy for the Marine Park.

Secondly, I believe a joint meeting between the Harbor Committee and the Parks and Beautification Committee should be a priority for both groups to see if a clear line can be found between the responsibility of each group at Marine Park.

The Board's discussion regarding the peddler's permittee with the sauna highlighted the shortcomings of existing policy in dealing with a harbor that is busier than it has ever been. The Town needs clear expectations in the operations within Marine Park and those expectations are largely absent. The increased activity at the harbor helps by increasing revenues and reducing the impact of harbor operations on taxpayers, but competing interests from commercial marine activities to commercial fishermen to pleasure boaters to residents who wish to sit and enjoy the view; all need to share this important space in Rockport.

### *Suggested Motion:*

*I move the Board approve the Harbor Committee workplan as presented (or amended).*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

Additional Comments:


### **Harbor Committee Work Plan 2023**

- Food truck for 2023 summer
- Sea level resilience
- Fee Schedule and budget review
- Review commercial use and vendors policy for Marine Park
- Review Harbor Ordinance Chapter 600 – Piers, Wharfs, Bulkheads and Floats

## Action Item

c. Act on Harbor Fee Schedule

### Manager's Comments: Action item

Attached is a memo from Abbie to explain the proposed changes on the Harbor Fee Schedule for 2023. Abbie will be present to answer any questions you may have.

The revised fee schedule proposal addresses a variety of needs by not only increasing revenues, but impacting areas which have a greater ripple effect on others using the harbor.

### *Suggested Motion:*

*I move the Board approve the Harbor Fee Schedule for 2023 as presented (or amended)*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

Additional Comments:


# Memo

**To:** Rockport Select Board  
**From:** Abbie Leonard, Harbormaster  
**Date:** 12/9/2022  
**Re:** Harbor Fees for 2023 recommendation

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I have made some changes to the attached fee schedule for the Harbor for the 2023 season.

First, I have proposed that the non-resident mooring fee go up from a base fee of \$225 to \$250. In my research, other harbors are charging larger differentials between tax-paying residents and non-residents.

In the 15 seasons I have been Harbormaster the fee for being on the waitlist has been \$10.00. As the wait list grows, I feel like a fee of \$25 may weed out the folks that are just getting on the list "just in case" from those who are seriously interested in procuring a mooring.

I am proposing that there be a "dinghy removal fee" of \$100 added to the fee schedule. This would allow me to charge dinghy owners when I must remove dinghies long after the haul out date or one that my staff and I have to keep bailing in order to keep afloat.

We have arguably one of the best boat launches in the state. Evidenced by the long line of boat trailers at a high tide in peak season. The fees have remained the same for 20 years. I propose increasing the launching rates for all recreational boaters (resident and non) (commercial boat haulers have had a substantial hike in their fee in the last 3 years). Also, in an effort to collect the fees more efficiently, I am going to be looking for a way for boaters to be able to pay from their phones with a credit card right at the ramp (a QR code to our square system perhaps). This will make fee collection and payment easier for all.

I am proposing the winter boat storage fees go up from \$2.00/sq ft to \$2.50/sq ft to be commensurate to the amount of space the boats and floats occupy and the length of time they are stored.

We will continue to look for opportunities to bring in revenue and I think that the proposed changes will be effective with out being prohibitive.

The Harbor Committee mode a motion to approve this and voted unanimously in favor (5-0) of the proposed fee schedule at their November meeting.

Please don't hesitate to reach out with any questions.

Respectfully submitted,  
Abbie Leonard, Harbormaster

**Marine Park/Harbor Fees:  
Effective 01-01-23 to 12-31-23**

	Base Fee	Per Foot
<b>Moorings</b>		
Residents (property tax payer)	\$ 150.00	\$2.00/ft
Rental-	\$ 175.00	
Non-resident	\$ 250.00	previously 225.00 \$2.00/ft
Commercial	\$ 170.00	\$2.00/ft
Inner Harbor Resident	\$ 200.00	\$2.00/ft
Inner Harbor Resident- Non resident	\$ 300.00	\$2.00/ft
Wait List fee	\$ 25.00	previously \$10.00
<b>Commercial Float, Parking and Skiff</b>	\$ 300.00	
<b>Commercial Boat Operator Permit</b>	\$350.00/ \$40.00/use	\$10 per passenger
<b>Commercial Marine Service Permit</b>	\$850.00 or \$40.00/per use	
<b>Private Float</b>		
Goose River	\$400.00	
<b>Tie-Offs</b>		
Residents	\$ 225.00	
Non-Resident	\$ 300.00	
River dinghy location- resident/non-resident	150.00/ 225.00	
<b>Rack Space (includes season launch pass)</b>	150.00/200.00	
<b>resident/non-resident</b>		
<b>Dinghy Removal Fee</b>	\$100	
<b>Boat Ramp</b>		
Self Propelled Vessel- Resident	\$ 2.00	previously 1.00
Self Propelled Vessel-Non- Resident	\$ 4.00	" 2.00
Res/use	\$ 5.00	" 4.00
Res/season	\$ 50.00	" 25.00
NR/use	\$ 10.00	" 5.00
NR/season	\$ 100.00	" 50.00
CH/use	\$ 40.00	
CH/season	\$ 750.00	
Season Guide	\$ 650.00	previously- 600.00
<b>Winter Storage</b>		\$2.50/s.f.
Length x Beam except for trimaran: average of the 3 hulls x beam		
<b>Dockage- 1st hour courtesy- \$10/hr add'l hours</b>		
<b>Overnight Dockage</b>		
LF/night <50'		\$2.50/ft
LF/night 50'-60'		\$3.50/ft
LF/night >60'		\$6.00/ft
Rockport Residents and/or mooring holders after 5:00 when space allows- no reservations and must be off the dock by 9:00a.m.		\$1.50/ft
Commercial Passenger Vessels	\$40.00	
<b>Maximum stay on the floats from Memorial Day to Labor Day shall not exceed 7 consecutive days</b>		
Cancellation Fee: Vessels 50'< A minimum charge of one night shall be imposed for any reservation not cancelled with in 72 Hours		
<b>Parking</b>		
Overnight per night	\$ 8.00	
<b>Power</b>		
50 AMP	\$30.00/night	
30 AMP	\$15.00/night	
<b>Select Board Approved : 12/12/2023</b>		

# ROCKPORT HARBOR RULES

Welcome to Rockport Harbor. We hope you enjoy your visit. Please help us maintain this beautiful area by abiding by the following policies. These rules are in addition to Rockport Town ordinances and Rockport Harbor fee schedules, which are available at the Town Office.

## Winter Boat Storage at Goose River

- A. Boat storage fees will be paid at the time space is approved by the Town Office.
- B. Boats only allowed in designated storage areas and only with authorization
- C. Assignees not using assigned space go to the bottom of the Winter Boat Storage waiting list.
- D. No boat storage prior to Labor Day without the written authorization of the Harbormaster.
- E. Boats must be removed from winter storage area no later than June 1<sup>st</sup>.
- F. There will be a fine of \$50/day until June 15<sup>th</sup>. After June 15<sup>th</sup> the fine is \$100/day and boats are subject to removal at the owner's expense.
- G. Only one (1) space is assigned per person.
- H. Preference will be given to Rockport residents unless there is space available after October 1<sup>st</sup>.
- I. Non-residents will not be assigned spaces until after September 15<sup>th</sup>.

## Marine Park Dinghy Tie-Offs

- A. No re-assignment, leasing or loaning by assignee will be allowed.
- B. Each boat will have a current municipal sticker attached to the dinghy, which must be visible to the Harbormaster from the float.
- C. Dinghies must be maintained in moveable condition at all times.

## Town Floats & Commercial Floats

- A. Seasonal town floats will be launched by early May.
- B. Except for float "A" seasonal town floats will be hauled on or before December 1<sup>st</sup>, depending on the weather.
- C. Float "A" and the Fishermen's float will be hauled on or before December 15<sup>th</sup>, depending on the weather.
- D. Dinghies are limited to not more than 14 feet in length.
- E. No overnight docking until 5:00 PM or later on the Town Float and Commercial Float. All Commercial Float users shall leave by sunrise and all Town Float users shall leave by 10:00 AM.

## Ramp for Boat Launching

- A. Ramp floats will be hauled on or before December 1<sup>st</sup>, depending on the weather.
- B. The boat ramp is to be kept clear of traffic all year.

### Fishing Gear Storage on Town Property

- A. No gear may be stored on Town land property for more than twenty-four (24) hours, except by permission of the Harbormaster, and then only in emergencies such as pending storms.

### Dogs

- A. Dogs must be on a leash and under control at all times.
- B. Dog owners will remove feces after their dogs.

### Fishermen's Float

- A. No fishing from the float.
- B. Maximum number of skiffs allowed will be 16.
- C. Maximum of one (1) skiff per fisherman.
- D. Maximum length of skiffs will be 12'.
- E. No skiffs may be stored on the float for more than 24 hours, except by permission of the Harbormaster.

### Fishermen Parking

- A. Boat owners and stern men will have a combined 18 parking spaces allotted to them during the fishing season; Town stickers are required for boats and vehicles.

### Moorings and Tie-Offs

- A. Moorings and related gear belong to owners. Mooring locations are controlled by the Town.
- B. Bills for mooring fees will be sent out during the 1<sup>st</sup> week in January. Fees will be due on May 1<sup>st</sup>.
- C. Any mooring fees not paid by May 1<sup>st</sup> will result in a late fee of \$50 per month for two (2) months.
- D. If mooring fees remain unpaid by July 1<sup>st</sup>, the Harbormaster has the authority to reissue the mooring location to the next person on the waiting list.

### Harbor Business

- A. To be conducted through assigned Town Office employee(s) i.e. lease fees, waiting lists, mooring fees, winter storage fees, and all other Harbor related business ..... 236-9648
- B. Harbormaster's Office ..... 236-0676
- C. Nighttime emergencies (Rockport Police Dept.) ..... 236-2027

Harbor Committee

- A. This is a group of residents appointed by the Select Board as advisors to the Select Board and Town Manager.
- B. Meetings are public and are generally held monthly.

Approved by the Harbor Committee on July 2, 2003, revised on December 18, 2007, May 13, 2010 and May 22, 2014

Approved by the Rockport Select Board on July 14, 2003, revised on January 14, 2008, December 13, 2010 and June 23, 2014

## Action Item

d. Act on Personnel Policy Amendments

### Manager's Comments: Action item

*Following the workshop on November 28<sup>th</sup>, Megan and I worked diligently to find a proposal stood closer to where the Board had discussed accrual limits for employees. Effectively the new caps would amount to the maximum an individual could accumulate over the course of two years. The memo explains how that proposal fits with our neighboring communities and it would work. Another added suggestion could involve continuing the grandfathering of existing classes of employees and only placing these caps on new employees. There are concerns within staff of the potential impacts on employees who've earned time under the current system.*

*Additionally, there were significant changes to the Shared Leave section to ensure compliance with IRS rules. Effectively we are only creating a bank for leave and no longer allowing the gifting of time from one employee to another, as that is where IRS concerns are most notable.*

### Suggested Motion:

***I move the Board approve the Personnel Policy Amendments as presented as of January 1, 2023 (or amended)***

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

Additional Comments:




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## Town of Rockport, Maine

---

**Town Manager's Office**  
Town Office  
101 Main Street  
Rockport, Maine 04856  
Telephone: 207-236-0806 x4  
Fax: 207-230-0112

**Jonathan Duke, Town Manager**  
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**Diane Hamilton, Executive Assistant and  
General Assistance Administrator**  
Email: [dhamilton@rockportmaine.gov](mailto:dhamilton@rockportmaine.gov)

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# Memo

**To:** Select Board

**From:** Jon Duke, Town Manager

**cc:**

**Date:** December 9, 2022

**Re:** Paid Time Off Proposal

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At the workshop that was held on November 28<sup>th</sup>, 2022, after some conversation with the Board at the end of the workshop, we were tasked with revisiting the personal time off (PTO) accruals. When looking at the accruals we considered what was being said in the workshop and looked at other policies that were provided to us in the salary survey process, to see what might be considered an “industry standard”.

One of the items that was discussed in this meeting was that the current accrual limits were too high, and that it is the desire of the board and me, for employees to use their time off. It came up a few times that some employees may hold onto sick and vacation time to get a big payout at separation of employment, while that may be true for a few employees, I think that majority of employees hold onto time for the fear of extended illnesses for themselves, their children, or other family members that may rely on their care. In addition, the current employees with disproportionately large banks of accrued time were grandfathered under the old system which ended in 2005. All employees hired after that date have banks of PTO time which are much more in line with current expectations of the industry standard.

I think what we have worked up will accomplish the highlights of what was discussed in the workshop. Included with this letter is two charts, one that looks at accruals, and then the other looks at separation benefits. The way this is proposed, it would only negatively impact two employees, which we could work with those employees to come to agreement that works for all, every other employee would not be affected by this change negatively.

### Accruals:

As part of the salary survey process, we received personnel policies from Camden, Rockland and

Waldoboro. We looked at what the accruals were for the time off benefits they offered. In the chart below, you will see the first chart section outlines what the current Rockport policy is, if we were to make no adjustments to it, the second section is Camden's policy, followed by Rockland's and Waldoboro's. The final section is the proposed changes to the policy and looks at how those changes compares to the policies listed above.

From the chart, we can summarize the following highlights:

1. The updated policy, on average, would reduce the number of hours an employee can accrue by 573.5 hours.
2. The updated accrual proposal would, would reduce the number of hours an employee can accrue by 224 hours if compared solely to our existing policy.
3. The Town's current policy allows employees to accrue significantly fewer hours than our municipal neighbors in Camden, Rockland, and Waldoboro. The updated proposal increases that gap wider.

ACCRUALS					
Current Accrual Limits - (No Changes to the Policies)					
Years	Vacation	Sick	EPL	Total	Compared to Updated Policy Draft
1 to 4	160	480	40	680	224
5 to 9	240	480	40	760	224
10 to 19	320	480	40	840	224
20+	400	480	40	920	224

Camden's Policy - Received 02/21/2020					
Years	Vacation	Sick	Long-Term Sick	Total	Compared to Updated Policy Draft
1 to 7	40	720	720	1480	1024
7 to 12	60	720	720	1500	964
12 to 20	80	720	720	1520	904
20+	100	720	720	1540	844

Rockland's Policy - Dated 06/26/2019					
Years	Vacation	Sick		Total	Compared to Updated Policy Draft
1 to 5	160	1008		1168	712
5 to 10	240	1008		1248	712
10 to 20	320	1008		1328	712
20+	400	1008		1408	712

Waldoboro's Policy - Dated 06/26/2019					
Years	Vacation	Sick		Total	Compared to Updated Policy Draft
1 to 7	160	720		880	424
7 to 14	240	720		960	424
14 to 20	320	720		1040	424
20+	400	720		1120	424

Rockport's Updated Policy Draft				Accruals Compared to:				
Years	PTO		Total	Rockport Current	Camden	Rockland	Waldoboro	Compared Difference
1 to 2	456		456	224	1024	712	424	596
3 to 7	536		536	224	964	712	424	581
8 to 16	616		616	224	904	712	424	566
17+	696		696	224	844	712	424	551

### Separation Benefits:

We used the same policies to look at separation benefits as we did to look at accruals. The chart below, is laid out in the same manner as the one for the accruals, with the final section looking at

what the proposed changes to PTO accrual are and how it compares to our current policy and the policies we compared it with.

From the chart, we can summarize the following highlights:

1. We would fall in the middle of total separation benefits based on the policies that we looked at, with Rockland as a max high of 904 hours paid out, and Camden as a max low of 460 hours paid out.
2. This policy would not have a negative effect on the Town of on the employees.
3. If this proposal to limit PTO accrual was not accepted and we elected to remain with existing accrual limits, the separation amounts are impacted very little.

Seperation Benefits				
Current Payouts - (No changes to the Policies)				
Vacation	Sick	EPL	Total hours if maxed out	Equalivent Seperation Benefits
100%	50%	100%	440	16
100%	50%	100%	520	16
100%	50%	100%	600	16
100%	50%	100%	680	16

Camden's Current Payouts				
Vacation	Sick	Long-Term Sick	Total hours if maxed out	Equalivent Seperation Benefits
100%	50%	0%	400	-56
100%	50%	0%	420	-116
100%	50%	0%	440	-176
100%	50%	0%	460	-236

Rockland's Current Payouts				
Vacation	Sick		Total hours if maxed out	Equalivent Seperation Benefits
100%	50%		664	208
100%	50%		744	208
100%	50%		824	208
100%	50%		904	208

Waldoboro's Current Payouts				
Vacation	Sick - hrs		Total hours if maxed out	Equalivent Seperation Benefits
100%			160	-296
100%			240	-296
100%			320	-296
100%	240		640	-56

Proposed Payouts			Seperation Benefits Compared to:				
PTO		Total hours if maxed out	Rockport Current	Camden	Rockland	Waldoboro	Compared Difference
100%		456	16	-56	208	-296	-32
100%		536	16	-116	208	-296	-51
100%		616	16	-176	208	-296	-62
100%		696	16	-236	208	-56	-17

It is my belief and hope that these policy changes will meet the needs of all parties affected and involved in making the policy changes.

Town of Rockport

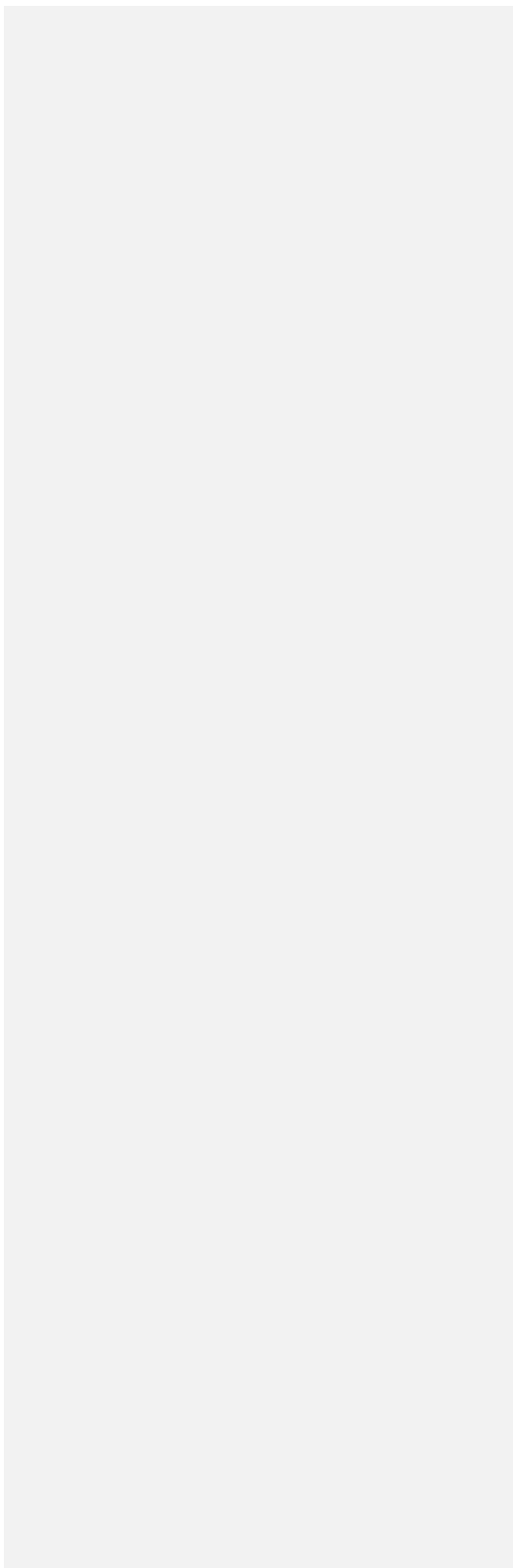
Personnel Policies  
and Procedures  
Handbook

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Adopted: September 12, 2005  
Amended: December 12, 2022

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## Introduction

It is our pleasure to welcome you as a member of our team!

We are pleased to have you as a valued member of the staff. We believe each employee brings important skills and expertise that will contribute directly to the Town's growth and success in attaining our mission. Our employees are the most visible ambassadors for our work and as such, you are the Town's most valuable resource.

To ensure our continued success, it is important that all staff members understand our policies and procedures. This Handbook is intended to help familiarize you with them and we encourage you to use this Handbook as a valuable resource for understanding our organization. The provisions of these policies may, at the sole discretion of the Town, and subject to approval by the Select Board, be modified, revoked, or changed from time to time. Also, note that our policies do not cover every situation that can and will arise in the workplace. Above all, we ask that you exercise common courtesy and common sense while on the job.

These policies and procedures apply to all employees of the Town of Rockport and does not include volunteers such as committee members, youth volunteers, and others not receiving compensation for their services.

This handbook provides basic information about the Town of Rockport and its policies, programs, and benefits. Read the handbook to learn about your responsibilities as an employee and the programs developed by the Rockport Select Board for your benefit.

This handbook replaces and supersedes all previous policies and is designed to acquaint you with the Town of Rockport by covering the questions most frequently asked by employees. Please do not hesitate to ask your supervisor for more details. Our hope is that your employment with the Town of Rockport will be a rewarding and satisfactory experience.

## Background

The Town of Rockport (hereinafter the "Town") is a municipal corporation organized according to the laws of the State of Maine. The Annual Town Meeting of 1953 established a five-member Board of Selectmen elected by the voters of the Town of Rockport. On November 8, 2005, the Town of Rockport Charter was adopted at which time the Board of Selectmen were renamed the Select Board. Rockport Charter Article IV Administrative Organization Part B *Personnel Administration* provides the framework and guidance for the Town of Rockport Personnel Policies.

The Select Board appoints a Town Manager as the Town's chief executive and administrative officer. The appointing authority for all classified employees is the Town Manager, with Select Board confirmation required for Department Heads.

These policies and procedures govern the relationship between the Town, and its employees. In the event there is a conflict between the policies contained herein and a collective bargaining agreement, the collective bargaining agreement shall govern.

The municipality specifically reserves the right to repeal, modify or amend these policies as necessary. These policies are intended as informational guidance and the municipality reserves the right to interpret any provision and to change policies with reasonable notice to employees. These policies are not to be interpreted as promises of specific treatment or as creating contractual rights in any employee. In addition, conflicting changes in local, State or Federal laws take precedence over the contents of personnel policies, whether or not those changes were incorporated into the policy. The policies, programs, and benefits set forth in the handbook are not terms and conditions of employment, nor should they be construed as an employment contract.

As the administrative head of the Town, the Town Manager has the authority to recommend modifications and/or amendments to these policies as needed, subject to approval by the Select Board.

A copy of this handbook shall be given to all Town employees.

### **Mission Statement**

The Town of Rockport is committed to delivering highly dependable services to the citizens of the community in a fiscally responsible manner with integrity and professionalism. Delivering services to our citizens is critical toward maintaining a vibrant community. To do so, we are committed to providing above standard wages and benefits, and a great working environment to ensure that they can deliver the needs and services desired by the community.

## **Article 1 – General Provisions and Practices**

### **1.1 Purpose**

It is the purpose of the Select Board in prescribing these policies and procedures is to establish and set forth a uniform and equitable system of personnel administration that meets the social, economic and program needs of the people of Rockport. This system shall provide means to recruit, select, develop, and maintain an effective and responsive work force. These policies and procedures and subsequent modifications and/or amendments shall supersede all previous Town of Rockport personnel policies.

### **1.2 Administration**

Ensuring the day-to-day administration of these rules shall be the function of the Town Manager. These rules shall be administered in conformity to the provisions of State and Federal statutes and the Town Charter. Except as explicitly limited by a specific provision of these policies, the Town Manager shall continue to have the exclusive right to take any action they deem appropriate in the operation of the Town Departments, in the implementation of Town policies and in the direction of the work of the employees in accordance with their judgment. Such rights shall include but shall not be limited to: The operation of the government, direction of the employees covered by

these policies, the right to discipline including dismissal, to change assignments, to promote, to suspend, to reduce or expand the number of employees, to subcontract, to transfer, to maintain discipline, to establish schedules, to interpret these policies, to introduce new or improved methods or facilities and to employ its personnel. The Town Manager has the authority to hire employees as needed in accordance with the Town Charter and this handbook.

### 1.3 Duties of the Town Manager or Designee

The powers and duties of the Town Manager, or designee, are as follows (but not limited to):

- Establish and administer classification and compensation plans.
- Create job descriptions with appropriate education, experience and/or other requirements.
- Set standards for applicants for classified employment position which may include, but not limited to, requirements for education, experience, oral and written exams, medical or physical tests or licenses.
- Serves as Human Resource Officer, unless otherwise stated.
- Service as the Town's Personnel Director.
- Determine when an employee vacancy will be filled and arrange for appropriate advertising for the position. Appropriate advertising may include, but not limited to; public notice in a newspaper circulated widely in Rockport and will provide enough information for applicants to establish their qualifications for the position.
- Investigate complaints and make appropriate recommendations concerning any actions related to the administration of personnel rules and procedures.
- Develop an employee training program to be administered by Department Heads.
- Develop and administer and employee Health and Safety program.

From time to time the Town may have an interim Town Manager, in such cases, this person would fill the role as Town Manager as outlined in this policy.

### 1.4 Goal of Personnel Management

The goals of personnel management in the Town of Rockport are to:

1. Promote effectiveness, economy, and productivity in delivering municipal services to the citizens of the Town of Rockport;
2. Encourage a commitment to professional excellence in serving the public and continue the professional development and enhancement of employee skills;
3. Afford fair and equal treatment to all applicants to enter and to advance in the Town's service on the basis of merit;
4. Pursue and promote positive employee morale;
5. Encourage a permanent career in municipal service for qualified employees; and
6. Provide prompt and fair action in the handling of all personnel matters.

### 1.5 Modifications and/or Amendments

Modifications and/or amendments of these policies may be necessary or desirable from time to time because of changes in the Town's operational needs or applicable law. The Town Manager may recommend modifications and/or amendments to these policies whenever, in the Manager's judgment, modifications and/or amendments are necessary, subject to approval by the Select

Board. Modifications and/or amendments are effective for all employees covered by these policies, when approved by the Select Board and implemented by the Town Manager. These personnel policies are not an employment contract and are not intended to be considered as such.

This Handbook does not constitute an employment contract. supervisor or representative of the Town of Rockport has the authority to enter into an agreement for employment for any specified period of time or to make any promises or commitments contrary to the terms as stated above. Further, any employment agreement shall not be enforceable unless it is in writing.

#### 1.6 Review of Handbook

This handbook shall be reviewed on an annual basis to ensure that it continues to meet the needs of the Town and its employees, and to confirm it still conforms to all Federal and State laws. This review shall be done by a committee known as the Personnel Review Committee. This committee shall include the Town Manager, Finance Director, Union Stewards, and three other Department Heads of the Town Manager's choosing, in consultation with the Town's attorney when appropriate. This committee shall make any change recommendations to the Select Board for the approval and adoption.

Commented [AMF1]: Not sure if this is necessary, but gives it a little more weight perhaps? Up to you.

#### 1.7 Non-Discrimination

The Town will administer and implement these policies and procedures in a manner that will not discriminate unlawfully against any person because of age, race, color, religion, sex, national origin or ancestry, physical or mental disability, sexual orientation, genetic information, gender identity or expression, or any other class protected by state or federal law.

#### 1.8 Equal Opportunity Employer

The Town is an equal opportunity employer, and its management intends to fulfill, to the letter of the law, all provisions under Federal, State and Local employment regulations which prohibit discrimination with respect to employment. Accordingly, we will not discriminate in hiring, promotion, compensation, discharge or any other term or condition of employment due to gender (including pregnancy or related medical condition), age, race, color, ancestry, disability, sexual orientation, gender identity or expression, religion, national origin, family medical history (genetic information), or covered military/veteran status, or any other class protected by state or federal law. We will not discriminate against anyone who has filed a Workers' Compensation claim, nor an employee who has brought to management's attention an irregularity or violation of regulations under the Whistleblowers' Protection Act (see separate section on Whistleblowers'). We will not permit, condone, or tolerate unlawful discrimination against employees in any manner whatsoever, and all employees, managers and partners are obligated to support the concept of equal employment opportunity at the Town.

Employees who believe they have been subject to unlawful discrimination of any kind should bring the matter to the attention of the Department Head or Town Manager. In the event the employee does not feel comfortable reporting to either their Department Head or Town Manager, they should report the complaint to the Chair of the Select Board or the HR/Finance 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, management will advise all parties involved 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.

**Commented [AMF2]:** I am not sure the Town can "ensure" that these things won't happen, so I changed to "advise".

The Town will consider for employment only those individuals who are legally eligible for employment in the United States. Prior to the start of employment all applicants must provide proof of citizenship or eligibility for employment certification in accordance with State and Federal regulations.

### 1.9 Americans with Disabilities Act (ADA) Policy

The Town is a firmly committed to comply with all applicable provisions of the Americans with Disabilities Act and the Maine Human Rights Act, which prohibits discrimination on the basis of disability. It is our policy not to 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 to accommodation in accordance with the law.

All requests for accommodations are to be submitted in writing with the appropriate supporting documentation to the Department Head for consideration and review. The review of the request may include an evaluation and determination of the scope of the disability and, if appropriate, request for additional medical documentation, examinations, and/or opinions. The employee will be informed in advance if any request will be at his or her expense. Should the employee not agree with the final determination of the Department Head, the employee can appeal to the Town Manager.

**Commented [AMF3]:** This sentence is unclear. I think there may be some words or phrases missing?

**Commented [MB4R3]:** Changed to informed.

### 1.10 Genetic Information Non-Discrimination Act (GINA)

In conformance with the Genetic Information Nondiscrimination Act of 2008 ("GINA"), the Town will not discriminate on the basis of genetic information. GINA prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, do not provide genetic information when responding to any request for medical information, such as when an accommodation for a disability is being requested or Family Medical Leave is being sought. "Genetic Information" as defined by GINA includes an individual's family medical history, the results of an individual's or family member's genetic test, the fact that an individual or an individual's family member sought or received genetic service, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### 1.11 Retaliation and Whistleblowers' Protection Act Policy

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

More generally, the Town will not tolerate retaliation against any employees who reports concerns about work place safety or any other activities they believe to be unsafe or unlawful in good faith.

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

- a) Reported a violation of the law;
- b) Reported something that risks someone's health or safety;
- c) Refused to do something that will endanger their life, or someone else's life and the employee has asked the Town to correct it; or
- d) Has been involved in an investigation or hearing held by the government.

However, an employee is protected by this law ONLY if:

- a) The report is made in good faith; and
- b) The employee reports the problem and allows a reasonable amount of time for it to be corrected; or
- c) The employee has good reason to believe that the Town will not correct the problem.

If an employee believes there has been a violation, unsafe condition or practice or an unlawful act at the Town, employees should report the conduct to their immediate Department Head or the Town Manager.

## Article 2 - Definitions of Types of Employment

### 2.1 Regular Employment

#### **Full-Time Employment**

Full-time employment is an appointment to a position to work a standard workweek of no fewer than thirty-two (32) hours on a continuing and indefinite basis, i.e. with no pre-set termination date. Such persons receive all benefits provided herein in conformity with the established personnel handbook and outlined in the benefits section.

#### **Permanent Part Time Employment**

Permanent Part-Time Employment is defined as a part-time employee who on a regularly scheduled basis works no less than twenty (20) hours, but no more than forty (40) hours per workweek, on an annual basis. A permanent part-time employee shall be eligible for a limited number of benefits, to include health insurance at the single subscriber rate paying fifty percent (50%) of the premium cost, and other benefits as mandated by Federal and State laws. The employee could receive family coverage, but the cost above single coverage

Commented [AMF5]: Again, not sure that they Town can "protect" employees in this way. Just a rephrasing of what I believe you can do or say.

will be the sole responsibility of the employee. The employee will also be eligible for personal time, please see these respective sections for more detail.

### **Part-Time Employment**

Part-Time Employment is an appointment to a position to work less than a standard workweek on a continuing basis. Part-time employees are paid only for hours actually worked and are not eligible for any other benefits except those mandated by Federal and State Laws or as specifically stated in these policies.

## 2.2 Temporary/Seasonal/On-Call Employment

### **Temporary Employment**

Temporary Employment is an appointment to work a standard workweek, or less, on a regular basis but for a definite limited period of time, usually not to exceed six (6) months. Temporary employees are paid for hours worked and overtime is paid where applicable, but they receive no other benefits except those mandated by Federal and State Laws or as specifically stated in these policies. (An example of a temporary appointment is an appointment to fill a position of a regular employee on a leave of absence.)

### **Seasonal Employment**

Seasonal Employment is an appointment to a temporary position on a seasonal basis. The employee is terminated at the end of the applicable season, and such employees are paid only for hours worked and are not eligible for any other benefits except those mandated by Federal and State laws or as specifically stated in these policies. (Examples of seasonal employment are the Deputy Harbormaster and Marine Park Attendant positions, Ticket Officer, and Snowplow Operators.)

### **On-Call Employment**

On-Call Employment is an appointment 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 Federal and State laws or as specifically stated in these policies.

### **Student Employment**

Student Employment is employment of students during their enrollment in school, including Summer employment. Students will be paid as determined by the Town Manager. Student employees are not eligible for benefits other than those mandated by Federal and State Laws or as specifically stated in these policies. Example of student employment would be the college work-study program or high school students contracted for laborer positions.

**Commented [AMF6]:** What do you mean here? No overtime? Unclear.

**Commented [AMF7]:** Which employees? Volunteers might be okay, but true employees need to be paid on a regular basis and cannot just rely on annual stipends without potentially running afoul of the law.

**Commented [MB8R7]:** We use stipends to pay like the deputy cemetery sexton, who is just available for burials when needed. We also use stipends to pay the EMA Director and Deputy EMA director, who are salaried employees with these added duties.

## Article 3 – Guidelines of Employment

### 3.1 Principles

It is the Town's goal to provide efficient and high-quality public services through a system of personnel administration based on the following principles:

1. Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, with open consideration of all qualified applicants for initial employment;
2. Compensating employees on an adequate and equitable basis commensurate with wages and benefits for comparable work in the area and comparable municipal labor markets as determined by the Town Manager;
3. Taking appropriate personnel actions affecting employees, including discipline based upon employee performance and conduct;
4. Providing fair treatment of all employees in all aspects of personnel administration without regard to political affiliation, age, religion, race, color, national origin, sex, creed, or physical or mental disability, except as a bona fide occupational qualification; and
5. Providing opportunities for advancement in continued Town service to all employees, based upon qualifications and being consistent with equal employment opportunity requirements.

### 3.2 Announcement of Vacancies

All vacancies must follow the below standards:

Recruitment notices shall be prepared by setting forth a basic description of the position, any minimum qualification requirements or education, skill(s), experience preferences, application steps to follow. Such notices shall affirm the Town to be an Equal Employment Opportunity Employer. Various forms of publicity media may be used to bring notice of vacancies to an adequate number of qualified applicants, and to further the Town's affirmative action objectives. The media used may include, but is not limited to, newspapers of general circulation, internet, and professional journals. Notices posted for the Town Manager position shall follow the Town Charter.

### 3.3 Application for Employment

Applications for employment with the Town of Rockport shall be made on a standard Town of Rockport application form, or by submission of a resume and completing other such forms as may be prescribed. Applications and resumes shall be accepted only during the time period set forth in the recruitment notices. Exceptions to these time limits may be made at the discretion of the Town Manager.

### 3.4 Background Checks

After an offer of employment has been made, but prior to actual employment, and during the course of employment as appropriate, the Town may conduct background checks to ensure that

**Commented [AMF9]:** Make sure this is updated to meet somewhat recent law which prevent criminal history and salary history from being part of the initial application process (i.e. pre-offer).

**Commented [MB10R9]:** Do you have a draft one that you can send us, that would be a good one to use?

**Commented [AMF11R9]:** I don't have a draft one, but most can just remove these provisions. I am also happy to review your application if you would like for me to do so.

employees are qualified to work at the Town. These background checks vary depending on the nature of employment.

### 3.5 Probationary Period

All new regular Town employees are probationary for the first six (6) months of employment, unless otherwise stated in a Union agreement. The probationary period shall be considered an extension of the selection process. Probationary employees shall be evaluated prior to the end of the probationary period and may be removed by the Town Manager at any time within the probationary period without cause and without appeal. Employees will be provided an opportunity to discuss the reasons for the decision prior to termination of employment.

An employee who is appointed as a non-probationary employee to the same classification as that in which the employee previously served on a probationary basis is credited with such non-permanent time for the period of completion of the probationary period and eligibility for fringe benefits only, so long as there has been no break in the employee's continuous Town service. Any break in such service, even during the probationary period, will necessitate serving a new probationary period. Crediting of this new probationary time does not, however, affect the employee's seniority, which is based upon appointment to the position as a non-probationary employee.

Employees promoted to a new rank or position shall serve a six (6) month probationary period.

### 3.6 Residency

The Select Board desires that the Town employ the best-qualified persons who are available at the salary levels being offered for Town employment. Certain key administrative and public safety positions may be subject to reasonable guidelines governing travel time to the place of employment. These guidelines will be established by the Town Manager.

### 3.7 Physical Examination

It shall be the policy of the Town of Rockport to require a physical examination as a condition of employment for a position in which the job description requires a physical fitness exam. Most positions within the departments of Police, Fire and Public Works will require a physical examination. Depending on the duties of a position, the Town Manager may require a physical examination as a continued condition of employment. The cost of the physical examination will be covered by the Town.

The Town may also require an employee to undergo a physical examination at any time if the Department Head or the Town Manager has a concern about an employee's fitness for duty. The cost of the physical examination will be covered by the Town. If it is determined through the examination, and/or by the Town's individualized assessment, that continued work by the individual may be unsafe or that because of physical or mental condition the employee cannot perform the essential duties of the position according to performance standards, the employee may be terminated, or other appropriate action may be taken consistent with State and Federal requirements.

### 3.8 Job Descriptions

It is the Town's policy to provide job descriptions to all employees upon hire. Job descriptions are considered working documents. Each employee's adherence to the job description will be monitored regularly and then formally reviewed during the annual performance evaluation. However, job descriptions will be updated more frequently when duties and responsibilities are substantially changed during the year.

### 3.9 Personnel Files

The Town Manager or designee will be responsible for the keepsake of personnel files. These files (or appropriate parts thereof) are confidential and are available to authorized personnel only, e.g., employee's Department Head, Town Manager, or Department Head to whom the employee may be transferring to.

An employee has the right to review any material in the employee's personnel file pursuant to 26 MRSA 631.

Personnel files may not be removed from the office. Others authorized to review an employee's file may do so within the office. Employees have a right to request a copy of their personnel files.

As an employee, it is your responsibility to keep your personal information up to date. Correct information will ensure that you have up to date for coverage in the retirement, insurance, and other benefit plans. Please notify the Finance Director should you have a change in any personal information, including, but not limited to:

- Name
- Address
- Telephone Number
- Marital Status
- Dependent Information
- Beneficiary
- Emergency Contact Information

## Article 4 - Workplace Safety and Reporting of Injuries

The Town recognizes that safeguarding the health and welfare of its employees in the workplace is not only legally required, but also is of mutual benefit to the Town and its employees. To that end, the Town is committed to the goal of providing a safe place for employment and sound operating practices designed to result in safe and efficient working conditions.

### 4.1 Workplace Injury or Exposure

The Town is committed to the safety of its employees and its property and equipment, and is responsible for meeting safety standards, which are considered to be a minimum standard, required by the Occupational Safety and Health Act of 1970 as well as other Federal and State

laws. Any employee who disregards any Town safety rule and/or regulation is subject to disciplinary action up to and including termination of employment.

The Town shall provide proper safety devices for all employees engaged in worked where such devices are necessary. Such devices, where provided, must be used as intended.

If an employee deems a Town vehicle or equipment to be unsafe, he or she shall notify their supervisor who, in turn, shall arrange for or conduct an appropriate inspection and shall determine whether the vehicle or equipment is safe for use.

Employee recommendation to improve safety and health conditions are welcome. The Town will provide financial resources for the correction of unsafe conditions and will take disciplinary action against an employee who willfully or repeatedly violates workplace safety rules.

The Town maintains specific workplace safety policies and procedures for each Department in a separate Safety Manual; employees are responsible for knowing these policies and procedures and following them.

#### 4.2 Reporting of “on the job” Injuries or Exposures

All employees suffering an injury, no matter how minor, while performing the duties of their job shall report it immediately to their Department Head and/or Supervisor, who shall complete a First Report of Injury and submit it to the Finance Director for review by the Town’s Workers Compensation provider within no more than eight (8) hours of the incident. The Finance Director will inform the Town Manager of any instances as they are received.

Vehicular accidents shall be reported in the same manner with the addition of a Police report, which shall be done prior to the vehicle leaving the scene of the accident. In the event of a vehicular accident involving a Town vehicle, the employee must report all information immediately to the Department Head, Town Manager and Finance Director. In no instance should responsibility for an accident be expressed to anyone until the Department Head or Town Manager has been notified and permission has been obtained to make statements.

The Department Head and/or Supervisor shall make a determination whether a doctor’s examination shall be required. If so, such examination shall be at the Town’s expense to be paid by Worker’s Compensation Insurance. All non-emergency exams shall be done at the time of the incident and employees should be directed to go to Health Connections. If it is an evident emergency and the employees needs to be taken by ambulance, they shall go where the medical staff deems appropriate. The employee retains the right to at any time seek evaluation of condition and/or injuries by their primary care provider, but such examination shall be at the employee’s expense. The Town requires receipt of the physicians M1 form or other applicable written report describing the condition of the employee’s injury. The Town will also require a return-to-work approval from the attending physician.

Time lost because of accidents incurred while on duty will not be deducted for any reason when computing wages or length of service.

## 4.3 Worker's Compensation Benefit

### 4.3.1 Applicable Law

The entitlement to and payment of workers compensation benefits is government by Maine law, in Title 39-A of the Maine Revised Statutes. The provisions of Title 39-A, as interpreted by the Law Court, shall prevail if inconsistent with any of the provisions of this Article.

### 4.3.2 Loss of Time

If an employee suffers an on-the-job injury which results in a loss of time, the Town will continue to pay the employee their regularly scheduled hours and will continue for a period of up to seven (7) days.

### 4.3.3 Worker's Compensation Benefits – On-the-Job Injury

In the event that an employee suffers an injury in the course of their employment and thereby qualifies for Worker's Compensation, the employee will receive from the Town their normal base rate wage and benefits for a period of time not to exceed twelve (12) months that the employee is not able to work because of such injury. Benefits payable from Worker's Compensation in connection with such injury, up to and including the equivalent of the wages paid to the employees this same time period, will be turned back over to the Town. Any difference between the Worker's Compensation benefit paid to the employee and the employee's normal wage will be retained by the employee in accordance with Worker's Compensation Law. If the employee continues to be unable to work after a twelve (12) month period, the employee will receive the appropriate Worker's Compensation benefits directly until the employee is reinstated pursuant to 39-A M.R.S. §218 or ceases eligibility for Worker's Compensation benefits.

## 4.4 Transitional Work Policy

### 4.4.1 Return to Work Goal

It is the goal of the Town to assist injured employees to return to the position that was held at the time of their injuries, which will be referred to as Regular Work. To that end, the Town has defined specific work assignments or "Transitional Work" that will be made available to those injured employees, who, in the judgment of the Town, will probably be able to return to the positions they held at the time of their injury.

### 4.4.2 Eligibility

Transitional Work will be made available to injured workers of the Town who have sustained injuries arising out of and in the course of their employment with the Town and who have been approved for this program by their physicians. Injured employees will be eligible for placement in the Transitional Work program within one (1) year after the date of initial injury.

The employee is expected to be an active participant in this process by providing M1's Practitioner's Report following medical appointments and communicating changes in their restrictions. The employee and employer commit to following restrictions as

outlined in the M1 Practitioner's Report or otherwise agreed upon.

#### 4.4.3 Duration of Assignment

Under this program, employees qualified for Transitional Work will be permitted to work up to 90 calendar days in a transitional position. If at the end of the 90-day period, the employee has not returned Regular Work, Transitional Work will no longer be available unless further medical evidence is presented that permits the Town to believe that, with reasonable further periods of Transitional Work, the employee will likely be able to return to Regular Work. If such evidence is provided, the Town may offer additional periods of Transitional Work for up to a one-year period from the initial date of return to Transitional Work.

If, during the course of the Transitional Work, it becomes evident to the Town that the injured employee probably will not be able to return to Regular Work within a one-year period from when the initially returned to Transitional Work, Transitional Work will no longer be made available to them. Those employees will then be subject to the rehabilitation provision of the Maine Workers' Compensation Act (39 M.R.S.A. Sec. 81 et seq).

#### 4.4.4 Termination of Employment

1. Termination: In those cases where an employee has been unable to perform some or all aspects of their Regular Work for one year from the date of injury, the employee may be terminated from employment. This termination is non-disciplinary, and the Town agrees to make reasonable accommodations as that term is defined in 39 M.R.S.A. Sec 66-A, for the employees to return to work during the two-year period following the original date of injury. Prior to possible termination, the employee will receive at least a ninety (90) day notification of the termination process and, at the same time, will be requested to provide an updated current medical report which assesses their ability to return to their last position.

2. Re-employment within Two Years of Date of Injury: If the employee becomes capable of performing the job duties of the position from which they were terminated within two years of the date of injury, the employee may return to that position if it is vacant. If that position is filled, unfunded or no longer exists, or the employee becomes capable of performing the duties of a different position with the Town, then the employee shall be entitled to be placed in a vacant position for which the employee is qualified, subject to concurrence of the bargaining unit representative, if the position is covered by a collective bargaining agreement, and approval of the Town with physical restrictions and positions they wish to be considered for in accordance with the above provisions.

The acceptance or refusal of appointment to a position other than the one held immediately prior to termination shall not terminate the employee's right to re-employment in the position held prior to termination.

3. Status upon Re-employment: Upon return to re-employment with the Town in a non-union position, the employee shall receive pay and benefits at the level which they would have attained if the work injury had not occurred, and which are applicable to the position in which the person is re-employed. Upon return to employment in a position covered by a collective bargaining agreement, pay and benefits will be determined by the Town under the appropriate bargaining agreement with the concurrence of the bargaining unit representative.

#### 4.4.5 Return to Work Program

The Town may terminate any ill or injured employee (a) who refuses to participate in a Return to Work Program despite having received medical clearance to do so; (b) who has failed to return to their regular work position, modified or otherwise, for a period of up to twelve (12) months from the date of injury or illness (including participation in the Return to Work Program); or (c) upon written certification from the employee's attending physician that there no longer exists an expectation that the employee will be able to return to their regular position. This twelve (12) month period may be extended by the Town Manager provided written agreement is reached between the employee's attending physician and the Town's physician that the employee's prognosis for return is probable within the next six (6) months, e.g. not to exceed eighteen (18) months from the date of injury. Such termination shall not be considered disciplinary in any way.

The employee will receive at least a ninety (90) calendar day notice of the Town's intention to terminate the employee, except in any instance in which an employee refuses despite medical clearance to participate in the Return-to-Work Program. An employee who refuses to participate in the Return-to-Work Program despite medical clearance is not covered by Paragraph 3 below.

If the employee becomes capable of performing the job duties of the job classification within twelve (12) months from the separation date, or if the employee notifies the Town Manager within this twelve (12) month period of their ability to return to work within eighteen (18) months from the separation date, and if the position is vacant, the employee shall have first refusal to said position. If that job classification is filled, unfunded, or no longer exists, then the employee shall be entitled to be placed in a vacant position within the Town for which the employee is qualified. In the event that any employee who has been terminated pursuant to this Article regains their work capacity and returns to work, the employee shall not retain any seniority or benefits previously held, except that after twelve (12) months of continuous employment, the employee shall be upgraded on the salary scale based on the employee's previous seniority.

#### 4.5 Harassment and Retaliation Prevention Policy

**NO HARASSMENT OR RETALIATION TOLERATED.** 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, disability or any other class protected by state or federal law, for speaking out against discrimination, or for participating in the complaint investigation process. The Town also will not tolerate retaliation for speaking out

against discrimination, participating in the complaint investigation process, or for good faith reporting to the Town or a public body a violation of law, rule, condition, or practice that would risk the health or safety of any employees or other individual. 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.

Harassment-related problems can often be resolved through open and honest discussion between the individuals involved in the situation. In many cases, individuals perceived as behaving in a harassing manner will stop that behavior when confronted. However, such direct treatment of harassment is not always possible or practical. Anyone who feels harassed by another employee or non-employee in connection with their work and who feels that direct confrontation is not possible or not effective must report an incident of sexual or other unlawful harassment to their immediate supervisor or the Town Manager. Any employee who becomes aware of a possible sexual or other unlawful harassment situation must also advise the Town Manager. In the unlikely event that the circumstances of an allegation are such that Town Manager would appear to have a direct conflict of interest, the employee is advised to contact the Select Board Chair.

Commented [AMF12]: I wouldn't want to failure of not "promptly" reporting to effect the outcome, so I recommend de-emphasizing the timing.

#### 4.5.1 Prompt Reporting is REQUIRED

All employees must report any harassing behavior or retaliation before it becomes severe or interferes with their work. The Town will make every effort to stop any harassment or retaliation before it amounts to a violation of law.

#### 4.5.2 No Punishment for Reporting

The Town will not tolerate adverse treatment of an employee because they reported harassment or provided information relating to such a complaint or in good faith reported to the Town or a public body a violation of a law, rule, condition, or practice that would put at risk the health or safety of any employee or other individual.

#### 4.5.3 Definition of Harassment/Retaliation

Unwelcome comments, jokes, acts, social media postings (including maliciously false statements) and other verbal or physical conduct related to sex, sexual orientation, race, color, religion, national origin, age, disability, or protected activity (speaking out against discrimination, participating in the complaint investigation process, or good faith reporting to the Town or a public body a violation of law, rule, condition, or practice that would put at risk the health or safety of any employee or other individual) is harassment or retaliation 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 decision affecting such individual;
- 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; or
- d) The challenged action would discourage a reasonable employee from making or

supporting a charge of discrimination or engaging in protected activity.

Employment decision (tangible employment action) linked with harassment or retaliation could include:

- Hiring and firing;
- Promotion and failure to promote;
- Demotion;
- Reassignment;
- A decision causing a significant change in benefits;
- Compensation decisions; and
- An unappealing work assignment.

None of these actions, linked with harassment or retaliation, will be tolerated.

#### 4.5.4 Complaint Process

Any individuals who believe he or she has been the subject of any form of harassment should **immediately** report the incident or act to one or more of the following officials:

- Town Manager
- Immediate Department Head
- Any other Department Head

Reports can be verbal or written. The Town will promptly investigate any and all complaints. All Department Heads has been trained and are required to immediately report complaints of harassment to one of the individuals listed above.

#### 4.5.5 Confidentiality

The Town will protect the confidentiality of harassment and retaliation allegation as much as possible. All information provided will be kept confidential and maintained in a separate confidential file. It will be discussed only with those who have a need to know in order to investigate or resolve the complaint.

#### 4.5.6 Investigation Process – Corrective Action

The Town will promptly conduct a thorough and impartial investigation into any alleged harassment or retaliation. Steps which the Town may take will be designed to stop the harassment or retaliation, correct it effects, and ensure that it does not happen again. Any remedial measures will not punish anyone who has come forward with a legitimate complaint of harassment or retaliation. Corrective action may include warning, training and monitoring of harasser, transfer or reassignment, suspension, or discharge of involved employee(s). The focus is upon prevention, not punishment.

Commented [AMF13]: This promptly is very appropriate.

#### 4.5.7 You Must Report Harassment

The purpose of this Policy is to encourage you to report any harassment or retaliation. You should not assume that the Town is aware of any harassment or retaliation which you may encounter. It is the responsibility to bring your complaints and concerns to the Town's attention.

Commented [AMF14]: They aren't allowed to know this much only that an investigation happened and, if so, that appropriate action was taken.

*A Harassment Notice is annually given by the Town to all employees in compliance with 26 M.R.S §807(2) and EEOC Enforcement G.*

#### 4.6 Sexual Harassment

##### 4.6.1 Prohibition of Sexual Harassment

It is the policy of the Town of to provide a work environment that is free from any and all forms of sexual harassment. Unwelcome sexual harassment is a form of sex discrimination that violates the Maine Human Rights Act. Unwanted sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which threatens job security, working conditions, or advancement opportunities is considered sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. 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.

Sexual harassment can affect and occur by and between members of any gender or the same gender and may occur between co-workers; supervisor and employee; Department Head and employee; manager and Department Head and/or employee; and Select Board member and/or manager, Department Head, employee. Sexual harassment may also occur by and between employees and members of the public, vendors, and citizens when the conduct occurs during the course and scope of employment.

The following types of behavior are prohibited:

1. Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct;
2. Threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration of or acquiescence to sexual advances;
3. Other sexually harassing conduct in the workplace whether committed by supervisors or non-supervisory personnel. This may include, but is not limited to:
  - offensive sexual flirtations, advances, or propositions;
  - verbal abuse of a sexual nature;
  - graphic, verbal comments about an individual's body;
  - sexually degrading words used to describe an individual;
  - the display of sexually suggestive objects or pictures;
  - unwanted hugs, touches, or kisses;
  - sexually suggestive or sexually graphic emails, texts, tweets or postings on social media sites either to a fellow employee or about a fellow employee.

Under the law, you may not be punished or penalized in any way for reporting, complaining about, or filing a claim concerning unlawful sexual harassment, regardless of the nature or category, or for cooperating with or testifying in any proceeding related to allegations of sexual harassment in the workplace. If you feel that you have been retaliated against for opposing or reporting what you reasonably believe to be sexual harassment, or for cooperating in the investigation of the same, please follow the Internal Complaint Procedure set forth above. The Town will not tolerate any act of unlawful retaliation against employees who have reported, complained about, or filed a complaint of unlawful harassment.

The violation of this policy may result in disciplinary action up to and including dismissal.

It is the responsibility of employees to report as soon as practicable after incidents of sexual harassment. Employees who have complaints of sexual harassment should bring the matter to the attention of the Town Manager either in person; by phone (236-0806); by email ([townmanager@rockportmaine.gov](mailto:townmanager@rockportmaine.gov)) with confidential in the subject line; by mail (101 Main Street, Rockport, ME 04856 please mark envelope as “Confidential”). If an employee does not feel comfortable discussing allegations with the Town Manager or the Town Manager may be implicated, the employee may report the conduct to his or her direct supervisor, or, if the Town Manager is the employee’s direct supervisor, a member of the current Select Board.

**Commented [AMF15]:** This could prevent someone from reporting if they fail to report promptly.

**Commented [AMF16]:** You probably should include another option here in the event the individual reporting is uncomfortable reporting to the TM or if the TM is the one being complained about. Maybe the Finance person or the Chair of the SB.

Employees may also file a complaint with the Maine Human Rights Commission within 300 days of the alleged harassment or discrimination as follows:

1. By letter addressed to:  
Executive Director  
Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333-0051
2. By phone: (207) 624-6290
3. FAX: (207) 624-8729
4. TTY: 1-888-577-6690
5. By e-mail: [www.maine.gov](http://www.maine.gov)
6. In person at the Commission's Office, 19 Union Street, Augusta.

The Town of Rockport is committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. In the course of investigation, every effort will be made to protect the privacy of those involved.

#### 4.7 Workplace Violence Protection Policy

The Town is committed to preventing violence and maintaining a safe working environment. Accordingly, the Town has adopted the following guidelines to deal with intimidation,

harassment, or other threats of (or actual) violence that may occur while working, or on Town property.

#### 4.7.1 Prohibited Conduct

Any type of workplace violence committed by or against employees is not permitted. Likewise, employees are not permitted to make threats or engage in violent activities. The following list of behaviors, while not inclusive, provides examples of conduct that is not permitted:

- Causing physical injury to another person;
- Making threatening remarks;
- Aggressive or hostile behavior that created a reasonable fear of injury to another person or subjects another individual to emotional stress;
- Intentionally damaging employer property or property of another employee;
- Possession of a weapon while on Town property or while on Town business, unless otherwise authorized;
- Committing acts motivate by, or related to, sexual harassment or domestic violence.

#### 4.7.2 Reporting Procedures

If in doubt about any person's safety, 9-1-1 is to be immediately called.

In addition, any potentially dangerous situations must be reported immediately to a Department Head, who will then report it to Town Manager. All incidents will be investigated. Reports or incidents warranting confidentiality will be handles appropriately and information will be disclosed to others only on a need-to-know basis. All parties involved in situation will be counseled and the results of investigation will be discussed with them.

#### 4.7.3 Risk Reduction Measures

While the Town does not expect all employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgement and to inform immediate supervisors if any employee exhibits behavior which could be a sign of a potentially dangerous situation.

Such behaviors may include, but not limited to:

- Discussing weapons or bringing them into the workplace, unless otherwise provided by law;
- Displaying overt signs of extreme stress, resentment, hostility or anger;
- Making threatening remarks;
- Sudden or significant deterioration of performance; or
- Displaying irrational or inappropriate behavior.

**Commented [AMF17]:** There is a law that says employees can have firearms in their car as long as the firearm is not visible and the car is locked. Sometimes I add something in here about "unless otherwise provided by law", but just wanted to make sure you know that.

#### 4.7.4 Dangerous Emergency Situations

Employees who encounter an armed or dangerous person should not attempt to challenge or disarm the individual, unless specifically trained and authorized to do so. Employees should remain calm, make constitute eye contact and talk to the individual. If law enforcement can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, the best course of action may be to cooperate and follow instructions until help arrives.

#### 4.7.5 Enforcement

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination of employment, and could also be subject to criminal prosecution. Non-employees engaged in violent acts on the employer's premise will be reported to the proper authorities and be fully prosecuted to the extent allowed by law.

### 4.8 Domestic Violence in the Workplace Policy

The Town will support, to the fullest extent possible, victims of domestic violence and will not tolerate those who perpetrate domestic violence on work time or in Town facilities. Ensuring adherence to this policy requires that all individuals on Town premises or while representing the Town conduct themselves in a manner consistent with the spirit of this policy. A violation of this policy could result in disciplinary action, up to and including termination of employment.

An employee involved in a domestic violence incident must immediately report, to their Department Head, any order for protection from abuse or harassment, or any criminal charge or condition of bail or probation applicable to the employee as a defendant or plaintiff.

Any employees required to carry a firearm as a condition of employment who is named as a defendant in a temporary protection order, or who is otherwise prohibited by court order, bail condition, or criminal conviction, from carrying a firearm, must report the situation to the Town Manager.

Any employee required to carry a firearm as a condition of employment who is named as a defendant in a permanent protection order, or who is otherwise prohibited by court order, bail condition, criminal conviction, or protection order from carrying a firearm, may have their employment status reviewed by the Department Head and Town Manager.

Commented [AMF18]: Same comment here. Not sure this is necessary.

Commented [AMF19]: Not sure what you mean here.

## Article 5 – Hours Worked

### 5.1 Record of Hours Worked

All hourly employees will be responsible for completing a daily record of arrival, departure and unpaid break times, which are the Town's legal record of hours worked. Record of hours worked could be defined as any paper or electronic timecard and/or timesheet, method of which is approved by the Town Manager.

It is every employee's responsibility to enter any hours worked, including any variations from hours actually scheduled. Hourly employees must seek Department Head approval before working any hours over their regularly scheduled hours. Employees are responsible for their own timesheets; completing someone else's or having someone else complete yours is a breach of the Town's policy and could result in disciplinary action. Intentionally reporting false information or altering information on timesheets is grounds for termination of employment.

#### 5.2 Process for Submission of Hours Worked

All records of time worked will be maintained digitally, the employee will be expected to clock their arrival to work, the departure and re-arrival for any unpaid breaks, and their departure for the workday. This information will then be reviewed by their Department Head and/or Supervisor for approval. Once approved, each record of hours worked will go to the Finance Director and/or Town Manager for final approval before being sent for payroll processing.

#### 5.3 Standard Work Week

The workweek for payroll purposes for all employees shall be from 12:00 a.m. Monday to 11:59 p.m. Sunday. The Town Manager, in consultation with Department Heads, shall determine hours of work for individual departments, with due consideration for the varying requirements of the individual departments, and whenever possible, hours of employment for employees in the same class of the same work shall be uniform.

#### 5.4 Rest and Meal Breaks

Each employee may be entitled to two (2) fifteen (15) minute rest breaks per day; one in the morning and one in the afternoon. The actual time of the rest break may vary from day to day and must be approved by the Department Head. Rest break time may not be combined, may not be used to extend the lunch break, nor does it accrue beyond the particular day should the employee choose to not exercise this entitlement. The meal break shall be thirty (30) minutes for hourly employees, unless otherwise arranged with the Department Head, Town Manager and/or bargaining unit. To be eligible for a meal break you must be expected to work six (6) consecutive hours in the day, the meal break can be taken within anytime in those six (6) hours as deemed appropriate by the Department Head and/or Supervisor.

#### 5.5 Overtime

Overtime pay does not apply to positions classified as exempt under the Fair Labor Standards Act, however, exempt employees may be eligible to earn Compensatory Time, please see below. Please see Appendix A for details regarding positions eligible for overtime compensation.

##### **Compensation Rate**

All hours worked over a standard work week of forty (40) hours shall be compensated at a monetary rate of one and one-half (1 ½) times the base hourly rate of the affected employee. Unless otherwise directed in a Union Contract.

##### **Overtime Calculation**

For the purposes of calculating overtime pay, “hours worked” shall include actual hours worked, paid bereavement leave, paid personal time off, and paid holidays. The time in which overtime is applied to will only be hours actually worked and not approved time off (only applies to bereavement leave, personal time or paid holidays).

#### **Authorization**

All overtime requires prior authorization from the Department Head, Supervisor and/or Town Manager.

#### **Compensatory Time**

##### Non-Exempt Employees

If requested by a non-exempt employee, compensatory time off may be granted at the discretion of the Department Head and/or Supervisor in lieu of overtime pay, subject to the following:

- Use of Accumulated Compensatory Time: Compensatory time requires approval by the Department Head and/or Supervisor and may only be used when staffing needs allow.
- Compensatory Time Accumulation: Compensatory time can be accumulated to a maximum of eighty (80) hours.
- Compensatory Time Carry-Over: no more than forty (40) hours of compensatory time may be carried over into the next fiscal year.

##### Exempt Employees

Exempt employees are expected to get their required tasks accomplished, including the attendance of required meetings. Frequently this requires exempt employees to log more than forty (40) hours of work within the work week. The Town Manager may grant exempt employees to work in a manner which promotes a healthy work/life balance while ensuring required tasks are complete.

Commented [AMF20]: It isn't really compensatory time in the legal sense of the word....

#### 5.6 Call-In Pay

If a call-in (being defined as a non-routine, unscheduled, or unexpected need to call in a non-exempt employee prior to the beginning or after their regular work shift, and not annexed to either end of their normal work time) situation occurs, the employee shall be paid a minimum of three (3) hours' time. The hours associated with call-in pay are subject to the same overtime rules as regular hours worked. Seasonal employees are not eligible for call-in pay.

Each employee is expected to come in to work when called in, unless excused by their Department Head. Department Heads shall exercise reasonableness and fairness in administering the call-in policy.

#### 5.7 Pay Day

Employees are currently paid weekly via direct deposit or by printed check on Thursday for the week ending the prior Sunday. Record of hours worked not submitted on time may result in the

paycheck being issued in the next payroll. If a scheduled pay day falls on a holiday, paychecks will be issued on Wednesday of that week.

#### 5.8 Storm Day Policy

It is the Town's intention to keep staff and others traveling for work safe in the event of a storm. It is the policy of the Town to delay opening, for non-emergency offices, for a minimum of two (2) hours, if the school district has a closure or delay. The Town Manager will assess the weather situation and determine whether the offices will open or remain closed for the day. This will be communicated to Department Heads by 9 a.m. the day of the closure.

For the purposes of the policy, non-emergency offices shall consist of Town Office staff, Library staff, Harbor staff (unless the storm is directly impacting the Harbor), and administrative staff for Public Works and the Police Department.

### Article 6 – Salary Adjustments

Salary adjustments shall generally take place as follows:

#### 6.1 Annual Adjustment

As part of the budget preparation process, the Town Manager shall present to the Select Board their draft annual budget which includes their recommendations for annual employee pay adjustments. The adjustments are then reviewed, amended, or adopted by the Rockport Select Board through the course of developing the annual Town Meeting Warrant. All adjustments shall become effective only after Town Meeting approval and commence at the beginning of the fiscal year, unless as otherwise authorized by the Town Manager.

#### 6.2 Step Plan

It is the Town's policy to provide a 5% annual wage adjustment, at the completion of the following years of service, 1 year, 2 years, 3 years, 5 years, 10 years, 15 years, 20 years, and 25 years. This adjustment shall take place on the employee's anniversary date. This adjustment would be in addition to any cost-of-living adjustment that might take place on July 1<sup>st</sup> of each year.

#### 6.3 Special Adjustment

The Town Manager, on a limited basis, may grant special adjustments, in addition to the annual adjustments, for such purposes as addressing salary inequities, market adjustments and achieving Town staffing goals.

Commented [MB21]: I think this should be up to the TM discretion.

## Article 7 - Employee Benefits

### 7.1 Health Insurance

The Town pays one hundred percent (100%) of the full individual cost of employee participation in the group health insurance plan, and ninety percent (90%) of the cost of dependent coverage for eligible employees hired prior to September 12, 2005.

The Town pays ninety percent (90%) of the individual and dependent cost of employee participation in the group health insurance plan for eligible employees hired on or after September 12, 2005.

The Town pays fifty percent (50%) of the single subscriber health insurance premium for any permanent part-time employee qualified to receive this benefit under the terms and conditions set forth within this policy as of July 1, 2012.

The employee is responsible for premium amounts over the Town contribution.

A new employee shall be eligible to participate in the health insurance program the first day of the month following their date of hire. (Example: Employee is hired August 3<sup>rd</sup>, their coverage would be effective September 1<sup>st</sup>, or Employee is hired August 30<sup>th</sup>, their coverage would be effective September 1<sup>st</sup>.)

Pursuant to the pretax regulations of the Town's IRS's Section 125 Plan, any employee contribution of insurance premium shall be deducted on a pretax basis provided the employee has signed a salary reduction agreement. The employee may submit a written request for a non-pretax contribution.

Should an employee elect not to take the health insurance offered by the Town, the employee would become eligible for a buyout of up to 10% of the employer cost of family health coverage on the POS-C plan, to be received in a monthly taxable stipend.

#### 7.1.1 Health Benefits Continuation Privileges

The right to health insurance continuation coverage was created by federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage may become available to an employee and other member of their family who are covered under the Plan when the employee or dependent would otherwise lose the group health coverage, such as when employment terminated. For more information about employee's rights and obligations under the Health Insurance Plan and under federal law, please review the Summary Plan Description, or reach out to the Maine Municipal Health Trust directly.

### 7.2 Flexible Spending Account

The Town will provide a Flexible Spending Account (FSA) to any full-time benefit eligible employee. There is no requirement to participate in the health insurance in order to qualify for the FSA. If the employee chooses to participate, the Town will deposit the IRS employer

allowable max contribution into the FSA. This initial contribution does not require any employee contribution, for example, in 2022 this max was \$500. To receive the maximum plan contribution, which was defined by the IRS in 2022 as \$2,850, the Town will match dollar for dollar with the employee. The Town will provide the employee a Health Insurance stipend equal to their share of the remaining balance. The employee can decide to put this stipend into the FSA to realize the dollar-for-dollar match, which will be considered non-taxable, or the employee can keep the stipend as taxable income. (2022 example, the plan max contribution is \$2,850, if the employee decided to open the account, the Town deposited \$500 without the employee doing anything, leaving the remaining balance at \$2,350, 50% of this balance would be paid to employees as the Health Insurance stipend, which they could have matched if put into the FSA).

The plan year for the FSA is January through December. At the end of the year if an employee has funds remaining, up to \$500 can be carried over into the next plan year, any amount over that will be forfeited back to the plan.

This section must conform to IRS regulations for the management, contribution and spending in this account.

### 7.3 Income Protection Plan

The Town pays seventy-five percent (75%) and the employee pays twenty-five percent (25%) of the premium for income protection insurance, covering non-occupationally incurred disabilities. Coverage is available for either seventy percent (70%), fifty-five percent (55%), or forty percent (40%) of wages, at the employee's choice, and pays that percentage of the weekly wage if the employee is unable to work and is under a doctor's care for seven (7) consecutive days. The employee becomes eligible for benefits on the eighth (8) day and coverage can last up to a maximum of fifty-two (52) weeks so long as they continue to be under physician's care. An employee may elect in writing to use their accumulated personal leave to obtain their net weekly pay. In no instance may the employee receive full personal leave pay and full income protection daily payment at the same time. It is the intent of the Town to provide an opportunity for the employee to continue to receive regular take home pay and to prevent an employee from receiving double pay.

### 7.4 Life Insurance

#### 7.4.1 Group Life Insurance

Term life insurance for employees only is available through Maine Municipal Employees Health Trust at no cost to the employee. Employees are eligible for coverage rounded up to the next one thousand dollars (\$1,000.00) over their annual wage.

#### 7.4.2 Supplemental Life Insurance

Supplemental Life Insurance for employees only is available through Maine Municipal Employees Health Trust, which would be at the sole expense of the employee through payroll deduction. Supplemental Life insurance provides the eligible employee with a benefit equal to an additional one, two, or three times their base salary. Participants may purchase coverage equal to an additional one times salary without having to provide

evidence of good health, provided they enroll when first eligible. Participants may elect to purchase supplemental coverage equal to two or three-times salary; however, they will have to submit evidence of good health prior to being approved for such coverage

#### 7.4.3 Maine Public Employees Retirement System Group Life Insurance

Group life insurance through the Maine Public Employees Retirement System is available through payroll deduction at the employee's expense. Employees are eligible for coverage rounded up to the next One Thousand Dollars (\$1,000.00) over their annual wage. Optional dependent coverage is also available.

#### 7.5 Retirement Plan

The Town offers a choice of retirement benefits including a 457 Deferred Compensation Plan with Mission Square Retirement, formerly known as International City Management Association (ICMA) retirement program or with Variable Annuity Life Insurance Company (VALIC) or a defined benefit plan with Maine Public Employees Retirement System (MPERS), to eligible employees. Further information regarding Town-sponsored retirement plans may be obtained from the Finance Director.

The contribution rates for MPERS are set by them on an annual basis, and the Town will withhold and contribute the mandatory amount.

For Mission Square and VALIC there is no required minimum employee contribution, and the employer contribution rate will match the AN plan for MPERS for that given fiscal year.

An employee can elect to enroll in more than one plan if they so choose. If the employee elects to enroll in MPERS and either Mission Square or VALIC, they will only receive the employer contribution to the MPERS account, there will not be one awarded for either Mission Square or VALIC. Should the employee elect to enroll in both Mission Square and VALIC, the total employer contribution shall not exceed the total percentage match as defined above. They can elect for the employer contribution to all go to one account or be divided between the two plans.

#### 7.6 Cell Phone Stipends

Each Department Head shall receive a cell stipend in an amount deemed appropriate by the Town Manager. Some non-exempt employees may receive a cell phone stipend as outlined in their union contracts, or as deemed necessary by the Department Head and/or Town Manager.

#### 7.7 Cancer Care / Intensive Care Insurance Deductions/Sickness Coverage

These insurances through American Family Life Assurance Company (AFLAC) are available to full-time employees at their own expense through payroll deduction.

#### 7.8 Group Dental/Vision Insurance

An optional dental or vision plan is available at group rates through payroll deduction at the employee's expense.

## 7.9 Social Security

In addition to the retirement plan choices offered above, the Town participates jointly with employees in Social Security payments. Benefits provided include a retirement feature, survivor's benefits, payment if death occurs before retirement, disability insurance, and Medicare coverage.

## 7.10 Worker's Compensation

The Town provides worker's compensation coverage, as mandated by State law, which provides income and other benefits covering occupationally incurred injuries and/or disabilities, to all employees. An employee may elect in writing to use their accumulated paid leave to obtain their net weekly pay. In no instance may the employee receive full personal leave pay and full workers compensation daily payment at the same time. It is the intent of the Town to provide an opportunity for the employee to continue to receive regular take home pay and to prevent an employee from receiving double pay. Please see the Worker's Compensation Section for more information.

## 7.11 Unemployment Compensation

The Town provides unemployment compensation benefits as mandated by the State Unemployment Compensation Insurance laws.

## 7.12 Employee Assistance Program (EAP)

The Town believes that effective, well-motivated employees are its most valuable resource. The Town also realizes everyone has personal difficulties from time to time and that is understandable. In most cases, the employee will overcome such problems independently with little or no effect on job performance. The Town provides a confidential service to help with such personal difficulties.

The Employee Assistance Program is available to all employees, whether they participate in any other benefits or not. If you are interested in more information, please reach out to the Finance Director, or by the EAP Provider Agency, Anthem Employees Assistance Program at 1-800-647-9151 or visit [www.anthemEAP.com](http://www.anthemEAP.com) and enter MMEHT.

## Article 8 - Employee Development

### 8.1 Staff Training

#### **Job Related Required Training**

As a condition of employment, each employee shall attend and participate in training programs designated to be necessary for effective job performance by the Department Head and/or the Town Manager.

#### **Voluntary Training**

The Town will attempt to make opportunities available to employees, within the constraints of the municipal budget, for further development of specific skills and expertise deemed of mutual benefit to the employee and the Town. Approval for staff development involving

expenditure of funds must be obtained in writing from the Department Head and/or Town Manager. The Department Head can approve trainings up to the amount of \$200, requests over this amount shall be approved by the Town Manager.

## 8.2 Performance Evaluation

The Town shall establish and maintain standardized procedures for performance evaluation and review. At a minimum, performance evaluation will occur prior to the conclusion of the probationary period, and on an annual basis thereafter.

## Article 9 - Leaves of Absence

### 9.1 Bereavement Leave/Funeral Leave

An employee may be excused from work for up to five (5) workdays because of death of their immediate family as outlined below, and shall be paid their regular rate of pay for the scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements, and for attendance at the funeral. At the discretion of the Town Manager, personal leave credit may also be used to supplement bereavement leave. All bereavement leave must be used within six (6) months of date of death, unless otherwise approved by the Town Manager.

Immediate family is defined to mean spouse, domestic partner, child, mother, father, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandfather, grandmother, grandchildren, stepfather, stepmother, stepchildren, or other relative if living in the same household as the employee.

One (1) workday may be granted to employees, at the sole discretion of the Town Manager, for attendance at funerals of persons not covered under the above definition.

### 9.2 Jury and/or Witness Leave

Any employee of the Town shall be excused from work when required to respond to a summons for jury duty, to serve as a juror, or to attend court for prospective jury service. The Town encourages employees to fulfill such duties and agrees to pay the employee the difference between regular pay and juror's pay, excluding mileage or lodging, provided the employee presents an official statement of jury pay received. Hours worked by the employee as a juror, up to the standard workday of eight (8) hours, count toward the hours worked during a regular workweek in the calculation of overtime. In no instance shall overtime be paid on the hours accrued while serving jury duty.

An employee required to appear as a witness in private litigation, unrelated to the Town including employment, will be given time off as leave without pay for such attendance. The employee may use accrued personal time with Department Head and/or Supervisor approval.

If the Town requires an employee to attend a court proceeding, the employee shall suffer no loss in regular pay as a result of such attendance, and hours required to be spent at court at the Town's

request shall be considered hours actually worked for the Town, for purposes of overtime eligibility.

Employees who are compensated by the Town for attendance in court are required to turn over any witness or other fees received for such appearance, excluding mileage pay.

Employees required to report for possible jury duty, or to appear as a witness, agree to inform the Town as soon as possible of such notice to report, and any subsequent obligations, and to return to work promptly after such jury or witness duty is completed or if the employee is released early on any given jury/court day.

### 9.3 Family and Medical Leave

Family and Medical Leave (FMLA) shall be granted pursuant to current federal laws and regulations at the time of the request. Family Medical Leave may be extended at the sole discretion of the Town Manager. If leave is extended, the employee may or may not be restored to the same or equivalent position. Any employee eligible for and who receives Family Medical Leave shall continue to receive the Town's paid portion of the health insurance premium. An employee eligible for and who receives Family Medical Leave shall be required to use available paid leave prior to utilizing unpaid leave. Any paid leave time used shall count towards the employee's FMLA leave entitlement.

#### 9.3.1 Employees Eligible for FMLA Leave

FMLA leave is available to "eligible employees". To be an "eligible employee", and employee must: (1) have been employed by the Town for at least 12 months (which need not be consecutive); (2) have been employed by the Town for at least 1250 hours of service during the 12-month period immediately preceding the commencement of the leave; and (3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

#### 9.3.2 Employee Entitlements for FMLA Leave

As described below, the FMLA provides eligible employees with an unpaid leave of absence, health insurance benefit continuation and, with some limited exceptions, job restoration. The FMLA also entitles employees to written notices about their potential eligibility for and use of FMLA leave.

#### 9.3.3 Basic FMLA Leave Entitlement

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined on a rolling basis measured backwards from the date any FMLA leave has been used.

Leave may be taken for anyone, or for a combination, of the following reasons:

- To care for the employee's child after birth, or placement for adoption or foster care;

- To care for the employee’s spouse, son, daughter, or parent (but not in-law) who has a serious health condition;
- For the employee’s own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care, or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee’s job; and/or
- Because of any qualifying exigency arising out of the fact that an employee’s spouse, son, daughter or parent is covered military member on active duty or has been notified of an impending call or order to active-duty status in the National Guard or Reserves in support of a contingency operation.

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, as further explained in applicable law and regulations. Qualifying circumstances may include attending certain military events, arranging for alternative childcare, addressing financial and legal arrangement, attending counseling sessions, and attending post-deployment reintegration briefings.

#### 9.3.4 Additional Military Family Leave Entitlement (Injured Servicemember Leave)

In addition to the above basic FMLA leave entitlement, and eligible employee who is the spouse, son, daughter, parent or next of kin of a covered servicemember is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single 12-month period and, when combined with other FMLA qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A “covered servicemember” means a member of the Armed Forces, including a member of the national Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary retired list for a serious injury or illness. A member of the Armed Forces would have a serious injury or illness if they have incurred an injury or illness in the line of duty while on active duty in the Armed Forces provided that the injury or illness would render the servicemember medically unfit to perform duties of the member’s office, grade, rank, or rating.

#### 9.3.5 Intermittent Leave and Reduced Leave Schedules

FMLA leave usually will be taken for a period of consecutive days, weeks, or months. However, in some cases, employees may be entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember or related to the birth or placement of a child.

#### 9.3.6 Protection of Group Health Insurance Benefits

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

#### 9.3.7 Restoration of Employment and Benefits

At the end of the FMLA leave, subject to some exceptions including situations where job restoration of “key employees” will cause the Town substantial and grievous economic injury or a restructuring, employees generally have a right to return to the same or equivalent position with the equivalent pay, benefits, and other employment terms. The Town will notify employees if they qualify as “key employees”, if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee’s FMLA leave.

#### 9.3.8 Request for Leave; Calling in Sick Will Not Count – Reason Must be Given

Calling in “sick”, without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the Town’s questions to determine if the absences are potentially FMLA qualifying. Employees seeking FMLA leave must make a specific and direct request for the leave to their Department Head within 30 days of the start of the leave if foreseeable, or otherwise with as much notice as possible. In some cases, the employer may require medical certification related to the reason for the request. If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA qualifying reasons for which the Town has previously provided FMLA protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

#### 9.3.9 Return to Work/Fitness for Duty Medical Certifications

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves taken because of their own serious health conditions that made them unable to perform their jobs must provide the Town medical certification confirming they are able to return to work and the employees’ ability to perform the essential functions of the employees’ position, with or without reasonable accommodation. The Town may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

#### 9.3.10 Substitute Paid Leave for Unpaid FMLA Leave

Employees must use any available paid time while taking unpaid FMLA leave. In other words, the paid time will run concurrently with an employee’s FMLA entitlement. For example, if eligible for FMLA under Federal law and an employee has two weeks of paid leave available, they must take the two weeks as paid time/FMLA and then has 10 additional weeks of job protection under FMLA available.

Leaves of absence taken in connection with a disability plan or worker's compensation injury/illness shall run concurrently with any FMLA leave entitlement.

#### 9.3.11 Pay Employee's Share of Health Insurance Premiums

As noted above, during FMLA leave, employees are entitled to continue group health plan coverage under the same conditions as if they had continued to work. Unless the Town notifies employees of other arrangements, whenever employees are receiving pay from the Town during FMLA leave, the Town will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working. If FMLA leave is unpaid, employee must pay their portion of the group health premium, these arrangements are to be made with the Finance Director.

Should the employee not return to work at the end of their leave, and has a balance owed to the Town for the continuation of group health coverage, the employee is required to reimburse the Town for that coverage. The Town will take any all actions needed in order to collect the funds owed.

#### 9.3.12 Coordination of FMLA Leave with Other Leave Policies

The FMLA does not affect any Federal, State, or Local law prohibiting discrimination, or supersede any State or Local law which provides greater family or medical leave rights. For additional information covering leave entitlement and obligations that might arise when FMLA leave is either not available or exhausted, please consult the Town's other leave policies or contact the Finance Director and/or Town Manager.

#### 9.3.13 State of Maine Eligibility Provisions

Employers with 15 or more employees must comply with the Maine FMLA regulations, which gives Maine employees additional rights. Maine FMLA provides for up to ten (10) weeks leave in any two (2) year period. An employees must have been employed for twelve (12) consecutive months to be eligible for such leave that allows employees to continue group health insurance at their expense.

Family Medical Leave under Maine Law may be taken for the following reasons:

- The serious health condition of the employee;
- The birth of the employee's child, or the employee's domestic partner's child;
- The placement of a child 16 years of age or less with the employee, or the employee's domestic partner, in connection with the adoption of the child by the employee, or the employee's domestic partner;
- A child, domestic partners child, parent, sibling, spouse, or domestic partner with a serious health condition;
- Donation of an organ of the employee for a human organ transplant;
- The death or serious health condition of the employee's spouse, domestic partner, parent, sibling, or child while on active duty in the state military force or the U.S. Armed Forces, including the Nation Guard and Reserves.

Domestic Partners is defined as the partner of an employee who is a mentally competent adult, who has been domiciled with the employee for at least 12 months, is not legally married to or legally separated from another individual and is the sole partner of the employee and expects to remain so. A domestic partner may not be a sibling of the employee and must be jointly responsible with the employee for each other's common welfare, as evidenced by joint living arrangements, joint financial arrangements, or joint ownership of real or personal property.

The Maine FMLA is similar in its definitions and provisions as the federal FMLA, as explained above, but is not identical. An employee seeking FMLA leave must make a specific and direct request for the leave to their Department Head within 30 days of the start of the leave if foreseeable, or otherwise with as much notice as possible, and should direct all questions about their eligibility and logistics to their Department Head.

#### 9.4 Military Leave

Under Federal law (USERRA) and/or Maine Law (38 U.S.C 4301 et seq.; 26 M.R.S.A. §811), employers may not discriminate against any employee due to that employee's military activity or status. Employees may be eligible to take a leave of absence for military purposes (including active duty, reserve duty, or National Guard duty) and be entitled to reinstatement to the same or equivalent position upon return to work. Under USERRA, military leave generally must not exceed five (5) years of the protections to apply. Military leave is unpaid.

The employee must give prior reasonable notice, if possible, to the Town of the anticipated absence for military duty. If the Town so requests, the employee must provide copies of their military orders prior to leaving for service, or as soon as possible.

The law also provides that an employer may not require an employee returning from military leave to report back to work in less than certain minimum time periods depending on the length of the leave.

USERRA and Maine law contain detailed provisions concerning military members' civilian employment and re-employment rights, and the conditions for exercising those rights. An employee should contact their Department Head if they are anticipating a military leave of absence in order to work through the process.

##### 9.4.1 Reserve Service Leave

Reserve service leave is available to employees who are members of the military reserves or National Guard, under the terms of applicable Federal and State law. In addition, for any period of reserve service up to three (3) weeks in any calendar year, the Town will compensate the employee for the difference between their regular weekly wages and their total military pay. Employees using reserve service leave must furnish the Department Head with an official statement of reserve service pay received. Any amount served in excess of three (3) weeks shall be considered leave without pay.

**Commented [MB22]:** What are your thoughts on adding the 3 weeks paid differences to the military leave, like what is the reserve service leave?

**Commented [AMF23R22]:** You are not legally required to do so, so that is up to you.

#### 9.4.2 Family Military Leave

State Law requires employers with 15 or more employees to grant up to 15 days of unpaid family military leave per deployment to eligible employees, if requested by the employee. To be eligible, employees must have been employed by the Town for at least 12 months and have worked at least 1250 hours in the 12 months period just prior to the requested leave.

“Family Military Leave” means leave requested by an employee who is the spouse, domestic partner, or parent of a person who is a resident of the State of Maine and is deployed for military service for a period lasting longer than 180 days with the State of United States, pursuant to the orders of the governor or the president of the United States. Family military leave may be taken only during the 15 days immediately before deployment, during the period of deployment if the service member is granted leave, the 15 days immediately following the period of deployment, or a combination of days within these time frames. If the request for leave is for five (5) consecutive workdays or longer, 14 days’ notice must be provided by the employee; if the request is for less than five (5) consecutive workdays, the employee must provide as much advance notice as possible.

Family military leave is without pay, except to the extent that an employee elects to use unused personal time. An employee who takes a family military leave will be restored to the position held by the employee when the leave commenced, or to a position with equivalent status based on years of service, employee benefits, pay, and other terms and conditions of employment. Benefits in effect at the beginning of the leave will continue during and after the leave at the same employee contribution or accrual rates.

#### 9.5 Leave for Victims of Domestic Violence

Maine State law provides reasonable and necessary leave from work for an employee to:

- Prepare for or attend court proceedings,
- Receive medical treatment or attend to medical treatment for a victim who is the employee’s daughter, son, parent, or spouse, or
- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

The leave must be needed because the employee or the employee’s daughter, son, parent, or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. Leave must be requested as soon as the circumstances make it clear that time off is necessary. Approval of this leave will depend on whether the absence will create a hardship for the Town, whether the requested within a reasonable time, and whether the requested leave is practical, reasonable, and necessary given the facts presented. If the leave is approved, the employees may use available paid time off for the absence, and all benefits will continue uninterrupted as long as the leave is reasonable in length.

Commented [MB24]: Put up with the jury stuff

### 9.6 Absence for Emergency Response

An employee who is an emergency responder (Fire or EMS) will not be disciplined for being late or missing work due to responding to an emergency. The employee, or someone acting on their behalf, must provide the Town with prior notice for the absence if time permits.

### 9.7 Public Health Emergency Leave

Employees affected by a public health emergency, including an individual public health investigation, supervision or treatment, public health emergency orders, quarantine, isolation, or a concern that the employee may expose other individuals in the workplace to the extreme public health emergency threat, will be granted reasonable and necessary leave. Employee may choose to use accrued time off during this period.

### 9.8 Other Leaves

The Town Manager may authorize special leaves of absence, with or without pay or benefits, for any period of time, and for purposes that are deemed beneficial to the service of the Town.

## Article 10 – Holidays

### 10.1 List of Paid Holidays

Subject to these rules, the following holidays shall be holidays for Town employees:

- New Year's Day
- Martin Luther King Day
- Presidents Day (Washington's Birthday)
- Patriots Day
- Memorial Day
- Juneteenth
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving
- The Day following Thanksgiving
- One day before Christmas
- Christmas Day

As a general rule, the Town shall observe the holiday schedule established annually by the Maine Department of Administrative and Financial Services. The Town Manager will determine and publish the holiday schedule, prior to the start of the next calendar year.

An employee whose normal day off falls on a holiday will be given another day off in lieu of the holiday, however, this day shall be taken in the same pay week the holiday originally fell in.

## 10.2 Eligibility Requirements

In order to qualify for holiday pay, the employee must be a full-time employee and must work on their last scheduled workday prior to the holiday and the first scheduled day after the holiday, including approved time off. Exception may be granted in writing by the Town Manager.

## 10.3 Holiday Pay

Holiday pay will be paid based upon the employees regularly scheduled hours on that given day.

If a non-exempt employee is authorized to work on a holiday, the employee shall receive eight (8) hours of holiday pay plus their overtime rate of pay for any hours worked.

## 10.4 Holidays during Personal Time Off Periods

Should a holiday fall within an employee's personal time off period, personal time will not be required to be used and the employee will be paid eight (8) hours of holiday pay.

## 10.5 Holidays during Leave of Absence

A person on a leave of absence shall only be entitled to holiday pay if they have been granted a paid leave of absence.

## Article 11 – Personal Time Off

This policy is meant to replace vacation and sick time policy, instead the Town will offer Personal Time Off (PTO) to all employees as outlined below.

### 11.1 Accrual and Provisions

#### 11.1.1 Full-Time Employees (Exempt and Non-Exempt)

Full-time exempt and non-exempt employees will earn PTO time as follows:

New hire through their second (2<sup>nd</sup>) year of employment will be eligible to earn 228 hours of PTO, accrued at 4.39 hours each week worked, at least 40 hours.

Third (3<sup>rd</sup>) year of employment through seventh (7<sup>th</sup>) year of employment will be eligible to earn 268 hours of PTO, accrued at 5.16 hours each week worked, at least 40 hours.

Eighth (8<sup>th</sup>) year of employment through sixteenth (16<sup>th</sup>) year of employment will be eligible to earn 308 hours of PTO, accrued at 5.93 hours each week worked, at least 40 hours.

Seventeen (17) years of employment and beyond will be eligible to earn 348 hours of PTO, accrued at 6.70 hours each week worked, at least 40 hours.

#### 11.1.2 Part-Time, Seasonal, and On-Call Employees

Part-time, seasonal, and on-call employees are eligible to earn up to one hour of PTO, for every forty (40) hours they work.

#### 11.2 Personal Time Off Max Accruals

PTO accruals are listed below depending on employment status. The max accrual is based on years of service, if an employee is over their allotted max accrual on the anniversary date of employment, they will forfeit anytime over the max accrual.

##### 11.2.1 Full-Time Employees (Exempt and Non-Exempt)

New hire through their second (2<sup>nd</sup>) year of employment can accrue up to 456 hours of PTO time.

Third (3<sup>rd</sup>) year of employment through seventh (7<sup>th</sup>) year of employment can accrue up to 536 hours of PTO time.

Eighth (8<sup>th</sup>) year of employment through sixteenth (16<sup>th</sup>) year of employment can accrue up to 616 hours of PTO time.

Seventeen (17) years of employment and beyond can accrue up to 696 hours of PTO time.

#### 11.1.2 Part-Time, Seasonal, and On-Call Employees

Part-time, seasonal, and on-call employees are eligible to accrue up to 40 hours of PTO time.

#### 11.3 Use of Personal Time Off

Use of PTO shall be granted at such time or times as mutually agreeable to the employee and the Department Head. If possible, employees shall make requests for use of PTO prior to the leave being taken to their Department Head, and approved by the Town Manager. Department Heads shall make request to use PTO to the Town Manager. The method for requesting leave, will be directed, and approved by the Town Manager.

The Town understands that it is not possible to preplan illness, or emergency needs for time off. In such cases the employee shall notify the Department Head, or Town Manager if the employee is a Department Head, for the need to use PTO as soon as possible. For extended illnesses beyond a period of three (3) consecutive days, a doctor's note shall be required to return to work. If at any time the Department Head and/or Town Manager feel that PTO is being misused, they may require additional documentation. Frequent unplanned absences may cause consultation with the Department Head and/or Town Manager and may result in discipline up to and

including termination. This time should be reflected on the employee's weekly record of hours worked.

If an employee is within their first six (6) months of employment and have not earned enough PTO for necessary time off, they can overdraw their PTO accruals, up to 40 hours, if more is needed this would require approval from the Town Manager. If employment is separated for any reason and the accrual is negative, this time will need to be paid back upon separation.

#### 11.4 Disbursement due to Retirement or Separation

Should the employee's employment be terminated with the Town, either in the form of retirement or termination, the employee shall be paid out for 100% of the accumulated balance of PTO at the time of separation.

#### 11.5 Disbursement due to Death

In the event that an employee dies, 100% of their accrued and unused PTO, if any, shall be paid in the wage equivalent as follows: if said employee dies testate, then to their estate; if said employee dies intestate, then by the laws of intestacy. If employee would prefer, they can file a signature and notarized letter with the Finance Director that states how they would like their accrued time and final paychecks disbursed, should they die.

### Article 12 – Leave Donation Policy

The purpose of this program is to permit eligible employees to voluntarily donate a portion of their accrued but unused PTO to a Leave Bank to be used to assist another Town employee who has suffered a non-work-related Medical Emergency, who has exhausted PTO hours and would otherwise suffer a substantial loss of income as a result of taking unpaid leave. This policy permits employees to voluntarily donate PTO time to a Leave Bank; sets the standards by which an employee may request Donated Leave from the Leave Bank; and establishes a process that respects and maintains the confidentiality of the Town's employees.

For purposes of this Leave Donation Policy, a "Medical Emergency" is defined as provided in the Definitions section of this Personnel Handbook. The leave must be unanticipated. For example, elective surgery does not qualify as a Medical Emergency, however complications arising from an elective surgery resulting in a serious medical condition may qualify as a Medical Emergency.

#### 12.1 Employees Eligible to Donate Leave

An employee wishing to donate accumulated PTO to the Leave Bank must meet the following requirements:

1. Employee: The employee donating PTO must be a full-time employee and have been employed by the Town for a minimum of 24 months.
2. Required Remaining Balance: The donation must leave the donating employee with accumulated PTO of 140 hours or more.
3. Employees may contribute PTO in four-hour increments.

4. Donation: The donation is irrevocable, meaning that once time is donated it will not be returned to the donor-employee. Employees may not designate a particular employee to receive their donated leave.
5. If at any time during the year the Leave Bank is depleted, the Human Resources Officer in their exclusive discretion, may permit employees with at least 120 hours of accrued but unused PTO to donate up to 8 hours of leave.

### 12.2 Employees Eligible to Request Donated Leave

Employees are eligible to receive Donated Leave from the Leave Bank if:

1. The employee is on an approved leave of absence related to a Medical Emergency as defined in this Policy; and,
2. The employee has depleted all accumulated PTO.

Although the employee is not eligible to use Donated Leave until all other forms of paid time off are exhausted, the employee may request a donation of leave prior to exhausting PTO, using the process described in this Policy.

### 12.3 Requesting Donated Leave

Employees or the employee's designee may apply for Donated Leave by submitting a written request to the Department Head as described more fully in the Section on Administration of Donated Leave. Such request may be made when the employee anticipates that his/her/their PTO will be fully depleted. Payment will not be made prior to completion of the Donated Leave request and approval process. Leave Bank awards will be paid at the recipient employee's normal rate of compensation.

Employees who are granted donated Leave shall not be required to replenish the days withdrawn from the Leave Bank. In the event an employee is approved for days that are not used, those days shall remain in the Leave Bank and carry forward.

### 12.5 Shared Leave Donation Limitations

The Town wishes to comply with all Federal and State laws as may be applicable to employees out of work due to medical conditions or unforeseen medical circumstances. There are limitations as to how many weeks an employee shall be excused from work because of medical issues or unforeseen medical circumstances. As such, the Town also limits the number of hours an employee may receive in donations.

Employees who are granted donated Leave are entitled to draw up to a maximum of 240 hours, upon approval of their request. The employee may re-apply to the Human Resources Director for additional Leave Bank days, if necessary, but in any case the total number of hours an employee may receive in donated leave shall not exceed 400 hours in a 24-month rolling period.

Use of Donated Leave shall not provide the employee with more compensation than they would normally receive in their regular pay. Donated Leave is taxed as wages to the recipient employee.

### 12.6 Confidentiality

Information received by the Town as part of the Leave Bank request process is confidential. The reason(s) for the medical issue requiring the employee to be on leave will be kept confidential by the Town and access will be limited to the relevant Department Head and/or the Human Resources Officer. Any information regarding a Leave Bank request will be maintained consistent with the Town's policy on confidential health information.

### 12.7 Administration of the Leave Bank

The Human Resources Officer, in conjunction with the applicable Department Heads or their designees, is responsible for coordinating PTO donations to the Leave Bank, reviewing applications for Donated Leave, reviewing employee eligibility and authorizing Donated Leave.

At least annually, at a time or times specified by the Human Resources Officer, Department Heads or their designee will permit eligible employees to voluntarily donate any accrued but unused PTO to the Leave Bank. Employees who wish to donate leave shall identify the amount of PTO they would like to donate to the Leave Bank in writing and send it electronically or otherwise to the Human Resources Officer or their designee.

Employees may request Donated Leave by making a written (mailed, faxed or emailed) request to the Human Resources Officer or Department Head. The request must describe the situation that requires the shared leave and may include additional information such as a physician's statement or FMLA Certification as evidence of a non-work-related Medical Emergency. The Department Head will review the request and medical documentation and may reach out to the employee for additional information to confirm the situation is a Medical Emergency. The Department Head will then provide the leave request along with the current days available in the Leave Bank to the Human Resources Officer.

In making a recommendation regarding granting an employee donated leave, Department Head and Human Resources Officer will (1) review all medical evidence submitted by the affected employee, including but not limited to physician statements; (2) will verify that existing paid leave has been or is likely to be exhausted; and (3) will work with any applicable union representatives and prepare any necessary documentation.

By mutual consent of the parties, final decisions on eligibility and distribution of donated leave time rest with the Human Resources Officer and are not subject to appeals or any union grievance procedures. The Human Resources Officer will ensure that no decision will be made on an employee's race, religion, creed, color, sex, national origin, disability, age, marital status, sexual orientation, genetic information, public assistance status, veteran status or any other status protected by local, state or federal laws.

If the employee is enrolled in an Income Protection Plan, or other employer sponsored or administered disability policy, the utilization of donations may be coordinated with said policy and associated benefit to bring the employee up to 100% of their full-time base wages. Base

wages will be defined as the employee's regular weekly work schedule and will not include overtime or differentials.

## Article 13 - Reimbursement of Expenses

### 13.1 Automobile Expense

All municipal employees shall be reimbursed at a rate per mile determined by the Internal Revenue Service for actual mileage incurred in the performance of official Town business. All authorized mileage expenses shall be requested by periodically submitting a mileage log to the Finance Director for payment. Note: The Town Manager may allow positions to be reimbursed on a stipend basis.

### 13.2 Travel Expenses

Employees of the Town of Rockport shall be reimbursed for reasonable and necessary expenses incurred while carrying out official Town business. Such reimbursement shall require authorization of the Department Head, Town Manager in the case of Department Heads, and the submission of a detailed expense voucher to the Finance Director. Travel reimbursement will not apply in any case to travel from the workplace to the employee's home during the normal workday.

### 13.3 Training and Development Expenses

All training and development expenses shall be approved in advance by the Town Manager or Department Head.

## Article 14 - Attendance and Workplace Rules

### 14.1 Rules of Conduct

Every organization needs rules to live by and the Town is no exception. It is impossible to list all the forms of behavior that are considered unacceptable in the workplace, but the following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Falsifying records, such as information on an employment application, timecards, ect.
- 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.
- Insubordination, including refusal to accept an assignment or walking off the job.
- Discourtesy to a visitor or co-worker, including using abusive language.
- Unauthorized release of confidential information.
- Violation of State/Federal Statutes.
- Willful misuse of computer equipment, the Internet, e-mail, voice mail, 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.
- Interrupting or impeding work, including interfering with others in performance of their jobs.

- Illegal possession of firearms, weapons, or explosives at any time on Town property – unless otherwise authorized.
- Violation of safety procedures or safety policy.
- Violation of policies on non-discrimination, unlawful harassment, retaliation or sexual harassment; being the aggressor in a fight or threatening violence in the workplace.
- Falsely stating or making claims of injury or illness.
- Excessive absenteeism or any absence without notice.
- Unsatisfactory or poor job performance.
- Disorderly or inappropriate conduct of any kind.

Department Heads and/or Supervisors may issue additional Rules of Conduct, Standard Operating Procedures, and other work-related requirements that relate to the specific municipal services provided by the departments they manage.

#### 14.2 Attendance

Employees shall be at their respective places of work at the appointed departmental starting time. Department Heads and/or Supervisors shall ensure employees record of hours worked are accurate and include all personal time off, comp-time, overtime or bereavement leave used during that workweek. The employees' record of hours worked is to be approved by both the employee and Department Head and/or Supervisor prior to being submitted weekly to the Finance Department. It is the responsibility of the employee to notify the Department Head and/or Supervisor as soon as possible if an unexpected absence is to occur.

In any workweek that a Department Head utilizes personal time off, comp-time, or bereavement leave; said Department Head shall submit to the Finance Department an accounting of the date and time used, in the method deemed appropriate by the Town Manager.

#### 14.3 Appearance

All persons employed by the Town shall maintain an acceptable level of personal appearance, according to the departmental standards set forth by each Department Head. The Town Manager shall set the standards for each Department based on the function of their respective Department. Special events, holidays, and storms may change the normal standards, but never-the-less, such forms of dress should remain appropriate to interact with the public. As each employee of the Town is acting on behalf of and representing the Town, it is important that all personnel respond accordingly to the various departmental standards.

Discretion in style of dress, appropriate appearance, grooming, language, and behavior are essential to the Town's successful operation.

Employees may come in 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 always groomed during working hours and when representing the Town. Employees should wear uniforms when required and/or provided.

Flip flops or “beach wear”, cutoff shirts or sweatshirts, jeans with holes, political attire, tank tops and athletic wear are not appropriate for a professional environment. Department Heads may ask an employee to return home to change if their appearance and dress are not appropriate.

#### 14.4 Driver’s License Requirements

Any employee whose job description requires maintaining a valid driver’s license is required to have that license in good standing at all times. It is the employee’s responsibility to notify their Department Head and/or Supervisor if this status changes. It is the employee’s responsibility to follow all driving laws, including, but not limited to speed limits, seatbelt requirements, and prohibitions on texting and driving under the influence. This policy applies whether an employee is driving their own vehicle or a Town vehicle.

An employee who drives their own vehicle for Town purposes must use a safe and operable vehicle and have valid registration, inspection, and automobile insurance.

The Town reserves the right to pursue disciplinary action, up to and including termination of employment, for violation of this policy.

#### 14.5 Solicitation/Distribution

Employees may not engage in solicitation of another employee for any purpose during that employee’s work time or during their own work time on Town property. The only exception to this rule is in accordance with the provisions below:

Employees may make available to other employees’ information such as catalogs, flyers, or fundraising efforts that an employee may browse during their lunchtime or approved break and possibly participate at their own discretion. In no case shall there be an expectation that an employee be required to participate, purchase, or donate.

Employees found to be violating this policy may be subject to disciplinary action.

#### 14.6 Bulletin Boards

The Town maintains a bulletin board in each Town building to post information of interest and importance to employees as well as those notices required by law. Employees are encouraged to read the information on the bulletin board regularly. Information of general interest may be posted with prior permission from the Department Head and/or Supervisor. Information may only be removed by the authorization of the Department Head and/or Supervisor.

#### 14.7 Gifts

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person outside or within Town employment whose interests may be affected by the employee’s performance or nonperformance of their official duties.

Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as hats, pens, note pads, calendars, etc., is permitted. Gifts of food, particularly during the holidays, benefitting either an entire department or building, are acceptable in accordance with the first paragraph.

If an employee has any questions about whether accepting a particular gift is appropriate, they should discuss the issue with their supervisor.

#### 14.8 Nepotism

It is Town policy to hire candidates who are well suited for employment. Relatives of employees may be hired, provided there is no supervisory relationship between the employees. A relative is defined, for the purposes of this policy, as parent, child, spouse, domestic partner, sibling, sibling-in-law, parent-in-law, son- or daughter-in-law, and grandparent.

Should two Town employees marry or otherwise becomes closely associated, one may not supervise the other. For the purposes of annual performance evaluation, the work relationship may require mutual agreement on tasks to be performed. The Town Manager may define the appropriate reporting relationship. This policy will be followed in accordance with the Town's Equal Employment Opportunity Policy.

#### 14.9 Conflict of Interest

Observing general standards and/or regulations of conduct from employees of any organization, public employees are expected to treat everyone they serve with complete impartiality and are thus prohibited from using their official positions for personal profit or the profit of friends and family. Any violation is subject to disciplinary action up to and including dismissal.

In addition, a conflict of interest may occur when an employee places their own personal interest before the interest of the Town and those it serves. Because conflicts of interest are such a serious matter, it is each employee's responsibility to avoid placing themselves in a position that creates a conflict, or even the appearance of a conflict of interest. Should a question arise regarding a potential conflict of interest, the Town Manager shall be made aware of such conflicts immediately.

#### 14.10 Political Activity

While working for the Town of Rockport, employees may seek or accept nomination or election to any office in the Town government. No employee can use an aspect of their office, or Town property to campaign for any Town elected position. If the employee is elected to a Town position, then employment will be terminated.

Town employees may not circulate petitions or campaign literature for elective Town officials or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service from any person for any political purpose pertaining to the government of the Town while working for the Town or on Town premises.

**Commented [AMF25]:** Not sure you can do this. You can keep them from campaigning in the work place while on the clock, but I think this might go too far.

**Commented [MB26R25]:** We reworded this, does this work?

**Commented [AMF27R25]:** Yes.

**Commented [AMF28]:** You can prevent them from doing this while working, but that is the extent of the limitation. You cannot otherwise limit their ability to speak out on political issues even if they impact the Town. You can make sure they make clear that their positions are their own and not the official position of the Town, but you need to be careful

**Commented [MB29R28]:** Okay we will leave it the way you adjusted it.

This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters, or from voting with complete freedom in any election. Employees interested in seeking non-Town elective office should consult with the Town Manager to determine potential conflict of interest or impact of the political activity, if any, prior to actively seeking office.

#### 14.11 Confidentiality

Through the course of employment, employees may gain access to Town information which may be considered sensitive or confidential in nature. While most information handled in Town government is public information the dissemination of that information improperly can have damaging impacts to the Town, its employees, and other interested parties. Information about Town residents or others we serve, employee information, financial information, or pending lawsuits are all examples of matters which shall remain confidential. An absolute condition of employment is that every employee respects and maintains confidentiality, both during and after employment. If an employee has any questions about disclosing confidential information, he or she should discuss it with the Department Head and/or Supervisor before information is disclosed.

Failure to respect and maintain confidentiality may be grounds for termination of employment and, after employment, could result in a lawsuit to enforce the confidentiality obligations.

#### 14.12 Communication with News Media

It is important to ensure that only clear and up-to-date information about our organization be given to the media. All communications with media outlets shall go through the Town Manager. The Town Manager may delegate communications to media outlets to Department Heads and/or supervisors, an example of which includes all matters concerning Public Safety. In addition, further, employees do not have the authority to reach out to the press as a representative of the Town unless expressly authorized to do so by the Town Manager.

#### 14.13 Conducting Personal Business in the Workplace

It shall be the policy of the Town to curtail excessive visiting of Town employees by family or friends. Excessive use of the workplace or personal cell phones for non-business-related conversations is discouraged. Employees who bring personal cell phones to work shall use their phones in a considerate manner that does not negatively affect the work environment. It shall be the responsibility of the Department Head and/or the Town Manager to monitor said activities.

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 or hands on talking while driving. This policy outlines the proper use of cellular phones while working, including texting while driving, or not using handsfree technology.

We ask that discretion is used while using either a personal cellular phone, or a Town provided phone. Excessive personal calls during work time, regardless of the phone used, can interfere

with employee productivity and be distracting to others. We ask that personal cellular phone use to be limited to paid break times as designated in Town policies and contracts unless there is an emergency situation.

Employees who are charged with traffic violations resulting for the use of their cellular phone while driving will be solely responsible for all liabilities that result from such actions.

Employees who violate this policy will be subject to disciplinary action, up to and possibly including termination of employment.

#### 14.14 Personal Use of Vehicles, Equipment, Tools, and Supplies

The Town discourages personal use of Town vehicles, equipment, tools and supplies and prohibits the abuse of such. The Town Manager's prior approval is required for personal use of any vehicle, equipment, tools, supplies or any other property belonging to the Town. Any damage to the Town's property due to personal use will be the responsibility of the employee who used it. Personal use of any property without prior approval may result in disciplinary action.

Town telephone lines, equipment, and supplies are reserved for Town business. While the Town realizes that it may be necessary from time to time to use Town equipment and supplies (e.g. copying several pages of personal materials), the use of equipment and supplies should be limited as much as possible.

#### 14.15 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 interest 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 in conflict by the Town will be subject to disciplinary action up to and including termination of employment.

#### 14.16 Off Duty Conduct Policy

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 the interests of the Town and its employees. 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 so impactful they thereby rendered the employee less capable of performing adequately in their jobs.

The Town officially discourages an employee's off-duty activities when there is indication that Town interest are being jeopardized as set forth herein. In the event that an employees' 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.

Off-duty conduct of an employee that is illegal may be cause for discipline or termination if the illegal off-duty conduct or consequences of the illegal off-duty conduct directly impact the employee's ability to meet the essential functions and other requirements of their job. Similarly, an employee's illegal off-duty conduct, or consequences of the illegal off-duty conduct that directly impact working conditions, required licenses, normal business operations, or the professional reputation of the Town may be cause of discipline or termination.

#### 14.17 Drug Free Workplace

The Federal Drug-Free Workplace Act of 1988 became effective March of 1989. The purpose of this statement is to encourage employees to eliminate the use/abuse of controlled substances/alcohol and illegal substances among Town employees.

Employees who use drugs or alcohol at work or come to work under the influence of drugs or alcohol may create a hazardous situation for themselves and all those around them. In addition, all employees who use illegal drugs or alcohol at work or come to work under the influence of drugs or alcohol may be subject to disciplinary procedures or criminal prosecution where it applies.

The Town will make available to all employee's information concerning counseling, rehabilitation and employee assistance services.

Prescription drugs may affect an employee's performance or present a hazard to the employee's safety or the safety of others. Each department will make a reasonable effort to accommodate an employee's need to use prescription drugs in accordance with the law. It is the responsibility of each employee to notify their immediate supervisor if they are reporting for work under the influence of prescription drugs or will be taking such drugs at work that may affect their work performance and/or the safety of the employee and others.

Should the employee be convicted of a violation of a criminal drug status based on activities occurring while on the job or while on Town premises, the employee further agrees to notify their supervisor. The notification, made in writing and signed by the employee, must be made within five calendar days following the conviction.

#### 14.18 Employee Computer and Internet Use Rules

The intent of these rules is to provide employees with general requirements for utilizing the Town's computers, networks, and Internet services. These rules may be supplemented by more specific administrative procedures and rules governing day-to-day management and operation of the computer system.

These rules provide general guidelines and examples of prohibited uses for illustrative purposes, but do not attempt to state all required or prohibited activities by users. Employees who have questions regarding whether a particular activity or use is acceptable should seek further guidance from their Department Head or the Town Manager.

Failure to comply with rules and/or other established procedures or rules governing computer use may result in disciplinary action, up to and including dismissal. Illegal uses of the Town's computers will also result in referral to law enforcement authorities.

The level of access that employees have to the Town's networks and Internet services is based upon specific employee job requirements and needs. General rules and expectations for professional behavior and communication apply to use of the Town's computers, networks, and Internet services.

Employees are to utilize the Town's computers, networks and Internet services for Town-related purposes and performance of job duties. Incidental personal use of Town computers is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations or other system users. "Incidental personal use" is defined as use by an individual employee for occasional personal communications. Employees are reminded that such personal use must comply with this policy and all other applicable policies, procedures and rules.

**Prohibited Use:** The employee is responsible for their actions and activities involving Town's computers, networks, and Internet services, and for their computer files, passwords, and accounts. General examples of unacceptable uses which are expressly prohibited include, but are not limited to, the following:

1. Any use that is illegal or in violation of other policies, including harassing, discriminatory or threatening communications and behavior; violations of copyright laws, etc.;
2. Any use involving materials that are obscene, pornographic, sexually explicit or sexually suggestive;
3. Any inappropriate communications with students or minors;
4. Any use for private financial gain, or commercial, advertising or solicitation purposes;
5. Any use as a forum for communicating by e-mail or any other medium with other Town users or outside parties to solicit, proselytize, advocate or communicate the views of an individual or non-Town sponsored organization;
6. To solicit membership in or support of any non-town sponsored organization; or to raise funds for any non-town sponsored purpose, whether profit or not-for-profit;
7. Any communication that represents personal views as those of the Town, or that could be misinterpreted as such;
8. Downloading or loading software or applications without permission from the Department Head or Town Manager;
9. Opening or forwarding any e-mail attachments (executable files) from unknown sources and/or that may contain viruses;
10. Sending mass e-mails to Town users or outside parties for Town purposes without the permission of your Department Head or Town Manager;
11. Any malicious use or disruption of the Town's computers, networks and Internet services or breach of security features;
12. Any misuse or intentional damage to the Town's computer equipment;
13. Misuse of the computer passwords or accounts (employee or other users);

14. Any communications that are in violation of generally accepted rules of network etiquette and/or professional conduct;
15. Any attempt to access unauthorized sites;
16. Failing to report a known breach of computer security to the employee's Department Head or Town Manager;
17. Using Town computers, networks and Internet services after such access has been denied or revoked; and
18. Any attempt to delete, erase or otherwise conceal any information stored on a Town computer that violates these rules.

No Expectation of Privacy- The Town retains control, custody and supervision of all computers, networks and Internet services owned or leased by the Town. The Town reserves the right to monitor all computer and Internet activity by employees and other system users. Employees have no expectation of privacy in their use of Town computers, including e-mail messages and stored files.

Confidentiality of Information – Employees are expected to use appropriate judgment and caution in communications concerning Town business and staff to ensure that personally identifiable information remains confidential.

Compensation for Losses, Costs and/or Damages – The employee shall be responsible for any losses, costs or damages incurred by the Town related to violations of these rules.

The Town Assumes No Responsibility for Unauthorized Charges, Costs, or Illegal Use – The Town assumes no responsibility for any unauthorized charges made by employees, including but not limited to credit card charges, subscriptions, long distance telephone charges, equipment, and line costs, or for any illegal use of its computers such as copyright violations.

Employee Acknowledgment Required - Each employee authorized to access the Town's computers, networks and Internet services is required to sign an acknowledgement form stating that they have read these rules. The acknowledgement form will be retained in the employee's personnel file.

Violations of these policies are grounds for discipline including dismissal.

#### 14.19 Electronic Mail

The Town maintains an electronic mail system. This system is provided by the Town to assist in the conduct of business within the Town. The electronic mail system hardware is Town property. Additionally, all messages composed, sent, stored, and received on the electronic mail system are and remain the property of the Town. These are not the private property of any employee, and therefore employees should have no expectation of privacy in such material.

The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. The electronic 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 comments that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability. The electronic 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 electronic mail.

The Town reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received, or sent over the Town's electronic mail system. The contents of electronic mail properly obtained for legitimate business purposes may be disclosed within the Town without the permission of the employee.

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. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to the Town, or they are invalid and cannot be used. Notwithstanding the Town's right to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by intended recipient. Employees are not authorized to retrieve or read e-mail messages that are not sent to them. Any exception to this policy must receive prior approval from the Town Manager. Intentionally deleting e-mails upon termination or resignation is prohibited. Employees should not open any suspicious e-mail attachments or respond to any suspicious e-mail requests. Questions about this policy should be directed to a Department Head or the Town Manager.

#### 14.20 Security Requirements

Employees should log on to Town devices with their own usernames and password. Passwords are not to be shared among employees, except with their Department Head for backup purposes. If another person becomes aware of an employee's password, the employees should change the password immediately. Workstations should be locked whenever employees step away from their work areas.

All devices that connect to the Town network, including portable devices (e.g., mobile phones, tablets, ect.) must be password-protected if it is possible to do so. Any lost portable devices that connect to the Town network should be reported to the Department Head or Town Manager immediately. An employee's portable device may be remotely wiped if the device is lost, the employee terminated their employment, the number of consecutive failed authentication attempts exceeds the threshold set, or a data or policy breach, a virus or similar threat to the security for the Town's data and technology infrastructure is detected. It is the employee's responsibility to take additional precautions, such as backing up e-mails, contacts, etc. The Town reserves the right to disconnect devices or disable services without notification.

All remote computing must only pass-through approved gateways. The Town reserves the right to prevent an employee from connecting remotely in the event that the employee's hardware and software fail to comply with Town security standards.

The employee 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. Employees should be aware that, if they choose to access personal accounts from work on computers, the activity is not private. Employees should be alert for “phishing” or other social engineering techniques and should never reveal information that could endanger the security of the Town’s network.

If an employee suspects a data or system breach has occurred or a password been compromised, or suspects that their computer has been infected with a virus, Trojan, malware, spyware, or observes that the computer is behaving unusually, they should notify the Department Head and the Department Head shall contact the Town Manager immediately.

#### 14.21 Social Media Policy

Social media is any form of online publication or presence that allows multi-directional conversations in or around content on the internet. Some types of social media include forums, message boards, blogs, tweets, wikis and podcasts, and some social media application include Google, Facebook, LinkedIn, Twitter, and YouTube. Management 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.

Management also recognizes that employees may enhance the delivery of municipal services though 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 Department Head and/or 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.

##### Guidelines:

- Dissemination of confidential information about the Town, its employees, members, or visitors on social media sites is strictly prohibited.
- Employees may not speak on behalf of the Town unless authorized to do so. Any employee commenting on social media about work, or the Town must make it clear that they are commenting in their individual capacity.
- The Town may discipline employees for posting, writing or otherwise participating in any content that is discriminatory, harassing, threatening, pornographic, or obscene.

Employees should direct any questions regarding compliance with the Social Media Policy to the Department Head or Town Manager.

#### 14.22 Romantic Relationships in the Workplace

The Town encourages a collegial, respectful and supportive atmosphere at work for its employees. However, interpersonal relationships of a romantic nature, be they between married or unmarried couples, different gender or same gender couples, are concerning if they have the effect of impairing the work of the employees involved, or of affecting the morale and efficiency of other employees. Therefore, it will be considered a violation of this Personnel Handbook for

an employee to engage in a romantic relationship with another employee if the parties to the relationship engage in conduct in the workplace which creates a harassing, demeaning or hostile work environment for other employees. Examples of such conduct include, but are not limited to, sexually suggestive language or displays of affection in the workplace and in front of other employees or the public.

Further, romantic relationships between employees with different levels of authority, such as between a Department Head and/or Supervisor and someone who they manage, presents special risks for morale, efficiency, and the exercise of authority in the workplace; and present risks for sexual harassment or hostile workplace claims. Therefore, it will be considered a violation of these Personnel Policies for a Department Head and/or Supervisor or the Town Manager to engage in a romantic relationship with a Town employee over whom they have supervisory authority because the relationship:

1. Compromises or appears to compromise the integrity of supervisory authority;
2. Causes actual or perceived partiality or unfairness;
3. Involves, or appears to involve, the improper use of position for personal gain;
4. Is or is perceived to be exploitative or coercive in nature; or
5. Creates an actual or predictable adverse impact on authority, morale or the ability of the Town's employees to deliver services to the residents of the Town of Rockport.

For the reasons listed above, romantic relationships between supervisors and their subordinates are prohibited and will result in disciplinary action.

Possible violations of this policy should be reported to the appropriate Department Head and/or Supervisors or, if a Department Head and/or Supervisors is involved, to the Town Manager or, if the Town Manager is involved, to the Chair of the Select Board. Possible violations will be investigated, and corrective action taken as necessary by the appropriate authority and in accordance with the procedures in Article 10 of these Personnel Policies and Procedures. Examples of corrective action include, but are not limited to, counseling, transferring one or both employees, and/or discipline, up to and including termination of employment.

This policy is intended to supplement and not be in lieu of other Town of Rockport Personnel Policies such as Article 19.6 – Employment of Relatives and Article 4.6 – Sexual Harassment.

#### 14.23 Workplace Smoking and Alcohol and Drug Abuse Policies

##### 14.23.1 Smoke-Free Workplace Policy

The Town is dedicated to providing a healthy, comfortable and productive work environment for our employees, clients and visitors.

It will be Town Policy to provide a smoke-free environment for employees, clients and visitors. This policy covers the smoking of any tobacco product and the use of smokeless or spitting tobacco and applies to employees, customers and visitors as follows:

Commented [MB30]: Combine with with drug policy

*There will be no smoking or use of tobacco products within the Town's facilities and equipment at any time.*

*14.23.1.1 Procedure*

Employees will be informed of this policy through signs posted in the facility, the policy handbook, and orientation and training provided by their supervisors.

The Town will assist employees who wish to quit using tobacco by facilitating access to recommended tobacco cessation programs and materials.

Any violation of this policy will be handled through the Town's disciplinary procedure.

Employees can smoke during their paid rest breaks that are provided in the Town's policies and contracts. There are no additional breaks allowed for the purposes of smoking.

*14.23.2 Possession and Use of Alcohol, Marijuana, Illegal Drugs, or Misuse of Prescribed Drugs*

No employees may drink alcoholic beverages or consume marijuana in any form during working hours, including during meal periods, breaks or authorized interruptions of work. This includes overtime periods. An employee who drinks alcohol or consumes marijuana in any form during working hours is subject to immediate discipline, including dismissal. An employee whose use of alcohol or marijuana outside of working hours impairs their job performance and fitness for duty, or jeopardizes the safety of other employees, the public, or Town property, is subject to immediate discipline, including dismissal.

No employee may illegally use, sell or possess narcotics, drugs or controlled substances of any kind while on the job, on work premises, or during an employee's working hours. No employee shall misuse prescribed drugs while on the job. Any employee violating this paragraph is subject to immediate discipline, including dismissal. An employee whose off-the-job use of illegal or legal drugs impairs the employee's job performance, or jeopardizes the safety of other employees, the public or Town property, is subject to immediate discipline, including dismissal. An employee who is arrested and later convicted of off-the-job drug activity may be in violation of this policy and subject to discipline, including dismissal. In deciding what action is to be taken, the Town Manager will consider the nature of the charges, the employee's present job assignment, the employee's record with the Town and other factors relevant to the impact of the employee's arrest upon the employee's ability to perform their job responsibilities.

Employees must inform their Department Head before reporting for work if they are taking any substances, including non-prescription drugs, which may affect their judgment or performance.

#### 14.23.3 Performance Affected by Alcohol or Drug Abuse

Without waiving its right to discipline or dismissal in a proper case (including, but not limited to, any of the offenses above), the Town recognizes alcohol and drug abuse including the misuse of prescribed drugs as a disease. The Town will maintain a continuing effort to identify and encourage treatment of drug and alcohol problems of employees. Department Heads will receive instructional material on the identification of alcohol and drug abuse problems.

If a Department Head has reasonable grounds to believe that employee performance is adversely affected by alcohol or drug abuse including the misuse of prescribed drugs, the Department Head may suggest professional diagnosis as part of any disciplinary action that may be required. If the employee obtains a diagnosis indicating a drug or alcohol abuse problem, the Department Head will assist the employee in obtaining a list of treatment resources available to deal with the problem and ensure that the employee is informed of the benefits available through the Town's health plan. If an employee undertakes treatment or rehabilitation for a drug or alcohol abuse problem, the Department Head will attempt to modify the employee's work schedule or duties, if modification is consistent with the operational needs of the department, to allow the employee a reasonable period of treatment. The employee may request leave consistent [FMLA]. An employee who has been diagnosed as having a drug or alcohol problem and who has undergone or is undergoing treatment may return to work after being certified by a physician as able to return. All relevant personnel records and discussions will be kept in the strictest confidence.

Commented [MB31]: Check to make sure this is Article 9

If an employee whose conduct the Department Head reasonably believes is adversely affected by drug use including the misuse of prescribed drugs or alcohol abuse chooses not to obtain a professional diagnosis and/or treatment, the Department Head shall evaluate the employee solely on work performance and shall take appropriate action under these policies.

#### 14.23.4 Discipline

Nothing in this Article precludes the Town from disciplining an employee, up to and including termination of employment, for the use, consumption or abuse of alcohol marijuana or drugs, including the misuse of prescribed drugs, when such use impairs the employee's ability to do their job when the Department Head or Town Manager determines that such discipline is warranted.

## Article 15 - Disciplinary Action / Dismissal Procedures

### 15.1 Cause

Whenever, in the Town Manager's and/or the Department Head's judgment, a non-probationary employee's performance, attitude, work habits, or job-related conduct at any time falls below a

suitable level, the supervisor shall inform the employee 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. In some instances, a specific incident may justify disciplinary action up to and including dismissal for a first offense. Discipline will be based on the conduct at issue and, if relevant, on the employee's past performance and prior disciplinary record. A Department Head has the authority to discipline an employee. With respect to an employee's dismissal, a Department Head shall submit a recommendation for an employee's dismissal to the Town Manager. Only the Town Manager has the authority to dismiss an employee.

### 15.2 Disciplinary Procedures

The Town may adopt disciplinary rules and work rules which will be posted from time to time. Except for probationary employees, all suspensions and discharges shall be for a just cause and written notice of the reason(s) for suspension and discharge shall be stated and given to the employee affected within five (5) days after the effective date of this action.

### 15.3 Administrative Leave

Any officer or employee may be placed on administrative leave with pay, after written notice, by a Department Head for a period not to exceed ten (10) working days, or by the Town Manager for a period not to exceed six (6) months.

Any officer or employee may be placed on administrative leave without pay, for cause, after written notice and hearing, by the Town Manager for a period not to exceed ten (10) working days.

Any officer or employee may be discharged for cause after written notice and hearing, by the Town Manager.

### 15.4 Possible Disciplinary Actions

Depending on the seriousness of the offense(s), disciplinary action may consist of:

- Oral reprimands;
- Written warnings;
- Suspension, with or without pay;
- Demotion;
- Reassignment;
- Termination of employment (discharge)

The following steps will be followed in the processing of any disciplinary action:

- The Department Head will identify and investigate the incident or job performance behavior and gather pertinent facts.
- The Department Head will discuss the incident or job performance behavior with the employee.
- The Department Head may issue an oral reprimand.

**Commented [AMF32]:** Not sure why you need this. Usually if someone is "suspended with pay", it is because they are being investigated and its really paid administrative leave pending an investigation.

**Commented [MB33R32]:** So should we call this section that?

**Commented [AMF34R32]:** Only for the paid leave portion.

- If any written warning, suspension, demotion, reassignment or termination of employment is recommended, the Department Head will discuss the situation with the Town Manager before taking the disciplinary action.

It is the Town policy to use a system of progressive discipline whenever it makes sense to do so; however, the Town reserves the right to exercise any disciplinary action listed. Steps in the progressive disciplinary process may be skipped depending on the seriousness of the situation, and termination of employment may be the first disciplinary action taken if there is just cause.

All disciplinary actions will be recorded in the employee's personnel file either by a performance review and/or memo, documenting the details of the incident, corrective action plan, and resolution. An employee may request the reason for termination of employment in writing.

#### 15.5 Appeal

Any non-probationary employee who believes that discipline has been imposed without cause shall have access to the grievance procedure as outlined in these policies.

### Article 16 - Grievance Procedures

#### 16.1 Policy

A grievance is a dispute between any employee and the Town concerning the interpretation or application of the specific terms of these personnel policies. Excluded from consideration for grievance are those matters pertaining to management's judgments of qualifications and/or performance compensation adjustments.

#### 16.2 Procedures for Grievances Other Than Dismissals

Any employee who knows, or should have known, that they have a grievance as defined, except if the grievance is over a dismissal, shall within five (5) working days of the time they know, or should have known, bring such grievance to the attention of their Department Head, and they shall attempt to settle or resolve the matter informally within three (3) working days thereafter. If the matter is still not resolved to the satisfaction of the employee, the employee may submit a written statement within three (3) working days to the Town Manager setting forth the specific nature and details of the grievance. The Town Manager shall have ten (10) working days in which to consider the matter and render a decision in writing to the aggrieved employee. The Manager's decision shall be final unless, on request of the employee, the Manager authorizes a further appeal to the Select Board. A request for appeal to the Select Board should be made in writing within five (5) working days of receipt of the Town Manager's decision regarding the grievance. The Town Manager shall notify the aggrieved employee within five (5) working days as to whether a meeting will be held with the Select Board, and the date of such meeting. If the Town Manager decides to grant a meeting with the Select Board, the aggrieved employee shall receive, within ten (10) working days of this meeting, a written decision of the Select Board regarding their appeal, which shall be final.

### 16.3 Grievance of Dismissal

A non-probationary Department Head or other non-probationary employee who has been dismissed by the Town Manager may file a grievance with the Select Board. The grievance must be filed in writing within five (5) working days of the date of notification of the decision to dismiss. The Board shall conduct a hearing on the grievance within ten (10) working days of the date the grievance was filed, unless the Board requests and the grievant agrees to an extension of time. The aggrieved employee shall have an opportunity to present their grievance, to present witnesses and to cross-examine the Town Manager and any adverse witnesses. The Board shall render a decision in writing, giving reasons for its decision and making findings of fact, within ten (10) working days after the hearing concludes. The decision shall be advisory to the Town Manager.

### Article 17 - Separation

Any employee wishing to leave Town employment in good standing shall provide the Department Head with a written notice of intent to terminate employment and the reasons for leaving a minimum of ten (10) working days prior to the effective date. Upon separation, the Town shall pay all wages owed, as well as 100% of earned and unused personal time due to the employee, if any, on the next regular pay day. Failure to provide such notice shall be grounds for withholding any earned and unused personal time and for denying future re-employment by the Town. Good standing means that the employee's separation is for a reason other than discipline, performance, or failure to meet job responsibilities. The "good standing" principle is not applicable in regard to the death of the employee.

The effective date of separation shall be at the close of business on the last day the employee reports for duty, the date specified in their written resignation, or the last day of leave granted, should they fail to report on the first working day following the expiration of their leave. All separating employees shall turn in any Town-owned property in their possession including keys prior to the end of the last day. Separating employees shall also leave a forwarding address with the Finance Director for the purposes of forwarding Internal Revenue Service forms and any remaining checks for unpaid compensation.

The Town Manager and/or Department Head shall contact the employee's family and request Town issued property be returned to the town prior to issuance of the deceased employee's final paycheck.

Employees suspended without pay at the time of death may not be considered in "good standing."

It is possible depending on the position, when notice is given, the Town Manager will ask that employee not work for their notice period, if this is the case, the employee will be paid their regular weekly wage for the notice period.

The Town Manager or designee shall conduct a confidential exit interview.

## Article 18 - Reduction in Force

### 18.1 Personnel Reduction

If the Town has to reduce its work force for lack of work, elimination of a position, or lack of funds, employees may be selected for lay-off according to the operational needs of the Town. Such a lay-off is not a dismissal for cause and may not be grieved. When lay-offs occur within a job classification to which several individuals belong, seniority and job performance will be a considerations in determining the order of lay-offs. All affected employees shall be furnished a written statement setting forth the reasons for the personnel reduction.

## Article 19 - Miscellaneous Policies, Procedures and Regulations

### 19.1 Unauthorized Absence

Unauthorized absences from work for a period of three (3) days or more without permission of the Department Head and/or Town Manager shall be considered by the Town as being voluntary resignation by the employee.

### 19.2 Reinstatement

Employees resigning but wishing to be reinstated may be reinstated at the sole discretion of the Town Manager if this action is deemed to be in the interests of the Town.

### 19.3 Promotions

Town employees shall be given opportunity and encouragement for advancement. Employees shall be given consideration first in filling a vacancy and may be given training opportunities to qualify for promotion. Whether a position is filled from within or outside is determined by the Department Head and the Town Manager only after review of the qualifications of all Town employees who have applied for the position.

### 19.4 Demotions

Demotions are appointments to a position at a lower pay range, and may be either (1) voluntary, (2) as a result of disciplinary action, or (3) job performance. Employees who are demoted are paid within the range applicable to the position, at a rate determined to be appropriate by the Town Manager.

### 19.5 Transfers

Transfers are assignments to other positions within the same job classification or comparable classification and may be initiated by management for the good of the Town service or initiated by the employee subject to the written approval of management.

### 19.6 Employment of Relatives

The Town has safeguards regarding the employment of persons related to one another, as follows:

1. An officer or employee of the Town may not appoint, employ, promote, advance, or advocate for appointment, employment, promotion, or advancement, their relatives to any

position over which such officer or employee exercises direct or indirect financial, administrative, supervisory or personnel control or authority. Exceptions may be granted due to extenuating circumstances at the Town Manager's discretion.

2. An individual may not be appointed, employed, promoted, or advanced in or to a position in any department if such action has been advocated by a Town officer or employee who is a relative of such individual, and who exercises any control or authority whatsoever over such department.
3. An individual appointed, employed, promoted, or advanced in violation of the above prohibitions is not entitled to pay or benefits.
4. For purposes of the above provisions, a relative is defined as grandfather, grandmother, father, mother, son, daughter, grandson, granddaughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister or domestic partner/significant other.
5. The Town Manager will provide specific instructions concerning employees affected by this provision in a manner to safeguard the promotional opportunities of the individual, as well as the objectivity of the process.

Commented [MB35]: Look at nepotism policy to see if any of this needs to be moved.

## Article 20 - Special Rules - Police and Fire Department

### 20.1 Special Rules of Conduct and Procedures

Because of the degree of organization necessary to enable the Police and Fire Departments to efficiently discharge responsibilities for protecting public life and property, and because they are established and maintained under a more rigid organizational structure, departmental rules of conduct and procedures are established, maintained and observed in both the Police and Fire Department. Employees are subject to both departmental rules and these policies for the Fire Department and departmental rules and the Union contract for the Police Department unless these policies conflict with departmental rules. In the event a conflict exists, the departmental rules shall be controlling.

## Article 21 - Employee Input/Suggestions

It is the intent of this policy to cover most aspects of employment, but employee input in the form of constructive suggestions regarding working conditions or these personnel policies is both encouraged and welcomed. Comments and/or suggestions should be forwarded to the Town Manager.

## Article 22 - Severability/Conflicting Actions

If any provision of these personnel policies is held to be invalid by appropriate judicial or other authority, this invalidity does not affect other provisions or applications of these personnel policies, which can be given effect without the invalid provision or application, and for this purpose, the provisions of these personnel policies are severable. If any provision of these personnel policies is held invalid by reason of any conflict with Federal or State law, it shall

automatically become incorporated within these personnel policies in place of the invalid provisions.

Conflicting Actions: All actions and statements by the Select Board or other authority in conflict with the provisions of these personnel policies are hereby repealed.

## Article 23 – Definitions

Appointing Authority: The Town Manager or Select Board

Appointment: The offer to, and acceptance by a person either on a regular or a temporary basis.

Call-In: A non-routine, unscheduled, or unexpected need to call in a non-exempt employee prior to the beginning or after their regular work shift, and not annexed to either end of their normal worktime

Compensatory Time: Time off at a rate of one and one-half (1 ½) times the base hourly rate of the affected employee for each hour works beyond the forty (40) hours per week.

Dismissal: Separation from employment by the Town Manager

Eligible Employee: An eligible employee is an employee who has passed their probationary period, is a full-time employee of the Town, is either hourly (non-exempt) or salaried (exempt), and receives personal and/or compensatory leave time as a benefit.

Employee: An individual who is legally employed by the Town and is compensated through the Town payroll for service.

Examination: The process of testing, evaluation, or investigating the fitness and qualifications of applicants and employees.

Family Medical Leave (FMLA): The purpose of FMLA is to require covered employers to provide employees job-protected and unpaid leave for qualified medical and family reasons. Qualified medical and family reasons include personal or family illness, family military leave, pregnancy, adoption, or foster care placement of a child. Federal law requires up to 12 weeks of unpaid FMLA in a 12-month period. Maine law requires up to 10 weeks of unpaid FMLA in a two-year period.

Family Medical Leave Eligibility: Federal law covers employees who work for an employer where 50 or more employees work within 75 miles of the business' primary location. In addition, an employee must have been at the business at least 12 months and worked at least 1,250 hours over the past 12 months.

Full-Time Appointment: An appointment made without time limitation or special restrictions

Good Standing: The employee's separation is for a reason other than discipline, performance or failure to meet job responsibilities.

Immediate Family: Includes wife, husband, domestic partner, son, daughter, mother, father, brother, or sister of employee, and close blood relative through marriage whose relationship may be determined by the Town Manager or as defined in a specific provision of these policies.

Lay-off: The involuntary non-disciplinary separation of an employee from a position

Leave: An approved type of absence from work as provided for by these rules.

Leave Transfer: A transfer of accumulated personal and/or compensatory leave from one employee to another employee who has exhausted all accrued leave times, including personal time, and compensatory time.

**Medical Emergency:** A medical condition of the employee requesting medical leave or a family member of that employee that will require a sustained absence from work and will result in a substantial loss of income.

**Overtime:** Authorized time worked by a non-exempt employee for overtime work performed in accordance with these rules. For the purposes of calculating overtime pay, “hours worked” shall include actual hours worked, paid bereavement leave, paid personal leave, and paid holidays.

**Overtime Pay:** Compensation paid to an employee for overtime work performed in accordance with these rules

**Pay Period:** 12:00 a.m. Monday to 11:59 p.m. Sunday.

**Position:** Any office or employment, whether occupied or vacant, full or part-time, consisting of duties and responsibilities assigned to one individual.

**Probationary Period:** The working test or trial period of employment beginning with the date of an employee’s first appointment to a regular position.

**Regular Pay:** The standard workweek (Article 5.3) the times the employee’s pay rate, typically forty (40) hours.

**Retirement Income Plan:** Current retirement plan, including Social Security and either Maine State Retirement, ICMA 457(b), or VALIC 457(b).

**Short Term Disability Leave:** Short term disability insurance is offered to all full-time employees of the Town. When an employee is away from work due to a medical condition, the insurance provider pays the employee a maximum of 70% of the employee’s salary while the employee is unable to work. This short-term disability is for 12-months or less.

**Suspension:** An enforced leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

**Workday:** Scheduled number of hours an employee is required to work per day, typically eight (8) hours.

**Workweek:** Five days within a seven (7) day period running from 12:00 a.m. Monday to 11:59 p.m. Sunday, typically, Monday, Tuesday, Wednesday, Thursday, and Friday.

**Workyear:** 52 calendar weeks per year commencing July 1 of a given year and terminating June 30 of the following year or as assigned.

**Commented [SRG36]:** This is the definition from IRS rulings. Leave donation is usually taxable to the donating employee unless this definition (or a definition for “major disaster” is met.

**Commented [MB37R36]:** Okay, how do you determine this? What is the definition of “major disaster”?

We would not want this to be taxable to the donating employee.

What about the policy itself that is in here?

## Article 24 – Adoptions and Signatures

The Rockport Select Board approves this Personnel Policies and Procedures Handbook on December 12<sup>th</sup>, 2022, and it will take place of any prior related policies.

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Delores Michelle Hannan, Chair

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Mark Kelley, Vice-Chair

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James Annis, Member

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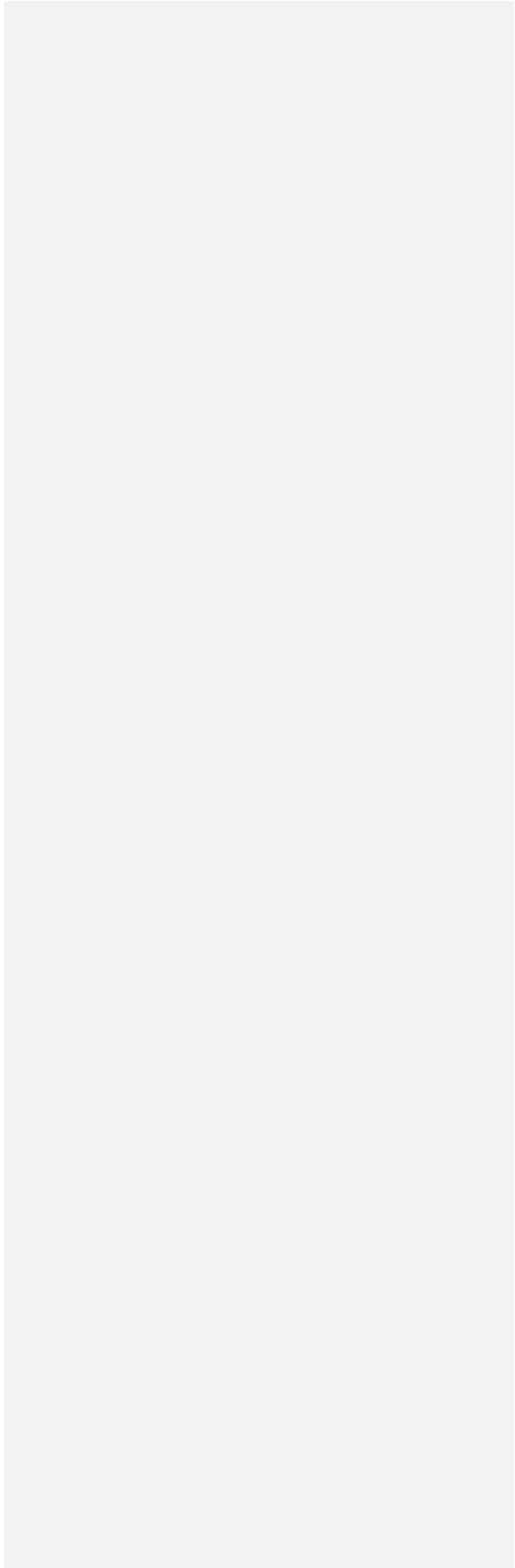
Eric Boucher, Member

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Denise Munger, Member

**APPENDIX A**

Employee classification under the Fair Labor Standards Act shall be determined by the Town Manager.



**APPENDIX B**

Leave Donation Form

**Part 1 – To be completed by donating employee:**

**Employee Name:** \_\_\_\_\_

**Department Name:** \_\_\_\_\_

**Employee E-mail Address:** \_\_\_\_\_

**Employee Phone Number:** \_\_\_\_\_

**Employee Address:** \_\_\_\_\_

*Donations must be made in full-hour increments. Employees donating personal time off leave must have at least 140 hours of personal time off leave after the donation is made.*

**Number of Personal Time Off Leave hours to donate:** \_\_\_\_\_ hours

*I understand that my donation is voluntary and confidential. I certify that I was not coerced or threatened in making this donation. I understand that once this time is donated it will not be credited back to my accrued balance..*

\_\_\_\_\_  
Employee Signature \_\_\_\_\_  
Date

**Part 2 – To be completed by the Finance Director**

Has the above-named employee been employed by the Town of Rockport for at least 24 months?  
\_\_\_\_ Yes    \_\_\_\_ No

Will the above-named employee’s personal time off leave balance be below 140 hours if the above-mentioned number of leave hours are donated?

\_\_\_\_ Yes    \_\_\_\_ No

\_\_\_\_\_  
Finance Director’s Signature \_\_\_\_\_  
Date

**APPENDIX C**

Leave Donation Request Form

**Part 1 – To be completed by employee or employee’s representative**

**Employee Name:** \_\_\_\_\_

**Department Name:** \_\_\_\_\_

**Employee E-mail Address:** \_\_\_\_\_

**Employee Phone Number:** \_\_\_\_\_

**Employee Address:** \_\_\_\_\_

\_\_\_\_\_

**Request is for:** \_\_\_\_\_ Self  
\_\_\_\_\_ Family Member, if this complete next section

**Name of Family Member and explanation of relationship:** \_\_\_\_\_  
\_\_\_\_\_

**Date of illness/injury:** \_\_\_\_\_ **Anticipate Duration:** \_\_\_\_\_

**Number of hours requested:** \_\_\_\_\_ **Date all leave is exhausted:** \_\_\_\_\_

---

Donated leave will only be granted as the Human Resource Officer deems appropriate in conjunction with the Leave Donation Policy. Donated leave will not be granted if you have documented attendance problems, unsatisfactory work performance or a disciplinary action in the last 12 months.

---

**Describe and provide any necessary information that would help in concluding that the illness, injury, impairment or physical or mental condition fits with the approved policy** (if more space is needed please use another piece of paper):

\_\_\_\_\_  
\_\_\_\_\_

**Are you currently receiving Worker’s Compensation?** \_\_\_\_\_ Yes \_\_\_\_\_ No

**Are you currently receiving Long-term Disability Payments?** \_\_\_\_\_ Yes \_\_\_\_\_ No

**Have you applied for Worker’s Compensation?** \_\_\_\_\_ Yes \_\_\_\_\_ No, if yes date \_\_\_\_\_

**Have you applied for Long-Term Disability?** \_\_\_\_\_ Yes \_\_\_\_\_ No, if yes date \_\_\_\_\_

---

I certify that I understand, agree to, and meet the requirements and conditions of the Leave Donation Policy. I authorize the appointing authority to obtain any necessary information regarding my request for donated leave. I understand that denial of this application is not subject to appeal.

\_\_\_\_\_  
Employee Signature \_\_\_\_\_  
Date

Leave Donation Request Form (cont.)

Employee Name: \_\_\_\_\_

**Part 2 – To be completed by a Health Care Provider**

Your patient has applied for Donated Leave. Please be aware that this is a separate process from the determination of FMLA. A higher standard is in place to determine if employee's health conditions meet the requirements for Donated Leave. Donated leave will only be granted for extreme or life-threatening illnesses, injuries, impairments or physical or mental conditions which have caused, or are likely to cause, the employee to take leave without pay or terminate employment. Donated Leave will not be granted for common or minor illnesses, injuries, impairments or physical or mental conditions. **Please complete the section below in its entirety. Failure to provide requested information may result in denial or delay of donated leave. If this request is for the care of an employee's family member, please indicate the role the employee will have in the care.**

**Patients Name:** \_\_\_\_\_

**Date first consulted for this condition:** \_\_\_\_\_

**Describe the nature of the illness, injury, impairment, or physical or mental condition to include the medical necessity for absence from work** (Please attach additional documentation if needed):

\_\_\_\_\_

**Describe the diagnosis of the illness, injury, impairment or physical or mental condition** (Please attach additional documentation if needed):

\_\_\_\_\_

**Describe the treatment and prognosis of the illness, injury, impairment or physical or mental condition** (Please attach additional documentation if needed):

\_\_\_\_\_

**If continuous leave is necessary, anticipated duration of the medical necessity for absence from work:**

From: \_\_\_\_\_ Through: \_\_\_\_\_ - if unknown, enter the date of next assessment/appointment

**Could the employee work a reduced schedule, or reduced workload? Are there reasonable accommodations that we could make so the employee can work?**

\_\_\_\_\_

**If intermittent leave is necessary, anticipate frequency and duration of absences from work:**

**Frequency:** \_\_\_\_\_ times per \_\_\_\_\_ week(s) \_\_\_\_\_ month(s)      **Duration:** \_\_\_\_\_ hours or \_\_\_\_\_ day(s) per episode

**Dates of hospitalization** (if applicable): From: \_\_\_\_\_ Through: \_\_\_\_\_

**Date of surgery** (if applicable): \_\_\_\_\_

**Health Care Provider Name** (Printed): \_\_\_\_\_

**Telephone Number:** \_\_\_\_\_ **Fax:** \_\_\_\_\_

**Address:** \_\_\_\_\_

\_\_\_\_\_  
**Health Care Provider Signature**

\_\_\_\_\_  
**Date**

Leave Donation Request Form (cont.)

Employee Name: \_\_\_\_\_

**Part 3 – To be completed by Finance Director**

---

\_\_\_\_\_ The employee has used or will use all forms of paid leave including personal time off and compensatory time. \_\_\_\_ Yes \_\_\_\_ No

\_\_\_\_\_ The employee's last day physically at work was: \_\_\_\_\_

\_\_\_\_\_ The employee has had six (6) months of continuous service. \_\_\_\_ Yes \_\_\_\_ No

\_\_\_\_\_ The employee is not receiving Worker's Compensation \_\_\_\_ Yes \_\_\_\_ No

\_\_\_\_\_ In the last six (6) months, how many days has the employee missed work

\_\_\_\_\_ personal time off

\_\_\_\_\_ compensatory time days

\_\_\_\_\_  
Finance Directors Signature

\_\_\_\_\_  
Date

**Part 4 – To be completed by the Human Resource Officer**

---

\_\_\_\_\_ The relationship meets the requirements set forth in the policy if the request is for care of a family member. \_\_\_\_ Yes \_\_\_\_ No

\_\_\_\_\_ The employee has satisfactory performance. \_\_\_\_ Yes \_\_\_\_ No

I hereby (please circle one) APPROVE DENY the requested use of shared leave through: \_\_\_\_\_

If there is conditions to the approval, or if approved for a reduced number of hours, please indicate that here:

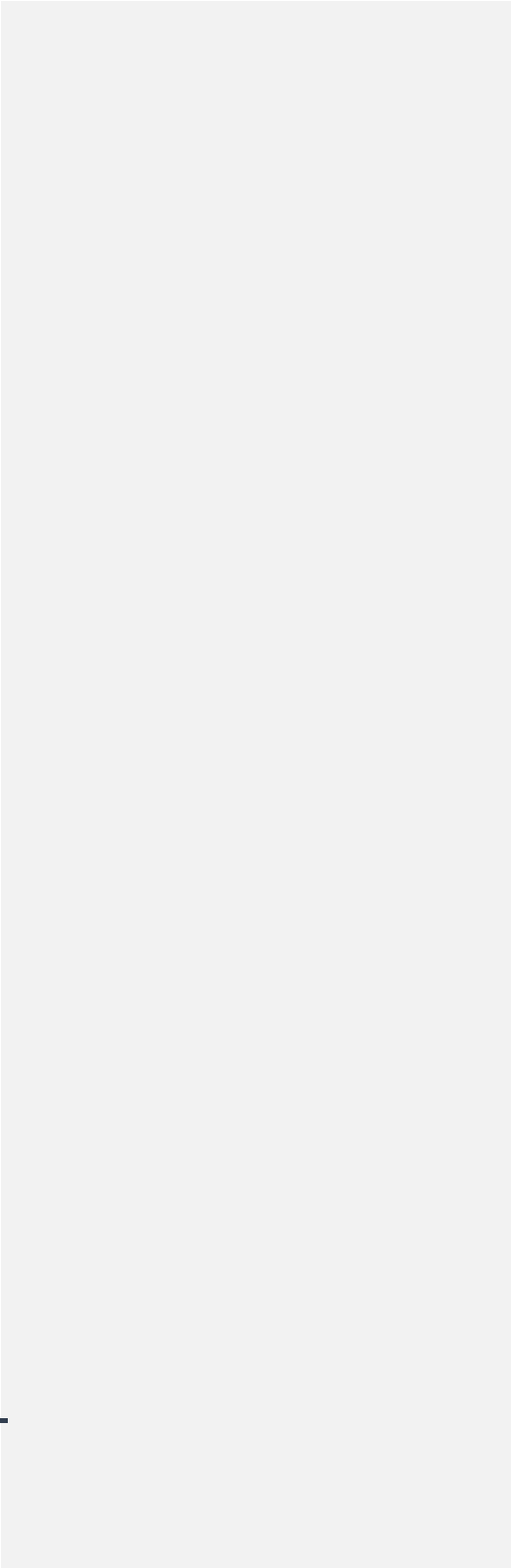
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Human Resource Officer Signature

\_\_\_\_\_  
Date

**APPENDIX D**

Municipal Vehicle Operating Policy





## **TOWN OF ROCKPORT MUNICIPAL VEHICLE OPERATION POLICY**

### **Section 1. Purpose**

The purpose of this policy is to address specific safety practices and does not supersede, amend, or replace any regulation required by state and federal agencies or any regulation required by other agencies for insurance or other purposes. Individual Town department policies shall comply with the general provisions of this directive but may deviate from the specific requirements depending on the department's mission-specific operations and type of equipment operated.

### **Section 2. Intent**

It is the intention of this policy to establish operating procedures for all Municipal Vehicles and/or Heavy Equipment owned by the Town of Rockport in order to ensure that proper safety practices are followed for the protection of employees and the public.

### **Section 3. Definitions**

For the purposes of this policy, the following terms, phrases, words and their derivations shall have the meanings ascribed to them:

1. "Assigned Vehicles" are those Municipal Vehicles specifically assigned to Department Heads who are, as a result of the nature of their jobs, called out beyond the normal work day or work week for emergency call-outs;
2. "Extended Leave" is an employee absence of more than two days for vacation, sick leave or other leave, which makes "call-in" in response to Town business unlikely; and
3. "Heavy Equipment" refers to heavy-duty vehicles motorized and driven by an operator for the purpose of providing construction, earth-moving and other types of work;
4. "Municipal Vehicles" are Town-owned motorized vehicles, trucks, fire apparatus and other motorized pieces of equipment used primarily for transportation and hauling on the road;
5. "Official Use" is that which is instrumental to the provision of Town services;

6. "Personal Use" is that which is specific to personal errands unrelated to Town services but does not include stops for lunch or breaks when the employee is on the road performing Town services; and
7. "Ride-along Waiver" is a legal document releasing the Town from any damages or injury which may occur as a result of a non-employee riding in a Municipal Vehicle, including Assigned Vehicles.

#### **Section 4. Administration**

This policy shall be implemented and administered by the Town Manager to ensure the safety and well-being of the employees and the public.

#### **Section 5. Employer Responsibility**

1. It shall be the responsibility of the Town Manager, or Department Head to:
  - a. Annually check an employee's driving record to verify that the employee has the proper driver's license;
  - b. Ensure that all Municipal Vehicles and Heavy Equipment contain all safety features and equipment required by law, and that all such features and equipment are maintained in safe operating condition; and
  - c. Ensure the implementation of appropriate disciplinary action for violations of this policy in accordance with the Rockport Personnel Policies and Procedures/Employee Handbook.
2. In the event that an employee becomes uninsurable under the Town's fleet automobile insurance, and non-driving work for which the employee is qualified is not available, the Town shall have just cause to discharge the employee. In the event that an assigned risk policy is available, the cost of the policy shall be borne by the employee through payroll deduction.

#### **Section 6. Employee Responsibility**

1. It shall be the employee's responsibility to:
  - a. Maintain the proper driver's license in the required classification and to notify the Town Manager of any revocation or suspension;
  - b. Ensure that no one other than Town employees or Town-appointed/elected officials are allowed to ride in Municipal Vehicles or Heavy Equipment, except in cases of emergency or with prior authorization of the Town Manager;
  - c. Ensure that every occupant in a Municipal Vehicle wears a seatbelt at all times (Maine law and restrictions on seatbelt use shall apply to all drivers and passengers); and
  - d. Ensure that no tobacco products are used in any Municipal Vehicle.
2. The police chief or fire chief may authorize non-employees to participate in a "ride along" program or department-sanctioned parade with a uniformed officer, provided a Ride-along Waiver is obtained prior to the "ride along" or parade. The Ride-along waiver shall be signed by all non-employees riding in the Municipal Vehicle. If a

participant is under the age of 18, a parent or legal guardian shall be required to sign the waiver in order for the ride-along experience to take place.

#### **Section 7. Use of Municipal Vehicles**

Municipal Vehicles are for Official Use only and shall not be used for Personal Use. Exceptions may only be approved by the Town Manager.

#### **Section 8. Driving Policy**

1. All drivers must use safe driving habits and skills which will ensure accident-free driving.
2. All traffic laws must be obeyed by employees at all times while driving Municipal Vehicles.
3. An employee shall not abuse or misuse a Municipal Vehicle.
4. Employees shall be courteous to all citizens while in the employ of the Town whether the employee is driving a Municipal Vehicle or not.
5. Employees should use cell phones only in accordance with all applicable State Laws.
6. The use of alcohol and drugs will be subject to the provisions of the Rockport Personnel Policies and Procedures/Employee Handbook Article 11, Section A- C.
7. All Municipal Vehicles shall be locked when not in use and when not stored inside a garage facility. Emergency response vehicles are exempt from this provision.
8. Any employee cited or fined for a moving vehicle violation, while on Town time, must report the event immediately to the Department Head and/or the Town Manager.
9. If any employee's license is suspended or revoked while working for the Town, it must be reported within 24 hours to the Department Head and/or the Town Manager. The Town Manager shall determine the appropriate course of action, including reassignment of duties, leave of absence, or discipline.
10. All accidents while driving Municipal Vehicles shall be reported immediately to the proper police authority. Leaving the scene of an accident may be grounds for disciplinary action and potential civil and/or criminal liability.

#### **Section 9. Out-of-State Usage**

Municipal Vehicles may be used for extended out-of-state travel only for Official Use and upon written approval of the Town Manager.

#### **Section 10. General Operation and Equipment Maintenance**

1. Any employee operating a Municipal Vehicle shall strictly adhere to all Town and State traffic laws and/or regulations.
2. The Department Head or designee shall be responsible for ensuring that the Municipal Vehicle contains the proper communications equipment.
3. Accessory equipment, if available, but not limited to a 2-way radio, shall only be used by employees having received the proper training in the use and protocols for such

- equipment.
4. Each employee shall be responsible to ensure the maintenance of the Municipal Vehicle or Heavy Equipment in their use for their shift.
  5. Prior to operating a Municipal Vehicle or Heavy Equipment, employees shall conduct a walk-around of the Municipal Vehicle/Heavy Equipment to check for damage or obvious mechanical defects and ensure that it is in safe operating condition. This shall include checking the tires and lights. The result of such inspection shall be noted on the vehicle inspection/maintenance log. Damage or defects noted shall be reported in writing to the Department Head who shall schedule the Municipal Vehicle/Heavy Equipment for proper repair and any required follow-up maintenance. Emergency vehicles responding to a call are exempt from this provision.
  6. At the end of each shift, each employee shall ensure that the Municipal Vehicle/ Heavy Equipment used by them during the shift is left in safe operating condition for the next operator.
  7. If mechanical problems are encountered while operating any Municipal Vehicle/Heavy Equipment, the employee shall notify the Department Head who shall schedule the Municipal Vehicle/Heavy Equipment for proper repair and any required follow-up maintenance.
  8. If a Municipal Vehicle is not required for emergency response, the Municipal Vehicle shall be parked in a central location each night to ensure easy availability and the keys returned to the appropriate location designated by the Department Head.
  9. Municipal Vehicles shall be locked and garaged or parked on Town property at the end of the work day. Whenever possible, Municipal Vehicles shall be stored inside.

#### **Section 11. Accidents Involving Municipal Vehicles**

A police report shall be filed for all accidents involving a Municipal Vehicle, no matter how minor. Except when absolutely necessary, a Municipal Vehicle involved in an accident shall not be moved prior to authorization by an investigating police officer. All drivers are responsible for familiarizing themselves with the CDL “accident procedure” sheet, contained in the driver’s manual prior to driving a Municipal Vehicle (copy attached).

Should an accident occur, the employee driving the Municipal Vehicle shall do the following:

1. Assist any injured person(s);
2. Contact law enforcement via the quickest means possible;
3. Take the names and addresses of all witnesses present;
4. Exchange insurance cards with drivers of all vehicle(s) involved in the accident;
5. If insurance cards are not available, the employee shall obtain the following information with respect to all vehicle(s) involved in the accident:
  - a. Driver’s name, address, date of birth, and telephone number;
  - b. Vehicle owner’s name and address;
  - c. Insurance carrier’s name and address;
  - d. Insurance policy number;
  - e. Year, make, model and license plate number; and

6. Report the accident as soon as possible to the Department Head.

#### **Section 12. Assigned Vehicles**

1. Assigned Vehicles are those assigned to a Department Head on a 24-hour emergency response basis, as approved by the Town Manager. This assignment may apply on a permanent or a seasonal basis. The following conditions shall apply:
  - a. Due to emergency response requirements, a Municipal Vehicle may be assigned to a Department Head of the police, fire, and public works departments and shall be accessible to the employee 24 hours per day;
  - b. Prior to making any such assignment, the Town Manager shall receive from the Department Head proof of personal insurance, including confirmation that the Department Head's personal insurance covers liability and property damage when that individual is driving a non-owned vehicle;
  - c. Any Municipal Vehicle stored during the evening at the home of an employee shall be locked when not in use;
  - d. An Assigned Vehicle shall be returned to the appropriate department when the employee is on Extended Leave as defined in Section 3;
  - e. Assigned Vehicles shall be driven primarily for Official Use and not as a secondary vehicle for the employee. However, the Town has a legitimate interest in ensuring that Assigned Vehicles are available for immediate and emergency call-out to the maximum extent possible. For this reason the Town recognizes the need for the Department Head to use the Assigned Vehicle for "incidental Personal Use," particularly when commuting to and from work or when the possibility of a call-out is sufficient to warrant the Personal Use. Consistent with this policy and rationale, the Department Head shall not be expected to interrupt the work day and reduce his/her work availability by exchanging vehicles for a non-commuting Personal Use, including but not limited to: going to a doctor's appointment, picking up the employee's child at school, subject to subsection (f) below;
  - f. A Department Head shall not be permitted to use the Assigned Vehicle for an "incidental Personal Use" outside a 30-mile radius of the Town. If the Department Head intends to transport a family member, the Department Head shall obtain the approval of the Town Manager and the family member shall sign a Ride-along Waiver. If the family member is under the age of 18, a parent or legal guardian shall be required to sign the waiver in order for the ride-along experience to take place;
  - g. A Department Head using an Assigned Vehicle to render aid or assistance to individuals in need of such aid or assistance shall not be considered a Personal Use as long as the aid or assistance is within or reasonably close to being within the Town's geographical limits. Because this practice is within the scope of the Department Head's employment, a Ride-along Waiver shall not be required; and
  - h. Responding to call-outs shall not be restricted to geographical limits set forth in this subsection. Rendering mutual aid and assistance to other Towns is within the scope of the Department Head's employment, as approved by the Town Manager.

2. An inadvertent or singular failure to comply with this policy may result in a loss of the Assigned Vehicle, depending on the nature and seriousness of the violation. However, repeated violations shall be considered an abuse of this policy. An intentional and serious violation of this policy or an abuse of this policy shall result in the loss of the Assigned Vehicle.
3. Any Municipal Vehicle assigned to an employee that is not considered an emergency response vehicle is subject to IRS regulations as a taxable benefit.

### **Section 13. Anti-Idling**

The Town shall strive to continually improve the efficient use of Municipal Vehicle fuels in an effort to reduce operating costs and environmental impacts. Municipal Vehicles shall not be left to idle unnecessarily.

1. Operators of Municipal Vehicles and Heavy Equipment shall adhere to the following standards:
  - a. Idling is prohibited when the ambient temperature is above 32 degrees Fahrenheit except as provided in subsection 2 below;
  - b. Idling is limited to no longer than ten (10) minutes when the ambient temperature is 32 degrees Fahrenheit and below;
  - c. Municipal Vehicles shall not be left idling for more than one minute when the operator is out of the vehicle except as provided in subsection 2 below; and
  - d. Department Heads shall be responsible for developing department guidelines for circumstances when it is appropriate that idling Municipal Vehicles be locked.
2. Exceptions - Due to the nature of certain emergency and non-emergency Town operations, the following exceptions shall apply to this policy:
  - a. The operation of emergency response vehicles when responding to an emergency or when standing by in readiness to respond under conditions where weather conditions threaten to delay a response;
  - b. Municipal Vehicles with batteries that may become discharged because of the requirement to operate significant onboard electrical equipment, e.g., emergency lights, radar, computers;
  - c. Public works vehicles involved in snow plowing or winter maintenance operations; and
  - d. Other situations authorized by the department supervisor responsible for the operation, when necessary to ensure the health and welfare of Town employees or members of the public.

### **Section 14. Implementation**

To facilitate conduct in accordance with this policy, a copy of this policy shall be made available to Town officials, employees, volunteers, boards and commissions upon hiring, appointment or election to office and at such other times as may be necessary.

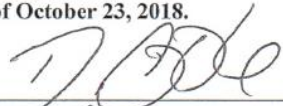
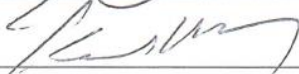
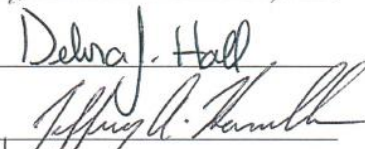
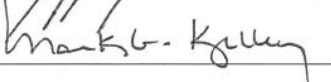
### **Section 15. Enforcement**

Department Heads and supervisory staff are responsible for monitoring the performance of their assigned fleets and taking the necessary steps to ensure that this policy is appropriately enforced.

**Section 16. Responsibility for Review**

The Town Manager, in cooperation with the Department Heads, shall periodically review this policy. Where appropriate, they shall recommend changes and revisions.

Adopted by vote of the Board on this date of October 23, 2018.

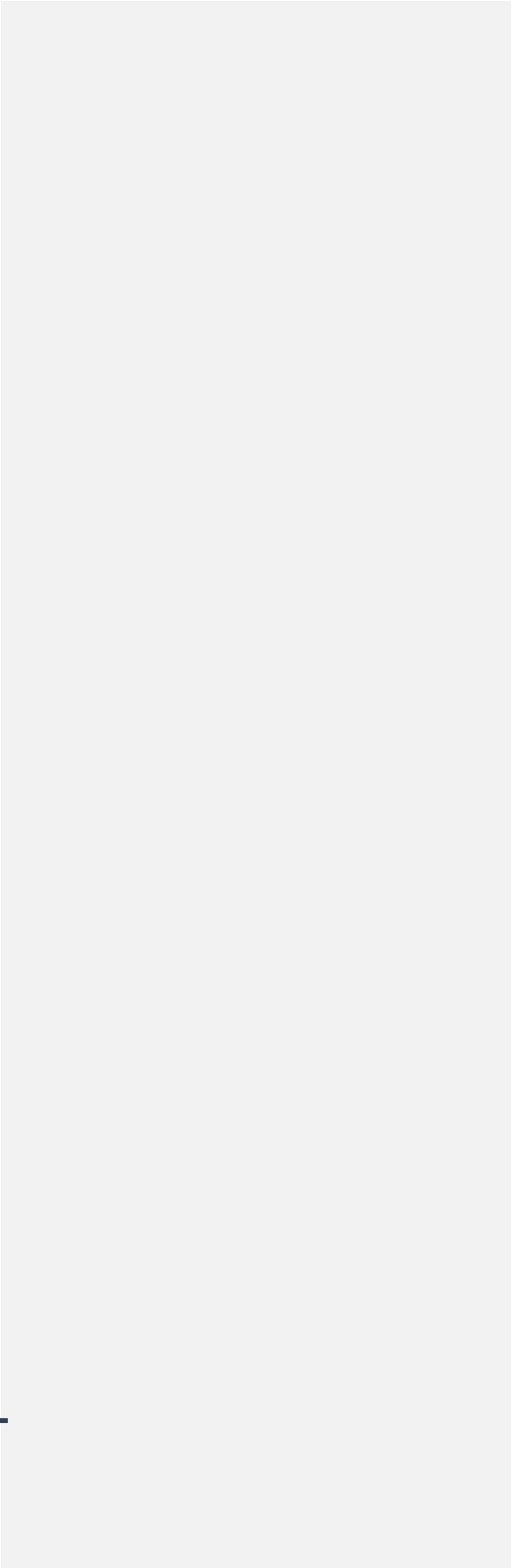
  
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\_\_\_\_\_  
Debra J. Hall  
  
\_\_\_\_\_  
  
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Received and Recorded: 10/23, 2018

  
Town/City Clerk


**APPENDIX E**

Education and Development Reimbursement Policy





Education and  
Development  
Reimbursement Policy



Rockport, Maine – June 8, 2020

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**Condition of Reimbursement ..... 4**  
**Reimbursement Amounts ..... 5**  
**Licenses and Certifications ..... 5**  
**Adoption and Signatures ..... 5**

**Purpose**

The purpose of the Town of Rockport's Education and Development Reimbursement Policy is to encourage employees to improve their job skills and performance by providing financial assistance for successful completion of job-related academic, professional, and technical course work.

**Scope**

Policy applies to all non-probationary full-time employees. Employees must take the course on the employee's own time. Town time may not be used to attend educational opportunities covered by this program. If a course is only offered during regularly scheduled work hours, the employee's department head may make reasonable efforts to adjust work schedules to accommodate the scheduling conflict.

**Program of Study**

To qualify for reimbursement under the program, the proposed course work must improve the employee's skills and knowledge as required by the employee's present position; benefit the employee's professional development as a Town employee; or enhance the employee's career development with the Town of Rockport.

1. Degree programs – subject to available funding, employees who are enrolled in accredited degree programs are eligible for reimbursement of tuition costs only (up to \$1,000 per course) for any required course that the employee obtains a "C" or better grade.
2. College courses – subject to available funding, employees who enroll in individual courses are eligible for reimbursement for courses that pertain to their existing position, and for which they obtain a "C" grade or better.
3. Certificate programs - subject to available funding, employees who enroll in certificate programs are eligible for reimbursement for courses, seminars or other professional development programs that pertain to their existing position, and for which they obtain a "C" grade or better.

**Eligibility**

1. Employee must submit a request to the department head by December 31<sup>st</sup> of each year so departments can budget accordingly. There may be a limit of how many classes can be funded per year, as well as how many employees can receive funding per year. If approved by the department head an employee will sign the Education Subsidy Intent Form. The Education Subsidy Intent Form is then submitted to the Town Manager's Office.
2. Employee assumes full cost of the course, prior to the class.

### Condition of Reimbursement

1. Tuition will not be reimbursed if an employee is eligible for V.A. funds.
2. Tuition reimbursement is regarded as an advance against earnings for a one (1) year period. Employees who receive notice and approval by the Town Manager will be asked to sign a written authorization for repayment through deduction from the final paycheck if an employee leaves Town employment before the one-year period concludes. An employee leaving before the one (1) year period must repay the advance given for tuition reimbursement payments during the preceding one (1) year period as an automatic deduction from their final paycheck.
3. Reimbursement will be provided to employees on a first come first serve basis, so long as funding is available. Reimbursement is for tuition and/or registration. Textbooks are not included in this program.
4. If an employee would like to request reimbursement, they shall submit a written request to the Town Manager, along with a class transcript that shows the final grade. The Town Manager will issue a written notice to the employee if the request is approved or denied. If approved the Town Manager shall send notice to the Finance Department to include in the employee's next paycheck. Town reimbursement is limited to existing and available funding and will be made for costs incurred after prior notice and approval by the Town Manager.
5. Employees must receive a letter grade of 'C' or better for coursework receiving a grade. If a course is given on a credit/no credit or attended/not attended basis, an employee must receive a "credit" or "attended" to qualify for reimbursement. Employees must submit reimbursement requests along with copies of final documentation for the course or certified test and all receipts for course.
6. Employees must report any financial assistance funds received from another agency or source in the request for reimbursement. In no event shall reimbursement received from this program, plus reimbursement from other educational incentive programs, exceed the total cost of registration and tuition. If the total amount of reimbursement from the Town and other sources exceeds the total amount of approved expenses, the Town will reduce the amount to be reimbursed accordingly.
7. The Town provides tuition reimbursement as a way of improving an employee's job skills/knowledge for their current position, the Town expects that the employee will remain in that position (unless promoted) for a sufficient period of time so the Town receives the benefit of their investment. Therefore, employees who separate from employment within three years of receiving education reimbursement, will agree to pay back the reimbursement at the rate below, either through final cash out pay or a payment plan.
  - Within the first year at 100%
  - Within two years at 75%
  - Within three years at 50%

### Reimbursement Amounts

Employees eligible for reimbursement shall be reimbursed as follows:

1. If the employee receives a grade of "C", the employee will be reimbursed 50% of the cost of tuition, up to \$500.00.
2. If the employee receives a grade of "B", the employee will be reimbursed 75% of the cost of tuition, up to \$750.00.
3. If the employee receives a grade of "A", the employee will be reimbursed 100% of the cost of tuition, up to \$1,000.00.

### Licenses and Certifications

Some position assignments require a specialized certification or license to perform the function. Any employee seeking to obtain this special designation or obtaining the special designation as a requirement for employment, the cost of the course will be covered by the Town upon approval.

The employee will have two chances to acquire the certification or license at the Town's expense.

If the requirement is mandatory for the position the employee may be terminated.

### Adoption and Signatures

The Rockport Select Board first approved this Education and Development Reimbursement Policy on June 8, 2020.

  
\_\_\_\_\_  
Debra Hall, Chair

  
\_\_\_\_\_  
Denise Munger, Vice-Chair

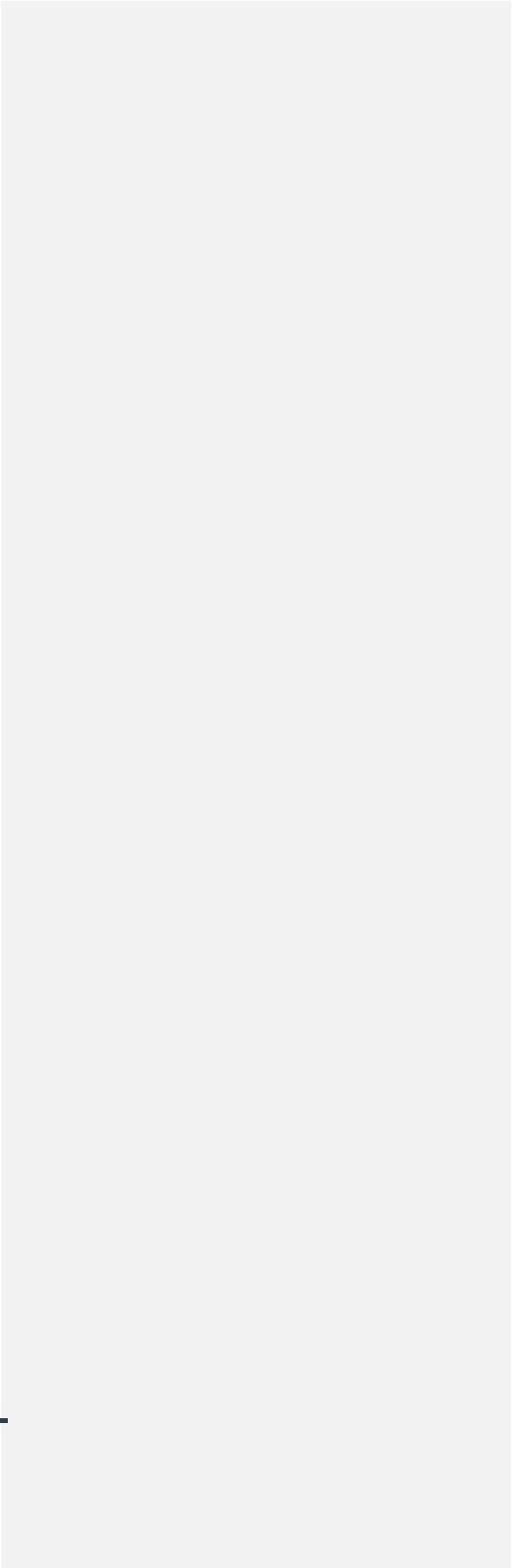
  
\_\_\_\_\_  
Douglas Cole, Select Board Member


  
\_\_\_\_\_  
Jeffrey Hamilton, Select Board Member

  
\_\_\_\_\_  
Mark Kelley, Select Board Member


**APPENDIX F**

Epidemic and Pandemic Policy





Town of Rockport  
Epidemic/Pandemic  
Policy



Rockport, Maine – November 13, 2021

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**Purpose**

The Town of Rockport hereby establishes an Epidemic/Pandemic Policy, hereinafter “the Policy”, to provide regulation and procedures governing and amending practices, policies, and procedures when criteria meeting the definitions of either have occurred.

It is the Policy of the Town of Rockport to provide a safe and healthy environment for all employees during the threat of all seasonal and other viruses coupled with the potential for a regional or world-wide outbreak qualifying as an epidemic or pandemic virus, as classified by the World Health Organization (WHO) or United States Center for Disease Control (USCDC).

The new coronavirus (COVID-19) is not a flu but a pneumonia-like infection. The USCDC believes at this time that symptoms may appear in as few as two days and up to as many as 14 days after exposure.

This Policy shall address impacts associated with the COVID-19 virus and any such other outbreak.

**Applicability**

This Policy is applicable to all Town of Rockport regular full-time, regular part-time, on-call, temporary, and seasonal employees whether union or non-union, board members and volunteers.

**Governance**

This policy is based on the concurrence of information obtained from the Maine Center for Disease Control (MECDC), USCDC, WHO, Emergency Management Agencies (EMA) and Executive Orders and/or Proclamations. Information is subject to change rapidly.

**Objectives**

The Town’s primary goal is to protect both employees and citizens by limiting cross exposures while maintaining as high a level of service continuums as possible. The Policy seeks to:

- a. Reduce the spread of the disease to and among staff.
- b. Protect people at higher risk for complications from exposures.
- c. Maintain critical operations through the protection of staff.
- d. Minimize impacts on our community residents, customers, and businesses.
- e. Be proactive in the non-pharmaceutical public health intervention measures by taking medically advised measures to minimize risk.
- f. Communicate the objectives of the Policy as measures change.

This policy will be utilized in conjunction with the Town of Rockport Charter, Emergency Operations Procedures, Town Code of Ordinances, Personnel Policy and Collective Bargaining Agreements and all other Town/Departmental operating procedures.

The Policy is subject to change pursuant to Select Board and Town Manager actions should health, emergency orders or other advisories dictate as new evidence is made available.

### **Key Municipal Operations**

The Town's primary goal is to provide services at normal operational levels. There may be a time when Town operations may be reduced because of staffing levels. Essential and non-essential employees will be identified to ensure services and operational support are maintained for the Town and citizens. Remote/telecommuting work will be provided in accordance with current human resources procedures and policies and with approval from the Town Manager.

If remote/telecommuting work is provided:

1. Department Heads must inventory equipment that remote workers will be utilizing. Equipment should be tested remotely for connectivity issues by staff.
2. Department Heads with the potential for working from home should prepare by developing a "ready bag" that they take home with them at the end of each day.
3. All employees are subject to be called back to work during a government shutdown, depending on the need and circumstances.
4. A tracking system will be established for payroll purposes to track all hours worked due to the pandemic.
5. Department Heads should be prepared to backfill positions if employees are absent. Communicate various scenarios with staff to ensure understanding.
6. Town Manager and Department Heads must ensure lines of communication are available for all critical staff and departments.

In case of an epidemic/pandemic outbreak in our community, Department Heads and the Town Manager will be responsible for monitoring health and vacancy rates caused by the virus. Reporting of high illness and vacancy rates must be reported immediately to the Town Manager for monitoring of Town-wide staffing levels. The goal is to continue public services in all facets of municipal operations to our citizens and vendors. However, the Town may be forced to review and seek alternate staffing levels and/or adjustment to operational hours. Any decision to close places of gathering will be based on guidance from the CDC.

### **Amendments to Municipal Operations**

The Town's key objective is to preserve the continuum of municipal services during an epidemic or pandemic event by protecting both the staff and the public through limiting exposures to potentially infected and contagious persons. All municipal services are essential to certain people at any given point in time. Therefore, the preservation of services will be made in all departments

to the greatest extent possible. Special emphasis is placed on public safety, maintenance of public infrastructure, and the financial support of operations. Should staffing become reduced greater than 50% in any given department, additional protective procedures and amendments to operations will be made.

**Department Managers:** Daily reporting of the number of personnel in each Department will be made, accounting for the number of absences and the reason for absence, vacation, comp time, leave, non-workplace injury, workers compensation, sick and if sick whether the sick time is assumed or known to be related to COVID-19 or other infectious disease as medically assessed.

Tracking will be established to track any illness or other outage associated with the COVID-19 virus. If an employee feels that they have contracted COVID -19 because of their employment a First Report of Injury shall be filed with their Supervisor/Department Head. The First Report of Injury will be immediately filed with the Finance Director by e-mail and phone, including nights and weekends, if the Finance Director is not available file the report with the Town Manager.

An expense account will be established for all departments to track all purchases, contract expenses, testing, cleaning, or other costs associated with viral infections during the performance of operations in anticipation to assess such expense as well as for any reimbursement potential by State or Federal Emergency Management Authorities.

Departments shall maintain a consistent chain of command in the absence of a Department Head or supervisory staff. If the span of command is in danger of being lost, the Town Manager shall be notified for assessment and modification of reporting to maintain services.

The Department Head shall establish the best means of communication to their department staff via text and/or email to provide updates, notices of changed operations, and for notifications to be made timely and efficiently. The means of communications shall be documented and provided to the Town Manager's Office for use in any Department Head's absence.

Alternative work sites and/or provisions to work from home should be made for any Department Head or staff position that can provide at least 80% of services remotely, but only for the duration of the response within this Policy. Any employee may be called back at any time at the discretion of the Town Manager. It shall be the responsibility of each Department Head to verify, test, and ensure competence with the use of these technologies in the event it becomes necessary.

Any complete closures of a department or complete loss of public access to the department shall be made in consultation with and at the direction of the Town Manager.

Any closure of all of the Town Government Operations shall be at the discretion and direction of the Select Board in consultation with the Town Manager, and County, State and Federal

Emergency Management Agencies.

### **Workplace Exposure**

The Town seeks to protect all staff by assessing and addressing workplace exposures as communicated by the WHO, USCDC, and MECDC. Exposures shall be controlled as much as physically possible by following the non-pharmaceutical public health interventions such as frequent handwashing, covering coughs and sneezes, and staying home when ill. The Town will further seek to limit non-employee access into facilities, reduce or eliminate all public hearings and meetings, eliminate the use of facilities for meetings, and by making available to the greatest extent possible the transition of business by electronic means, telephonic means, or the use of mail and drop-boxes.

Each workplace entrance and office entrance shall exhibit upon its entrance the common signage stating "ATTENTION" – a statement of symptoms associated with the viral infection and instructing individuals to "Please DO NOT ENTER" if exhibiting any symptoms. The signage will further display a [Phone Number] and/or [Email] to contact the office for services.

Each office shall establish a six-foot social buffer as possible for individuals to deposit papers, applications, or other materials and receive confirmation of receipt verbally.

Any office needing to take paperwork directly from the public shall wear protective face coverings, remain behind window shields where possible, or otherwise limit proximity for those needing immediate services.

Facilities and staff should utilize approved disinfectant wipes or cleaners on door handles and other public surfaces to lessen exposure. Facilities will increase the frequency and focus of such cleanings throughout the time of this Policy, giving priority to public entrances and/or lobbies.

Staff with increased risk including older employees, and those with pre-existing health conditions subject to the viral infection should identify to the Town Manager for reasonable accommodations to be made. The Town Manager will determine if reasonable accommodations can be made in accordance with medical directives and or workplace safety established standards.

Staff working in public safety, such as Fire and Police should consider immediately showering and changing clothing at the end of each shift (before going home), or for those involved in Fire operations, immediately after being exposed to a potential Person Under Investigation (PUI) to minimize risk of exposure to family members.

No handshaking.

Minimize face-to-face contact.

Minimize meetings following current MECDC recommendations.

Use email, phones, and teleconferencing/webinars as much as possible during a pandemic, rather than face-to-face contact.

Effectively handle materials and customers that could be contaminated. Wash hands often and practice other sanitary means to prevent spread of germs.

If an employee is diagnosed/confirmed positive with the virus, the workplace should be shut down and disinfected before allowing other employees to return.

Employee CONFIDENTIALITY is REQUIRED in accordance with Town Policy and Health Insurance Portability and Accountability Act (HIPAA).

### **Workplace Policies Established by Select Board and Delegated Administrative Authorities**

The Town Manager will coordinate and consult with the Select Board in making recommendations for any amendments to this Policy. It is the Select Board's sole authority to establish the Policy and to direct its implementation.

The Select Board will consult with the Town Manager to be informed of necessary changes to Operations, increased protective actions for Town staff, and increased awareness of limiting public contact and exposures. The primary purpose is to reduce exposures, preserve the health of the staff, and thereby preserve the highest level of municipal services during the event as possible.

The Town Manager will coordinate any actions necessitating Select Board authorization.

The Select Board shall hereby delegate the authority to the Town Manager to amend this Policy expeditiously in any area addressing exposure to the virus as dictated by either the USCDC or MECDC as an advisory on change in practices. The Select Board further authorizes the Town Manager to close any singular non-public safety department should staffing be so reduced, the service delivery deemed non-essential in the interim, or other extenuating circumstances.

Any reduction in Public Works, Police, Fire, or Emergency Management shall be immediately reported to the Select Board for consideration of amendments as may be necessary.

Pursuant to the Town of Rockport Charter, Article III, Section 5, the Town Clerk shall perform the duties of Town Manager during the Town Manager's temporary absence or disability. Temporary is defined as not more than 30 days.

### **Employee Responsibilities**

#### **A. Employees must immediately notify:**

By phone or email only, their supervisor or Department Head, or in their absence, the Town Manager if they have experienced an exposure or received a presumed or confirmed diagnosis of coronavirus, or are exhibiting the symptoms associated with

the virus.

**B. Presumed or Confirmed Cases of coronavirus in an employee or immediate family member:**

If a medical official determines that an employee is presumed or confirmed to have the virus, then the employee is required to be out of work for a minimum of two weeks (fourteen calendar days) or as defined under the Families First Coronavirus Care Act (FFCA) as subject to medical professional directives. The employee will utilize accrued benefits pursuant to the Personnel Policy, or applicable Collective Bargaining Agreement. Medical clearance is required before returning to work.

**C. Use of Family Medical Leave Act, Income Protection, Sick Time, Workers' Compensation and Vacation**

Will remain in effect in accordance with applicable Collective Bargaining Agreements as well as Town Personnel Policy. Care of a family member or children not in school is subject to these Agreements and Personnel Policy. A diagnosis of the COVID-19 virus has been determined to be a qualified event for FML and may be subject to a First Report of Injury under workers compensation. Individual notifications and requests for sick time use will be assessed on a case by case basis due to the unique circumstances with no precedent setting actions. Workers compensation provider guidance is subject to change.

**D. Unpaid Leave:**

If an Employee does not have or has utilized all of their accrued sick and/or vacation time, the employee may request and be granted unpaid leave without pay consistent with current unpaid leave policy and procedures in either the Personnel Policy or applicable Collective Bargaining Agreement.

**E. Personal Travel:**

Employees must abide by the State of Maine's travel guidelines and/or restrictions concerning personal travel. If an employee travels to a restricted state, that employee must follow the State's quarantine and testing requirements and not return to work until these requirements are met. The employee shall not use federal or state designated paid time-off for this absence. The employee may use earned sick and/or vacation time.

**F. Stages of Government Shutdown:**

If declared by the Select Board, the Town will pay employees their current hourly rate during any reduction in hours or shutdown of municipal services.

The stages outlined below shall be determined by the Town Manager in consultation with the Select Board. Each stage will not be determined by a set number of active cases of illness at any given time, but the Town Manager shall consider many factors when determining what stage municipal operations will fall into. These factors include orders from the Governor's Office, the number of active cases in the state, county and municipality, the infection percentage in the state, directives and advice from the

MECDC, USCDC, Knox EMA and other municipal and business operations in the state and county. The Town shall abide by all Executive Orders as issued by the President of the United States and Governor of the State of Maine.

A. Stage 1:

- a. Operations:
  - i. Normal operations for all municipal buildings.
  - ii. All surfaces used by the public to be wiped down after use with sanitizing wipes or approved cleaner and the employee must wash or sanitize hands immediately after.
  - iii. Professional cleaner to sanitize all high-touch surfaces.
  - iv. Plexiglass in all public facing areas.
  - v. All restrooms in municipal buildings closed to the public.
- b. Other Special Considerations:
  - i. None.

B. Stage 2:

- a. Operations:
  - i. Open to the public with mandated face coverings and maintain social distancing at a minimum of six feet.
  - ii. Building Specific:
    - 1. Town Office Building:  
Public allowed in the lobby area or Richardson Room only.
    - 2. Library Building:  
Public allowed as directed by the Library Director.
    - 3. Opera House:  
Public allowed as directed by the Town Manager.
    - 4. All Other Municipal Buildings:  
No Admittance.
  - iii. Limit work-related travel.
  - iv. All Surfaces to be wiped down after use with sanitizing wipes or approved cleaner and the employee must wash or sanitize hands immediately after.
  - v. Professional cleaner to sanitize all high-touch surfaces.
  - vi. Plexiglass in all public facing areas.
  - vii. All Public restrooms closed.
- b. Public Works:
  - i. Limit one employee per vehicle.
  - ii. Face coverings must be worn when social distancing cannot be maintained or in any public space.
  - iii. Employees divided into separate breakrooms.
  - iv. Essential resident contact only.
- c. Other Special Considerations:
  - i. Social distancing and face covering requirements adjust according to directives/orders from Maine State government or federal government.
  - ii. Board and Committee meetings may be held through

- videoconferencing, subject to state statutes and/or orders.
- iii. Rotation of staff can be considered to ensure that a department's employees are not all working in the same location during any given day/time .

C. Stage 3:

- a. Operations :
  - i. Closed to the public. Online, electronic, mail, curbside transactions only, essential resident contact only.
  - ii. Rotation of staff to ensure that a department's employees are not all working in the same location during any given day/time.
  - iii. Staff (who are able) will work from home when not in the office. This might look different than in-office work and may not be for a full 8-hour day.
  - iv. No work-related travel unless it is essential and approved by the Town Manager.
  - iv. Public Works:
    - i. In the event of an emergency or weather event all employees are required to report for work with limited in-person contact and must abide to any prior restrictions (ie, separate breakrooms).
- b. Other Special Considerations:
  - i. Board and Committee meetings may be held through videoconferencing, subject to state statutes and/or orders.

D. Stage 4:

- a. Operations:
  - i. Office Buildings remain closed to the public.
  - ii. No curbside transactions, unless approved by Department Head or Town Manager for emergencies. Online, electronic transactions, and mail transactions only.
  - iii. Employees who can, will continue to work from home.
  - iv. Only Department Heads will work on rotating schedules as defined in stage three.
  - v. No work-related travel.
- c. Other Special Considerations:
  - i. Board meetings may be held through videoconferencing, subject to state statutes and/or orders. No Committee meetings will be held unless absolutely necessary.

E. Reopening Process:

- a. As the re-opening process begins and continues, the stages above will be followed in reverse order, except that stages can be skipped, i.e., the Town Manager can choose to move from Stage 3 to Stage 1. However, there must be a 14-day time period in any given stage before moving down to the next stage. For example, when moving from Stage 3 to Stage 2, the operations must be in

Stage 2 for at least 14 days before moving to Stage 1. This will allow for observation of the epidemic/pandemic to ensure factors are appropriate to continue the re-opening process.

**G. On the job Exposure:**

If determined that contracting the virus was a workplace exposure as determined by the Town's workers compensation insurer, the Town will follow the Personnel Policy or applicable Collective Bargaining Agreement.

**H. Paid Medical Removal of Employees and Return to Work:**

Employees removed from work may have the ability to utilize any earned leave (sick, vacation, etc.) pursuant to the Personnel Policy and/or Collective Bargaining Agreement. Employees who wish to continue working remotely while removed from work may be allowed to avoid using earned time with prior approval by the Town Manager.

Employees who are ill for more than three (3) days consecutively must provide a return to work with no restrictions note from their health care provider before returning to work. If the employee was self-quarantined due to exposure, then the employee must be symptom free for fourteen days or medically cleared from their health care provider before returning to work.

Department Heads are responsible for being vigilant and watchful of employees who appear sick. If the supervisor suspects an employee has an Influenza-like illness (ILI), the best way to verify this is to ask the employee whether the employee has a fever. If the supervisor believes the employee has a fever, the employee should be sent home, seek medical attention, and must receive medical clearance prior to returning to work.

If an employee chooses to personally travel to a high-risk country or area within the United States and is quarantined before returning, the Town will not pay the employee during this timeframe. The employee will have the ability to utilize any earned leave (sick, vacation, etc.) while quarantined pursuant to Personnel Policy and/or Collective Bargaining Agreement. The Town reserves the right to place the employee in voluntary quarantine under these conditions. In lieu of quarantining, the employee before returning to work and again within three to five (3-5) days of returning to work.

The Town Manager will work with local and state health officials to manage an epidemic or pandemic.

## Guidance provided to all Employees

### A. Absenteeism:

Prepare for employee absences resulting from personal illness, caring for ill family members, and dismissal of early childhood programs and K-12 schools. Be ready to adapt your departmental operations to maintain critical service levels.

Cross-train employees to carry out critical functions so the workplace can operate when essential staff are out.

Prepare to temporarily suspend non-essential operations, if necessary, and as possible.

Be prepared to differentiate between critical and non-critical services if staff shortages occur due to illnesses or quarantines.

Define how the Department will continue operations during various levels of staff reductions.

### B. Infection Control Measures and Universal Precautions:

Place posters that encourage staying home when sick, cough and sneeze etiquette, and hand hygiene at the entrance to your workplace and in high-visibility locations.

Provide soap, water, and alcohol-based hand rubs in multiple locations and routinely refill.

Employees should clean hands often by washing for at least 20 seconds using soap and water or using an alcohol-based hand sanitizer if soap and water is not available.

Avoid touching eyes, nose, and mouth with unwashed hands.

Avoid close contact with people who are ill, including shaking hands.

Cover coughs or sneezes with tissues, or other means, then discard accordingly in the trash. Wash and sanitize hands. Ask employees to stay home when not feeling well. .

Employees should routinely clean commonly touched surfaces and sanitize all areas of their workspace daily. Cleanings shall also be done before and after meetings in the conference rooms with sanitizing wipes or approved cleaner and the employee must wash or sanitize hands immediately after.

Take care of yourself – eat well and get rest.

**C. Encouraging Social Distancing:**

Social distancing is an intervention to increase the physical distance between people and reduce the spread of disease.

Implement policies and procedures for critical employees to work remotely.

The Town Manager can allow telecommuting, if necessary, on a case by case basis and only if otherwise unavoidable.

The Town Manager can permit flexible work hours (e.g. staggered shifts), if possible, to cover all hours of service provisions.

Ensure that we have the technology and infrastructure needed to support multiple employees working from home.

Place appropriate signage at all facility and office entrances.

Establish employee business travel and training restrictions to minimize risk.

**D. Separate Sick Employees:**

Employees who report to work having a fever or flu-like symptoms upon arrival, or who become ill during the workday, should immediately be sent home. Ensure that:

All Department Heads and employees are aware of the Town policies and the expectation that ill employees stay home.

Employees should access their Primary Care Provider or Emergent Care Facilities immediately.

Do **NOT** go directly to the hospital or urgent care without first calling and being instructed how best to receive appropriate services. This will minimize the risk of exposure to all concerned parties. If the employee has other health conditions or is otherwise considered high risk, that information must be disclosed immediately to the medical provider's office during the call.

**E. Personal Preparedness Options:**

Our municipal services are only as healthy as our employees. Employees should immediately take standard steps to prepare for staying at home, if needed:

Store a two-week supply of water and food.

Make sure to have enough prescription drugs at home.

Keep non-prescription drugs and other health supplies on hand. This includes pain relievers, stomach remedies, cough and cold aides, fluids with electrolytes, and vitamins.

Get copies of electronic health records from the doctor, hospital, or pharmacy.

Try to minimize being in large groups, events and traveling by plane – any direct contact with others you can reasonably avoid will help.

**F. Communication Protocol by Administration:**

Administration will provide updates to keep the workforce informed about the outbreak, its progression, and any changes in needed responses.

Provide positive, information which will help calm and encourage staff.

Establish clear lines of communication between essential staff members and departments to ensure critical services can be provided

Provide timely and factual information as needed to keep the community informed using the Town's website, social media, and press releases that will contain information links to relevant supporting governmental agencies and service providers to assist the public.

**G. Workforce Involvement:**

Ensure that every person and department has reviewed the current procedures and policy for this event.

Every department must test the Policy to help detect gaps or problems that need attention by utilizing "what if" scenarios prior to shut down or events.

Every employee should be familiar with this Policy and be prepared to act immediately if an employee illness or event occurs.

Every employee should know and understand their role if an event occurs.

Every employee provides a level of public safety in their public positions. They should be prepared to increase their responsibilities should outages dictate. The diversity and work ethic of the employees is the most valued resource in implementing this Policy.

**References**

The following agencies are researched and reviewed for pertinent information relating to current events by primary Department Heads relative to procedure requirements for the Town:

World Health Organization

United States Center for Disease Control

Maine Center for Disease Control

United States Department of Labor – Occupational Safety and Health Administration

Federal Emergency Management Agency

Maine Emergency Management Agency

Knox County Emergency Management Agency

United States Presidential Executive Orders or Proclamations

State of Maine Gubernatorial Executive Orders or Proclamations

**Adoption and Signatures**

The Rockport Select Board approved this Epidemic/Pandemic Policy on November 13, 2021.

  
\_\_\_\_\_  
Debra Hall, Chair

  
\_\_\_\_\_  
Denise Munger, Vice-Chair

  
\_\_\_\_\_  
Mark Kelley, Select Board Member

  
\_\_\_\_\_  
Jeffrey Hamilton, Select Board Member

  
\_\_\_\_\_  
D. Michelle Hannan, Select Board Member

## Appendix I – COVID-19

### A. Paid Removal (Chart 1)

In effort to clarify the needs for absence to avoid the spread of COVID-19 in the workplace, the Town is adopting the following standards (in accordance with OSHA and the U.S. CDC).

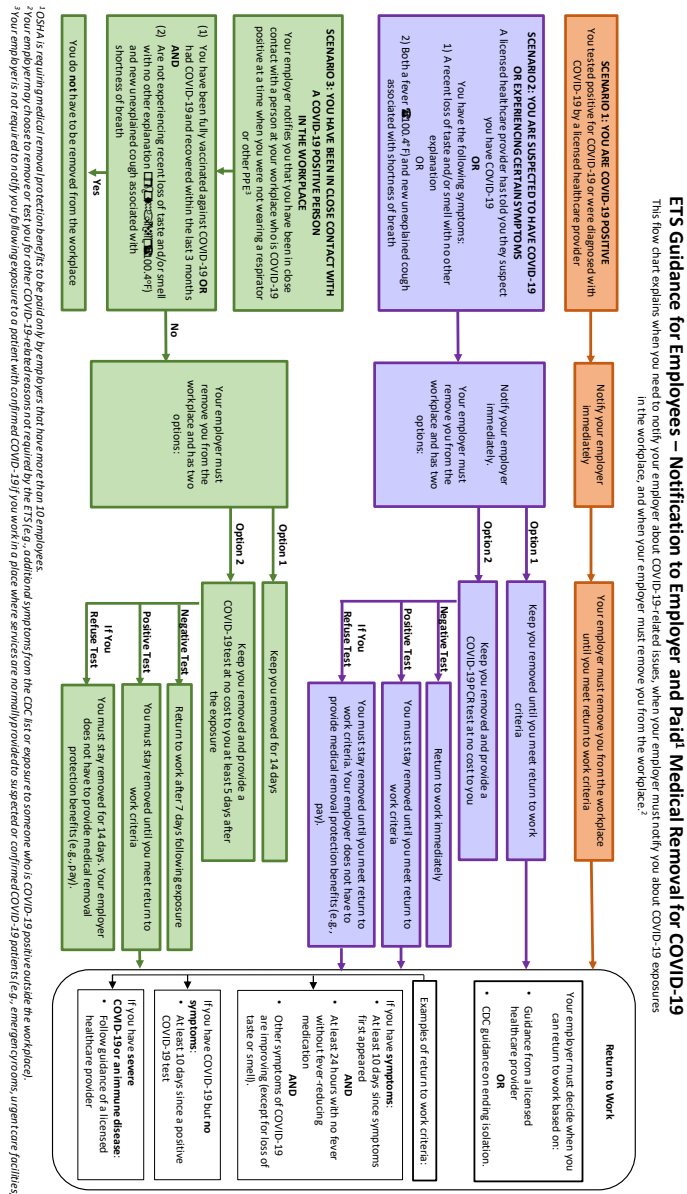
### B. Testing:

The Town may require employees to be tested to protect the health of their staff prevent exposure to other employees. Testing will be paid for at the Town's expense. Testing should not occur until at least five (5) days have elapsed from a potential exposure to the virus.

### C. Vaccination:

Full vaccination by Town staff provides added protections to co-workers and greater safeguards to ensure critical services can be delivered to residents. All employees must submit proof of full vaccination to the Town Manager. Employees unable to provide proof of full vaccination must provide substantial proof as to why they are unable to meet full vaccination. Such proof may include a note from a licensed health care provider or a signed affidavit establishing religious objection.

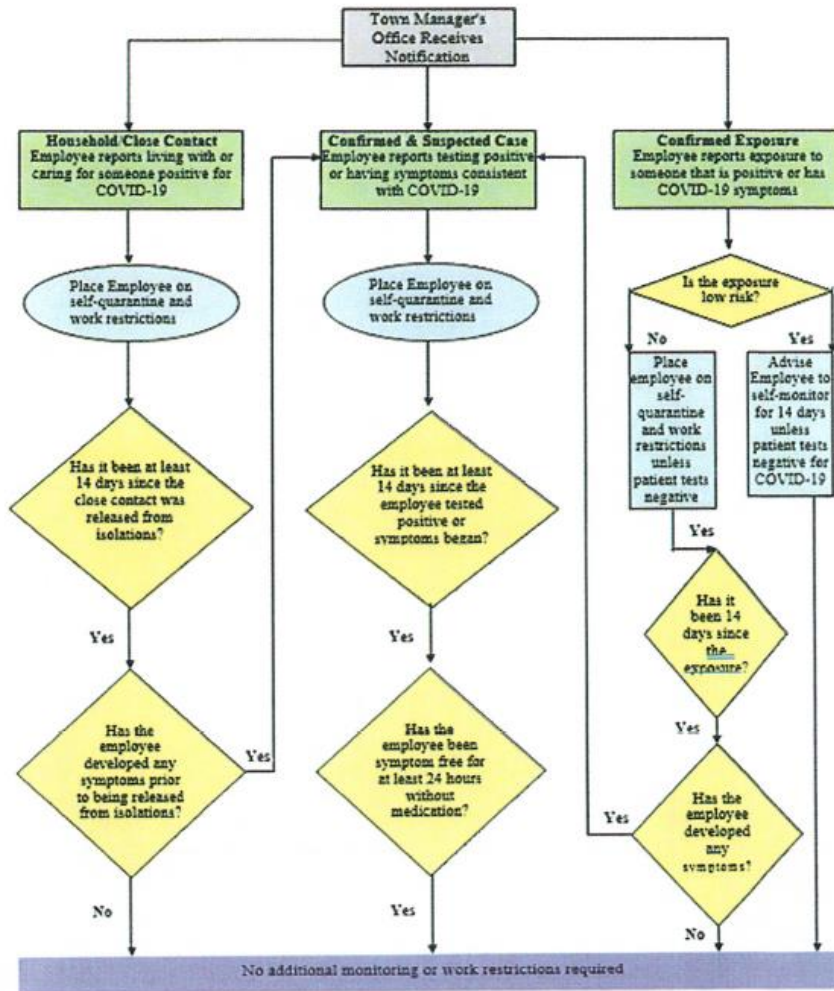
Chart 1



This document is intended to provide information about the COVID-19 Emergency Temporary Standards. The Occupational Safety and Health Act requires employers to comply with safety and health standards promulgated or adopted by OSHA or by a state with an OSHA-approved state plan. However, this document is not state law, standard or regulation, and it creates no new legal obligations.

Appendix I

COVID-19 Return to Work Guidelines





Personnel Policy Addendum A  
Health Insurance Changes

The changes listed below are a result of Town Meeting June 15<sup>th</sup>, 2022.

The latest update to the Personnel Policy was done on December 3<sup>rd</sup>, 2018 and this Addendum will reference that document. These changes are related to Health Insurance and the additional of a Flexible Spending Account, hereafter referred to as FSA.

Changes related to Article 19, Item E

19.E.1 – will be removed and replaced with the following:

“The Town pays one hundred percent (100%) of the individual and ninety percent (90%) of the dependent cost of participation in the group health insurance plan for eligible employees hired before September 13, 2005.”

19.E.2 & 3 – will be removed and replaced with the following:

“The Town pays ninety percent (90%) of the individual and dependent cost of participation in the group health insurance plan for eligible employees hired on or after September 13, 2005.”

19.E.4 – will be changed in number sequence only to 19.E.3

19.E.5 – will be changed in number sequence only to 19.E.4

19.E.6 – will be changed in number sequence only to 19.E.5

19.E.7 – will be changed in number sequence only to 19.E.6

19.E.8 – will be changed in number sequence only to 19.E.7

New Section related to Article 19, Item L

Full-time benefit eligible employees will be eligible to participate in a Flexible Spending Account (FSA), this benefit will be available to these employees whether they are participating members in the group health insurance program or not.

The first year of this program will run from July 1<sup>st</sup>, 2022, to June 30<sup>th</sup>, 2023, in which each full-time benefit eligible employee will be able to receive up to \$2,250 through this program. Years following the first year of implementation, each employee will be eligible to receive the max allowed per IRS ruling.

Each employee will receive an initial deposit to their FSA of \$500, which is 100% contributed by the Town. All full-time benefit eligible employees will also receive an annual Health Insurance Stipend of \$875.00, for the plan year July 1<sup>st</sup>, 2022 to June 30<sup>th</sup>, 2023. If the employee elects to contribute this stipend to this FSA, the Town will match that deposit dollar for dollar. This will be a one-time election at the start of the plan year and will be prorated on a monthly basis for all new employees at a rate of \$72.92 for each full calendar month they are employed by the Town, and would be eligible for a dollar for dollar match by the Town equal to the employees initial deposit.

Employees will be asked to either opt into or out of their contribution to the FSA, and shall be returned to the Finance Director by the date specified, or may forfeit their opportunity to opt in. The employee must opt into their contribution in order to receive the dollar for dollar match from the Town, this will

be an non-taxable benefit to the employee for their contribution to the plan. If an employee opts out, then they will be able to retain the Health Insurance Stipend as a taxable benefit.

Employees will be provided with a Debt Card from Group Dynamics to use towards eligible medical related expenses, if the card is lost, damaged, or stolen, the employee will be responsible for the cost of the replacement card.

Date: June 27<sup>th</sup>, 2022

Approved by:

  
Delores Michelle Hannan, Select Board Chair

  
Mark Kelley, Select Board Vice-Chair

  
James Annis, Select Board Member

  
Eric Boucher, Select Board Member

\_\_\_\_\_  
Vacant

## APPENDIX G

### Wellness Policy

For the Wellness Program, please see Chapter 26 of the Safety Programs book. If you do not have this please reach out to your department head and they can provide you a copy.

**HANDBOOK AGREEMENT**

**TOWN OF ROCKPORT  
EMPLOYEE PERSONNEL POLICIES AND PROCEDURES HANDBOOK**

I have received and read the Town of Rockport’s Employee Personnel Policies and Procedures Handbook, and I agree to comply with the policies and rules contained therein.

I understand that the handbook is effective \_\_\_\_\_ (amended by the Select Board) and replaces and supersedes all previous handbooks. I understand that this handbook represents only current policies, programs and benefits and that it does not constitute a contract of employment. The Town of Rockport may change these policies and benefits, as it deems advisable to meet its needs and the needs of its employees.

Print Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Action Item**

e. Act on Resignation – Town Clerk – Linda Greenlaw

**Manager’s Comments: Action item**

*Commensurate with Linda’s desire to retire as Town Clerk, the Board must take action to confirm her resignation as a department head effective January 5<sup>th</sup>.*

**Suggested Motion:**

*I move the Board accept with regret the resignation of Linda Greenlaw as Town Clerk effective January 5, 2023.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

Additional Comments:


## Action Item

f. Act on Appointment – Town Clerk – Elizabeth Lowe

### Manager’s Comments: Action item

*While the authority to hire new employees rests with the Town Manager, our charter requires the Select Board to confirm the appointment of new department heads under the manager’s charge.*

*Elizabeth “Liz” Lowe has served for over six years in the Town of Camden’s clerk’s office as Deputy Clerk. As the Town’s tax collector and Bureau of Motor Vehicles agent, Liz is intimately aware of the processes and challenges in motor vehicle registration and property tax collection. So not only is Liz well equipped to step into our office, but she’s able to help us transition into new areas as well.*

*Liz and her husband Andrew live on Beech Hill and I am always glad to have yet another Rockport resident working with us to make Rockport better every day.*

*This motion will be a bit more complicated than usual because we will need to appoint Liz as Town Clerk after Linda’s retirement date and also appoint her as Registrar of Voters as of January 1<sup>st</sup> because that is the end of the term of office for that position by statute.*

### Suggested Motion:

***I move the Board confirm the appointment of Elizabeth Lowe as Town Clerk and Tax Collector as of January 6, 2023 and as Registrar of Voters as of January 1, 2023.***

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

Additional Comments:


## Discussion Item

- a. Discussion on FY '23 Capital Improvement Plan

### Manager's Comments:

The Board met with members of the Budget Committee to review the Capital Improvement Plan on November 28<sup>th</sup>. Since that date, the Board members have shared their own rankings of each item within the plan and the compilation of those rankings will be recorded within the plan. From there, the relative weight of each proposal will be used in determining its place in the forthcoming FY '24 annual town budget.

A copy of the rankings will be provided on Monday prior to the meeting.

Additional Comments: (Time:        )


## Executive Session

- a. Discussion of Labor Contract Negotiations

*Suggested Motion:*

*I move the Board exit regular session to enter into executive session to discuss labor negotiations.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

*Suggested Motion:*

*I move the Board exit executive session and move back into regular session.*

NAME	MOTION	SECOND	ABSTAIN	YES	NO	Time
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						

# Adjourn

*Suggested Motion:*

*I move the Board adjourn the meeting.*

<b>NAME</b>	<b>MOTION</b>	<b>SECOND</b>	<b>ABSTAIN</b>	<b>YES</b>	<b>NO</b>	<b>Time</b>
Michelle Hannan, Chair						
Mark Kelley, Vice-Chair						
Eric Boucher						
Jim Annis						
Denise Munger						