

TOWN OF BRADLEY PERSONNEL POLICY

PREAMBLE

- A. The Town Council hereby adopts the following Personnel Policy for utilization by the Town Manager of the Town of Bradley for the administration of the personnel activities of the Employees of the Town of Bradley on this 25 day of May, 2021. These rules and subsequent modifications shall supersede any policy and rules made previously by the Town of Bradley.
- B. The town may delete, amend, modify, or change any or all the provisions contained in this policy at its discretion and without prior notice. The provisions set forth are not contractual, but rather, are for the general guidance of the Town in its relationship with its employees.
- C. The general purpose of this policy is to recruit, select, develop, and maintain an effective and respective workforce.
- D. The Town of Bradley is an equal opportunity employer, and all appointments and promotions shall be made without regard to race, sex, color, creed, religion, age, marital status, veteran status, sexual orientation, ancestry, national origin, physical or mental disability, political affiliation, or any other category protected by law. A copy of this personnel policy shall be available to all employees of the town.
- E. This policy and the procedures herein shall apply to all town employees including those covered by collective bargaining agreements, unless otherwise provided in such agreements, specified under a separate contract or except for individual cases where a differing procedure is provided for in town ordinances or town charter.

EMPLOYMENT

- A. The employment of all personnel shall be the primary responsibility of the Town Manager in accordance with the Bradley Personnel Policy and Bradley Town Charter.
- B. All applicants must submit a written application (resume) for employment.
- C. All employees are considered probationary for the first (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause or without right to file a grievance. Probationary employees may accrue but may not take sick or vacation time or leave.
- D. The Town desires that Town employees be given maximum opportunity for advancement in the service of our community. Present employees shall be given first consideration in filling a vacancy and may be given training opportunities to qualify for a transfer or promotion, but it is recognized that from time to time, it may be deemed necessary to fill a position from outside the organization. Such a decision shall be made only after careful review of the qualifications of Town employees who apply for the position. The Town has the right to select the candidate it deems most qualified regardless of whether the candidate is an existing employee.
- E. Former employees who separated from employment within good standing will be considered new applicants.
- F. Applicants must submit to various employment tests, if required.
- G. The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees. The Town Council presents the Town budget for referendum each June, which includes compensation for employees. The pay plan is to be determined by the raised budget and the personnel director (Town Manager).

- H. New employee orientation - each new employee will be given an orientation to the town. Such orientations may include:
 - a. A review of this personnel policy
 - b. A review of the employee's job description
 - c. A copy of the collective bargaining agreement, if applicable
 - d. Review of benefits and the submission of completed application forms
 - e. Review of all required training.
- I. Nothing in this policy shall be deemed to constitute an employment contract either for duration of employment or conditions of employment therein contained.
- J. All full time and regular part time employees shall be evaluated at least once annually in writing on a standardized form. The evaluation shall become part of the employee's personnel file. The Town Manager shall evaluate each employee and discuss the results of each evaluation with the employee within five (5) days of the evaluation. The employee shall sign the completed form certifying that the evaluation and review occurred. Employees will have the opportunity to provide a written response to be attached to the evaluation and placed in their personnel file.
- K. The policies and procedures relating to relationships with employee organizations will be governed by applicable State laws.

TYPES OF APPOINTMENTS

Except for where otherwise noted all appointment classifications for all town positions will be based on duties, authority, and responsibility for each position, with adequate provision for reclassification of any position whenever warranted by changed circumstances will be at the discretion of the Town Manager.

The following types of appointments may be made to the Town's service in conformity with the rules established:

- A. Full Time. A full-time employee is scheduled to work thirty (30) or more hours in a workweek on a continuous basis. He/she is subject to all personnel rules and regulations and receives all benefits and rights as provided by these rules.
- B. Regular Part -Time. A regular part time employee is an employee that is scheduled to work for less than thirty (30) hours in a workweek. Regular Part - time employees are subject to all applicable personnel rules and regulations. Regular part time employees receive pro-rated benefits except as noted hereafter. Additional benefits may be granted by the Town Manager subject to the written approval of a majority of the Town Council.
- C. Part-Time /Temporary/Seasonal. A part-time employee is an employee that is scheduled to work less than a full-time or regular part-time employee, or at intermittent, varying, seasonal or on call times during the work year. Part-time, temporary, and seasonal employees are provided with Social Security, Worker's Compensation, and Unemployment Compensation.
- D. Volunteer. A volunteer provides a service of his/her own free will to the community without valuable remuneration. Volunteers may receive stipends or on call payments for volunteers serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency. A regular or temporary employee may also be considered a volunteer except that the employee may not be considered a volunteer for performance of services of the same type for which the employee is usually compensated.

- E. Compensated and Contracted. A compensated and contracted employee is one that has a signed employment contract with the Town Council and is compensated according to the contract. Such employees can be classified in the contract as full time, regular full time and part-time, temporary, or seasonal. Benefits will be specified in the contract.

WORK WEEK/OVERTIME

- A. Work week-The actual hours for Town employees shall be set by the Town Manager subject to the approval of a majority of the Town Council.
- B. Overtime. Employees not exempt from the overtime provisions of the Fair Labor Standards Act shall receive overtime pay after forty (40) hours of actual work per week. All overtime shall be paid at the rate of one and one-half the employee's normal rate of pay.

PUBLIC AND EMPLOYEE RELATIONS

- A. All Town employees must avoid any action, which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.
- B. Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy, and responsibility are the key elements of good service.
- C. These policies and regulations are provided to assist the employees and Town administration in functioning at peak efficiency with minimal cost to the taxpayers.
- D. A town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties. Acceptance of small gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens note pads, calendars, etc., is permitted.
- E. No employee should engage in any business other than his/her regular duties during work hours.
- F. Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under this "right to know" law, MRSA 1 Section 401-410. Additionally, employees may deal with plans and programs of significant public interest. Employees shall not prematurely disclose to the public privileged information concerning such plans and programs except as required by law. Employees shall not use this privileged information to their own financial advantage nor to provide friends or acquaintances with financial advantages. If an employee finds that they have an outside financial interest which could be affected by town plans or activities, they must immediately report the situation to their supervisor. Each employee is charged with the responsibility of releasing only information which is available to the general public. Violation of privileged information or use for private gain can be cause for discharge of the employee as determined by the Town Manager.

ATTENDANCE

- A. Employees shall be at their respective place of work at the appointed starting time. It is the responsibility of the employee who may be absent from work to see that their immediate supervisor is advised of the reason for such absence, not previously arranged for, if possible, within two (2) hours of the beginning of the starting time of his/her workday.
- B. Employees will be issued a standard timesheet to record their working hours on a daily basis. Timesheets must be accurate, filled out and signed only by the employee. The employee must accurately indicate on the timesheet their regular time, any overtime, any leaves taken for the payroll period covered including but not limited to sick, leave, vacation leave, holiday pay and time away without pay as approved by the Town Manager. Where an employee is unexpectedly out the day that payroll sheets are turned in, the Town Manager may complete a tentative sheet to be used to report various information for the payroll to be processed. The employee must report to the Town Manager upon their return to formally sign the payroll sheet and confirm timesheet completion.

HOLIDAY

- A. All full time, regular part time, part-time, temporary/seasonal scheduled employees will be reimbursed for pay lost due to a holiday or observed holiday that falls on an employee's regularly scheduled shift. Holiday pay will be computed as the base hourly wage rate times the normally scheduled work hours in a scheduled workweek. Subject to these rules, the following holidays shall be paid holidays for those full time, regular part-time, part-time, temporary/seasonal scheduled Town employees who qualify:
 - a. New Year's Day
 - b. Martin Luther King, JR. Day
 - c. President's Day
 - d. Patriots Day (Third Monday in April)
 - e. Memorial Day
 - f. Juneteenth
 - g. Independence Day
 - h. Labor Day
 - i. Columbus Day/Indigenous Day
 - j. Veteran's Day
 - k. Thanksgiving
 - l. Day after Thanksgiving
 - m. Christmas Day
- B. Should a holiday fall within a vacation period, it shall not be counted as part of annual vacation allowance; an additional day of vacation may be added to the earned vacation time.
- C. The Bradley Town Office will be open until noon on Christmas Eve and New Year's Eve. The Town Office need only be staffed with one scheduled employee on these two dates. The staffing will be at the discretion of the Town Manager. Employees who do not work their normal shift will be provided holiday pay.
- D. If a regular holiday falls on a Sunday, the following Monday is considered a holiday; if on a Saturday, the proceeding Friday, unless otherwise regulated by law.
- E. A person on a leave of absence without pay shall not be entitled to holiday pay.
- F. When occasion warrants, employees may be required to work whole or part of a holiday. Employees working a holiday shall receive straight time pay plus their applicable holiday pay.

VACATION

Vacation privileges are available to full-time and regular part-time employees subject to the following conditions. Vacation pay will be computed as the base hourly wage rate times the normally scheduled work hours in a scheduled work week.

- A. Full time employees and regular part time employees shall earn vacation with pay on the following basis:
 - a. After an employee has completed one year of continuous service, he/she is entitled to receive one week of the normally scheduled work hours in a scheduled workweek of vacation.
 - b. After an employee has completed three years of continuous service, he/she is entitled to receive two weeks of the normally scheduled work hours in a scheduled workweek of vacation.
 - c. After an employee has completed five years of continuous service, he/she is entitled to receive three weeks of the normally scheduled work hours in a scheduled workweek of vacation.
 - d. After an employee has completed 10 years of continuous service, he/she is entitled to receive four weeks of the normally scheduled work hours in a scheduled workweek of vacation.
 - e. Upon approval of a majority of the Town Council, employees may be awarded temporary additional vacation time.
- B. Vacations will be scheduled at such time or times as shall be mutually agreeable to the Town Manager and the employees. Due consideration will be given to an employee's seniority in regard to scheduling vacations. Vacation leave will ordinarily be taken in blocks of one (1) or two (2) weeks periods, but vacations for lesser period may be prearranged and permitted with approval of the Town Manager. The Town reserves the right to identify "blackout periods or dates" where vacation requests may be denied or lessened. Standard blackout periods or dates include pre-determined meetings in which the Town Manager is required to attend and all Elections.
- C. Employees will be permitted to carry over vacation time from one fiscal year (July 1-June 30) to the next. Accumulated time cannot be equal to more than 60 hours. Vacation time not taken in that year may be "cashed in" for the equivalent of the time accumulated at the salary rate in effect at the time of the expiration of the year.
- D. Vacation leave shall accrue from the date of hire; first year employees are not eligible to take vacation. An employee, upon separation is entitled compensation of annual vacation time due him or her according to the regular vacation schedule. The employee shall be paid at the highest wage or salary rate attained while employed by town.
- E. An employee shall not be allowed to work and be paid double his/her usual wages during his/her vacation.

SICK-LEAVE

- A. Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position.; for personal medical or dental appointments; or to care for members of his/her family affected by illness provided that family care is limited to no more than 40 hours of sick leave per year.
- B. Sick leave for full-time employees shall accrue at the rate of 1/2 a workday for each full calendar month of service. Sick leave accrual for regular part-time employees shall accrue at a rate of 1/4 a workday for each full calendar month of service. For the purpose of this section, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month. Employees that are eligible for sick leave may use sick leave after thirty (30) days of service with the Town.

- C. An employee, upon separation is entitled compensation in the proportionate amount of sick time due him or her according to the regular sick time schedule. The employee shall be paid at the highest wage or salary rate attained while employed by the Town.
- D. Absences for a part of a day that are chargeable to sick leave shall be charged proportionately in an amount not smaller than on half (1/2) day.
- E. Sick leave usage shall be recorded regularly by the Town Manager. The Town shall review all sick leave records periodically and shall investigate any cases, which indicate abuse of the privilege. Abuse of the sick leave privilege shall be cause for discipline.
- F. Employees will be permitted to carry over sick leave from one fiscal year (July 1-June 30) to the next. Accumulated time cannot be equal to more than 5 working days.

OTHER LEAVE

- A. Bereavement Leave. Full-time and regular part time employees may be excused from work up to one week of the normally scheduled work hours in a scheduled workweek due to death in his/her immediate family, as outlined below. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral. For purposes of this article only, immediate family is defined to mean spouse, parents, children, stepchildren, in-laws, grandfather, grandmother, grandchildren. Full-time and regular part-time employees may be excused from work up to one day of the normally scheduled work hours in a scheduled workweek due to the death of other family members not described above. Employees shall be paid his/her regular rate of pay for the scheduled work hours missed and will not be charged as vacation or sick leave.
- B. Leave without pay. The Town Manager may grant an employee a leave of absence without pay if such leave will serve the best interest of the town. No such leave will be granted except upon written request of the employee setting forth the reason for the request. The employee must use all accrued vacation and sick entitlement as part of the leave. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave granted at the discretion of the Town Manager. Continued absence without having arranged for an extension of a leave may be deemed a resignation from the service. Employees may choose to continue insurance benefits for the duration of the leave, there will not be employer contribution during the leave. The employee must reimburse the full amount of the benefit to the Town in advance. Vacation and sick leave will not continue to accrue during the leave. Employees are not eligible for holiday pay for the duration of the leave. Employment and leave of absence shall terminate when the employee accepts other employment.
- C. Reserve Station and Air National Guard Leave: Full-time and regular part-time employees who are members of the organized reserves and who are required to perform filed duty will be granted reserve leave in addition to vacation time, but not to exceed two weeks in any calendar year. For any such period of reserve service leave, the town will pay the employee the difference between the service pay and the employee's regular compensation, the total of which will equal the regular pay of the employee.
- D. Family Leave: Family Leave: Since the Town of Bradley does not have at least 25 employees, the state Family and Medical Leave statute does not apply. Nevertheless, as a matter of Town policy, the Town offers equivalent leave as set forth in 26 M.R.S.A. § 844 without regard to the number of employees at a permanent work site for the same reasons set forth in 26 M.R.S.A. § 844(4).

JURY DUTY

All full time, regular part time, and part time employees will be reimbursed for pay lost due to jury duty service, provided the duty falls on an employee's regularly scheduled shift. Reimbursement will be computed as the base hourly wage rate times the normally scheduled work hours in a scheduled day.

The town shall pay all full time, regular part time, called for jury duty his/her regular pay provided the employee presents an official statement of jury pay received.

BENEFITS

- A. The Town provides for health insurance and dental insurance plans for the employees, their dependents, and qualified domestic partners. The Town through its Town Council reserves the right to determine and change benefit levels, insurance carrier, and level of employer and employee required premium contributions. The Town of Bradley offers the following Maine Municipal Employees Health Trust Plans: PPO 1500 AND PPO 2500.
 - a. For full time employees, the Town will pay 100% of the PPO 2500 health insurance premiums for the employee. Employees selecting a plan with a higher premium than the PPO 2500 will be required to pay any additional premium costs associated with the selected plan that exceeds the cost of the PPO 2500 single employee benefit. Employees may enroll their dependents and qualified domestic partners in the same plan as they have chosen, the premium cost for this enrollment is 100% the employees responsibility.
 - b. Employees may enroll themselves and their dependents and qualified domestic partners in any of the other group insurance's available through Maine Municipal Employees Health Trust, this includes the dental insurance. The cost of this premium is 100% the employee's responsibility.
 - c. Employee contributions will be made through regular payroll deductions.
- B. The Town participates jointly with employees in Social Security payments. Participation is mandatory. Benefits provided include a retirement feature, survivor's benefits payments if death occurs before retirement, disability insurance and Medicare coverage.
- C. The Town provides workers' compensation coverage, which provides income and other benefits covering occupationally incurred disabilities to all employees.
- D. The Town participates in the State of Maine unemployment compensation system through which eligible employees receive unemployment benefits.
- E. The Town participates in a 457 Deferred Compensation Plan, any employee may elect to contribute to the 457 plan at any time. The contribution is 100% paid by the employee through payroll deduction.
- F. The town offers to its full-time employees and dependents a comprehensive employee assistance program (EAP). The program is established to assist employees who are experiencing on-the-job difficulties as the result of any number of personal problems. Use of the program may be initiated through referral by an employee's supervisor or self-referral by the employee. Although use of the program is strongly encouraged, participation is not mandatory. No information Obtained during use of the program shall be disclosed without written consent, unless required by law.
- G. The Town Council may provide additional benefits to employees that are not required of the personnel policy. These benefits are determined and appropriated by the budget process. The Town may elect to terminate these additional benefits if there are no funds or insufficient funds.

AMERICANS WITH DISABILITIES ACT (ADA) AND THE MAINE HUMAN RIGHTS ACT

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

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position.

Reasonable accommodation is available to all disabled employees where their disability affects the performance of job functions. Employees who believe they may require an accommodation should consult with the Town Manager. All employment decisions are based on the merits of the situation, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classification, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

The Town will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. Furthermore, the Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and the Maine Human Rights Act.

LEGAL AID AND PROTECTION

The town, with the employee's consent, will defend and indemnify any employee against a claim which arises out of an act or omission occurring within the course or scope of his/her employment, and for which the town is liable, up to the applicable statutory limits. Additionally, the town, with the employee's consent, will defend and indemnify an employee, up to the statutory limits of the Maine Tort Claims Act, against a claim which arises out of an act or omission within the course and scope of his/her employment, and for which the town is not liable, provided that such defense or indemnification is not contrary to public policy, and the town determines that the employee acted in good faith and not in violation of any law, ordinance, rule, or regulation.

In any case where the town is defending or indemnifying an employee, the town has the right to approve the retention of legal counsel and the right to authorize and accept settlements of such cases. Any employee involved in an accident or incident in which the town may be a party or having any notice or knowledge of such accident or incident, is required to immediately file a full report with the employee's department head. Under appropriate circumstances, the town may be entitled to subrogation rights.

This section extends to former employees for claims against them arising from acts or omissions during their employment which would have been covered by this policy.

PANDEMIC POLICY

In the event of a public health emergency declared by the state of Maine or the federal government, the policy will be to follow as closely as possible the issued directives including travel restrictions and other state orders.

If an employee is mandated for any reason to quarantine or provide a proper test result, they must stay out of work. This could be for reasons associated with travel outside of Maine or exposure to a specific illness. During this time employees shall document their quarantine efforts and if required, provide test results to the Town Manager.

When employees miss normal work schedules due to being quarantined or while awaiting health test results, they may use earned sick, medical, vacation, and compensatory time to avoid any loss of income. If remote work is available, it will be offered to the employee. If the needed quarantine or test delay causes the employee to be out of work longer than the total of earned time can cover, the employee will then be on an unpaid leave.

If an employee believes that they have contracted an illness at work, the employee must re report the conditions surrounding their illness to the Town Manager as soon as the employee suspects a connection with work. The incident will be addressed through the Workers' Compensation system.

In the event of forced closure, the pay compensation will be at the discretion of the Town Council. The considerations will include but not be limited to the amount the employee has for earned time, ability to work from home, or their ability to work in the municipal office on a limited basis.

WORKPLACE SMOKING POLICY/ DRUG FREE WORKPLACE

In accordance with the provisions of the Workplace Smoking Act of 1985 (Title 22, Sec 1580-A), smoking is prohibited anywhere within the building and anywhere on Town of Bradley property. This includes e-cigarettes and vaping.

To ensure the safety and well-being of all employees and the public, it is the Town's policy to maintain a drug and alcohol-free workplace and prohibit all employees from working under the influence of any illegal drug, alcohol or controlled substance. The town further prohibits the unlawful manufacture, distribution, dispersing; possession or use on a property or place owned or under the control of the Town of Bradley, doing either will be grounds for immediate dismissal.

GRIEVANCE PROCEDURES

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of the Town's personal rules, regulations and policies or the term of employment, including discipline (except for probationary employees), they will have recourse to the following hearing procedures:

Step 1 – Town Manager

An employee may present the grievance orally to the Town Manager. In the event that the grievance is not resolved to the employee's satisfaction, the employee may within twenty (20) calendar days of the Step 1 decision file a written appeal to the Council Chair.

Step 2 – Council Chair

The Town Council Chair will forward a copy of the complaint to the Town Manager and the aggrieved employee, Town Manager, and Town Council Chair will meet to discuss the grievance within thirty (30) calendar days . If the grievance remains unresolved, the employee may within five (5) calendar days of the Step 2 decision file a written appeal to the entire Town Council.

Step 3 – Town Council

The entire Town Council shall meet with the employee within thirty (30) calendar days for the purpose of discussing the grievance. The Town Council shall render its final written decision within fifteen (15) calendar days after said meeting.

POLITICAL ACTIVITY

Employees shall refrain from using their positions as Town employees to express support or opposition regarding any issue pending before the Town or any candidate for elective office in the Town government. This rule is not to be construed to prevent Town employees from becoming, or continuing to be members of any political organization, from attending political meetings, from expressing their personal views on political matters, from voting with complete freedom in any election, or for running for any elected or appointed office.

RESIGNATION, LAY OFF

- A. Any employee wishing to leave Town government service in good standing shall file with the Town Manager a written notice of intent to terminate employment two (2) weeks prior to such termination. All Town property issued to the employee shall be returned to the Town prior to the final day of work.
- B. An employee may be laid off by the Town Manager for lack of work, lack of funds, or other legitimate reasons. All employees shall be furnished a statement in writing setting forth the reasons for the layoff. Full-time and regular part-time employees shall be given a two-week notice before the effective date of the layoff.

DISCIPLINE, DISCHARGE, AND SUSPENSION

- A. The Town Manager shall have the authority to take disciplinary action which may include such remedies as verbal or written reprimands, suspension without pay, demotion or dismissal.
- B. Probationary employees may be discharged for no cause during their probationary period.
- C. Upon successful completion of the probationary period, disciplinary action involving suspension without pay, demotion or dismissal shall be for just cause and notice of such action against an employee must be in writing and shall occur no later than effective date of the action. Such notice shall specify the penalty and contain a statement of the reason (s) for taking such action. No suspension without pay, demotion or dismissal shall take place without there first being a meeting between the employee and the Town Manager.

POLICY ON HARASSMENT

The Town of Bradley is committed to providing equal employment opportunities for all persons making application to the Town and for equity in the treatment of advancement opportunities for all of its employees. The Town therefore sets forth a policy of non-discrimination in hiring, employment and personnel actions based upon religion, age, sex, sexual orientation, marital status, race, color, ancestry, national origin, physical or mental disability.

When an employee feels that he/she is being subjected to harassment by a supervisor, co-worker, and agent of the employer or anyone else in the workplace, that employee should report same to the Town Manager. The Town Manager shall immediately investigate the complaint(s) and shall take whatever corrective action that he/she deems necessary to remedy the situation. If the Town Manager is the subject of the complaint, the employee should report same to the Chairman of the Town Council who shall investigate and see that corrective action is taken.

- A. Sexual Harassment. Under both federal and state law, unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
 - b. submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual
 - c. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile or offensive work environment.

WHISTLERBLOWERS PROTECTION

The Town tries to conduct its business with integrity and in strict compliance with all applicable, federal, state, and local laws and regulations. Accordingly, employees are encouraged to bring to the attention of their supervisor or town manager any actions of town officials or employees that they believe may be improper. The town will not retaliate against any employee who makes a report in good faith to either his/her supervisor, the town manager or regulatory body.

WORKPLACE VIOLENCE

Violence is action, which includes the use of physical force, harassment, intimidation, or abuse of power or authority, against another person. Acts of violence in and around the workplace are unacceptable and will not be tolerated. It is the responsibility of all employees, supervisory and otherwise to foster a work environment of respect and healthy conflict resolution.

WORKPLACE SAFETY

All injuries to personnel, no matter how minor, occurring during the work schedule must be reported immediately to the employee's immediate supervisor or the Town Manager, whichever is applicable. A written report will be made on forms for that purpose, a determination as to whether a doctor's examination shall be required; if so, the examination shall be at the Town's expense. Medical expenses above and beyond the examination will be subject to Worker's Compensation eligibility. Time lost because of accidents incurred while on duty will not be deducted for any reason when computing length of service.

The Town of Bradley provides a comprehensive workers compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. The town retains the right to send an injured employee to a physician of the Town's choice. The Town of Bradley utilizes:

Concentra	34 Gilman Road Bangor ME 04401	207-941-8300
St. Joseph Work Well	900 Broadway Bangor ME 04401	207-907-3010
Work Health	855 Union Street Suite 215 Bangor ME 04401	207-973-7380

Should an injury occur after normal business hours employees should report to the emergency room or walk in care facility of their choice.

PERSONNEL FILES

The Town shall maintain a personnel record for each employee in the service of the Town of Bradley. It may contain the following types of information, but is not all inclusive: employee's name, address, phone number, title of position held, the department to which the employee is assigned, salary, changes in employment status, employment performance reviews and other performance related information, and such other information that may be considered pertinent. The employee shall have access to such records during normal work hours of the administration department and the office shall provide one copy of employee's record to any employees who request a copy of the information in their personnel files. All personnel records of each employee shall be retained by the town following termination as required by law. The employee is responsible for notifying the town of all changes of address, telephone numbers or family status (births, deaths, divorce, marriages, and separations) in order to provide for accurate record keeping and appropriate benefit

information. Personnel files will be kept confidential to the extent allowed under the municipal personnel record's statute and the Freedom of Access Act.

NO EXPECTATION OF PRIVACY

Municipal employees do not have a reasonable expectation of privacy while at work, including such places as desk drawers, filing cabinets, and closets. Telephone conversations and emails may be monitored.

RIGHT TO AMEND, MODIFY, REPEAL POLICY

The Municipality reserves the right to repeal, modify, or amend these policies, as necessary. This policy does not constitute an employment contract. These policies are intended as informational guidance and the municipality reserves the right to interpret any provisions and to change the policies with reasonable notice to employees. These policies are not meant to be interpreted as promises of specific treatment or as creating contractual rights to 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.

TRAINING, MEETING AND SEMINARS

The Town is committed to the maintenance of a well-trained and efficient staff. It shall attempt to make opportunity for development available to its employees within the framework of its organizational needs and priorities. Employees, as a condition of employment, shall attend and participate in such training programs and courses as may be directed by the Town Manager and for which the Town assumes the cost.

The Town will attempt to make opportunities available to employees within the constraints of the Town budget for the further development of specific skills and expertise deemed of mutual benefit to the employee and the Town. Prior written approval for staff development involving expenditure of funds must be obtained from the employee's immediate supervisor or Town Manager, whichever is applicable. In the event that the immediate supervisor or Town Manager approves a training or course the cost shall be borne by the Town. The Town Manager will make the determination if the training is to be considered time worked.

Whenever it is deemed to be in the best interest of the Town, an employee may be granted time off with pay to attend professional seminars, conferences and conventions, or such other meetings as may contribute to the effectiveness of his/her service to the Town. In all such cases, such leaves shall require approval of the Town Manager. Such leave shall not detrimentally affect the accrual of an employee's vacation time, sick leave, or other accrued benefits.

TRAVEL TIME

Employees that receive "stipend" pay are not eligible to receive travel reimbursement.

Specified portions of the time will be considered as time worked for all employees traveling on Town business. While not all inclusive, this provision is designed to address the most common circumstances. Municipal employees who are on official business of the Town will be paid for expenses of such trips. The mode of travel should be by the method of transportation which is most cost effective to the Town.

When traveling by means of public transportation away from home overnight, regardless of the day of the week, employees' time spent in such travel which falls between their customary starting and quitting time will be considered as time worked. Lunch time and home travel time will not be considered as time worked.

When traveling during the same day, to and from a work location other than your normal location, all time spent traveling will be considered as time worked.

The Town shall reimburse an employee who uses his/her personal vehicle for Town business based upon the prevailing Internal Revenue Service vehicle reimbursement rate. The employee shall continue to present a documented request monthly for such reimbursement unless other arrangements have been made with the Town Manager.

In all cases the employee must be traveling on Town business at the request of the Town.

USE OF TOWN PROPERTY

The buildings, equipment, supplies, materials, reputation, and status of the Town belong to the citizens of the Town. No employee, officer, volunteer, or citizen is entitled or authorized to take, use, borrow, or trade on property except as is intended for and is available to the general public.

Unless expressly authorized, no person may use Town facilities, equipment, supplies, materials or resources for his/her own personal use or benefit or profit or authorize such use for the personal or commercial use or profit of others except as is generally available to the public.

No employee shall use or authorize the use of the purchasing power, tax exempt status, municipal discount programs, credit record, authority of his/her position or other marketplace privilege of the Town for any purpose other than official business of the Town, unless expressly authorized by the Town Manager or Town Council.

Town owned or leased equipment and vehicles shall be for official business only. If an employee is assigned a Town vehicle for transportation to and from work sites and home, or for emergency stand-by purposes, said vehicle shall not be used for private or personal business, except when expressly authorized.

Town facilities shall not be used for repair or work on private vehicles.

Town-owned tools, equipment, electronics, radios, boats, sporting gear and other property may not be lent or borrowed for home or personal use except as generally available to the public.

This shall not be construed so as to exclude personal and private use of office desks, lockers, and storage areas, the incidental use of photocopiers, personal computers, and similar property of the Town, provided such use is incidental and does not interfere with the operations of official business.

WORK AREA

All employees are responsible for keeping their work area clean and orderly. Common areas should always be left clean and orderly following meetings, meals etc. All employees are expected to contribute to maintaining the cleanliness of common areas on a day-to day basis.

CELL PHONE USE

Personal cell phones shall not be used while working unless it is directly related to work being performed or is an emergency. All functions of personal cell phones are included (phone, text messaging, internet, games, camera, etc.) It includes both incoming and outgoing calls.

Unauthorized use of a personal cell phone may result in disciplinary action.

TOWN TELEPHONE USE

Outgoing and incoming personal telephone calls should be kept to a minimum. If personal calls must be made, the conversation should be brief and conduct any such calls outside the hearing of the general public. No long-distance personal telephone calls may be made except in the case of an emergency. An employee shall inform the Town Manager of any long-distance personal telephone calls made on a Town telephone.

INCLEMENT WEATHER DAYS

The authority to close the town office due to inclement weather will rest with the Town Manager. The Town Manager will consider the actions of other governmental agencies, weather conditions and the workload of the town office. Employees shall be paid his/her regular rate for the scheduled work hours missed.

If the Town is open for business on a day when the weather conditions are poor, any employee may make his/her own decision not to come to work, or to leave work early. Any day or partial day taken when the Town is open for business may be taken as sick leave, vacation time, or without pay.

EMPLOYEE COMPUTER, INTERNET, AND ELECTRONIC MAIL (E-MAIL) USE POLICY

- A. Computer equipment, e-mail, Internet, and telecommunication access are resources made available to Town employees to provide an efficient means of communication with each other, other governmental entities, companies, and individuals for the benefit of the Town.
- B. The Town's E-mail system is designed to facilitate Town business communication among employees and other business associates for messages or memoranda. Employees with access to e-mail are expected to check for messages on a frequent and regular basis and respond with a reasonable time as needed. Since no computer system is completely secure, the e-mail system is not intended to transmit sensitive materials, such as personnel decisions and other similar information, which may be more appropriately communicated by written memorandum or personal conversation. The e-mail system is Town property and intended for Town business. The system is not to be used for employee personal gain or to support or advocate for non-Town related business or purposes. All data and other electronic messages within this system are the property of the Town. E-mail messages have been found to be public records and may be subject to the right to know laws, depending on their content. In addition, the Town, through its managers and supervisors, reserves the right to review the contents of employee' email communications. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' email messages.
- C. The Town, purchases, owns, and administers the necessary software and licenses to provide access to e-mail, internet services and other applications. Employees may not rent, copy, or loan the software, or its documentation. The Town has invested much time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not provide alternative software to access the system. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town system.
- D. While the employee may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that e-mail is the property or right of the employee. The use of the e-mail system is for Town business. Passwords should be periodically changed to ensure security of the e-mail system. Users should not share their passwords with anyone else, other than as his/her manager may require.
- E. The Internet provides the Town with significant access and distribution of information to individuals outside of the Town. The use of the Internet system for access and distribution is intended to serve Town business. Like all

e-mail messages, Internet messages are capable of being forwarded without the express permission of the original author.

- F. Internet messages are also routinely passed through routers before they reach their final destination. A message is "touched" many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and distribution of messages outside of the Town and must comply with all State and Federal laws.
- G. When using Town computers and sending e-mail messages, courtesy and good judgment should be used. Following are examples of Internet and e-mail uses which are prohibited:
 - a. Communications that in any way may be construed by others as disruptive, offensive, abusive, or threatening.
 - b. Communications of sexually explicit images or messages.
 - c. Communications that contain ethnic slurs, racial descriptions, or anything else that may be construed as harassment or disparagement of others based on race, national origin, sex, sexual orientation, age, disability, or religious beliefs.
 - d. Solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
 - e. Any communication that represents personal views as those of the Town or that could be misinterpreted as such.
 - f. Sending mass e-mails to Town employees or outside parties for non-Town purposes.
 - g. Incidental personal use of the Town's computers is permitted as long as such use does not interfere with the employees' job duties and performance with system operations or other system users.
 - h. Any other use that may compromise the integrity of the Town and its business in any way.
 - i. Downloading or loading software or applications without permission for the Town Manger.
- H. E-mail messages are intended to be temporary communications, which are non-vital and may be discarded routinely. However, depending on the content of the e-mail message, it may be considered a more formal record and should be retained pursuant to a record retention schedules. As such, these e-mail messages are similar to printed communication and should be written with the same care.
- I. Employees should be aware that when they have deleted a message from their workstation mailbox it may not have been deleted from the e-mail system. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the computer's back-up system for an indefinite period.
- J. The Internet is developing into an effective channel for the Town to share information with citizens, visitors, and customers. Employees are strongly encouraged to assist in the development and updating of information on the Towns website, townofbradley.net.
- K. This e-mail policy applies to all employees, contractors, volunteers, and other individuals who are provided access to the Town's e-mail system. Third parties should only be provided access to the e-mail system as necessary for their business purpose with the Town, and only if they abide by all the applicable rules.
- L. Employees who leave employment with the Town have no right to the contents of their e-mail messages and are not allowed to access the e-mail system. Supervisors or management may access an employee's email if employees are on leave of absence, vacation, or are transferred from one department to another department and it is necessary for the Town's business purposes.
- M. The misuse of the Internet or e-mail privileges may be considered sufficient cause for discipline. In addition, violations of this policy or misuse of the e-mail system may be referred for criminal prosecution.

EFFECTIVE DATE

This policy shall be immediately effective upon its adoption at a legally called and publicly held meeting of the Town Council.

Approved by the Bradley Town Council at a duly called meeting on March 12, 2012.

Amended by the Bradley Town Council at a duly called meeting on February 24, 2015

Amended by the Bradley Town Council at a duly called meeting on May 25, 2021

Amended by the Bradley Town Council at a duly called meeting on October 28, 2021

Amended by the Bradley Town Council at a duly called meeting on September 12, 2023

I have read and understand the above personnel policy.

EMPLOYEE SIGNATURE

DATE