

TOWN OF BRADLEY PERSONNEL POLICY

VOLUNTEER FIRE DEPARTMENT

PREAMBLE

- A. The Town Council hereby adopts the following Personnel Policy for utilization by the Town Manager and Fire Chief of the Town of Bradley for the administration of the personnel activities of the Volunteer Firefighters of the Town of Bradley on this 19 day of December 2023. 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 of 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/volunteers.
- C. The general purpose of this policy is to recruit, select, develop, and maintain an effective and respectful 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 policy shall be available to all volunteer firefighters of the Town.
- E. This policy and the procedures herein shall apply to all volunteer firefighters, 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.
- F. The terms of employee, employment, and volunteer(s) used within this policy shall denote volunteer firefighters and the duties prescribed to them.

EMPLOYMENT

The employment of all volunteer firefighters shall be the primary responsibility of the Fire Chief in accordance with this Policy and the Bradley Town Charter. Varying duties of employment and personnel shall be ascribed to the Town Manager as provided in this policy.

- A. New volunteer firefighter orientation - each new volunteer will be given an orientation. Such orientations may include:
- A review of this policy.
 - A review of the employee's job description.
 - Review of benefits and the submission of completed application forms.
 - Review of all required training.
- B. Nothing in this policy shall be deemed to constitute an employment contract either for the duration of employment or conditions of employment therein contained.
- C. The policies and procedures relating to relationships with employee organizations will be governed by applicable State laws.

VOLUNTEER APPOINTMENTS

Volunteer: A volunteer provides a service of their 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. Volunteer employees who are paid a stipend or on-call payments are provided with Social Security and Worker's Compensation.

PUBLIC AND EMPLOYEE RELATIONS

- A. All volunteer firefighters must avoid any action that might result in or create the impression of using public employment/volunteerism for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.
- B. Cooperation of all volunteers 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 volunteer firefighters and Town administration in functioning at peak efficiency with minimal cost to the taxpayers.
- D. Volunteer firefighters may have access to confidential information pertaining to persons or property in the Town. Volunteers must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each volunteer is charged with the responsibility of releasing only information that is required under this "right to know" law, MRSA 1 Section 401-410. Additionally, volunteers may deal with plans and programs of significant public interest. Volunteers shall not prematurely disclose to the public privileged information concerning such plans and programs except as required by law. Volunteers shall not use this privileged information to their own financial advantage nor to provide friends or acquaintances with financial advantages. If a volunteer finds that they have an outside financial interest that could be affected by town plans or activities, they must immediately report the situation to the Fire Chief. Each volunteer 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 volunteer as determined by the Town Manager.

BENEFITS

- A. The Town participates jointly with volunteers 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.
- B. The Town provides workers' compensation coverage, which provides income and other benefits covering occupationally incurred disabilities to all volunteers.
- C. Through the Maine Municipal Employees Health Trust, all volunteers are provided access to an Employee Assistance Program (EAP). The program is established to assist volunteers who are experiencing on-the-job difficulties as a result of any number of personal issues. 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.
- D. The Town also provides Volunteer Firefighter Blanket Accident Insurance Coverage for the volunteer firefighters. This policy provides additional benefits and protections for injuries sustained while performing fire suppression.

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 volunteer's consent, will defend and indemnify any volunteer against a claim that arises out of an act or omission occurring within the course or scope of their employment/volunteerism, and for which the town is liable, up to the applicable statutory limits. Additionally, the Town, with the volunteer consent, will defend and indemnify a volunteer, up to the statutory limits of the Maine Tort Claims Act, against a claim that arises out of an act or omission within the course and scope of their employment/volunteerism, 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 volunteer 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 a volunteer, the Town has the right to approve the retention of legal counsel and the right to authorize and accept settlements of such cases. Any volunteer 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 Town Manager. Under appropriate circumstances, the Town may be entitled to subrogation rights.

This section extends to former volunteers for claims against them arising from acts or omissions during their employment that 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 a volunteer is mandated for any reason to quarantine or provide a proper test result, they may not participate in fire training, or fire suppression or be present at the Bradley Fire Station. This could be for reasons associated with travel outside of Maine or exposure to a specific illness. During this time volunteers shall document their quarantine efforts and, if required, provide test results to the Town Manager.

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

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 the 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 volunteers from performing firefighting duties under the influence of any illegal drug, alcohol, or controlled substance. The town further prohibits the unlawful manufacture, distribution, dispersing, possession, or use of 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 a volunteer feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of the Town's personnel rules, regulations, and policies or the term of employment/volunteerism, including discipline (except for probationary volunteers), they will have recourse to the following hearing procedures:

Step 1 – Town Manager

A volunteer may present the grievance orally to the Town Manager. In the event that the grievance is not resolved to the volunteer's satisfaction, the volunteer 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 volunteer. The Town Manager and Town Council Chair will meet to discuss the grievance within thirty (30) calendar days. If the grievance remains unresolved, the volunteer 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 volunteer 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

Volunteers shall refrain from using their positions as volunteers 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 volunteers from becoming, or continuing to be members of any political organization, from attending political meetings, expressing their personal views on political matters, from voting with complete freedom in any election, or for running for any elected or appointed office.

DISCIPLINE, DISCHARGE, AND SUSPENSION

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. This action must come by request from the Fire Chief.

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 volunteers. The Town therefore sets forth a policy of non-discrimination in hiring, employment, and personnel actions based on religion, age, sex, sexual orientation, marital status, race, color, ancestry, national origin, and physical or mental disability.

When a volunteer feels that they are being subjected to harassment by a supervisor, co-worker, or agent of the Town or anyone else in the workplace, that volunteer should report the same to the Town Manager. The Town Manager shall immediately investigate the complaint(s) and shall take whatever corrective action that they deem necessary to remedy the situation. If the Town Manager is the subject of the complaint, the volunteer firefighter should report the same to the Chair 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.

WHISTLEBLOWERS 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, volunteer firefighters are encouraged to bring to the attention of their supervisor or Town Manager any actions of Town officials or volunteer firefighters that they believe may be improper. The Town will not retaliate against any volunteer firefighter who makes a report in good faith to either their supervisor, the Town Manager, or the regulatory body.

WORKPLACE VIOLENCE

Violence is action, that 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, volunteer firefighters, 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/work duties must be reported immediately to the employee's/volunteer's immediate supervisor or the Town Manager, whichever is applicable. A written report will be made on forms for that purpose and 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 the length of service.

The Town of Bradley provides a comprehensive workers' compensation insurance program at no cost. 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 volunteer firefighter 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 volunteer firefighters 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 volunteer firefighter in the service of the Town of Bradley. It may contain the following types of information, but is not all-inclusive: volunteer firefighter's name, address, phone number, title of position held, the department to which the volunteer firefighter 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 volunteer firefighter shall have access to such records during normal work hours of the administration department and the office shall provide one copy of the volunteer firefighter's record to any volunteer firefighters who request a copy of the information in their personnel files. All personnel records of each volunteer firefighter shall be retained by the Town following termination as required by law. The volunteer firefighter 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 accurate record-keeping and appropriate benefit information. Personnel files will be kept confidential to the extent allowed under the municipal personnel record statute and the Freedom of Access Act.

NO EXPECTATION OF PRIVACY

Municipal volunteer firefighters 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 Town 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 Town reserves the right to interpret any provisions and to change the policies with reasonable notice to volunteer firefighters. These policies are not meant to be interpreted as promises of specific treatment or as creating contractual rights to any volunteer firefighter. 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, MEETINGS AND SEMINARS

The Town is committed to the maintenance of a well-trained and efficient staff. It shall attempt to make opportunities for development available to its volunteer firefighters within the framework of its organizational needs and

priorities. Volunteer firefighters, as a condition of employment, shall attend and participate in such training programs and courses as may be directed by the Fire Chief and for which the Town assumes the cost.

The Town will attempt to make opportunities available to volunteer firefighters within the constraints of the Town budget for the further development of specific skills and expertise deemed to be of mutual benefit to the volunteer firefighter and the Town. Prior written approval for development involving expenditure of funds must be obtained from the Fire Chief. Approved training or courses will be paid for by the Town.

TRAVEL TIME

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

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 the 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 their 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 their 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.

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/volunteers 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/volunteers and other business associates for messages or memoranda. Employees/volunteers with access to e-mail are expected to check for messages on a frequent and regular basis and respond within 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/volunteer 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/volunteer email communications. Employees/volunteers may not intentionally intercept, eavesdrop, record, read, alter, or receive another person's 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/volunteers may not rent, copy, or loan the software, or its documentation. The Town has invested time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees/volunteers may not provide alternative software to access the system. Employees/volunteers may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town system.

D. While the employee/volunteer 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/volunteer. The use of the e-mail system is for Town business. Passwords should be periodically changed to ensure the security of the e-mail system. Users should not share their passwords with anyone else, other than as their 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 the 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 that 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'/volunteers' 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 of the Town Manager.
- 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 schedule. As such, these e-mail messages are similar to printed communication and should be written with the same care.
- I. Employees/volunteers 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 backup 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/volunteers are strongly encouraged to assist in the development and updating of information on the Town's 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/volunteers 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/volunteer's email if they 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 on December 19, 2023.

I have read and understand the above personnel policy.

EMPLOYEE SIGNATURE

DATE