

TOWN OF EPSOM EMPLOYEE HANDBOOK

INTRODUCTION

The first and highest duty of any employee of the Town of Epsom is to serve the community. The Town of Epsom Employee Handbook outlines the conditions of employment for those so employed.

The goal of this policy (“Handbook”) is to outline the Personnel Policies and Procedures that apply to all Town of Epsom employees and supersedes and replaces any and all prior Personnel Manuals, Policies, Procedures, and Practices of the Town of Epsom.

This Handbook also summarizes the current benefit plans maintained by the Town for eligible employees. If there are any contradictions between this manual and the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan will control rather than the summarization of such contained in this Manual.

This Manual is not and should not be construed as an express or implied contract, nor does it guarantee any fixed terms, conditions of employment, and/or benefits. Additionally, this Manual does not supersede any State or Federal law. Nothing in this manual modifies the at-will status of any municipal employee. Employment at-will means that employees are free to resign from their employment at any time, with or without cause, or notice, for no reason. As well, the Town has the right to terminate the employment with an employee at any time, with or without cause, or notice, for no reason, except where as it is provided by law.

The Town of Epsom retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and residents of the Town. The Town’s Selectmen may change, revise, or eliminate any of the policies, procedures, or benefits described in this Manual. When provisions are changed, employees will be given replacement pages, unless the changes result in a holistic modification of the Town’s Personnel Policies and Procedures Manual; in this case a new manual shall be provided to each Town of Epsom employee.

Adopted this date:

June 7, 2021

Virginia J, Drew, Chair

Effective as of:

June 7, 2021

Cheryl Gilpatrick, Vice-Chair

Hugh A. Curley, III, Selectman

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1. PURPOSE

The purpose of this document is to establish uniform administrative practices for all employees of the Town of Epsom. This document establishes the procedures that comprise the Town of Epsom Employee Handbook as adopted by the Select Board.

Employees covered under this policy will receive a copy of the policy and shall receive copies of new and or amended policies as change(s) occur. The receipt, or distribution, of copies of this handbook, or any modifications, has no impact on their effective date or binding nature. All probationary, full-time, part-time, limited part-time employees, temporary, and volunteer call personnel shall be covered by the contents of this policy. Unless specifically noted, the term "employee(s)" will be utilized when referring to the employee groups listed above.

This Handbook also summarizes the current benefit plans maintained by the Town for eligible employees. If there are any contradictions between this manual and the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan will control rather than the summarization of such contained in this Handbook. This Handbook is not and should not be construed as an express or implied contract, nor does it guarantee any fixed terms, conditions of employment, and/or benefits. Additionally, this Manual does not supersede any State or Federal law.

2. CODE OF ETHICS

The purpose of this Code of Ethics Policy is to ensure that all employees hold their positions for the benefit of the public and efficiently and faithfully perform their duties under the laws of the federal, state, and local governments. Employees shall strive to meet the highest standards of ethics consistent with this Code, recognizing that maintaining the trust and respect of the people must be their foremost concern.

Consistent with the provisions of State Law, the Town has adopted the following code of ethical behavior for employees, and/or affected contractors. The Code of Ethics shall not supersede any existing State of New Hampshire RSA's pertaining to code of ethics or ethical conduct. The policies and principles described below are intended to cover all aspects of ethical behavior including, but not limited to:

- Maintaining confidentiality
- Proper use of authority
- Ensuring financial disclosure
- Treating people fairly and equally
- Conflicts of Interest

Scope: This policy applies to all Town employees.

Confidential information: No employee shall disclose or use confidential or privileged information obtained in the performance of their duties for personal or for financial gain.

Misuse of position: Employees shall not use their position to secure privileges or advantages for themselves or others.

Fairness: Goods and services shall be procured in a manner that maximizes free and open competition in accordance with established Town policies. Appointments and assignments to committees shall be made without regard to race, color, national origin, religion, gender, sexual orientation, age, disability, or marital or family status. All appointments and assignments to committees shall be made using an appropriate and public selection process.

No conflict of interest: Employees will avoid conflicts of interest or even the appearance of a conflict of interest. An employee will not participate in business on behalf of the Town without stating on the record all possible conflicts which may exist between the employee, or their family, and the principles or issue under consideration. Employees will not participate in any matter that they, or a family member, have a personal interest in that may directly or indirectly affect or influence the performance of their job. In such instances the employee will recuse themselves from the discussion or decision making process.

No unfair use of Town property: No employee will use Town property, services or labor, or make the same available to others, unless such use is available to other residents upon request on equal terms.

No improper gifts: No employee of the Town will accept a gift, or allow acceptance of a gift by a family member, from any individual, group or corporation where such acceptance is considered the use of their Town employment for private gain or to influence or reward. The acceptance of a holiday gift or occasional hospitality to a Town employee where the value does not exceed \$25 in the aggregate annually per gift-giver (common examples: fruit baskets, floral arrangements, promotional material) is acceptable.

Confidentiality agreement: The employee, during their employment with the Town, will treat as confidential and will not divulge, publish, or make known or accessible to, or use for the benefit of anyone other than the Town, any information relating to the items set forth in the preceding list. The preceding sentence does not, however, limit the release of information as required to be made available to the public under New Hampshire's Right-to-Know Law (RSA 91-A). Upon termination of employment the employee will not, without written permission, divulge, publish, or make known or accessible to, or use for the benefit of anyone other than the Town, any information relating to the items set forth in the preceding list or to take any record, paper, electronic storage media, or object relating to work done or to be done by or on behalf of the Town. No provision of this Agreement may be changed, waived or terminated unless such change is made in writing and signed by an officer of the Town. This Agreement will be governed by the laws of the State of New Hampshire and supersede any and all agreements relating to the subject matter covered herein.

All of the following, whether in written or verbal form, will be disclosed and provided to the Town fully, completely and exclusively:

- Data
- Information
- Studies
- Projections
- Forecasts
- Lists

- Printouts
- Schedules
- Financial Statements
- Internal Personnel Information
- Statistical Information
- Recommendations conceived, made or put into practice during the period of employment or use of such services or relating in any other manner to the business or services of the Town.

Exclusions: The provisions of this Code of Ethics will not be interpreted so as to bar:

- An employee who is a resident from fully participating in any Town meeting.
- Acceptance of donations for the expressed purpose of financing a political campaign provided such contributions are reported in accordance with all local, State and Federal laws which pertain to such donations.
- Participation in a matter which relates to a person or business from which an employee has merely purchased goods or services if the employee in question has no other conflict of interest relating to that person or business.
- Police Officers, Firefighters, and other Emergency Services personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments.
- Supervisors or Department Heads from appropriately carrying out personnel policies.

Enforcement: Any complaint of a violation of this Code of Ethics shall be reported to the responsible Department Head. The Department Head shall then report the complaint or violation to the Select Board.

3. ADMINISTRATION OF POLICY

It shall be the responsibility of the Select Board to establish the policies, which comprise this Handbook. Department Heads shall be responsible for adherence to this Handbook within their departments. Where needed to fulfill the duties of a particular department of the Town (e.g. Police, Fire, Highway) Department Heads may adopt departmental procedures or policies provided such policies augment and are not inconsistent with the Handbook. Department policies become effective only with the approval of the Select Board and upon such approval will be distributed to all employees governed by the policy.

4. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION

The Town is committed to a policy of equal employment opportunity to all persons based on individual merit and competence. The Town will not discriminate against employees, or applicants for employment, on any protected class including, but not limited to: veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, and national origin. This policy applies to all terms and conditions of employment including, but not limited to hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, benefits, and training.

Disability accommodation: The Town is committed to complying fully with all state and federal laws concerning disabled persons, including the Americans with Disabilities Act, as amended by the Americans with Disabilities Act Amendments Act of 2008, to ensure equal opportunity in employment for qualified disabled persons, and to providing certain reasonable accommodation obligations. All employment practices and activities are conducted on a non-discriminatory basis.

In accordance with all applicable laws, reasonable accommodation is available to all disabled persons who are otherwise qualified for a position where their disability affects the performance of job functions except when providing such accommodation imposes an undue hardship on the organization's operation. If an individual requires an accommodation, it their responsibility to advise their Department Head or the Select Board. Although an individual may make the request for an accommodation both orally and in writing, the Town encourages such a request be made in writing. The Town may ask for suggestions in defining what special accommodations are needed and employees must cooperate fully and engage in an interactive process to best identify a reasonable accommodation.

Employees are required to cooperate fully with the Town in the procurement of medical records to enable the organization to fully comply with applicable laws. Employees are required to supply the Town with any and all records the Town lawfully requests. Employees are also required to execute any medical authorizations or release forms provided by the Town or a medical care provider, consistent with the law. Any medical information obtained by the Town in connection with an employee's request for reasonable accommodation will be kept confidential.

The Town makes determinations about reasonable accommodations on a case-by-case basis considering various factors and based on an individual assessment in each situation.

Individuals will not be retaliated against for requesting an accommodation in good faith. The Town expressly prohibits any form of discipline, reprisal, intimidation, or retaliation against any individual for requesting an accommodation in good faith.

Whistleblower policy: The Town requires its officials and employees to observe high standards of professional and personal ethics in the conduct of their duties and responsibilities. As representatives of the Town it is critical that staff act with honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations.

Whistleblower definition: For purposes of this policy, a whistleblower is defined as an employee who, in good faith, reports an activity they consider to be illegal or dishonest. The whistleblower is not responsible for investigating the activity, or for determining corrective measures, if applicable.

Examples of illegal or dishonest activities in relation to this policy include fraud, financial impropriety or other similar activities. The Whistleblower Policy noted above directs employees to bring concerns, questions or complaints to either the employee's Department Head or any member of the Select Board with whom the employee feels comfortable in discussing a

concern. If the employee's concern regards accounting practices, fraud, internal controls, auditing or other financial issues, it should be reported to the Select Board.

Reports may be made in writing, via email, by telephone or in person. Reports may be made confidentially, and such confidentiality will be maintained to the extent possible, consistent with the need to conduct an adequate investigation.

Any employee filing a complaint concerning a violation or suspected violation under this policy must be acting in good faith and have reasonable grounds in believing the information disclosed indicates a violation. Allegations which prove to have been made maliciously or knowingly to be false, and which prove to be unsubstantiated, will be viewed as a serious violation of this policy and may involve disciplinary action, up to and including, termination from employment.

Any employee who, in good faith, makes a report of such an activity may not be fired or otherwise retaliated against. Any official or employee who retaliates against an employee who has reported a violation in good faith or who has provided information or assistance in connection with an investigation is subject to discipline, up to and including, termination from employment.

Investigation: If the employee believes they have been the subject of discrimination, discriminatory harassment (including sexual harassment), or whistleblower or other retaliation they should report the incident immediately to a Supervisor, Department Head, or the Select Board. Each employee alleging discrimination or harassment will be requested, but is not required, to put the specifics in writing. Employees who observe or learn of conduct which could be construed as discrimination or harassment should also report their observations pursuant to this policy.

The Town shall investigate all complaints promptly. All information will be held in confidence to the extent possible and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint. In the event it is determined unlawful discrimination, harassment, or Whistleblower or other retaliation has occurred, appropriate action will be taken up to and including the termination of the offender.

No employee will be punished or penalized in any way for reporting, complaining about, or filing a claim concerning discrimination, harassment, or Whistleblower or other retaliation, or for participating in the investigation of any such complaint. Any person who brings a complaint of discrimination, harassment, or Whistleblower or other retaliation will be protected from retaliation in any form.

5. IMMIGRATION LAW COMPLIANCE

The Town only employs United States citizens and aliens authorized to work in the United States.

In compliance with the Immigration Reform and Control Act of 1986, the Town prohibits discrimination in any aspect of employment of a person authorized to work in the United States based on the person's national origin, citizenship or intent to become a US Citizen.

In accordance with federal law, every prospective employee is required to provide documents verifying their identity and authorization to be legally employed in the United States. Every prospective employee will be required to sign a verification attesting that they are legally employable in the United States and if hired will be required to complete the I-9 and provide documentation of their work status. Updates to this information will be required as necessary. The Town will comply with Federal law regarding documentation and sharing of such information with the US Department of Labor and to the Immigration and Naturalization Service.

Failure to truthfully complete work status documentation shall be grounds for disciplinary action, up to and including, termination.

6. SEXUAL AND OTHER UNLAWFUL HARASSMENT

The Town's goal is to provide a workplace that is free of sexual harassment. Sexual harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment and/or retaliation against an individual who has cooperated in an investigation of sexual harassment are unlawful and will not be tolerated.

Because the Town takes allegations of sexual harassment seriously, the Town will respond promptly to complaints of sexual harassment. Where it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the conduct and implement any necessary remedial or corrective action, including disciplinary action where appropriate.

Definition of sexual harassment: Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation or assistance; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome behavior emphasizing sexual identity. Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

This policy prohibits all of the activities discussed above, whether engaged in by a Supervisor, Department Head, employee, co-worker, agent or non-employee who is on Town premises or who comes into contact with Town employees.

It is not possible to list all of the additional circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct that will not be tolerated. However, the following are some examples of prohibited conduct:

- Unwelcome sexual advances, whether or not they involve physical touching;
- Sexual epithets; sexual jokes; written or oral reference to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body; sexual gestures;
- Suggestive or insulting comments;
- Inquiries into an individual's sexual experiences; and
- Discussion of one's sexual activities.

Complaints of sexual harassment: Experience has shown that a clear statement to the person engaging in the offensive behavior is sometimes all that is necessary to stop the conduct. If an employee believes they are being harassed, the Town encourages the employee to let the person engaging in the conduct know how the employee feels. However, if the employee does not feel comfortable taking this step, the employee is not required to do so. If the employee believes that they have been subjected to sexual harassment, they should report the incident in accordance with the Reporting Procedure contained in the Handbook. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Retaliation: Retaliation against an employee who complains in good faith about sexual harassment or who participates in good faith in an investigation of a complaint is a violation of this policy and is prohibited by law. If the employee believes that they have been subjected to retaliation, the employee should report the incident in accordance with the reporting procedure contained in this Handbook.

Reporting procedure for sexual and other unlawful harassment, discrimination and retaliation: An employee who feels that they have experienced sexual or other unlawful harassment and discrimination or retaliation should immediately report such actions in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

1. If you believe that you have experienced sexual or other unlawful harassment, discrimination or retaliation, you should report the incident immediately to your Supervisor, Department Head, or the Select Board.
2. Supervisors and Department Heads who become aware of discriminatory or harassing conduct, a complaint of discrimination or harassment, or retaliation must document the complaint in writing and review with the complainant, and then report the conduct and/or complaint immediately to the Select Board.
3. The Town will promptly investigate incidents reported through this procedure. Any employee, Supervisor, Department Head, or agent of the Town who has been found to have engaged in conduct that violates our policies against discrimination and/or harassment will be subject to appropriate remedial and/or disciplinary action, up to and including immediate discharge. The complainant will be informed generally of the outcome of the investigation and whether remedial action is being undertaken by the Town.

4. The Town will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.

7. EMPLOYEE CLASSIFICATION

Employment At-Will: New Hampshire, like most other states, recognizes the at-will employment doctrine; as such, in the absence of an employment contract for a definite term, either the employer or employee may terminate employment at any time for any reason, not prohibited by law, with or without cause. Unless expressly documented otherwise, your employment with the Town is at-will. Nothing in this policy or any other policy of the Town shall be interpreted to be in conflict with, eliminate, or modify in any way, the employee's at-will status.

Non-Exempt or Exempt: All positions are classified as either "non-exempt" or "exempt". Exempt positions are paid on a salary basis and meet the other requirements necessary to be considered exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA"). Therefore, these positions are not eligible to receive overtime pay.

Non-exempt positions do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA.

Upon hiring, employees are told whether their position is classified as exempt or non-exempt from the overtime provisions of the FLSA. If an employee has questions about whether they are classified as exempt or non-exempt under the FLSA, the employee should contact the Finance Administrator.

Full-Time: Employees who are assigned to a regular workweek of at least thirty-five (35) hours.

Part-Time: Employees who are assigned to a regular workweek of at least twenty (20) hours, but fewer than thirty-five (35) hours.

Limited Part-Time: Employees who work less than twenty (20) hours per week whether on a regular schedule or as needed.

Emergency Call Personnel: Employees who are appointed on a volunteer, on-call basis to handle various aspects of public safety in the areas of police, fire and rescue protection.

Temporary / Seasonal: Employees who are employed for a predetermined length of time of less than eight (8) months duration.

8. APPOINTMENT AND PROBATIONARY PERIOD - TOWN EMPLOYEES

Hiring and promotion of Town employees requires final approval by the Select Board. All individuals serving as employees of the Town shall, at their initial hire into Town service, receive a Town of Epsom New Hire Packet that includes all non-handbook onboarding documents. Employees will be required to sign a form acknowledging their receipt of this material, which will be maintained in the employee's personnel file.

All new full-time and part-time employees will have a six (6) month probationary period which may include three (3) performance reviews, at forty five (45), ninety (90) and one hundred and

fifty (150) days. New full-time employees shall be eligible for any Town insurance benefits on the first of the month following the thirty (30) day waiting period. The Select Board may offer to continue existing benefits for current Town employees who take a different position within the Town. Full-time employees will be enrolled in the New Hampshire Retirement System as of their first day of work.

Hiring Youth: Youth workers are those under the age of eighteen (18). Youth workers by law have restrictions on allowable duties and work hours, as well as documentation required for employment. Youth applicants must provide the following to be considered for employment:

Provide three (3) references familiar with your work history, performance, and character

- Present a valid form of Identification
- Employer Request for Child Labor (12-15-year-olds)
- NH Youth Employment Certificate (12-15-year-olds)
- Parental Employment Permission Slip (16 & 17-year-old)
- Verification of Adequate Health of Child Form
- Approval Form for Sub-Minimum Wage or No Wage Rate for Work-Based Activities (if applicable)

All youth, including non-New Hampshire residents, fifteen (15) years old and under need to obtain a Youth Employment Certificate from a New Hampshire School Administration Unit (SAU) office. This certificate MUST be completed and on file with the Finance Administrator prior to the youth employee's first date of work.

9. CERTIFICATION AND PROBATIONARY PERIOD – POLICE EMPLOYEES

The probationary period for a New Hampshire Certified Police Chief and a New Hampshire Certified Police Officer shall be twelve (12) months.

A Police Chief who is not New Hampshire Certified must hold the equivalent certification from another state, and is required to obtain a New Hampshire Certification within three (3) months of being hired, or as soon as schooling can be arranged. The probationary period for this position shall be twelve (12) months from the first day of work.

Non-certified officers must obtain a New Hampshire Certification and shall be enrolled in the Academy as soon as a class is available. The probationary period for non-certified officers shall begin on the first day of work and continue until twelve (12) months after graduation from the Academy, a period of approximately sixteen (16) months.

For the purpose of this Section, certification shall only mean that which is issued by the State of New Hampshire Police Standards and Training Council, regardless of whether the applicant or employee holds foreign certification. Failure to obtain such certification in a timely manner shall, by itself, constitute grounds for dismissal.

The purpose of the probationary period is to assess the employee's performance and to determine the employee's suitability for continued employment. Accordingly, the employee will

be evaluated at least once during the probationary period and once on or about the close of the probationary period. It is the duty of the employer/supervisor to inform the employee of any poor work habits, to suggest corrective measures and to periodically inform the employee of his or her status. A copy of any correspondence shall be placed in the employee's personnel file.

Regardless of any other provision in this policy which may imply otherwise, this article does not confer, in any way, any liberty, property, or any other interest, right, or entitlement upon a probationary employee during his/her probationary employment. At any time during the probationary period, the Select Board may remove a probationary employee in accordance with RSA 41:48 and RSA 105.

The Police Chief may recommend to the Select Board an extension of the probationary period beyond the initial period in cases where the employee's performance falls below reasonable expectations for that position. The probationary period will be extended upon action of the Select Board. Notification of extension shall be confirmed in writing. Extensions will be established for a definite time period, not to exceed one and one-half (1.5) year total probation time. During this extended probationary period, the employee will be reevaluated in order to determine whether improvement has been demonstrated.

Upon successful completion of the probationary period the Police Chief shall recommend to the Select Board that the employee be taken off probation and made a permanent full-time, permanent part-time, or part-time employee. This recommendation shall be made at least ten (10) days prior to the expiration of the probationary period. The Select Board shall review the employee's evaluations and make the final determination whether to end the employee's probationary period, and shall notify the employee of such determination in writing.

10. PRE-EMPLOYMENT EXAMINATIONS

Physical examinations outlined in this section will be taken at the expense of the Town.

Prior to appointment, a potential employee, for good and reasonable cause related to their job function, may be required to take a physical examination, psychological examination and or a drug test, to determine the potential employee's physical and or psychological suitability for employment.

Examinations may be required of employees who are transferred or promoted to specific positions within the Town's workforce as required by the job responsibilities of the new position.

Examinations outlined in this article shall be administered by professionals or facilities selected or approved by the Department Head. The Town shall pay the cost of required examination(s).

If an examination is required, a signed statement from the professional conducting the examination indicating that the potential employee is capable of doing the work for which the employee is being hired, must be delivered to the Select Board by the certifying health care professional for placement in the employee's personnel file.

All medical test results under this section are confidential and will be maintained separately from the employee's personnel file.

11. BACKGROUND INVESTIGATION

Because all Town positions require an employee to handle confidential information, prior to employment, all applicants and employees shall be required to undergo a criminal record check (background investigation). This will include non-elected positions in the Police Department, Fire Department, Town Clerk/Tax Collector's and Selectmen's offices. Employees have the affirmative duty to notify the Town if they are arrested or are charged with a crime after they have been offered a job or during the time of their employment with the Town. Failure to do so, or to truthfully answer all questions on the application for employment, may be grounds for discipline, up to and including, termination.

Any background investigation will be conducted by the State Police.

All test results under this section are confidential as required by law.

12. JOB PERFORMANCE APPRAISALS

All employees shall be evaluated at least once annually to monitor the employee's performance and to provide a written record of each employee's strengths and weaknesses. Department Heads will evaluate their employees. The Select Board will evaluate the Department Heads and employees in departments without supervisors.

13. WAGES

Wages and salaries are determined by the Select Board after consultation with the Department Head and are subject to budgeting constraints. Payroll deductions include Federal Withholding, FICA/Medicare, and NH Retirement / Insurance Premiums / Flex Spending Plan, as applicable to each individual.

Time reporting: It is important that the employee time worked be accurately reported so that the employee is correctly compensated for the hours that they work. Employees are required to complete and sign (print or electronic signature) a time sheet bi-weekly. Time sheets will be completed by all employees with no exceptions. No one is authorized to report your time on your behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment. Your Department Head can provide you with details concerning your obligation to report time you have worked.

Pay periods: Employees are paid on a bi-weekly basis on Friday of every other week for all hours worked during the previous two (2) weekly pay periods. Please review your paycheck for errors. If you find a mistake, report it to the Finance Administrator immediately. Paychecks will be distributed only to you or a designee, which you authorize in writing, or to the Department Head. Employees may opt to have their paychecks direct deposited into the account(s) of their choosing by filling out a Direct Deposit form and submitting to the Finance Administrator. Employees can opt in and out of direct deposit at any time.

Payroll deductions for all employees: The Town is required by law to make certain deductions from your paycheck, including federal income taxes and your contribution to Social Security and Medicare. The Town may also be required to make deductions from your paycheck pursuant to a federal or state agency or court order, such as for child support. These deductions will be itemized on your check stub.

The Town may make additional deductions for insurance and other purposes to benefit the employee at the employee's election and request. Under New Hampshire law, the Town may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except:

- For payroll taxes, or as otherwise required by statute;
- When the deduction is authorized in writing by the employee for:
 - Voluntary payments for the recovery of accidental overpayment of wages;
 - NH State Retirement System, Health, and Dental;
 - Payments into savings funds held by someone other than the employer;
 - Voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by Section 125 or Section 132 of the Internal Revenue Code.

Payroll deductions for salaried exempt employees: The Town complies with all federal and state laws regarding deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried employees receive a predetermined salary which is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by the Town or due to the operating requirements of the Town. The Town recognizes that under federal and state law there are only limited times when a salaried employee's salary can be subject to deductions.

The Town prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Employees should note that salaries are subject to modification from time to time, such as at performance appraisal time, when an employee's position or responsibilities change, and at other appropriate times. Employees should also note that it is permissible for an employer to apply earned leaves and other forms of paid time off to full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

Questions regarding paychecks and deductions: If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Administrator as soon as possible.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the correction will be made in the next scheduled paycheck or the employee may receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. The Town will not tolerate retaliation against employees who have expressed concerns using this procedure.

14. WORKDAY HOURS

The Town's work week begins on Saturday at 12:00 a.m. (midnight) and ends on Friday at 11:59 p.m. Because of the nature of the Town's business, your work schedule may vary

depending on your job and department. When hired, your Department Head or the Select Board will inform you of your hours of work.

Attendance: The absence of an employee from duty for a day, or part of a day, without notification to the Department Head or the designee, will be deemed to be an unexcused absence. Any such unexcused absence may be without pay and may be reason for disciplinary action.

Department Heads are responsible for ensuring that complete and accurate records of their own and their employee's work attendance, including start and stop times, are maintained and submitted to the Finance Administrator for each pay period. The Town payroll is paid bi-weekly on the Friday following the close of the pay period. **Timesheets will be delivered to the Finance Administrator no later than 10 AM on the Monday following the close of the pay period.**

The Town's timesheets shall be used to record all attendance of employees. The timesheet will reflect not only hours worked, but also days off, vacation days, sick days, personal days, compensatory time, etc., for which the employee is requesting payment. Time sheets will reflect actual hours worked by showing time in and out including breaks, excluding salaried employees.

Breaks: Pursuant to RSA 275:30-a: All employees who work more than 5 consecutive hours must be granted a ½ hour unpaid eating period except if it is feasible for the employee to eat during the performance of their work, and the employer permits the employee to do so. Any employee not wishing to utilize the statutory break period may sign a "Request to Waive the Lunch or Eating Period" form that will be maintained in their personnel file. Fire Department and Police Department employees shall remain on-duty and subject to calls during meal breaks and eating periods.

15. PROMOTION

A Department Head may recommend an employee to a position of higher responsibility, when a vacancy becomes available, subject to Select Board approval.

16. RESIDENCY

Employees shall be citizens of the United States of America or hold proper documentation, authorizing them to work in this country. The Select Board may require that employees reside within the Epsom town limits for certain positions.

17. EMPLOYEE ANNIVERSARY (ELIGIBILITY) DATE

The first date that a full-time or part-time employee reports to work shall be considered the employee's anniversary date. This date shall be used to determine length of service. The anniversary date for a temporary or a limited part-time employee who is converted to a full-time or part-time employee will be the effective date of the change.

18. PERSONNEL (PERMANENT) FILES

A permanent file shall be maintained for each employee. The file maintained by the Board of Selectmen's Office is the employee's official and only personnel file. Among items included in the personnel file shall be the following: wage or salary status, fringe benefit status, annual performance evaluations, commendations, disciplinary actions, I-9 immigration form,

W-4 withholding form, acknowledgement of receipt of Town of Epsom Employee Handbook, receipt of Employee Safety Manual, receipt of Safety Orientation and Employee Responsibilities Form, and any other information deemed as necessary for administrative functions.

Department Heads may NOT maintain any separate personnel file containing the above items.

Department Heads will maintain a training file that should contain documentation of all training attended and/or completed by the employee and any monthly or periodic evaluations or lists to assist in the performance evaluation process.

Employees shall have access to their personnel & training files upon reasonable notification to the appropriate office.

Note: Personnel files will be retained in accordance with RSA 33-A:3-a and will be released only with written authorization by the employee or as governed by RSA 91-A or any other applicable law.

19. OVERTIME AND COMPENSATORY TIME

No employee shall work hours in excess of their regular work assignment unless deemed appropriate by Department Head or Supervisor or in case of emergency or other reason deemed necessary in advance. Excess hours worked in accordance with a department's Standard Operational Procedures will qualify as authorized hours.

All hours worked over forty (40) hours in a single week or as governed by federal and state law for fire and police employees (see below), are subject to pay at time and one half and employee's regular rate of pay, calculated in accordance with federal and state law.

Compensatory time: At an employee's election overtime hours may be taken as compensatory time rather than overtime pay except as provided below. Compensatory time accrues at a rate of 1.5 hours per hour of overtime worked. Non-emergency personnel may accrue up to 240 hours of compensatory time for 160 hours of actual time worked. Public safety, emergency response, or seasonal activity employees may accrue up to 480 hours of compensatory time for 320 actual overtime hours worked. Compensatory time above those limits will be paid as overtime. When banked total compensatory time nears 40 hours, a review will be conducted by the Department Head or Supervisor.

Employees desiring to use their compensatory time must coordinate their absence with the Department Head. Compensatory time must be used within one year and cannot be carried forward beyond that time unless approved by the Department Head of Select Board. All unused compensatory time will be paid at the regular overtime rate.

Police Department officers, with the exception of the Chief of Police who is exempt, will be compensated at a rate of one and one half (1.5) times their basic hourly rate for hours worked in excess of forty-three (43) hours in a single week. When compensatory time is used in-lieu of overtime pay, the officer will accrue one and one half (1.5) hours for each hour worked in excess of forty-three (43) hours in a single week.

Fire Department employees, with the exception of the Fire Chief, will be compensated at a rate of one and one half (1.5) times their basic hourly rate for hours worked in excess of fifty-three (53) hours in a single week. When compensatory time is used in-lieu of overtime pay, the employee will accrue one and one half (1.5) hours for each hour worked in excess of fifty-three (53) hours in a single week. Fire Department employees

who work in excess of forty-eight (48) hours, but less than fifty-three (53) hours, will be paid at their straight time hourly rate or will accrue compensatory time at one hour for each hour worked.

Overtime pay and compensatory time are calculated only on actual hours worked within a single week. Actual hours worked does not include any leave time such as sick, holiday, personal and vacation hours, nor does it include compensatory hours used.

20. OTHER COMPENSATORY TIME

Non-exempt employees who work more than the department's budgeted hours in a work week, but less than the FLSA overtime requirement, may, with Department Head approval, take other compensatory time at the rate of one (1) hour for each hour worked. When banked total compensatory time nears 40 hours, a review will be conducted by the Department Head or appropriate supervisor.

21. DISCIPLINARY AND DISCHARGE PROCEDURES

Standards of conduct: The Town expects the highest-level of performance and ethics from its employees. The following list outlines the Town's Standards of Conduct; however, it is not all-inclusive. The list below is meant to guide employees in the recognition of certain behaviors which are clearly prohibited by the Town and which can result in disciplinary action, up to and including termination.

Individuals covered by this policy: This policy applies to all employees of the Town at every level.

- **Absence and Tardiness:** Excessive absences and/or tardiness; failure to report when absent; overstaying allotted break time.
- **Falsification of Records and/or Employment Records:** Making a false statement on the application form; falsifying Town and employment records.
- **Abusive Behavior:** Abuse, neglect, or intentional destruction of Town property; abuse or neglect of visitors or residents; or use of abusive or obscene language in the workplace.
- **Disregard for Safety:** Violation of or ignoring safety regulations or endangering the health or safety of other persons.
- **Threatening Behavior:** Abusive or profane language to another employee; intentional destruction of another employee's personal possessions; threatening bodily harm; intent to strike; striking another employee.
- **Crime:** Conviction or entry of a plea of guilty or nolo contendere of a felony or misdemeanor charge.
- **Dishonesty:** Dishonesty with coworker, resident, customer or the Town regarding work procedure, protocol or work related matters.

- **Incompetence:** Repetition of avoidable mistakes to a point that the employee exhibits incompetence in their job duties, or repeated mistakes that demonstrate a disregard for the Town's best interests.
- **Intoxicants:** Bringing, possessing, or using alcoholic beverages or illegal drugs on Town property or while on the job; being under the influence of or testing positive for these substances during working hours may result in immediate termination.
- **Neglect of Duty:** Failure to perform one's duties; failure to use reasonable care, resulting in financial loss, physical damage, or injury to another employee; the loss or premature devaluation of Town assets due to neglect of care or operation; failure to act in accordance with the Town's best interest.
- **Unsatisfactory Job Performance:** Failing to demonstrate the requisite skills or abilities to satisfactorily perform the employee's duties; and/or inhibiting the ability of others to do their jobs effectively.
- **Misuse of Town Equipment:** Excessive and/or misuse of a Town telephone, facsimile, computer, e-mail, copier for personal purposes, and any other Town equipment.
- **Theft or Destruction of Property:** The theft or negligent or intentional destruction of any Town property or the personal property of a coworker, resident or customer.
- **Sexual or Other Unlawful Harassment:** Sexual harassment, harassment, discrimination, bullying, retaliatory behavior, or other inappropriate personal conduct in violation of Town policies. Including, but not limited to, direct contact, indirect contact, via email, over social media, phone calls, texts, or by any other means.
- **Insubordination:** Acting in an insubordinate manner, defiance of authority, refusal to obey orders given either verbally or in writing, by the Department Head, Supervisor, Town Official, or another director of the Town.
- **Violation of the Town's Policies, Procedures or Rules:** Failing to follow any of the Town's policies, procedures, and/or rules.
- **Failure to comply with safety requirements**

Disciplinary action: The following rules and procedures are established by the Select Board for disciplinary action, in accordance with RSA 37:5,6, and are incorporated herein as part of the personnel policy.

The following disciplinary actions may be taken progressively; however, the Town reserves the right to skip steps and impose greater disciplinary actions, up to and including, immediate termination based on the conduct involved:

- 1) **VERBAL WARNING** – Supervisor or Department Head verbally warns employee of area which needs improvement with remedial suggestion(s) offered. Date, time, nature of

warning and remedial suggestions(s) must be included in employee's personnel file and a copy will be provided to the employee.

- 2) **WRITTEN WARNING** - Supervisor or Department Head gives written warning to an employee for repeat of an offense which was source of verbal warning or for an offense due to the seriousness of which dictates more than a verbal warning. Warning will include nature of offense, remedial suggestions(s), date, and time of offense and possibility of future disciplinary action. A copy of the warning shall be placed in the employee's personnel file.
- 3) **SUSPENSION/DEMOTION** – Upon recommendation of the Department Head, the Select Board may suspend an employee for reoccurring offense or offense which merits suspension. Length of suspension is based on seriousness of the offense. Employee receives confirmation of the suspension in writing with date, time and nature of offense and remedial suggestion(s). A copy of the letter of suspension shall be included in the employee's personnel file.
- 4) **TERMINATION** – Department Head recommends termination of employee to the Select Board and after compiling all pertinent facts, the Select Board makes a decision. If the Select Board decides to terminate the employee, it is confirmed in writing to the employee. A letter to the employee will state time, date and nature of the offense with a copy placed in the employee's personnel file.

22. **GRIEVANCE PROCEDURE**

The employee shall, in writing, bring the grievance to the attention of their Department Head within two (2) workdays of knowledge of the event causing the grievance. The Department Head shall, in writing, respond to the employee within two (2) workdays of hearing the employee's grievance.

If not satisfied with the resolution or justification offered by the Department Head, the employee shall submit the grievance in writing to the Select Board within five (5) workdays of the receipt of the Department Head's decision. The Select Board will respond within fifteen (15) workdays of receipt of the grievance. The decision of the Select Board shall be final.

All correspondence shall become part of the employee's personnel file, along with the written management replies.

23. **RESIGNATION**

Should an employee desire to resign their employment with the Town; the employee is expected to give a two (2) week written notice of that intent. A copy of the written resignation letter will be given to the Department Head and another copy to the Select Board. The notice of resignation will become a permanent part of the employee's personnel file.

Exit interviews: All employees who resign their employment will be asked to participate in an exit interview with the Select Board. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback from the employee on ways in which the Town can improve operations and retention of employees.

24. LEAVES OF ABSENCE

A leave of absence may be approved by the Department Head and Select Board under certain circumstances. The following leaves of absence shall be allowed:

Military leave: Employees who perform duty, voluntarily or involuntarily serve in the United States “uniformed services” which include the Army, Navy, Marine Corps, Air Force, Army National Guard, Air National Guard, Coast Guard and Public Health Service commissioned corps, as well as the reserved components of these services will be provided with leaves of absence in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act [“USERRA”] and will not be discriminated against for their past, present or future service or intent to serve.

A Notice of rights, benefits and obligations under USERRA are posted in the Town offices and Departments.

Employees must give adequate notice that they will be leaving for service or training in the uniformed services unless such notice is precluded by military necessity or otherwise impossible or unreasonable. Reasonable time to prepare for deployment may also be requested by an employee when providing notice of required leave. The Town requests that whenever possible it be provided at least thirty (30) days before the leave begins.

Notice and a copy of official orders or instructions should be provided to the Finance Administrator. This information shall be made a part of your permanent personnel record.

USERRA covered leave is unpaid leave, unless otherwise required by law, however the Town will pay its qualified full or part time employees (excludes limited part-time) the difference between the employee’s military base pay and the employee’s regular Town pay for that period for up to ten (10) days without requiring the employee to use vacation leave while that employee is servicing the Armed Services. In order to qualify for payment, the employee must first submit official military documentation to the Select Board verifying the amount of base pay received from the military and the duration of military service. Employees may, at their election, use accrued vacation leave for service beyond the ten days to supplement the difference between the employee’s military base pay and regular pay rate at the Town. There is no requirement that an employee use vacation time while on USERRA covered leave.

Re-Employment: Employees must notify the Finance Administrator of their availability to return to work and for re-employment upon completion of military service. The required deadline for providing such notice varies based on length of service as governed by USERRA. A returning service member will be re-employed in the job they would have attained had they not been absent for military service, or a comparable position with the same seniority, status and pay. The Town reserves the right to place another employee in your position for the duration of the military leave of absence. Every effort will be made to place you in your previous position.

Health coverage: If military leave is thirty-one (31) days or less in duration, the employee’s insurance coverage will be continued with the same employer contribution. Employees will be responsible for payment of their regular contribution for the cost of health insurance. Payment for insurance may be paid in advance or upon return through payroll deductions.

Employees performing uniformed service of thirty-one (31) days or more may elect to continue their insurance coverage through the Town for up to twenty-four (24) months, but the cost for continuation coverage will be the full cost of the premium, plus a 2% administrative fee.

When the employee returns to work, they will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

Returning employees will retain the same rate of pay, seniority and other benefits as if the employee had worked continuously with the Town in the job held when such special leave was granted.

Pension: Upon reemployment the employee will be treated as if there was no break in service for participating, vesting and accrual purposes. If applicable, the employee may elect to make up any missed contributions, or elective deferrals, but is not required to do so.

Jury duty: In the event that an employee is legally obligated to report for jury duty, the employee shall be granted a leave of absence for such service. Employees who report for jury duty shall receive their regular pay for their normal workweek. In order to qualify for their Town salary, the employee must submit official documentation verifying the amount of any court reimbursement. The employee will endorse over to the Town all monetary compensation received for jury related duty. Serving on jury duty shall not affect the employee's annual vacation time or the accrual of vacation time.

Bereavement leave: Leave will be granted to full-time and part-time employees (excluding limited part-time) in cases of death in their or their spouse's immediate family (child, step-child, brother, sister, parent, daughter or son-in-law, grandparent, or grandchild). Such leaves of absence will be up to three (3) days with pay. In extenuating circumstances the Select Board, in consultation with the Department Head, may extend the leave of absence.

Crime Victim Leave Act: In accordance with New Hampshire law (RSA 275:61), the Town will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim (as defined in the statute).

An employee needing time off under this policy should notify the Department Head, or Select Board, as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the daily business operations of the department. An "undue hardship" for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, the Select Board will consider the size of department operations, the employee's position and role within the department, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation, sick leave or personal time off. If a crime victim leave of absence will be for an extended length of time, the employee may continue to participate in the Town's health insurance benefit for up to one (1) month after the month in which the leave began provided that the employee continues to timely pay his or her share of the premiums.

The Town will not discharge, threaten or discriminate against any employee for taking leave under this Act, and employees taking leave under this Act will not lose any seniority during the leave of absence.

Sick leave: All full-time employees will accrue six (6) sick days annually at the start of each calendar year. Part-time employees (excluded limited part-time) shall accrue three (3) sick days annually at the start of each calendar year. Sick days may accrue to a maximum of two hundred and eighty-eight (288) hours. Upon reaching the maximum accumulation of two hundred and eighty-eight (288) hours, any additional earned time will lapse. In order to receive sick leave pay an employee must notify his or her Department Head or designee, prior to the start of the workday or as soon as possible thereafter that they desire to use a "sick day". Failure to do so may result in forfeiture of pay for the hours not worked. The Select Board or Department Head may require a doctor's certificate before paying compensation for sick leave used and will require a doctor's note after three (3) consecutive sick days have been used.

Once an employee accrues the maximum two hundred eighty-eight hours (288) of sick leave, should they maintain a perfect work attendance for a year, they shall receive an incentive payout equivalent to three (3) eight (8) hour regular workdays as straight time. This is to promote perfect attendance and assist in alleviating misuse of sick time.

Accrued sick leave will not be paid out at the termination, resignation, or retirement of employment with the Town. Sick leave shall only be used in the event of employee illness, injury or sickness. Abuse of sick leave may result in disciplinary action.

Personal days: All full-time employees are entitled to twenty-four (24) hours of paid personal leave which accrues annually at the start of each calendar year. Each part-time employee will accrue twelve (12) hours annually (excludes limited part-time). This time may be taken as full or partial days, and is to be used for necessary time off, such as emergencies, spontaneous situations, unpredicted events or appointments unable to be scheduled for other than working hours. Unused personal days will lapse at the end of the calendar year and will not be paid out at termination.

25. FAMILY MEDICAL LEAVE ACT POLICY

Family and Medical Leave

The Town complies with the Federal Family and Medical Leave Act (FMLA) of 1993 and all applicable State laws related to family and medical leave.

Family leave eligibility: The FMLA provides up to twelve (12) weeks of unpaid, job-protected leave every twelve (12) months to eligible male and female employees for certain family and medical reasons. To be eligible, you must have worked for the Town for at least one year, and for one thousand two hundred fifty (1250) hours over the previous twelve (12) months and be employed at a work site where 50 or more employees are employed by the employer within 75 miles of that work site.

Reasons for taking leave: If you are an eligible employee you are entitled to FMLA leave for any of the following reasons:

- To care for a newborn, an adopted child or a foster child within a year of the child's arrival.
- To care for a spouse, child, or parent who has a serious health condition.
- For a serious health condition that makes you unable to perform the functions of your job.
- Because of any qualifying exigency (as the Department of Labor Regulations shall define that term) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation.

*The Town has defined "immediate family member" under this policy to include spouse/significant other/domestic partner, son/daughter under the age of 18, parent and/or another member of the employee's household.

Requesting/designation of FMLA leave and medical certification: When the reason for leave is foreseeable, a written request must be submitted to the Finance Administrator at least thirty (30) days prior to the intended date upon which the leave will begin. If the need for leave is not foreseeable, the request must be made at the earliest time possible.

An FMLA leave request must include the anticipated start and end dates of the absence and a brief description of the circumstances giving rise to the request. The leave request must be accompanied by a certification from a health care provider of the need for leave. Employees may also be asked to provide other verifying documentation (e.g. certification of foster child placement or adoption, or physician's certification when an employee is needed to care for a family member).

Employees requesting FMLA leave in association with qualifying exigent circumstances due to a covered family member's active duty or call to active duty in support of a contingency operation will be asked to provide appropriate certification in association with that request.

Eligibility/calculating FMLA leave time availability: The Town uses a "rolling" year for FMLA purposes, which is measured backward from the requested leave date. This means that an otherwise eligible employee (one who has worked or will have worked at least 1,250 hours during the previous year prior to the requested leave date) will be entitled to twelve weeks of FMLA leave, minus any FMLA leave that s/he utilized in the previous 12 months prior to that date.

As an example, if an employee has taken eight (8) weeks of FMLA leave during the past twelve (12) months, an additional four (4) weeks of leave could be taken when a second leave is requested. If an employee used four weeks beginning February 1, four weeks beginning June 1, and four weeks beginning December 1, the employee would not be entitled to any additional leave until February 1, of the next year. Beginning on February 1, of the next year, the employee would be entitled to four weeks of leave, on June 1; the employee would be entitled to four additional weeks and so forth.

Employees who would like further information regarding their eligibility for FMLA leave and how it is calculated may direct their questions to the Finance Administrator.

Re-certification: An employee who is out on FMLA leave may be required to provide additional reports regarding their status and intent to return to work, as well as recertification(s) from a health care provider as to the status of condition, verification of inability to perform job functions and the need for a continued FMLA leave of absence.

Pay, use of vacation/sick time, benefits continuation during FMLA leave: FMLA leave is unpaid. However, if FMLA leave is due to an employee's own serious medical condition, the employee may be entitled to Workers' Compensation or disability benefits. Employees should contact the Finance Administrator for information and claims forms if applicable.

To the extent FMLA leave does not qualify for Workers' Compensation or disability benefits, the employee will be required to use any available sick and/or vacation time (which will be counted toward an employee's total FMLA leave entitlement) until all such time is exhausted. After that, the remainder of the FMLA leave will be unpaid. An employee whose FMLA leave is intermittent and does not qualify for disability or Workers' Compensation benefits will be required to use available sick/vacation time until all such time is exhausted.

Health insurance benefits will be maintained during an approved FMLA leave. Once leave is unpaid, the employee will continue to be responsible for his/her portion of the insurance premium and must make arrangements with the Finance Administrator to remit payments on a biweekly basis. An employee who does not return to work at the expiration of leave will be asked to reimburse the Town for the health insurance premiums paid during their leave, as permitted under federal law.

Employees do not accrue sick days or vacation days while on a FMLA Leave but will receive holiday pay for those holidays that are observed during their absence.

Expiration of FMLA leave/return to work: Upon the expiration of any FMLA leave, the employee must return to work unless they have been granted an extension of leave by the Select Board.

Employees shall contact the Select Board seven (7) days before the expiration of their leave regarding their intention to return to work.

Employees on FMLA leave due to their own injury or illness will not be permitted to return to work without a work release from their physician and the employee must be cleared through the Select Board before they return to work. The employee must contact the Select Board at least one (1) week before their scheduled return to work date and provide a written work release from their health care provider along with any work restrictions.

At the expiration of an employee's FMLA leave, the employee will be returned to their same or an equivalent position unless the employee would not otherwise have been employed at the time reinstatement is requested, for example, they would have been laid-off during the FMLA leave period.

Employees, who, after having exhausted their FMLA leave entitlement, are unable to return to work; or, who cannot be returned to their former or equivalent position; or, have not been granted an extension of their leave of absence, may be separated from employment. Should this occur, the employee remains eligible to apply for any available positions for which they are qualified.

Intermittent FMLA leave: An eligible employee may take FMLA leave in twelve (12) consecutive weeks or intermittently for a total of twelve (12) workweeks. Intermittent leave can take the form of days or weeks taken periodically or a reduced workweek or workday, or a combination thereof.

If an alternative position would better accommodate an intermittent leave schedule, the Town may temporarily transfer an employee to an available position.

If the employee is to remain in their pre-leave position while on intermittent leave, the employee must make all reasonable efforts to arrange their schedule to cause as little disruption as possible. The employee and their Department Head shall discuss the employee's need for intermittent leave and reach an agreed-upon schedule. Depending on the needs of the department, the schedule of an employee on intermittent leave may be revised in accordance with their, or a family member's, physician-imposed leave requirements.

Employees will be paid for hours worked and must use available vacation or sick time as described above.

Service Member Family and Medical Leave

Eligible employees are entitled to take leave for a covered family member's service in the Armed Forces as outlined below. Eligibility, health coverage continuation, pay and reinstatement rights are the same as those described above.

A covered family member's active duty or call to active duty in the Armed Forces: An otherwise FMLA-eligible employee whose spouse, son, daughter or parent either has been notified of an impending call or order to active military duty or who is already on active duty may take up to twelve (12) weeks of leave for reasons related to or affected by the family member's call-up or service. Such reasons include helping the family member prepare for departure or caring for children of the service member. Leave may begin as soon as the individual receives the call-up notice. Son/daughter for this type of FMLA leave is the same as child for other types of FMLA leave, except that the child does not have to be a minor.

This type of leave will be counted toward the employee's total twelve (12) week FMLA leave entitlement in any rolling twelve (12) month period.

Employees requesting this type of FMLA leave must provide proof of the qualifying family member's call-up or active military service before leave will be granted.

To care for an injured/ill service member: An employee whose spouse, son, daughter, parent or next-of-kin is injured or recovering from an illness/injury sustained while on active military duty and who is unable to perform the duties of his/her office, grade rank or rating may take up to twenty-six (26) weeks in any rolling twelve (12) month period. Next-of-kin is defined as the closest blood relative of an injured or recovering service member. An employee is also eligible for this type of leave when the family service member is on the temporary disability/retired list.

Employees requesting this type of leave must provide certification of the family member/next of kin's injury, recovery or need for care. This certification is not tied to the serious health condition certification under the other types of FMLA leave.

The total of twenty-six (26) weeks of leave entitlement under this provision includes other types of FMLA leave. In other words, if an employee has exhausted the twelve (12) week FMLA leave entitlement previously, s/he would only be entitled to an additional fourteen (14) weeks under this type of leave.

26. DISCRETIONARY LEAVE OF ABSENCE

Part-time and full-time employees (excludes limited part-time) may apply for an unpaid, discretionary leave of absence of up to six (6) months if they have exhausted their vacation time, and have either exhausted their Family and Medical Leave Act or are not eligible for leave under the Family and Medical Leave Act. (See FMLA policy). Requests for such unpaid leave are granted at the sole discretion of the Town on a case-by-case basis. Discretionary leaves of absence will not ordinarily be granted to employees with less than one (1) year of continuous employment.

An employee on discretionary leave is not entitled to accrue any benefits, including vacation, personal or sick leave, and will not be paid for holidays while on leave. Employees will be solely responsible for payment of medical, dental, disability or life insurance premiums during the discretionary leave and so must make arrangements with the Finance Administrator for payment of insurance premium while on leave.

Discretionary leave is not protected leave under the Family Medical Leave Act and will be approved at the discretion of the Town and without guarantee of continued employment.

Requests for discretionary leave should be submitted to the Select Board at least thirty (30) days prior to the requested date of leave if possible. The request must be made in writing, stating the length of leave and brief description of the reason for the request.

27. HOLIDAYS

Effective on the date of hire, all full-time and part-time employees (excludes limited part-time) shall receive the following paid holidays.

New Year's Day	Labor Day
Civil Rights Day	Veterans' Day
Presidents' Day	Thanksgiving Day
Memorial Day	Friday after Thanksgiving Day
Independence Day	Christmas Day

Holidays are observed on the dates specified by the laws of the State of New Hampshire. Therefore, holidays falling on a Sunday shall be observed on the following Monday. Holidays

falling on a Saturday shall be observed on the preceding Friday. Employees who are absent for an unauthorized reason on a day directly preceding or directly following such holiday shall forfeit pay for that holiday.

Holiday pay will be at the employee's regular rate of pay for the normally scheduled hours up to the maximum of eight (8) hours. Permanent part-time employees who do NOT have regularly scheduled work hours on the observed holiday dates are NOT entitled to a paid holiday off.

If an employee is required to work on the day the holiday is observed or on the actual holiday if it falls on a weekend, they shall receive, in addition to the holiday pay, a premium pay at the rate of one and one half (1.5) times their regular rate of pay for the hours worked, up to a maximum of eight (8) hours. Additional hours worked after the eight (8) hours will be paid at the regular rate of pay. An employee eligible for this premium pay shall receive it for the observed or the actual holiday, but not both.

During a work week that includes a paid holiday, non-exempt staff, with a regularly scheduled workweek of forty (40) hours, will accrue other compensatory time at a rate of one (1) hour for each hour worked in excess of the thirty-two (32) hours, up to the FLSA overtime requirement.

28. ANNUAL (VACATION) LEAVE

Every full-time employee shall be entitled to earn annual vacation leave, with full pay, based on the following formula. The year will be an anniversary year beginning on the first day of work and will be different for all employees.

<u>Years Worked</u>	<u>Vacation Time</u>
½ (6 months)	1 week
1-4	2 weeks
5-10	3 weeks
11-14	4 weeks
15+	5 weeks

Every part-time employee (excludes limited part-time) shall be entitled to an annual vacation leave, with full pay, equivalent to their average weekly schedule, based on the following formula. The year will be an anniversary year beginning on the first day of work and will be different for all employees.

<u>Years Worked</u>	<u>Vacation Time</u>
½ (6 months)	1 week
1-5	2 weeks
5-11	3 weeks
11-14	4 weeks
15+	5 weeks

The purpose of vacation leave is to provide the employee with a break in their annual work schedule. Therefore, no wages will be paid for vacation not taken within an anniversary year. Carryover of vacation time from one employee anniversary year to the next is not permitted unless approved by the Select Board two (2) weeks in advance of the employee's anniversary date. Carryover requests must be submitted in writing. Vacation schedules shall be determined in each department by the Department Head on a first come first served basis. Leave request slips should be submitted to the Department Head. After consultation with the employee to determine preferences, with due regard to department priorities, the Department Head shall enter each employee's desired vacation time on a schedule. A paid holiday falling within a vacation is not counted as a day of vacation. If an employee does not give at least twenty-four

(24) hour notice to the Department Head of the intent to use a vacation day(s), that vacation time used will be taken without pay, unless it can be justified as an emergency. **Department Heads may require greater than twenty-four (24) hour notice due to scheduling needs.**

29. ACADEMIC REIMBURSEMENT

Subject to the departmental budget constraints, employees may request reimbursement for 75% of the cost of tuition for job related courses taken at their own initiative. Employees must make the request prior to registering for the course. The request will be submitted to the employee's Department Head outlining the institution offering the course, course content, cost and the benefit to the town and the employee. The Department Head will review the request and will submit a recommendation to the Select Board for final approval. In order to receive reimbursement, the employee must submit documentation of achieving a passing grade of "B" or better for the course and a receipt for the cost of the course. Reimbursements are to be kept in the employee's personnel file along with a copy of the course syllabus and any certification of satisfactory completion.

30. INSURANCE PLAN

All full-time employees are eligible for medical and dental coverage at a cost sharing to be determined by the Select Board. Full-time employees shall receive life, accidental death and dismemberment and short-term disability insurance (according to the plans in place) paid in full by the Town.

Part-time employees with a regular scheduled work week of 30-34 hours are eligible to participate in the Town's health insurance plan, but are responsible for 100% of the premium cost.

Any full-time employee, who chooses not to take the Town health insurance benefits, shall receive a thirty-five hundred dollar (\$3,500) buy back per calendar year. Equal payments will be made twice a year in July and December for the calendar year for which the employee declined Town health insurance. Payments will be prorated for less than a full year of eligibility or if a qualifying event occurs during the year and the employee enrolls in the Town's insurance. The employee is required to complete the Health Insurance Option Plan and provide proof of insurance in order to receive the buy back.

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") provides eligible employees and their eligible dependents with the opportunity to continue medical and dental insurance for a period of time, at their own expense, if they would otherwise lose coverage due to certain qualifying reasons. Please contact the Finance Administrator for more information about COBRA.

Workers Compensation laws of the State of New Hampshire cover all employees of the Town. Any employee injured on the job will report to a place of care as the severity of the injury may require. An injured employee and their immediate supervisor must complete "Employer's First Report of Injury or Occupational Disease," form 8WC. Form 8WC is to be completed and returned to the NH Department of Labor by the employer within five (5) calendar days (not working days) of the employer learning of the work related injury or illness. The employer must complete and submit form 13 WCA if the injury or illness results in loss time of four (4) or more days from work.

31. SEPARATION / DEATH

Upon the termination, resignation, retirement, or death of an employee, the employee or employee's estate shall be paid the unused balance of any accrued compensatory time and up

to four (4) weeks of vacation leave time. Unused compensatory time shall be at the employee's current base rate of pay.

32. RETIREMENT BENEFITS

Full-time employees are covered by the State of New Hampshire Retirement System plan in effect for their professions. Full-time employee participation in the applicable State of New Hampshire retirement program is mandatory.

33. POLITICAL ACTIVITY

It is the right of employees to belong to political parties of their choice and to freely exercise their right to political involvement. Such involvement shall not conflict with the employee's position within the Town. Employees shall not use their position to advance the candidacy of any individual, personal cause, or organization and shall not campaign for an individual or personal cause while on duty.

An employee may not be elected or appointed as Selectman of the Town while a full-time employee of the Town. The employee is immediately terminated when they accept the appointment or election to membership on the Select Board. As statutes permit, employees may serve in elective positions in town government. (RSA 669:7)

34. TOWN VEHICLES AND PROPERTY

Certain employees of the Town may be assigned a Town owned or leased vehicle, or may be required to use a Town vehicle as part of their normal work functions. The Town will perform a Motor Vehicles Records (MVR) check on any employee authorized to drive a Town owned or leased vehicle at the start of their employment and, if deemed necessary, will perform the MVR check annually. Employees using Town vehicles will operate them in a safe and appropriate manner and will, at all times, obey the traffic and highway safety laws of the State of New Hampshire to include the "Hands Free Cell Phone Use" in effect July 1, 2015. No persons other than Town employees and authorized personnel are to ride in Town vehicles, with the exception of Police and Fire department vehicles in performance of normal duties. Failure to operate Town vehicles in a safe and appropriate manner will result in disciplinary actions being taken against the employee.

All employees are required to wear seat belts while operating or riding in any vehicle while on Town business. This applies to Town vehicles, personally owned vehicles, as well as the vehicles of others, regardless of the presence of any supplemental restraint system (airbags). In addition, non-employee passengers in vehicles operated by staff while on Town business are required to wear seat belts. This requirement shall not apply in the case of vehicles in which the manufacturer has not installed seat belts. Employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms. Employees found to be violating this policy may be subject to discipline as outlined in this handbook.

Town employees who operate their personal vehicle while performing business on behalf of the Town will be required to provide annual proof of insurance.

Any employee who operates a Town vehicle is required to notify their Department Head within seventy-two (72) hours if they have been convicted of, or pled nolo contendere to, any motor vehicle violations. If the license of any employee who operates Town vehicles is suspended, revoked, or otherwise restricted, the employee must notify his or her Department Head within one (1) working day of learning of the suspension, revocation, or restriction. Employees who fail

to comply with this policy may be subject to discipline, up to and including termination of employment.

Town property, of any type or value, shall not be used or removed from Town premises without authorization of the Department Head or Select Board. All Town equipment, records, computer data, disks, or other documents made or compiled by an employee in connection with the business of the Town shall be delivered to the Town Office promptly upon termination or at any other time upon request.

Police Department employee usage of Mobile Data Terminals (MDT) installed in police cruisers will be used in accordance with the policy in place with the Police Department.

35. TRAVEL AND EXPENSE REIMBURSEMENT

Employees who are authorized by the Select Board to use their private vehicles in the performance of their duties shall be reimbursed at a mileage rate determined by the IRS. Travel reimbursement will begin from and end at the employee's regular work location. All travel must be documented with the date, time, purpose, and total miles claimed. Mileage reimbursement requests must be submitted within thirty (30) days of travel or a designated time agreed upon by the Select Board.

While on approved travel, preapproved expenses incurred away from the office will be reimbursed only if accompanied by a receipt. There will be no reimbursement for expenses submitted after thirty (30) days unless previously approved by the Select Board.

36. ALCOHOL AND DRUG POLICY

Manufacturing, distribution, transfer, dispensation, possession, or use of any illegal drug, alcohol, or controlled substance while on the Town premises or while using Town owned equipment, including but not limited to vehicles, is strictly prohibited. This includes use of prescription drugs that have not been prescribed for you. These activities constitute serious violations of the Town policies. Such behavior jeopardizes the Town and can create situations that are unsafe or substantially interfere with an employee's job performance.

Prescription and over-the-counter drugs are permitted when taken in standard dosage and/or according to a physician's prescription provided such medication does not compromise the safety of the workplace. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job.

If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use FMLA leave if appropriate, or seek accommodation under the Americans with Disabilities Act or light duty if appropriate) to avoid unsafe workplace practices. Employees who feel, or have been informed that the use of such a drug may present a safety risk, are to report such drug use to the Department Head. All medical information provided to the Town will be kept confidential and separate from an employee's personnel file.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of our drug-free workplace policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

Employees in violation of this policy are subject to appropriate disciplinary action, up to and including termination, and may be subject to criminal prosecution.

37. WORKPLACE VIOLENCE

Violence and verbal and physical threats of violence of any kind in the workplace or on Town property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including termination. Appropriate action may also include notifying the police or other law enforcement and prosecuting violators of this policy. If you become aware of any violence, or threat of violence, you must immediately report the matter to your Supervisor or Department Head.

38. WORKPLACE SEARCHES

Employees are on notice that all offices, desks, files, lockers, phones, vehicles, etc., are the property of the Town and in such the Town reserves the right, upon reasonable suspicion, to search any area of the Town's property. There shall be no expectation of privacy while using Town email, land lines, cell phones, voice mail, text messaging, radios, or any other means of communication or any physical property, including but not limited to desks, lockers, or Town vehicles.

Employees who inhibit a search or who refuse to cooperate in a search of Town property, may be subject to disciplinary action, up to and including, termination.

39. NO SMOKING POLICY

The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, the Town has declared a no smoking policy within our buildings and in Town vehicles.

Smoking is not allowed in any areas of Town buildings or within thirty (30) feet of any building. Anyone wishing to smoke must do so only during authorized breaks. The Town hopes and expects that our employees will comply with the no smoking policy. If you have a concern or complaint with respect to any employee, visitor, or vendor violating this policy, please report such concern or complaint to the appropriate Supervisor or Department Head.

40. CREDIT CARD POLICY

For Town employees who have been approved by the Select Board as an authorized user on a Town credit card, or store credit card, care must be taken to ensure the use of such cards is strictly for Town business and not commingled with personal use. The credit cards may only be used for the purchase of goods or services for the official business of the Town and may not be used for cash advances or personal use. The authorized user must submit the corresponding receipt and any necessary documentation explaining the purchase to the Finance Administrator. Each authorized user is responsible for the protection of the cards in their possession and shall inform the Finance Administrator, as soon as they are aware, if a card is lost or stolen. Any card in the possession of an authorized user at the time of employment termination must be immediately surrendered.

41. MEDIA RELATIONS POLICY

Town government will maintain a posture of openness and cooperation with the news media, and supply prompt, clear and accurate information to create and maintain public awareness, trust, acceptance and support.

Refer all requests for interviews, conversations and information from the media relating to official Town business to the Public Information officer, or their designee, who will either respond to the request or arrange to have a knowledgeable representative respond to the request.

Employees of the Town are entitled to their personal opinions; it is the policy of the Town that if an employee expresses an opinion in writing to publications that it be done without using their job title and Town of Epsom.

42. TOWN EQUIPMENT, PHONES, FAX, E-MAIL, AND INTERNET USE

All electronic and telephonic communication systems are the property of the Town and as such are to be used solely for job-related purposes. The following uses of Town electronics are prohibited:

- Browsing non-work related social media sites with a Town owned computer or device;
- Updating or engaging with one's own personal social media profile on a Town owned computer or device;
- Reading email alerts concerning non-work related social media account activity on a Town owned computer or device;
- Employees using their Town email account or password in conjunction with a personal social media account.

Employees should be aware that all communications and information transmitted by, received from, or stored in Town equipment and systems, as well as official Town business conducted on personal phones, is considered to be a Town record and may be subject to disclosure under RSA 91-A, New Hampshire's Right-to-Know Law

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town's legitimate business interests, and to ensure quality service to our customers, authorized representatives of the Town may monitor the use of such equipment from time to time.

43. SOCIAL MEDIA POLICY

The Town strives for an effective, efficient and rapid method of communication with its residents and uses the Town Website and social media to achieve that goal. Only those employees who have been authorized may update or post Town content on behalf of the Town.

Personal Social Media Use: The Town respects the right of employees to maintain personal websites and social media accounts and to express themselves as private citizens. The employee is free to do so as long as their actions do not undermine their job duties, they do not disclose private information obtained due to their position with the Town, and they do not falsely represent themselves as speaking for the Town when they have not been approved to do so. Employees should also refrain from using website and social media account names that give the indication the account is affiliated with the Town.

While employees may express their thoughts freely on their own social media accounts, employees are subject to the Town's policies prohibiting sexual or other discriminatory harassment beyond Town facilities. Comments and materials posted that can be viewed as obscene, threatening or intimidating that could create a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law will result in disciplinary action.

The Town does not regularly monitor an employee's personal website and/or social media account(s). However, if information is brought to the Town's attention that an employee may not be in compliance with this or another of the Town's policies, the Town may choose to investigate the issue further and issue the appropriate disciplinary actions, if warranted.

44. ALCOHOL AND DRUG TESTING

Employees of the Town who are required to have a Commercial Driver's License [CDL] as part of their job are subject to drug and alcohol testing as required by the U.S. Department of Transportation through the Federal Highway Administration ["FHWA"]. CDL employees, in addition to Reasonable Suspicion and Post Accident testing, shall be subject to Pre-employment testing, Random testing and Return to Work testing. Pursuant to NH Admin. Rule Saf-C 1801.02(a)(1), for purposes of this policy, the term "CDL" employee shall not include fire service personnel driving emergency vehicles assigned or registered to the Town Fire Department in pursuit of fire service purposes.

In addition, all job applicants for Town positions that are considered a "Safety Sensitive Position", shall be subject to Pre-Employment Drug Testing. For purposes of this policy "Safety Sensitive Position", means a position that requires an employee who carries a firearm; perform life-threatening procedures; work with heavy or dangerous machinery; emergency medical technicians, firefighters, work directly with elderly residents; work directly with children; work with detainees in the correctional system; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; hold a position in which a momentary lapse in attention could result in injury or death to another person; or a position requiring a Commercial Driver's License [CDL].

Treatment and Rehabilitation: The Town provides an Employee Assistance Program (EAP) for employees needing treatment or rehabilitation as well as medical plan coverage for both inpatient and outpatient treatment. Accrued leaves may be used for treatment and rehabilitation purposes. Treatment and rehabilitation are entirely the financial responsibility of the employee. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the EAP at 1-800-759-8122.

Prohibitions: This policy prohibits the following:

- The unauthorized use, possession, manufacture, distribution or sale of an illegal drug, controlled substance or drug paraphernalia on Town property or while on Town business, in Town supplied vehicles, or during working hours.
- The unauthorized use, possession, manufacture, distribution or sale of alcohol on Town premises or while on Town business, in Town supplied vehicles, or during working hours.
- Storing any illegal drug, drug paraphernalia, any controlled substance whose use is unauthorized, or any container of alcohol, in or on Town property (including vehicles).
- Reporting to work, or working while under the influence of illegal drugs, or the illegal use of legal drugs or alcohol, whether on Town premises, on Town business, or in Town supplied vehicles.
- Failing to notify the employee's Supervisor or Department Head before beginning work that the employee is taking medications or drugs that may interfere with the safe and effective

- performance of duties.
- Refusing to immediately submit to an alcohol and drug test, when requested by a supervisor, in accordance with this policy.
 - Failing to provide, by the next workday following a request, their valid prescription for any drug or medication identified when the results of a drug test are positive.
 - Refusing to submit to an inspection as described in the Enforcement section, when requested by a Supervisor or Department Head, in accordance with this policy.
 - Failing to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
 - Violating any criminal drug or alcohol Statute while working. Conviction under any criminal drug statute.
 - Failing to notify the Supervisor or Department Head of any arrest or conviction under any criminal drug or alcohol statute by the next workday following the arrest or conviction.

Enforcement: When there is a reasonable suspicion to believe that an employee's job performance may be impaired by drugs or alcohol, the Supervisor or Department Head may: [a] direct the employee to submit to a drug/alcohol test; and/or [b] search, with or without employee consent, all areas and property in which the Town maintains control or joint control with the employee.

Reasonable Suspicion: "Reasonable Suspicion" is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform their job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- Slurred speech.
- Irregular or unusual speech patterns.
- Impaired judgement.
- Alcohol odor on breath.
- Uncoordinated walking or movement.
- Unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility or aggressiveness; or possession of alcohol or drugs.

Random Testing: During the calendar year, a percentage of CDL holders will be tested at percentage rates in accordance with applicable law on a random basis for the presence of drugs and for the presence of alcohol. Approximately quarterly, although testing could occur anytime during the year, names of CDL holders will be drawn randomly to select individuals for drug and alcohol testing. These individuals will be scheduled for testing. All individuals will be required to go to the Town Office for on-site drug and alcohol testing or at such other locations as determined by the Select Board. No warning will be given to employees regarding the date and time of the random test.

Post-Accident: Post-accident drug or alcohol testing is testing based on an accident or observation of unsafe work practices when the employee's performance either contributed to an accident or cannot be discounted as a contributory factor to an accident or based on an accident which could have reasonably resulted from an employee's performance. Any accident involving a Town vehicle must be reported as soon as possible by the employee to his/her Supervisor or Department Head. The Supervisor or Department Head should investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and alcohol test. An employee shall have a drug or alcohol test when the employee is involved in a workplace accident and if there is reasonable suspicion that the employee caused or

contributed towards the cause of the accident. In addition, testing is mandated in the following circumstances:

- An accident that has resulted in the loss of human life
- An accident in which the CDL driver received a citation and there is an injury requiring medical attention away from the scene of the accident.
- An accident in which the CDL driver receives a citation and any vehicle in the accident must be towed from the scene.
- A post-accident drug and alcohol test should be completed immediately. Drug testing must occur no later than thirty-two (32) hours after the accident. Alcohol testing must occur no later than eight (8) hours after the accident. In the instance of a CDL driver, if more than two (2) hours elapse before an alcohol test is administered, the Town is required to prepare and maintain on file an explanation of why a test was not promptly administered for the FHWA. If alcohol testing is not administered within eight (8) hours following the accident, the Town shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.
- A driver is prohibited from consuming alcohol for eight (8) hours after an accident or until he/she has taken a drug and alcohol test.
- Note: a police officer investigating an accident has legal authority, under certain circumstances, to order a blood sample to be taken for drug and alcohol testing.

Return to work testing: When a CDL employee has tested positive for drugs or alcohol during a random or post-accident test, the provisions in the section below on discipline and/or treatment/rehabilitation will apply. In addition, the following specific rules apply in the case where the Employee's employment has not been terminated because of the positive results:

- Employees will be referred to the Employee Assistance Program (1-800-759-8122) as part of their return to work requirements.
- The employee must comply with any recommended rehabilitation.
- The employee must have a negative retest before being permitted to return to work.
- Unannounced follow-up tests will be conducted at least six (6) times within the first twelve (12) months after an employee returns to work. The follow-up tests will be at the expense of the employee.
- Testing may be extended for a period of up to sixty (60) months after return to work.

Pre-duty use of alcohol: Employees are prohibited from consuming alcohol for four (4) hours before going on duty or before operating a commercial motor vehicle. This regulation from the FWWA applies to scheduled shifts and all callout situations. If an employee cannot meet this requirement, it is their responsibility to tell their Supervisor, Department Head, or person initiating the callout, that they cannot report to work.

Impairment: The Supervisor or Department Head shall directly observe the employee's behavior and document in writing the facts constituting reasonable suspicion. When circumstances permit, a second person shall also observe the employee to verify that there is a reasonable basis to believe that drug or alcohol impairment may be present. If possible, the Supervisor or Department Head shall question the employee about the situation. When a determination is made that an employee may be impaired because of drug or alcohol use, the employee shall be relieved of their position and placed on paid leave status. The Supervisor or Department Head shall immediately notify the Select Board. In no case shall the time for review exceed two (2) hours. The individual shall appear at the designated testing location at the time instructed by the Department Head.

A "Positive" drug test result includes all the following:

- A verified positive.
- Refusal to allow or appear for a test.
- Adulterated or substituted tests.
- Inability to provide a medical explanation for a "shy bladder" or "shy lung".
- Failure to cooperate in any way with the testing process.
- Admits to the collector that they adulterated or substituted their specimen.
- Behaves in a confrontational way that disrupts the collection process.
- Fails to follow the "Observer's" instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process; or
- Refuses to wash his or her hands – after being directed to do so.

Any Employee receiving a "shy lung" or "shy bladder" report from a Medical Review Officer [MRO] will need to acquire a medical explanation from their Doctor explaining why they cannot physically produce enough air for Breath Alcohol Testing or enough urine for a Drug Specimen Collection.

In the case of prescription drug use that may affect an employee's ability to perform their job safely, the Town will require the subject to provide, by the next scheduled work day, a bona fide verification of a valid current prescription for the drug identified. The applicant shall be dropped from eligibility or the employee will be subject to disciplinary action when:

- Verification of a valid prescription is not provided, and the employee has not previously notified their Supervisor or Department Head; or the prescription provided is not in the subject's name.
- Specimen samples shall be sealed and labeled. Samples shall be stored in a secure and refrigerated atmosphere. A large enough sample will be taken to allow for a second, follow-up test.
- Any sample that has been adulterated, or is shown to be a substance other than urine, shall be reported as such. Any applicant or employee providing false information about a urine or breath specimen, or who attempts to contaminate such sample, shall be subject to removal from consideration for hiring or terminated.

Results of drug testing: All laboratory results will be reported by the laboratory to an MRO designated by the Town. The MRO will review the results of the test and determine if the sample contains any illegal drug, legal drug or alcohol at levels that would cause impairment or reveal its use in an illegal manner. The MRO will also review the medical history made available by the employee when a confirmed positive test could have resulted from a legally prescribed medication. The results shall be forwarded immediately to the Town for further review. The Department Head will send a copy of the drug testing results to the employee's home address upon request.

Positive results: When there is a confirmed presence of alcohol at the .04 level or greater or any legal drug, for which in the opinion of the Town no reasonable explanation or proof is provided, the employee shall be deemed to have failed the test. The employee shall be subject to disciplinary action as outlined in the personnel policies of the Town, up to and including termination.

In addition, when there is a confirmed presence of alcohol at the .02 level or greater, the employee is deemed unable to safely operate a motor vehicle, operate machinery or perform

safety-sensitive work. If these tasks are part of an employee's job (in the opinion of the Supervisor or Department Head), they shall be considered unable to work and will be sent home for the remainder of their work shift. The individual shall be required to take leave without pay. The employee shall not be permitted to take sick leave or vacation time. The employee shall return to work after a period of twenty-four (24) hours or at the beginning of their next workday or shift (whichever period is greater). Under this policy, a Breathalyzer test of between .02 and .39 would be considered a positive test and may result in further disciplinary action other than taking leave without pay for the remainder of their workday[s] or shift.

Employee notification: The Town shall advise the employee of the positive test result. The employee shall be afforded the opportunity to have the original urine sample retested. Retests must be requested within a period of seventy-two (72) hours after notification of an initial positive test by the Department Head.

Discipline: As with any issue of employee misconduct, an appropriate investigation and assessment of circumstances needs to be made with guidance from the Department Head and the Select Board. Advice from medical professionals may be sought. A decision to refer for substance abuse evaluation, treatment, and/or discipline may be made depending on the nature and severity of misconduct, the employee's work history, and other pertinent facts and circumstances. In certain situations, follow-up drug testing may be recommended and conducted to ensure the employee remains drug and alcohol free. Rehabilitative treatment and follow-up testing shall be the financial responsibility of the employee.

A referral for evaluation by a substance abuse professional is mandatory for CDL holders when there is a positive test. The evaluation by the substance abuse professional shall be the financial responsibility of the employee.

Any disciplinary action will be carried out in accordance with Town Personnel Policies.

Negative test results: Employees who have been tested for drugs and alcohol, where no substance abuse was found, shall have that result placed in a confidential folder in a separate, secured file maintained by the Finance Administrator. In the case of job applicants, the Department Head shall notify the Select Board that the applicant is clear for hire.

Confidentiality: Laboratory reports of positive test results shall not appear in an employee's general personnel folder. Information of this nature will be placed in a separate confidential medical folder that will be maintained by the Finance Administrator.

The positive reports or test results shall be disclosed only on a need-to-know basis. Disclosures without employee/applicant consent may also occur when:

- The information is compelled by law or by judicial or administrative process.
- The information has been placed at issue in a formal dispute between the Town and the employee.
- The information is to be used in administering an employee benefit plan such as for drug or alcohol treatment.
- The information is needed by medical personnel for the diagnosis or treatment of the patient [employee] who is unable to authorize disclosure.

No records containing information required by this policy will be released except as provided as follows:

- Upon written request of the employee.
- Upon written authorization of the employee, records will be disclosed to a subsequent employer subject to use as specified by the employee; or

- Upon specific written authorization by the employee, records will be released to an identified person for use only as specified by the employee.
- Records may be disclosed to a decision-maker in a lawsuit, grievance, or other proceeding initiated by, or on behalf of the employee, including, but not limited to, a worker's compensation, unemployment compensation or other proceeding relating to a benefit sought by the employee.

Record retention requirements: The Town shall maintain all records related to drug and alcohol testing for each employee in a secure location with controlled access. The Town shall keep all documents sent by the laboratory or the collection site.