TOWN OF GILFORD

PERSONNEL POLICIES

EFFECTIVE JANUARY 1, 2017

A WORKPLACE COMMITTED TO EXCELLENCE
WHERE EMPLOYEE SUCCESS
COMES FROM EXCEEDING EXPECTATIONS
WHERE STAFF ACCOMPLISHMENTS ARE RECOGNIZED
AND EXTRA EFFORTS ARE APPRECIATED
WHERE POOR PERFORMANCE AND BAD ATTITUDES ARE UNACCEPTABLE
AND TAXPAYER SERVICE IS THE ULTIMATE REASON WHY
THE TOWN OF GILFORD
COMPENSATES PERSONNEL AND PROVIDES EMPLOYEE BENEFITS
AS SET FORTH HEREIN

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ARTICLE I GENERAL PROVISIONS

I.1 Authority

A. The Board of Selectmen hereby adopts these Personnel Policies pursuant to the authority granted under RSA 41:8, to be effective as of January 1, 2009. These Personnel Policies shall supersede and replace any and all personnel rules and all other policies, procedures and practices pertaining to personnel matters that have been previously adopted, except for the Town's Safety Program Manual and Departmental Operating Procedures Manuals previously approved by the Board of Selectmen that are not inconsistent with the terms and conditions set forth herein, which shall be considered supplementary hereto and incorporated herein.

B. It is hereby acknowledged that prior to the adoption of these Personnel Policies, the Board of Selectmen deliberated upon a draft personnel plan submitted by the Town Administrator pursuant to the provisions of Article 4 of the Town of Gilford Administrative Code. Furthermore, the Board of Selectmen hereby declares these Personnel Policies to be consistent with the applicable provisions of the Administrative Code and to the extent necessary, shall serve as a supplement thereto.

C. Nothing in these Personnel Policies is intended to supersede or be inconsistent with any other applicable federal, state or local laws pertaining to personnel matters. To the extent that any such unintended consequences are found to exist whereby specific language in these Personnel Policies may not be enforceable as determined either by a court of law or by a decision of the Board of Selectmen, all other provisions of these Personnel Policies shall remain in full force and effect.

D. To the extent that New Hampshire law provides for the Fire Engineers, Library Trustees or some other public body to act as the Appointing Authority or a governing body with specific jurisdiction over personnel matters, these Personnel Policies shall not apply unless they have been adopted by the respective agency, in which case the powers set forth herein as applicable to the Board of Selectmen shall otherwise be bestowed thereto.

I.2 Purpose

A. These Personnel Policies have been developed to provide guidance and direction to employees, Supervisors, Department Managers and other Town officials for the sake of promoting consistency within a constantly changing people environment for the betterment of the Town.

B. The primary purpose of these Personnel Policies is to establish guidelines and procedures to ensure, in so much as possible, uniform application and fair administration of practices regarding municipal operations and the employment of persons by the Town of Gilford; as well as to inform current and potential employees of the working conditions to be expected. It must be recognized, however, that the uniform treatment of personnel at all times is neither feasible, nor desired. This

statement is made on the presumption that employee job performance, attitudes and capabilities vary to a degree based upon each individual's effort and personality. With this in mind, it shall be the policy of the Town to foster, encourage and reward good work performance; and to also remedy or eliminate poor employee conduct.

C. Another objective of these Personnel Policies is to provide a summary of the benefits that may be available to employees, along with general eligibility criteria. It must be understood, however, that all of the benefits described in these Personnel Policies are subject to change or discontinuation due to circumstances beyond the control of the Town, (such as rules of insurance providers or legislation or fee increases). If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will continue rather than the summaries contained in these Personnel Policies.

D. The Town reserves the right to amend, rescind or modify its policies, employee benefits, rules or any other provision of these Personnel Policies or referenced materials at anytime with or without notice. Under normal circumstances, however, these Personnel Policies may be amended by the Board of Selectmen at anytime during a duly posted, public meeting, in which case the Town shall strive to inform affected employees of any changes as soon as practical.

E. These Personnel Policies are neither an express nor an implied contract for employment or benefits between the Town and any of its employees. Accordingly, these policies and the provisions set forth herein do not, and should not be construed to establish any legally binding conditions of employment.

F. Lastly, these Personnel Policies are intended to serve as a comprehensive set of procedures by which Town officials and employees shall strive to deliver the government services that are desired by the taxpayers of Gilford in the most efficient, professional and friendliest manner possible.

I.3 Exemptions

A. These Personnel Policies shall not apply to elected officials, volunteers or non-employees, except to the extent that such persons may interact with employees who are otherwise covered by the terms and conditions set forth herein, or as otherwise prescribed by a Town Meeting vote.

B. Employees who are covered under a collective bargaining agreement shall not be eligible for the benefits set forth herein unless otherwise approved at the sole discretion of the Board of Selectmen. However, the work rules and conditions of employment shall apply to all employees, including positions that are in a union, except to the extent that such terms and conditions are otherwise superseded by a

collective bargaining agreement or a mandatory subject of bargaining under the provisions of RSA 273-A.

C. It is recognized that State law may supersede the at-will employment status as set forth in these Personnel Policies and may alter specific terms and conditions of employment as referenced in RSA 105:2-a (Police Chief); RSA 41:48 (Police Officers); RSA 154:5 (Fire Chief); RSA 128:4 (Health Officer); and RSA 202-A;17 (library employees).

I.4 Administration

A. The Board of Selectmen shall have ultimate authority for the administration of these Personnel Policies; however, Department Managers shall be responsible for the day-to-day administration with regards to their respective departments, subject to oversight by the Town Administrator where applicable. And to a lesser extent, employees with supervisory duties shall also be responsible for the administration of these Personnel Policies as may be necessary to fulfill their roles in the context of middle management or as otherwise set forth herein.

B. It shall be expressly understood that the Selectmen, Town Administrator, Department Managers, Supervisors, employees and other Town officials shall utilize appropriate chains of command when dealing with personnel matters or workplace issues.

ARTICLE II MANAGEMENT RIGHTS

II.1 At-Will Employment Status

A. Notwithstanding any specific employment laws to the contrary, all employees of the Town of Gilford shall be considered at-will and shall serve at the pleasure of the Board of Selectmen or appointing authority; whereby the Town may terminate the employment relationship at any time with or without cause, advance notice or appeals or due process requirements. The Town has the exclusive right and authority to terminate employees at-will.

B. These Personnel Policies are not to be construed as an explicit or implied employment contract between the Town and any of its employees.

C. The Board of Selectmen may, at its sole discretion, enter into an employment contract with any employee in order to alter specific terms and conditions of these Personnel Policies and/or establish additional employment understandings, however, all of the remaining terms and conditions and the at-will status of employees shall remain in effect to the fullest extent allowed by law.

II.2 Establishment of Working Conditions

A. The Town shall have unlimited freedom of action, to the fullest extent permitted by law, to discharge its responsibilities for the essential and successful operation of Town government and all of its departments; including, but not limited to exclusive rights with regards to:

(1) The scheduling of operations and work hours;

(2) Determining the methods and materials used in the delivery of municipal services;

(3) Establishing the mission of each department;

(4) Determining the extent to which personnel, facilities, equipment and other resources shall be utilized;

(5) Designating workplaces;

(6) The right to hire, promote, transfer, assign, discipline, suspend, demote and discharge employees:

(7) The right to engage the services of contractors and subcontractors;

(8) The right to add positions, eliminate positions, layoff employees, create job classifications, amend job descriptions, determine qualifications, reclassify personnel or take any other personnel action deemed to be in the best interests of the Town;

(9) The prudential management of the fiscal affairs of the Town;

(10) The unmitigated exercise of all rights, responsibilities and prerogatives that are inherent in its role as an employer.

B. The ultimate management of the Town in all its phases and details shall remain vested exclusively with the Board of Selectmen pursuant to New Hampshire State law.

C. The Board of Selectmen, at its sole discretion, reserves the right to temporarily suspend the provisions of these Personnel Policies in the event of an emergency situation.

D. It shall be expressly understood that the application of these Personnel Policies shall not be subject to any grievance, arbitration or appeals process unless specifically set forth herein or as otherwise required by law.

E. All employees shall be provided with a copy of these Personnel Policies, which shall remain property of the Town. Employees shall be required to acknowledge receipt of these Personnel Policies and to sign a statement that they have read and understand the provisions herein, with the understanding that they may ask for an explanation or further clarification whenever necessary and expedient.

F. Work Week and Pay Period

(1) The Town of Gilford work week shall be Sunday (beginning at midnight) through Saturday (ending at 11:59pm) for all departments. Paydays shall normally be on the Thursday following the completion of the work week. Paychecks shall be distributed by Department Managers (or a designee) unless an employee makes arrangements for direct deposit. If an employee is not present at work on payday, the employee may pick up his/her check in the Finance Office upon return to work or request the paycheck be mailed. Paychecks will not be released to any person other than the employee to whom the check is issued. The Town reserves the right to modify the above referenced schedules based on events which may be beyond the control of the Town or as otherwise set forth herein.

(2) The Town reserves the right to establish and modify individual employee work schedules as may be necessary, provided, however, the Town will strive to provide a two week notice whenever possible when making permanent

schedule changes, except in the event of an emergency or as may be applicable to rotating shifts.

(3) The Town reserves the right to require employees to submit any documentation deemed necessary as proof of time worked. Employees may be required to complete time sheets or punch a time clock; however no employee is authorized to tamper with a time sheet or punch a time clock on behalf of another employee. Falsification of time records and other payroll documentation may lead to discipline, up to and including discharge. Department Managers shall provide employees with details concerning their obligations to submit time sheets.

G. Attendance

(1) From time to time, it may be necessary for an employee to be absent from work. The Town is aware that emergencies, illnesses or pressing personal business cannot always be scheduled outside an employee's work hours. Paid time off (e.g., vacation, sick and personal days) has been provided for this purpose.

(2) If an employee is unable to report to work, or if an employee will arrive late, he/she must contact his/her Supervisor as soon as practical, and at least one (1) hour prior to their scheduled work start time. (See Section VIII.5, Sick Leave Policy.) Employees must provide their Supervisors with as much time as possible to arrange for someone to cover the employee's position until he/she arrives. If an employee knows well in advance that he/she will need to be absent or late, the employee is required to request this time-off directly from his/her Department Manager. Only Department Managers (or designees) shall have the authority to determine the most suitable time for an employee to be absent from the workplace for scheduled, non-emergencies.

(3) Whenever an employee is unable to report to work on time, he/she must contact his/her Supervisor or Department Manager or the Town Administrator directly and indicate the exact nature of the situation, to include an estimate of when he/she expects to arrive for work. Failure to comply with this policy may lead to discipline, up to and including discharge. If an employee is unable to call because of a severe illness, emergency or other reason, the employee must be sure to have someone call on his/her behalf.

(4) Employees are expected to be at their work station and ready to work at the beginning of their assigned work day. Also, employees are expected to remain at their workplace throughout the work day, except for approved breaks or occasional visits to the rest room; otherwise employees must notify their Supervisor whenever they leave the workplace in so much as practical.

(5) Excessive Absenteeism or Lateness: The Town reserves the exclusive right to determine if an employee does not meet attendance expectations and is therefore subject to discipline, up to and including discharge. In general, two (2) unexcused absences or a consistent pattern of absence, (particularly on Mondays and Fridays), will be considered excessive. Also, repeated tardiness and/or the frequent need to leave work prior to the end of the work day are unacceptable patterns of behavior.

(6) An employee's Supervisor shall make a note of any unexcused absence, lateness and/or early workplace departures along with a statement on the circumstances of the incident for submittal in the employee's personnel file, (with a copy provided to the employee). Attendance records shall be considered as part of all personnel decisions such as evaluations, promotions, etc.

(7) All regular full-time employees are required to work a minimum of forty (40) hours per week at all times in order to maintain eligibility for benefits that are applicable to such employees. (Work is defined to include the use of holiday pay and other forms of leave as otherwise set forth in these Personnel Policies – see also Section VIII.8.) Regular full-time employees who are unable to work due to an illness or non-work related injury must utilize available leave time to ensure they are paid for a minimum of forty (40) hours per work week. Regular full-time employees who are unable to work due to an illness or non-work related injury and are without sufficient leave time on the books to be paid a minimum of forty (40) hours in any given work week shall be subject to the following consequences, (except during FMLA leave or unless otherwise prohibited by law):

(a) The Town's contributions for health and dental insurance shall be pro-rated based upon the number of hours that are compensated and the employee shall pay the difference. (Ex: if the Town normally pays 90% of the health insurance premiums but an employee only receives compensation for 30 hours of work, the Town's contribution shall be reduced to 75% of 90% = 67.5% and the employee shall be required to pay 32.5% of the premiums for that pay period.)

(b) Earnings of accumulated leave time shall be reduced on a pro-rated basis for each pay period that an employee is paid for less than forty (40) hours.

(c) Eligibility for short-term disability insurance, long-term disability insurance, life insurance, and accidental death & dismemberment insurance may be interrupted.

(d) Incomplete work weeks may be considered an interruption of service for the purposes of calculating eligibility for seniority and holiday pay.

(e) Repeated instances (more than one) in any twelve (12) month period may be cause for an involuntary medical discharge. All other repeated instances may be cause for disciplinary action, up to and including discharge.

ARTICLE III EMPLOYEE RIGHTS

III.1 Equal Employment Opportunity (EOE)

The Town of Gilford shall provide equal employment opportunities to all persons in accordance with applicable federal and state laws (Title VII of the Civil Rights Act, RSA 354-A, etc.) for qualified employees and applicants without regard to sex, race, religion, national origin, sexual orientation, pregnancy, age, marital status, veteran status or mental or physical disability or other characteristics protected by law. The Town Administrator shall serve as the primary coordinator on EOE compliance matters.

III.2 Accommodation for Individuals with Disabilities (ADA)

A. It shall be the policy of the Town of Gilford to extend all rights available under the federal Americans with Disabilities Act to employees and prospective employees and workplace visitors, to the greatest extent practical. The Town Administrator shall serve as the primary coordinator on ADA compliance matters.

B. The Town shall strive to constantly evaluate accessibility constraints and identify the essential functions of every employment position at the time of a job posting for the purpose of determining the case-by-case circumstances for making reasonable accommodations. The Town will make reasonable accommodations for qualified individuals (with medical documentation) to ensure equal opportunity in the application process, to enable employees to perform essential job functions, and to enable disabled employees to enjoy the same benefits and privileges of employment as are enjoyed by employees without disabilities.

C. The Town may decline to provide accommodations in certain circumstances including, but not limited to when: (1) the requesting employee is not a qualified individual with a disability within the meaning of state or federal law; (2) the accommodation would pose an undue hardship to the Town or to other employees; and/or (3) the employee may cause a direct threat to his/her own health or safety or the health or safety of others, even with the benefit of reasonable accommodation.

D. The Town will maintain all medical information in a confidential manner, and will release it only to those with a legitimate need to know.

III.3 Sexual Harassment

A. Employees have a right to work in an environment that is free from sexual harassment. Some examples of conduct that will be considered sexual harassment include, but are not limited to:

(1) Submission to or rejection of a request for sexual favor is used as the basis for employment decisions;

(2) Submission to a request for sexual favors is made either explicitly or implicitly a condition of continued employment;

(3) Unwelcome sexual advances and other verbal or physical or non-physical contact or graphic displays of a sexual nature interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment;

(4) An individual repeatedly makes inappropriate remarks about someone's clothing, body or sexual activities or engages in repeated leering, or ogling;

(5) An individual engages in unwelcome and offensive touching, patting or pinching of another person's body parts or any type of assault of a sexual nature.

(6) Sexual innuendoes; sexual jokes; written or spoken references to sexual conduct; gossip regarding one's sex life;

(7) Displaying sexually suggestive objects, pictures, cartoons;

(8) Whistling, brushing up against the body or other sexual gestures; and,

(9) Suggestive or insulting comments.

B. All complaints of sexual harassment must be referred promptly (within 24 hours) to the Town Administrator who shall then conduct an investigation into the matter. Confidentiality shall be maintained to the greatest extent possible, consistent with the need to conduct a prompt and thorough investigation of the complaint.

C. Upon conclusion of the Town Administrator's investigation, he/she shall take whatever action is deemed appropriate in accordance with these Personnel Policies. However, the imposition of disciplinary action shall remain a confidential matter and may not be disclosed to the complainant.

D. The Town prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for participating in or otherwise assisting in a complaint investigation. Any employee found to have engaged in retaliation will be subject to disciplinary action, up to and including discharge.

III.4 Personnel Files

A. There shall be only one official personnel file to be held in the custody of the Office of the Selectmen. The rights of employees to access to their personnel file shall conform to RSA 275:56, provided, however, employees may only review these files during break times or non-working hours or by appointment. There shall be a charge of ten cents per page for copies of documents.

B. The Town shall not provide copies of any confidential documents from an employee's personnel file to any person requesting such information except upon a signed written statement by the employee (to be confirmed verbally); or by court order or when such documents are being used by the Town for official purposes not otherwise prohibited by law.

III.5 Indemnification

The Town shall indemnify employees pursuant to the provisions of RSA 31:105 from any damages or loss arising out of a claim brought against a Town employee for any lawful action taken within the scope of that person's employment, except for acts of gross negligence. However, the Town reserves the right to provide (and pay for) legal counsel in lieu of reimbursement for legal fees at the sole discretion of the Selectmen in matters that are covered by Town insurance. This indemnification policy shall be in addition to any other forms of immunity bestowed upon Town employees by federal or state law.

III.6 Whistle Blowers' Protection

Employees have a right to work in an environment that is free from retaliation, harassment or discrimination resulting from reports made in good faith about violations of federal, state or local laws pursuant to the provisions of RSA 275-E.

III.7 Communications with Public/Confidentiality

All Town employees have rights equal to private citizens to speak in public; however, these rights do not extend to the disclosure of confidential information obtained during the course of their employment with the Town nor do employees have the right to make statements to the public or press (or publicly disseminate any information or personal opinions about Town business) during hours which they are engaged in work as a Town employee except when done as part of that employee's essential job functions as specifically authorized by their Supervisor. Nothing herein is intended to relieve employees from disciplinary consequences for behavior that disrupts efficient operations or undermines management authority.

III.8 Other Employee Rights

Employees have other rights that are set forth in various sections of these Personnel Policies, (including, but not limited to FMLA, Workers' Compensation, COBRA, etc.) and additional rights under laws that may not be set forth or referenced herein. It should be noted that these Personnel Policies are not intended to be a complete and thorough recitation on every right an employee may have under the law, but rather they are simply an attempt to provide guidance to employees on reasonable expectations pertaining to the workplace.

III.9 Enforcement of Employee Rights and Reporting Procedures

A. All Town employees are responsible for keeping the work environment free from harassment and discrimination. Anyone who feels that he/she has been subject to harassment or discrimination must report the alleged violations to the Town Administrator. Any Department Manager or Supervisor who receives a complaint of harassment or discrimination or who becomes aware of possible harassment or discrimination must immediately report the situation to the Town Administrator.

B. Neither the Town nor any employee shall retaliate or discriminate against someone for filing a complaint with a Town official as otherwise set forth herein. However, any person who is found to have filed a blatantly false or malicious complaint without merit or repeatedly files unsubstantiated allegations may be discharged as an employee.

C. In the event that an employee accuses the Town Administrator of a violation of these policies; or if an employee is uncomfortable filing a complaint with the Town Administrator due to that person's gender, then a complaint must be submitted to a member of the Board of Selectmen who shall then notify the remaining Selectmen for the purpose of engaging an independent third party to conduct an investigation.

III.10 Participation in Political Campaigns

Employees are entitled to publicly endorse candidates or political causes of their own choosing as private citizens without repercussion; however, they may not use or make reference to their job title or status as an employee of the Town of Gilford when actively participating in a political campaign or making an endorsement on a political issue, (to include the election of candidates for political office), unless specifically authorized by the Board of Selectmen.

ARTICLE IV DEFINITIONS

IV.1 Department Manager – An employee who is appointed (or elected) to a position within the following employment classifications: Police Chief, Fire Chief, Library Director, Public Works Director, Finance Director, Town Administrator, Planning & Land Use Director, Parks & Recreation Director, Town Clerk & Tax Collector. [NOTE: for the purposes of these Personnel Policies, the Town Administrator shall serve as the Supervisor of Department Managers that are not elected, except for those Department Managers that fall under the jurisdiction of some other appointing authority, in which case the appointing authority may serve in place of the Town Administrator as otherwise set forth in these Personnel Policies.]

IV.2 Hourly Employee – An employee whose employment classification requires compensation on an hourly basis and is more particularly described as "non-exempt" (eligible for overtime pay) under the federal Fair Labor Standards Act. For the purposes of these Personnel Policies, hourly compensation shall be rounded to the nearest quarter hour.

IV.3 Irregular Employee – An employee who works on-call, or is scheduled to work no more than twenty-six (26) weeks per calendar year or less than twenty (20) hours per week.

IV.4 Probationary Period – A timeframe during which an employee shall be evaluated to determine his/her suitability for employment or a promotion. (For an explanation of the procedures used to determine if an employee has failed to satisfactorily complete a probationary period – see Section V.8.) The minimum probationary periods shall be as follows, provided, however, the Town reserves the exclusive right to extend a probationary period for a specific timeframe or until such time as a required certification is obtained, as otherwise set forth in a written notice to the employee:

(a) Ninety (90) days from the effective date of a promotion, (see also Section VI.3), unless the promotion is to the rank of Department Manager, in which case the minimum probationary period shall be six (6) months.

(b) Ninety (90) days as part of a written disciplinary action.

(c) Six (6) months from date of hire (or new appointment) for employees whose positions do not require graduation from a public safety academy.

(d) Twelve (12) months from date of hire (or new appointment) for public safety employees who are required to graduate from either the Police or Fire Academy

IV.5 Regular Full-Time Employee – An employee who has completed the initial probationary period and is scheduled to work forty (40) hours per week and more than twenty-six (26) weeks per calendar year.

IV.6 Regular Part-Time Employee – An employee who has completed the initial probationary period and is scheduled to work at least twenty (20) hours per week (on average over the course of an entire calendar year), but less then forty (40) hours per week for more than twenty-six (26) weeks per calendar year.

IV.7 Salaried Employee – An employee who is paid a weekly salary at a fixed amount and is more particularly described as "exempt" (not eligible for overtime pay) under the federal Fair Labor Standards Act. The following employment classifications shall be salaried: All Department Managers, Deputy Police Chief, Deputy Fire Chief, Police Lieutenant, Health Officer, Emergency Management Director; Public Works Operations Manager, Police Captain, Welfare Director.

IV.8 Supervisor – A public body or Town Official who has been delegated with some degree of authority over an employee (or employees) and has the ability to materially affect an employees' terms and conditions of employment. Positions that are considered supervisory include, but are not limited to: Board of Selectmen, Board of Fire Engineers, Board of Library Trustees, all Department Managers, all Deputy Department Managers, Captains, Lieutenants, Sergeants, Corporals, First Class Patrol Officer, Foremen, Superintendents, DPW Operations Manager, Head Custodian, Shop Supervisor, Recycling Supervisor, Beach Manager, etc.

IV.9 Workplace – Any location, including a Town building, Town property, street, vehicle, classroom, courtroom, assembly area, private property, office or remote job site where an employee has been assigned to work or authorized to work and is being compensated by the Town for engaging in a specific activity.

ARTICLE V HIRING PROCEDURES

V.1 Job Postings

A. Whenever a Department Manager becomes aware that a position is vacant or about to become vacant, he/she shall provide the Board of Selectmen with (a) a request to authorize the Town Administrator to post notice and advertise a job opening or (b) a recommendation to promote a current employee from within or (c) a request to modify the job classification, amend the job description or eliminate the position. In addition, Department Managers shall provide the Selectmen with a statement on the availability of budgeted funds (for compensation and benefit purposes), a copy of the current job description (and proposed amendments if applicable) and a statement on required hiring procedures as may be set forth in a collective bargaining agreement (if applicable). [These same procedures shall be used by the Town Administrator in the event of a vacancy in a Department Manager position.]

B. Upon authorization of the Board of Selectmen, notice of vacancies shall be posted in at least three (3) conspicuous places in the Town of Gilford, (including the Department with a vacancy) and advertised for not less than three (3) days in at least one (1) newspaper or professional association publication. The minimum application period shall be seven (7) days. Postings and advertisements shall include: the job classification, pay range, job location, minimum qualification requirements, essential duties and physical requirements, application method and deadlines, and also notice as to the type of employment (i.e. regular full-time, seasonal, part-time with hours) and a statement on benefits. All postings and advertisements shall include reference to equal opportunity employment practices.

V.2 Nepotism

It shall be the policy of the Town to prohibit the hiring, promotion, transfer or continued employment of any person in a position that would result in that person being in a position of authority over a member of his/her household or extended family. The Town reserves the right to make lateral or promotional transfers or to decline making an appointment to comply with this policy; however, there shall be no attempt to discharge an employee in pursuit of this objective.

V.3 Applications/Acknowledgement

A. The Town Administrator or Department Manager (if delegated) shall strive to notify job applicants upon receipt of an application whenever applications are actively solicited.

B. Upon the closing of the application period, the Department Manager shall prepare a list of applicants and indicate which candidates appear to meet the minimum

qualifications based on the application materials submitted. This list shall be furnished to the Board of Selectmen and Town Administrator.

C. All candidates selected for an interview shall be asked a series of questions designed to elicit knowledge and skills related to the Town's specific needs for the position to be filled. Questionnaires should be approved by the Town Administrator, but persons conducting the interview may pose additional questions as a follow-up to issues raised during the interview or to obtain details that may have been missing from the application materials.

D. The Town reserves the right to conduct oral boards, written exams, proficiency tests or any other method of candidate evaluation upon approval by the Town Administrator. In addition, the Town reserves the right to engage the services of an outside contractor or third parties to participate in the recruiting process and to assist the Town in whatever manner may be deemed necessary.

E. The Board may conduct such interviews as it deems necessary. In addition, the Board of Selectmen may designate one or more of its members to participate in the selection of candidates and interview process in the hiring of a Department Manager.

F. The Town Administrator shall strive to either interview the candidate recommended by a Department Manager for appointment to a position with supervisory responsibilities or participate in the initial interview process as he/she may deem necessary and beneficial to the Town.

G. The Town Administrator may waive strict adherence to these application and hiring procedures, (particularly with regards to seasonal or irregular employees), provided, however, that no person shall be allowed to actually begin working for the Town until such time as the Board of Selectmen has approved the pay and work schedule by signing an Employee Classification Form.

H. Nothing herein is intended to prescribe a mandatory set of procedures for the Board of Selectmen in the hiring of a Town Administrator.

I. These procedures are intended to serve as guidelines only and any deviation thereof shall not void the hiring decisions.

V.4 Selection Process

A. The initial selection of the preferred candidate for employment shall be made based solely on overall qualifications, experience and suitability for the job based on the application materials and performance during the interview(s) and/or testing.

B. In the final selection of the preferred candidate, preference shall be given to (1) current employees; (2) Gilford residents and (3) honorably discharged U.S. veterans (in that order) in the event that all other hiring factors are equal.

V.5 Conditional Offers of Employment

A. For positions below the rank of Department Manager, the Town Administrator shall present a written conditional offer of employment to the person he/she deems to be best suited for the position to be filled, taking into account the recommendation of the Department Manager (if applicable) and any other relevant factors as allowed by law. Prior to sending such a letter, however, the Town Administrator shall contact the applicant by telephone to ascertain their willingness to accept a position and to discuss a tentative compensation offer.

B. For positions at the rank of Department Manager, the Town Administrator shall present a written conditional offer of employment to the person deemed best suited for the position to be filled upon approval by the Board of Selectmen.

C. All conditional offers of employment shall be in writing and indicate the offer may be withdrawn at anytime upon written notification. Additional information in such offers shall include, but may not be limited to the following: starting rate of pay, the pay period and pay day, position offered (classification), union affiliation (if applicable), reference to applicable policies governing terms and conditions of employment, summary of benefits, probationary period, supplemental background investigation and other pre-employment requirements, inquiry into reasonable accommodations that may be requested by the applicant, request for references, Supervisor's name and classification, employment goals and objectives, authorization to conduct an employment background check with a waiver of claims, etc. Applicants shall be required to sign an acknowledgement and acceptance of the offer terms.

V.6 Pre-Employment Evaluations

The Town may require an applicant for a job to undergo testing as noted below, provided that no candidate for a position with the Town shall be required to submit to a background check, medical examination or other form of evaluation other than screening of the application materials, qualification testing and interviewing unless said candidate has been tendered a conditional offer of employment by the Town Administrator.

A. Drug & Alcohol Tests: All candidates for employment that require possession of a Commercial Drivers License shall be required to undergo testing for drugs and alcohol in accordance with applicable federal regulations. Such testing shall be at Town expense and convenience at a facility designated by the Town.

B. Physical Capacity/Medical Screening Tests: All candidates for employment in a position that requires regular or strenuous physical labor shall be required to undergo a medical examination to test for physical capacity to perform the essential functions of the job and to evaluate if there are any pre-existing medical conditions for worker's compensation insurance purposes. Such testing shall be at Town expense and convenience at a facility designated by the Town. [NOTE: a doctor's note certifying good health may be accepted in lieu of a medical exam if less than one year old.]

C. Criminal Records Check: The Town reserves the right to require candidates for employment to undergo a criminal history background investigation. Such investigations shall be at Town expense and convenience using agencies designated by the Town.

D. Motor Vehicle Background Check: All candidates who may be required to operate a motor vehicle while in the employ of the Town shall be required to authorize the release of their motor vehicle records to the Town of Gilford. Such investigations shall be at Town expense and convenience using agencies designated by the Town.

E. The Town reserves the right to conduct such additional testing and background investigations as it deems necessary, including, but not limited to credit history, psychological exams, polygraph tests, physical fitness, etc.

F. All candidates for employment and all Town employees shall, as a condition of employment, be required to prove they are legally authorized to work in the United States.

V.6-A Criminal Background Investigations for Certain Employees

Pursuant to RSA 485-A:24, the Town shall not employ or retain any employee to work with children in a recreation camp setting if the person has a criminal conviction for causing physical harm or threatening to cause physical harm against any individual. Any employee whose work may result in them being alone with any child or children in a recreation camp setting, including, but not limited to Parks & Recreation Department youth program leaders, lifeguards, and swim instructors, shall be subject to a criminal background check every twelve (12) months to be conducted by the Department Manager using the services of an independent investigator that is acceptable to the State of New Hampshire. The results of such investigations shall be forwarded to the Town Administrator for review and inclusion in the employee's personnel file. In addition, all Department Managers that have employees whose work may result in them being alone with any child or children shall develop and implement internal procedures to ensure that employees who work with children do not have any criminal convictions for causing physical harm or threatening to cause physical harm against any individual. A conviction for any offense as noted herein shall result in termination of employment. Failure to comply with this policy may result in disciplinary action, up to and including discharge.

V.7 Employee Status

A. No person shall be deemed to have been hired as an employee of the Town without having an Employee Classification Form signed by the Board of Selectmen, which must take place prior to an employee beginning work.

B. Once the Selectmen have approved the hiring, the Town Administrator or Department Manager (if delegated) shall strive to notify all other candidates that they were not selected.

C. The following employees shall be required to take an Oath of Office prior to assuming the duties of the position: Town Administrator, Police Officers, Deputy Town Clerk – Tax Collector, Code Enforcement Officer, Deputy Code Enforcement Officers.

D. Every person hired by the Town must report to the Finance Office within twenty-four (24) hours of starting work for the purpose of completing applicable forms and paperwork as may be required for the processing of paychecks and benefits.

V.8 Unsatisfactory Probationary Period

A. Employees (other than Department Managers) who are serving an initial probationary period may be discharged by the Department Manager, upon approval by the Town Administrator, at any time with or without cause or advance notice and shall not be entitled to any appeal proceedings or hearings as otherwise set forth herein.

B. Department Managers who are serving an initial probationary period may be discharged by the Board of Selectmen (who shall convene in non-public session as part of a duly posted, public meeting) at any time with or without cause or advance notice and shall not be entitled to any appeal proceedings or hearings as otherwise set forth herein.

C. Employees (other than Department Managers) who are serving a promotional probationary period may be deemed to have failed the probationary period by the Department Manager who shall provide written notice to the employee of the reasons for this determination. An employee aggrieved by this decision may appeal to the Town Administrator in accordance with the provisions of Section X.1.C; and may further appeal to the Board of Selectmen in accordance with the provisions of Section X.1.D (if applicable).

D. Department Managers who are serving a promotional probationary period may be deemed to have failed the probationary period by the Town Administrator who shall provide written notice to the employee of the reasons for this determination. An

employee aggrieved by this decision may appeal to the Board of Selectmen in accordance with the provisions of Section X.1.D.

E. The completion of a written job performance evaluation shall not be a pre-requisite for a determination by the Town that an employee has failed to satisfactorily complete an initial or promotional probationary period.

ARTICLE VI TRANSFERS & PROMOTIONS

VI.1 Management Rights

A. The Board of Selectmen reserves the right to make lateral transfers or demotion transfers or promotions on a temporary or permanent basis using its sole discretion as deemed to be in the best interest of the Town. Such decisions may also be made taking into account the hiring procedures set forth herein as well as the recommendations of the Town Administrator and Department Managers. There is no appeal process for the exercise of these management rights.

B. Employees who accept a promotion or voluntarily transfer to a position that is not covered under a collective bargaining agreement shall cease being entitled to the benefits and other conditions of employment as set forth in such an agreement.

VI.2 Seniority

Seniority shall only be used as a basis for making promotional decisions or transfers when all other qualification issues are equal.

VI.3 Probationary Period for Promotions

A. Employees who apply for and/or accept a voluntary promotion shall be required to serve a probationary period as set forth in Section IV.4(a). During this time period, the Town may rescind the promotion upon a determination that the employee is not suitable for the position, (using the procedures outlined in Sections V.8.C and/or V.8.D), in which case the employee may be returned to his/her previous position at the previous pay rate, provided the position is available, otherwise the Town shall transfer the employee to some other position that is available for which he/she is qualified at the appropriate pay rate whenever possible. If no alternative position is available, the employee shall be laid-off.

B. An employee who applies for and/or accepts a voluntary promotion may return to his/her previous job classification and pay upon written request of the employee at anytime during the probationary period, provided the position (or some mutually acceptable alternative) is available.

C. Nothing herein is intended to waive the minimum twelve (12) month probation period and the requirement for certification in the event a "civilian" employee is promoted to a Police Officer or Fire Fighter position as otherwise set forth in Section IV.4.

VI.4 Pay Rates upon Promotion, Demotion or Transfer

A. Employees who are promoted or transferred shall be paid a weekly salary or hourly wage as set forth on the pay scale (grade) for that classification.

B. For employees who are being promoted, the Town shall generally provide a pay rate increase that is equivalent to:

(1) the step 1 pay rate on the pay scale (grade) for the applicable classification; or

(2) some other amount to be determined by the Board of Selectmen, taking into account (i) the request of the employee; (ii) the recommendation of the Department Manager; (iii) the availability of budgeted funds; (iv) the wages paid to subordinate employees – if applicable; and (v) any other factors that may be worthy of consideration.

C. Employees who are transferred or demoted to a different position (whether voluntarily or involuntarily) shall be subject to a pay rate reduction to ensure the new rate is commensurate with the new classification, taking into account the pay range for that position, years of experience, pay increases attributable to a promotion that are no longer applicable, compensation levels for other employees, and any other mitigating factors.

D. Employees who have their pay rates changed as the result of a promotion or transfer shall thereafter be assigned a new anniversary date for annual job performance evaluations and merit pay increases (if applicable) as of the effective date of promotion or transfer.

E. Employees who are promoted from part-time to full-time shall not otherwise be eligible for a pay rate increase due to the value of the new benefits that will be received by the employee, unless they are being reclassified with additional job responsibilities. In addition, there shall be no change in that employee's anniversary date for job performance evaluations and merit disbursements.

VI.5 Pay Rates for Temporary Service Out of Rank

An employee who performs the duties of a higher rank for an entire pay period or more upon authorization of the Department Manager with the approval of the Town Administrator, shall be paid an additional five percent (5%) of his/her wages while performing such duties. (However, it shall be understood that nothing in this Section shall be construed to prevent or limit the ability of Supervisors from performing the duties of subordinates whenever necessary or upon the direction of the Department Manager or Town Administrator.)

ARTICLE VII WAGES & SALARIES

VII.1 Pay Plan

All employees whose positions are subject to these Personnel Policies shall be paid an hourly wage or weekly salary pursuant to the pay classification plan attached hereto as Appendix A. It shall be understood that the plan consists of minimum and maximum pay rates to be in effect for all covered employees, but the steps shall serve only as a guide for the placement of new employees as set forth in Section VII.3.

VII.2 Pay Plan Adjustments

The Town Administrator shall periodically, but no less frequently then every three (3) years, submit a recommendation to the Board of Selectmen on adjustments to the pay plan based on regional labor market conditions for similar job classifications, taking into account the changes in the consumer price index over the period of review and the ability of the Town to recruit and retain qualified personnel. The Board of Selectmen may take whatever action it deems appropriate using its sole discretion when considering pay plan adjustment recommendations.

VII.3 Initial Pay Rates

For new employees hired after the date these Personnel Policies take effect, the Town reserves the right to assign the initial pay rate (step) based on experience and qualifications and the availability of budgeted funds as determined solely by the Board of Selectmen. However, any existing employee in the same pay grade with similar (or greater) qualifications and experience may utilize the provisions of Section VII.5 below, to seek a step reclassification.

VII.4 Job Performance Evaluations & Merit Pay Increases

All employees shall be subject to job performance evaluations (using the form attached hereto and incorporated herein as Appendix B) which shall be used to determine the extent to which an employee is meeting his/her job expectations and goals as established by his/her Supervisor. Evaluations shall be conducted upon the successful conclusion of a probationary period and thereafter following an employee's effective anniversary date.

A. Employees who are coming off of a probationary period shall not be eligible for a merit pay rate increase, (unless this coincides with an anniversary date) except in the event of extraordinary circumstances as may be approved by the Board of Selectmen or appointing authority at the time of hire or promotion.

A1. Except as otherwise noted, evaluation forms shall be used as the basis for determining merit pay rate increases to be applied as of an employee's effective anniversary date. The merit values (and amounts) to be used as part of the evaluation process shall be established by the Board of Selectmen, as set forth in Appendix B, subject to the

availability of budgeted funds. In addition, the actual merit amount to be awarded to an employee shall be subject to the approval of the Board of Selectmen using their sole discretion.

B. Employees who are at or beyond the maximum pay rate for their classification shall not be eligible for additional merit pay rate increases or lump sum merit pay disbursements; however such employees shall be eligible for annual meritorious lump sum longevity payments to be calculated as follows:

- Merit Rating @ less than 2.0% = $0
- Merit @ 2.0% = $20 per completed year of full-time service
- Merit @ 2.5% = $25 per completed year of full-time service
- Merit @ 3.0% = $30 per completed year of full-time service
- Merit @ 3.5% = $35 per completed year of full-time service
- Merit @ 4.0% = $40 per completed year of full-time service

(NOTE: completed year of full-time service shall mean the number of completed calendar months worked on a full-time basis, divided by 12, rounded down to the nearest whole number, not including any months spent working part-time, or time spent during a period of unpaid suspension and/or an unpaid leave of absence)

B1. Employees whose merit pay rate increase would otherwise exceed the maximum pay rate for their job classification may choose to receive either the maximum pay rate or the lump sum longevity pay.

B2. Employees who are eligible for a merit pay rate increase may choose to accept a lump sum merit payment (as otherwise set forth herein) instead of receiving their pay rate increase for that year.

B3. Lump sum payments shall be considered income for tax purposes but not for base wage, retirement or overtime pay calculations.

C. An employee's anniversary date for the purposes of merit pay increases and job evaluations shall be the date of hire. Thereafter, the anniversary date shall be the date of a promotion or reclassification as may be applicable.

D. The Town shall strive to complete the evaluation process and disburse merit pay rate increases within thirty (30) days of an employee's effective anniversary date.

E. An employee who fails to complete a self-evaluation within thirty (30) days of the due date shall be subject to a fifty percent (50%) reduction in their merit pay, whereupon the Department Manager shall complete the evaluation process within forty-five (45) days without the self-evaluation. A Department Manager that fails to complete a performance evaluation within forty-five (45) days of the due date may be subject to disciplinary action for neglect of duty.

VII.5 Extraneous Pay Rate Adjustments

Department Managers may submit written requests to the Board of Selectmen to increase an employees' step classification or reclassify a job title (upward but not downward) for good cause. In addition, an employee may submit a written request to the Department Manager for the Board of Selectmen to consider a step adjustment (upward, but not downward) in the event his/her compensation rate is at least ten percent (10%) lower than a compilation of comparable employees from other comparable New Hampshire municipalities. The Selectmen may request a recommendation from the Department Manager and may also request the employee provide such justification as they deem necessary to render a decision at their sole discretion. Extraneous Pay Rate Adjustments are to be made at the sole discretion of the Board of Selectmen.

VII.6 Meritorious Effort Pay

The Board of Selectmen, upon recommendation of the Town Administrator and Department Manager, may, in their sole discretion, award an employee an extra day's pay for exceptionally meritorious performance of duty.

VII.7 Overtime Pay

A. All overtime must be approved by the Department Manager or his/her designee except in the event of an emergency in which case the Town shall rely on the judgment of employees regarding necessity. The Town will attempt to provide employees with advance notice of the necessity for overtime work to the extent possible, however employees should anticipate the need to be available for overtime to perform essential services of a routine nature that are part of the job description.

B. All hourly (FLSA non-exempt) employees (except for Police and Fire as noted below) shall be entitled to be paid at the rate of one and one-half times their respective regular wage rate for all time actually worked in excess of forty (40) hours in the seven day work period, (Sunday through Saturday), except as otherwise noted herein or for certain seasonal positions that are specifically exempt under FLSA (such as lifeguards). In lieu of overtime pay, an hourly employee who is otherwise eligible for time and one half pay may request compensatory time (to be indicated on the weekly time sheet) at a rate of one point five (1.5) hours earned for every hour worked over forty (40), provided, however, that no employee may accumulate more than forty (40) hours of compensatory time. [NOTE: employees who have more than 40 hours of comp time on the books as of the effective date of these Personnel Policies shall be allowed to retain such time, but shall not be allowed to earn any additional comp time.] Comp time shall be paid before any other types of leave payments, (except for bereavement pay) unless otherwise approved by the Town Administrator under extenuating circumstances. The use of comp time shall require a minimum forty-eight (48) hour notice, except in the case of a legitimate sickness or emergency as may be determined by the Department Manager.

B1. Hourly paid Firefighters shall be eligible for overtime pay at time and one-half for all hours worked in excess of their regularly scheduled shifts, provided they actually work an average of forty-two (42) hours per work week over a two (2) week period. Firefighters are not eligible for compensatory time-off. For the purposes of this paragraph, authorized vacation leave shall be considered hours worked. (NOTE: for the purposes of FLSA, such employees shall be subject to a 14 day work period for determining overtime eligibility and nothing in these Personnel Policies shall obligate the Town to pay overtime for less than 106 hours worked during a work period, except as otherwise specified herein.)

B2. Hourly paid Police Officers, (not including Sergeants who shall otherwise be eligible for comp-time as noted herein), and Dispatchers shall be eligible for overtime pay at time and one-half for all hours worked in excess of their regularly scheduled shifts, provided they actually work an average of forty (40) hours per week over a two (2) week period. Police Officers and Dispatchers are not eligible for compensatory time-off. For the purposes of this paragraph, authorized vacation leave shall be considered hours worked. (NOTE: for the purposes of FLSA, such employees shall be subject to a 14 day work period for determining overtime eligibility and nothing in these Personnel Policies shall obligate the Town to pay overtime for less than 86 hours worked during a work period, except as otherwise specified herein.)

C. The requirement to work overtime shall be a condition of employment for all employees. Employees who repeatedly refuse overtime or fail to make themselves available to report to work whenever needed shall be subject to disciplinary procedures, up to and including discharge.

D. The Board of Selectmen, Town Administrator and/or Department Managers are authorized to prohibit employees from working overtime for budgetary reasons, in which case employees may be sent home early from the workplace to prevent the payment of overtime wages.

E. Employees who work overtime for grant funded details or similar situations shall not be eligible for retroactive pay rate adjustments (after merit pay or some other adjustment is disbursed) if the new pay rate would otherwise exceed the amount of grant funds to be received by the Town.

VII.8 Call Back Pay

A. Regular full-time employees who are FLSA non-exempt and have been called back to work during off-duty time after being dismissed shall be paid for all time actually worked, with a minimum of (2) two hours pay at time and a half; except for firefighters who voluntarily report for work during off-duty time shall receive a minimum one (1) hour call-back at time and a half. Call back pay shall not apply in

cases where an employee is required to extend his/her work shift or when work is scheduled more than seventy-two (72) hours in advance. Call back pay shall not count towards hours worked for overtime purposes. Wages for call-in pay shall be earned upon reporting to work.

B. Regular part-time and irregular employees who have been called back to work during off-duty time after being dismissed shall be paid a minimum of (2) two hours pay at straight time, unless they have worked more than forty (40) hours in which case the pay shall be at time and one-half.

VII.9 Compensation Benefits for Salaried Employees

A. Salaried (FLSA exempt) employees shall not be entitled to overtime pay, compensatory time or call-back pay. However, salaried employees who have accumulated compensatory time prior to the effective date of these Personnel Policies shall be allowed to retain such time to be used (up to 120 hours maximum) and/or paid out (up to 40 hours maximum) prior to December 31, 2009. The use of previously earned compensatory time shall be noted on weekly time sheets for Finance Office tabulations.

B. Salaried (FLSA exempt) employees shall be expected to work a minimum of forty (40) hours per week, including the use of authorized leave time. In cases where salaried employees work more than forty-five (45) hours per week, such employees may earn flex time-off (not to exceed 80 hours), to be used as time-off with pay upon written notification to the Town Administrator. In cases where such employees work less than forty (40) hours, they shall be expected to use flex time if available to "make up" any missed time, otherwise they shall use some other type of authorized leave to the extent required by law. The use and accumulation of flex time shall be noted on weekly time sheets for Finance Office tabulations. Unused flex time shall not be disbursed upon employment separation – its sole purpose shall be to allow salaried employees some flexibility in meeting the work load demands from one pay period to the next.

C. In lieu of overtime pay and the elimination of future accumulations of compensatory time, salaried employees shall be eligible for a Town contribution of two percent (2%) of an employee's base salary for contributions into an IRS Section 457 deferred compensation plan administered through ICMA-RC.

D. Notwithstanding any specific FLSA requirements for exempt employees, the Town is governed by the provisions of RSA 275:43-b as it relates to the terms and conditions for payment of salaries.

E. Pursuant to the provisions of RSA 275:43-b, II, the Town shall pro-rate salaries to a daily basis when a salaried employee is hired after the beginning of a pay period,

terminates employment of his/her own accord before the end of a pay period, or is discharged for disciplinary reasons.

VII.10 Court Pay

Employees who are required to appear to testify in court on work related matters outside of their regularly scheduled work hours, shall be compensated at a rate of one and one-half times their regular rate of pay for the actual time spent in court, including travel, with a two (2) hour minimum. Employees shall either be compensated for mileage or provided with a Town vehicle at the discretion of the Department Manager. Employees shall sign over to the Town all forms of compensation received through the court system. Time spent earning court pay shall not count as actual hours worked for overtime purposes.

VII.11 Jury Duty

The Town considers it a civic duty to serve on a jury if summoned and will grant employees paid leave for these purposes. Employees summoned for jury duty will be paid an amount of wages the employee would have earned by working his/her regularly scheduled hours, provided that the employee signs over to the Town all forms of compensation received through the court system, not including travel pay unless they were authorized to report for jury duty using a Town vehicle. Employees must show their jury summons to the Department Manager or Town Administrator (in the case of Department Managers) within twenty-four (24) hours of receiving notice. In addition, the employee is expected to promptly return to their job if they are excused from jury duty during their regular working hours. Time spent earning jury duty pay shall not count as actual hours worked for overtime purposes.

VII.12 Effective Date of Pay Increase

Employees who are eligible for a pay increase shall have the new rate take effect as of the start of the pay period in which it is otherwise due.

ARTICLE VIII EMPLOYEE BENEFITS

VIII.1. Workers' Compensation

A. The Town shall provide workers' compensation insurance for all employees in accordance with the provisions of RSA 281-A.

B. Injuries, no matter how minor, must be immediately reported to the employee's Supervisor. Supervisors must notify the Department Manager or Town Administrator of all injuries in writing as soon as possible after the occurrence and in all cases within twenty-four (24) hours. This will enable an eligible employee to qualify for coverage as quickly as possible. (NOTE: the Town is legally required to report all injuries to the New Hampshire Department of Labor within 5 days of occurrence. Therefore, Supervisors may be held responsible for any late filing penalties that are the result of untimely reports.)

C. Neither the Town nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, athletic or other activities, even if sponsored by the Town.

D. The amount of weekly workers' compensation benefit is set by the New Hampshire Department of Labor. (The weekly benefit is currently based upon 60% of an employee's average weekly wages. The Town's workers' compensation carrier pays these benefits to eligible employees.)

E. During such time as an employee is unable to work due to a worker's compensation injury claim, the injured employee shall be allowed to use his/her accumulated leave (if available) in order to receive their regular weekly pay, upon written request to be noted on the weekly timesheet; provided, however, that when an employee receives worker's compensation insurance payments, leave time must then be bought back to ensure the cumulative weekly compensation does not exceed the gross wages normally paid during a regular work week in accordance with the rules of the insurance carrier. (In most cases, this means the employee will be "made whole" by being paid 60% of their regular weekly wages from the insurance carrier and 40% through the use of accumulated leave.) In addition, employees will be required to use available leave to make-up the difference in gross wages normally paid during a regular work week whenever they are not eligible for FMLA. (NOTE: Leave time must be used in the following order, until each category is depleted: comp time, sick leave, vacation leave, personal day, banked holiday pay.)

F. An employee injured at work who fails to immediately report back to work (in accordance with the work schedule in effect at that time) upon a "fit for duty" medical diagnosis or an employee found to be working for someone other than the

Town while on paid administrative leave due to a worker's compensation injury shall be discharged.

G. The Town reserves the right to have any employee who is out of work due to a workers' compensation claim evaluated by medical professional(s) of its choice at Town expense (including mileage reimbursement) at mutually convenient times.

H. The Town shall, as required by RSA 281-A, provide temporary light duty assignments if such work is approved by a health care provider, as otherwise set forth in the Town's Safety Program Manual. Hourly employees who work light-duty shall be paid by the Town at their customary pay rate for the actual hours worked and worker's compensation will then pay 60% of the difference between the average weekly wage and any Town wage payments. [Note: RSA 281-A:31 allows the insurance carrier to treat leave pay that is used to make-up the difference in lost wages as part of the earnings to be deducted from the average weekly wage when determining the amount of temporary partial benefits. Example: if an employee's average weekly wage is $400 (=$10 per hour) and if they work 20 hours per week on light-duty while recovering from a workplace injury, and if they also request the use of 8 hours of leave pay for a total town payment of $280, the amount to be paid by worker's compensation may be 60% of 400-200-80 (=$72).] Salaried (FLSA exempt) employees who are working light duty shall be paid their regular weekly pay, but they shall be required to reimburse the Town for any payments received by the worker's compensation insurance carrier. Employees who refuse temporary light-duty may be subject to disciplinary action, up to and including discharge.

I. An employee out of work due to an undisputed workplace injury shall be considered to be on administrative leave for a period not to exceed eighteen (18) months from the date of injury. During this period, he/she shall continue to be eligible for insurance benefits as set forth in these Personnel Policies and such leave time shall count towards length of service, but he/she shall not be eligible for paid holidays or leave accumulation or pay increases upon the expiration of twelve (12) weeks of FMLA, if applicable, and the depletion of all other forms of leave. A regular full-time employee will be reinstated to his/her former position upon request within eighteen (18) months of the date of initial injury if the position still exists and is available and the employee is not disabled from performing the duties of the position. If an employee is unable to return to his/her normal duties within eighteen (18) months from the date of the injury, the Town shall have the right to discharge the employee for medical reasons. However, an employee may not be eligible for eighteen (18) months of administrative leave (or any other benefits) if the injury:

(1) occurs while in the employ of someone other than the Town;

(2) is the result of the employee's own gross negligence or horseplay

(3) is a condition that existed prior to being employed by the Town;

(4) is not reported to a Supervisor within twenty-four (24) hours.

J. The Town shall not be liable for any injury to an employee that is the result of the employee being intoxicated (as defined by RSA 281-A:2,XII-a), or by the serious and willful misconduct of the employee (as set forth in RSA 281-A:14).

VIII.2 Holidays

A. The following shall be considered as paid holidays for all regular full-time employees, (except for public safety personnel who shall otherwise receive holiday pay as set forth in Paragraph F below):

New Year's Day	(January 1)
Martin Luther King, Jr. Day	(3rd Monday in January)
President's Day	(3rd Monday in February)
Memorial Day	(Last Monday in May)
Independence Day	(July 4)
Labor Day	(1st Monday in September)
Columbus Day	(2nd Monday in October)
Veterans' Day	(November 11)
Thanksgiving Day	(4th Thursday in November)
Day After Thanksgiving	(4th Friday in November)
Christmas Day	(December 25)
Floating Holiday	(Employee's Choice)

B. In the event an hourly (FLSA non-exempt) employee is called in to work on a holiday by the Department Manager or is scheduled to work on a holiday, he/she shall be paid in accordance with the provisions of Section VII.8 (Call Back Pay) in addition to the holiday pay. (NOTE: this policy applies to regular full-time and regular part-time employees only. Irregular, seasonal, and on-call employees who work on holidays shall only be entitled to their regular pay rate for hours actually worked.)

B1. Salaried (FLSA exempt) employees who work on a holiday shall be entitled to the regular holiday pay as part of their weekly paycheck while also accumulating flex time for the actual hours worked; (to be noted on a time sheet).

C. In the event a holiday falls on a Saturday, the Town shall either declare the holiday to be on the preceding Friday or employees not otherwise scheduled to work shall receive an extra day's pay for the holiday as may be determined by the Board of Selectmen. In the event a holiday falls on a Sunday, the Town shall either declare the holiday to be on the following Monday or employees not otherwise scheduled to work shall receive an extra day's pay for the holiday as may be determined by the

Board of Selectmen. (The Selectmen shall strive to establish and post notice of the holiday schedule prior to January 15 of each year.) [NOTE: employees who are not normally scheduled to work on Mondays shall be paid for such holidays, subject to the conditions set forth herein.]

D. Payment for holidays will be made only if an employee has actually worked the scheduled workday prior to the holiday and the next scheduled workday after such holiday, except when an employee is authorized by the Department Manager to use bereavement, comp time, sick and/or vacation leave, provided that they are paid by the Town for their entire shift of duty on the workdays before and after the holiday.

E. The floating holiday shall be on December 24 in the event that Christmas is on a Tuesday and it shall be on December 26 in the event that Christmas is on a Thursday, otherwise the floating holiday may be used at the employee's discretion during the calendar year upon one week's notice to the Department Manager, provided, however the Town may revoke the holiday in the event of a weather related emergency, in which case the employee may take some other day or request a day's pay. Eligibility for floating holidays for new employees shall commence upon successful completion of the initial probationary period. Floating holidays cannot be used in hourly increments.

F. Regular full-time Police Officers, Dispatchers and Firefighters who are paid hourly (FLSA non-exempt) and work rotating shifts, shall be expected to report to work as scheduled at all times, regardless of holidays. Such employees shall be compensated for holiday pay at the rate of one day (8 hours) per complete calendar month worked. Regular full-time Police and Fire employees who are paid hourly (FLSA non-exempt) and do not work rotating shifts may submit a written request to the Department Manager at least one week in advance to take a holiday off with pay. If approved, the employee shall have 1 day deducted from their end-of-year holiday pay for each holiday that was taken off with pay. Payment for up to 12 holidays per year shall be made with the first paycheck in the month of December, or upon separation at the pay rate in effect at that time and on a pro-rated basis depending upon the number of complete calendar months worked. [NOTE: time off for unpaid suspensions or unpaid leaves of absence after FMLA, shall be deducted from the calculation of complete calendar months worked for determining holiday pay earnings. Also, holiday pay will be deducted in the event that leave time off on a scheduled holiday is not approved at least one week in advance or if the employee is not able to provide the Department Manager with a doctor's note in the event an employee is too sick to work on a holiday.]

G. Holiday pay for Firefighters who work 24 hour shifts shall be pro-rated based upon 1 day being equal to 8.4 hours.

H. Holiday pay shall be considered hours worked for the purposes of calculating overtime pay eligibility for hourly (FLSA non-exempt) employees who are otherwise eligible.

VIII.3 Insurances

A. Health Insurance. The Town will provide regular full-time employees hired prior to January 1, 2017, with the ability to enroll in either a Point-of-Service (POS), or Health Maintenance Organization (HMO), insurance plan as may be determined by the Board of Selectmen; however, employees hired on or after that date shall not be allowed to enroll in the POS insurance plan. In addition, employees who had previously switched from the POS to the HMO plan shall not be eligible to switch back to the POS plan. Beginning July 1, 2017, the Town shall also offer regular full-time employees with the ability to enroll in a Site-of-Service (SOS) health insurance plan. Employees may select single, two-person or family coverage, in accordance with the eligibility rules of the provider. The Town will strive to provide at least a sixty (60) day written notification to employees in the event that any major changes are made to the health plans. For regular full-time employees hired prior to July 1, 2011, the Town will pay ninety-one and one-half percent (91.5%) of the premiums; and thereafter the Town's contribution will decrease on July 1 of every year by one-half of a percentage point until such time as the Town pays ninety percent (90%) of the premiums (effective July 1, 2019). Be advised, however, the Town's contribution rates are subject to change. New regular full-time employees as of July 1, 2011 shall pay ten percent (10%) of the premiums. Effective July 1, 2017, the Town's contribution rates will be based upon the HMO plans only. Regular part-time employees are eligible to purchase the Town's HMO or SOS health insurance plans at their own expense; (see also Section VIII.17). Employee contributions shall be on a pre-tax (per IRS Section 125) weekly payroll deduction basis.

A1. Upon written request and proof-of-purchase, the Town shall reimburse regular full-time employees who subscribe to the Town's HMO or SOS plan for up to fifty percent (50%) for their out-of-pocket payments, up to a maximum of three hundred dollars ($300) per calendar year, for insurance deductibles, office visit co-payments, prescriptions and other medical expenses that are recognized as being tax deductible by the IRS; (to include dental, vision, and durable medical goods); provided the items are purchased in the same calendar year in which the reimbursement is being submitted. These payments shall not apply to any purchases that are otherwise eligible for reimbursement pursuant to Section XII.9.C of these Personnel Policies.

B. Health Insurance Opt-Out Plan. If a regular full-time employee has health insurance coverage that is not provided and paid for by the Town, the Town shall pay that employee fifty percent (50%) of the Town's contribution towards premiums for the HMO plan offered, based on the annual cost (July 1 – June 30) for a single plan. In situations where a parent, husband, wife or dependent child is employed by the Town

on a full-time basis, the eligible employee who does not subscribe for health insurance benefits shall be paid twenty-five percent (25%) of the Town's contribution towards premiums as otherwise noted herein. All such payments shall be made as a weekly stipend equal to 1/52 of the total amount due. This stipend will be considered income for tax purposes but not for base wage, retirement or overtime pay calculations. To be eligible the employee must show proof of said coverage upon request of the Town. Employees who lose outside coverage due to divorce, death of a spouse or spouse's termination will be allowed back into the Town's insurance plan in accordance with the terms of the carrier. Employees who had been receiving a higher percentage for health insurance opt-out payments under a previous policy as of January 1, 2016, shall be eligible to continue receiving payments at the previous dollar amount until such time as there is a change in their eligibility (as determined by the Town), in which case they shall then be subject to the new rates as set forth herein.

C. Dental Insurance. The Town shall provide regular full-time employees with the ability to enroll in a dental insurance plan as may be determined by the Board of Selectmen. Employees may select single, two-person or family coverage, in accordance with the eligibility rules of the provider. For regular full-time employees hired prior to July 1, 2011, the Town shall pay ninety-four point four percent (94.4%) of the premiums; and thereafter the Town's contribution will decrease on July 1 of every year by 1.1% until such time as the Town pays ninety percent (90%) of the premiums, (effective July 1, 2019). Be advised, however, the Town's contribution rates are subject to change. New regular full-time employees as of July 1, 2011, shall pay ten percent (10%) of the premiums. Regular part-time employees are eligible to purchase the Town's dental insurance plans at their own expense. Employee contributions shall be on a pre-tax (per IRS Section 125) weekly payroll deduction basis.

D. Short-Term Disability Income Protection. The Town will provide short-term [up to twenty-six (26) weeks] disability income protection for regular full-time employees, at no cost to the employee, in accordance with the terms of the carrier. However, it shall be understood that such payments do not obligate the Town to maintain an employees' status and benefits except as otherwise set forth in these Personnel Policies. [See also Sections VIII.6 & VIII.7] Employees who are placed on FMLA and are receiving short-term disability payments shall be allowed to use accumulated leave in order to receive their regular weekly pay, upon written request submitted to the Finance Office; provided, however, that such time cannot be bought back at a later date. Employees will be required to use available leave to make-up the difference in gross wages normally paid during a regular work week whenever they are not eligible for FMLA, provided, however, employees shall not be allowed to earn more than one hundred percent (100%) of their pre-disability income; and therefore, employees shall be required to buy-back leave pay upon receipt of any disability payments in excess of their weekly base pay. (NOTE: Leave time must be used in

the following order, until each category is depleted: comp time, sick leave, vacation leave, personal day, holiday pay.)

E. Long Term Disability Income Protection. The Town will provide long-term disability income protection for regular full-time employees, at no cost to the employee, in accordance with the terms of the carrier. However, it shall be understood that such payments do not obligate the Town to maintain an employees' status and benefits except as otherwise set forth in these Personnel Policies. [See also Sections VIII.6 & VIII.7]. Employees who are placed on FMLA and are receiving long-term disability payments shall be allowed to use accumulated leave in order to receive their regular weekly pay, upon written request submitted to the Finance Office; provided, however, that such time cannot be bought back at a later date. Employees will be required to use available leave to make-up the difference in gross wages normally paid during a regular work week whenever they are not eligible for FMLA, provided, however, employees shall not be allowed to earn more than one hundred percent (100%) of their pre-disability income; and therefore, employees shall be required to buy-back leave pay upon receipt of any disability payments in excess of their weekly base pay. (NOTE: Leave time must be used in the following order, until each category is depleted: comp time, sick leave, vacation leave, personal day, holiday pay.)

F. Life Insurance. The Town shall provide regular full-time employees, with fully paid group life and accidental death & dismemberment insurance in an amount equal to (1.65) times the annual base salary, up to a maximum of $100,000 in accordance with the terms of the carrier.

G. Flexible Benefit Plan. The Town will offer regular full-time employees an IRS recognized Flexible Benefit program to include a health care reimbursement plan (up to $2,500) and a dependent care reimbursement plan (up to $5,000) in accordance with rules established by federal law, subject to such limitations as may be set by the Board of Selectmen. The Town shall endeavor to provide employees with a credit card system for making these purchases.

H. IRS Taxable Benefits for Insurance. The Town will tax all insurances (health insurance for some dependants, life insurance over $100K, etc.) and other fringe benefits as otherwise required by federal law.

I. Employees who are receiving health, dental or opt-off insurance benefits provided by the Town are responsible for informing the Town of any change in their marital or dependant status within seven (7) days of the change. The Town is exempt from the provisions of RSA 415:18,VII-b; and therefore does not provide insurance coverage to ex-spouses, except at the former spouse's expense under the provisions of COBRA. Employees will be financially responsible for reimbursing the Town for any excess premiums paid on their behalf to the health insurance carrier as a result of

his/her failure to notify the Town of a marital or dependent status change within seven (7) days. In addition, employees who fail to notify the Town as noted herein may be subject to discipline, up to and including discharge, especially if they fail to reimburse the Town for insurance provided to an ex-spouse.

J. Employees shall be required to pay fifty percent (50%) of any fees or taxes imposed under the so-called "Cadillac Tax" provisions of the federal Affordable Health Care Act. Such payments shall be made through payroll deductions as an additional part of the employee pre-tax contributions towards health insurance costs. The Finance Director shall calculate such costs and notify employees of their obligations at least fourteen (14) days prior to the beginning of the tax year in which such taxes or fees shall otherwise be due.

VIII.4 Vacation Leave

A. All regular full-time employees are eligible for paid vacation, provided, however, eligible employees are required to take at least one entire scheduled work week of vacation leave per year. Vacation leave may be taken in hourly increments.

B. Each employee shall have the right to submit a written vacation request during the month of January for that calendar year to be approved by the Department Manager by February 15 (in writing) based on length of service and the staffing needs of the Department. Thereafter, vacation requests shall be submitted at least two (2) weeks in advance to the greatest extent practical for approval by the Department Manager (in writing) on a first-come, first-served basis, consistent with the needs of the Department; however, the Town reserves the right to revoke a vacation at anytime in the event of an emergency if the employee is available to work. If there is a break in service, prior service shall not count towards eligibility for vacation unless specifically authorized by the Board of Selectmen at the time of re-hire.

C. If illness or injury occurs during a scheduled vacation, sick leave benefits will not begin until the employee is scheduled to return to work, unless an employee provides a doctor's note.

D. An employee may be paid his/her vacation pay before starting vacation upon written request to the Finance Office and approval by the Department Manager, provided that such vacation pay is scheduled at least two (2) weeks in advance; otherwise, the employee shall be paid for vacation in accordance with the regular pay schedule.

E. Vacation is earned during the year and is accrued on a weekly basis for every completed work week according to the following schedule:

Years of Continuous Service	Vacation Time Earned Per Week
1–5	1.54 hours (up to 10 days per calendar year)
6-10	2.31 hours (up to 15 days per calendar year)
11-20	3.08 hours (up to 20 days per calendar year)
21+	3.85 hours (up to 25 days per calendar year)

[NOTE: time off for unpaid suspensions or unpaid leaves of absence after FMLA shall be deducted from the calculation of years of continuous service for determining vacation leave earnings.]

F. Employees will be credited with vacation time earned during the initial probation period upon the successful completion of the probation period. The Board of Selectmen may, under extenuating circumstances, authorize the use of vacation leave during the probationary period upon written request of the employee at the time of hire.

G. Employees are only allowed to carry-over one hundred twenty (120) hours of unused vacation time from one fiscal year to the next. Any excess as of December 31 will be automatically cashed-out at a rate of fifty percent (50%) at the pay rate in effect at that time, (with the remaining 50% to be deemed forfeited), to be disbursed with the first paycheck of the new year, except in cases where a scheduled vacation leave request submitted prior to December 1 was canceled or denied by the Town for public safety reasons, in which case the employee shall be paid for one hundred percent (100%) of that unused leave.

H. Employees who have utilized at least twenty (20) consecutive hours of vacation pay in a calendar year in combination with an additional consecutive twenty (20) hours of vacation, holiday, comp, personal and/or flex time, may thereafter cash in any amount of unused accumulated vacation leave at a rate of fifty percent (50%) (with the remaining 50% to be deemed forfeited).

I. Employees shall receive one hundred percent (100%) of their accumulated vacation leave as part of their last paycheck upon separation, in the event of a layoff, voluntary resignation with at least two (2) weeks notice, death of the employee, or involuntary separation for medical reasons. Employees who do not provide a minimum two (2) weeks notice or are discharged for any reason (other than medical) shall forfeit unpaid vacation leave.

J. Vacation pay for Firefighters who work 24 hour shifts shall be pro-rated based upon 1 day being equal to 8.4 hours.

K. Except as otherwise noted in Sections VII.7.B1 and B2, vacation pay shall not be considered hours worked for the purposes of calculating overtime pay eligibility for hourly paid employees who might otherwise be eligible. In addition, vacation time that is not used but cashed in shall not be considered as hours worked for the purposes of determining overtime eligibility.

L. No employee may take more than two (2) consecutive weeks or eighty (80) consecutive hours of vacation leave, except under extenuating circumstances upon the prior written approval of the Department Manager or Town Administrator.

VIII.5 Sick Leave

A. Regular full-time employees shall be eligible for sick leave with pay to be earned and accumulated at the rate of eight (8) hours per completed calendar month of actual work, up to a maximum of one hundred ninety-two (192) hours. Employees must notify their Supervisor at least one (1) hour prior to their scheduled work day start time to be eligible for paid sick leave, except in the case of an emergency; (Police and Fire employees shall give a minimum four (4) hour notice to the greatest extent possible). The Department Manager or Town Administrator may order the employee to submit to a physical examination by a physician employed by the Town if they have reason to believe an employee may be feigning illness or injury. Proof beyond a reasonable doubt that an employee has been feigning illness or injury shall be cause for dismissal. Sick leave may be taken in hourly increments and may be used sparingly for doctor appointments. Employees may also utilize sick leave to attend to an illness or doctor's appointment for a member of the employee's immediate family (spouse and children), however, leave requested for this purpose shall also be used sparingly. [NOTE: time off for unpaid suspensions or unpaid leaves of absence after FMLA shall be deducted from the calculation of years of continuous service for determining sick leave earnings.]

B. Employees who have more than one hundred ninety-two (192) hours of sick leave on the books as of the effective date of these Personnel Policies shall be allowed to retain and use all such time, subject to the conditions set forth herein, but shall not be allowed to earn any additional sick leave in excess of the one hundred ninety-two (192) hour cap.

C. Employees on extended sick leave (beyond 3 days) should apply to the Town Administrator for Family and Medical Leave; otherwise employees may be placed on FMLA by the Town. In the case of employees who are eligible for leave under FMLA, any sick leave taken under this Section may count towards the maximum amount of leave permitted under FMLA, as otherwise allowed by law.

D. Employees who have used sick leave (or other accumulated leave pay) while waiting for disability insurance payments shall be required to buy back leave time upon

receipt of such payments to ensure they do not earn more than one hundred percent (100%) of their pre-disability income.

E. Employees who are absent from work due to illness in excess of three (3) consecutive work days may be required by the employee's Supervisor (either the Department Manager or Town Administrator) to obtain certification from their physician to serve as proof of an illness and medical clearance to return to work; otherwise such time off may not be paid and employees may be disciplined for an unauthorized absence.

F. Employees will be credited with sick leave time earned during the initial probation period upon the successful completion of the probation period. Department Managers may, under extenuating circumstances, authorize the use of sick leave during the probationary period upon written request of the employee and a doctor's note.

G. Upon voluntary employment separation with at least two (2) weeks notice, employees shall be compensated for unused sick leave up to a maximum of one hundred ninety-two (192) hours at the wage rate in effect at that time as follows:

Years 1-5	-	0%
Years 6-10		50%
Years 11-15	-	75%
Years 16+		100%

H. Regular full-time employees who have accumulated the maximum amount of sick leave, (192 hours), may thereafter cash in unused accumulated sick leave at a rate of twenty-five percent (25%) – one hour of pay at straight time for four hours taken off the books. Employees who are otherwise eligible for sick leave buy-back and have completed ten (10) years of regular full-time service to the Town shall be eligible to cash-in their sick leave at a rate of fifty percent (50%) – one hour of pay at straight time for two hours taken off the books. Requests shall be submitted in writing to the employee's Supervisor (either the Department Manager or Town Administrator), to be passed onto the Finance Department.

I. The Town reserves the right to relieve employees from duty and place them on sick leave (to be paid if accumulated time is available) upon a determination that an employee is too sick to work safely or poses a risk of spreading a health condition to other employees. An employee who is aggrieved by this decision may provide the Town with a doctor's note indicating they are healthy enough to work and/or do not pose a threat of contaminating others, in which case the leave time shall be restored as if it were worked.

J. Sick pay for Firefighters who work 24 hour shifts shall be pro-rated based upon 1 day being equal to 8.4 hours.

K. The use of sick leave, including such time that is not used, but cashed in, shall not be considered as hours worked for the purposes of determining overtime eligibility.

L. Notwithstanding the Town's obligation to provide light alternate duty work opportunities for worker's compensation injuries as required by law, the Town reserves the right to refuse to allow employees to return to work if they are not able to perform the essential duties of their position, with or without reasonable accommodations as documented by a written fitness for duty clearance provided by their doctor and as otherwise permitted by law. Such decisions shall be made at the sole discretion of the Department Manager upon consultation with the Town Administrator.

VIII.5-A Leave Donations

A. Town employees may voluntarily donate accumulated sick leave for the benefit of another employee who is unable to work due to an illness or injury and has exhausted all previously earned paid leave.

B. In order to donate and/or receive sick leave under this policy, an employee must submit the following to the Town Administrator:

(1) A written statement signed by the employee requesting authorization to receive donated sick leave, indicating the commencement date when all other forms of leave have been or will be exhausted. (The Town Administrator may waive this requirement in the event that the employee is incapacitated.)

(2) A written statement signed by an employee who wishes to voluntarily donate paid leave, to include the amount of time being donated (in 8 hour increments only) and the name of the recipient.

C. Donations of paid leave shall be deducted from an employee's accumulated paid leave account (on an hourly basis) and transferred into the recipient's account (on an hourly basis) immediately upon receipt of the required paperwork. The value of donated leave days shall be calculated at the recipient's regular rate of pay at the time of disbursement. Unused donated paid leave time shall remain in the recipient's account.

D. The maximum amount of paid leave to be donated to any employee shall be four hundred eighty (480) hours and eighty (80) hours per donor, to be disbursed at a maximum rate equal to a regular week's pay.

E. The use of donated leave time shall not serve to change any existing conditions of employment or extend an employee's tenure in a position.

VIII.6 Family and Medical Leave (FMLA)

A. Eligible employees may take up to twelve (12) workweeks FMLA leave for any of the following reasons:

(1) The birth of the employee's child and to bond with or care for the newborn child (leave must be taken within twelve (12) months of the birth of the child);

(2) The placement of a child with the employee for adoption or foster care, to bond with or care for the newly placed child (leave must be taken within twelve (12) months of the adoption or placement of the child);

(3) The serious health condition of a spouse, parent, minor child, or adult child when the adult child is incapable of self care and the employee is needed for such care ("covered family members");

(4) The employee's own serious health condition that renders the employee unable to perform his or her job; and,

(5) Because of a "qualifying exigency" (as defined in the Department of Labor Regulations) arising out of the fact that the employee's spouse, son, daughter, or parent of the employee is on active duty or has been notified of an impending call to order to active duty in the United States Armed Forces in support of a contingency operation.

(6) An employee who serves as an *in loco parentis* or legal guardian may also be eligible for FMLA leave as otherwise noted above.

A1. Eligible employees may take up to twenty-six (26) workweeks of FMLA leave to care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, *in loco parentis*, or next-of-kin of the service member. Such leave shall be provided as a rolling maximum as defined below.

B. The Town will provide a rolling maximum twelve (12) weeks (measured backward from the date leave begins) of FMLA leave and other such benefits as required under federal law. Employees who are unable to return to work upon the exhaustion of FMLA may apply for an unpaid leave of absence as noted in Section VIII.7 in addition to short-term disability (Section VIII.3.D) and long-term disability insurance (Section VIII.3.E).

C. The Town, using its sole discretion as otherwise allowed by law, may place eligible employees on FMLA leave by written notice, require a doctor's note to ensure an employee is eligible for FMLA and/or require the use of accumulated leave time on the books, otherwise such leave shall be unpaid if no time is available. The use of paid leave shall be concurrent with FMLA leave and shall not extend the maximum FMLA leave to which the employee is entitled. (NOTE: employees who are placed on FMLA and are receiving some type of disability insurance payment [such as STD, LTD, and/or W/C] cannot be required to use available leave under federal law [as set forth at 29 CFR § 825.207 (d)], but they shall be allowed to use accumulated leave as otherwise set forth in these Personnel Policies to have such leave supplement the disability plan benefits in order to receive their regular weekly pay, upon written request submitted to the Finance Office; provided, however, that such time cannot be bought back at a later date.)

D. Employees who require intermittent leave for a planned medical treatment have an obligation to make a "reasonable effort" to schedule the treatment so as not to unduly disrupt the Town's operations. While an employee is on intermittent or reduced schedule FMLA leave, the Town may temporarily transfer the employee to an available alternate position that better accommodates the employee's recurring leave and that has equivalent pay and benefits. Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers' compensation, short-term disability, or other benefits. If an employee is a salaried employee, the Town will adjust the employee's salary based on the amount of time actually worked.

E. The taking of another job while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

VIII.7 Maternity Leave

The Town will provide maternity leave to female employees as a supplement and in addition to FMLA benefits as otherwise set forth in RSA 354-A:7,VI; upon written request for extended leave to be accompanied by a doctor's note.

VIII.8 Unpaid Leaves of Absence

In the event an employee has exhausted all forms of eligible paid leave, the Board of Selectmen may, at their sole discretion, grant an unpaid leave of absence to an employee upon written request due to an emergency or extenuating circumstances not covered by FMLA or any other applicable law. Such leave shall normally be capped at sixty (60) days; however the Selectmen may grant an extension in the event of extreme conditions when doing so is in the Town's best interests. Any employee requesting a leave of any length may be required to submit documentation of the reason for the leave, along with a medical prognosis (if applicable) on their ability to return to work. The decision of the Board and any conditions that may be imposed in approving such a request shall be final and not subject to any appeal proceedings. Employees

shall not be eligible to earn or accumulate any forms of paid leave (e.g., vacation, sick, holidays, etc.) when granted an unpaid leave of absence that extends beyond the benefit periods authorized under FMLA. An employee who fails to return to work as scheduled or an employee found to be working for someone else during an unpaid leave of absence shall be subject to immediate discharge. Employees who have exhausted all forms of leave and are unable to return to work shall be considered to have involuntarily resigned from their position.

VIII.9 Personal Days

Regular full-time employees shall be eligible for one day (up to 8 hours) of personal leave per calendar year upon forty-eight (48) hours notice to the Department Manager or Town Administrator. Such leave shall not be allowed to accumulate from year-to-year and shall not be paid out upon employment separation. Personal leave may only be used as a full day off (no hourly increments). Eligibility for a personal day off with pay for new employees shall commence upon successful completion of the initial probationary period.

VIII.10 Military Leave

A. Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as "uniformed services") will be provided with leaves of absence for service or training in accordance with the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA").

B. Employees on military leave will be paid the difference between their military pay and their straight-time hourly wage rate, up to ten (10) days per calendar year. Any additional military leave will be unpaid, unless payment is otherwise required by federal or state law. Employees may use accrued vacation pay during military leaves of absence, but are not required to do so.

C. Notice Of Need For Military Leave: an employee needing time away from work for service or training in the uniformed services should report the need for leave to the Town Administrator promptly after the receipt of orders. When possible, it is requested that notice be provided thirty (30) days in advance.

D. Health Coverage: if a military leave lasts less than thirty-one (31) days, the employee's health insurance will be continued and the employee will pay his/her regular contribution for the cost of health insurance. If a military leave lasts thirty-one (31) days or more, then the employee's health insurance coverage will cease and the employee will be eligible to elect to continue his/her health insurance coverage at his/her own expense for up to twenty-four (24) months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, plus a one percent (1%) administrative fee. When the employee returns to work, he/she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

E. Reinstatement: Employees wishing to be reinstated to employment following military leave shall promptly notify the Town Administrator of their desire to be reinstated. If the leave is for service of less than thirty-one (31) days, then the employee must return to work for the first full regularly scheduled work day following completion of service, allowing for eight (8) hours of rest and time for safe transportation back from the service. If the service lasts thirty-one (31) to one hundred eighty (180) days, then the employee must notify the Town Administrator of the desire for reinstatement within fourteen (14) days of completing service. If the military leave lasts more than one hundred eighty (180) days, then the employee must notify the Town Administrator of the desire for reinstatement within ninety (90) days of completing service. The Town will reinstate eligible employees promptly, which will generally be within two (2) weeks of the employee's application for employment. Eligibility for re-employment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement shall be required to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and a statement that the reason for separation or dismissal from service is not disqualifying. Employees cannot waive their reemployment rights in advance of being released from uniformed service.

F. Statement Against Discrimination And Retaliation: The Town will not discriminate in hiring, employment, reemployment or any benefits of employment against any individual because of that individual's service in the United States uniformed services.

G. The Town reserves the right to use whatever means it deems necessary to fill a vacancy for the duration of a military leave of absence, including, but not limited to mandatory overtime, shift changes and/or the employment of qualified temporary employees.

VIII.11 Bereavement Leave

A. Employees may be granted up to three (3) days of paid bereavement leave upon the death of a spouse, significant other or member of the immediate family upon approval by the Town Administrator or Department Manager. Immediate family shall include the following: (step) mother, (step) father, (step) son, (step) daughter, (step) brother, (step) sister, (step) grandmother, (step) grandfather, (step) grandchild, ward, or relative residing in the employee's home.

B. Bereavement leave of up to one (1) day with pay may be granted to an employee for the purpose of attending a funeral or memorial service in the event of death of a sister-in-law, brother-in-law, mother-in-law, father-in-law, aunt, uncle or some other person under special circumstances as may be approved by the employee's Supervisor (either the Department Manager or Town Administrator).

C. It shall be expressly understood that time off for bereavement leave is not automatically granted at the maximum amounts. Department Managers (or the Town Administrator) shall have the authority to approve the actual amount of paid bereavement leave and the additional use of other forms of leave time, if necessary, depending upon the particular circumstances.

D. Bereavement pay for Firefighters who work 24 hour shifts shall be pro-rated based upon 3 days being equal to 2 shifts (48 hours) and 1 day being equal to ½ of a shift (12 hours).

E. The use of bereavement leave shall not be considered as hours worked for the purposes of determining overtime pay eligibility.

VIII.12 Crime Victim Leave

The Town shall permit an employee who is a victim of a crime to leave work so that the employee may attend court or other legal or investigative proceedings associated with the prosecution of the crime as otherwise set forth in RSA 275:62. Such leave shall require the use of earned leave time (vacation, sick or personal day) if such time is available.

VIII.13 Break Times

Breaks for meals and other purposes shall be provided to employees in accordance with the provisions of RSA 275:30-a which states an employer may not require an employee to work more than 5 consecutive hours without granting him/her a 1/2 hour lunch or eating period, except if it is feasible for the employee to eat during the performance of his/her work, and the employer permits him/her to do so. Normally, employees shall be required to take either a sixty (60) minute or thirty (30) minute unpaid meal break on a daily basis during such time as approved by the Department Manager, but no later than five (5) hours after reporting to work. Public safety employees and other employees specifically authorized by the Department Manager shall be paid for meal breaks whenever they are required to be available to respond to calls for service. The Town may also provide employees with up to two (2) additional ten (10) minute paid breaks per eight (8) hour work shift, provided that such breaks are authorized by the Department Manager who shall ensure that departmental operations are not interrupted. Employees who are required to work twelve (12) consecutive hours shall be given an additional thirty (30) minute paid meal break during such time as approved by the Department Manager. Unused break times shall not be accumulated as paid leave.

VIII.14 Payroll Deductions

The Town shall strive to cooperate with employees to the fullest extent practical and as otherwise allowed by law with regards to payroll deductions, (see RSA 275:48); however, any costs incurred by the Town may be passed on to the employee, except for

insurances, union activities, taxes or other legal requirements under law and voluntary electronic payroll deposits. If an employee has any questions or concerns about his/her paycheck or any payroll deductions, the employee should contact the Finance Office as soon as possible.

VIII.15 Training & Education

A. It shall be the policy of the Town to encourage employees to take educational courses that are of a benefit to the Town and are related to the employee's job responsibilities.

B. The Town reserves the exclusive right to approve payments and/or travel expense reimbursements for employees to attend conferences, seminars and other classes during the work day. Requests shall be submitted in advance to the Department Manager for consideration based on the availability of budgeted funds, the departmental workload, the benefit to municipal operations and the employees' work performance.

C. The Town reserves the exclusive right to require attendance at training and educational programs in which case all expenses (and wages to include travel time) shall be paid by the Town.

D. The Town reserves the exclusive right to approve reimbursements for training and educational programs, including college courses that take place outside of the work day. Requests shall be submitted in advance to the employee's Supervisor (either Department Manager or Town Administrator) for consideration based on the availability of budgeted funds, the benefit to municipal operations and the employees' work performance. If approved, such reimbursements shall be limited to seventy-five percent (75%) of the cost of tuition and books, (not including any grants), with a limit of up to one thousand dollars ($1,000.00) per employee per calendar year, conditioned upon the attainment of a "B" or better grade.

E. Requests for tuition, books and program reimbursements under this policy must be submitted within thirty (30) days of course completion.

F. The Town reserves the right to require employees to sign an agreement to either stay in the employ of the Town for a specified period of time or reimburse the Town for its expenses as a condition of paying for training and education.

VIII.16 Retirement

The Town of Gilford shall participate in the New Hampshire Retirement System to provide retirement benefits to regular full-time employees. Employer and employee contributions and benefits shall be as set forth under State law and the rules of the NHRS. The Town shall provide employees who were hired prior to June 1, 2000 and who have previously opted out of the

NHRS and other regular full-time employees who are not eligible to participate in the NHRS with a match of up to six percent (6%) of an employee's wages towards an individual IRA account or an IRS Section 457 deferred compensation plan.

VIII.17 Benefit Eligibility for Other Employees & Non-Employees

A. Regular Part-Time employees shall be eligible for pro-rated vacation, sick, holiday, and bereavement pay, based upon the employee's regular work schedule. No other benefits as set forth herein are provided except as otherwise required by law, provided, however, as of January 1, 2016, the Town shall pay seventy-five percent (75%) of the premiums for a Town sponsored, single plan HMO or SOS health insurance policy for a regular part-time employee that is scheduled to work an average of thirty (30) hours or more per week over the course of an entire calendar year.

A1. Regular part-time employees who are scheduled to work an average of at least twenty (20) hours per week, but less than thirty (30) hours per week, are eligible to purchase health insurance coverage through the Town at their own expense through a payroll deduction program or some other method of payment that is acceptable to the Town.

B. Irregular employees are not eligible for any of the benefits set forth herein except as otherwise may be required by law.

C. In the event a current irregular or regular-part-time employee becomes a regular full-time employee, all previous hours worked for the Town of Gilford (not including any prior breaks in service) shall be credited towards length of service for the purpose of establishing an anniversary date and allocating vacation leave. Such a conversion shall not otherwise be treated as a promotion as otherwise set forth herein, unless the employee is being assigned supervisory responsibilities.

D. There shall be no benefits provided to contractors or subcontractors.

VIII.18 Benefits upon Employment Separation

A. Notwithstanding the provisions of COBRA as may be applicable for continued health insurance coverage at employee expense upon employment separation, any person leaving the employ of the Town, whether voluntarily or otherwise, shall immediately cease being eligible for any of the benefits set forth herein except as specifically noted for holiday pay, vacation pay and sick leave pay. The Town reserves the exclusive right to disburse any accumulated leave payments in a lump sum promptly upon the effective date of separation once an employee is no longer actively working for the Town or to disburse payments up to the regular weekly amount over time, (except as noted in Paragraph C). In addition, the Town reserves the right to place an employee on paid administrative leave (for up to two weeks) upon receipt of a

pending notice of separation and to continue the normal disbursement of any wages and accumulated leave that would otherwise be due.

B. In the event of the death of an employee, his/her designated beneficiary (or spouse or estate) shall be entitled to receive payment for all wages (or salary) that is due and one hundred percent (100%) of accrued leave time (holidays, vacation, comp and sick time) up to the maximum amounts as otherwise set forth herein.

C. In the event of an employee being involuntarily discharged, the Town shall pay all eligible wages and accumulated compensatory time within seventy-two (72) hours as required under RSA 275:44 or other applicable laws. Discharged employees shall not be entitled to payment for unused sick leave, vacation leave, holiday pay, or any other benefits except as may be required by law; and all such pay shall be deemed forfeited.

D. Discharged employees who fail to return any Town property prior to the disbursement of the final check may be subject to arrest and prosecution.

ARTICLE IX DISCIPLINE

IX.1 Records of Disciplinary Action

All records of disciplinary action shall remain part of an employee's personnel file unless removed by decision of the Board of Selectmen upon written request of an employee after three (3) years has elapsed or as otherwise noted in the original disciplinary action. Employees may submit a written rebuttal, however, for inclusion in the personnel file in the event there is a dispute about any item(s) in the personnel file.

IX.2 Progressive Discipline Not in Effect

The Town is not obligated in any way to impose discipline using a progressive scale. The Town's primary objective with regards to discipline is to be fair to all employees and foster an environment committed to workplace excellence. There will be no tolerance for willful, malicious or deliberate acts that impede the mission of any municipal operations.

IX.3 Types of Disciplinary Action

The Town reserves the right to impose the following types of discipline, in no particular order, to include any combination thereof: counseling, verbal warning with no documentation; verbal warning with documentation, written warning, probation, suspension, demotion, discharge, prosecution. Whenever practical, Department Managers or Supervisors are encouraged (but not required) to utilize a written employee corrective action notice to alert employees that a certain behavior needs to change in order to (a) avoid some of the more serious consequences associated with disciplinary action; (b) engage in a dialogue with employees about job performance expectations; and (c) provide documentation for personnel files.

IX.4 Examples of Conduct Subject to Discipline

A. The following list is by no means intended to be inclusive of all conduct that may be subject to discipline, but rather is intended to provide examples of unacceptable activity that may lead to disciplinary action, up to and including the possibility of discharge:

- Acts of discrimination or harassment
- Breach of confidentiality
- Conducting personal business on Town time
- Consecutive performance evaluations with a numeric rating of "2.00" or less
- Conviction of a crime
- Dishonesty
- Disregard for public hazards

- Disrespectful or discourteous behavior
- Failure to complete assignments
- Failure to report for overtime
- Falsification of Town records
- Immoral conduct
- Inappropriate attire/appearance
- Insubordination
- Intoxication or possession of alcohol or illegal drugs
- Neglect of duty
- Perjury related to the workplace
- Poor attendance and/or tardiness
- Poor attitude towards work, Supervisors, colleagues, or other Town officials
- Possession of a weapon in the workplace that is unrelated to employment responsibilities
- Solicitation or acceptance of a bribe
- Submitting false reports
- Theft or destruction of property
- Threatening behavior or any acts of assault or violence
- Unreported absence
- Unsafe behavior, including dangerous horseplay or failure to wear safety gear
- Use of foul language
- Violation of the Administrative Code
- Violation of departmental policies
- Violation of personnel policies
- Willful violation of State laws pertaining to municipal operations

B. Employees should note that, for purposes of final pay and other considerations, employees discharged for engaging in any of the above listed unacceptable activities will be considered to have been terminated for "cause".

IX.5 Implementation Procedures

A. Employees shall be given notice and an opportunity to explain their conduct prior to the documentation of any disciplinary action that is to be included in their personnel file. Thereafter, confidential copies of such documentation shall be provided to the employee, the Department Manager, Town Administrator and Board of Selectmen.

B. Department Managers are authorized to discipline their subordinate employees as otherwise set forth in these Personnel Policies by means of counseling, verbal warning with no documentation; verbal warning with documentation, written

warning, placing an employee on probation or extending an initial probationary period. In addition, Department Managers are authorized to suspend or discharge irregular employees, seasonal employees and employees who are serving an initial (to include an extended) probationary period as otherwise set forth in Section V.8.A. [NOTE: A discharge for failure to satisfactorily complete a probation period shall not be construed as discipline.]

C. Department Managers are authorized to suspend a regular full-time employee without pay for a specified time period depending upon the severity of the incident and/or frequency of the infraction upon written notice to be issued after providing the employee with an opportunity to explain their behavior and upon consent of the Town Administrator; however, a Department Manager may require an employee to immediately leave the workplace for disciplinary and/or safety reasons.

D. Other actions such as demotion, discharge or criminal prosecution shall only be administered (or authorized) by the Board of Selectmen upon the recommendation in writing by a Department Manager and/or the Town Administrator. In the event that the Board of Selectmen is contemplating the discharge or demotion of an employee, that employee shall be notified of the charges against him/her and shall be given a hearing at the convenience of the Board. The employee is entitled to representation of his/her choosing and may elect to have such hearing in a public or non-public session. The decision of the Board of Selectmen shall be in writing and shall be final (not subject to any additional appeals under these Personnel Policies).

E. Paid Administrative Leave

In the event of extraordinary circumstances that require an investigation into an employee's conduct while the Town considers the implementation of disciplinary action and/or a clearance to return to duty, the Board of Selectmen or Town Administrator may place an employee on paid administrative leave for as long as it is necessary to make a final resolution on the matter. This status shall be reviewed by the Board of Selectmen at least every thirty (30) days; whereupon the Town may require an employee who has been placed on paid administrative leave to report to a designated workplace during his/her regularly scheduled shifts in order to perform temporary alternative duties while continuing to receive compensation and benefits, otherwise an employee may utilize accumulated leave as otherwise set forth in these Personnel Policies. In addition, nothing herein is intended to prevent the Town from changing an employee's status from paid administrative leave to unpaid leave (in the form of a suspension), pending additional disciplinary action, including discharge, based upon preliminary findings as part of an investigation.

ARTICLE X APPEALS

X.1 Regular full-time and regular part-time employees have a right to appeal a disciplinary action or the application or interpretation of these Personnel Policies beginning at the level from which the action originated. However, wherever these Personnel Policies indicate that the Town has exclusive rights or authority to take some action, such matters shall not be subject to these appeal proceedings.

A. The first step is to request a meeting with the Department Manager to discuss the disciplinary issue or subject of complaint.

B. If the employee is not satisfied, he/she shall then submit a written objection to the Department Head within ten (10) days of the meeting.

C. If the employee is not satisfied with the response (or lack of response) from the Department Manager, he/she must submit a written appeal to the Town Administrator within ten (10) days of the written appeal being submitted to the Department Manager.

D. If the employee is not satisfied with the response (or lack of response) from the Town Administrator, he/she must submit a written appeal to the Board of Selectmen within ten (10) days of the written appeal being submitted to the Town Administrator.

E. The Board of Selectmen may, using its sole discretion, decide whether to hold a hearing on the matter at its convenience or let the previous action stand. If a hearing is granted, the employee is entitled to representation of his/her choosing and at his/her own expense and may elect to have such hearing in a public or non-public session. The decision of the Board of Selectmen shall be in writing and shall be final (not subject to any additional appeals under these Personnel Policies).

F. Failure on the part of an employee to comply with the timeframes shall render the appeal moot. Failure on the part of the Town to respond within the timeframes shall constitute a denial of the appeal.

ARTICLE XI SAFETY

XI.1 The safety of all Town employees is of paramount importance to the Town of Gilford. Although it is recognized that many municipal jobs have inherent dangers and risks, and that some of the hazards associated with work may be virtually impossible to mitigate, the Town shall nonetheless strive to make the workplace as safe as possible by providing mandatory training, equipment and workplace rules.

XI.2 Employees shall be required to comply with all safety rules established by the Town, including, but not limited to the rules and procedures set forth in the Town's Safety Program Manual and the directives of Supervisors. In addition, employees may be required to participate as members of a Joint Loss Management Committee in which case such assignments shall be construed as a condition of employment.

XI.3 Employees who have any safety concerns about the workplace must notify a Supervisor or Department Manager as soon as possible and may refuse to do an assignment without fear of repercussions in the event of imminent personal harm that is not attributable to a public safety emergency. It is the duty of all Town employees to report known or potential workplace hazards. Employee suggestions on improvements to health and safety in the workplace are always welcome. Department Managers shall keep a record of all safety concerns that are brought to their attention and shall share such information with the Town Administrator in the event that corrective action will result in significant expenses or if there are Town-wide safety implications.

XI.4 Employees who violate the Town's safety rules or any state or federal safety regulations shall be subject to disciplinary action, including the possibility of discharge. There shall be a zero tolerance policy for the willful disregard of employee safety.

XI.5 Basic Driving Safety Requirements

A. All employees are required to wear seat belts while operating or riding in any Town-owned vehicle or while traveling in a personal vehicle on Town business. (This regulation shall not apply in the case of vehicles for which the manufacturer has not installed seat belts, medical personnel providing patient care, or the highway department grader.)

B. Due care shall be exercised at all times when traveling in a motor vehicle while on Town business, especially with regards to using radios, cell phones or other communication or technology devices, smoking or eating. No Town employee shall ever consume alcoholic beverages while driving on Town business. The use of hand-held mobile telephone communication devices while driving on Town business is prohibited, except during an emergency or when touching a single button to answer a call or initiate a call provided the phone is not being held in the driver's hand.

XI.6 Workplace Security

A. Workplace security shall be the responsibility of all employees. Anyone who knows of an impending threat or discovers or overhears threatening or suspicious conduct directed at the workplace or towards another employee is required to immediately report such activity to a Supervisor. The Town shall provide employees with mandatory periodic training on workplace security matters and employer measures designed to enhance security.

B. As part of the Town's responsibility for ensuring a secure workplace to the greatest extent practical, employees shall not be allowed to possess weapons of any kind while on Town property except as may otherwise authorized by a Department Manager in the exercise of the employee's job or for some other valid reason upon authorization of the Town Administrator in consultation with the Department Manager.

B1. All employees shall be required to possess and produce identification while on duty that indicates their name and their assigned Town department, in the form of insignia on clothing or a name tag, except when impractical for safety reasons or when otherwise exempted by a Department Manager due to a particular assignment.

C. All Town employees shall ensure that Town property, including, but not limited to buildings, offices, vehicles, filing cabinets, etc.; is locked and secured whenever they are leaving the workplace.

D. The Town reserves the right to conduct interviews and searches at any time, to include unannounced inspections of Town property (including an employee's office, desk, files, locker or any other workplace area) and any personal items brought onto Town property for the purposes of safeguarding the workplace. Personal and Town vehicles brought onto Town property may also be subject to search. Inspections may be conducted at any time at the discretion of the Town.

E. Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who, after the inspection, are believed to be in possession of stolen property, unauthorized weapons, illegal drugs, or other items that violate Town policy, will be subject to disciplinary action, up to and including discharge.

XI.7 Workplace Accidents

A. All work-related accidents, no matter how minor, must be reported immediately to a Supervisor. (See Workers' Compensation Policy at Section VIII.1.) Employees may be required to complete an incident report and/or other applicable forms as may be directed for submission to the Town Administrator through the Finance Department.

B. The Town reserves the right to require an employee to seek medical attention (at Town expense) for any work-related accident or injury.

C. All employees who are involved in a motor vehicle accident while operating a Town vehicle may be required to immediately submit to drug and alcohol testing.

D. Department Managers shall immediately notify the Town Administrator in the event of a workplace accident involving personal injury or property damages.

E. Employees will be discharged in the event they are involved in a workplace accident that results in personal injury or property damages due to gross negligence. In addition, the Town reserves the right to revoke certain workplace privileges and/or require employees to undergo specific training in an effort to avoid future accidents or injuries.

XI.8 Fitness for Duty

A. General: The Town of Gilford is committed to providing a safe environment for its employees and customers. The Town has adopted this Fitness for Duty policy in furtherance of its continuing efforts to improve the safety of the Town workplace.

B. Definitions:

Fitness for Duty: Able to work safely, properly and perform normal work duties without impairment.

Drug: Any over-the-counter medication, prescribed medication, illegal or controlled substance, or any alcoholic beverage.

Fitness for Duty Examination: An announced or unannounced medical examination and/or drug and/or alcohol test.

C. Responsibilities: Any employee who feels for any reason that he/she is not fit for duty should immediately disclose this to his/her Supervisor. Employees who are taking prescribed medication or other drugs that could impair their ability to safely perform their job functions should discuss this confidentially with the Supervisor or Department Manager so that alternative arrangements may be made.

D. All employees have an obligation to report observations of other employees who appear to be unfit for duty (based on a standard of reasonableness) to their Supervisor or Town Administrator. Reports will be kept confidential to the extent possible and will be made available only to those individuals with a "need-to-know," unless otherwise required by law.

E. If a Supervisor receives a report or otherwise believes that an employee may not be fit for duty, the Supervisor shall immediately contact the Town Administrator.

F. The Town Administrator (or his/her designee if unavailable), will make a determination, using his/her sole discretion, whether it is appropriate to require the employee to go for a fitness for duty examination.

G. Employees who are required by the Town to report for a fitness for duty examination must report for and consent to the examination as scheduled as a condition of continued employment. While the examination will not be conducted without the employee's consent, refusal to submit to the fitness for duty examination may lead to disciplinary action, up to and including immediate discharge of employment.

H. Prohibited Conduct: All employees are required to follow the Town's policies and standards of conduct. In addition, the following is a non-inclusive list of prohibited conduct that may lead to the requirement to submit to a fitness for duty examination:

- Inability to conduct oneself in a professional manner; i.e., excessive anger, aggressive behavior, inappropriate language, or other inappropriate distractions.
- Reporting for work or working in a condition physically or mentally unfit for duty or arriving at work under the influence of an illegal or unauthorized drug or alcohol.
- Smelling of alcohol or drugs while reporting to work or working.
- Failure to follow fitness-for-duty policies and procedures.
- Excessive or unexcused absence or tardiness.
- Carelessness or negligence; violation or neglect of safety regulations; or violation of other commonly accepted standards and policies.
- Violation of the Drugs and Alcohol policy.

I. Confidentiality: All information regarding fitness for duty referrals and examinations must be kept as confidential, and disclosed only on a strict "need to know" basis. The results of any and all fitness for duty examinations will be treated as confidential and be made available only to those individuals with a "need-to-know," unless otherwise required by law. The test results will be filed separately from the employee's personnel file.

ARTICLE XII MISCELLANEOUS POLICIES

XII.1 Use of Town Vehicles

A. The use of a Town vehicle during the workday is subject to specific authorization by the Department Manager based on the needs of the Department on a situational basis and the skill level of the operator as determined exclusively by management. The Town reserves the right to revoke operating privileges at anytime and to delegate vehicles, routes of travel, operators, passengers and workplace assignments without regard for personal preferences or past practices.

B. The use of a Town vehicle to and from the workplace is subject to specific authorization by the Board of Selectmen whereby such approval shall be for the convenience of the Town for employment classifications that are required to respond to public safety emergencies on a 24/7 basis. Such vehicles may not be used for non-official purposes, except for local errands to and from the workplace.

C. The use of a Town vehicle requires the possession of a valid operator's license for the specific vehicle being driven at all times. (See also Section XII.5.C.)

XII.2 Use of Personal Vehicles

The Town reserves the right to require the use of a personal vehicle for official travel purposes (when authorized by a Supervisor) as a condition of employment. Employees shall be reimbursed for mileage at the federal rate in effect at the time for authorized travel and shall be required to (a) procure and maintain basic liability and property damage insurance coverage; and (b) possess a valid operator's license. (See also Section XII.5.C.)

XII.3 Travel Reimbursement Policy

A. The Town will process reimbursements to employees for actual amounts paid, up to the maximums set forth herein, upon presentation of an itemized bill. Reimbursements will only be for lodging, meals, mileage, travel (airfare, buses, taxis, etc.), tolls, parking, car rental, and such other items as may be approved in advance by the Department Manager. Department Managers will review and approve (or deny) all employee reimbursement requests in accordance with this policy prior to submission to the Finance Office.

B. The Town reserves the right to cap the maximum amounts to be paid in accordance with the rules of the Internal Revenue Service, as set forth in IRS Publication 463 & Publication 1542, using the rates established by the U.S. General Services Administration (go to per diem rates @ www.gsa.gov). The Finance Office shall prepare and distribute GSA maximum rate charts and figures upon employee request.

C. The following items are not subject to any reimbursement except under extraordinary circumstances subject to the discretion of the Board of Selectmen:

- alcoholic beverages
- snacks or beverages that are not part of a meal
- handwritten bills or invoices
- entertainment or sporting event expenses
- charitable donations or gifts
- luxury travel (limousine, car rental other than a compact vehicle, etc.)
- fines or fees or any other expenses related to criminal or civil violations
- reading material other than essential literature for a conference

D. Employees shall not be eligible for Town payment or reimbursements for out-of-state travel unless such travel has been previously authorized in advance by the Town Administrator.

E. Requests for travel reimbursements must be submitted within the same calendar year during which the travel took place, unless otherwise authorized in writing by the Town Administrator or Library Trustees or Board of Fire Engineers, as may be applicable.

XII.4 Use of Technology

A. All electronic and telephonic communication systems and all data, files, records, passwords, communications and information transmitted by, received from, accessed or stored in Town equipment and systems are the property of the Town (hereinafter referred to in this Policy as "Town technology". It is anticipated that Town technology devices will be utilized primarily to facilitate the delivery of municipal services and to assist in the day-to-day operation of the Town. All employees should be aware that the Town has the right, but not the obligation, to monitor, access, retrieve, restrict, publish or otherwise manage the use of Town technology at anytime without regard to employee privacy issues. For this reason, employees cannot and should not expect privacy in their use of Town technology, and should instead expect that their e-mail messages, voice mail messages, computer and internet use, and other use of the Town's technology is not confidential and may be monitored, reviewed and disclosed.

B. The use of Town technology devices for personal reasons shall be limited to infrequent occasions, provided, however, that employees are not permitted to use a code or delete any files or access any stored records unless specifically authorized to do so by their Supervisor.

C. Improper use of Town technology devices may result in disciplinary action, up to and including discharge. Unacceptable uses of Town technology shall include, but are not necessarily limited to, the following:

- The unauthorized transmission of highly confidential or sensitive customer or proprietary material outside of the office;
- The unauthorized use for any business or commercial purposes other than the delivery of municipal services;
- Misrepresentation or non-disclosure of an employee's actual identity or affiliation with the Town of Gilford;
- The unauthorized transmission of harassing, intimidating, abusive or offensive material;
- The unauthorized disclosure, interception, disruption or alteration of electronic messages or data, including confidential, sensitive and non-public materials;
- Soliciting, receiving or transmitting sexually explicit material of any type;
- Posting unauthorized newsgroup or bulletin board messages on behalf of the Town;
- Causing, directly or indirectly, excessive strain on any computing facilities or resources, or unwarranted or unsolicited interference with others' use of technology devices such as chain letters, viruses, spam, etc.;
- Using technology devices for any purpose that violates federal or state laws, including but not limited to gambling, copyright violations or software licensing infringement;
- The introduction or installation of any unauthorized software, hardware, discs, files, downloads, cookies, surveys, scans or other technology devices;
- The incurring of any expenses or fees that are not specifically authorized by a Supervisor, or conduct which results in such expenses to the Town;
- Having or using passwords on the employee's computer which are not known to the Town.

D. Unauthorized Access: Unauthorized access of Town technology is prohibited. Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized Town representative. Town computers and information technology is for business use by Town personnel. Non-employees may not use Town technology without permission from a Department Supervisor.

E. Use of another employee's account, user name, or password, or accessing another's files without their consent (by anyone other than authorized representatives of the Town) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.

F. Passwords are required for many of the applications of Town technology and users may be required to change passwords periodically for security purposes. All passcodes and passwords are the property of the Town. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by the Town or that is unknown to the Town. Users of the Town's computers, network, and other technology must take reasonable precautions to prevent unauthorized access to the Town's technology resources. Passwords should not be divulged to unauthorized persons, and should not be written down or sent over the Internet, Intranet, e-mail, dial-up modem, or any other communication line.

G. Snooping: Probing or "snooping" into Town technology is prohibited. No employee may access the Town's files or any other files on the network or the system that the employee did not create unless the employee has prior authorization from his/her Supervisor or another authorized Town official. Observations of probing or "snooping" should be reported to the Town Administrator.

H. Sabotage: Destruction, theft, alteration, or any other form of sabotage of Town technology and/or Town resources, including, but not limited to, computers, programs, networks, web-sites, files, and data is prohibited and will be investigated and prosecuted to the fullest extent of the law.

I. Hacking: Hacking, the breaking into and corrupting of information technology, is prohibited. Hacking into third party computer systems using Town technology is prohibited, and may be reported to the local authorities. Vulnerability in Town technology should be reported to the Town Administrator.

J. Viruses: Use of virus, worm, or Trojan horse programs is prohibited. If a virus, worm or Trojan horse is identified, it should be immediately reported to the Department Head.

K. Confidential Information: Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All

Town data and information (including customer or taxpayer information) is considered confidential unless the Town has granted permission for a user to use it. Specific examples of confidential information includes, but is not limited to, personnel and payroll records of present or past employees, information concerning transactions with customers and/or taxpayers, financial records of the Town, records of purchases from vendors and suppliers, and any other information regarding the business affairs or operating practices or procedures of the Town. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should be used only for its intended purpose. Employees' responsibility for confidentiality continues outside of work. Employees may not work on Town documents, data, or other business on home computers or other portable technology with out the express prior approval of the Department Head or other appropriate Town administrator. When sending e-mail messages concerning confidential and/or proprietary information, employees are expected to exercise significant caution because of the ability of others to "crack" the system. Questions regarding what level of security is needed for particular information should be directed to the Department Manager or Town Administrator.

L. Safeguarding the Physical Security of Communications System: Reasonable precautions should be taken in regards to the physical security of Town technology resources. Disks, drives, and other devices containing sensitive information should be contained in a locked drawer, wherever possible. Computers should be turned off when not in use for an extended period or when an employee is out of his/her office.

M. All software installed on workstations, whether for business or personal use, must be approved by the employee's Supervisor. In no way should personal computer hardware (thumb drives, MP3 players, etc.) be installed on Town technology unless authorized by the employee's Supervisor. Purchases of computer software and equipment by anyone other than an authorized Town official are prohibited. Employees should not install Town software on home computers without the prior approval of Town Management.

N. Employees may not intentionally download anything from the Internet without prior authorization. This includes, but is not limited to, screensavers, music, E-mail stationary, and other images.

O. Copyright Infringement/Unauthorized Copying: The Town does not condone the illegal duplication of software or any violations of copyright laws.

XII.4.1 Social Media Guidelines (Use of Technology Supplement)

The following guidelines are hereby enacted as a supplement to the Town's Use of Technology Policy as set forth in Section XII.4 of the Personnel Policies.

These guidelines are to be construed as the Town's exercise of its management rights in the determination of the methods and means by which information, documentation, photographs, video, audio, data, electronic files, passwords, communications, and messages related to official government functions are to be publicly conveyed (or withheld from distribution) by Town employees through social media websites.

Any violation of these guidelines shall be subject to disciplinary action as otherwise set forth herein; to be consistent with the provisions of the Town's Personnel Policies and/or collective bargaining agreements as may be applicable hereto.

A. Town-owned computers, including laptops and smart phones shall not be used for personal or private social networking except upon written authorization by the employee's immediate supervisor. Social networking shall be defined as communicating and sharing information between two or more individuals in an online or internet community, such as the use of Facebook, Twitter, MySpace, YouTube, AOL, and similar websites. (These guidelines do not apply to private email accounts or the exchange of private text messages as may otherwise be allowed at appropriate times during the workday.)

B. Use of privately-owned computers or hand-held devices using the Town's internet connection services during the work day shall be allowed during authorized break periods only.

C. Employees are prohibited from using any social media websites to publicly display Town-owned badges, uniforms, logos, insignia, tools, equipment, vehicles or other images of Town-owned property in a manner that is not consistent with existing departmental rules, regulations, guidelines, or standard operating procedures. (These guidelines do not apply in the event that a department has no such rules, regulations or procedures.)

D. Employees shall not identify themselves or refer to other Town employees by job title, rank, classification or position when engaged in social networking, except as otherwise permitted by law, or when specifically authorized in writing by the employee's immediate supervisor for the exercise of official duties.

E. Employees shall not post, transmit or distribute any images obtained from a work place or while on-duty, to include scenes of accidents, crimes, fires, training sites or any other municipal activity except upon written authorization from the employee's immediate supervisor. (This guideline does not apply to images made during a public

meeting as otherwise allowed under RSA 91-A:2.) The unauthorized release or distribution of any photograph or video recording of an incident victim will be cause for immediate discharge as a Town employee.

F. Employees who participate in social networking while off-duty shall maintain an appropriate level of professionalism and decorum when making reference to municipal operations or other Town employees, agents or officials.

G. The Town recognizes all employees have constitutionally protected rights pertaining to freedom of speech, freedom of expression, freedom of association, and protections afforded under the Whistle Blower's Protection Act. In addition, employees have a right to discuss their wages, hours and working conditions with co-workers and others. However, any social media displays of willful or deliberate malicious acts that result in the disruption of workplace relationships will be treated as though the behavior took place while in the employment of the Town. The following social media situations by employees are likely to result in the imposition of disciplinary action, up to and including discharge:

(i) Behavior that is directed towards a Town official using language that is defamatory, slanderous or unlawful;

(ii) Conduct that interferes with the maintenance of essential work-place discipline;

(iii) Actions of an obscene or derogatory nature that damage or impair the reputation and/or efficiency of municipal operations;

(iv) Cyber-bullying directed towards any Town employee.

H. The Town reserves the right to investigate and obtain information about employees and candidates for employment by viewing social media website(s) that are in the public domain. However, no Town Official shall engage in any activity regarding electronic media that is otherwise prohibited by RSA 275:74.

I. The use of private or personal social media shall not be considered part of the scope of an employee's duties except when authorized in writing by an employee's immediate supervisor. Accordingly, in most cases the Town shall not indemnify employees from personal financial loss and/or expense, including reasonable attorney fees, for any claims, demands, suits, or judgments resulting in damages arising from any matters that are published, posted, transmitted, broadcasted, displayed or disseminated on a private or personal social media website.

J. All social media communications by Town officials about governmental proceedings or the publication of governmental records shall be subject to the New Hampshire

Right To Know Law and public access pursuant to the provisions of RSA 91-A, including, but not limited to (a) the obligation to preserve such records for specific time periods (usually measured in number of years); and (b) the remedies (and possibly penalties) as set forth in RSA 91-A:8.

XII.5 Licenses & Certifications

A. Employees who are required to possess specific licenses and/or certifications at the time of hire or promotion shall be expected to maintain such licenses and certifications at their own expense as a condition of employment, unless otherwise approved by the Board of Selectmen. The Town shall strive to cooperate with such employees and provide opportunities for continuing education as may be necessary when doing so is advantageous to the Town. (Examples include driver's licenses and CDL's.)

B. In the event the Town decides to require an employee to obtain a specific license or certification or in the event of some state or federal government mandate for licensing or certification, the Town shall pay all costs associated with training, maintenance and renewals, (including wages) to the extent that the Town desires to retain the employee and provide the service requiring such license or certification. (Examples include continuing certification for police, fire, waste management, sewer, etc.)

C. Employees shall be required to notify their Supervisor within twenty-four (24) hours or prior to driving a Town vehicle, whichever comes first, in the event a driver's license or required certification is suspended or revoked for any reason. In addition, Supervisors must be presented with a written copy of any documentation pertaining to loss or revocation or conviction of a violation pertaining to the use of a license or certification for insertion in their personnel file and possible disciplinary action.

D. In certain instances, employees may be required to certify that they have had shots and/or immunizations as a condition of employment. The Town shall pay for all such medical treatment at its convenience. In the event an employee refuses to undergo mandatory shots or immunizations, he/she may sign a waiver that exempts the Town from any all liability, including applicable workers' compensation coverage, to the extent otherwise allowed by law.

XII.6 Layoffs

The Town reserves the right to layoff employees for any reason, including, but not limited to: budget cuts, lack of work, reductions in the work force, elimination of services, changes in the methods of delivery of services, re-assignment of duties, etc.

XII.7 Exit Interviews

The Town Administrator shall strive to conduct an exit interview with all regular employees who give notice of a pending resignation or retirement. Employees shall be required to make arrangements for the return all Town property at this time or they may be subject to arrest and prosecution for theft of property.

XII.8 Clothing & Equipment

A. The Town reserves the right to require employees to wear specific articles of clothing in the performance of their duties. Under such circumstances, the Town may provide the items to be worn, which shall remain property of the Town, (except footwear and undergarments). Employees shall not wear or use Town property except when performing official duties or traveling to and from the workplace.

B. Employees may be required to use specific equipment (including safety and weather gear) provided by the Town in the performance of their duties as directed by a Supervisor. Town equipment may not be removed from Town property except with the permission of the Department Manager for official purposes only.

C. Employees are expected to care for all Town property and replace any items that are damaged for reasons other than normal wear and tear or employment circumstances. Employees shall also keep their clothing clean to the greatest extent practical.

D. Employees who are not provided with uniforms or clothing shall be expected to dress appropriately for work and may be required to change clothing items that are deemed inappropriate by a Supervisor. Under no circumstances shall employees be allowed to wear flip-flops, offensive graphics or articles that are too revealing as determined by a Supervisor, (except for proper beach gear worn by lifeguards). The goal of work attire shall be to represent the Town in a professional manner consistent with the duties performed.

E. All employees who are required to have a cell phone (or other device) for the benefit of communications on behalf of the Town and in furtherance of their job responsibilities as authorized by the Department Manager or Town Administrator shall be provided with a taxable stipend of ten dollars ($10.00) per week in lieu of a Town telephone device.

XII.9 Health & Wellness

A. It shall be the policy of the Town to encourage all employees to dedicate themselves to personal practices conducive to good health, physical fitness and mental wellness. Employees are also encouraged to actively participate in health and wellness

programs sponsored by the Town's insurance carrier(s) and the Joint Loss Management Committee.

B. The Town shall provide an employee assistance program to all employees featuring comprehensive mental health and referral counseling services for issues such as stress management, addiction, parenting, eldercare, divorce and financial concerns.

C. Regular full-time employees shall be eligible for reimbursement up to three hundred dollars ($300.00) per calendar year upon proof of payment for a health club membership, durable fitness equipment, smoking cessation program and/or weight loss program.

D. All regular Town employees shall be eligible for a free library card and a daily Town Beach or Glendale pass upon request.

XII.10 Weather Related Closings

During inclement weather, all Town facilities are expected to remain open during their respective hours and days of operation. However, in the event of extremely adverse weather conditions, the Town Administrator shall determine if employees may be relieved of duty and when Town facilities should be closed in the interest of workplace safety, upon consultation with and approval of the Chairman of the Board of Selectman, (or Vice-Chair and then Clerk, in order of rank depending upon availability). Such decisions shall be made by the highest ranking member of the Board of Selectmen (depending upon availability) in the absence or incapacitation of the Town Administrator. The following guidelines shall apply to inclement weather operations:

- All employees will attempt to report to work at normal hours.

- Employees anticipating a delay in reporting to work shall call their Supervisor stating the estimated time delay and specific reasons. (Such time shall normally not be eligible for compensation as leave or make-up in excess of two hours.)

- Hourly employees who decline to come to work for safety reasons may not be paid, otherwise they may be allowed to utilize available leave time at the discretion of the Department Manager, provided they call their Supervisor as soon as practical.

- In the event that Town facilities are declared closed by the Town Administrator, employees who are sent home will be paid at straight time for the remainder of their scheduled work hours during the period of closure. However, these hours will not count as time worked in the calculation of overtime hours.

- Emergency services employees or other non-salaried employees who must continue working their assigned shifts will be paid at time and one-half for the period of time during regular business hours when the Town Hall offices were closed.

XII.11 Employee Parking Areas

The Town reserves the right to designate specific parking areas and assign parking spaces as may be necessary.

XII.12 Smoking & Tobacco Policy

A. Pursuant to the provisions of the New Hampshire Indoor Smoking Act (RSA 155:64-78), there shall be no smoking in any Town buildings, or within twenty-five feet (25') of any Town building entrance/exit, window or anywhere else in the presence of others that is considered to be an indoor workplace.

B. There shall be no smoking in any Town vehicle except for plow truck operators who are working an extended shift beyond the regular work day, provided there are no non-smoking passengers in the vehicle. This privilege may be revoked by the Department Manager (or his/her designee) in the event of uncleanliness or carelessness attributable to the use of a tobacco (or tobacco like) product.

C. Except as noted above, the only time smoking shall be allowed during the workday is when an employee is taking an authorized break.

D. The restrictions set forth in this policy shall apply to the use of all tobacco or similar products, including, but not limited to chewing tobacco, e-cigs, cigars, cigarillos, snuff, and medical marijuana. (See also Section XII.14.C).

XII.13 Bulletin Boards

The Town reserves the right to limit the posting of any items on municipal bulletin boards to official communications, labor posters and union activity that is otherwise allowed under a collective bargaining agreement. In certain instances, the Town may allow space on a municipal bulletin board to be used for personal announcements (parties, yard sales, items for rent/sale, etc.) provided that such space is available and the employee obtains authorization from the Department Manager.

XII.14 Drugs & Alcohol

A. Employees are prohibited from working while under the influence of any illegal drugs or controlled substances that are not medically authorized or under the influence of alcohol or any substance which impairs job performance or poses a hazard to the safety and welfare of the employee, the public or other employees. Employees may not enter onto Town property in possession of any illegal drugs, drug paraphernalia, or controlled substances that are not medically authorized, except as otherwise necessary in the performance of official duties.

B. The Town shall consider the abuse of alcohol and/or drugs by employees as a medical condition in the event that addiction issues affect workplace performance. This policy shall only apply in a single situation (first offense) provided the employee has not committed an act that would otherwise result in a discharge and when the employee either (1) acknowledges a problem exists and seeks treatment; or (2) fails a random CDL drug or alcohol test and successfully participates in a program prescribed by a medical review officer. Under these circumstances, employees may be eligible for paid or unpaid leave benefits and/or a temporary re-assignment of duties as may be determined solely by the Board of Selectmen and as otherwise set forth herein. Under all other circumstances, any employee who reports for work under the influence of drugs or alcohol, or in possession of alcohol, illegal drugs or drug paraphernalia, may be subject to disciplinary action up to and including discharge.

C. The use of marijuana while operating a motor vehicle or power equipment during work hours is strictly prohibited and will automatically result in the discharge of an employee, regardless of whether or not an employee has a prescription that allows such use.

XII.15 Swapping of Shifts

The swapping of shifts shall require the pre-approval of the Department Manager. It shall be understood that swapping shifts shall be voluntary on the part of all employees involved and that approval shall not result in any Town liability for payment of overtime wages or other forms of compensation or benefits (including leave pay) that deviates from the regular work schedule.

XII.16 Workplace Cleanliness

Employees shall be required to keep the workplace neat, clean, organized, tidy and uncluttered at all times. This includes Town vehicles and any other areas that the Department Manager deems to be an employee's responsibility.

XII.17 Town Purchases

Employees shall not make any purchase or obligation to spend Town funds without specific authorization of the Department Manager. All purchases shall comply with the Town's Purchasing Polices as set forth in the Administrative Code and any additional policies or guidelines that may be applicable.

XII.18 Energy Conservation

It shall be a condition of employment for every employee to conserve energy and reduce waste in the workplace to the greatest extent practical. Accordingly, employees shall turn off lights, turn

off engines, close windows, lower thermostats, eliminate unnecessary travel, recycle products, and take whatever other measures may be reasonable in the conservation of energy.

XII.19 Dating / Workplace Romance Policy

The following policy is enacted to protect the Town from potential liability associated with sexual harassment, discrimination, or hostile workplace allegations that could result whenever two employees develop a romantic relationship or cohabitate with each other or whenever such a relationship is terminated. In addition, this policy is intended to prevent disharmony in the workplace that could result from claims of favoritism and/or poor judgment by supervisory personnel.

A. An employee who is dating, or romantically involved with or cohabitating with another employee shall be prohibited from supervising that employee and from making decisions or recommendations pertaining to that employee's job performance evaluations, pay adjustments, promotions, discipline, assignments, or transfers.

B. Supervisors are prohibited from having sexual relations with, dating, or establishing a cohabitation relationship with employees who work within the departments for which they have supervisory responsibility, regardless of whether or not there is a direct supervisory relationship.

C. If an employee is to be transferred into a department that would result in a violation of this policy or if an employee is to be promoted to a supervisory position into a department that would result in a violation of this policy, that employee must report the relationship to the Town Administrator before the transfer or promotion occurs.

D. In the event that two employees (who are not married to each other) are having sexual relations, dating, or cohabitating with each other, both employees shall promptly, (within 48 hours of the relationship being initiated or the effective date of this policy, whichever comes first), report the relationship to the Town Administrator for a determination to be made by the hiring authority, in its sole discretion, whether or not (and to what extent) some type of acceptable alternative employment arrangements can be made to ensure compliance with this policy.

E. Employees are strictly prohibited from engaging in physical contact with other employees during working hours that would in any way be deemed inappropriate by a reasonable person while anywhere in the workplace.

F. Any violations of this policy will result in disciplinary action, up to and including termination of employment.

G. In addition to these prohibitions, employees are reminded that harassment in the workplace will not be tolerated, and that all forms of harassment are prohibited as specified in these Personnel Policies. Any complaints relating to a dating relationship, or requests for dates that an employee believes to be harassing should be reported in accordance with the Town's sexual harassment policy.

ARTICLE XIII CODE OF ETHICS

XIII.1 Employees of the Town shall be expected to maintain the highest standards of conduct, cooperation, efficiency and economy in the performance of their duties.

XIII.2 Town employees will at all times be conscious of the fact that they are the Town's representatives and their jobs exist solely for the benefit of the citizens and taxpayers of Gilford. Employees shall extend services in a courteous and pleasant manner.

XIII.3 Employees shall exercise restraint in dealing with displeased citizens at all times and to the greatest extent possible.

XIII.4 Every employee shall, as a condition of employment, be expected to cooperate to the fullest extent with other employees, including those of other departments, in the providing of services to the public and other Town officials.

XIII.5 There is no such thing as "that's not my job" or "that's not your job" while working for the Town of Gilford. Every employee is expected to contribute to the overall mission of Town government in general and the specific needs of the department.

XIII.6 Employees shall refrain from conducting political activity during work hours. Employees shall not serve as an advocate for any political position while working, except to disclose and disburse neutral information of a factual nature as may be authorized by a Town Board or Committee.

XIII.7 Employees shall not offer testimony on the consideration of legislation except upon authorization of the Board of Selectmen.

XIII.8 Employees shall publicly disclose any actual or perceived conflict of interest to the Board of Selectmen and refrain from taking any action in which the employee (or a relative or business associate) has a pecuniary interest in the outcome.

XIII.9 Employees shall not take any special advantage of services or opportunities for personal gain, by virtue of their position that is not otherwise available to the public in general.

XIII.10 Employees shall refrain from soliciting or accepting any gifts, favors or promises of future benefits which might compromise their independence of judgment or action or give the appearance of being compromised. Furthermore, it is unlawful for any Town employee to accept a gift with a value of more than twenty-five dollars ($25.00), except upon approval of the Board of Selectmen as otherwise allowed in accordance with the provisions of RSA 15-B.

XIII.11 Employees shall respect the confidentiality of information concerning the property, personnel or affairs of the Town. Employees shall neither disclose confidential

information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

XIII.12 No employee below the rank of Department Manager is authorized to conduct press conferences or release statements of opinion about Town business while working unless specifically authorized.

XIII.13 The roles of a Supervisor are to lead by example; encourage employees to perform; provide answers to questions; provide education, training and constructive criticism; do the work of subordinates as needed; and take prompt and effective action as may be appropriate.

XIII.14 Always treat others with respect.

ARTICLE XIV EMPLOYEE ACKNOWLEDGEMENT FORM

I have received a copy of the Town of Gilford Personnel Policies ("Personnel Policies") and understand that it is my responsibility to read the Personnel Policies and comply with them.

I further understand that these Personnel Policies are prepared for informational purposes only and do not constitute a contract between me and the Town of Gilford. I also acknowledge that these Personnel Policies are not a guarantee of employment; and I am not guaranteed entitlement to the terms and conditions set forth herein, except as otherwise required by law.

I am aware that the Town retains flexibility in the administration of the policies and procedures contained in these Personnel Policies, and that the Town reserves the right to change or amend or eliminate any of the policies and/or benefits described in these Personnel Policies at any time, with or without notice as business, employment, legislation, and economic conditions dictate.

I understand that my employment by the Town of Gilford is at-will and is not for a definite term and may be terminated by the Town or myself at any time, for any reason, unless otherwise determined by law or as otherwise set forth in the explicit terms and conditions of a collective bargaining agreement.

It is a condition of employment for all employees to familiarize themselves with the content of these Personnel Policies. However, these Personnel Policies are not intended to replace open communications between employees and their Supervisors. Employees are strongly encouraged to speak with their Supervisor (and then Department Manager and then Town Administrator if necessary) if there are any questions or concerns related to your employment.

EMPLOYEE'S NAME: _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

TOWN OF GILFORD
PERSONNEL POLICIES - APPENDIX A (REVISED)
WAGE AND SALARY CLASSIFICATION PLAN (NON-UNION POSITIONS)
EFFECTIVE DATE: January 1, 2016 (Approved by the Board of Selectmen on June 22, 2016)

GRADE	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5	STEP 6	STEP 7	STEP 8	STEP 9	STEP 10
1	$8.25	$8.80	$9.35	$9.90	$10.45	$10.99	$11.54	$12.09	$12.64	$13.19
	$17,160.00	$18,301.43	$19,442.85	$20,584.28	$21,725.70	$22,867.13	$24,008.56	$25,149.98	$26,291.41	$27,432.83
	ELECTION WORKER; INTERN; LIFEGUARD; SEASONAL ATTENDANT; SEASONAL LABORER;									
2	$11.50	$12.26	$13.03	$13.79	$14.56	$15.32	$16.09	$16.85	$17.62	$18.38
	$23,920.00	$25,511.08	$27,102.16	$28,693.24	$30,284.31	$31,875.39	$33,466.47	$35,057.55	$36,648.63	$38,239.71
	BEACH MANAGER; CLERICAL ASSISTANT; ON-CALL FIREFIGHTER; LABORER; PROGRAM ASSISTANT; P/T COMMUNICATIONS SPECIALIST									
3	$12.75	$13.60	$14.45	$15.29	$16.14	$16.99	$17.84	$18.69	$19.53	$20.38
	$26,520.00	$28,284.02	$30,048.04	$31,812.07	$33,576.09	$35,340.11	$37,104.13	$38,868.15	$40,632.18	$42,396.20
	ACCT CLERK; ADMINISTRATIVE ASST; ASST TOWN CLERK-TAX COLLECTOR; LIBRARY ASSISTANT; PROGRAM SPECIALIST; RECYCLE CTR ATTDNT; SECRETARY									
4	$15.75	$16.80	$17.85	$18.89	$19.94	$20.99	$22.04	$23.08	$24.13	$25.18
	$32,760.00	$34,939.09	$37,118.17	$39,297.26	$41,476.34	$43,655.43	$45,834.52	$48,013.60	$50,192.69	$52,371.77
	ASSESSING TECHNICIAN; BOOKKEEPER; EXECUTIVE SECRETARY; LIBRARIAN; TECHNICAL ASSISTANT; SPECIAL POLICE OFFICER									
5	$17.00	$18.13	$19.26	$20.39	$21.52	$22.65	$23.78	$24.92	$26.05	$27.18
	$35,360.00	$37,712.03	$40,064.06	$42,416.09	$44,768.12	$47,120.15	$49,472.18	$51,824.21	$54,176.23	$56,528.26
	ACCOUNTANT; ASSISTANT LIBRARY DIRECTOR; DEPUTY TOWN CLERK-TAX COLLECTOR; EXECUTIVE ASSISTANT; FIREFIGHTER 2/A-EMT									
6	$18.50	$19.73	$20.96	$22.19	$23.42	$24.65	$25.88	$27.11	$28.34	$29.58
	$38,480.00	$41,039.56	$43,599.12	$46,158.68	$48,718.25	$51,277.81	$53,837.37	$56,396.93	$58,956.49	$61,516.05
	FIREFIGHTER 2/PARAMEDIC; HEAD CUSTODIAN									
7	$23.50	$25.06	$26.63	$28.19	$29.75	$31.32	$32.88	$34.44	$36.01	$37.57
	$48,880.00	$52,131.33	$55,382.67	$58,634.00	$61,885.34	$65,136.67	$68,388.01	$71,639.34	$74,890.68	$78,142.01
	CODE ENFORCEMENT OFFICER; HEAD MECHANIC; HIGHWAY SUPERINTENDENT; FIRE LIEUTENANT/EMT; POLICE SERGEANT									
8	$25.00	$26.66	$28.33	$29.99	$31.65	$33.31	$34.98	$36.64	$38.30	$39.97
	$1,000.00	$1,066.52	$1,133.03	$1,199.55	$1,266.07	$1,332.58	$1,399.10	$1,465.62	$1,532.13	$1,598.65
	$52,000.00	$55,458.87	$58,917.73	$62,376.60	$65,835.47	$69,294.33	$72,753.20	$76,212.07	$79,670.93	$83,129.80
	DPW OPERATIONS MANAGER; FIRE LIEUTENANT/PARAMEDIC; RECREATION DIRECTOR									
9	$27.50	$29.33	$31.16	$32.99	$34.82	$36.65	$38.48	$40.30	$42.13	$43.96
	$1,100.00	$1,173.17	$1,246.34	$1,319.51	$1,392.67	$1,465.84	$1,539.01	$1,612.18	$1,685.35	$1,758.52
	$57,200.00	$61,004.75	$64,809.51	$68,614.26	$72,419.01	$76,223.77	$80,028.52	$83,833.27	$87,638.03	$91,442.78
	FIRE CAPTAIN/EMT; POLICE LIEUTENANT									
9A	$29.00	$30.83	$32.66	$34.49	$36.32	$38.15	$39.98	$41.80	$43.63	$46.36
	$1,160.00	$1,233.17	$1,306.34	$1,379.51	$1,452.67	$1,525.84	$1,599.01	$1,672.18	$1,745.35	$1,854.43
	$60,320.00	$64,124.75	$67,929.51	$71,734.26	$75,539.01	$79,343.77	$83,148.52	$86,953.27	$90,758.03	$96,430.57
	FIRE CAPTAIN/PARAMEDIC									
10	$1,200.00	$1,279.82	$1,359.64	$1,439.46	$1,519.28	$1,599.10	$1,678.92	$1,758.74	$1,838.56	$1,918.38
	$62,400.00	$66,550.64	$70,701.28	$74,851.92	$79,002.56	$83,153.20	$87,303.84	$91,454.48	$95,605.12	$99,755.76
	LIBRARY DIRECTOR; PLANNING & LAND USE DIRECTOR; POLICE CAPTAIN									
11	$1,300.00	$1,386.47	$1,472.94	$1,559.42	$1,645.89	$1,732.36	$1,818.83	$1,905.30	$1,991.77	$2,078.25
	$67,600.00	$72,096.53	$76,593.05	$81,089.58	$85,586.11	$90,082.63	$94,579.16	$99,075.69	$103,572.21	$108,068.74
	DEPUTY FIRE CHIEF; DEPUTY POLICE CHIEF;									
12	$1,400.00	$1,493.12	$1,586.25	$1,679.37	$1,772.49	$1,865.62	$1,958.74	$2,051.86	$2,144.99	$2,238.11
	$72,800.00	$77,642.41	$82,484.83	$87,327.24	$92,169.65	$97,012.07	$101,854.48	$106,696.89	$111,539.31	$116,381.72
	FINANCE DIRECTOR; FIRE CHIEF; POLICE CHIEF; PUBLIC WORKS DIRECTOR									
13	$1,500.00	$1,599.78	$1,699.55	$1,799.33	$1,899.10	$1,998.88	$2,098.65	$2,198.43	$2,298.20	$2,397.98
	$78,000.00	$83,188.30	$88,376.60	$93,564.90	$98,753.20	$103,941.50	$109,129.80	$114,318.10	$119,506.40	$124,694.70
	TOWN ADMINISTRATOR									

TOWN OF GILFORD, NEW HAMPSHIRE
EMPLOYEE JOB PERFORMANCE EVALUATION FORM
PERSONNEL POLICIES – APPENDIX B

EMPLOYEE'S NAME:

EMPLOYEE'S TITLE:

DEPARTMENT:

INITIAL DATE OF HIRE:

DATE OF CURRENT CLASSIFICATION (ANNIVERSARY DATE):

EVALUATION PERIOD BEGIN DATE:

EVALUATION PERIOD END DATE:

SUPERVISOR'S NAME:

SUPERVISOR'S TITLE:

DATE OF EVALUATION:

TYPE OF EVALUATION:
[ ] PROBATIONARY
[ ] ANNUAL REVIEW
[ ] SELF-EVALUATION
[ ] OTHER_____

STEP 1: EMPLOYEE SELF-EVALUATION
STEP 2: SUPERVISOR REVIEW/EVALUATION
STEP 3: DEPARTMENT MANAGER REVIEW/EVALUATION
STEP 4: TOWN ADMINISTRATOR REVIEW
STEP 4a: BOARD OF SELECTMEN REVIEW (APPLICABLE FOR DEPT. MANAGERS ONLY)
STEP 5: EMPLOYEE & SUPERVISOR CONSULTATION
STEP 6: EMPLOYEE ACKNOWLEDGEMENT
STEP 7: ORIGINAL RETURNED TO TOWN ADMINISTRATOR FOR PERSONNEL FILE WITH CHANGE OF STATUS FORM
STEP 8: BOARD OF SELECTMEN APPROVAL OF CHANGE OF STATUS FORM

LEVELS OF PERFORMANCE (FOR RATING PURPOSES):

0.0= Unacceptable: Minimum expectations are not being met; performance is deficient; better effort is required; results are unsatisfactory

2.0= Acceptable: Meets expectations; performs assigned tasks and/or responsibilities sufficiently; Few deficiencies are noted.

2.5= Above Average: Job performance is noted for occasionally rising beyond basic expectations.

3.0= Commendable: Performance expectations are often exceeded; goes above and beyond the basic effort with good results; proficient in most tasks; mistakes are extremely rare

3.5= Very Good: Consistently performs at a high level with regard to effort and accomplishments.

4.0= Exceptional: Superior effort and outstanding results are consistently demonstrated; serves as a role model for other employees; exemplary conduct in most rating aspects.

GENERAL EVALUATION CRITERIA

(A.1) QUALITY OF WORK:

Can the employee be depended upon to meet finished product expectations? Is the work consistently thorough, accurate and timely? Are errors or mistakes often noted? Are things done right the first time? Does the employee forget to do parts of a project? Can the end results be used as an example for others? Is work done neatly or sloppily? Is attention to detail obvious or lacking? Are reports and project documentation completed in an appropriate manner? Has the employee received disciplinary action and/or praise for the quality of work during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.2) QUANTITY OF WORK:

Does the employee keep up or fall behind other workers? Does the employee exceed the output of others? Is work time spent productively? Are daily assignments completed in their entirety? Does the employee exceed goals and/or request additional assignments? What happens to work output before and after break times or absences from work? Has the employee received disciplinary action and/or praise for the quantity of work during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.3) PERSONAL WORK HABITS:

Does the employee report to work punctually? How often has the employee used sick leave during the evaluation period? Is leave time abused? Are there any patterns or trends related to workplace attendance? Does the employee repeatedly ask to leave work early due to illness or appointments? Is the employee's appearance neat and appropriate? Does the employee dress appropriately? Does the employee maintain a neat and organized work area? Does the employee report to work when truly sick? Is the employee a positive role model for others? Does the employee conduct himself/herself in a professional manner? Is the employee fair-minded? Does the employee use appropriate language? Is the employee dependable? Does the employee act with integrity? Has the employee received disciplinary action and/or praise for personal work habits during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.4) ATTITUDE:

To what extent does the employee cooperate with fellow workers? Is the employee moody or non-communicative? Does the employee demonstrate enthusiasm or complain about work assignments? How does the employee interact with peers and other Town officials? Does the employee spread gossip or rumors about others? Is the employee's temperament appropriate? How does the employee respond to criticism and suggestions? Does the employee lack tactfulness at times? Is the employee sensitive to the needs or shortcomings of others? Does the employee foster a productive and friendly work atmosphere? Does the employee care about the funds used for departmental purposes? Does the employee treat Town property with respect? Does the employee listen attentively and follow directions? Does the employee comply with directives and policies? Has the employee received disciplinary action and/or praise for his/her attitude during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.5) ADAPTABILITY & PROBLEM-SOLVING:

How does the employee cope with unfamiliar work? Does the employee require close supervision? Does the employee show initiative and self-motivation? Is the employee flexible as priorities shift or emergencies develop? Does the employee show an interest in expanding job knowledge? How does the employee react to new ideas? Does the employee suggest new approaches to problem-solving? How does the employee react to unsuccessful experiments? Is the employee able to identify or anticipate problems and communicate such issues to supervisors? Has the employee received disciplinary action and/or praise for his/her adaptability and problem-solving abilities during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.6) SAFETY COMPLIANCE:

Does the employee consistently comply with safety policies and procedures? Does the employee demonstrate concern for a safe work environment? Does the employee engage in horseplay or dangerous behavior? Does the employee have to be reminded to use appropriate protective equipment and practices? Does the employee wear a seat belt in a Town vehicle? Does the employee provide suggestions for enhancing worker safety? Does the employee fulfill his/her risk management obligations? Has the employee had any workplace accidents? Has the employee failed a random drug test? Does the employee recognize the importance of law enforcement in the promotion of safety? Is the employee an active participant on the JLMC? Has the employee received disciplinary action and/or praise for safety related issues during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.7) PROFESSIONAL DEVELOPMENT:

Has the employee taken any training classes during the evaluation period? Were educational opportunities initiated by the employee or supervisor? Has the employee demonstrated a willingness to learn? Has the employee met the goals previously established? Has the employee complied with training requirements? Does the employee ask pertinent questions? Has the employee failed any classes or neglected to fulfill any training opportunities? Does the employee share job knowledge with others? What types of certifications have been obtained during the evaluation period? Does the employee exhibit potential for promotion or an upgrade in job classification?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.8) TECHNICAL SKILLS:

Is the employee familiar with the job description? Is the employee capable of performing all of the duties set forth in the job description? Has the employee demonstrated the ability to perform the duties of the position with distinction? Does the employee avoid certain responsibilities? What has the employee done to stay current in emerging technologies? Does the employee ask questions to better understand his/her responsibilities? Is the employee ready for additional responsibilities? Does the employee voluntarily apply additional skills for the benefit of the department? Is the employee working to his/her maximum potential? Is the employee respected by colleagues? Does the employee look into historical aspects of a situation? How does the employee fulfill budgetary responsibilities? Has the employee received disciplinary action and/or praise for his/her technical skills during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.9) ORGANIZATION:

Has the employee demonstrated the ability to organize and prioritize assignments? Does the employee appear organized when he/she attends meetings? Are deadlines met? Does the employee frequently appear to be in crisis mode? Does the employee anticipate project obstacles and develop plans to achieve success? Is the employee able to meet the daily workload and if not, does he/she communicate legitimate reasons to a supervisor? Does the employee waste time during the workday? Has the employee received disciplinary action and/or praise for his/her organizational skills during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.10) TEAMWORK:

Does the employee accept accountability for individual work contributions? Does the employee solicit input and ideas from others? Does the employee blame others for mistakes? Does the employee offer praise to others? Does the employee have personality conflicts with other members of the work team? Has the employee demonstrated a willingness to share skills and coach others? Does the employee ask for others to help with a difficult task or volunteer to help other employees? Does the employee speak of Town government or Town officials in a complimentary or derogatory manner? Does the employee speak of wanting to work somewhere else or of striving for advancement? Does the employee respect the chain of command? Has the employee received disciplinary action and/or praise for his/her teamwork during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.11) PUBLIC RELATIONS & COMMUNICATIONS:

Does the employee communicate appropriately with citizens? How does the employee respond to citizen requests for service? Has the employee gone above and beyond the call of duty to help someone? Does the employee provide concise verbal and/or written communications to supervisors, subordinates and co-workers? Does the employee spread misinformation or partial renderings of actual events? Is the employee an advocate for the department? Does the employee accurately explain his/her role in Town government to others? Does the employee refer citizen inquiries to supervisors? Has the employee been the recipient of a citizen complaint and if so, was there any validity to the complaint? Has the employee done anything to cast discredit on the department? How does the employee interact with other government agencies and/or the press? How are reports and presentations handled? Has the employee received disciplinary action and/or praise for public relations activity and communication skills during the review period?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

(A.12) LEADERSHIP:

Is the employee a leader or a follower? Does the employee delegate appropriately? Has the employee made himself/herself critical to the success of the department/Town? Is the employee effective when working in a supervisory capacity? Does the employee set a good example for others? Has the employee established personal goals and objectives? Does the employee promote innovation? Does the employee show initiative or a take charge approach to work assignments? Does the employee demonstrate unique personal skills? Does the employee empower subordinates? Does the employee need to be told what to do?

RATING: 0 2.0 2.5 3.0 3.5 4.0

COMMENTS:

PART B. ADDITIONAL EVALUATION CRITERIA

(B.1) ACCOMPLISHMENTS:

(B.2) STRENGTHS:

(B.3) WEAKNESSES:

(B.4) ACTION PLAN FOR IMPROVEMENTS:

(B.5) DEPARTMENTAL GOALS & OBJECTIVES:

(B.6) SUPERVISOR'S ROLE/CONTRIBUTIONS TOWARDS EMPLOYEE'S FUTURE SUCCESS:

(B.7) OTHER SUPERVISOR'S COMMENTS:

PART C. COMPENSATION CALCULATIONS (COMPLETE ALL SECTIONS)

(C.1) STANDARD MERIT PAY RATE INCREASE:

SUM TOTAL OF ALL RATINGS THIS EVALUATION: _____

MERIT RATING AMOUNT: _____ (SEE CHART BELOW)

CURRENT WAGE/SALARY RATE: _____

CURRENT GRADE/STEP: _____

NEW WAGE/SALARY RATE: _____ (DO NOT EXCEED STEP 10)

NEW GRADE/STEP: _____ (DO NOT EXCEED STEP 10)

- Less than 24.0 = 0.0%
- 24.0 – 29.5 = 2.0%
- 30.0 – 35.5 = 2.5%
- 36.0 – 41.5 = 3.0%
- 42.0 – 47.5 = 3.5%
- 48.0 = 4.0%

(C.2) ALTERNATIVE LUMP SUM MERIT PAY:

COMPLETED YEARS OF FULL-TIME SERVICE: _____

MERIT RATING AMOUNT _____ (AS NOTED ABOVE)

AMOUNT DUE _____ (SEE CHART BELOW)

- Merit Rating @ less than 2.0% = $0
- Merit @ 2.0% = $20 per completed year of full-time service
- Merit @ 2.5% = $25 per completed year of full-time service
- Merit @ 3.0% = $30 per completed year of full-time service
- Merit @ 3.5% = $35 per completed year of full-time service
- Merit @ 4.0% = $40 per completed year of full-time service

(C.3) TYPE OF MERIT DISBURSEMENT

[ ] LUMP SUM LONGEVITY - NOT ELIGIBLE FOR REGULAR MERIT PAY

[ ] REGULAR MERIT PAY PER EMPLOYEE REQUEST (INITIALS _____)

[ ] LUMP SUM LONGEVITY PER EMPLOYEE REQUEST (INITIALS _____)

PART D. ACKNOWLEDGEMENTS

D.1 DEPARTMENT MANAGER'S COMMENTS:

_____ _____

DEPARTMENT MANAGER'S SIGNATURE DATE

D.2 TOWN ADMINISTRATOR'S COMMENTS:

_____ _____

TOWN ADMINISTRATOR'S SIGNATURE DATE

D.3 EMPLOYEE'S ACKNOWLEDGEMENT:

Check each box that is applicable and initial where appropriate:

[ ] _____ I agree with this rating/evaluation

[ ] _____ I do not agree with this rating/evaluation

[ ] _____ I accept my rating, but there are some parts that I do not agree with

[ ] _____ I have had an opportunity to discuss this evaluation with my supervisor

[ ] _____ I wish to appeal my approved merit pay amount to the Selectmen

D.4 EMPLOYEE'S COMMENTS:

_____ _____

EMPLOYEE'S SIGNATURE DATE

TOWN OF GILFORD, NEW HAMPSHIRE

SAFETY PROGRAM MANUAL

DEVELOPED BY:
JOINT LOSS MANAGEMENT COMMITTEE
JUNE 1995
REVISED DECEMBER 3, 2008
REVISED FEBRUARY 25, 2009
REVISED DECEMBER 28, 2011

Accepted and approved on the 13TH day of June, 2012.

ATTEST:

Gus Benavides
Gus Benavides, Chair

J. Kevin Hayes
J. Kevin Hayes, Vice-Chair

John T. O'Brien
John T. O'Brien, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS 14th DAY OF

June, 2012, BY:

Jennifer L. Mooney, Deputy
Denise M. Gonyer, Town Clerk-Tax Collector

SAFETY PROGRAM MANUAL

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INTRODUCTION

It is the intent of the Town of Gilford that ALL employees work in a safe and healthful environment. Through its Joint Loss Management Committee (JLMC) the Town strives to seek active participation of its employees to report all unsafe conditions. By actively supporting the JLMC, each employee will make certain that their work environment is safe, healthful and ever watchful of unsafe conditions. Each employee must take a pro-active role in monitoring and reporting any and all unsafe conditions.

Statement of Safety Policy

The Town of Gilford values the health, welfare and safety of every employee and intends to provide a safe and healthful workplace. Accidents cause untold suffering and financial loss to our employees and their families.

In pledging its full support of the safety process, the Board of Selectman recognizes certain obligation:

1. That prevention of accidents and protection of all resources are guiding principles.
2. That all operational decisions affecting safety must receive the same consideration as those affecting production or quality.
3. That safe working conditions and methods are of prime importance and take precedence over shortcuts and "quick fixes".
4. That the Town of Gilford will comply with all safety laws and regulations.
5. That feedback will be welcomed from all employees.
6. That all employees will follow all safety rules, take no unnecessary chances, use all safety guards and equipment, and make safety an integral part of their lives.

As an employee of Gilford, you have a responsibility to yourself, your family, your co-workers, and the community to understand and follow our safety process. We must be alert in detecting and taking steps to remedy potentially hazardous conditions. Above all, we must exercise concern for others to help ensure everyone's safety, well-being, and productivity.

Your efforts will make the difference!

February 1, 1995

Philip D. LaBonte
Philip D. LaBonte, Chairman

Robert A. Jordan
Robert A. Jordan

Russell Dumais
Russell R. Dumais

3. RESPONSIBILITIES

All employees shall be responsible for implementing the provisions of this process within their respective areas.

3.1 Management

A. Officially adopt the program.
B. Demonstrate support, direction and commitment to employee safety.
C. Clearly communicate with all employees. Be sure all employees understand the importance of such a plan.
D. Ensure that required funding is available to properly operate the plan. Funding of safety equipment, personal protective equipment, training courses and materials is necessary.
E. Review and respond to inspection/recommendation/investigative reports.
F. Respond in writing, to recommendations made by the Joint Loss Management Committee (JLMC).
G. Provide training for members of the JLMC in accident/injury investigation and work place hazard identification.

3.2 Supervisors

A. Ensure that all employees under their jurisdiction understand and comply with the process and observe all work rules.
B. Ensure that all employees understand the Town's Personnel Policy and its procedures.
C. Exhibit leadership and provide guidance.
D. Educate employees within their areas in the correct methods of performing tasks, nature of hazards involved and precautions to be taken and the use of emergency equipment.
E. Regularly meet with employees to review additional measures that can be taken to enhance employee safety.
F. Include, as part of an employee's review, an appraisal of the employee's safety behavior.

3.3 Employee

A. Report <u>ALL</u> accidents and incidents to his/her immediate supervisor.
B. Report <u>ALL</u> unsafe conditions.
C. Obey <u>ALL</u> safety and health regulations.
D. Attend <u>ALL</u> safety training, as required.
E. Wear required personal protective equipment.

4. JOINT LOSS MANAGEMENT COMMITTEE

4.1 Organization

The Joint Loss Management Committee (JLMC) is established, by the Town of Gilford, for the purpose of maintaining a work place free from occupational safety and health hazards. It is geared to help prevent accidents and illness and is jointly established between employees and management.

The Board of Selectmen, on February 1, 1995, endorsed and empowered the JLMC to fulfill its task as prescribed under RSA 281-A:64 III, revised. Since that time the committee has worked towards mandated goals as outlined in said statute.

4.2 Duties and Responsibilities

The JLMC is comprised of an equal number of representatives from both the employer and employee ranks. Its size to be a minimum of four (4) members and a maximum of fourteen (14). Selection is by employees for their representation and the Board of Selectmen for theirs. The membership will strive to keep all major departments of the town represented at all times. All employee unions will have one (1) seat on this committee.

The Chairperson will rotate, every two (2) years, between management and the employee work force. Meetings will be held a minimum of quarterly throughout the year to carry out the required functions of the JLMC.

The duties of the committee are to advocate safety values, procedures, policies and programs. Also, the committee needs to create and distribute a committee policy statement to all employees. Further, the JLMC must maintain clearly established goals and objectives and disseminate them to employees. Work place accidents and injuries must be reviewed to assist with establishing goals and objectives.

The committee is also charged with the following:

A. A designated person, by name and title, who is knowledgeable of site specific safety requirements in each major department group.
B. Provide for health and safety inspections annually for hazard identification purposes.
C. Perform an audit annually regarding the inspection findings.
D. Communicate, in writing, identified hazards, with recommended control measures, to each Department Manager, as necessary.
E. Receive a written response from each Department Manager regarding recommendations made by the committee.
F. Develop and carry out work place safety programs.

G. Develop and carry out alternative work programs that allow and encourage injured employees to return to work.
H. Develop and carry out programs for continuing education of employers and employees on the subject of work place safety.
I. Any other duties and responsibilities to set forth pursuant to Department of Labor Rules 603.03.

The committee is also charged with keeping minutes of all meetings and making those minutes available to all employees. A typical agenda format is outlined in Appendix C.

5. SAFETY RULES AND REGULATIONS

5.1 Hazardous Communications

(a) Material Safety Data Sheets (MSDS)

Whenever a hazardous material is to be utilized by an employee, an MSDS report is to be on file with that department and made available for an employee to review if so desired. These forms indicate the chemical compounds involved, reactivity, first aid and specific treatment among other things. These forms must be retained for a period of five (5) years after last use of the product. Copies are to be on file also with the Fire-Rescue Department. (refer to Lab 1403.57 Toxic Substances)

(b) Emergency Phone Numbers Posted

Phone numbers of all emergency services, such as 911, Ambulance, hospital and Fire-Rescue shall be posted at all locations within a departmental facility at such place as employees would typically congregate and at all phone locations they may have access to. (refer to Lab 1403.34 Medical Services)

5.2 Lock Out/Tag Out

(a) Electrical equipment shall be effectively disconnected, and disconnected switches lock in the "off" position prior to making repairs, adjustments, lubricating, cleaning, or performing any work where there is a danger of being injured from contact with live parts, or from equipment activation.

(b) All stored energy hazards produced by mechanical means, such as hydraulic pressure, pneumatic pressure, steam pressure, vacuum, and electricity shall be released, locked-out, or otherwise rendered non-hazardous prior to the commencement

of any work which could subject the employee to potential injury.

(c) Lockout devices shall be made available to employees for the purpose of locking-out equipment when required.

(d) Only the individual who is working on the equipment shall be allowed to remove the lock-out device. (refer to Lab 1403.32 Lockout)

5.3 Blood Borne Pathogens

(a) All human blood and body fluids shall be treated as if known to be infectious for HIV, HBV and other blood borne pathogens.

(b) Universal precautions shall be observed in all situations where there is a potential for contact with blood or other potentially infectious material.

(c) Employees responding to an emergency or situation where blood or body fluids are present shall wear single use disposable gloves, such as surgical or examination gloves, wash hands after removal of gloves, and wear eye protection when blood or other potentially infectious materials might be splashed.

(d) Work procedures shall include safe handling and disposal of needles and sharps, used bandages and gauze, linens, and all other emergency items that come in contact with blood or other potentially infectious materials. (refer to Lab 1403.08 Blood Borne Pathogens)

5.4 Noise Exposure

An effective, hearing conservation program can prevent hearing loss, improve employee morale and a general feeling of well being, increase quality of production, and reduce the incidence of stress-related disease.

(a) Protection against the effects of occupational noise exposure shall be provided when the sound levels exceed those shown in Table 3, Permissible Noise Exposures. Feasible engineering or administrative controls shall be utilized to keep exposure below the allowable limit.

(b) When engineering or administrative controls fail to reduce the noise level to within the levels of Table 3, personal protective equipment shall be provided and used to reduce the noise to an acceptable level.

(c) Exposure to impulsive or impact noise should not exceed 140 dB peak sound level.

TABLE 3 – PERMISSIBLE NOISE EXPOSURE

Duration per day, hours:	Sound level dBA Slow response
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

(refer to Lab 1403.38 Noise Exposure)

5.5 Confined Space Entry

Confined Space means a space that:

(a) Is large enough and so configured that an employee can bodily enter and perform assigned work;
(b) Has limited or restricted means for entry or exit;
(c) Is not designed for continuous employee occupancy;
(d) Contains or has a potential to contain a hazardous atmosphere;
(e) Contains a material that has the potential for engulfing an entrant;
(f) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross section; or
(g) Contains any other recognized serious safety or health hazard.
(refer to Lab 1402.02 Confined Space Entry)

Confined Space Entry shall refer to the following:

(a) The employer shall evaluate the workplace to determine if any areas are confined spaces. If any are identified, the employer shall inform exposed employees by posting danger signs or by any other equally effective means of the existence and location of and the danger posed by the confined spaces.
(b) A minimum of 2 employees shall be assigned to work activity involving entry into a confined space. One employee shall act as an

attendant/observer and remain outside of the space for the duration of the entry operation.

(c) Conditions in the confined space shall be tested before entry operations and monitored while employees are in the confined space.

(d) Testing required by (c) above shall include testing of the internal atmosphere with a calibrated direct reading instrument, for the following conditions in the order listed:
   (1) Oxygen content;
   (2) Flammable gases and vapors; and
   (3) Potential toxic air contaminants.

(e) The employer shall establish and implement the means, procedures and practices required to eliminate or control hazards and make the confined space safe for conducting entry operations. For example, purging, making inert, flushing or ventilating the confined space, using appropriate personal protective and retrieval equipment.

(f) The employer shall provide training so that all employees whose job duties involve confined space entry procedures acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned to them. This training shall include the nature of the hazards involved, the necessary precautions to be taken, and in the use of personal protective and any other equipment necessary for safe entry.

(g) A procedure shall be implemented which shall require documentation that the above steps were taken prior to entering a confined space. (refer to Lab 1403.14 Confined Space Entry)

5.6 Respiratory Protection

(a) Respirators shall be selected by the employer on the basis of the hazard to which the worker is exposed and shall be provided by the employer as necessary to protect the health of the workers.

(b) Both the supervisors and the works shall be instructed, by the employer, in the selection, use and maintenance of respirators.

(c) Respirators shall be cleaned and disinfected, and shall be inspected during cleaning. Deteriorated parts shall be replaced. Respirators for emergency use shall be inspected at least once a month and after each use. When not in use, respirators shall be stored in a clean and sanitary location.

(d) These guidelines are to be considered minimum regulations. Emergency Personnel may be subject to a more strict policy governing the wearing and use of respiratory equipment as their departmental procedures may dictate. (refer to Lab 1403.47 Respiratory Protection)

5.7 Personal Protective Equipment

It is the responsibility of the Department Head or his/her designated representative to determine by examination of the job description to see

which employees are exposed to hazards and see that they are afforded proper safety protective equipment. (PPE)

Protective equipment, including personal protective equipment for eyes, face, head and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(a) The employer shall be responsible for assessing the hazards, and providing and requiring the use of appropriate personal protective equipment where indicated based upon their assessment.
(b) Where employees furnish their own personal protective equipment, the employer shall be responsible to assure its adequacy and to ensure that the equipment is properly maintained and in a sanitary condition.
(c) Employees working over or near water, where the danger of drowning exists, shall be provided with a U.S. Coast Guard-approved life jacket or buoyant work vest. (refer to Lab 1403.40 Personal Protective Equipment)

5.8 Flag Person

(a) At work sites on or adjacent to a highway or street, where signs, signals, and barricades do not provide protection from traffic, a flag person shall be provided.
(b) A flag person shall be provided with and shall wear a highly visible warning garment while flagging. Warning garments worn during low-light conditions or at night shall be equipped with reflectorized material that is visible through the full range of the flag person's body motions.
(c) A flag person shall be provided with and shall use a combination Stop/Slow paddle while flagging. The paddle shall be:

(1) Highly visible and,
(2) At least 18 inches in height and width and,
(3) The lettering at least 6 inches in height.

(d) When flagging, the flag person will ensure that all necessary signage is in its property location to ensure that vehicles are forewarned of the road conditions ahead. (refer to Lab 1403.21 Flag Person)

5.9 Accident Reporting

(a) Within 8 hours after its occurrence, an employment accident which is fatal tone or more employees or which results in the hospitalization of 3 or more employees shall be reported to the Commissioner of Labor.

Notification can be given by telephone by calling (603) 271-6297, 271-6850, 271-3699 or 271-3170. (refer to Lab 1403.04 Accident Reporting Requirements)

5.10 Excavating and Trenching

(a) Before excavation, Dig Safe shall be notified, underground utilities shall be identified and marked, and utility companies contacted to determine if there are underground utility installations in the area.
(b) A competent person shall inspect and evaluate the condition of all trenches and excavations prior to permitting an employee to enter. This inspection shall be performed at the beginning of each day and at least 3 to 4 times during the workday thereafter. Attention shall be given when adverse weather conditions might affect the condition of the excavation or trench. If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the requirement of (c) below have been met to safeguard the employees.
(c) The walls and faces of trenches 5 feet or more deep, and all excavations, in which employees are exposed to danger from moving ground or cave-in shall be guarded by a trench protective system, or sloping of the ground.
(d) In excavations which employees might be required to enter, excavated or other material shall be stored and retained at least 2 feet or more from the edge of the excavation.
(e) Trenches 4 feet deep or more shall have an adequate means of exit such as ladders or steps, located so as to require no more than 25 feet of lateral travel. (refer to Lab 1403.19 Excavation and Trenching)

TOWN OF GILFORD

SAFETY PROGRAM MANUAL

AMENDMENT #3

DECEMBER 28, 2011

DEVELOPED BY:
JOINT LOSS MANAGEMENT COMMITTEE
JUNE 1995
REVISED DECEMBER 3, 2008 (AMENDMENT #1)
REVISED FEBRUARY 25, 2009 (AMENDMENT #2)

BE IT KNOWN BY ALL PERSON PRESENT, The Gilford Board of Selectmen hereby amends, approves, and adopts Section 5A of the Town's Safety Program Manual to include a SLIPS, TRIPS, AND FALLS PREVENTION POLICY as attached hereto and incorporated herein. ATTEST:

_____
John T. O'Brien, Chair

Gus Benavides
Gus Benavides, Vice-Chair

J. Kevin Hayes
J. Kevin Hayes, Clerk

UNDER SEAL OF THE TOWN, RECEIVED AND RECORDED ON THIS **29th DAY OF December, 2011**, BY:

Denise M. Gonyer
Denise M. Gonyer, Town Clerk

FONT

5A. SLIPS, TRIPS, AND FALLS PREVENTION POLICY

I. PURPOSE

The purpose of this policy is to reduce and/or eliminate the incidence of employee and citizen slip, trip, and fall related events and injuries.

II. DISCUSSION

Slips, trips, and falls are among the leading causes of injury and lost work time to employees, and to members of the public visiting municipal/school/county property. Accidents often occur from a lack of due diligence to report and address existing conditions that can contribute to these types of events. Therefore the Town of Gilford and its employees will take a proactive approach to managing the risks associated with slip, trip, and fall related conditions.

It is the policy of the Town of Gilford that its employees will be required to monitor, report, and whenever reasonably possible, correct conditions that have, or are likely to cause a slip, trip, and fall related event if corrective action is not taken.

III. PROCEDURES

a) A Slip, Trip, and Fall Log shall be maintained at every public facility.

b) Unsafe conditions shall be reported to the appropriate contact for that location immediately for corrective action. If the conditions present an immediate threat to the safety of employees or the public the employee will take reasonable steps to prevent injuries until the appropriate personnel arrive.

c) Employees shall wear footwear appropriate for the conditions.

d) Employees operating in inclement weather conditions (i.e. ice and snow) shall wear slip-on traction devices such as YakTrax provided by the Town of Gilford. Employees shall follow the guidelines for use as set forth by the manufacturer.

e) Sidewalks, parking lots, stairs, and other areas that employees and the public utilize shall be properly maintained to ensure that no tripping points, ice and snow build up, or other conditions that could contribute to a slip, trip, or fall exist.

f) Interior hallways, stairs, floors, and other areas of foot travel shall be clear of obstructions such as boxes, power cords, frayed carpeting, or weathered matting. Proper signage shall be used to signal wet floors or hazardous conditions which could contribute to a slip, trip, or fall.

IV. EVALUATION AND REPORTING

All slip, trip, and fall related incidents/injuries will be documented in the *Slip, Trip, and Fall Log*. Each incident and the log itself will be reviewed by the appropriate shift supervisor, building and grounds supervisor, and the Joint Loss Management Committee (JLMC). *Slip, Trip, and Fall Logs* shall be kept in a centralized file or spreadsheet to monitor results, identify emerging trends, and to maintain documentation for potential claims.

Slip, Trip and Fall Log

Location: _____ Period: _____ to _____

#	DATE	REPORTED BY (DEPT. AND JOB TITLE ONLY)	EMP. (Y/N)	LOCATION	SURFACE CONDITIONS	WEATHER	INJURY	CORRECTIVE ACTION

6.0 DISCIPLINARY PROCEDURES

Disciplinary actions to be implemented in the event an employee violates the provisions of the Safety Program Manual shall be as otherwise set forth in the Town's Personnel Policies.

7.0 ACCIDENT/INCIDENT REPORTING AND INVESTIGATION

It is the responsibility of the Police Department to review all accidents involving an employee with a motor vehicle. It is the responsibility of the immediate supervisor to investigate employee accidents that are non-vehicular in nature. In all cases, information will be forwarded to the JLMC for its review and comments. The members of the JLMC, in order of contact are:

1. Police Department Representative
2. Fire-Rescue Representative
3. Public Works Representative

7.1 Safety

(a) All work-related accidents to personnel, no matter how minor, must be reported immediately to the Department Manager and a written report made on the forms for that purpose and forwarded forthwith to the Town Administrator through the Finance Department.

(b) All employees suffering a work-related accident or injury may be sent to a doctor for examination, at the Town's expense.

(c) Employees shall also be required to comply with the additional safety related procedures as set forth in the Town's Personnel Policies.

(d) All accidents with Town-owned motor vehicles and accidental damage to Town property, no matter how minor, shall be reported immediately to the Department Manager and a written report forwarded forthwith to the Town Administrator. If it is determined that an accident arises due to the negligence of the employee, proper disciplinary action and/or a requirement for defensive driving or other training may be imposed.

8.0 TRAINING REQUIREMENTS FOR SAFETY AND HEALTH

Given that the town government is made up of ten (10) general departments, it is the responsibility of each department to outline, coordinate and manage its own areas of training relative to the safety and health of its employees.

8.1 Assessing Department

(a) Work station/office, accident prevention
(b) Slips, trips and falls prevention
(c) Back injury prevention

(d) Other training requirements as may be mandate by law and/or the department

8.2 Finance Department

(a) Work station/office, accident prevention
(b) Slips, trips and falls prevention
(c) Back injury prevention
(d) Other training requirements as may be mandate by law and/or the department

8.3 Fire-Rescue Department

(a) Work station/office, accident prevention
(b) Slips, trips and falls prevention
(c) Back injury prevention
(d) Accident investigation
(e) Communicable disease exposure control
(f) Firefighter safety
(g) Hazardous and toxic substances
(h) Personal protection equipment
(i) Lock out/tag out procedures
(j) Other training requirements as may be mandated by law and/or the department

8.4 Health Division

(a) Communicable disease exposure control
(b) Hazardous and toxic substances
(c) Other training requirements as may be mandated by law and/or the department

8.5 Library Department

(a) Work station/office, accident prevention
(b) Slips, trips and falls prevention
(c) Back injury prevention
(d) Other training requirements as may be mandated by law and/or the department

8.6 Parks and Recreation Department

(a) Slips, trips and falls prevention
(b) Back injury prevention
(c) Communicable disease exposure control
(d) Landscape equipment safety

(e) Other training requirements as may be mandated by law and/or the department

8.7 Planning and Land Use Department

(a) Work station/office, accident prevention
(b) Slips, trips and falls prevention
(c) Back injury prevention
(d) Other training requirements as may be mandated by law and/or the department

8.8 Police Department

(a) Work station/office, accident prevention
(b) Slips, trips and falls prevention
(c) Back injury prevention
(d) Accident investigation
(e) Communicable disease exposure control
(f) Personal protective equipment
(g) Traffic control techniques for police
(h) Other training requirements as may be mandated by law and/or the department

8.9 Public Works Department

(a) Work station/office, accident prevention
(b) Slips, trips and falls prevention
(c) Back injury prevention
(d) Accident investigation
(e) Chainsaw safety
(f) Confined space entry safety
(g) Hazardous and toxic substances
(h) Lock out/tag out procedures
(i) Personal protective equipment
(j) Snow plow operator safety
(k) Solid waste management safety
(l) Traffic control techniques
(m)Trench and excavation safety
(n) Other training requirements as may be mandated by law and/or the department

8.10 Town Clerk/Tax Collector Department

(a) Work station/office, accident prevention
(b) Slips, trips and falls prevention
(c) Back injury prevention

(d) Other training requirements as may be mandated by law and/or the department

The above referenced material is meant as a basic training format and in some cases is supplemented by certain Federal, State and local requirements (See Appendix B).

All new employees are to be properly trained and instructed in the requirements of their jobs relative to safety and health. Should an employee be transferred, temporarily or permanently, to another department then that employee is to be trained in his/her new job assignment as to safety and health requirements of that new job.

It is the responsibility of Department Managers to keep Managers, Supervisor and Foreman trained adequately.

As previously mentioned the Joint Loss Management Committee needs to ensure adequate training is made available to all employees of the town.

Any disregard for rules, with regard to safety and health, will be cause for disciplinary action as outlined in Section 6.

8A. TEMPORARY ALTERNATE DUTY – Pursuant to RSA 281-A:23-b, the Town hereby adopts the following TAD program:

1. The injured employee will pick up a physician's statement or certificate and a copy of his/her current position description from the coordinator of the TAD program while reporting the injury. If the nature of the injury is such that emergency need for care precludes stopping to pick up these forms, the employee shall, as soon as practically possible, call the TAD coordinator to request that a certificate and position description be mailed to the treating physician.
2. The employee will have the physician complete the form based on the finding during the initial examination.
3. The employee will return the completed form the TAD coordinator immediately after seeking medical care.
4. The TAD coordinator will work with the employee and the Department Manager to facilitate a safe return to work program.
5. The TAD coordinator or Department Manager may contact the treating physician if additional information is necessary.
6. After each subsequent office visit, the employee will bring updated information from the treating physician to the TAD coordinator. A note will be sufficient in most cases.
7. Additional modifications will be made to the return to work program as required. The TAD coordinator will review the appropriateness of continuing the program or duty assignments.

8. Steps four (4) through seven (7) may be repeated until such time as the employee is able to return to his/her normal position or has been deemed to be permanently disabled.
9. Pending promulgation of regulations by the Department of Labor, the TAD program shall be for a minimum duration of twelve (12) weeks, or until the injured employee has received medical clearance to return to work, whichever occurs first.
10. The TAD program will be coordinated through the Selectmen's office.
11. Tasks appropriate for Temporary Alternative Duty
    (a) Word processing and/or data entry.
    (b) Document processing and/or filing.
    (c) Light maintenance: cleaning, sweeping.
    (d) Minor repair work: small equipment, light building repairs.
    (e) Inspection activities
    (f) Public education outreach
    (g) Dispatching (police officers)
    (h) Planning and project management
    (i) Training programs
    (j) Inventory activities

9. EMERGENCY EVACUATION AND RESPONSE PLANS

The Town of Gilford, being a municipality, utilizes the Fire-Rescue Department to train and teach its employees regarding the safe evacuation of its buildings.

To this end the Joint Loss Management committee is charged with reviewing each building for compliance with the local fire regulations. Escape routes and responsibilities are to be outlined and reviewed with employees in each department. Each department is to have one individual that is trained and responsible to ensure that first aid stations are available and stocked, that signage of these stations is in place and that the proper people are notified in the event of any accident.

10. SAFETY AND HEALTH COMMUNICATIONS

It is the purpose of the Joint Loss Management Committee to establish a format by which each employee of the town is kept informed regarding safety and health issues.

Each employee of the town is to receive a copy of the approved "Safety Program".

Meetings of the JLMC will be posted in all town buildings forty-eight (48) hours prior to the meeting date and time. Any employee, so available through their supervisor, is welcome to attend the meetings.

The JLMC will strive to create and distribute safety posters, flyers and newsletters for the interest of all town employees.

Employees are urged to contact their representative of the JLMC, if an unsafe condition should be found to exist. The committee is charged with making all unsafe conditions – SAFE.

TOWN OF GILFORD

SAFETY PROGRAM MANUAL

AMENDMENT #4

BE IT KNOWN BY ALL PERSONS PRESENT, the Gilford Board of Selectmen hereby ordains to amend the Safety Program Manual by inserting new language to take effect as of January 1, 2016 as follows:

CHAPTER 11. COMMERCIAL DRIVER'S LICENSE – SAFETY REQUIREMENTS

A. Medical Certification

(1) All employees whose job description requires them to possess a commercial driver's license (CDL) shall be required to maintain a valid Federal Motor Carrier Safety Administration (FMCSA) medical card as a condition of employment; and shall also be required to provide a copy of their medical examiner's certificate to their Department Manager to be included in the confidential portion of their personnel file. A valid medical card shall include a temporary certification and/or variance/waiver issued by a duly authorized agent or agency.

(2) This policy is adopted pursuant to the provisions of RSA 41:8, Section II.2 and Article XI of the Town's Personnel Policies, and Section 18.1 of the Collective Bargaining Agreement between the Town and AFSCME, Local 534.

(3) Although it is acknowledged that employees of the Town of Gilford have heretofore been "excepted" and exempt under federal and state regulations from the medical card requirement, the Town of Gilford is now choosing to exercise its managerial right (for safety reasons) to do away with this exemption by requiring employees to meet the federal standards for physical qualifications of CDL operators as set forth in 49 C.F.R. § 391.41-43. The goal of the Town in establishing this policy is to ensure, in so much as possible, that operators of commercial motor vehicles are physically qualified to drive such vehicles and that they have no impairments which would otherwise interfere with their ability to safely perform the essential tasks associated with operating a commercial motor vehicle.

(4) New CDL employees, (as of the date this policy takes effect), shall be required to provide the Town with a copy of their medical examiner's certificate at their own expense prior to being hired. Town payments towards the cost of medical examinations and renewals for current CDL employees shall be as otherwise set forth in Section XII.5 of the Personnel Policies.

(5) CDL medical certifications will only be accepted from a qualified medical examiner who is listed on the National Registry of Certified Medical Examiners that has been selected and pre-approved by the Town.

(6) A CDL employee who is unable to be certified as medically qualified to operate a commercial motor vehicle (to include an employee whose medical card expires), shall immediately cease to perform all safety sensitive functions and shall promptly inform his/her Department Manager. Thereafter, the consequences for failure to maintain a CDL medical certification shall be the same as otherwise set forth under the Town's drug and alcohol policies per Section XII.14 of the Town's Personnel Policies.

(7) The Town shall maintain all records pertaining to this policy in the confidential portion of an employee's personnel file in accordance with the provisions of applicable state and federal laws, including the Health Insurance Portability and Accountability Act of 1996, (HIPPA).

B. Drug and Alcohol Testing

(1) The Town and all of its employees whose job description requires them to possess a commercial driver's license (CDL) shall be required to comply with the drug and alcohol regulations as set forth in 49 C.F.R. § 382. In addition, the Town and all of its CDL employees shall also be required to comply with the standards, requirements and penalties as set forth in 49 C.F.R. § 383. CDL employees are required to be familiar with and understand these complex federal regulations. The Town will make available copies of these federal regulations to CDL employees upon request at no charge.

(2) This policy is adopted pursuant to the provisions of RSA 41:8, Section II.2 and Article XI of the Town's Personnel Policies, and Section 18.1 of the Collective Bargaining Agreement between the Town and AFSCME, Local 534.

(3) This policy shall supersede and replace the Drug and Alcohol Testing Policy previously adopted by the Board of Selectmen that became effective on January 1, 1996.

(4) Although it is acknowledged that employees of the Gilford Fire-Rescue Department have heretofore been exempt under federal regulations from federal drug and alcohol testing requirements, the Town of Gilford is now choosing to exercise its managerial right (for safety reasons) to do away with this exemption by requiring employees to comply with the regulations as set forth and referenced herein.

(5) The Director of Public Works (or his/her designee) is authorized by the Town as the individual who will receive communications and test results from service agents and make necessary decisions pertaining to the testing, evaluation and implementation of drug and alcohol testing requirements for CDL employees of the Department of Public Works as otherwise required by law.

(6) The Fire Chief (or his/her designee) is authorized by the Town as the individual who will receive communications and test results from service agents and make necessary decisions pertaining to the testing, evaluation and implementation of drug and alcohol testing requirements for CDL employees of the Fire-Rescue Department as otherwise required by this policy.

(7) All CDL employees shall be subject to pre-employment, random, reasonable suspicion, and post-accident testing for drug and alcohol. At a minimum, testing shall be conducted as otherwise set forth in federal law; however the Town also reserves the right to require CDL employees to be tested for every occurrence involving an accident or moving vehicle citation.

(8) CDL employees shall be required to inform their Department Manager of any and all therapeutic drug use that has the potential to adversely affect the performance of safety sensitive functions prior to performing those types of duties. Although CDL employees are not required to specifically identify the names of such medication, he/she may be required to provide a written note from their doctor that indicates the use of the medication will not impair his/her ability to safely operate a commercial motor vehicle. The Town also reserves the right to (a) not allow such employees to perform safety sensitive functions; and (b) have such employees undergo medical testing at Town expense at a facility of Town choosing to verify the ability of the CDL employee to safely perform their duties.

(9) CDL employees who do not voluntarily cooperate and comply with this Drug and Alcohol Testing Policy at all times shall be deemed to have refused to be tested.

(10) The Town will provide transportation to and from testing facilities except for pre-employment tests – CDL employees are not allowed to transport themselves for drug and alcohol testing associated with random, reasonable suspicion, and post-accident or post-citation incidents.

(11) In the event of a positive test, CDL employees shall not be permitted to perform safety sensitive functions until such time as they have been cleared for such duty by a medical review officer. For the purposes of this policy, the Town declares that safety sensitive functions for CDL employees take place from the beginning to the end of every work shift, and therefore, such employees are not allowed to report to work. Thereafter, the consequences shall be as set forth under the Town's drug and alcohol policies per Section XII.14 of the Town's Personnel Policies.

(12) Town payments towards the cost of drug and alcohol testing for CDL employees shall be as otherwise set forth in Section XII.5 of the Personnel Policies.

(13) Notwithstanding the specific alcohol testing procedures as otherwise prescribed by federal law for CDL employees, the Town reserves the right, (based upon the standards for reasonable suspicion), to request a police officer conduct a test to

determine alcohol concentration in accordance with the provisions of RSA 265-A:4 in the event a CDL employee is operating a Town vehicle and appears to be intoxicated.

(14) The Town shall maintain all records pertaining to this policy in the confidential portion of an employee's personnel file in accordance with the provisions of applicable state and federal laws, including the Health Insurance Portability and Accountability Act of 1996, (HIPPA).

Approved and adopted by the:

Joint Loss Management Committee on the 25th day of September, 2015.

Board of Fire Engineers on the 20th day of October, 2015.

Board of Selectmen on the 14th day of October, 2015.

UNDER SEAL OF THE TOWN, received and recorded on the 20th day of October, 2015, by:

Denise M. Gonyer
Town Clerk-Tax Collector

DRUG AND ALCOHOL TESTING POLICY
DEPARTMENT OF PUBLIC WORKS
Gilford, N.H.

STATEMENT

The Department of Public Works, has a strong commitment to the health, safety, and welfare of its employees, their families and the citizens of Gilford. In accordance with Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT), and the National Highway Traffic Safety Administration (NHTSA), which requires drug and alcohol testing of Commercial Driver's License (CDL) employees, this policy will be the policy of the Department of Public Works.

SCOPE

The above listed agencies require that all employees in a safety sensitive position undergo drug and alcohol awareness training and must be tested for drug and alcohol abuse to be in place and effective by January 1, 1996. Any department employee who is "On-Duty", holds a CDL and may be required to drive as part of their job is considered to hold a safety sensitive position and MUST comply with testing procedures.

PROCEDURE

The following rules and regulation are established by the Department of Public Works to ensure compliance with Federal and State law:

I. Definitions

"Employees" shall mean all employees of the Department; full-time, part-time, or temporary.

"Covered Employee" shall mean any Department employee who must have, as a condition of employment, a CDL license.

"Working Hours" shall mean to include the basic workweek, as defined, Monday through Friday, 7:00 A.M. to 3:30 P.M., including overtime and call-back time, including meals which are contained within the workday.

"Safety Sensitive Function" shall mean the following "On-Duty" functions:

a) All commercial motor vehicle (CMV) driving time;
b) All inspecting, servicing, maintaining of a CMV;
c) All time other than driving time in or upon any CMV;
d) All loading/unloading time;
e) All time a covered employee is in readiness to operate a CMV or waiting to be despatched;
f) All time repairing, obtaining assistance or remaining in attendance upon a disabled CMV; and
g) All time related to an accident.

II. Prohibitions

No employee shall report for duty, remain on duty or operate a Department vehicle, regardless of gross vehicle weight (GVW) while under the influence, while in possession of, or while using alcohol or a controlled substance. In the case of controlled substances an exception is made if prescribed by or used pursuant to advice of a physician. Covered employees must be advised by their physician that the substance does not impair their ability to operate a CMV. Any employee shall inform his/her supervisor of therapeutic drug use that may impair the employee's ability to perform job functions.

Covered employees shall NOT perform safety sensitive functions within four (4) hours after using alcohol.

No supervisor having actual knowledge that a covered employee is under the influence, in possession of, or using alcohol or a controlled substance shall permit the covered employee to perform or continue to perform safety sensitive functions.

III. Testing

Testing will be performed and shall apply to all covered employees of the Department. Refusal to submit to a required test will be considered a positive result.

Testing will be done through the Department's participation with New Hampshire Occupational Health Alliance Drug Testing Consortium. Lakes Region General Hospital, 80 Highland St.,Laconia, N.H. will serve as the operations portion of the consortium for this Department. Testing will be performed under the requirements of rules outlined in the Federal Register, 49 CFR Part 40 "Procedures for Transportation Workplace Drug Testing Programs".

IV. Positive test results

Any covered employee who tests positive for drugs, as confirmed by the Medical Review Officer (MRO) or has an alcohol breath test indicating an alcohol concentration greater than 0.04 will be subject to the following actions:

FIRST OFFENSE: The employee may not return to work until he/she has undergone evaluation by a Substance Abuse Professional (SAP), commenced treatment if determined necessary by the SAP, and has successfully undergone return to duty testing. The employee must use his/her available leave during this period.

SECOND OFFENSE: Employee will be terminated effective immediately.

Employees with a alcohol concentration greater than 0.02 but less than 0.04 will not be allowed to work for 24 hours from the time of the test but will be allowed to use any available leave for this period. A subsequent test in this range at any time will be considered a FIRST OFFENSE; the next test in this range will be considered a SECOND OFFENSE.

V. ANY TESTING NOT SPECIFIED IN THIS POLICY (I.E., BLOOD TESTING) OR ANY TREATMENT REQUIRED SUBSEQUENT TO TESTING IS THE FINANCIAL RESPONSIBILITY OF THE EMPLOYEE.

VI. CONTRACTOR

Agreements between the Department and independent contractors to provide highway maintenance including but not limited to snow plowing will include certification that the contractor is in compliance with drug and alcohol testing requirements.

VII. RECORDS

The Department shall keep the following:

1. Records that the collection process conforms to federal low for three (3) years.

2. Records that show employees who failed a drug test and the type of test failed, and records that demonstrate rehabilitation, if any, for five (5) years.

3. Records that show employees who passed a test (a negative result) will be kept for one (1) year.

4. Records that show the number of employees test, by the type of test, will be kept for five (5) years.

5. Records of education and training will be kept for two (2) years.

6. Upon written request, any employee shall have access to any records relating to his/her testing results.

ALL RECORDS ARE HIGHLY CONFIDENTIAL

VIII. EMPLOYEE NOTIFICATION

Employees will be notified of this policy through distribution of the policy; educational meetings; and training sessions for both supervisors and employees.

All management and supervisory personnel are charged with the responsibility of being alert to the possibility of drug and alcohol usage or drug related activity in their area of responsibility.

This policy will be issued to all employees and will become part of the Department's rules and regulations and the Town's Safety Program.

This policy will be implemented effective;

Board of Selectmen

Jan. 1, 1996
effective date:

Robert A. Jordan, chairman

Russell R. Dumais

Philip D. LaBonte

New Hampshire Occupational Health Alliance

New Hampshire Occupational Health Alliance Drug Testing Consortium

INTRODUCTION

The Department of Transportation (DOT) has regulations requiring each transportation entity to test all employees covered under Federal Motor Carrier Safety Regulations for abused substances and alcohol. A covered employee is anyone who drives a commercial motor vehicle defined by 49 CFR part 383.5:

> Commercial Motor Vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle has a gross combination weight rating of
> 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or has a gross vehicle weight rating of 26,001 or more pounds; or is designed to transport 16 or more passengers, including the driver; or is any size and is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR Part 172, Subpart F).

These covered employees are required to be tested on pre-employment, post-accident, reasonable cause, random and return-to-duty and follow-up.

Drug and alcohol testing can be difficult for the employer to monitor and manage. For those companies who do not wish to carry the burden of a full scale anti-drug program, we have developed a consortium to help you meet these requirements.

The concept of a drug consortium is permitted under the DOT Regulations. It allows motor carriers to pool resources with other companies which aids in keeping the costs down, both for administration and drug screens. Per 49 CFR Part 382.103(b), all employers who employ him/herself as a driver must join a consortium.

The New Hampshire Occupational Health Alliance Consortium (NHOHA) is a complete package. We will provide the random selection of your employees and notification to the company administrator. The drug screens will be performed by a NIDA Certified Lab using a certified Medical Review Officer (MRO). Blind samples for Quality Control and record keeping that is required by the DOT Regulations will be handled through the NHOHA Consortium. Alcohol testing will be performed on an evidentiary breath testing device (EBTD) which is on the National Highway Traffic Safety Administrative (NHTSA) conforming products list. The motor carrier will only have to supply the consortium manager with additions and deletions of employees on a monthly basis.

Another benefit of being a member of the consortium is access to an Employee Assistance Program (EAP) and Substance Abuse Professional (SAP) which is required by the DOT Regulations 49 CFR Part 391.119 and 121. As per this regulation, your supervisory personnel and all drivers must have at least 60 minutes of training on controlled substances. In addition, supervisors must have training on alcohol.

OVERVIEW OF TYPES OF TESTING

According to the DOT Regulations, you are required to perform drug screens in the following situations:

PRE-EMPLOYMENT: All applicants must be drug and alcohol tested before being allowed to drive vehicle greater than 26,000 pounds GVWR, designed to transport more that 15 passengers, or hazardous material is required to be placarded under Hazardous Material Transportation Act (49 U.S.C. app 1801-1813). Any applicant who is applying for any safety or security related position as outlined in Part 391 of the Motor Carrier Safety Regulation must be tested. Anyone who has been taken out of the random pool for any period or taken any extended leaves of absence must be tested prior to returning to that position.

POST-ACCIDENT: Any employee having a qualifying accident as defined by Part 390.5 of the Motor Carrier Safety Regulations must be drug tested as soon as possible, but not more than 32 hours after. The rules are very specific in regards to this situation. Further clarification my be sought in Part 391.113A of the regulation.

Alcohol testing must be administered within two hours following an accident (49 CFR Part 382.303).

REASONABLE-CAUSE: The DOT Agency Rules dictate that a covered employee will submit to a drug screen and alcohol test whenever there is cause to believe that a person may have violated the prohibitions of 49 CFR Part 382 Subpart B.

RETURN-TO-DUTY AND FOLLOW-UP: If an employee fails a drug test or refuses to submit to one he will be suspended from the covered position until passing a test. He will then, upon returning to the position, be subject to unannounced drug testing up to 60 months in accordance with a plan determined by the MRO and the Substance Abuse Professional (SAP) working with the employee.

RANDOM: The DOT Rules state that no fewer than 50% of the covered employees must be tested annually for drugs under a random system. The tests must be reasonably spaced over the year. It is the random requirements that have prompted the development of the consortium.

Alcohol testing will be performed at a rate of 25% of the average number of driver positions.

The services of the consortium prove to be beneficial by decreasing the burden and the costs of the drug and alcohol programs. The NHOHA Consortium services are all performed locally: MRO, collection sites, random selection and program director. As there is not a NIDA Certified lab locally, we have selected a laboratory that in nearly all cases provides the drug screen results within 24 hours.

New Hampshire Occupational Health Alliance welcomes your participation in it programs.

The regulations cited are current as of this printing, but are subject to change. It is the responsibility of the motor carrier to keep themselves up to date with the regulations.

THE CONSORTIUM

FEE SCHEDULE

Since the consortium is designed to remove the burden of the drug testing procedures from you and your company you will want to become a member. The fees associated with becoming a member are as follows:

1. CONSORTIUM MEMBERSHIP: Annual Fee

		Yrly Renewal
0 - 50 Employees	$ 55/Yr	40.00
51 - 100 Employees	110/Yr	95.00
101 - 300 Employees	165/Yr	150.00
301 - > Employees	220/Yr	200.00

The annual fee includes:

1. Random Selection
2. Collection Sites
3. Record Keeping
4. Blind Samples

2. DRUG TESTS: $55.00 each

3. ALCOHOL TESTS: $35.00 each

4. Access to Employee Assistance Program (EAP) and Substance Abuse Professional (SAP) available.

When a company requires E.A.P. assistance, their needs will be evaluated and appropriate assistance will be rendered.

Please contact your local Alliance hospital for more information.

NEW HAMPSHIRE OCCUPATIONAL HEALTH ALLIANCE

MEMBER HOSPITAL	CONTACT PERSON
ANDROSCOGGIN VALLEY HOSPITAL 59 PAGE HILL ROAD BERLIN, NH 03570-3531	DENNIS DESMOND Executive Vice President **603-752-2200 ex. 207** Fax # 603-752-2376
FRANKLIN REGIONAL HOSPITAL 15 AIKEN AVENUE FRANKLIN, NH 03235	MARGARET LOHMANN Occupational Health Coordinator **603-934-2060 ex. 272** Fax # 603-934-5524
HUGGINS HOSPITAL P.O. BOX 912 WOLFBORO, NH 03894	ROSALIND LASKY, RN Manager, Occupational Health Services **603-569-2150 ex. 211** Fax # 603-569-8405
LAKES REGION GENERAL HOSPITAL 80 HIGHLAND STREET LACONIA, NH 03246	LORRETTA BOURDON, RN Coordinator, Occupational Health Svc. **603-527-2824 ex. 3186** Fax # 603-527-2951
LITTLETON REGIONAL HOSPITAL 107 COTTAGE STREET LITTLETON, NH 03561	RUTH HENDERSON, RN Director, Occupational Health Services **603-444-7731 ex. 207** Fax # 603-444-0443
THE MEMORIAL HOSPITAL INTERVAL ROAD NORTH CONWAY, NH 03860	KATHY SHEA, RN Director, Emergency Department **603-356-5461 ex. 186** Fax # 603-356-3996
SPEARE MEMORIAL HOSPITAL 2 HOSPITAL ROAD PLYMOUTH, NH 03264	PRISCILLA FARRELL Director, Quality Management **603-536-1120 ex. 227** Fax # 603-536-1083

PRELIMINARY
Subject To Board Approval

NOV 1 4 1995

BOARD OF SELECTMEN'S MINUTES
November 8, 1995
Town Hall, Conference Room A

The Board of Selectmen convened in regular session on Wednesday, November 8, 1995 at 8:00 A.M. at the Town Hall, 47 Cherry Valley Road, Gilford, NH. Selectmen present were Robert A. Jordan, Chairman, Russell R. Dumais and Philip D. LaBonte. Also present was David R. Caron, Town Administrator.

1.0 PLEDGE OF ALLEGIANCE - The Board of Selectmen recited the Pledge Of Allegiance.

2.0 REVIEW/APPROVAL OF MINUTES - The Board approved the minutes of the Selectmen's October 25, 1995 meeting.*

3.0 APPOINTMENTS

3.1 John Bobula, Director of Planning & Land Use - John presented David Mitchell as his recommendation to fill the Building Official's position on an interim basis. Mr. Mitchell is currently part-time Building Official in Moultonborough. The Board voted to appoint David Mitchell interim part-time Building Official.*

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3.2 John Rogers - Mr. Rogers met with the Board to present a Conservation Easement on approximately 67 acres on Hoyt Road bequeath to the Town by his father, the late Daniel Rogers. Tom Howe and Thomas Curren of the Lakes Region Conservation Trust were also in attendance. The Board publicly thanked Mr. Rogers for his family's contributions, and congratulated Sandy McGonagle, Chair of the Land Conservation Task Force for her Committee's efforts towards preserving land in Gilford. Mr. Rogers and the Selectmen executed the Conservation Easement, a Viatic Easement along the Gunstock River and an agreement covering the use and management of $15,000 donated by the late Mr. Rogers to maintain the conservation lands.

3.3 Sheldon C. Morgan, Director of Public Works - David Fluharty of the University of New Hampshire Technology Transfer Center met with the Board to present an award to Sheldon for his attainment as a Master Road Scholar.

The Board reviewed and adopted a Drug and Alcohol Testing Policy for employees with commercial driver licenses, to comply with fedreal mandates.

3.4 Evans E. Juris, Chief of Police - The Board voted to accept, with regrets, the resignation f Valerie Provost as Police Department Communications Specialist.*

-d voted to appoint Denise Miller as a part-time Police Officer subject to such terms ns as established by the Chief.*

SUMMARY OF ACTION TAKEN
BOARD OF SELECTMEN'S MEETING

AGENDA ITEM	MOTION	MOVER	2ND	RAJ	RRD	PDL	NOTES
2.0	Motion to approve the minutes of the Selectmen's October 25, 1995 meeting.	PL	RJ	Y	Absent	Y	Motion Carried
3.1	Motion to appoint David Mitchell as interim part-time Building Official	RD	PL	Y	Y	Y	Motion Carried
3.3	Motion to adopt Drug & Alcohol Testing Policy for CDL employees to comply with federal mandates.	RD	PL	Y	Y	Y	Motion Carried
3.4	Motion to accept with regrets the resignation of Valerie Provost as Police Dept. Communication Specialists.	RD	PL	Y	Y	Y	Motion Carried
3.4	Motion to appoint Denise Miller as a part-time police officer subject to such terms and conditions as established by the Chief.	RD	PL	Y	Y	Y	Motion Carried
4.1	Motion to execute agreement with Forest Land Improvements to mark timber on Robert Tilton lot.	RD	PL	Y	Y	Y	Motion Carried
4.2	Motion to authorize repairs to Gilford Village Water System in the amount of $6,840.00	RD	PL	Y	Y	Y	Motion Carried
6.1	Motion to pay non-insured costs for a vehicle damaged at the Library.	RD	PL	Y	Y	Y	Motion Carried
6.3	Motion to enter Non-Public Session per RSA 91-A:3 II(a&e) at 9:12 A.M.	RD	PL	Y	Y	Y	Motion Carried
6.3	Motion to exit Non-Public Session at 10:05 A.M.	PL	RJ	Y	Absent	Y	Motion Carried No Action Taken

APPENDIX A

FORMS

1. General Safety Checklist
2. Job Site Inspection Form
3. Joint Loss Management Committee Recommendation
4. Municipality Inspection Form
5. Supervisor Accident/Incident Investigation Report

GENERAL SAFETY CHECKLIST
TOWN OF GILFORD, NH

LOCATION: _____ DATE: _____

General Polices and Practices	OK	Location if not OK	Recommendations
Each department has safety rules.	_____	_____	_____
Injuries must be reported immediately to the supervisor.	_____	_____	_____
Hazards must be reported to a supervisor immediately after they are discovered.	_____	_____	_____
Supervisors are required to investigate all accidents in a timely manner and to route reports to management.	_____	_____	_____
Smoking is permitted only in designated areas.	_____	_____	_____
Employees reporting for work under the influence of alcohol or drugs are subject to disciplinary action.	_____	_____	_____
Only public employees are permitted to operate publicly owned vehicles and equipment.	_____	_____	_____
All employees who operate a vehicle must have a valid driver's license.	_____	_____	_____
Horseplay and practical jokes are not allowed.	_____	_____	_____
Employees must notify supervisors when taking prescription medication that causes reactions such as fatigue, dizziness or impaired vision or judgment.	_____	_____	_____
Accident and injury report are reviewed by supervisor and discussed with employees.	_____	_____	_____

Grounds and Building Entrances	OK	Location if not OK	Recommendations
Grounds are free of unusual hazards such as holes, protrusions and other obstacles.	_____	_____	_____
Trees are free of loose branches or protruding roots.	_____	_____	_____
Fences are structurally sound and free of holes.	_____	_____	_____
Sidewalks, entrance steps and lawns are properly maintained.	_____	_____	_____
All doors and windows are in working condition.	_____	_____	_____
Outside lighting is sufficient around pedestrian traffic areas.	_____	_____	_____

Building and Structures	OK	Location if not OK	Recommendations
Ceilings are free of cracks.	_____	_____	_____
Rest rooms are free of water hazards.	_____	_____	_____
Handrails and treads in stairways are in good condition.	_____	_____	_____
Stairway risers are of proper height.	_____	_____	_____
Lighting in stairways is adequate.	_____	_____	_____
Floors are free of holes, splinters, protruding nails, slippery areas and loose boards.	_____	_____	_____
All openings in floors are covered and marked.	_____	_____	_____
Aisles and passageways have adequate width and are obstructed.	_____	_____	_____
Work areas have adequate lighting.	_____	_____	_____

Work areas are well ventilated and free of fumes.	_____	_____	_____

Fire Safety	OK	Location if not OK	Recommendations
Emergency exits are properly marked.	_____	_____	_____
Each building has an evacuation and emergency preparedness plan.	_____	_____	_____
Fire extinguishers & other fire fighting equipment is checked regularly.	_____	_____	_____
Sprinkler system is in good working condition.	_____	_____	_____
Fire alarms and smoke detectors are checked regularly.	_____	_____	_____
Rubbish and used chemicals are disposed of properly.	_____	_____	_____
Explosive or flammable materials are properly stored and ventilated.	_____	_____	_____

Machinery, Tools & Equipment	OK	Location if not OK	Recommendations
All machinery and equipment is maintained properly.	_____	_____	_____
Belts, gears, chains, clutches and shafting are properly guarded.	_____	_____	_____
Effective point-of-operation guards are in place.	_____	_____	_____
Equipment and facilities are free of oil or grease spills.	_____	_____	_____
Gas cylinders are in working condition.	_____	_____	_____
Tampering or unauthorized use of any machinery or equipment is prohibited.	_____	_____	_____

Tools and machines are free of split or loose handles.	_____	_____	_____
All cutting edges are sharp.	_____	_____	_____
All tools are maintained in a good state of repair.	_____	_____	_____
Ladders, scaffolds and horses are of standard construction and are in good condition.	_____	_____	_____
Ladders or self-locking step stools are of an approved design.	_____	_____	_____
Electrical tools, switch boxes and fixtures are properly grounded.	_____	_____	_____
Wiring, fixtures, connections, and extensions or portable cords are safely insulated and installed properly.	_____	_____	_____
Extension cords are free of frays and breaks.	_____	_____	_____
All electrical wall outlets and switches are in working order.	_____	_____	_____

Housekeeping	OK	Location if not OK	Recommendations
Materials are properly stacked and stored according to established guidelines.	_____	_____	_____
Overhead clearance is ample.	_____	_____	_____
Work areas are neat and clean.	_____	_____	_____
Work areas are free of hazardous materials.	_____	_____	_____
Desks, cabinets, and file drawers and/or doors are maintained properly.	_____	_____	_____

Aisles and walkways are kept clear at all times.	_____	_____	_____
Access to all emergency equipment such as fire extinguishers, emergency eye wash and showers are kept clear of obstacles.	_____	_____	_____

Employee Practices	OK	Location if not OK	Recommendations
All equipment and machinery is used properly.	_____	_____	_____
Materials are loaded and unloaded safely.	_____	_____	_____
Lifting is done in a proper manner.	_____	_____	_____
Assistance is available to lift or move heavy objects.	_____	_____	_____
Safety devices are used.	_____	_____	_____
Safety glasses, goggles, hard hats, vests, safety shoes and other protective equipment is worn when required.	_____	_____	_____
Workers refrain from engaging in horseplay.	_____	_____	_____
Workers are prohibited from wearing jewelry while working on or around machinery or electrical circuits.	_____	_____	_____
Vehicles are operated in a safe manner at all times.	_____	_____	_____
Traffic cones, warning flags and barriers are used in accordance with construction traffic control standards.	_____	_____	_____

First Aid	OK	Location if not OK	Recommendations
Employees are trained in first aid procedures.	_____	_____	_____

First aid supplies are available and easily accessible at each work site.	_____	_____	_____
First aid supplies are checked and replaced periodically to ensure freshness.	_____	_____	_____
Emergency procedures and telephone numbers are posted.	_____	_____	_____

Notes:

How to conduct inspections:

- Use the General Safety Checklist to determine where inspections should be conducted and which rules, procedures or policies might affect losses.
- Require supervisors or employees to conduct inspections regularly.
- Review the inspections to determine what actions need to be taken to correct hazardous conditions or practices.
- Make sure that all recommended actions are taken. This could be done through follow-up inspection.

What to look for during inspections:

- Possibilities of objects or people falling.
- Undesirable discharges into the environment.
- Deterioration, deformation and abrasion.
- Inadequate lighting.
- Effects of weather conditions.
- Wear, leaks, corrosion, scaling, erosion, cracks, rotting.
- Improper function of alarm systems.
- Inadequate fire extinguishers.
- Obstructed access to entrances, exists, emergency exits and halls.
- Improperly marked and lighted exits.
- Hazardous conditions in electrical, heating, ventilation and plumbing systems.
- Inappropriate or inaccessible first aid supplies.
- Improper safeguards for belts, pulleys, gears, flywheels, shafts, couplings and point-of-operation of machines.
- Unprotected openings, holes or defects in floors or floor coverings.
- Improper maintenance – related items such as unmarked wet floors or loose wiring across floors.
- Improper storage of hazardous materials.

JOB SITE INSPECTION FORM

NAME OF FACILITY: _____ DATE: _____

TIME: _____ WEATHER: _____

INSTRUCTIONS: Answer all questions by placing an (X) in the appropriate column. For all "No" and N/A answers, provide additional information and recommendations in the spaces provided. NOTE: The questions on the form are meant to be a guide only. Do not hesitate to list other hazards or problems you identify in the space provided on the back of the form.

		YES	NO	N/A	Comments
1	Adequate advance warning of job (signs, cones)?				
2	Flag person, if required, using proper equipment and techniques?				
3	If trenching/excavating, is shoring adequate?				
4	If trenching/excavating, is spoil at least 2' from hole?				
5	Are personnel, tools equipment off road?				
6	Workers have, and are using, proper personal protective equipment?				
7	Pedestrian safeguards adequate?				

ADDITIONAL INFORMATION, OBSERVATIONS, RECOMMENDATIONS: _____

_____

_____

_____

_____

_____

_____

_____

_____

INSPECTOR: _____ TITLE: _____

JOINT LOSS MANAGEMENT COMMITTEE
RECOMMENDATIONS

To:

From: Joint Loss Management Committee

Date:

Re: **Incident #**

Cc: JLMC Chairman

The Joint Loss Management Committee reviewed the above-mentioned incident at their regular meeting on _____ and has made the following recommendation, as a result of this incident:

_____

_____

_____

Department Manager response to recommendation:

_____

_____

_____

_____

_____

_____

Signature: _____ Date: _____

Please return this form to JLMC Chairman _____. Thank you.

TOWN OF GILFORD – Accident/Loss Investigation Report

Incident Log #:_____

I. GENERAL INFORMATION

Dept/Division:	Exact Location of Occurrence:

Date of Occurrence:	Time:	Date Reported:

II. PERSONAL INJURY OR ILLNESS (WC & Property/Liability)

Job title or occupation:	☐ Inherent Job Hazard – all protocols were followed.
Nature of Injury or Illness:	Additional Forms completed: Employee: ☐ State of NH Form 8aWCA - *Notice of Accidental Injury or Occupational Disease* Employer: ☐ State of NH Form 8WC - *Employer's First Report of Occupational Injury or Disease*
Did Person seek medical attention? ☐ Yes ☐ No ER ☐ OPA ☐ DR. ☐ Other:	
Did Person Leave Work? ☐ Yes ☐ No If so, Return to Work Date:	Was appropriate Personal Protective Equipment available and in use, if applicable? ☐ Yes ☐ No If No, why not:

III. MOTOR VEHICLE (Property/Liability)

Job title of Employee involved:	Vehicle No / ID: Department Head Notified: ☐ Yes ☐ No
Enter Estimated cost or actual if known: ☐ < $1000 _____ ☐ > $1000 _____	Did Police investigate? ☐ Yes ☐ No If No, explain why not:
Seat Belts in use? ☐ Yes ☐ No If No, why not:	Road/Weather Conditions:

IV. PROPERTY DAMAGE(including Other Vehicle) (Property/Liability)

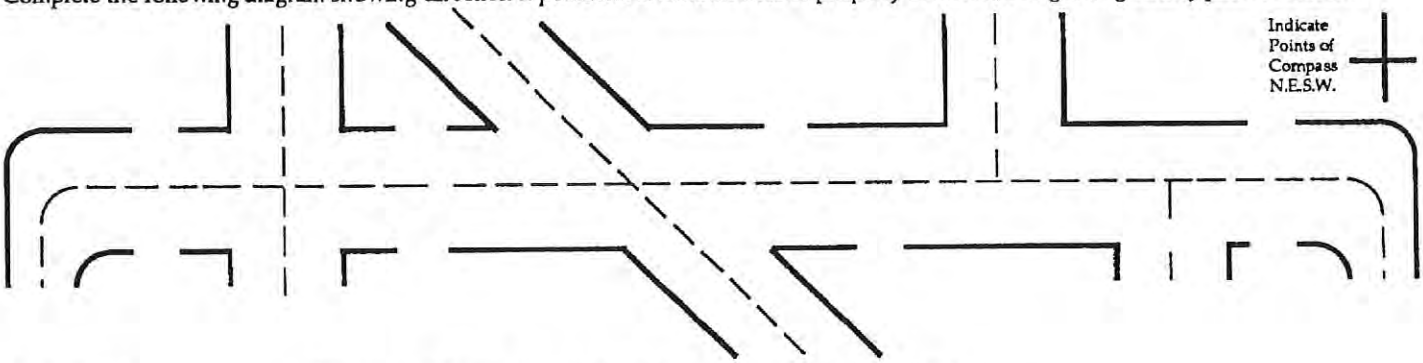
Name of Contact Person:	Owner of Property Damaged:
Property Damage Involved:	Contact Phone Number: Owner Contacted: ☐ Yes ☐ No
Enter estimated or actual cost of damage? ☐ < $1000 _____ ☐ > $1000 _____	Enter estimated or actual cost of damage to Non-Town Property? ☐ < $1000 _____ ☐ > $1000 _____

Comments:

V. DESCRIBE ACCIDENT:

Describe clearly how the accident occurred

Complete the following diagram showing direction & positions of automobiles or property involved, designating clearly point of contact.



Instructions: Give Street Names, Directions and Locations of Objects Involved

(1) Number each vehicle and show direction of travel by arrow → 1 2 ←

(2) Use solid line to show path of each vehicle before accident → 1 dotted line after accident • • • → 1

(3) Show motorcycle or bicycle by → O-O (4) Show pedestrian by → O (5) Show railroad by ++++

VI. FUTURE PREVENTION

How would you prevent reoccurrence? (if Applicable)

What corrective action has been or will be taken? (if Applicable)

Supervisor (Print or Type)	Signature	Date:	Contact Number
Dept. Head/ Designated Individual	Signature	Date:	

VI. JLMC REVIEW

Comments/Recommendations:
Date Reviewed:

APPENDIX B

ENDORSEMENTS

1. Board of Selectmen
2. Board of Fire Engineers
3. Parks & Recreation Commission
4. Library Trustees
5. Town Clerk/Tax Collector

TOWN SAFETY PROGRAM

The Board of Selectmen, recognizing that the health and well-being of its employees is paramount to the safe and efficient operation of the Town of Gilford, endorses this Safety Program and its purposes.

Signed this 27th day of September, 1995.

Robert A. Jordan
Robert A. Jordan, Chairman

Russell Dumais
Russell R. Dumais

Philip D. LaBonte
Philip D.LaBonte

BOARD OF SELECTMEN

ENDORSEMENT

The Board of Fire Engineers, recognizing that the health and well-being of its employees is paramount to the safe and efficient operation of the Town of Gilford, endorses this Safety Program and its purpose.

Signed this 19th day of September in 1995.

Peter Sawyer
Peter Sawyer, Chairman

William Akerley
William Akerley

Philip Brouillard
Philip Brouillard

ENDORSEMENT

The Parks and Recreation Commission, recognizing that the health and well-being of its employees is paramount to the safe and efficient operation of the Town of Gilford, endorse this Safety Program and its purpose.

Signed this 26th day of September in 1995.

Paul Sheridan
Paul Sheridan, Chairman

Fred Kacprzynski
Fred Kacprzynski

Tom Kokx
Tom Kokx

Irene Santaniello
Irene Santaniello

Meg Jenkins
Meg Jenkins

ENDORSEMENT

The Library Trustees, recognizing that the health and well-being of its employees is paramount to the safe and efficient operation of the Town of Gilford, endorse this Safety Program and its purpose.

Signed this 18th day of September in 1995.

Polly Sanfacon
Polly Sanfacon, Chair

Ed Merski
Ed Merski, Treasurer

Mina K. Ayers
Mina Ayers

ENDORSEMENT

The Town Clerk/Tax Collector, recognizing that the health and well-being of its employees is paramount to the safe and efficient operation of the Town of Gilford, endorses this Safety Program and its purpose.

Signed this 26th day of September in 1995.

Debra E. Eastman
Debra Eastman, Town Clerk, CMC

APPENDIX C

JOINT LOSS MANAGEMENT COMMITTEE

SAMPLE AGENDA

1. Call to order
2. Roll call
3. Introductions
4. Review/approve previous minutes
5. Old business
6. New business – Accident Reports
7. Other new business
8. Non-public session (if necessary)
9. Next meeting date
10. Adjourn

APPENDIX D

NH DEPARTMENT OF LABOR

ADMINISTRATIVE RULES

1. Lab 1400 – Safety and Health
2. Lab 600 – Safety/Joint Loss Management Committee
3. Lab 504.04 Temporary Alternative Work
4. Lab 504.05 Reinstatement of Employee Sustaining Compensable Injury
5. Lab 515.11 New Hampshire Workers' Compensation Medical Form
6. Lab 515.16 Safety Summary Form

CHAPTER Lab 1400 SAFETY AND HEALTH OF EMPLOYEES
PART Lab 1401 SCOPE OF RULES
Section Lab 1401.01 Scope
Section Lab 1401.02 Applicability

PART Lab 1402 DEFINITIONS
Section Lab 1402.01 Competent Person
Section Lab 1402.02 Confined Space
Section Lab 1402.03 Fixed Location

PART Lab 1403 RULES FOR EMPLOYEE SAFETY AND HEALTH
Section Lab 1403.01 Safety and Health Requirements
Section Lab 1403.02 Abrasive Blasting
Section Lab 1403.03 Abrasive Grinding
Section Lab 1403.04 Accident Reporting Requirements
Section Lab 1403.05 Aerial Lifts
Section Lab 1403.06 Air Tools
Section Lab 1403.07 Belt Sanding Machines
Section Lab 1403.08 Bloodborne Pathogens
Section Lab 1403.09 Chains, Cables, Ropes, and Hooks
Section Lab 1403.10 Chipguards
Section Lab 1403.11 Compressed Air Use
Section Lab 1403.12 Compressed Gas Cylinders
Section Lab 1403.13 Concrete, Concrete Forms, and Shoring
Section Lab 1403.14 Confined Space Entry
Section Lab 1403.15 Cranes and Derricks
Section Lab 1403.16 Disposal Chutes
Section Lab 1403.17 Dockboards
Section Lab 1403.18 Ergonomics
Section Lab 1403.19 Excavating and Trenching
Section Lab 1403.20 Fall Protection
Section Lab 1403.21 Flag-person
Section Lab 1403.22 Floor Openings and Open Sides
Section Lab 1403.23 Forklift Trucks and Powered Industrial Trucks
Section Lab 1403.24 Guards
Section Lab 1403.25 Hand Tools
Section Lab 1403.26 Hoists
Section Lab 1403.27 Housekeeping
Section Lab 1403.28 Hygiene and Sanitation
Section Lab 1403.29 Jointers
Section Lab 1403.30 Ladders
Section Lab 1403.31 Lasers
Section Lab 1403.32 Lockout
Section Lab 1403.33 Machine Guarding
Section Lab 1403.34 Machinery in a Fixed Location
Section Lab 1403.35 Mechanical Power Presses
Section Lab 1403.36 Medical Services
Section Lab 1403.37 Mechanized Equipment
Section Lab 1403.38 Noise Exposure
Section Lab 1403.39 Overheads and Gantry Hoists and Cranes

Section Lab 1403.40 Personal Protective Equipment
Section Lab 1403.41 Portable Abrasive Wheel Machinery
Section Lab 1403.42 Portable Pneumatic Powered Tools
Section Lab 1403.43 Powder-Actuated Tools
Section Lab 1403.44 Radiation
Section Lab 1403.45 Railings
Section Lab 1403.46 Record Keeping
Section Lab 1403.47 Respiratory Protection
Section Lab 1403.48 Revolving Drums
Section Lab 1403.49 Rollover Protective Structures (ROPS)
Section Lab 1403.50 Safety Nets
Section Lab 1403.51 Saws
Section Lab 1403.52 Scaffolds
Section Lab 1403.53 Spray Finishing Operations
Section Lab 1403.54 Storage
Section Lab 1403.55 Tanks with Open Surface
Section Lab 1403.56 Tire Cages
Section Lab 1403.57 Toxic Substance
Section Lab 1403.58 Traffic Control
Section Lab 1403.59 Trash
Section Lab 1403.60 Tree Care Operations
Section Lab 1403.61 Wall Openings
Section Lab 1403.62 Washing Facilities
Section Lab 1403.63 Welding and Cutting
Section Lab 1403.64 Welding in Confined Spaces
Section Lab 1403.65 Wire Ropes, Chains, and Rigging Equipment
Section Lab 1403.66 Woodworking Machinery

CHAPTER Lab 1400 SAFETY AND HEALTH OF EMPLOYEES

Statutory Authority: RSA 281-A: 60 I. (o) and RSA 277:16

PART Lab 1401 SCOPE OF RULES

Lab 1401.01 Scope. This rule is intended to carry out the intent of RSA 281-A: 64 and RSA 277: 16 by establishing procedures and guidelines for workplace safety inspections.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1401.02 Applicability. These rules shall be applicable to all workplaces including workplaces in buildings, sheds, structures, offices, sites or places owned, leased or used in connection with employee activity at a place of employment in the State. The following requirements shall not preclude compliance with RSA 155-A, the State Building Code or other state or federal laws, rules, regulations or codes. If a conflict should arise between these rules and any other law, rule, regulation or code, these rules shall not supersede the more stringent requirements.

Source. #8796, eff 1-11-07 (from Lab 1401.01)

PART Lab 1402 DEFINITIONS

Lab 1402.01 "Competent person" as used in this chapter means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has the authority to take prompt corrective measures to eliminate them.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1402.02 "Confined space" as used in this chapter means a space that meet the following criteria:

(a) Large enough and so configured that an employee can bodily enter and perform assigned work; and

(b) Has limited or restricted means for entry or exit; and

(c) Is not designed for continuous employee occupancy; and

(d) Contains or has a potential to contain a hazardous atmosphere; or

(e) Contains a material that has the potential for engulfing an entrant; or

(f) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section; or

(g) Contains any other recognized serious safety or health hazard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1402.03 "Fixed location" as used in this chapter means all buildings, offices, garages, or other permanent structures which serve as a regular place of employment.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07 (formerly Lab 1402.04)

Lab 1402.04 – 1402.09 - EXPIRED

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

PART Lab 1403 RULES FOR EMPLOYEE SAFETY AND HEALTH

Lab 1403.01 Safety and Health Requirements.

(a) Each employer shall furnish to each of its employees employment and a place of employment that are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees.

(b) Each employee shall comply with all safety rules and regulations that are applicable to their own actions and conduct.

(c) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and in the rules applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.

(d) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of these rules shall be prohibited.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1403.02 Abrasive Blasting.

(a) Blast cleaning nozzles shall be equipped with an operating valve which shall be held open manually. A support shall be provided on which the nozzle may be mounted when not in use.

(b) Blast cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air shall be maintained at all openings in the enclosure during the blasting operation.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1403.03 Abrasive Grinding.

(a) Abrasive wheels shall be used only on machines provided with safety guards.

(b) The following shall be exempt from the safety guard requirements:

(1) Wheels used while within the material being ground; and

(2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.

(c) Abrasive wheel safety guards for bench and floor stands and for cylindrical grinders shall not expose the grinding wheel periphery for more than 65 degrees above the horizontal plane of the wheel spindle. The protecting member shall be adjustable for variations in wheel size so that the distance between the wheel periphery and adjustable tongue or end of the peripheral member at the top shall never exceed 1/4 inch.

(d) Abrasive wheel safety guards shall cover the spindle end, nut, and flange projections.

(e) An adjustable work rest of rigid construction shall be used to support the work on offhand grinding machines. Work rests shall be kept adjusted closely to the wheel with a maximum clearance of 1/8 inch.

(f) Machines designed for a fixed location shall be securely anchored to prevent movement, or designed in such a manner that in normal operation they shall not move.

(g) All abrasive wheels shall be closely inspected and ring-tested before mounting to insure that they are free from defects.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1403.04 Accident Reporting Requirements. Within 8 hours after its occurrence, an employment accident which is fatal to one or more employees or which results in the hospitalization of 3 or more employees shall be reported to the commissioner of labor. Notification may be given by telephone by calling (603) 271-6297, 271-6850, 271-3699, or 271-3170.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1403.05 Aerial Lifts.

(a) All vehicle mounted aerial-lift equipment shall be in accordance with American National Standards Institute (ANSI) A92.2-1979, "Vehicle-Mounted Elevating and Rotating Aerial Platforms".

(b) Prior to the use of an aerial-lift device, a visual inspection and operational check shall be made in accordance with the manufacturer's and owner's instructions, by a competent person.

(c) Operators of aerial-lift equipment shall be provided with some means of anchorage to which a safety belt or lanyard can be secured to the buckets, platforms, or booms.

(d) The combined load, including workers, material, and tools, shall not exceed the rated lift capacity as stated by the manufacturer. Such rated lift capacity shall be conspicuously and permanently posted on the lift.

(e) When operating an aerial-lift device, the operator shall look in the direction of travel of the bucket and be aware of the booms in relation to all other objects and hazards.

(f) All hoses affecting the nonconductive characteristics of equipment shall be made of nonconductive material. Hydraulic fluids for insulated equipment shall be of the insulating type.

(g) An aerial-lift truck shall not be moved when the boom is elevated in a working position with workers in the basket, except for equipment that is specifically designed for this type of operation. The booms of a fully articulated aerial device shall not be considered elevated in a working position when the basket is directly in front of or behind the truck with the booms held as low as feasible and low enough so that the operator's head is below the highest point of the vehicle.

(h) During aerial-lift operations, workers not engaged in line clearance shall maintain a minimum clearance of 10 feet (3 m) from energized conductors rated 50 kV phase-to-phase or less. For lines rated over 50 kV phase-to-phase the minimum clearance shall be 10 feet plus .4 inches (3 m plus 10 mm) for each kilovolt over 50 kV phase-to-phase.

(i) This section shall not apply to fire fighting apparatus.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1403.06 Air Tools.

(a) Pneumatic power tools shall be secured to the hose or whip with a locking mechanical connector to prevent accidental disconnection.

(b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled.

(c) The manufacturer's safe operating pressure for all fittings shall not be exceeded.

(d) All hoses exceeding 1/2 inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06

New. #8796, eff 1-11-07

Lab 1403.07 Belt Sanding Machines. Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.08)

New. #8796, eff 1-11-07

Lab 1403.08 Blood Borne Pathogens. Universal precautions, an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious, shall be observed in all situations where there is a potential for contact with blood or other potentially infectious material and the following requirements shall be met:

(a) All human blood and body fluids shall be treated as if known to be infectious for HIV, HBV, and other blood borne pathogens.

(b) Employees responding to emergencies or other situations where blood or body fluids are present shall wear single use disposable gloves, such as surgical or examination gloves, wash hands after removal of gloves, and wear eye protection when blood or other potentially infectious materials might be splashed.

(c) Work procedures shall include safe handling and disposal of needles and sharps, used bandages and gauze, linens, and all other items that come in contact with blood or other potentially infectious materials.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.09)

New. #8796, eff 1-11-07

Lab 1403.09 Chains, Cables, Ropes, and Hooks.

(a) Chains, cables, ropes, and hooks shall be visually inspected daily by a competent person, for deformation, cracks, excessive wear, twists and stretch, and defective gear shall be replaced or repaired.

(b) Hoist ropes on crawler, locomotive, and truck cranes shall be free from kinks or twists and shall not be wrapped around the load.

(c) All U-bolt wire rope clips on hoist ropes shall be installed so that the U-bolt is in contact with the short or nonload-carrying end of the rope. Clips shall be installed in accordance with the clip manufacturer's recommendation. All nuts on newly installed clips shall be retightened after the first hour of use.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.10)

New. #8796, eff 1-11-07

Lab 1403.10 Chipguards. Protective shields or barriers shall be provided in operations involving cleaning with compressed air, to protect personnel against flying chips or other such hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.11)

New. #8796, eff 1-11-07

Lab 1403.11 Compressed Air Use. Compressed air used for cleaning purposes shall not exceed 30 psi. However, this limitation shall not apply to concrete form or mill scale, or to areas where compressed air is used in a fixed process, such as attached to a machine.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.12)

New. #8796, eff 1-11-07

Lab 1403.12 Compressed Gas Cylinders.

(a) Valve protection caps shall be in place when compressed gas cylinders are transported, moved, or stored.

(b) Cylinder valves shall be closed when work is finished and when cylinders are empty or are moved.

(c) Compressed gas cylinders shall be secured in an upright position at all times, except if necessary for short periods of time when cylinders are actually being hoisted or carried.

(d) Cylinders shall be kept far enough away from the actual welding or cutting operation or protected by a fire resistant barrier so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided, as required by NFPA 51B.

(e) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least 1/2 hour.

(f) Compressed gas shall not be used for cleaning purposes.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06 (formerly Lab 1403.13)

New. #8796, eff 1-11-07

Lab 1403.13 Concrete, Concrete Forms, and Shoring.

(a) Employees shall not work above vertically protruding reinforcing steel, unless it has been protected to eliminate the hazard of impalement.

(b) Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a deadman-type operating control.

(c) Formwork and shoring shall safely support all loads imposed during concrete placement. Drawings or plans of jack layout, formwork, shoring, working decks, and scaffolding systems shall be available at the jobsite.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED 10-09-06 (formerly Lab 1403.14)

New. #8796, eff 1-11-07

Lab 1403.14 Confined Space Entry. The employer shall evaluate the workplace to determine if any areas are confined spaces as defined under Lab 1402.02. If an area is found to be a confined space the employer shall meet the following requirements:

(a) The employer shall inform exposed employees by posting danger signs or by any other equally effective means of the existence and location of and the danger posed by the confined spaces.

(b) A minimum of 2 employees shall be assigned to the work activity involving entry into a confined space. One employee shall act as an attendant/observer and remain outside of the space for the duration of the entry operation.

(c) Conditions in the confined space shall be tested before entry operations and monitored while employees are in the confined space.

(d) Testing required by (c) above shall include testing of the internal atmosphere with a calibrated direct reading instrument, for the following conditions in the order listed:

(1) Oxygen content;

(2) Flammable gases and vapors; and

(3) Potential toxic air contaminants.

(e) The employer shall establish and implement the means, procedures and practices required to eliminate or control hazards and make the confined space safe for conducting entry operations including purging, making inert, flushing or ventilating the confined space.

(f) Confined space entrants shall use appropriate personal protective and retrieval equipment. The retrieval equipment shall allow for attendant /observer non-entry rescue.

(g) The employer shall provide training so that all employees whose job duties involve confined space entry procedures acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned to them.

(1) The above training shall include the nature of the hazards involved, the necessary precautions to be taken, and in the use of personal protective and any other equipment necessary for safe entry.

(h) A procedure shall be implemented which shall require documentation that the above steps were taken prior to entering a confined space.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.15)

New. #8796, eff 1-11-07

Lab 1403.15 Cranes and Derricks.

(a) The employer shall comply with the manufacturer's specifications and limitations as supplied by the manufacturer.

(b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be conspicuously posted on all equipment and complied with. Instructions or warnings shall be visible from the operator's station.

(c) Equipment shall be inspected by a competent person before each use and during use, and all deficiencies corrected before further use.

(d) Accessible areas within the swing radius of the rear of the rotating superstructure shall be barricaded to prevent employees from being struck or crushed by the crane.

(e) No part of a crane or its load shall be operated:

(1) Within 10 feet of a line rated 50 kV or below;

(2) Within 10 feet + 0.4 inches for each 1 kV over 50 kV for lines rated over 50 kV, or;

(3) Within twice the length of the line insulator, but never less than 10 feet.

(f) The requirements of the above do not apply where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, or where insulating barriers have been erected to prevent physical contact with the lines.

(g) All crawler, truck, or locomotive cranes in use shall meet the requirements as prescribed in the ANSI B30.5-1982, Safety Code for Crawler, Locomotive and Truck Cranes, as amended by B30.5a-1984, and B30.5b-1985.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.16)

New. #8796, eff 1-11-07

Lab 1403.16 Disposal Chutes.

(a) Whenever materials are dropped more than 20 feet to any exterior point of a building, an enclosed chute shall be used.

(b) When debris is dropped through holes in the floor without the use of chutes, the area where the material is dropped shall be enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edges of the opening above. Warning signs of the hazard of falling material shall be posted at each level.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.18)

New. #8796, eff 1-11-07

Lab 1403.17 Dock-boards. Dock-boards, meaning metal plates used to bridge the gap between a loading dock and truck over which industrial trucks travel to load or unload shall meet the following requirements:

(a) Dock-boards shall be strong enough to carry the load imposed on them; and

(b) Dock-boards that are portable shall be anchored or equipped with devices which shall prevent their slipping. They shall have handholds or other effective means to allow safe handling; and

(c) Wheel chocks or other devices shall be provided to prevent railroad cars from being moved while dock-boards are in position.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.19)

New. #8796, eff 1-11-07

Lab 1403.18 Ergonomics.

(a) It shall be the responsibility of each employer to evaluate all incidences of ergonomically related injuries, such as repetitive motion trauma, carpal tunnel syndrome and back injuries, and to make necessary workplace modifications to prevent recurrences.

(b) The employer shall develop training procedures for employees who might be subject to ergonomic exposures such as those listed above.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.22)

New. #8796, eff 1-11-07

Lab 1403.19 Excavating and Trenching.

(a) Before excavation, underground utilities shall be identified and marked, and utility companies contacted to determine if there are underground utility installations in the area.

(b) A competent person as defined in Lab 1402.01 shall inspect and evaluate the condition of all trenches and excavations prior to permitting an employee to enter.

(c) An inspection shall be performed at the beginning of each day and at least 3 to 4 times during the workday thereafter; and

(1) Attention shall be given when adverse weather conditions might affect the condition of the excavation or trench.

(2) If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the requirement of (d) below have been met to safeguard the employees.

(d) The walls and faces of trenches 5 feet or more deep, and all excavations, in which employees are exposed to danger from moving ground or cave-in shall be guarded by a trench protective system, or sloping of the ground.

(e) In excavations which employees might be required to enter, excavated or other material shall be stored and retained at least 2 feet or more from the edge of the excavation.

(f) Trenches 4 feet deep or more shall have an adequate means of exit such as ladders or steps in the protected area of the trench. The exit shall be located so as to require no more than 25 feet of lateral

travel.

(g) Excavations near retaining walls, utility poles and other objects that are supported by compacted soil shall be supported at all times to prevent their collapse or undermining.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.23)

New. #8796, eff 1-11-07

Lab 1403.20 Fall Protection.

(a) Each employee on a walking/working surface with an unprotected side or edge which is 4 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems or personal fall arrest systems.

(b) The requirement in (a) above shall apply to the following surfaces:

(1) Hoist areas;

(2) Holes;

(3) Form-work and reinforcing steel;

(4) Ramps;

(5) Runways and walkways;

(6) Excavations;

(7) Bricklaying;

(8) Working above dangerous equipment;

(9) Roofing work;

(10) Pre-cast concrete erection;

(11) Wall openings; and

(12) Other walking/working surfaces.

(c) This section shall not apply to stairways, ladders and scaffolds, cranes and derricks or steel erection.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.25)

New. #8796, eff 1-11-07

Lab 1403.21 Flagperson.

(a) At work sites on or adjacent to a highway or street, where signs, signals, and barricades do not provide protection from traffic, a flag-person shall be provided.

(b) A flag-person shall be provided with and shall wear a highly visible warning garment while flagging. Warning garments worn during low-light conditions or at night shall be equipped with retro-reflectorized material that is visible through the full range of the flag person's body motions.

(c) A flag-person shall be provided with and shall use a combination Stop/Slow Paddle while flagging. The paddle shall be:

(1) Highly visible; and,

(2) At least 18 inches in height and width; and,

(3) The lettering at least 6 inches in height.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.29)

New. #8796, eff 1-11-07

Lab 1403.22 Floor Openings and Open Sides.

(a) Every stairway and ladderway floor opening shall be guarded by a standard railing on all exposed sides except at the entrance. The entrance to ladderway openings shall be guarded to prevent a person from walking directly into the opening.

(b) Every hatchway and chute floor opening shall be guarded by a hinged floor opening cover equipped with standard railings to leave only one exposed side or a removable railing with toeboard on not more than 2 sides and fixed standard railing with toeboards on all other exposed sides.

(c) Every floor hole into which persons can accidentally walk shall be guarded by either a standard railing with standard toeboard on all exposed sides, or a floor hole cover capable of supporting at least twice the weight of employees, equipment, and materials that might be imposed on the cover at any one time. All covers shall be secured to prevent accidental displacement and shall be marked with the word "hole" or "cover" to provide warning of the hazard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.32)

New. #8796, eff 1-11-07

Lab 1403.23 Forklift Trucks and Powered Industrial Trucks.

(a) If at any time a powered industrial truck is in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.

(b) Forklift trucks with extended lifts shall be equipped with an overhead guard unless operating conditions do not permit.

(c) Fork trucks shall be equipped with a vertical load backrest extension when the type of load presents a hazard to the operator.

(d) The brakes of highway trucks and trailers shall be set and wheel chocks placed under the rear wheels to prevent the truck from rolling while forktrucks are entering or leaving.

(e) Employers shall verify that the above equipment shall be operated by competent individuals as defined in Lab 1402.01.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.33)

New. #8796, eff 1-11-07

Lab 1403.24 Guards. Guards for mechanical power transmission equipment shall be made of metal or other rigid material. Except that, wood guards may be used in the woodworking and chemical industries, in industries where atmospheric conditions would rapidly deteriorate metal guards, or where temperature extremes make metal guards undesirable.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.34)

New. #8796, eff 1-11-07

Lab 1403.25 Hand Tools.

(a) Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment furnished by employees.

(b) All hand tools shall be kept in safe condition. Handles of tools shall be kept tight in the tool, and wooden handles shall be free of splinters or cracks. Wedges, chisels, and similar tools, shall be free of mushroomed heads. Wrenches shall not be used when sprung to the point that slippage occurs.

(c) Electric power operated tools shall either be double-insulated, grounded, or used with ground fault circuit interrupters.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.35)

New. #8796, eff 1-11-07

Lab 1403.26 Hoists.

(a) The employer shall comply with the hoist manufacturer's specifications and limitations as to the proper use and installation of the equipment, whether at a portable or fixed location.

(b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be visibly marked on cars and platforms.

(c) Hoistway entrances of material hoists shall be protected by full width gates or bars.

(d) Hoistway doors or cages of personnel hoists shall be not less than 6 feet 6 inches high and shall be protected with mechanical locks which cannot be operated from the landing side and shall be accessible only to persons on the car.

(e) Overhead protective coverings shall be provided on the top of the hoist cage or platform.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.37)

New. #8796, eff 1-11-07

Lab 1403.27 Housekeeping.

(a) Form and scrap lumber with protruding nails and all other debris shall be kept clear from all work areas.

(b) Combustible scrap and debris shall be removed from work areas at least daily.

(c) Trash shall be disposed of at frequent intervals.

(d) All places of employment, passageways, storerooms, and service rooms shall be kept clean and in a sanitary condition.

(e) All floors shall be kept clean, dry, safely maintained and free from trip hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.38)

New. #8796, eff 1-11-07

Lab 1403.28 Hygiene and Sanitation.

(a) A supply of potable water shall be provided in all places of employment.

(b) Potable drinking water containers shall be capable of being tightly closed and be equipped with a tap.

(c) The above shall not apply to mobile crews or normally unattended locations, as long as employees working at these locations have transportation immediately available to nearby locations that provide water and sanitary facilities.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.39)

New. #8796, eff 1-11-07

Lab 1403.29 Jointers.

(a) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which shall cover the section of the head on the working side of the fence or cage, and a guard which shall cover the back of the cage or fence.

(b) A jointer guard shall automatically adjust itself to cover the unused portion of the head, and shall remain in contact with the material at all times.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06 (formerly Lab 1403.40)

New. #8796, eff 1-11-07 (formerly and moved by Lab 1403.28)

Lab 1403.30 Ladders.

(a) Fixed ladders shall comply with the following requirements:

(1) Rungs shall have a minimum diameter of 3/4 inch, if metal, or 1-1/8 inches, if wood.

(2) Rungs shall be a minimum of 16 inches in length and be spaced uniformly no more than 12 inches apart.

(3) Cages, wells, or safety devices, such as fall prevention systems for ladders shall be provided on all ladders more than 20 feet in length.

(4) Landing platforms shall be provided each 30 feet of travel, where cages are provided. Where no cage is provided, landing platforms shall be provided for every 20 feet of travel.

(5) Tops of cages on fixed ladders shall extend at least 42 inches above top of landing. The bottom of the cage shall be not less than 7 feet or more than 8 feet above the base of the ladder.

(6) Side rails shall extend 3-1/2 feet above the landing.

(b) Portable ladders shall comply with the following requirements:

(1) Stepladders shall be equipped with a metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position.

(2) Ladders shall be inspected prior to use and those which have developed defects shall:

a. Be withdrawn from service for repair or destruction;

b. Be tagged or marked as "Dangerous, Do Not Use."

(3) Ladders that are not self-supporting shall be erected on a sound base at a 4/1 pitch and placed to prevent slipping.

(4) The side rails of a ladder used to gain access to a roof or platform shall extend at least 3 feet above the landing.

(5) Portable metal ladders shall not be used for electrical work or where they might contact electrical conductors.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.41)

New. #8796, eff 1-11-07

Lab 1403.31 Lasers.

(a) Only employees who have had training by the employer or equipment manufacturer shall be assigned to install, adjust, and operate laser equipment.

(b) Employees shall wear appropriate eye protection designed to safeguard against potential exposure to laser light greater than 0.005 watts (5 milliwatts).

(c) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.

(d) Employees shall not be exposed to light intensities above the following:

(1) Direct staring - 1 micro-watt per square centimeter;

(2) Incidental observing - 1 milliwatt per square centimeter;

(3) Diffused reflected light - 2-1/2 watts per square centimeter.

(e) Employees shall not be exposed to microwave power densities in excess of 10 milliwatts per square centimeter.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.42)

New. #8796, eff 1-11-07

Lab 1403.32 Lockout.

All stored energy hazards including but not limited to the following shall be released, locked-out, or otherwise rendered non-hazardous prior to commencement of any work which could subject the employee to potential injury:

(1) hydraulic pressure;

(2) pneumatic pressure;

(3) steam pressure;

(4) vacuum;

(5) electricity;

(6) mechanical; and

(7) gravity.

(b) Padlocks shall be made available to employees for the purpose of locking-out equipment when required.

(c) Only the individual who is working on the equipment shall be allowed to remove the lockout device.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.45)

New. #8796, eff 1-11-07

Lab 1403.33 Machine Guarding.

(a) Machine guarding shall be provided to protect employees from hazards such as those created by point of operation, nip points, rotating parts, flying chips and sparks.

(b) Shall comply with the following requirements:

(1) The guard shall be such that it cannot pose an accident hazard in itself;

(2) Point of operation guarding devices shall be so designed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(c) Machines which require point of operation guarding shall include:

(1) guillotine cutters;

(2) shears;

(3) alligator shears;

(4) power presses;

(5) milling machines;

(6) power saws;

(7) jointers; and

(8) forming rolls and calendars.

(d) Special supplemental hand tools shall be used for placing and removing materials within the danger zone of the machine.

(e) Guards shall be required within 7 feet of the floor or working platform to protect from the following machinery:

(1) fan blades;

(2) belts;

(3) pulleys;

(4) sprockets;

(5) chains;

(6) flywheels;

(7) shafting;

(8) shaft projections;

(9) gears;

(10) couplings; and

(11) rotating or reciprocating parts.

(f) Flywheels protruding through a working floor shall be guarded;

(g) Where both runs of horizontal belts are 7 feet or less from the floor or working surface, the guard shall extend at least 15 inches above the belt.

(h) Safety sleeves shall be required to guard couplings with bolts, nuts or set screws extending beyond the flange.

(i) Belts, pulleys, and shafting located in rooms used exclusively for power transmission apparatus shall not be required to be guarded when the following requirements have been met:

(1) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance; or

(2) The route followed by the oiler is protected in such a manner as to prevent accidents.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.46)

New. #8796, eff 1-11-07

Lab 1403.34 Machinery in a Fixed Location. Machines designed for a fixed location shall be securely anchored to prevent walking or moving, or designed in such a manner that they do not move in normal operation.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.47)

New. #8796, eff 1-11-07

Lab 1403.35 Mechanical Power Presses.

(a) The employer shall provide and ensure the usage of point-of-operation guards or properly applied and adjusted point-of-operation devices, per the manufacturer's recommendation, to prevent entry of hands or fingers into the point-of-operation by reaching through, over, under and around the guard on every operation performed on a mechanical power press. This requirement shall not apply when the point-of-operation opening is 1/4 inch or less.

(b) A guard shall be placed over the treadle of foot-operated presses.

(c) Pedal counterweights, if provided on foot-operated presses shall have the path of travel of the weight enclosed.

(d) Machines using full revolution clutches shall incorporate a single stroke mechanism except where automatically fed in continuous operation and where the points of operation are safeguarded by a fixed barrier guard.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.48)

New. #8796, eff 1-11-07

Lab 1403.36 Medical Services. In addition to the medical chest required in RSA 277:6, emergency telephone numbers for ambulance service, hospital, or physician shall be posted throughout the facility.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.49)

New. #8796, eff 1-11-07

Lab 1403.37 Mechanized Equipment.

(a) All construction equipment in use shall be checked at the beginning of each shift to assure that

all parts, equipment, and accessories that affect safe operation are in proper operating condition and free from defects. All defects shall be corrected before the vehicle is placed in service.

(b) No employer shall use any motor vehicle, earthmoving, or compacting equipment having an obstructed view to the rear unless:

(1) The vehicle has a reverse signal alarm distinguishable from the surrounding noise level; or

(2) The vehicle is backed up only when an appointed observer signals that it is safe to do so.

(c) Heavy machinery, equipment, or parts thereof which are suspended or held aloft shall be blocked to prevent falling or shifting before employees are permitted to work under or between them.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.50)

New. #8796, eff 1-11-07

Lab 1403.38 Noise Exposure.

(a) Protection against the effects of occupational noise exposure shall be provided when the sound levels exceed those shown in Table 3, Permissible Noise Exposures. Feasible engineering or administrative controls shall be utilized to keep exposure below the allowable limit.

(b) When engineering or administrative controls fail to reduce the noise level to within the levels of Table 3, personal protective equipment shall be provided and used to reduce the noise to an acceptable level.

(c) Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

TABLE 14.01 - PERMISSIBLE NOISE EXPOSURE

	Sound Level
	dBA Slow
Duration Per Day, Hours	Response
8	90
6	92
4	95
3	97
2	100
1-1/2	102
1	105
1/2	110
1/4 or less	115

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.51)

New. #8796, eff 1-11-07

Lab 1403. 39 Overheads and Gantry Hoists and Cranes.

(a) All functional operating mechanisms, air and hydraulic systems, chains, rope slings, hooks, and other lifting equipment shall be visually inspected before each use by the operator.

(b) Complete inspection of the crane shall be performed at one to 12 month intervals.

(c) The inspection shall include the following:

(1) Identifying deformed, cracked, corroded, worn, or loose members or parts; and

(2) Ensuring the good working order of the following:

a. brake system;

b. limit indicators;

c. power plant; and

d. electrical apparatus.

(d) Overhead cranes shall have stops at the limit of travel of the wheels.

(e) The rated load of the crane shall be plainly marked on each side of the crane.

(1) If the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and

(2) The marking shall be clearly legible from the ground or floor.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.21)

New. #8796, eff 1-11-07

Lab 1403.40 Personal Protective Equipment.

(a) The employer shall be responsible for assessing the hazards, and providing and requiring the use of appropriate personal protective equipment where indicated based upon that assessment.

(b) Where employees furnish their own personal protective equipment, the employer shall be responsible to assure its adequacy and to ensure that the equipment is properly maintained and in a sanitary condition.

(c) Employees working over or near water, where the danger of drowning exists, shall be provided with U.S. Coast Guard-approved life jackets or buoyant work vests.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.53)

New. #8796, eff 1-11-07

Lab 1403.41 Portable Abrasive Wheel Machinery.

(a) Abrasive wheels shall be used only on machines provided with safety guards.

(b) The following shall be exempt from the safety guard requirement in (a) above:

(1) Wheels used while within the work being ground; and

(2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.

(c) A safety guard shall cover the spindle end, nut and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel.

(d) Safety guards used on right angle head or vertical portable grinders shall have a maximum exposure angle of 180 degrees and the guard shall meet the minimum requirements:

(1) The above guard shall be so located so as to be between the operator and the wheel during use.

(2) Adjustment of the guard shall be such that pieces of an accidentally broken wheel shall be deflected away from the operator.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.54)

New. #8796, eff 1-11-07

Lab 1403.42 Portable Pneumatic Powered Tools.

(a) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being accidentally expelled.

(b) Hose and hose connections used for delivering compressed air shall be designed for the pressure and service to which they are used.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.55)

New. #8796, eff 1-11-07

Lab 1403.43 Powder-Actuated Tools.

(a) Only employees trained by the employer or equipment manufacturer shall be allowed to operate powder-actuated tools.

(b) All powder-actuated tools shall be tested by the employee before each use and all defects discovered before or during use shall be corrected.

(c) Tools shall not be loaded until immediately before use. A loaded tool shall not be left unattended.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.56)

New. #8796, eff 1-11-07

Lab 1403.44 Radiation.

(a) Employers shall provide controls to prevent any employee from being exposed to radiation, either ionizing or electromagnetic, in excess of acceptable limits as established by He-P 4001.

(b) Each radiation area shall be conspicuously posted with visible signs and/or barriers.

(c) Employers shall maintain records of the radiation exposure of all employees who are required to work in these areas.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.58)

New. #8796, eff 1-11-07

Lab 1403.45 Railings.

(a) A standard railing shall consist of top rail, intermediate rail and posts, and shall have a vertical height of 42 inches from upper surface of top rail to floor, or platform.

(b) A railing for open-sided floors, platforms, and runways shall have a toeboard which is a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials whenever persons can pass beneath the open side, or where there is equipment with which falling materials could cause a hazard.

(c) Railings shall be of such construction that the complete structure shall be capable of withstanding a load of at least 200 pounds in the vertical or horizontal direction.

(d) This section shall not apply to scaffolding and stairway railings.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.58)

New. #8796, eff 1-11-07

Lab 1403.46 Record Keeping.

(a) An annual log of all workplace injuries and illnesses, for which an employer's first report of injury is submitted to the department of labor, shall be kept at the place of employment and made available to a safety inspector upon request.

(b) Employers having existing records or logs of injuries and illnesses, required by other agencies, may provide them to meet this requirement.

(c) The log shall include, at a minimum, the following information:

(1) Date of injury;

(2) Name of employee;

(3) Occupation of employee;

(4) Description of the injury or illness;

(5) Whether lost time was involved; and

(6) The date employee returned to work.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.60)

New. #8796, eff 1-11-07

Lab 1403.47 Respiratory Protection.

(a) Respirators shall be selected by the employer on the basis of the hazard to which the worker is exposed and shall be provided by the employer as necessary to protect the health of the workers.

(b) Employees who are expected to use respirators shall be fit tested to ensure that an adequate face-to-facepiece seal can be maintained.

(c) Both the supervisors and the workers shall be instructed, by the employer, in the selection, use, and maintenance of respirators.

(d) Respirators shall be cleaned and disinfected, and shall be inspected during cleaning and deteriorated parts shall be replaced.

(e) Respirators for emergency use shall be inspected at least once a month and after each use.

(f) When not in use, respirators shall be stored in a clean and sanitary location.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.61)

New. #8796, eff 1-11-07

Lab 1403.48 Revolving Drums. Revolving drums, barrels, or containers shall be guarded by an interlocked enclosure that shall prevent the drum from revolving unless the guard enclosure is in place.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.62)

New. #8796, eff 1-11-07

Lab 1403.49 Rollover Protective Structures (ROPS). Except for sideboom pipelaying tractors and compactors, rollover, protective structures of substantial strength shall be used with the following types of materials handling equipment:

(1) All rubber-tired, self-propelled scrapers;

(2) Rubber-tired front-end loaders;

(3) Rubber-tired dozers;

(4) Wheel-type agricultural and industrial tractors;

(5) Crawler tractors;

(6) Crawler-type loaders;

(7) Motor graders, with or without attachments, that are used in construction work; and

(8) forklifts trucks and powered industrial trucks.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06 (formerly Lab 1403.63)

New. #8796, eff 1-11-07

Lab 1403.50 Safety Nets. Where nets are used, operations shall not be undertaken until the net system is installed by a person trained by the employer or equipment manufacturer and the system complies with all industry standards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.64)

New. #8796, eff 1-11-07

Lab 1403.51 Saws.

(a) Band Saws shall comply with the following requirements:

(1) All portions of band saw blades shall be enclosed or guarded except for the working portion of the blade between the bottom of the guide rolls and the table; and

(2) Band saw wheels shall be fully enclosed according to the following requirements:

a. The outside periphery of the enclosure shall be solid; and

b. The front and back shall be either, solid wire mesh or perforated metal.

(b) Portable Circular Saws shall comply with the following requirements:

(1) All portable power-driven circular saws having a blade diameter greater than 2 inches shall be equipped with guards above and below the base plate or shoe.

(2) The lower guards shall cover the saw to the depth of the teeth, except for the minimum area required to permit the base plate to be tilted for bevel cuts, and shall automatically return to the covering position when the blade is withdrawn from the work.

a. The above provision shall not apply to circular saws used in the meat industry for meat cutting purposes.

(c) Radial saws shall comply with the following requirements:

(1) Radial saws shall have an upper guard which completely encloses the upper half of the saw blade.

(2) The sides of the lower exposed portion of the blade shall be guarded by a device that shall automatically adjust to the thickness of the material and remain in contact with the material being cut.

(3) Radial saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted.

(4) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the table, or the position necessary to complete the cut in repetitive operations.

(5) Radial saws shall be installed so that the cutting head shall return to the starting position when released by the operator.

(d) Swing or Sliding Cut-Off shall comply with the following requirements:

(1) All swing or sliding cut-off saws shall be provided with a hood that shall completely enclose the upper half of the saw.

(2) Limit stops shall be provided to prevent swing or sliding type cut-off saws from extending beyond the front or back edges of the table.

(3) Each swing or sliding cut-off saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel.

(4) Inverted cut-off saws shall be provided with a hood that shall cover the part of the saw that protrudes above the top of the table or material being cut.

(e) Table Saws shall comply with the following requirements:

(1) Circular table saws shall have a hood over the portion of the saw above the table, so mounted that the hood shall automatically adjust itself to the thickness of and remain in contact with the material being cut.

(2) Circular table saws shall have a spreader aligned with the blade spaced no more than 1/2 inch behind the largest blade mounted in the saw. The provision of a spreader in connection with grooving, dadoing, or rabbeting shall not be required.

(3) Circular table saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted.

(4) Feed rolls and blades of self-feed circular saws shall be protected by a hood or guard to prevent the hand of the operator from coming in contact with the in-running rolls at any point.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.65)

New. #8796, eff 1-11-07

Lab 1403.52 Scaffolds. The following requirements shall apply to scaffolds:

(a) Scaffolds shall be erected on sound, rigid footing capable of carrying the maximum intended load without settling or displacement;

(b) All planking shall be scaffold grade or equivalent as recognized by approved grading rules for the specie of wood used; and

(c) The maximum permissible spans for 2 x 10 or wider planks are shown in Table 4, Planking Material Thickness.

Table Lab 14.02 – Planking Material Thickness

	Full Thickness Undressed Lumber			Nominal Thickness Lumber	
Working load (p.s.f.)	25	50	75	25	50
Permissible Span (ft.)	10	8	6	8	6

(d) The maximum permissible span for 1-1/4 x 9 inch or wider plank of full thickness is 4 feet, with medium loading of 50 p.s.f.;

(e) Scaffold planking shall be overlapped a minimum of 12 inches or secured from movement;

(f) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches;

(g) Defective parts of all scaffolding and accessories shall immediately be replaced or repaired; and

(h) An access ladder or equivalent safe access shall be provided.

(i) Mobile platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(j) All employees working on suspension scaffolds shall be protected by a safety life belt attached to a lifeline which shall comply with the following requirements:

(1) The lifeline shall be securely attached to substantial members of the structure, not the scaffold, or to securely rigged lines, which shall safely suspend the employee in case of a fall.

(2) In order to keep the lifeline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the lifeline shall be changed as the work progresses.

(k) Tubular welded frame scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally.

(1) The cross braces shall be of such length as shall automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid; and

(2) All brace connections shall be made secure.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.66)

New. #8796, eff 1-11-07 (from Lab 1403.56)

Lab 1403.53 Spray Finishing Operations.

(a) In conventional dry type spray booths, over-spray dry filters or filter rolls shall ensure an average air velocity over the face of the booth of not less than 100 linear feet per minute.

(b) Electrostatic spraying operations may be conducted with an air velocity of not less than 60 linear feet per minute, or more, depending on the volume of the finishing material being applied and its flammability and explosion characteristics.

(c) Visible gauges or an audible alarm or pressure-activated devices shall be installed to indicate or ensure that the required air velocity is maintained.

(d) Filter pads shall be inspected and clogged filter pads discarded and replaced. Filter rolls shall be inspected to ensure proper replacement of filter media.

(e) Spray booths shall be so installed that all portions are readily accessible for cleaning.

(f) A clear space of not less than 3 feet on all sides of a spray booth shall be kept free from storage or combustible construction.

(g) There shall be no open flame or spark producing equipment in any spraying area nor within 20 feet thereof, unless separated by a partition capable of stopping vapor travel.

(h) Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area shall be of explosion proof type.

(i) The quantity of flammable or combustible liquids kept in the vicinity of spraying operations shall be the minimum required for operations and shall not exceed a supply for one day or one shift.

(j) Whenever flammable or combustible liquids are transferred from one container to another, both containers shall be bonded and grounded to prevent discharge sparks of static electricity.

(k) All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of nonspark material.

(l) Residue scrapings and debris contaminated with residue shall be immediately removed from the premises.

(m) "No Smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.67)

New. #8796, eff 1-11-07 (from Lab 1403.57)

Lab 1403.54 Storage.

(a) All stored materials stacked in tiers shall be stacked, blocked, interlocked, and limited in height so that they are secure against sliding or collapse.

(b) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or pest harborage. Vegetation control shall be exercised when necessary.

(c) Where mechanical handling equipment is used, aisles that are not clearly defined, shall be marked with reflective paint or tape; sufficient safe clearance shall be allowed for aisles, at loading docks, through doorways, and whenever turns or passage is made.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.58)

New. #8796, eff 1-11-07 (from Lab 1403.58)

Lab 1403.55 Tanks with Open Surface.

(a) Where ventilation is used to control potential exposure to employees, it shall reduce the concentration of the air contaminant to the degree that a hazard to employees does not exist.

(b) Whenever there is a danger of toxic substances being splashed, the employees shall wear either tight-fitting chemical goggles or an effective face shield.

(c) Near each tank containing liquid which might be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch. At no time shall water pressure for eyewashes exceed 25 p.s.i. Alternatively, deluge showers and eye flushes shall be provided.

(d) All employees working in and around open-surface tank operations shall be trained by the employer as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.69)

New. #8796, eff 1-11-07 (from Lab 1403.59)

Lab 1403.56 Tire Cages. A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.70)

New. #8796, eff 1-11-07 (from Lab 1403.60)

Lab 1403.57 Toxic Substance.

(a) Engineering and administrative controls shall be implemented to protect workers from exposure to hazardous and toxic substances such as radioactive substances or other hazardous substances which are defined as a toxic substance.

(b) When engineering and administrative controls are not feasible to achieve acceptable levels, protective equipment shall be used to keep the exposure of employees below the established limits.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.71)

New. #8796, eff 1-11-07

Lab 1403.58 Traffic Control.

(a) Effective means for control of pedestrian and vehicular traffic shall be instituted on every job site where necessary.

(b) Traffic-control devices shall conform to the applicable federal and state regulations or to applicable sections of Federal Highway Administration Manual on Uniform Traffic Control Devices - 1988 with revisions.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.73)

New. #8796, eff 1-11-07 (from Lab 1403.61)

Lab 1403.59 Trash. All sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a menace to health and as often as necessary to maintain good sanitary conditions.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.74)

New. #8796, eff 1-11-07 (from Lab 1403.62)

Lab 1403.60 Tree Care Operations.

(a) Head protection shall be worn by workers engaged in tree operations. The head protection worn shall contain the manufacturer's certification that it complies with ANSI Z89.1-1981 with revisions. When working in proximity to electrical lines, the head protection worn shall contain the manufacturer's certification that it is a Class B hard hat which complies with ANSI Z89.1-1981 with revisions.

(b) Safetybelts, tree-trimming saddle belts, or a saddle formed by a double bowline on a bight shall be worn to protect workers above ground level.

(c) Saddle belts or safety belts used for climbing operations shall have forged support rings. Snaps used in climbing ropes or in safety straps, for attachment to the forged support ring, shall be of self-closing safety type. Forged support rings shall be designed so that the snaps will not become disengaged, or roll off accidentally.

(d) Climbing ropes shall be used when working aloft in trees. Manila ropes shall have minimum diameter of 1/2 inch (12 mm) and shall be 3 or 4 strand first-grade manila, with a rated breaking strength of 2385 pounds or equivalent strength and durability. Synthetic rope shall have a maximum elasticity of not more than 7 percent.

(e) Climbing ropes shall not be used to lower limbs or other parts of trees, or to raise or lower equipment.

(f) The employer shall provide, and the employee shall use, chaps specifically designed to foul a moving chain whenever chain saws are used.

(g) All employees shall be instructed in the hazards associated with working in close proximity to overhead power lines.

(h) It shall be the responsibility of a competent person to determine whether tree care operations can be safely performed near energized power lines.

(i) Rescue procedures for employees working above ground shall be established by the employer, and the employees trained accordingly.

(j) Brush chipper access panels for maintenance and adjustment shall be closed and secured prior to operation of brush chippers.

(k) Each rotary drum tree or brush chipper or disk-type tree or brush chipper not equipped with a mechanical in-feed system shall be equipped with an in-feed hopper not less than 85 inches (2.15 m), measured from the blades or knives to ground level over the centerline of the hopper, and shall have sufficient height on its side members so as to prevent personnel from contacting the blades or knives of the machine during normal operations.

(l) Each disk-type tree or brush chipper equipped with a mechanical in-feed system shall have a quick stop and reversing device on the in-feed. The activating lever for the quick stop and reversing device shall be located across the top, along each side of, and as close to the feed end of the in-feed hopper as practicable and within easy reach of the operator.

(m) Equipment on which workers stand and spray while the vehicle is in motion shall be equipped with guardrails around the working area.

(n) When using portable powered brush cutting saws no one except the operator shall be within 10 feet (3 m) of the cutting head of the brush saw.

(o) The power unit shall be equipped with a quick shutoff switch readily accessible to the operator.

(p) When operating chain saws the manufacturer's operating and safety instructions shall be followed.

(q) Chain saw used by employees shall be equipped with a properly adjusted inertia chain brake designed to stop the chain rotation in the event of a saw kickback.

(r) Chain saws weighing more than 15 pounds (6.8 kg) that are used in trees shall be supported by a separate line, except when used from an aerial-lift device.

(s) The engine shall be stopped when power saws are being carried. The saw need not be stopped between cuts during consecutive felling, bucking, or climbing or cutting operations on reasonably level ground. The chain shall not be turning and the operator's hand shall be off the throttle lever while operators move between work locations. One-man saws shall be carried by the worker on his/her side with the guide bar of the saw pointed to the rear. A two-man saw shall be carried by 2 workers.

(t) The engine shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor where practical, except where manufacturer's procedures require otherwise.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.75)

New. #8796, eff 1-11-07 (from Lab 1403.63)

Lab 1403.61 Wall Openings. Wall openings, from which there is a drop of more than 6 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06 (formerly Lab 1403.77)

New. #8796, eff 1-11-07 (from Lab 1403.64)

Lab 1403.62 Washing Facilities.

(a) Washing facilities shall be provided in every place of employment except for mobile crews or normally unattended work locations where employees have ready access to nearby sanitary facilities, maintained in a sanitary condition.

(b) A cleaning agent and either individual hand towels, sections of cloth or paper, warm air blowers, or clean individual sections of continuous cloth toweling shall be provided at washing facilities.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRES: 10-09-06 (formerly Lab 1403.78)

New. #8796, eff 1-11-07 (from Lab 1403.65)

Lab 1403.63 Welding and Cutting.

(a) Welding equipment shall be chosen for safe application to the work and shall be installed properly. Employees designated to operate welding equipment shall be properly instructed and qualified by the employer or equipment manufacturer to operate it.

(b) Mechanical ventilation shall be provided when welding or cutting in an area with less than 10,000 cubic feet per welder, or where the overhead height is less than 16 feet.

(c) Proper shielding and eye protection to prevent exposure of personnel from welding hazards shall be provided.

(d) When welding in a fixed location the welder shall be enclosed with a booth, or non-combustible screening, with a finish of low reflectivity with respect to visible and ultraviolet radiation.

(e) Proper precautions for fire protection such as isolating welding and cutting, removing fire hazards from vicinity, and providing a fire watch shall be taken in areas where welding or cutting is being done.

(f) When welding operations requiring fluxes, coverings, coatings, or alloys, or involving fluorine compounds, zinc, lead, beryllium, cadmium or mercury produce specific health hazards, a competent person shall evaluate potential exposure and ensure necessary protective measures, such as ventilation and personal protective equipment, are used.

(g) Welding and cutting operations shall be shielded by noncombustible or flameproof shields to protect employees from direct arc rays.

(h) Arc welding and cutting operations shall be shielded by non-combustible or flameproof shields to protect employees from direct arc rays.

(i) When electrode holders are left unattended, the electrodes shall be removed and the holder shall be placed or protected so that they cannot make electrical contact with employees or conducting objects.

(j) All arc welding and cutting cables shall be completely insulated and be capable of handling the maximum current requirements for the job. There shall be no repairs or splices within 10 feet of the electrode holder, except where splices are insulated equal to the insulation of the cable. Defective cable shall be repaired or replaced.

(k) Fuel gas and oxygen hose shall be easily distinguishable and shall not be interchangeable. Hoses shall be inspected at the beginning of each shift and shall be repaired or replaced if defective.

(l) Oxygen and fuel gas regulators shall be in proper working order when in use.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.79)

New. #8796, eff 1-11-07 (formerly Lab 1403.66)

Lab 1403.64 Welding in Confined Spaces.

(a) In addition to the requirements in Lab 1403.14 all welding and cutting operations carried on in confined spaces shall be ventilated to prevent the accumulation of toxic substances or possible oxygen deficiency.

(b) In such operations where it is impossible to provide such ventilation, air supplied respirators or hose masks, which are labeled to indicate they are approved by (MSHA) Mine Safety and Health Administration for this purpose, shall be used.

(c) In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be labeled to indicate it is approved by (MSHA) Mine Safety and Health Administration.

(d) Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment, a worker shall be stationed on the outside of such confined spaces to ensure the safety of those working within.

(e) Oxygen shall never be used for ventilation.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.80)

New. #8796, eff 1-11-07 (formerly Lab 1403.67)

Lab 1403.65 Wire Ropes, Chains, and Rigging Equipment.

(a) Wire ropes, chains, ropes, and other rigging equipment shall be inspected prior to use and as necessary during use to assure their safety. Defective gear shall be removed from service.

(b) Job or shop hooks and links, or makeshift fasteners, formed from bolts and rods, or other such attachments, shall not be used.

(c) When U-bolts are used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.

(d) When U-bolt wire rope clips are used to form eyes, Table 5, Number and spacing of U-Bolt Wire Rope Clips, shall be used to determine the number and spacing of clips:

Table Lab 14.03 – Number and Spacing of U-Bolt Wire Rope Clips
Number of Clips

Improved Plow Steel Rope Diameter Inches	Drop Forged	Other Material	Minimum Spacing (inches)
½	3	4	3
5/8	3	4	3-3/4
¾	4	5	4-1/2
7/8	4	5	4-1/2
1	5	6	6
1-1/8	6	6	6
1-1/4	6	7	7-1/2
1-3/8	7	7	8-1/4
1-1/2	7	8	9

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.81)

New. #8796, eff 1-11-07 (formerly Lab 1403.68)

Lab 1403.66 Woodworking Machinery.

(a) All woodworking machinery such as table saws, swing saws, radial saws, band saws, jointers, tenoning machines, boring and mortising machines, shapers, planers, lathes sanders, veneer cutters, shall be effectively guarded to protect the operator and other employees from hazards inherent to their operation.

(b) A power control device shall be provided on each machine to make it possible for the operator to cut off the power to the machine without leaving his or her position at the point of operation.

(c) Power controls and operating controls shall be located within easy reach of the operator while he or she is at his or her regular work location, making it unnecessary to reach over the cutter to make adjustments. This shall not apply to constant pressure controls used only for setup purposes.

(d) Each operating treadle shall be protected against unexpected or accidental tripping.

(e) Disconnect switches shall be capable of being locked or tagged in the off position.

(f) On applications where injury to the operator might result if motors were to restart after a power failure, provision shall be made to prevent machines from automatically restarting upon restoration of power.

Source. #4118 eff 8-22-86, EXPIRED: 8-22-92

New. #6684, eff 2-4-98, EXPIRED: 2-4-06

New. #8606, INTERIM, eff 4-12-06, EXPIRED: 10-09-06 (formerly Lab 1403.82)

New. #8796, eff 1-11-07 (formerly Lab 1403.69)

APPENDIX

Rule	**Statute**
Lab 1401.01 & 1401.02	RSA 281-A: 64, RSA 273:9, RSA 277:15
Lab 1401.03 to Lab 1403.35	RSA 281-A:64
Lab 1402.01 to 1402.03	RSA 281-A: 64, RSA 273:9, RSA 277:15
Lab 1403.01 to Lab 1403.27	RSA 281-A: 64, RSA 273:9, RSA 277:15
Lab 1403.28	RSA 281-A: 64, RSA 273:9, RSA 277:10; RSA 277:15
Lab 1403.29 to Lab 1403.35	RSA 281-A: 64, RSA 273:9, RSA 277:15
Lab 1403.36	RSA281-A: 64, RSA 277:6, RSA 273:9; RSA 277:15
Lab 1403.37 to Lab 1403.51	RSA 281-A: 64, RSA 273:9, RSA 277:15
Lab 1403.52	RSA 281-A: 64, RSA 277:2, RSA 277:3 & RSA 277:4, RSA 277:15
Lab 1403.53 to Lab 1403.61	RSA 281-A: 64, RSA 273:9, RSA 277:15
Lab 1403.62	RSA 281-A: 64, RSA 277:10, RSA 273:9, RSA 277:15
Lab 1403.63 to Lab 1403.66	RSA 281-A: 64, RSA 273:9, RSA 277:15

CHAPTER Lab 600 SAFETY PROGRAMS AND JOINT LOSS MANAGEMENT COMMITTEES

REVISION NOTE:

Document #5909, effective 10-13-94, made extensive changes to the wording, format, structure, and numbering of rules in Chapter Lab 600. Document #5909 supersedes all prior filings for the sections in this chapter. The prior filings for former Chapter Lab 600 include the following documents:

Source. #5372, eff 4-14-92

PART Lab 601 DEFINITIONS

Lab 601.01 "Employer representative" as used in RSA 281-A: 64 III means any individual who serves as the management member of the joint loss management committee and who has the authority delegated by the employer to use his/her judgment in the interest of the employer to take the following actions:

(a) Hire;

(b) Transfer;

(c) Suspend;

(d) Lay off;

(e) Recall;

(f) Promote;

(g) Discharge;

(h) Assign;

(i) Reward;

(j) Discipline;

(k) Direct them; or

(l) Adjust grievances or effectively to recommend such actions.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06

PART Lab 602 SAFETY PROGRAMS

Lab 602.01 Program Requirements. As set forth in RSA 281-A: 64, II, the written safety program shall include the following:

(a) The components required by Lab 603.03(g);

(b) The process of warnings, job suspension, and job termination for violations of the safety rules and regulations set forth in the program;

(c) Provision(s) for the commitment of adequate resources solely for safety;

(d) Provision(s) for medical services, emergency response, first aid, and accident reporting and investigation; and

(e) Provision(s) for review of the current written safety program by all employees.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06

Lab 602.02 Filing Procedures. To carry out the intent of RSA 281-A: 64, II, a summary of the above written safety program shall be filed with the commissioner of labor on a biennial basis by January 1st by submitting Safety Summary Form No WCSSF pursuant to Lab 515.16.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94; ss by # #6735, eff 4-23-98; ss by #8592, eff 3-24-06

PART Lab 603 JOINT LOSS MANAGEMENT COMMITTEES

Lab 603.01 Purpose. To carry out the purpose of RSA 281-A: 64, a joint loss management committee is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A joint loss management committee assists the employer and makes recommendations for change.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06

Lab 603.02 Establishment of Joint Loss Management Committee.

(a) Pursuant to RSA281-A: 64, III, all employers of 5 or more employees shall establish a working joint loss management committee composed of equal numbers of employer and employee representatives as follows:

(1) The size of the joint loss management committee shall be determined as follows:

a. Employers with 20 or fewer employees shall have a minimum of 2 members; and

b. Employers with more than 20 employees shall have a minimum of 4 members;

(2) Employee representatives shall be selected by employees;

(3) Where the employees are represented by a single, exclusive bargaining representative, the bargaining representative shall designate the members;

(4) Where the employees are represented by more than one labor organization or where some but not all of the employees are represented by a labor organization, each bargaining unit of represented employees and any residual group of employees not represented shall have a proportionate number of committee members based on the number of employees in each bargaining unit or group; and

(5) Committee members shall be representative of the major work activities of the employer

(b) An employer's auxiliary, mobile or satellite location, may be combined into a single, centralized joint loss management committee when an employer owned/leased facility is physically and/or geographically separated from the employer's primary facility such as would be found in construction operations, trucking, branch or field offices, sales operations or highly mobile activities, which shall represent the safety and health concerns of all locations.

(c) A joint loss management committee shall be located at each of the employer's primary places of employment at a major economic unit at a single geographic location comprised of a building or group of buildings and all surrounding facilities. The location shall have both employer and employee representatives present, control of a portion of a budget, and the ability to take action on the majority of the recommendations made by the joint loss management committee.

(d) Committee members shall be trained in workplace hazard identification and accident/incident investigation adequate to carry out the committee's responsibilities.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06

Lab 603.03 Duties and Responsibilities of Joint Loss Management Committee. To carry out the intent of RSA 281-A: 64, the joint loss management committee shall:

(a) Meet at least quarterly to carry out their duties and responsibilities.

(b) Keep minutes of meetings which shall be made available for review of all employees;

(c) Elect a chairperson, alternating between employee and employer representatives;

(d) Develop and disseminate to all employees a committee policy statement;

(e) Maintain current and disseminate to all employees the clearly established goals and objectives of the committee;

(f) Review workplace accident and injury data to help establish the committee's goals and objectives;

(g) Establish specific safety programs which include, but are not be limited to, the following:

(1) Designation, by name and title, of a person who shall be knowledgeable of site specific safety requirements and be accountable for their implementation and adherence;

(2) Provisions for health and safety inspections at least annually for hazard identification purposes;

(3) Performance of audits at least annually regarding the inspection findings; and

(4) Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;

(h) Assist with the identification of necessary safety and health training for employees; and

(i) Assist with the identification and definition of temporary, alternate tasks.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06

Lab 603.04 Duties and Responsibilities of the Employer. To carry out the intent of RSA 281-A: 64, the employer shall:

(a) Respond in writing to recommendations made by the committee, or make a verbal response that is recorded in the committee's official minutes,

(b) Pay any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, at his/her regular rate of pay for all time spent on such activities; and

(c) Provide for the required and necessary safety and health training for employees, at no cost and without any loss of pay so they can perform their work in a safe and healthy manner and environment.

Source. (See Revision Note at chapter heading for Lab 600) #5909, eff 10-13-94, EXPIRED: 10-13-00

New. #8592, eff 3-24-06

APPENDIX

RULE	STATUTE
Lab 601	RSA 281-A: 64
Lab 602	RSA 281-A: 64
Lab 603	RSA 281-A: 64

Lab 504.04 Development of Temporary Alternative Work.

(a) All employers with 5 or more full time employees shall provide temporary alternative work programs to bring injured employees back to work.

(b) Temporary alternative work shall be limited and transitional in nature. For the purpose of this provision, transitional means the duty elements are variable as the employee's work capacity increases.

(c) The employer shall advise employees that there is a written alternative work program in place and advise employees of the established procedures to obtain alternative work in the event of an on-the-job injury.

(d) The employer shall develop an outline of each position that details present requirements and essential functions of each job within the organization at the time of injury if lost time or restrictions are involved.

(e) The employer shall review each position outline in conjunction with its joint loss management committees as described in Lab 603. This review shall begin with those positions which experience most workplace injuries. Together they shall develop and describe a policy or process that facilitates return to work.

(f) The employer shall provide the treating physician with the appropriate outline of the present position with an essential task analysis as soon as possible after the injury occurs if lost time or restrictions are involved. The employer and employee shall have a joint responsibility to obtain needed medical information that will enable the employee to gradually increase their duties to bring the employee back to their original position.

(g) The employer shall offer a position as approved by the treating physician and the employee shall demonstrate a reasonable effort to comply.

Source. #5913, eff 10-18-94; ss by #6631, INTERIM, eff 11-16-97, EXPIRED: 3-16-98

New. #6806, eff 7-18-98); ss by #8682, INTERIM, eff 7-15-06, EXPIRED: 1-11-07

New. #9019, eff 11-1-07

Lab 504.05 Reinstatement of Employee Sustaining Compensable Injuries.

(a) An employer of 5 or more full time employees shall reinstate an employee with a compensable injury to their former position within 18 months if that position is available, as follows:

(1) If the date of injury is unclear then the 18 months shall be determined from the date of first medical treatment; or

(2) In the event of a recurrence of symptoms which result in temporary restrictions, the employer shall be obligated only to provide temporary alternative work within the 18 months from the date of injury or date of first medical treatment.

(b) An employer shall not be obligated to provide the former position to:

(1) An injured employee of a construction contractor if the project is completed, unless another project is ongoing;

(2) A seasonal or temporary employee. A temporary employee shall not include an employee of a temporary agency;

(3) A part time employee as defined by the employer's personnel policy;

(4) An employee whose department is targeted for a reduction in force or lay-off in a formal company plan;

(5) An employee who has been given permanent restrictions by his/her treating physician and not released to return to work at his/her former position; or

(6) An employee unable to return to work within 18 months from the date of injury.

Source. #5892, eff 9-2-94; ss by #6631, INTERIM, eff 11-16-97, EXPIRED: 3-16-98

New. #6806, eff 7-18-98); ss by #8682, INTERIM, eff 7-15-06, EXPIRED: 1-11-07

New. #9019, eff 11-1-07

Lab 515.11 Workers' Compensation Initial Medical Report.

(a) The health care provider on form 75WCA shall supply the following information:

(1) The employee's name, and date of birth;

(2) The employee's address, date of injury and the date the employee last worked;

(3) The employee's phone number and job title;

(4) The employer's business name, current mailing address, and business telephone number;

(5) The treating physician's business name, address, telephone number, and federal identification number;

(6) Physician's interpretation of the employee's statement of cause of injury and complaints, and current diagnosis, and the appropriate box checked whether or not the employee has been released back to work;

(7) The date the employee has been released back to work and the appropriate box checked with regard to restrictions. Should there be any restrictions, an explanation shall be provided;

(8) An estimate as to the length of further treatment shall be provided in number of months and/or weeks, and the appropriate box shall be checked as to the probability of permanent impairment; and

(9) Date and signature of treating physician.

Source. #5235, eff 9-27-91; ss by #5893, eff 9-2-94; ss by #6631, INTERIM, eff 11-16-97, EXPIRED: 3-16-98

New. #6806, eff 7-18-98; ss by #8682, INTERIM, eff 7-15-06, EXPIRED: 1-11-07

New. #9019, eff 11-1-07

Lab 515.16 Safety Summary Form.

(a) The employer shall complete form WCSSF by providing the following:

(1) The year to which the summary applies;

(2) The business name of the company;

(3) A current company mailing address - specifying the corporate address if filing for more than one NH division;

(4) The name of the person responsible for filling out this form in the space designated for "contact person";

(5) A business phone number where the contact person can be reached;

(6) The number of full time employees;

(7) The Standard Industrial Code (SIC) assigned to the employer as obtained through the local chamber of commerce or through the department of labor;

(8) In item #1 cite the significant health and safety hazards present in the company's work environment in;

(9) In item #2, the name(s) of those individuals responsible for inspections within the company, and how often the inspections take place;

(10) In item #3, the name of the members of the joint loss management committee by name and job title, indicating the chairperson and which members represent employees and which members represent the employer;

(11) In item #4, the company's emergency response procedures;

(12) In item #5, the name of the person(s) and their job title responsible for health and safety instruction for employees in the company;

(13) In item #6, the person(s) by name and job title qualified to take corrective actions on safety and health hazards for the company;

(14) In item #7, the procedures that will be followed to assure compliance with safety and health standards by subcontractors;

(15) In item #8, a summary of the disciplinary policy with regard to violations of the safety and health policies in the company;

(16) In item #9, a summary of the company's policy for providing adequate resources for safety;

(17) In item #10, explanation of how employees are provided access to the safety and health policies of the company; and

(18) A signature of the person completing the form along with the date the form is to be mailed.

Source. #5235, eff 9-27-91; amd by #5909, eff 10-13-94; ss by #6631, INTERIM, eff 11-16-97, EXPIRED: 3-16-98

New. #6806, eff 7-18-98; ss by #8682, INTERIM, eff 7-15-06, EXPIRED: 1-11-07

New. #9019, eff 11-1-07

APPENDIX

RULE	STATUTE
Lab 601	RSA 281-A: 64
Lab 602	RSA 281-A: 64
Lab 603	RSA 281-A: 64