

TOWN OF GILFORD

PERSONNEL POLICIES

EFFECTIVE January 1, 2023



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 or waived 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 has a zero tolerance policy for unexcused absences except in the case of medical incapacitation or unforeseen emergencies. In addition, 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, the regular use of sick leave whenever a day is earned or a consistent pattern of absence, (particularly on Mondays and Fridays), will be considered excessive. Any employee who fails to report to work without a valid excuse (as determined solely by the Town) and fails to call-in on two separate occasions shall be deemed to have resigned their position, in which case they shall be promptly processed for discharge as a Town employee. Also, repeated tardiness and/or the frequent need to utilize sick leave to leave work early 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 prorated 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 than 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.7 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.8 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.9 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 than 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.
- B. 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.

- C. 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)
- D. 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.
- E. 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.
- F. Lump sum payments shall be considered income for tax purposes but not for base wage, retirement or overtime pay calculations.
- G. 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.
- H. 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.
- I. 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 sixteen (16) hours of compensatory time. [NOTE: employees who have more than 16 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 or floating holiday or personal day) 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.

- C. 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.)
- D. 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.)
- E. 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.
- F. 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.
- G. 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.
- H. The use of compensatory time shall not be considered hours worked for the purposes of calculating overtime pay eligibility.

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 16 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. [NOTE: employees who have more than 16 hours of flex 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 flex time.] 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. Flex time shall be paid before any other types of leave payments, (except for bereavement pay or floating holiday or personal day) unless otherwise approved by the Town Administrator under extenuating circumstances.
- D. 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.
- E. 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.
- F. 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	(3 rd Monday in February)
Memorial Day	(Last Monday in May)
Independence Day	(July 4)
Labor Day	(1st Monday in September)
Columbus Day	(2 nd Monday in October)
Veterans' Day	(November 11)
Thanksgiving Day	(4 th Thursday in November)
Day After Thanksgiving	(4 th 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.)

C. 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).

D. 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.]

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

- I. Year-end, lump sum payments for holiday pay shall not 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 with the ability to enroll in either a Health Maintenance Organization (HMO) or Site-of-Service (SOS) 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. The Town will pay for ninety percent (90%) of the premiums; however, the Town's contribution rates are subject to change. Regular part-time employees are eligible to purchase the Town's HMO or SOS health insurance plan 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. The Town will strive to provide at least a thirty (30) day written notification to employees in the event that any major changes are made to the health plans to coincide with the open enrollment period, otherwise the notification shall be sixty (60) days whenever possible.
- B. 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. Reimbursements shall only be paid in the same calendar year for which the receipt is dated. These payments shall not apply to any purchases that are otherwise eligible for reimbursement pursuant to Section XII.9.C of these Personnel Policies.
- C. Health Insurance Opt-Out Plan. If a regular full-time employee has health insurance coverage that is not provided or 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 two or more family members working for the Town are eligible for insurance coverage under the same policy, the Town shall only provide one policy per family and the other family member shall not be eligible for an opt-out payment.) 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,

provided that such coverage is not retroactively applied at Town expense. 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.

- D. 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.
- E. 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.)
- F. 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.)

- G. 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.
- H. 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.
- I. 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.
- J. 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.
- K. 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 calendar year. (The mandatory one week of leave may consist of any combination of comp/flex, floating holiday, vacation or personal day, but not sick leave or bereavement pay.) 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:

<u>Years of Continuous Service</u>	<u>Vacation Time Earned Per Week</u>
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. Probationary employees shall be eligible to utilize vacation leave in the same manner as regular employees.
- 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 forty (40) consecutive hours of leave pay, (not including sick, FMLA or bereavement) in a calendar year 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 regularly work 24 hour shifts shall be pro-rated based upon 1 day being equal to 8.4 hours.
- K. Notwithstanding the provisions of Sections VII.7.B1 and B2, vacation pay shall be considered hours worked for the purposes of calculating overtime pay eligibility for hourly paid employees who might otherwise be eligible, provided, however; 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. Sick leave shall be defined as an absence from work due to an employee's incapacitation as a result of an illness, injury, medical quarantine, or disability attributable to a medical condition. 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 if they are requesting sick leave because they are unable to work due to a medical condition 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 require an employee to provide a doctor's note or 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 also be used sparingly for doctor appointments, but most appointments should be made during non-work hours whenever possible. 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 and a Department Manager may require a doctor's note as a condition of authorization to use sick leave under these circumstances. [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. Probationary employees shall be eligible to utilize sick leave in the same manner as regular employees.
- 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.

- M. Sick leave pay is to be used to ensure an employee is paid their regular base wages/salary for a normal work week as otherwise applicable based upon the work schedule in effect at the time the sick leave is taken.
- N. Employees who have provided a notice of a pending resignation or retirement shall not be allowed to use sick leave during the last 2 weeks of employment without a doctor's note.
- O. Employees whose medical care does not require a full day off from work shall be expected to report to work as scheduled and return to work as soon as possible.

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.
- B. 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.
- C. 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).

- D. 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.)
- E. 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.
- F. 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 no paid leave available and is not eligible for FMLA, the Department Manager may, at his/her sole discretion, grant up to forty-eight (48) work hours of unpaid leave within any twelve (12) month period upon written request due to an emergency or extenuating circumstances. Requests for more than forty-eight (48) hours of unpaid leave must be submitted to the Board of Selectmen; however, such leave shall normally be capped at sixty (60) days, unless the Selectmen grant an extension in the event of extreme conditions when doing so is in the Town's best interests. Any employee requesting an unpaid 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 paid leave, FMLA and/or unpaid leave, and are unable to return to work shall be considered to have involuntarily resigned from their position, regardless of whether or not they are receiving any type of disability insurance.

VIII.9 Personal Days

- A. 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.
- B. Personal Days for Firefighters who work twenty-four (24) hour shifts shall be twelve (12) hours per calendar year.

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. Whenever 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 as soon as possible in accordance with the rules of the provider, 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.
- F. Bereavement leave pay is to be used to ensure an employee is paid for a normal work week as otherwise applicable based upon the work schedule in effect at the time the bereavement leave is taken.

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 two thousand dollars (\$2,000.00) 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.
- G. It shall be the policy of the Town to enable senior management personnel to attend one out-of-state national conference at Town expense every other year, subject to the availability of budgeted funds and authorization of the Selectmen as set forth in Section XII.3. The Selectmen may waive this limitation for extraordinary circumstances on a case-by-case basis.

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

- E. There shall be no benefits provided to contractors or subcontractors.
- F. Whenever non-union, regular, full-time employees are working alongside employees whose positions are covered by a collective bargaining unit, the non-union employee(s) shall be eligible for compensation in the same manner as required by the applicable collective bargaining agreement. (Example: when union employees are required to be paid at a rate of double time for working on certain holidays, non-union employees shall also be paid at the rate of double time.) This policy shall not apply in situations where the non-union employees are already eligible for equal or better compensation under the Town's Personnel Policies. In addition, this policy is not intended to apply to eligibility for end-of-year holiday pay (as set forth in the Police/Teamsters collective bargaining agreement) or payment at an overtime rate after working eight (8) hours (as set forth in the DPW/AFSCME collective bargaining agreement).

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, (including firearms), while on Town property except when required in the exercise of the employee's job responsibilities or for some other valid reason upon written authorization of the Board of Selectmen in consultation with the Department Manager, in which case the Police Chief shall also be notified. (For the purposes of this safety rule, the term "weapons" shall not apply to hand tools or pocket knives when used appropriately.)
- C. 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.
- D. 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.
- E. 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.
- F. 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, shall be required to immediately submit to drug and alcohol testing by a certified professional chosen by the Town using a standard of reasonable suspicion as may be determined by the employee's immediate supervisor. Failure to comply or cooperate with this policy shall result in the employee being subject to discharge. An employee who is found to be intoxicated or impaired due to drugs or alcohol while driving a Town vehicle shall be subject to discharge.
- 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 are required to notify their Supervisor or Department

Manager and provide a doctor's note on their ability to safely operate machinery, equipment and/or a motor vehicle so that the Town may decide to what extent an employee is fit for duty and able to perform the essential functions of their job.

- 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, (based on a standard of reasonable suspicion), whether it is appropriate to require the employee to go for a fitness for duty examination. (See also Section XI.7.C)
- 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 of wages/salary or reimbursements for out-of-state travel unless such travel has been previously authorized in advance by the Board of Selectmen.
- 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. The downloading and/or use of TikTok on Town computers and the Town network is prohibited under all circumstances. (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. Reimbursements shall only be paid in the same calendar year for which the receipt is dated.
- 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.
- Irregular employees are not eligible to get paid for time-off due to weather-related closings.

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

- 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.
- There shall be no smoking in any Town vehicles.
- Except as noted above, the only time smoking shall be allowed during the workday is when an employee is taking an authorized break.
- 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

- 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 Policies as set forth in the Administrative Code and any additional policies or guidelines that may be applicable. Failure to comply with such policies and guidelines may be cause for disciplinary action and/or a revocation of purchasing privileges.

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 cohabit 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 act in an official capacity to 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: _____