

# TOWN OF BRADLEY PERSONNEL POLICY

## ARTICLE I – PREAMBLE

- A. The Town Council hereby adopts the following Personnel Policy for utilization of the Town Manager of the Town of Bradley in the administration by the Town Manager of the personal activities of the Employees of the Town of Bradley on this 12 day of July 2005. These rules and subsequent modifications shall supersede any policy and rules made previously by the Town of Bradley.
- B. The town may delete, amend, modify or change any or all of the provisions contained in this policy, with 30 days notice. The provisions set forth are not contractual, but rather, are for the general guidance of the Town in its relationship with it employees.
- C. The general purpose of this policy is to recruit, select, develop, and maintain an effective, and respective workforce.
- D. The Town of Bradley is an equal opportunity employer and all appointments and promotion shall be made without regard to race, sex, color, creed, religion, age, marital status, veteran status or political affiliation. A copy of this personnel policy shall be available to all employees of the town.
- E. This policy and the procedures herein shall apply to all town employees including those covered by collective bargaining agreements, unless otherwise provided in such agreements, specified under a separate contract or except for individual cases where differing procedure is provided for in town ordinances or town charter.

## ARTICLE II – EMPLOYMENT

- A. The employment of all personnel shall be the primary responsibility of the Town Manager in accordance with the Bradley Personnel Policy and Bradley Town Charter.
- B. All applicants must submit a written application (resume) for employment
- C. All employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause without right to file a grievance.
- D. Former employees who left with good records shall be considered as new applicants having forfeited all seniority rights by their termination.
- E. Applications must submit to various employment tests, if required.
- F. The Town Council desires that the town employee be paid on a basis that is commensurate with salaries and wages for comparable work in town and the surrounding area and other similar occupations in order that it will help retain and attract well qualified employees.
- G. New employee orientation- each new employee will be given an orientation to the town. Such orientations may include: 1.) a review of this personnel policy 2.) A review of the employee's job description 3.) A copy of the collective bargaining agreement, if applicable 4.) Review of benefits and the submission of completed application forms 5.) A review of all required training.
- H. Nothing contained in the policy shall constitute an employment contract either for duration of employment or conditions of employment therein contained.

## **ARTICLE III – TYPES OF APPOINTMENTS**

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

- A. **Full Time.** A full time employee works full time (a minimum of thirty-five hours per week) and on a continuing basis. He/she is subject to all personnel rules and regulations and receives all benefits and rights as provided by these rules.
- B. **Regular Part - Time.** An employee in this classification works less than the normal workweek, but on a continuing basis. A regular part time employee is an employee that is regularly scheduled for less than thirty-five (35) hours per week but more than twenty (20) hours per week. Regularly scheduled means that the employee has been consistently scheduled for a regular set schedule of hours and days of the week in which the employee works. Regular Part – time employees are subject to all applicable personnel rules and regulations. Vacation, sick leave and holiday shall be in proportion to the hours worked. For example, if an employee works three eight hour days a week they would be entitled to the equivalent of three eight hour days a week worth of benefits. This classification shall only be assigned at the discretion of the Town Manager subject to the approval of the Town Council. Additional benefits may be granted by the Town Manager subject to the written approval of a majority of the Town Council.
- C. **Temporary Employees.** Temporary employees work on a non-permanent basis, usually within a limited time frame, but not necessarily. A temporary employee has no set schedule or number of hours they are required to work each week. They are not entitled to benefits such as retirement, healthy insurance, holiday pay, accrual of sick leave and vacation time, or seniority, and may be terminated for any reason at any time.
- D. **Intermittent/On-call intermittent-** An Intermittent employee is an employee appointed or hired to a position which calls for non-scheduled regular hours of employment. On-call intermittent employee is an employee appointed to or hired for a position which may be regularly or irregularly scheduled but calls for intermittent work as needed and is compensated only on a per call basis. Intermittent and on-call intermittent are not entitled to benefits such as retirement, healthy insurance, holiday pay, accrual sick leave and vacation time, or seniority, and may be terminated for any reason at any time.

## **ARTICLE IV – PUBLIC AND EMPLOYEE RELATIONS**

- A. Town employees must avoid any action, which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.
- B. Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy and responsibility are the key elements of good service.
- C. These policies and regulations are provided to assist the employees and Town administration in functioning at peak efficiency with minimal cost to the taxpayers.
- D. **Receipt of gifts.** A town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employees performance or nonperformance of his/her official duties.  
Acceptance of normal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

## **ARTICLE IV – PUBLIC AND EMPLOYEE RELATIONS-continued**

### **E. Business Activities and Solicitations.**

No employee should engage in any business other than his/her regular duties during work hours.

### **F. Confidentiality.**

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under this “right to know” law, 1 MRSA Sections 401-410.

## **ARTICLE V – WORK WEEK/OVERTIME**

A. Work week. The regular worksheet shall consist of five workdays and for payroll purposes begins on Wednesday and ends on Tuesday at midnight. The actual hours for Town employees shall be set by the Town Manager subject to the approval of a majority of the Town Council.

B. Overtime. Employees not exempt from the Fair Labor Standards Act shall receive over time pay after forty hours of actual work per week. All overtime shall be paid at the rate of one and one-half the employee’s normal rate of pay. At the discretion of the Town Council, overtime may be compensated with compensatory time for hours worked beyond forty hours in a workweek. Such compensatory time shall be granted on a time and one-half basis for hours worked beyond forty hours in a workweek.

## **ARTICLE VI – ATTENDANCE**

Employees shall be at their respective place of work at the appointed starting time. It is the responsibility of the employee who may be absent from work to see that their immediate supervisor is advised of the reason for such absence, not previously arranged for, if possible, within two (2) hours of the beginning of the starting time of his/her work day. All departments, divisions, or sections, thereof shall post the hours of work for their groups in a conspicuous place. All departments shall keep attendance records and furnish to the Town Manager such periodical reports as requested.

## **ARTICLE VII – HOLIDAY**

A. All regular scheduled employees will be reimbursed for pay lost due to a holiday that falls on an employees regularly scheduled shift. Employees will be reimbursed for pay lost at the employees rate of pay at the time of the holiday. Subject to these rules, the following holidays, the following holidays shall be paid holidays for those regular and part-time Town employees who qualify:

New Year’s Day  
Martin Luther King, JR. Day  
President’s Day  
Patriots Day (Third Monday in April)  
Memorial Day  
Independence Day  
Labor Day  
Columbus Day  
Veteran’s Day  
Thanksgiving  
Day after Thanksgiving  
Christmas Day

## ARTICLE VII – HOLIDAY-continued

The Bradley Town Office shall be open 8:00 a.m. to 12:00 p.m. on Christmas Eve and New Years Eve if they fall on a Monday-Friday. The Town office need only be staffed with one scheduled employee on these two dates.

- B. If a regular holiday falls on a Sunday, the following Monday is considered a holiday; if on a Saturday, the proceeding Friday, unless otherwise regulated by law.
- C. A person on a leave of absence without pay shall not be entitled to holiday pay.
- D. When occasion warrants, employees may be required to work whole or part of a holiday. Employees working a holiday shall receive straight time pay plus their applicable holiday pay.

## ARTICLE VIII – VACATION

Vacation privileges are available to full-time and part-time employees subject to the following conditions.

- A. Any full time employee shall earn vacation with pay on the following basis:
  - After an employee has completed one year of continuous service, he/she is entitled to receive one week (5 days) of vacation.
  - After an employee has completed three years of continuous service, he/she is entitled to receive two weeks (10 days) vacation.
  - After an employee has completed five years of continuous service, he/she is entitled to receive three weeks (15 days) vacation.
- B. Regular part-time employees shall earn vacation pay in proportion or equivalent to the hours regularly scheduled to work and on the following basis:
  - After a part-time employee has completed one year of continuous service, he/she is entitled to receive the equivalent of a scheduled workweek of vacation. For example if the employee is regularly scheduled to work three eight hour days, after one year of completed continuous service, the employee will be entitled to three eight hour days of vacation benefits.
  - After an employee has completed three years of continuous service, he/she is entitled to receive the equivalent of two scheduled work weeks of vacation.
- C. Vacations will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Due consideration will be given to an employees seniority in regard to scheduling vacations. Vacation leave will ordinarily be taken in blocks of one (1) or two (2) weeks periods, but vacations for a lesser period may be prearranged and permitted with approval of the Town Manager.
- D. Employees must take the vacation due them within that year after the vacation time is earned. Employees will not be permitted to carry over vacation time from one year to the next. Vacation time not taken in that year shall be lost or may be “cashed in” for the equivalent of the time accumulated at the salary rate in effect at the time of the expiration of the year. Exception to this may be permitted for special reasons with prior approval of the Town Manager.
- E. Vacation leave shall accrue from the date of hire; however, employees shall not receive vacation leave until they have completed their first year of employment by the Town both as a full – time and or part – time employee. An employee, upon separation is entitled compensation in the proportionate amount of annual vacation time due him or her according to the regular vacation schedule. The employee shall be paid at the highest wage or salary rate attained while employed by the town

## **ARTICLE VIII – VACATION-continued**

- F. An employee shall not be allowed to work and be paid double his or her usual wages during his or her vacation period unless approved by the Town Manager and The Town Council.

## **ARTICLE IX – SICK LEAVE**

- A. Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position. Unless the employee is capable of other work in his/her division and assigned to such other work; or for personal medical or dental appointments; or to care for members of his/her family affected by illness.
- B. Sick leave accrual for full-time employees shall accrue at the rate of ½ of a work day for each full calendar month of service. For the purpose of this section, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15<sup>th</sup> day of the month. Full-time employees shall be eligible to use and sick leave after thirty (30) days of service with the Town.
- C. Sick leave accrual for part-time employees shall accrue at the rate of ½ of a work day for each full calendar month of service. Part-time employees shall be eligible to use and accrue sick leave after 6 months of service with the Town.
- D. An employee, upon separation is entitled compensation in the proportionate amount of sick time due him or her according to the regular sick time schedule. The employee shall be paid at the highest wage or salary rate attained while employed by the Town.
- E. Absences for apart of a day that are chargeable to sick leave shall be charge proportionately in an amount not smaller than one-half (1/2) day.
- F. Sick leave usage shall be recorded regularly by the Town Manager. The Town shall review all sick leave records periodically and shall investigate any cases, which indicate abuse of the privilege. Abuse of the sick leave privilege shall be cause of discipline.
- G. Sick leave is not to be carried through different fiscal years (July 1-June 30). The employee shall be paid at their current wage on or as of June 30 each year for all earned sick time.

## **ARTICLE X – LEAVE OF ABSENCE**

- A. Bereavement Leave. A full- time employee may be excused from work for up to three (3) work days before of death in her/her immediate family, as outlined below, and shall be paid hi/her regular rate of pay for the scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral. For purposes of this article only, immediate family is defined to mean spouse, parents, children, stepchildren, in-laws, grandfather, grandmother and grandchildren. A part- time employee may be excused from work for up to two (2) working days because of death in his/her immediate family, as outlined above, and shall be paid his/her regular rate of pay for the scheduled work hours missed. One (1) full workday may be granted to all other employees at the sole discretion of the Town Manager for attendance at funerals of persons not covered under the above definition.
- B. Leave without pay. A full-time employee may be granted a leave of absence without pay by the Town Council for a period deemed necessary by the employee for the purpose of the leave, but not in excess of sixty (60) calendar days. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave granted at the discretion of the Town Council. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service. Employees may choose to continue insurance benefits for the duration of the leave assuming the employer contribution. Vacation and sick leave will not continue to accrue during the leave.

## ARTICLE X – LEAVE OF ABSENCE-continued

- C. Reserve Station and Air National Guard Leave: Full-time and part-time employees who are members of the organized reserves and who are required to perform filed duty, will be granted reserve leave in addition to vacation time but not to exceed two weeks in any calendar year. For any such period of reserve service leave, the town will pay the employee the difference between the service pay and the employee's regular compensation, the total of which will equal the regular pay of the employee.
- D. Family and Medical Leave: In compliance with the state and federal Family and Medical Leave Acts, the town provides an unpaid leave of absence for up to 12 weeks in a 12 month period for full-time employees and regular part-time employees. They would have to be employed by the town for at least 925 hours during the proceeding 12 months. The family and medical leave may be requested for any of the following reasons:
- The birth or care of a newborn child, provided the leave is completed within 12 months of birth.
  - The placement with the employee of a child for adoption or foster care provided the leave is completed within twelve months of placement.
  - To care for the employee's spouse, son, daughter, step children or parent with a serious Health condition if supported by medical certification issued by the family member's Health care provider; or
  - Because of a serious health condition that makes the employee unable to perform the function of their job.
    1. Any eligible employee wishing to take family and medical leave should make an appointment with the town manager or designee to discuss in full detail the provisions that are available to the employee under the Acts.
    2. Employees are required to provide at least 30 days' advance written notice should they intend to take family and medical leave. In emergency situations employee should give notice of their intent to take family and medical as soon as practicable.
    3. Any employee may use vacation and sick leave as a part of family and medical leave. While on family or medical leave the employee will have the opportunity to continue any group health insurance coverage for which they are eligible on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave. The employee is responsible for continuing their share of health insurance premiums and should make arrangements with their town for payment of such premiums before departing on leave. Once family and medical leave expires, if the employee wishes to continue health insurance coverage, the employee shall pay the entire premiums for such health insurance.
    4. The employee shall not accrue additional vacation or sick leave during any unpaid portions of family and medical leave.
    5. Any employee on family and medical will be entitled to return to the same or an equivalent position as the one they left. The Town may inquire from time to time of the employee's status and intent to return to work. An employee may return to work upon submission of a:
      - (1) a written request to return to work one week prior to the anticipated date of return and (2) a physician's statement that the employee is able to perform the duties of the assigned position, if applicable. If the employee fails to return to work promptly at the end of approved family and medical leave, the employee may be subject to disciplinary action, up to and including termination

## **ARTICLE X – LEAVE OF ABSENCE-continued**

6. If the employee's serious health condition is related to performing work for the Town, and it is covered by workers compensation benefits provided through the town, once family and medical leave is exhausted an additional unpaid leave under this section of up to 12 weeks may be granted by the town.

## **ARTICLE XI – JURY DUTY**

The town shall pay to an employee called for jury duty the difference between his/her regular pay and juror's pay provided the employee presents an official statement of jury pay received.

## **ARTICLE XII – INSURANCE**

The town shall make available the full-time employees group health and dental insurance at a benefit level and with a carrier of the town's choice. Employee's will be allowed to enroll with the insurance carrier of the town's choice health and dental insurance at the employee's own expense.

## **ARTICLE XIII – GRIEVANCE PROCEDURES**

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of the Town's personal rules, regulations and policies or the term of employment, they will have recourse to strictly impartial hearing providing the procedure is followed in the following manner: Step 1: Present the grievance orally to the department head or immediate supervisor. In the event that the grievance is not resolved at this lever within three weeks, employee will refer to Step 2. The unresolved complaint will be referred, in writing, to the Town Manager. The Town Manager will within 30 days, forward a copy of the complaint to the department head and immediate supervisor and establish a meeting with the department head, immediate supervisor, and the aggrieved employee. The Town Manager, Department Head, immediate supervisor, and aggrieved employee will meet to discuss the grievance; providing the grievance is not resolved at this point, he/she shall submit the details of such grievance in writing to the Town Council. Within thirty (30) calendar days thereafter, the Town Council shall meet with the employee for the purpose of discussing the grievance and the Town Council shall render their final written decision within fifteen (15) days after said meeting.

## **ARTICLE XIV – POLITICAL ACTIVITY**

While performing their normal work duties, employees shall refrain from seeking or accepting nomination or election to any office in the Town government, and from using their influence publicly in any way for or against any candidate for elective office in the Town government. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

## **ARTICLE XV – RESIGNATION**

All employees resigning from service of the Town shall give at least a written two-week notice.

## **ARTICLE XVI - DISCIPLINE, DISCHARGE, AND SUSPENSION**

The Town Manager shall have the right to demote, dismiss or suspend without pay, for not more than (10) ten days, an employee whose work performance or conduct, in the judgement of the Town Manager justifies such action. Notice of such action must be in writing and filed with the employee, no later than two working days prior to the effective date of the action. Such notice shall specify and contain a statement of the reason or reasons therefore. The employee shall have the right to appeal as outlined in the section of this ordinance on Grievance. Should the employee win his or her appeal, he or she will be reinstated to his or her position immediately, compensated fully for any loss of pay and credited with any work days he or she may have lost because of any action taken under this section of this ordinance.

## **ARTICLE XVII – POLICY ON HARASSMENT**

It is the policy of the Town that all our employees should be able to work in an environment free from all forms of harassment. Harassment, both sexual and verbal, is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

## **ARTICLE XVIII – POLICY ON SMOKING-/DRUG FREE WORKPLACE**

In accordance with the provisions of the Workplace Smoking Act of 1985, the Town of Bradley has adopted a smoking policy. The Town restricts smoking to areas outside of all town buildings at least twenty-five (25) feet from the entrance to such public buildings. To ensure the safety and well being of all employees and the public, it is the Town's policy to maintain a drug and alcohol free workplace and prohibit all employees from working under the influence of any illegal drug, alcohol or controlled substance. The town further prohibits the unlawful manufacture, distribution, dispersing, possession or use on a property or place owned or under the control of the Town of Bradley.

## **ARTICLE XIX – WHISTLERBLOWERS PROTECTION**

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

## **ARTICLE XX – WORKPLACE VIOLENCE**

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

## **ARTICLE XXI – SAFETY**

- A. All incidents to personnel, no matter how minor during the work schedule must be reported immediately to the Town Manager and a written report will be made on forms for that purpose.
- B. All employees suffering an accident will be sent to a doctor for an examination at town expense.
- C. Time lost because of accidents incurred while on duty will not be deducted for any reason when computing length of service.

## ARTICLE XXII – PERSONNEL FILES

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


## ARTICLE XXIII – RIGHT, TO AMEND, MODIFY, REPEAL POLICY

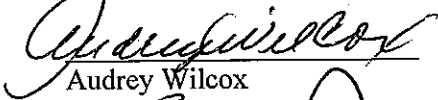
The Municipality reserves the right to repeal, modify, or amend these policies as necessary. These policies are intended as informational guidance and the municipality reserves the right to interpret any provisions and to change the policies and reasonable notice to employees. These policies are not mean to be interpreted as promises of specific treatment or as creating contractual rights in any employee. In addition, conflicting changes in local, state or federal laws take precedence over the contents of personnel policies, whether or not those changes were incorporated in to the policy.

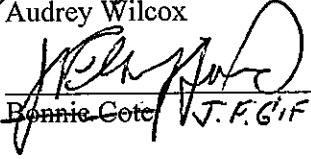
## ARTICLE XXIV – EFFECTIVE DATE


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

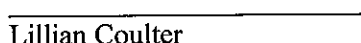
Approved by the Bradley Town Council at a duly called meeting on 7/12/05.

  
Oscar Emerson, Chairperson

  
Audrey Wilcox

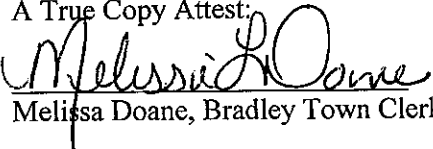
  
Bonnie Gote

  
J.F. GIFFORD

  
Lillian Coulter

  
Sally Strout

A True Copy Attest:

  
Melissa Doane, Bradley Town Clerk

I have read and understand the above personnel policy.

\_\_\_\_\_  
EMPLOYEE SIGNATURE

\_\_\_\_\_  
DATE