

# TOWN OF BUXTON



## PERSONNEL POLICY

Adopted by Executive Order E.O. 141505003 on 5-6-2015 as amended  
Section X, Subsection C amended 3-16-2016  
Section IX, Executive Order E.O. 17180315 Effective 3-15-18 as amended  
Section VI Executive Order E.O.181910007 Effective 10-9-18 as amended  
Section VI Executive Order E.O.202112030 Effective 12-16-20 as amended  
Revisions Executive Order E. O 202102014 Effective 01-01-21 as amended

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## **I. Introduction**

The Board of Selectmen hereby adopts the following Policy as a guideline in the administration of the personnel activities of its employees. This Policy shall supersede any policies or rules with respect to Town personnel made previously by the Board of Selectmen. If a collective bargaining agreement is in place, it shall supersede this policy. This Policy provides basic information about the Town's policies, programs and benefits. Employees should read the Policy to learn about their responsibilities as an employee and the programs developed by the Town for their benefit.

The policies, programs and benefits set forth in the Policy should not be construed as an employment contract. The best interests of the Town and its employees necessitate that there be flexibility in administration and the Town reserves the right to revise or rescind any provision in the Policy it deems appropriate, at its discretion. The Town will try to keep the Policy current but there may be times when policies or programs will change before this material can be revised.

Unless otherwise specified (for example, in a collective bargaining agreement or employment contract), Town Employees are employed on an "at-will" basis, and their continued employment with the Town is based on mutual consent. Employees have the right to end their employment relationship at any time for any reason. Similarly, their employment can be terminated at the sole discretion of the Town for any reason, at any time.

The Town of Buxton shall provide equal opportunity to all employees without regard to religion, age, sex, race, color, ancestry or national origin, physical or mental disability, sexual orientation, gender identity, genetic information or veteran status.

We hope that your employment with the Town will be a rewarding and satisfactory experience.

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## II. Employee Classes

Town employees are placed in the following “classifications:”

- Full-Time Employees – Employees who are regularly scheduled to work thirty-two (32) or more hours a week on a year-round basis. These employees are eligible for benefits set out in the Policy subject to the terms and conditions of each benefit program.
- Part-Time Employees – Employees who are regularly scheduled to work more than fifteen (15) and less than thirty-two (32) hours a week on a year-round basis. These employees may be eligible, on a prorated basis, for the benefits set out in this Policy, subject to the terms and conditions of each benefit program.
- Temporary/Seasonal Employees – Employees who are not regularly scheduled to work on a year-round basis, who work less than fifteen (15) hours per week, and/or who are hired to fill short term vacancies or to perform a specific, limited job or duty. These employees are not eligible for benefits. Temporary and seasonal employees may be eligible for Earned Paid Sick Leave, as set forth in Section XII below.
- Introductory Employees – All employees are considered “Introductory Employees” for the first six (6) months of employment, unless otherwise set forth in the terms of hire. Public Works employees are considered “Introductory Employees” for a minimum of six (6) months. The introductory period shall be considered an extension of the selection process and employees will have no right during that period to file grievances regarding termination.
- Per Diems – Per Diems working for the Fire/Rescue Department are scheduled as needed/when available, are subject to the laws as defined for emergency personnel (e.g. compensation and hours worked) and are not eligible for benefits. Per Diems are required to comply with any portions of the Personnel Policy that are not overridden by state or federal law.
- Paid On Call - Paid on Call working for the Fire/Rescue are not eligible for benefits. Paid on Call are required to comply with any portions of the Personnel Policy that are not overridden by state or federal law.
- Exempt Employee – An employee who is exempt from state and federal minimum wage and overtime requirements, and is therefore not eligible for overtime compensation. Actual hours worked are based on business needs and may regularly exceed 40 hours in a work week. However, insurance and benefits are based on the Town’s standard work week.
- Non Exempt Employee – An employee who is eligible for overtime compensation.

### **III. Employee Discipline**

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.

Employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town or disrupt the efficient operation of the administration of the Town. While it is not possible to list all the forms of behavior that are unacceptable in the workplace, employees will be disciplined for any behavior that is unsafe, detracts from an employee's ability to work or is not in the Town's best interests.

The Town will generally provide a verbal warning for the first infraction, a formal written warning for the second infraction, a suspension for the third infraction and termination from employment on the fourth infraction.

Discipline will generally be progressive; however, the Town retains sole discretion to deviate from progressive discipline based on the nature and circumstances of an employee's misconduct. Some types of misconduct may warrant significant discipline up to and including termination from employment. Examples of such misconduct include, but are not limited to, the following:

1. Dishonesty, theft, unauthorized possession or use of property or money of the Town, co-workers, citizens or anyone else, regardless of value;
2. damage or destruction of property belonging to the Town;
3. Excessive absenteeism and/or tardiness;
4. Leaving work early without authorization;
5. Falsification or misrepresentation of any information including employment applications, time sheets, leave requests, medical documents or Town records or documents;
6. Seeking or accepting gifts and/or gratuities for the performance of duties and responsibilities except as authorized in Article 24.
7. Possession, use, sale, distribution or being under the influence of alcohol, illegal drugs or any substance that affects the employee's behavior or ability to perform his/her job responsibilities;
8. Engaging in any type of harassment, including sexual harassment;
9. An employee is arrested or charged by law enforcement authorities for drug or alcohol offense or violation of criminal law;
10. Insubordination, including refusal to comply with a directive from a supervisor;
11. Violation of workplace safety rules or failure to report unsafe conditions or an accident.
12. Unauthorized possession of a weapon or explosives on Town property;
13. Disclosing confidential information about the Town, its employees or citizens.
14. Engaging in any act of violence, fighting or disorderly conduct or using threatening, abusive, offensive or profane language with a supervisor, co-worker or citizen;
15. Any other conduct which Town management, in its sole discretion, deems to have a negative impact on the reputation, safety or business interests of the Town.

#### **IV. Confidentiality**

Many Town employees have access to confidential information pertaining to persons or property in the Town. All employees of the Town are required to maintain strict confidentiality in all work-related matters. Confidential records, correspondence or other pertinent materials shall not be removed from the Town offices without written permission from the supervisor, including taking work home from the office. Breaching confidentiality may result in discipline up to, and including, termination from employment.

The term “confidential information” is defined as data, whether printed, written or oral, concerning business, employee or private information, disclosed or obtained by employees of the Town, including but not limited to: financial and billing records, employee records and health and personal information that, if released, could cause the Town, its employees and its citizens harm or embarrassment.

Employees should contact their supervisor when presented with a request for information pursuant to M.R.S.A. § 401-410 (“The Freedom of Access Act”). The supervisor will then contact the Public Access Officer.

#### **V. Personnel File**

Personnel files and records, including medical information, are maintained for each employee and are the property of the Town. Confidentiality will be maintained in accordance with applicable legal requirements. With reasonable advance notice, an employee may view the materials in his/her file.

Changes in personal information should be reported to the Secretary to the Selectmen as soon as possible. Examples of changes include, but are not limited to, name address, family or marital status, telephone numbers, insurance beneficiary, new dependents and emergency contacts. Employees are responsible for ensuring that the information provided to the Town is accurate.

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## VI. Work Day, Week, Overtime and Comp Time

- Work Week and Paychecks - The regular workweek for payroll purposes is from Sunday to Saturday. The actual hours are set by the Board of Selectmen. Except for holidays or unforeseen circumstances (e.g., computer is down), payroll checks are available by noon on Thursday each week. Direct deposit may be available earlier; check with your banking institution. Employees are encouraged to utilize direct deposit. Any concerns with paychecks should be referred as soon as possible to their Department Head.
- Time Records - Employees are required to record all their work hours on a time sheet in accordance with the procedures for the department in which they work. Employees are to record on their time sheets (along with daily work logs, if applicable) the date, start time, stop time and activity for the day. Time sheets are to be maintained on a daily basis. Employees must submit their time sheets to their Department Head by noon on Monday. The Department Head will submit the time sheets (or a payroll summary) to the Treasurer or designee for processing. Any alterations to time sheets or time cards must be approved and initialed by the employee's Department Head or a Selectman. Altering or falsifying time sheets/cards or records will result in disciplinary action up to, and including, termination from employment.
- Overtime - Employees who qualify for overtime under will be paid at time and one half for hours worked over forty (40) in a work week unless the employee and Department Head or Board of Selectmen (when applicable) agree in writing, prior to overtime hours being worked, that compensatory time may be granted as set forth below. Non-exempt employees may only work more than forty hours in a work week with prior approval of the employee's department head. For the purpose of this article "Hours worked" shall only include actual hours worked and shall not include hours compensated for sick pay, earned paid leave, vacation pay, holiday pay, jury pay, bereavement pay and use of compensatory time.
- Compensatory Time - Compensatory time (or "comp time") is time off with pay in lieu of overtime pay. Comp time shall be granted at the rate of 1.5 time the number of actual hours worked and may not exceed 40 hours during any fiscal year (July 1 to June 30). and requests need to be submitted 7 days prior to requested time off and approved by the Department Head or Board of Selectmen (when applicable) in a manner to avoid overtime cost to the Town. Compensation shall not be paid more than once for the same hours and cannot be used to earn additional overtime. Accrual of comp time in lieu of overtime pay will not be allowed between May 1 and June 30. Existing comp time will be used by June 30 or it will be paid out in the last payroll of the fiscal year. Employees who are subject to a collective bargaining agreement may only receive comp time as set forth in that agreement.

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**VII. Wages and Longevity**

As a general practice, any pay increases for employees are established for the following fiscal year by the Board of Selectmen during the budget process and voted on at the Annual Town Meeting. Pay increases are not automatic or guaranteed.

At the present time, employees receive a 1% longevity increase when they reach their three year, five year and ten year employment anniversaries. This practice may be changed by the Board of Selectmen at its sole discretion.

**VIII. Attendance**

- A. Employees shall be at their respective places of work at the appointed starting time. It is the responsibility of employees who may be absent from work to personally notify their immediate supervisor at least one-half hour prior to the employee's appointed starting time any absence and the reason for such absence.
- B. Unless otherwise specified by a Department Head, employees shall be expected to call in on each day of employee's absence except in circumstances when the employee knows in advance that he/she is going to be out for a specific amount of time. When the nature of the absence indicates an extended period of time away from work, longer intervals of reporting may be established by the Department Head.
- C. All employees are required to utilize their full one half hour lunch break. Employees are not to return back to work until the full half hour has been utilized.
- D. Failure to comply with any of these attendance requirements may result in discipline up to and including termination from employment.

**IX. Inclement Weather/Emergency Policy**

The decision whether to close Town services due to inclement weather or another emergency will be made by a designated Selectman after consulting with the Public Works Director or Police Chief. The Board of Selectmen shall select the member responsible for this duty. If the Board fails to designate a member or if the designated member is unavailable, three members of the Board will need to agree.

The designated Selectman will notify the affected Town Department Heads (normally the Business Office, Code Enforcement and Transfer Station), prior to 7:00 a.m. in the event of a closure. The Department Heads will then call the individual employees. The Selectman will also have at least two radio and television stations notified. Employees not notified by 7:30 a.m. shall assume that there has been no closure.

The choice to travel in inclement weather shall be an individual's decision. Employees who feel that it is too hazardous to travel or if work has been canceled, may elect to use earned vacation, sick time or compensation time or may take the time off without compensation. If the Selectmen choose to close Town Hall and the Transfer Station before 7 a.m., employees will be paid for their regular working hours, if they are scheduled to work. If Town Hall is open and a decision has been made for an early closure, those employees at work will get paid for the remainder of their regular hours.

Public Safety Employees are required to work regardless of weather (normally the Public Works, Police and Fire-Rescue Departments) do not receive additional time off or pay for a closure.

## **X. Holidays**

### **A. Holidays**

New Year's Day, Martin Luther King Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Indigenous Peoples Day, Veterans Day, Thanksgiving Day, the day after Thanksgiving, and Christmas Day

If a regular holiday falls on a Sunday, the following Monday is the Town holiday; if a regular holiday falls on a Saturday, the preceding Friday is the Town holiday, unless otherwise provided by law. Transfer Station employees observe a Sunday/Monday weekend; therefore, any holiday falling on Sunday or Monday will be taken on Tuesday.

### **B. Eligibility**

Full time and Part time employees are eligible for holiday pay which will be prorated based on hours worked. Under no circumstances will holiday pay be more than 8 hours.

### **C. Work on holidays**

Full-Time Employees who are required to work on a Town holiday shall receive their regular pay plus applicable holiday pay, plus an additional time and one half hours for any time actually worked on the holiday.

## **XI. Vacation**

### **A. Vacation days are accrued by Full-Time Employees as follows:**

- After a Full-time employee has completed one year of continuous service, he/she shall be entitled to 2 weeks of vacation leave. The employee shall be entitled to three weeks after five years and four weeks after ten years.

- “Years of Service” are calculated from the anniversary of the Employee’s full time date of hire.
  - Part-Time Employees are eligible for vacation on a pro-rata basis.
- B. Requests for vacations must be submitted in writing to the Department Head seven (7) days prior to the first day of the employee’s requested vacation unless it is an emergency and the employee has the written approval of a Selectman. To ensure adequate staffing and to avoid scheduling conflicts, the Board of Selectmen reserves the right to designate when vacations may be taken. Due consideration will be given to an employee’s seniority in regard to scheduling vacations.
- C. Employees are not required to give advance notice as set forth above where the employee is using vacation time as a result of an emergency or sudden necessity for which the employee does not have advance notice. In the event that an employee uses vacation time for these purposes, the employee must give the Town notice as soon as is practicable.
- D. Employees will not be permitted to carry over vacation time from one year to the next. Vacation time not taken in that year will be lost.
- E. Employees may receive vacation pay prior to the start of their vacation, but must advise the Town Treasurer in writing, at least ten (10) days in advance.
- F. No employee will be allowed to take accrued vacation time in the form of pay in lieu of time off.
- G. At termination of employment, any vacation time accrued during the current year of service will be paid to the employee.

## **XII. Leaves of Absence**

### **A. Sick Leave**

Sick leave may only be used by Full-Time and Part-Time Employees for personal illness that renders the employee unable to perform the essential duties of his/her position, to attend medical or dental appointments that could not be scheduled after work hours, or to care for an immediate family member. If an employee is absent for three days, the Town may request a doctor’s certification and may, at its own expense, request an independent medical evaluation.

Sick leave will be accrued at the rate of 7/12 of a workday for each calendar month of service to a maximum of 240 hours. Full-Time and Part-Time Employees shall be eligible for sick leave after 30 days of service. The employee must work 13 days in a month to earn sick leave for that month.

Sick leave usage shall be recorded regularly by the Town Treasurer. The Town shall review all sick leave records periodically and shall investigate any cases, which indicate abuse. Abuse of sick leave will result in discipline up to, and including, termination from employment. Sick leave shall under no circumstances be bought back except as provided for in the next paragraph.

Sick leave must be used by itself and not in conjunction with other benefit programs that provide pay for an employee's absence from work. For example, where an employee is being paid by a third party, (e.g., disability, Worker's Compensation), the employee shall not be eligible for sick leave in addition to the other benefit and must repay the Town for the sick leave pay provided. Upon repayment, the employee's sick leave will be re-credited.

For service rendered to the Town of Buxton, an employee shall be paid one of the following retirement stipends when the employee retires and is eligible and receives retirement benefits:

1. After ten (10) years for the Town, an employee can cash in up to thirty-three and a third (33.33%) of accrued sick leave.
2. After fifteen (15) years for the Town, an employee can cash in up to fifty (50%) percent of accrued sick leave.

- B. Family and Medical Leave - Family and medical leave without pay shall be granted in accordance with applicable federal and/or state law. Please see the Selectmen's secretary for details of the Family and Medical Leave policy.
- C. Bereavement Leave - An employee may be excused from work for up to 3 days with pay because of a death in the immediate family for the purpose of handling necessary arrangements and attendance at the funeral. The term "immediate family" shall mean, for the purpose of this Article only, the employee's spouse, parent, child, siblings, mother-in-law, father-in-law, grandparents and grandchildren. Any exception to "immediate family" terminology must be approved by a selectman prior to the day of the funeral for that employee to be paid under this policy. One work day with pay may be granted at the sole discretion of the Board of Selectmen for attendance at funerals of persons not covered under the above definition.
- D. Military Leave - Military leave will be granted in accordance with applicable federal and state laws. The supervisor shall immediately provide a copy of the Orders to the secretary of the Board of Selectmen. Employees are expected to notify their supervisor and provide a copy of their orders as soon as the employee is aware of their need for leave.
- E. Jury Duty - The Town will comply with state and federal law regarding the taking of leave to serve on jury duty. In addition, the Town will pay the employee the difference between employee's regular pay and the pay the employee receives for performing jury duty, provided the employee presents the official statement of jury

pay received and notice of jury duty to the Board of Selectmen as soon as the employee receives such documentation, and that the employee is in court during normal business hours and returns to his/her position if the employee is excused from court during any part of the work day.

- F. Leave of Absence Without Pay - Full-Time Employees may be granted a leave of absence without pay and benefits at the discretion of the Board of Selectmen for a period not in excess of 60 calendar days. No benefits, including vacation, holiday and sick leave, may accrue during the leave period. The decision to grant such leave is in the sole discretion of the Board of Selectmen. Employees may choose to continue benefit coverage during the leave of absence period provided the employee assumes the Town's contributions to such benefits.

Employees must give a fourteen (14) day notice in writing when requesting a leave of absence without pay. If there is an emergency, a Selectman can temporarily approve such leave.

Employees are expected to return to work after a leave of absence without pay on the day the leave of absence expires, or to have written permission from the Board of Selectmen to extend such leave. Any extension of leave not approved by the Board of Selectmen shall be considered termination of employment.

**A leave of absence without pay will not be granted until all other accumulated time (such as vacation, sick, comp) has been exhausted.**

- G. Earned Paid Leave – Employees who are not eligible for vacation and sick leave as set forth above, and who are not covered by a collective bargaining agreement that was in effect on January 1, 2021, may access Earned Paid Leave as set forth in this subsection.

Employees will earn one hour of paid leave for every 40 hours worked, up to 40 hours per year. Accrual of leave begins on the start of employment with a maximum of 40 hours allowable at any time. Once employees have been employed for 120 calendar days, they may use earned paid leave for any reason and can use it in increment of 1 hour. Earned paid leave will be paid at the employee's regular rate of pay. Employees must provide 7 days' notice to their department head of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible. Accrued earned paid leave has no cash out value and will not be paid out at the time of separation.

Certain voluntary and elected positions are exempt from accumulating and using earned paid leave. If employees are unsure as to whether they are eligible for earned paid leave, they should contact the Board of Selectmen's secretary to inquire.

### **XIII. Insurance and Deferred Compensation Plan**

The Town offers health insurance (including eye exams), dental insurance, life insurance, as well as long and short term disability insurance to Full-Time Employees and pays a portion of the premiums for these various forms of insurance. There is a Section 125 Plan which permits employees to pay their portion of health insurance on a pre-tax basis. The Town also offers two retirement program options. The first is a 457(b) Deferred Compensation Plan, and the second is the Maine Public Employees Retirement System Plan as a participating local district. The MainePERS plans are as follows:

- Special Plan 2C to its full-time firefighters, police officers, dispatchers and any future Emergency Medical Services workers who work at least 40 hours per week, 52 weeks per year and
- Regular Plan AC to its full-time general government employees who work at least 40 hours per week, 52 weeks per year.

Please see the Selectmen's Assistant for a copy of the benefit descriptions, which contain plan highlights and general information. The Town reserves the right to amend, modify or reduce the benefit provided, or terminate any of its plans at any time. Any amendment, modification, reduction or termination may be made without prior notice to participants, except as required by law.

Employees subject to a collective bargaining agreement should consult their collective bargaining agreements for information regarding their insurance options.

### **XIV. Employee Concerns**

This procedure is intended to provide employees with an opportunity to be heard if they have a concern about how a Personnel Policy has been applied to them, but it is not to be construed as placing any limits on employees' "at will" employment status.

A. Informal - Should an employee be concerned with the application by the Town of any provisions of the Town's personnel rules, regulations or policies, the employee should meet with his/her Supervisor or Department Head to attempt to informally resolve his/her concern.

B. Board of Selectmen

1. If the employee is not satisfied with the response of the appropriate Supervisor or Department Head, or if there is no Supervisor or Department Head, the Employee may present the concern in writing to the Board of Selectmen within five (5) days after the employee received the response from the Supervisor or Department head or from when the incident giving rise to the concern took place.

2. The Board of Selectmen will meet with the employee, and Department Head if available, at a mutually agreed upon date and time to discuss the concern. Within fourteen (14) calendar days thereafter, the Board of Selectmen shall render its written decision which will be final and binding.

## **XV. Harassment**

- A. General Policy - It is the policy of the Town that all employees be able to work in an environment free from all forms of harassment. Every employee is entitled to work free from harassment on the basis of race, color, religion, sex, age, ancestry or national origin, physical or mental disability, sexual orientation, gender identity, genetic information or veteran status.
- B. Sexual Harassment - Sexual harassment is unlawful and against Town policy. Sexual harassment occurs when submission to, or rejection of, unwanted sexual conduct is used as the basis for employment decisions, or when unwelcome sexual conduct creates an intimidating, offensive or hostile working environment.

Examples of sexual harassment include:

- Unwelcome sexual advances
  - Suggestive or lewd remarks
  - Unwanted hugs, touches, kisses
  - Requests for sexual favors
  - Display in the workplace of sexually suggestive objects or pictures, including nude photographs.
- C. If an employee believes he/she has been the subject of any type of harassment because of the actions of a Department Head, supervisor, another employee or a non-employee, the employee should immediately report the incident to the Chair of the Board of Selectmen. If the complaint is against one or more of the Selectmen, it should be reported to any member of the Board of Selectmen.

All complaints will be investigated promptly by the Board of Selectmen or its designee. Any employee, supervisor or Department Head who is found to have engaged in harassment of another employee will be subject to appropriate disciplinary action up to, and including, termination from employment.

Retaliation against any employee for filing a complaint or participating in an investigation is prohibited.

In addition, employees should be aware that the Maine Human Rights Commission is the state agency charged with the responsibility of enforcing Maine's anti-discrimination laws. The Maine Human Rights Commission can be contacted at the following address and number:

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Maine Human Rights Commission  
51 State House Station  
Augusta, Maine 04333  
(207) 624-6290

## **XVI. Drug-Free Workplace**

The Town of Buxton recognizes that alcoholism and drug dependency are treatable diseases. The Town believes strongly that all employees should be able to work in an environment free from alcohol and drug abuse. Accordingly, the Town expects all employees to report for work and to perform their duties in a manner which does not jeopardize the health, safety and well-being of co-workers or the public.

No employee shall possess, use, sell, distribute or be under the influence of alcohol, illegal drugs or any substance that affects the employee's behavior or ability to perform his/her job responsibilities. This prohibition includes during work hours and during any period of time an employee is engaged in Town business on or off Town property.

Any employee who suspects that he/she may have an alcohol or drug dependency problem is strongly encouraged to seek voluntary diagnosis or treatment. The employee will be provided confidential referral services to an outside agency upon request and assisted in determining the extent to which insurance coverage may be available to help pay for such services.

Any employee who is arrested or charged by law enforcement authorities for drug or alcohol offense or violation of criminal law must report such activity to the appropriate department head within 24 hours.

Employees may possess and take prescription drugs as prescribed for them by a medical practitioner. Employees are expected to inform their supervisor if they are taking any medication (over-the-counter) or prescription which may cause the employee to be a danger to themselves or others in performing their job duties, or which may otherwise interfere with the performance of their job duties.

As provided in the Drug-Free Workplace Act of 1988, an employee is required to notify the employer of a criminal or civil conviction for a drug violation occurring in the workplace no later than five calendar days after such conviction. In turn, the employer, within 10 calendar days of learning of such a conviction, is to give written notification to any federal agency from which the Town receives grant funds. Failure to notify the Town of a criminal or civil drug violation will result in termination from employment.

Violations of this policy shall constitute sufficient grounds for discipline up to, and including, termination of employment. Any referrals for treatment under this policy will not preclude disciplinary action.

### Drug Testing for Public Works Employees

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In accordance with federal law, Public Works employees with a Class A or Class B license are required to participate in a mandatory drug testing program. Information on this program is provided to covered employees.

### **XVII. Workplace Safety and Accident Reporting**

Each Employee is required to observe safety rules and procedures, and to exercise caution at work. Employees who violate safety rules and procedures, cause dangerous situations, or fail to report unsafe conditions will be subject to disciplinary action, up to and including termination. Employees must immediately report to their Department Head any accident or injury that takes place while at work, no matter how minor the accident or injury may appear to be at the time. **The Department Head must report any accident or injury within 24 hours to the Secretary to the Selectmen or other party responsible for documentation and reporting to Workmen's Comp. If the accident or injury occurs outside of normal business hours, it must be reported on the next regularly scheduled business day. A fatality must be reported immediately to a member of the Board of Selectmen.**

### **XVIII. Return to Work Program for Injured Employees**

The Town of Buxton has a Return to Work Program, which is based on providing quality medical care to facilitate the earliest possible return of injured workers to the workplace.

Transitional work plans will be a collaborative effort between the Town and its occupational rehabilitation provider.

The goal of the Town of Buxton's Return to Work Program is to reduce lost time due to injuries while affording employees an opportunity to continue to make a meaningful workplace contribution to the best of their abilities.

### **XIX. Use of Town Vehicles**

Employees authorized to drive Town vehicles will be provided the rules for use (which includes no personal use of such vehicles unless approved by the Board of Selectmen) by the appropriate Department Head

### **XX. Computer and Internet Use**

The Town's computers and network system are provided for purposes related to business operations and performance of employees' job responsibilities. Incidental personal use of Town computers is permitted as long as such use: 1) does not interfere with the job responsibilities and performance of the employee and/or co-workers; 2) does not interfere with system operations; and 3) does not violate this policy and/or any laws. "Incidental personal use" is defined as use by an individual employee for occasional personal communications.

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Some examples of inappropriate uses of computers include, but are not limited to, the following:

- Transmitting or receiving sexually explicit comments or images;
- Transmitting or receiving materials or images that may offend or harass someone based on their race, color, sex, religion, national origin or ancestry, age, veterans status, marital status, sexual orientation, genetic information, or physical or mental disability;
- Any use of computers prohibited by state or federal laws, including but not limited to, on-line gaming of any kind;
- Using computers for non-work related activities such as shopping on the Internet or personal e-mails or solicitations;
- Using computers for profit-making purposes;
- Accessing and/or sharing Town files and materials without proper authorization;
- Unauthorized downloading material from the Internet for non-work use;
- Unauthorized downloading or copying software;
- Disruptive acts, such as introducing viruses into the computer system;
- Using someone else's password or providing others with the employee's password;
- Any communication that represents an employee's personal views as those of the Town or that could be misinterpreted as such; or
- Failing to comply with system requirements.

All computers remain under the control, custody and supervision of the Town. Employees have no expectation of privacy in their use of computers and the Town reserves the right to monitor all computer and Internet activity by employees.

Employees who violate this policy are subject to disciplinary action up to, and including, termination from employment.

## **XXI. Personal and Business Use of Social Media**

### I. INTRODUCTION

The Town of Buxton (the "Town") permits departments to utilize social media sites and social networking sites to further enhance communications with its residents and various stakeholders in support of Town goals and objectives. Social media sites facilitate further discussion of Town government business, operations and services by providing members of the public the opportunity to participate in many ways using the Internet.

This policy sets forth general guidelines that must be adhered to with respect to utilization of social media sites for official Town purposes. Questions regarding this Policy should be directed to the Board of Selectmen. These guidelines may be supplemented by more specific administrative procedures and rules as may be issued. Furthermore, this Policy may be amended from time to time, and is meant to be read in conjunction with all other applicable policies and procedures of the Town of Buxton.

### II. DEFINITIONS

1. "Social Media Sites" are websites that facilitate user participation, networking, and collaboration through the submission of user-generated content. Social media in general includes tools such as: blogs, wikis, microblogging sites such as Twitter; social networking sites such as Facebook and LinkedIn; and video sharing sites such as YouTube.
2. A "Moderator" is an authorized Town official or employee, who, pursuant to his or her job duties, reviews, authorizes and allows content submitted by the Town officials, employees and public commentators to be posted to a Town of Buxton social media site or sites.
3. "Town Social Media Sites" are Social Media Sites operated by a Moderator in the course of his or her responsibilities as a Town official or employee, and which present to the public as official social media sites representing the Town.
4. "Official Posts" are posts on Town Social Media Sites, made by a Moderator or other authorized employee, that are presented to the public as information coming directly from the Town. Official Posts do not include posts or comments made by Town employees using their own individual social media accounts.

### III. POLICY

#### A. General

1. All Town Social Media Sites shall be approved by the Board of Selectmen.
2. Any Town Social Media Site shall have a designated Moderator, approved by the Board of Selectmen. Official Posts on Town Social Media Sites will be done by the Moderator or, if the Moderator is not available, by such other person approved by the Board of Selectmen.

#### B. Legal Information

1. All Town Social Media Sites shall adhere to applicable state, federal and local laws, regulations and policies including the Public Records Law, Public Records retention schedules, Open Meeting Law, Copyright Law and other applicable Town policies.
2. Public Records Law and e-discovery laws and policies apply to social media content. Accordingly, such content must be able to be managed, stored and retrieved to comply with these laws. Furthermore, once such content is posted on a Town Social Media Site, it should stay posted, unless it is removed for one of the reasons set forth below in Section III(C) below, or it is changed to fix spelling or grammatical errors.
3. Each Town Social Media Site shall include an introductory statement which clearly specifies the purpose and topical scope of the blog and social media/network site. Where possible, social media sites should link back to the official Town of Buxton Internet site for forms, documents and other information.

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4. Where possible within the framework of the site, each Town Social Media Site shall indicate to the public that the site is subject to a third party's website Terms of Service. Furthermore, each Town Social Media Site shall indicate that: the Social Media Site provider could collect personal information through the user's use of the Social Media Site; and that this personal information may be disseminated by the third party; and that such dissemination may not be governed or limited by any state, federal or local law or policy applicable to the Town.

5. All Town Social Media Sites shall clearly indicate they are maintained by the Town and shall have the Town's contact information prominently displayed.

6. The Town will comply with all local, state, and federal laws regarding the use of Town Social Media Sites by employees and the public.

### C. Content Moderation

1. The Town reserves the right to restrict or remove any content that is deemed in violation of this policy to the extent consistent with applicable law.

2. The Town will, at its discretion, delete any public comment made on a post on a Town Social Media Site which:

a) Is not topically related to the original post;

b) Is profane, obscene, or vulgar;

c) Is a commercial or advertisement;

d) Promotes, fosters, or perpetuates discrimination against any individual or group on the basis of race, color, gender, gender identity national origin, religion, ancestry, sexual orientation, disability, family status, genetic information, or military status;

e) Is threatening or harassing to any individual or group;

f) Encourages illegal conduct;

g) Tends to compromise the safety or security of the public or public systems;

h) Violates a legal ownership interest of any other party; or

i) Contains protected health information.

3. All Moderators shall be trained regarding the terms of this policy, including their responsibilities to review content submitted for posting to ensure compliance with the policy.

4. Where appropriate, Town IT security and/or computer use policies shall apply to all social media sites and articles.

5. Any employee who makes an Official Post on a Town Social Media Sites must always conduct himself or herself as a representative of the Town and in accordance with all applicable rules, regulations, and policies (including personnel policies) of the Town.

6. No Town Social Media Site shall endorse or otherwise reference (either with approval or disapproval) vendors or suppliers of the Town.

7. Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

#### IV. EMPLOYEE GUIDELINES FOR USE OF SOCIAL MEDIA SITES

1. *Information and Communication Resources Acceptable Use Policy.* All employees are responsible for understanding and following the Town's Electronic Communications and Computer Usage Policy, in addition to this Policy.

2. *Copyright Law.* Employees must abide by laws governing copyright and fair use of copyrighted material owned by others. Employees may not reprint whole articles or publications without first receiving written permission from the publication owner. Employees also may not quote an excerpt of someone else's work without acknowledging the source, and, if possible, providing a link to the original.

3. *Conflict of Interest.* Employees are prohibited from using social media to engage in any activity that constitutes, or appears to constitute, a conflict of interest for the Town or any of its employees.

4. *Protect Confidential Information.* Employees are prohibited from posting legally protected personal information that they have obtained from the Town (e.g., information that is not public record under the Public Records Law) or whose dissemination is restricted under applicable Federal or State privacy laws or regulations). Employees must ask permission from the Board of Selectman to publish or report on conversations that occur within the Town. Employees may not post information about policies or plans that have not been finalized by the Town.

5. *Consider Your Content.* As informal as Social Media Sites are meant to be, if they are on a government domain or a government identity, they are official government communications. Social Media Sites may be sought out by mainstream media, so employees must put a great deal of thought needs to go into how to use the social media in a way that benefits both the Town and the public. Employees may not comment about rumors, political disputes, matters under investigation, or personnel issues, for example.

6. *Respect Your Audience and Your Coworkers.* Employees may not engage in any conduct on Town Social Media Sites that would not be acceptable in their workplace.

7. *Mistakes.* The Town policy is that once something is posted on a Town Social Media Site, it should stay posted unless it the post is in violation of this Policy. Only spelling errors or grammar fixes should be made without making the change evident to users. If an employee chooses to modify an earlier post, he or she must make it clear that he or she has done so. The employee should not remove or delete the incorrect content; rather, he or she should provide the correct information and apologize for the error. Ways to accomplish this include:

a) Strike through the error and correct; or b) Create a new post with the correct information, and link to it from the post that must be corrected or clarified.

Either method is acceptable. In order for the Social Media Site to achieve transparency, the Town cannot change content that has already been published without making the changes clearly evident to users.

8. *Media Inquiries.* Town Social Media Sites may lead to increased inquiries from the media. If an employee is contacted directly by a reporter, the employee should refer media questions to his or her department head, or to the Board of Selectmen.

9. *Employee or Official Profile.* If an employee identifies himself or herself as a Town employee or official on an employee's individual Social Media Site (i.e., not on a Town Social Media Site), the employee must ensure that his or her profile and related content is consistent with how he or she wishes to present himself or herself to colleagues, residents and other stakeholders.

10. *Defamation.* Be aware that employees acting in their individual capacity (not on behalf of the Town) are not immune from defamation claims. Employees who are not expressly authorized by the Board of Selectman to make Official Posts on Town Social Media Sites pursuant to this policy are prohibited from doing so.

11. *Record Retention.* Town Social Media Sites will contain communications sent to or received by Town officials and employees, which are Public Records. Moderators should ensure that the Town retains a copy of the social media content in accordance with Public Records Retention Schedules.

#### Acknowledgement

This acknowledges that I have received and reviewed the Social Media Policy of the Town of Buxton ("Policy"). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding use of Social Media are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required. I understand that violation of this Policy may lead to disciplinary action under the Town of Buxton Personnel Policy.

The purpose of this policy is to ensure that Town Employees utilize social media in a professional manner that promotes a positive image of the Town to the public. (effective 02-03-2021)

#### **XXII. Personal Cell Phones and Other Electronic Devices**

The Town does not allow personal cell phones, pagers and other personal electronic devices to be used in a manner which interferes with the performance of job duties. Employees who carry such devices at work must keep them on manner mode/vibrate as a courtesy to other employees.

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### **XXIII. Media Requests**

Employees are prohibited from purporting to speak on behalf of the Town, including in response to media inquiries, unless they are expressly authorized to do so by the Board of Selectmen. Employees must refer any media requests (whether written or oral) to the Public Access Officer.

### **XXIV. Gratuities, Gifts, Etc.**

With the exception of the acceptance of nominal gifts such as food refreshments in the ordinary course of business meetings or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., employees may not solicit or accept gifts, gratuities or money from citizens, vendors or others in the course of their employment. Employees are expected to 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 not being impartial in conducting Town business.

### **XXV. Political Activity**

To avoid conflicts of interest or the appearance of impropriety while performing normal work duties, employees may not use their role as a Town employee to support or detract from 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.

### **XXVI. Smoking Policy**

It is the policy of the Town to provide a safe and healthful place of business for Town employees and citizens. Smoking is strictly prohibited in all Town-owned buildings, including offices, hallways, waiting rooms, rest rooms, meeting rooms and all community areas. This policy applies to all employees, citizens and other visitors.

The Town has assigned the following areas as designated smoking areas for all employees and the public. A recent law enacted states a “designated smoking area” means an outdoor area where smoking is permitted, which must be at least 20 feet from entryways, vents and doorways.

- Public Works Garage – Back of building;
- Transfer Station – Off the right side of building, near cardboard storage trailer;
- Buxton Fire & Rescue:
  - Bar Mills – At rear of building near the grill;
  - Chicopee – Near the flagpole;
  - Groveville – At rear of building at the back of the parking lot
- Town Hall – Pathway between Town Hall and Transfer Station  
At rear corner of building near Dispatch

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Back Corner of building by big meeting room

A smoking receptacle to dispose of cigarettes shall be used in all designated smoking areas. Employees must use these receptacles instead of crushing out smoking materials on the ground.

### **XXVII. Pets in the Workplace**

This policy has been established in an effort to provide for the health and safety of the Town of Buxton staff and visitors. Pet owners are expected to recognize that not all employees or visitors like animals in the office and in some cases people with allergies cannot tolerate being in close proximity to animals.

Pets brought to any Town of Buxton workplace or town owned building by any staff member or any member of the public is prohibited with the following exceptions:

- Service animals are allowed and may accompany the person they are assisting into any area of Town buildings. However, a service dog must be under the control of its owner at all times while on site at any Town facility.
- Police K9 service dogs are allowed, if necessary.
- An annual Rabies Vaccination Clinic may be held at any Town owned building.

Violation of this Policy by any employee may result in disciplinary action.

### **XXVIII. Personal Appearance**

Employees are expected to be well-groomed and dress in a neat, business-like manner appropriate to a professional setting. The following are examples of the type of clothing that is not allowed:

- Low-cut or see-through tops, halter tops, camisoles
- Any clothing that exposes the midriff or underwear
- Short skirts
- Any ripped, dirty or disheveled clothing.

Employees who have questions as to whether certain clothing is appropriate should ask their supervisor. Supervisors are authorized to send employees home to change if their dress is inappropriate. Any such time for Non-Exempt Employees shall be unpaid.

### **XXIX. Termination of Employment**

An employee who voluntarily resigns is expected to give his/her supervisor written notice of at least two weeks before the last day of employment.

Employees are responsible for all Town property and materials, including credit cards, keys, cell phones, uniforms, tools, manuals or other written information, including all confidential information issued to the employee or that is in the employee's possession or control. Employees must immediately return all Town property in their possession or control at termination of their employment or at the Town's request.

**XXX. Acknowledgement**

This is to acknowledge that I have received the Town of Buxton Personnel Policy and that I will familiarize myself with its contents.

I understand that this Policy represents only current policies, program and benefits and that **it does not constitute a contract of employment**. The Town may change these policies and benefits as it deems advisable to meet the needs of the Town and its employees.

Print Full Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_

**EMPLOYEE COPY**

**XXX. Acknowledgement**

This is to acknowledge that I have received the Town of Buxton Personnel Policy and that I will familiarize myself with its contents.

I understand that this Policy represents only current policies, program and benefits and that it **does not constitute a contract of employment**. The Town may change these policies and benefits as it deems advisable to meet the needs of the Town and its employees.

Print Full Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**TOWN COPY**