

**PERSONNEL POLICY  
FOR THE  
TOWN OF BRISTOL**



Date of Last Revision: 04-10-15

# THE TOWN OF BRISTOL

## EMPLOYEE POLICY

Welcome to the Town of Bristol. We welcome you and wish you every success here. This Personnel Policy has been established as a guide to the policies of the Town of Bristol for its employees and their supervisors in their relationship to each other and the Town of Bristol. This document generally describes the policies and practices that the Town follows and the benefits that currently are provided or made available to employees. We hope that you find this information helpful regarding our policies and procedures. The Personnel Policy is available to guide and assist you in performing to the best of your abilities and developing and realizing your potential as one of the Town's valued employees.

These policies are intended as guidelines only and are subject to change at the discretion of the Town. This Policy should not be construed as and does not constitute a contract guaranteeing employment for any specified duration. **To the extent permitted by law, employment at the Town is on an at-will basis. This means that employment at the Town is for no set period of time and can be ended by either the employee or the Town, at any time and for any reason or no reason and with or without notice, so long as there is no violation of applicable Federal or State law.** All employee benefit programs, salaries, policies, classifications and pay plans are subject to change and should not be construed as contractual.

This Policy supersedes any handbook or policy statements whether written or oral issued prior to date of revision listed below. All employment-related policies, whether written or oral, that existed prior to the issuance of the Personnel Policy are null and void. Policies set forth in this document can be modified, revoked, or added to at any time at the sole discretion of the Town. Any revisions will substitute and replace prior policy or procedure statements and become a part of this Policy.

Please read this Policy carefully and keep it for reference in the future. If you have questions about any of these policies, you are encouraged to ask your Department Head or call the Human Resources at 603-744-3354.

### **Administrative Responsibility:**

By majority vote, the Select Board is the sole authority for amending this Personnel Policy or Town policies. No Supervisor, Administrator or representative of the Town has the authority to make any promises, commitments, or changes which supersede the policies in this document unless agreed to by the employee and approved by the Select Board or appropriate commission.

*Nothing in this Policy is intended to supersede explicit provisions of the N.H. Revised Statutes Annotated pertaining to specific employees or specific departments, for example the Police and Fire Departments. However this Policy shall apply to the extent that it is not inconsistent with any such statute, or policy properly adopted under such statute.*

## Table of contents

<b>ADA</b> - - - - -	<b>6</b>
<b>Annual Salary Review</b> - - - - -	<b>12</b>
<b>Anti-Harassment</b> - - - - -	<b>37</b>
<b>Application</b> - - - - -	<b>11</b>
<b>At-will Employment</b> - - - - -	<b>6</b>
<b>Attendance</b> - - - - -	<b>9</b>
<b>Benefits</b> - - - - -	<b>17,31</b>
<b>Bonus Leave</b> - - - - -	<b>21</b>
<b>Classification</b> - - - - -	<b>10</b>
<b>Cell Phones</b> - - - - -	<b>43</b>
<b>COBRA</b> - - - - -	<b>53</b>
<b>Communications</b> - - - - -	<b>39</b>
<b>Compensation</b> - - - - -	<b>12</b>
<b>Compensatory Time</b> - - - - -	<b>13</b>
<b>Computer</b> - - - - -	<b>39</b>
<b>Confidentiality</b> - - - - -	<b>7</b>
<b>Conflict of Interest</b> - - - - -	<b>8</b>
<b>Dental Insurance</b> - - - - -	<b>31</b>
<b>Disability Insurance</b> - - - - -	<b>24</b>
<b>Dispute Resolution Procedure</b> - - - - -	<b>36</b>
<b>Dress Code</b> - - - - -	<b>8</b>
<b>Drugs and Alcohol Policy</b> - - - - -	<b>47</b>
<b>Education, Training</b> - - - - -	<b>34</b>
<b>Employee Conduct &amp; Discipline</b> - - - - -	<b>35</b>
<b>Employee Expenses</b> - - - - -	<b>30</b>
<b>Employee Health &amp; Safety Program</b> - - - - -	<b>44</b>
<b>Employment Status</b> - - - - -	<b>10</b>
<b>End of Employment Conditions &amp; Notifications</b> - - - - -	<b>52</b>
<b>Equal Employment Opportunity (EEO)</b> - - - - -	<b>6</b>
<b>Evaluation</b> - - - - -	<b>34</b>
<b>Evaluation of Probationary Employee</b> - - - - -	<b>11</b>
<b>Exit Interview</b> - - - - -	<b>52</b>
<b>Extended Sick Leave</b> - - - - -	<b>20</b>
<b>Fair Labor Standards Act (FLSA)</b> - - - - -	<b>12</b>
<b>Family and Medical Leave Act</b> - - - - -	<b>25</b>
<b>Harassment</b> - - - - -	<b>37</b>
<b>Hazardous Materials/Substances</b> - - - - -	<b>46</b>
<b>Health /Dental Insurance</b> - - - - -	<b>31</b>
<b>Health Insurance Stipend Agreement</b> - - - - -	<b>31</b>
<b>Holiday's Observed</b> - - - - -	<b>17</b>
<b>Hours of Work</b> - - - - -	<b>16</b>
<b>Job Descriptions</b> - - - - -	<b>7</b>
<b>Joint Loss Management Committee (JLMC)</b> - - - - -	<b>45</b>
<b>Jury Duty</b> - - - - -	<b>23</b>

Leaves of Absence- - - -	25
Licenses/ Certifications - - -	9
Life Insurance - - - -	24
Maternity Leave - - - -	28
Meal Breaks - - - -	16
Media Contacts - - - -	44
Military Leave - - - -	21
Motor Vehicle Violations - - -	44
Nepotism - - - -	8
Office Equipment - - - -	39
Overtime - - - -	13
Paid Time Off - - - -	17
Pay Increases - - - -	12
Pay Period - - - -	12
Payroll Deductions for Employees - -	14
Paid Personal Leave - - - -	21
Performance Evaluations - - - -	34
Personnel File - - - -	7
Phone Calls - - - -	43
Pre-Employment Tests - - - -	11, 47
Probation - - - -	11
Probationary Employee Evaluation - -	11
Reclassification - - - -	7
Recruitment - - - -	11
Reporting Workplace Injuries - - -	32
Resignation Notice - - - -	52
Retirement (NHRS) - - - -	31
Salary Setting – New Hires - - - -	12
Scheduled Breaks - - - -	16
Seat Belt Policy - - - -	45
Security - - - -	44
Separation from Employment - - -	52
Sexual Harassment - - - -	37
Short Term Disability - - - -	24
Sick Leave - - - -	19
Smoking - - - -	43
Solicitation & Distribution - - - -	43
Standards of Conduct - - - -	35
Table of Contents - - - -	3
Temporary Alternative Duty/Light Duty -	32
Timesheets - - - -	12
Time Worked - - - -	13
Town Office Closures - - - -	15
Training - - - -	34
Tuition Reimbursement - - - -	34
Unauthorized Absence - - - -	10

<b>Unemployment</b>	-	-	-	-	<b>53</b>
<b>Unpaid Leave of Absence</b>	-	-	-	-	<b>25</b>
<b>Use of Town Assets</b>	-	-	-	-	<b>30</b>
<b>Vacation Leave</b>	-	-	-	-	<b>18</b>
<b>Vacation Pay Advance</b>	-	-	-	-	<b>16</b>
<b>Victims of Crime – Leave of Absence</b>	-	-	-	-	<b>29</b>
<b>Voluntary Dispute Resolution</b>	-	-	-	-	<b>36</b>
<b>Welcome</b>	-	-	-	-	<b>2</b>
<b>Workers Compensation Insurance</b>	-	-	-	-	<b>32</b>
<b>Workplace Searches</b>	-	-	-	-	<b>51</b>
<b>Workplace Violence</b>	-	-	-	-	<b>39, 46</b>

# THE TOWN OF BRISTOL

## 1. General Provisions

The purpose of this handbook is to establish goals and procedures, to guide administrative actions relating to personnel and to inform employees by providing notice of information about some of the conditions and policies affecting their employment. This policy is intended to apply to all employees of the Town of Bristol. This policy is not an expressed or implied contract of employment. Only the Select Board may alter the terms described in the Personnel Policy. Questions regarding any policy should be directed to your supervisor, department head, or the Human Resource Department.

### 1.1. Employment at Will

Unless otherwise provided in a written contract signed by the Select Board, all employees are employed at will, unless otherwise provided by RSA. Either the Select Board or the employee may end the employment relationship at any time, for any reason, according to the notice policies outlined in this Policy unless otherwise provided by law or contract.

### 1.2. Equal Employment Opportunity Policy

The Town of Bristol is committed to the principle of equal opportunity for all its employees, and applicants for employment. Therefore, the Town of Bristol does not discriminate on the basis of age, sex, race, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation, pregnancy, veteran status or other legally protected status. This Policy applies to decisions including, but not limited to, an employee's compensation, benefits, training and development. It is further the policy of the Town to comply with the letter and spirit of applicable local, State, and Federal statutes concerning equal employment opportunity.

### 1.3. Disabilities/Accommodations

The Town is committed to providing equal employment opportunities to qualified individuals with disabilities as required by State and Federal law. It is the Town's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job.

Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the applicable State and Federal law, who has made the Town aware of his or

her disability, provided that such accommodation does not constitute an undue hardship on the Town.

The Town encourages individuals with disabilities to come forward and request reasonable accommodations. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should approach the Human Resource Department or the Town Administrator to make appropriate arrangements. When appropriate, the Town may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals to document that you have a disability and to assist us in assessing any functional limitations for which a reasonable accommodation may be needed. The Town will maintain all medical information in a confidential manner in accordance with applicable law.

#### **1.4. Job Descriptions**

The Town will make every effort to maintain current job descriptions or each employment position, and to utilize them for determining the essential functions of each position and the bona fide qualifications for that position. Employees and applicants for any job may request copies of the relevant job descriptions. Employees who believe that their own or another person's job description no longer accurately reflects the nature of the position are encouraged to raise the issue with their supervisors. Supervisors will provide the Town Administrator with copies of requests for job information.

The Town will endeavor to review job descriptions every three years and update as necessary. It will be the combined responsibility of the Town Administrator, the Department Heads and Human Resources to complete this task.

#### **1.5. Employee Records and Privacy**

Official employee records are maintained in the Town Office Building by the Human Resource Department. Typical examples of records kept are an employment application, resume, letter of reference, records of training, documentation relating to performance and compensation, and other records. Additional records may be kept by respective departments for purposes of documenting training, scheduling and non-confidential information.

#### **1.6. Personnel Files**

Access to employee records is limited to supervisors and management personnel of the Town who have an official reason to review them. The Town will take reasonable steps to keep personnel files confidential from unauthorized individuals, to the extent permitted by law. Town employees who breach this confidentiality standard will be subject to discipline.

Employees are allowed access to their files and/or may have a copy of anything within their files upon reasonable notification to Human Resources Department. Requests for copies of documents in the personnel file must be made in writing at least 24 business hours prior to the requested review date/time, and must specifically identify the document, if the request is for less than the entire file. One copy of any document or of the entire file will be provided to the employee without charge, within five (5) business days. Additional copies will be provided at the posted copy rate. To ensure the integrity of the contents of the files, access is only granted under the supervision of a Human Resources official or an administrative designee. Portions of the records may not be removed at any time unless State or Federal law, or a Union Contract allows such action. If the employee disagrees with any information contained in the files they may write a statement explaining their version of the information and the statement will be added to the files as permanent record.

### **1.7. Dress code**

The Town of Bristol offices are open to the public and therefore, it is important that work areas be neat and clean and an employee's attire and appearance be appropriate for a business setting during normal office hours, while at work. Footwear must be worn at all times. Employees should consider their audience and activities when determining appropriate attire, including attendance at workshops, seminars, meetings, etc. external to the Town; questions regarding appropriate attire/appearance should be directed to the employee's supervisor. In departments where the Town provides uniforms, they are required to be worn. Individual departments and supervisors may establish more specific policies on dress and appearance appropriate for particular positions, with the approval of the Select Board.

### **1.8 Nepotism**

The Town prohibits the hiring of relatives in the same Department. Any such occurrence is subject to review and approval by the Select Board.

### **1.9 Conflict of Interest**

The Town's reputation for integrity and excellence requires careful observance by all officers and employees of the principles of fair dealing and ethical conduct, observance of the spirit and letter of all applicable laws and regulations, and a scrupulous regard for the highest standards of conduct and personal integrity. The continued success of the Town is dependent upon citizens' trust, and all employees are expected to act in a way that will merit such trust and confidence, and to refrain from any illegal, dishonest or unethical conduct. In situations where it is difficult to determine the proper course of action, the matter should be discussed openly with the employee's Department Head, and/or if necessary with the Human Resources, Town Administrator or Select Board, for advice and

consultation. Disregarding or failing to comply with this standard of ethics and conduct may lead to disciplinary action, up to and including termination of employment.

Employees have an obligation to avoid conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a Town decision that may result in personal gain for that employee or for a relative or associate as a result of the Town's operations. Any potential conflict, including any potential influence on transactions involving the Town, shall be disclosed to an official of the Town as soon as possible so that safeguards can be established. No employee, or relative or associate of an employee, shall realize personal gain from any Town business transaction, or shall receive any kickback, bribe, gift, or special consideration as a result of any such transaction.

Employees are prohibited from directly or indirectly soliciting, accepting or receiving any gift, gratuity, favor, service, loan, or any other thing of value from any person whose interests might reasonably be expected to be affected by the employee's performance or non-performance of official duties. Any such gifts or gratuities offered shall be returned to the sender with an expression of thanks and an explanation of this policy. Items of minimal value such as pens or baked goods may be accepted, so long as acceptance cannot be construed as improper influence.

### **1.10 Licenses and Certifications**

Certain positions require the possession and maintenance of licenses and certifications including, but not limited to, motor vehicle operators' licenses and professional certification. Whether or not attainment and/or maintenance of a particular license or certification are required for a particular position will be specified in the job description. Attainment within the time frame specified and/or maintenance will be considered a condition of employment and/or continued employment.

All employees who operate Town vehicles are required to notify their supervisor of license revocation or suspension the next working day following receipt of the notice of revocation or suspension. Such notification shall be in writing and shall include a copy of the notice of revocation or suspension. Employees who fail to notify as described may be subject to termination of employment.

### **1.11 Attendance and Punctuality/Call-in**

The work our employees perform is essential to the success of the Town. Your supervisor and/or Department Head and fellow employees depend on you to attend work regularly and on time so that we as a Town can be successful. When you do not work your scheduled hours other employees must handle your workload. If you are going to be late for work or absent we expect you to do the

following:

- Notify your supervisor directly by phone specifying how long you believe you will be away from work;
- Provide reasonable advance notice if you are going to be late or absent from work;
- If you are away from work for more than one (1) day due to illness, you may be required to provide medical evidence of your illness and/or medical certification of your fitness to return to work.

Repeated absences (excused or not), and/or failures to inform your supervisor that you will be late or absent may result in disciplinary action up to and including termination. If you do not report to work and have not notified the Town and your absence continues for a period of three consecutive (3) days, the Town will consider that you have abandoned your job and have decided to terminate your employment.

#### Call-In Procedure

If you are going to be late or absent please contact your supervisor no later than 30 minutes before your scheduled shift. In the event that you are unable to reach your supervisor or Department Head, you may leave a message on voice mail but you are required to continue to call until you have spoken with him/her personally.

- If you are unable to call due to sickness or incapacitation, it is expected that someone close to you will take care of this on your behalf;
- An absence of three consecutive workdays with no notification will be considered to be a voluntary resignation;

## **2. Employment Status / Classification**

*Full-Time:* Employees who are regularly employed on a continuous work schedule that averages 35 or more hours per week.

*Part-Time:* Employees, who are regularly employed on a continuous work schedule of less than 35 hours per week. Occasional workweeks of 35 hours or more due to unusual circumstances shall not be a basis for conversion of a part time position to a full time position. Part-time employees are not eligible for benefits.

*Temporary:* Employees have a temporary status if working on an ad hoc, on-call, seasonal, or other casual and temporary basis for any number of hours in a workweek, with the understanding that the employment will normally terminate within nine months from the start date or completion of a specific assignment. Temporary employees are not eligible for benefits.

*Exempt:* Exempt employees are paid on a salary basis and their duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act (“FLSA”). Therefore, these employees are **not** eligible to receive overtime pay or compensation time in lieu of overtime. However, it is understood that specific salaried positions are paid on the basis of job responsibility to accomplish the work assigned to the position regardless of the hours required to do the work.

*Non-exempt:* Non-exempt employees are paid on an hourly basis and do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay. Compensation time may be offered in lieu of overtime for departments without an overtime budget but must be approved by the Department Head.

### **3. Recruitment and Selection/ Pre-employment and Probationary Requirements**

All candidates applying for employment must complete and file an official application. Each applicant shall sign the form, and the signature shall certify the accuracy of all statements. The Town relies upon the accuracy of information contained in the application, as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data will be grounds for rejecting an applicant, or for termination of an employee who has already been hired.

Depending on the job requirements, applicants may be required to agree to a criminal records check and/or license review. Pre-employment testing may also be required prior to the date of hire including employment physicals or other testing related to the position. Failure to agree to these checks will make an employment offer null and void.

All new employees will have a one (1) year probationary period. The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period to systematically evaluate employee capabilities, work habits and overall performance. At the end of the probationary period a decision will normally be made whether the employee meets the requirements of the position. New employee performance shall be evaluated during the first six months and the supervisor shall discuss unsatisfactory work with the employee prior to the end of six months. This will allow the employee a chance to correct their work level before the probationary period ends. Either the Town or the employee may end the employment relationship at any time during or after the probationary period, with or without cause. In the cases where cause or just cause is required by contract or statute, the probationary period will act as a trial period where cause is not required to terminate the employment relationship.

#### **4. Compensation, Time Sheets and Payroll**

It is important that your time be accurately reported so that you are compensated for the hours that you work. You may be required to complete time sheets or punch a time clock. No one is authorized to punch a time clock on your behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment. Your supervisor will provide you with details concerning your obligation to report all time you have worked.

The payroll records will serve to record absences, types of leave, and all hours worked. Any and all variations from the employees regularly scheduled work period shall be noted on a personnel action form submitted by the employee prior to the requested time off.

Employees are paid on a bi-weekly basis on Thursday's for all hours worked during the preceding the pay period. Please review your paycheck for errors. If you find a mistake, report it to the Department Head immediately. Paychecks will be distributed only to the employee unless written permission is provided.

#### **5. Salary Setting for New Hires**

Department Heads are responsible for recommending hiring pay rates to the Select Board within the pay range for the position. Final authority to set pay rates rests with the Select Board, subject to Town Meeting appropriation.

Entry-level rates of pay and raises will be established using criteria such as job responsibilities, job performance, prior experience and training, rates paid comparable to positions in the area, and level of available funds.

##### **5.1 Annual Salary Review**

Adjustments in compensation may be made annually in the first full pay period following April 1, upon recommendation to the Select Board, within pay ranges adopted in the pay plan and within the constraints of the Town's budget. No pay increase will be effective until it is submitted on a properly approved PAF that is completed and signed by the employee, Department Head and Select Board.

#### **6. Fair Labor Standards Act of 1938 Status**

##### **a. Exempt and Non-Exempt Positions**

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

employees are eligible for overtime pay in accordance with the FLSA and Town policy.

Upon hiring, employees are told whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If you have questions about whether you are classified as exempt or non-exempt under the FLSA, please contact the Department Head or Human Resources.

**b. Time Worked**

“Time Worked” shall mean all time actually worked while acting directly in the scope of employment. Call back pay for all employees shall be paid at a minimum of two (2) hours per day when showing up for work. For purposes of this document, a day shall be defined as follows:

Fire Department a day equals:	12 hours
For all other employees a day equals:	8 hours

**c. Overtime**

Time worked by non-exempt employees, with the exception of Firefighters, in excess of 40 hours in any one work week shall be compensated at the rate of time and one half of the employee’s normal hourly rate as determined by the Fair Labor Standard Act (FLSA). Fire Department overtime will be paid for hours over 48 as allowed by FLSA.

Sick days and leaves of absences are not counted as time worked for overtime purposes.

Unplanned overtime as authorized by a Department Head, in the same pay period where other time off benefits have been used (holiday, vacation, bonus or personal leave) will be counted as time worked for overtime purposes.

The employee's Department Head must pre-approve overtime. Failure of any employee to seek prior approval for overtime work may result in disciplinary action.

**d. Compensatory Time**

Non-exempt employees may receive compensatory time for time worked above 40 hours at their overtime rates in lieu of overtime pay upon mutual agreement between the employer and the employee. Such agreement shall be in writing. An employee may not accumulate more than 20 hours of compensatory time. In certain circumstances involving Public Safety personnel the Town Administrator

may grant a written waiver to exceed the 20 hour maximum. All compensatory time earned and used must be documented on time sheets and provided to the Finance Office each payroll. The Finance Officer shall be responsible for ensuring for the tracking of compensatory time. Exempt employees are not eligible for compensatory time and therefore cannot accrue. Compensatory time shall be approved by the Supervisor and will be calculated at time and one half for each overtime hour worked after 40 working hours. Compensatory time is subject to final review and approval by the Town Administrator.

## **6.1 Payroll Deductions**

### *A. Payroll Deductions for All Employees*

The Town is required by law to make certain deductions from your paycheck, including Federal income taxes and your contribution to social security. The Town may also be required to make deductions from your paycheck pursuant to a Federal or State agency or court order, such as for child support. These deductions will be itemized on your check stub. The Town may make additional deductions for insurance and other purposes to benefit the employee as permitted under State and Federal law. Arrangements for these voluntary deductions can be made with the Finance Office.

### *B. Payroll Deductions for Salaried Exempt Employees*

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

The following deductions are permissible under law:

- For absences from work for a full day or more (in daily increments) for personal reasons, other than sickness or disability;
- For absences of a full day or more (in daily increments) occasioned by sickness or disability in accordance with the Town's policy which provides wage replacement benefits in the event of sickness or disability;
- To offset jury or witness fees or military pay received by the employees;
- For penalties imposed in good faith for infractions of "safety rules of major significance";

- Salary may be prorated to a daily basis when a salaried employee is hired after the beginning of a pay period, terminates of his own accord before the end of a pay period, or is terminated for cause;
- For hours taken as unpaid leave under FMLA;
- For unpaid disciplinary suspensions of one or more full days imposed for infractions of workplace conduct rules.

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

#### C. Questions Regarding Paychecks and Deductions

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Office as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the Town Administrator.

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

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

## **6.2 Town Office Closures**

In the event that conditions occur that would endanger staff or citizens, the Town Administrator, in consultation with the appropriate Department Head(s) and the Select Board, shall order a temporary closing of the Town Offices. Non-essential staff either on duty or prior to reporting to duty may be advised to stay at home. Essential staff shall report to their regularly assigned locations, unless otherwise notified. The Town Administrator shall make every effort to advise the Select Board and appropriate Commission of the decision as soon as is reasonably possible.

Conditions for closure:

- Weather,
- Fire,
- Flood, or
- Other natural or manmade disaster that would endanger the health and safety of the employees or citizens of Bristol.

Non-essential staff sent home or notified not to report for work shall receive their normal rate of pay for scheduled hours of work.

For purposes of this section non-essential staff shall consist of clerical, Tax Collector, Assistant Tax Collector, Human Resources, Assessing or Finance.

Essential staff shall refer to staff, who by their very function, would be needed to aid in the emergency situation and include Police, Fire, Water/Sewer, or Highway.

## **7. Vacation Pay Advance**

If an employee is planning to be on vacation and would like advance vacation pay, the Finance Officer must receive a signed PAF (Personnel Action Form), indicating the vacation dates at least one work week in advance of the regular payday immediately preceding the vacation period. Advance vacation paychecks will be distributed on the regular payday immediately preceding the vacation period. These forms must be submitted with the timesheets for the preceding pay period. If the vacation should include two different calendar years, it will not be possible to advance vacation pay for the week in the new calendar year.

## **8. Hours of Work**

The Town determines daily and weekly work schedules based on the requirements of each department. The Department Heads establish employee schedules and are responsible for scheduling staff coverage adequate to serve the public, in accordance with policies determined by the Select Board. Such schedules may be changed at the discretion of the Town Administrator and the Select Board to suit varying conditions.

### **8.1 Scheduled Breaks**

Non-exempt employees will have a thirty (30) minute unpaid meal period and two fifteen (15) minute paid rest periods during which they are relieved of their job duties and with the approval of their Department Head or Supervisor are permitted to leave their work locations. Within regulatory guidelines, meals and rest periods will be scheduled at the discretion of the Department Head or Supervisor. Meal periods are to be taken within five hours after the beginning of the workday or shift.

## **9. Paid Time Off**

Full-time employees are eligible for all paid time off policies described below.

Any employee requesting paid or unpaid time off or extended training (two days or more) out of town must submit a Personnel Action Form (PAF) to the Department Head, for approval with a copy to the Town Administrator for informational purposes. The Department Head should act on the request in a timely fashion and return the form to the employee. Approved forms must be submitted with the employee's timesheet covering the period of leave granted.

The Finance Officer maintains leave records from information provided on employee time sheet(s) and PAF's. Once a month, employees will receive a detailed accounting of leave status. Should an employee have questions regarding this information, s/he should contact the Finance Office.

### **9.1 Holidays**

All full time employees shall receive their regular compensation for the following holidays, or any other day proclaimed by the Select Board as a day of holiday observance. All regularly scheduled year round part time employees shall receive prorated holiday pay (ex: a 20 hour per week employee that works for the Town year round would be eligible for four (4) hours holiday pay or 50%, a part time employee who works year round 10 hours per week is eligible for 25% or two (2) hours of holiday pay. These calculations shall be rounded to the nearest hour. This does not apply to seasonal, on-call, or other employees scheduled on an as needed basis. To qualify, the employee must be scheduled to work every week year round. Any employee shall forfeit their right to payment for any holiday if they have an unapproved absence on the last regular workday preceding the holiday or on the next regular work day following the holiday.

New Year's Day	Civil Rights Day	President's Day
Memorial Day	Fourth of July	Labor Day
Columbus Day	Veteran's Day	
Thanksgiving	The day after Thanksgiving	
Christmas Day		

Non-exempt employees shall be compensated at a rate equal to time and a half of their regular pay, in lieu of holiday pay, if required by their supervisor to work on any holiday. Holidays that occur on Saturday will be observed on the preceding Friday. Holidays that occur on Sunday will be observed on the following Monday. Should a holiday occur during an employee's scheduled vacation, the employee may either receive a paid holiday absence for the day or extend the vacation period by the number of holidays occurring during the scheduled vacation period.

Section 9.1 shall not apply to Police and Firefighters whose work schedule conflicts with the above holidays. Police and Firefighters will be paid holiday pay twice a year in lieu of actual time off.

## **9.2 Vacation Leave**

It is the intent of the Town to strongly encourage employees to utilize vacation time in such a manner as to enable them to take five consecutive days of leave annually. Vacation time may be taken with prior approval by the employee's supervisor. Department Heads may take staffing needs into consideration when approving leave requests. Employees should clear vacation schedules with their supervisors before making any final plans, paying deposits, purchasing non-refundable tickets, etc. Requests for vacation time must be submitted at least two weeks in advance unless there is a viable emergency situation that precludes the employee from contacting his/her supervisor within that time period. Vacation time may be taken, by mutual agreement, in one-hour segments for doctor's appointments, etc.

Vacation time shall be accrued on a monthly basis, as described below, for all full time employees based on the employee's length of service.

All regularly scheduled, year round part time employees shall receive vacation pay in the same manner as full time employees but on a prorated basis. (ex: a 20 hour per week employee that works for the Town year round would be eligible for 50% of the vacation pay as accrued for full time employees. A part time employee who works year round 10 hours per week is eligible for 25% of vacation pay as accrued for full time employees). These calculations shall be rounded to the nearest hour. This does not apply to seasonal, on call, or other employees scheduled on an as needed basis. To qualify the employee must be scheduled to work every week year round.

Full-time employees who are newly hired will begin to accrue vacation immediately upon hire but will not be eligible to utilize vacation time until they have been employed for six (6) months.

- Full time employees who have worked less than six (6) consecutive years shall be eligible for 10 days of vacation leave per year, which shall be accrued at the rate of 5/6 day per month.
- Full time employees who have worked six (6) consecutive years but less than ten (10) consecutive years shall be eligible for 12 days of vacation leave per year, which shall be accrued at the rate of one (1) day per month.
- Full time employees who have worked ten (10) years consecutive but less than fifteen (15) consecutive shall be eligible for 15 days of vacation leave per year, which shall be accrued at the rate of 1¼ days per month.

- Full time employees who have worked fifteen (15) consecutive years but less than twenty (20) consecutive shall be eligible for 18 days of vacation leave per year, which shall accrue at the rate of 1½ days per month.
- Full time employees who have worked twenty (20) consecutive years but less than twenty-five (25) consecutive shall be eligible for 20 days of vacation leave per year, which shall accrue at the rate of 1-2/3 days per month.
- Full time employees who have worked twenty-five (25) consecutive years or more shall be eligible for 25 days of vacation leave per year which shall accrue at the rate of 2-1/12 days per month. \*

\*After 25 consecutive years of service an employee cannot earn more than 25 days of vacation. This amount is the maximum allowed.

An employee may accumulate a maximum of thirty days (30) of vacation time that may be carried over to the next fiscal year. Time accumulated above 30 days will be forfeited. Employees shall not be compensated for time not taken, except in the case of termination of employment when employees are eligible for their accrued time, which shall not exceed 30 days.

In the event that a paid holiday falls during an employee's vacation, said holiday will be charged as a paid holiday and not as a vacation day.

### **9.3 Sick Leave**

The Town recognizes that employees will need days off from work from time to time to address their health needs. For this purpose, sick time shall accrue for all full time employees and shall be earned on a quarterly calendar basis. Sick time may be taken in one-hour segments as mutually agreeable. Full time employees shall be eligible for 60 hours of sick leave per year, which shall accrue on a prorated basis as described above. The maximum sick leave that may be accrued by an employee is 400 hours (50 days). The only exception to this maximum is if an employee has accrued more than 400 hours as of October 1, 2007; any accrued sick time above 400 hours but equal or less than 480 hours as of October 1, 2007 shall be considered grandfathered and such time shall not be forfeited. This time shall be held in a grandfathered sick time account for the employee. This grandfathered sick time shall be treated in the same manner as sick time in all other respects. After October 1, 2007, however, such employees will be limited to the maximum sick leave limit of 400 hours (50 days) in addition to his or her separate grandfathered sick time account.

Notification must be immediately made to the employee's Department Head or Supervisor indicating the length of time the employee expects to be absent. This

prompt notification is required and may be given by the employee or through a family member. The Town reserves the right to require employees to provide a note from a physician verifying that an absence was caused by a medical situation. The Town also reserves the right to require documentation from the treating physician authorizing the employee to return to work.

When possible, employees are expected to schedule planned medical appointments in a manner that minimizes disruption of workflow. Further, employees must use sick leave for its intended purpose. Misuse of paid sick leave will result in disciplinary action up to and including termination.

Employees who are on FMLA leave must use sick leave concurrently with FMLA leave until all sick leave is exhausted. For more information on this, employees should consult the Town's FMLA policy.

In the event that all accumulated sick leave has been used, the employee may take any accumulated vacation days, bonus days, and personal days with prior approval of the Town Administrator. The Town Administrator may grant extended, non-paid leaves of absence.

Employees may, at the option of the Town Administrator, be allowed to use sick and or other accumulated time to offset the loss of pay during a Workers' Compensation claim. Workers' Compensation normally pays 66.66% of an employee's normal salary. The employee with permission of the Town Administrator, may choose to use their own accumulated sick time or other time after sick time has been exhausted to make up the 33.33% of their normal salary.

Upon retirement (with a minimum of 20 years of continuous service), any full time employee shall receive payment in a sum equal to 1/3 the number of accumulated sick time. The amount of sick time eligible for payment shall not exceed twenty days. With all other terminations of employment, employees shall not be paid for accrued sick time.

#### **9.4 Extended Sick Leave**

The Town is authorized to provide additional sick leave to an employee under the following conditions:

- A request for additional sick leave shall be forwarded to Human Resources by the employee or the Department Head stating the reason(s) for the request and the amount of additional sick leave requested;
- Human Resources shall request a recommendation from the Department Head of the requesting employee;
- Human Resources and the Town Administrator shall approve or deny the request in whole or in part;
- The response to the request shall be transmitted to the requestor by Human

- Resources;
- If the request is approved, the Department Supervisor and/or the Finance Officer may solicit donations from employees who wish to contribute unused sick leave up to the amount of the authorization. Contributed sick leave shall not be counted against time accumulations as provided in article 9.3. If the request is not approved, no further action shall be taken.
  - The employees contributing sick time must complete a PAF indicating the amount of their accumulated sick time they wish to donate, with a statement that the employee understands that they have forfeited all claims to the sick time donated if used in this manner;
  - Sick leave granted under this section will not exceed the amount contributed.

No request shall be approved for more than ninety (90) days, although nothing shall prohibit additional requests.

### **9.5 Bonus Leave**

All full time employees shall receive one day of bonus leave for each three-month period during which time the employee does not utilize any sick leave. Bonus leave may be accrued up to a maximum of 20 days and shall be administered according to the provisions of the vacation leave policy. Use of sick time related to an on the job injury shall not count against the accumulation of sick time. An employee who is out of work due to a Workers' Compensation injury, shall be eligible for only the next accumulated bonus day. Upon return to duty the bonus time shall accumulate as normal.

### **9.6 Paid Personal Leave**

All full time employees shall earn five (5) personal days of leave per year. Personal days may not be taken before they are earned. Personal days are earned on the following dates: February 1, April 1, June 1, August 1, and October 1. Personal days are non-cumulative, and must be used by January 31 of the following year. Requests to take personal leave are subject to supervisor approval, in the same manner as vacation time.

### **9.7 Military Leave**

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 such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA").

Military leaves of absence will be unpaid, unless otherwise required by law.

You may elect to take part of, or all of, your accrued vacation time with pay during your military leave of absence, but you are not required to do so.

**Notice of Leave Request:** An employee needing time away from work for service or training in the uniformed services should make their Department Head aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

An employee's request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the Department Head based on a case by case basis.

**Health Coverage:** If a military leave lasts less than 31 days, the employee's health insurance will be continued and the employee will pay his/her regular contribution for the cost of healthcare insurance. Payment for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions.

If a military leave lasts 31 days or more, then the employee's health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage at his or her own expense for up to 24 months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a 2% administrative fee may also be charged.

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

Employees who have voluntary insurance through AFLAC may enroll in AFLAC's Freedom Program. Employee's who provide a letter requesting to transfer to the Freedom Account and provide a copy of their military orders, will have their premiums covered by AFLAC while they are out on military leave. The group term life insurance provided by the Town will terminate the day the employees becomes active military.

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

**Reinstatement:** Employees wishing to be reinstated following military leave should promptly notify the Department Head of their desire to be reinstated. If the leave is for service of less than 31 days, then the employee should return to work on the first full regularly scheduled work day following completion of

service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify the Department Head of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify the Department Head of the desire for reinstatement within 90 days of completing service.

The Town will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or 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.

**Disabled Service Members:** If a returning employee was disabled or a disability was aggravated during uniformed service, the Town will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

**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. The Town also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

Questions regarding this policy should be directed to the Human Resource Department.

## **9.8 Jury Duty**

Any full time employee called for jury duty shall be excused from work for the duration of the employee's service and shall receive the difference between regular pay and jury pay, provided the employee presents an official statement of pay received. All benefits shall continue to accrue during such absence. If released from jury duty on any day, the employee is expected to return to work.

## **9.9 Short-Term Disability**

### ***1. Application***

There is no waiting period to be eligible for a benefit under Short-Term Disability. An employee must be disabled for eight (8) consecutive calendar days due to an illness and the first day due to an accident.

To request Short-Term Disability benefits, an employee must submit a completed application to the Human Resources. An employee must also submit with the application a physician's statement defining the date of onset of the disability, the nature of the disability, how the disability prevents the employee from performing regularly assigned essential duties, and the expected recovery date. Application forms are available in the Human Resources.

The Town maintains the right to request additional medical statements from the healthcare provider and/or to direct the employee to a second medical evaluation with a healthcare provider selected and paid for by the Town.

### ***2. Summary of Benefits***

To be eligible to receive Short-Term Disability payments, the disability must occur while the employee is insured under the policy. An eligible employee is paid a weekly income benefit based on days missed if the employee is disabled by an injury or illness that is not sustained in the course of employment with the Town and the employee is prevented from performing his or her duties pertaining to the Town employment because of the disability. The amount of the Short-Term Disability benefit is sixty percent (60%) of salary up to a maximum of \$750 per week for a maximum of 26 weeks. Employees may, at the option of the Town Administrator, be allowed to use sick and or other accumulated time to offset the loss of pay during a Short-Term Disability claim.

### ***3. Other Provisions***

Other eligibility requirements may be applicable which are more fully described in the benefit plan. Group health benefits will continue on the same basis as prior to the onset of Short-Term Disability benefits. Short-Term Disability benefits will be subject to all payroll withholding elections of the employee which were in effect prior to the Short-Term disability. When the benefit plan conflicts with the above policy, the benefit plan document will prevail.

## **10. Life Insurance**

Full-time employees are provided with a \$25,000 life insurance policy paid for 100% for by the employer. Enrollment and benefit plan information is available in the Human Resources Department upon request.

## **11. Unpaid Leaves of Absence**

### **Family & Medical Leave Act of 1993 (FMLA):**

Under the provisions of the Family & Medical Leave Act of 1993 (“FMLA”) all employees who have at least 12 months of service and who have worked at least 1,250 hours during the previous 12-month period preceding the commencement of the leave are entitled to twelve unpaid work weeks of designated Family Medical Leave (FMLA) during a twelve-month period in the event of:

- A. The employee’s own serious health condition; or
- B. A serious health condition (See “Definitions”) of the employee's parent, spouse, minor child or an adult child when the adult child is not capable of self care and the employee is needed for such care; or
- C. The birth and care of employee’s newborn child (leave must be taken within 12 months of the birth); or
- D. An adoption or foster care placement of a child with employee in order to care for the child (leave must be taken within 12 months of the placement).

As stated above, an eligible employee is entitled to a total of 12 work weeks of leave during any 12-month period. That 12-month period is defined as a "rolling" 12-month period forward from the first date an employee uses any FMLA leave. In other words, the 12 months will be calculated forward from the first day on which the FMLA begins.

### **Eligibility and Duration**

\*Effective June 1, 2012 FMLA will be coordinated to run concurrently with Short Term Disability. Applications must be submitted at the same time to the Human Resource Department.

Employees may take FMLA intermittently (in blocks of time, or by reducing their normal weekly or daily work schedule) if the leave is for the serious health condition of the employee or employee’s parent, spouse, minor child or an adult child when the adult child is not capable of self care and the employee is needed for such care, and the reduced leave schedule is medically necessary as determined by the health care provider of the person with the serious health condition. A note from the attending health care provider will be required for all intermittent leave. Intermittent leave or reduced schedules may be arranged only if agreed to by both the Town Administrator and the employee. If an employee takes intermittent or reduced schedule family leave, the Town may require the employee to temporarily transfer to a position better suited to that schedule. If the intermittent leave is taken for baby bonding following the birth or adoption of a child or foster child, the leave must be taken in minimum increments of at least two (2) weeks at a time.

The maximum amount of leave available to spouses who are both employed by the

Town is limited to a twelve-week period between the spouses when leave is taken for the birth, adoption or foster placement of a child with the employee. Leave for such reason must be initiated within twelve months immediately following the birth, adoption or placement of the child.

### Compensation During Family Medical Leave

The compensation you receive during FMLA depends on the reason you are taking leave:

#### *Employee's own serious health condition (Type A leave)*

- Vacation Leave – employees are required to utilize any accrued vacation leave
- Sick leave – employees are required to utilize any available sick leave
- Disability insurance (for those who are eligible for the Town's policy)
- Balance of the leave is unpaid once all of the above is exhausted.

#### *Employee's Caring for a Family Member with Serious Health Condition (Type B leave)*

- Vacation Leave – employees are required to utilize any accrued vacation leave
- Balance of the leave is unpaid

#### *Pregnancy/ Maternity/Paternity/Adoption etc. Leave (Type C and D Leave)*

- Vacation leave- employees are required to utilize any accrued vacation leave
- Sick leave – employees are required to utilize any available sick leave
- Disability insurance (for those who are eligible for the Town's policy)
- Balance of the leave is unpaid once all of the above is exhausted

### Benefits During Family Medical Leave

You will continue to receive the same health benefits while on leave as if you were actively employed, up to a maximum of 12 work weeks in a 12-month period. If you do not return to work at the end of the leave, you may be required to reimburse the Town for its contribution to your health coverage. If your available paid time off has been exhausted and the remaining portion of your leave is unpaid you will be required to continue to pay for your portion of your health benefit contributions directly to the Town provided it falls within the 12-week period. Make your personal check payable to the Town. Payment for the month's benefits is due on the first day of that month.

You will continue to accrue vacation leave and receive holiday pay while on paid leave. Once your leave changes to an unpaid status your vacation accrual will cease and you will not be eligible for holiday pay.

## Notice and Certification of Leave

Unless the need for an absence is not reasonably foreseeable (e.g., an emergency medical situation), a request for FMLA must be submitted in writing at least thirty (30) days before the commencement of the leave. If the need for leave is unexpected, such as a serious injury in a car accident or a premature birth, the employee must notify the Town as soon as possible and, in no event, more than two (2) days after knowing of the need for leave. Requests must be supported by appropriate documentation, including notice from the attending healthcare provider (see definition) indicating the need for the absences and the anticipated date of return. Such documentation is also required if the leave is for the purpose of supporting a family member during his or her illness. The Town reserves the right to require a second or third opinion, at its own expense regarding the employee's own serious health condition. Re-certification from the health care provider must be provided if additional leave is required. The Town also requires certification by the employee's health care provider stating the employee is fit to return to work and perform the essential duties of his/her job. The necessary forms are available from the Human Resources Department. In cases where the Town does not have sufficient information, it may make a preliminary designation of FMLA and will provide notice in writing that the leave has been declared an FMLA leave.

### Definitions

“Serious Health Condition” is generally defined by the FMLA as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. A “serious health condition” generally will not include the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems and periodontal disease.

“Health Care Provider” may be a physician, surgeon, nurse practitioner, nurse midwife or other person licensed in the United States or any other country.

### Returning to Work From Family Medical Leave

Under most circumstances, upon return from Family/Medical Leave, an employee will be reinstated to his or her original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions provided the employee can perform the essential functions of the job. However, an employee has no greater right to reinstatement than if he or she had been continuously employed rather than on leave. For purposes of the Town's ‘Time-Off Policy’ you will return to the Town with no less seniority than when your leave began.

Performance and salary reviews will be extended based on the length of your leave. Failure to return from leave in accordance with a mutually agreed date or acceptance of employment elsewhere may result in termination.

If the FMLA was a result of the employee's own serious health condition, the employee must obtain a release to return to work from his/her health care provider and must provide this release to the Human Resources Department in order to be reinstated to his/her job. Please ask the Human Resources Department to provide such forms. All forms and documentation regarding an employee's FMLA will be kept in a confidential file separate from the employee's personnel file.

FMLA leave may run concurrently with other types of leave, such as maternity leave.

### Coordination with Maternity Leave

As stated in our Maternity Leave Policy, the Town provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work.

Maternity disability will be treated in the same manner as a Type D FMLA leave of absence. However, maternity leaves are not limited by any measure other than the period of medical disability. If a maternity disability is for the number of available FMLA leave weeks or less, the employee will be reinstated in accordance with this policy. If a maternity disability exceeds the available FMLA leave weeks, the employee will be reinstated unless business necessity makes reinstatement impossible or unreasonable.

An employee who uses less than the Available Leave Weeks for Type D leave for maternity may take additional Type A FMLA leave after the end of the disability period for a period not to exceed the available leave weeks.

The FMLA and the FMLA Federal regulations issued by the U.S. Department of Labor contain many limitations and qualifications for entitlement and governance of FMLA leave not stated herein. The terms of the FMLA and the FMLA Federal regulations are incorporated herein and will be applied in all instances of requested or designated FMLA leave. Should a conflict arise between this policy and the FMLA and/or the FMLA Federal regulations, the FMLA and/or FMLA federal regulations shall govern.

### **11.1 Maternity Leave**

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when she is medically able to return to work.

Employees will be required to take FMLA leave, if they are eligible for such leave, concurrently with maternity leave, as described in our FMLA policy.

Employees must use their accrued vacation and sick/personal time before taking unpaid leave under this policy. Employees on maternity leave may also be eligible for short-term disability benefits.

Employees on maternity leave who are not eligible for FMLA leave or who have exhausted their FMLA available leave weeks will be allowed to continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue medical insurance coverage by making arrangements with the Finance Office to pay the entire amount of the appropriate monthly premium in advance each month.

When the employee is physically able to return to work, her original job or a comparable position will be made available to her unless business necessity makes this impossible or unreasonable. An employee who cannot be returned to her original or a comparable position will remain eligible to apply for any available position within the Town.

### **11.2 Leave of Absence for Victims of Crime:**

In accordance with New Hampshire law, the Town will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a “victim” is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, “immediate family” means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify the Department Head as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence.

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

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation time, sick leave, or personal days. The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

## **12. Employee Expenses**

All travel must have prior approval and expenses must be itemized, with receipts attached on the Town’s reimbursement expense form, and submitted for approval by the Department Head and the Town Administrator prior to reimbursement.

All employees traveling on Town of Bristol business or using personal funds to make purchases for Town of Bristol, shall be entitled to reimbursement of their expenses according to the following schedule:

- Automobile expenses (only if Town vehicle is not available) State of NH rate/mile;
- Meals - up to \$40 per day (not to include alcoholic beverages) this can be exceeded with receipt;
- Purchases – all verified approved expenses;
- Lodging – where pre approved;
- All travel and purchases must be pre approved, failure to do so may result in non-payment.

## **13. Use of Town Assets**

All employees are expected to exercise due care when operating Town of Bristol machinery and equipment and to exercise reasonable restraint when using Town materials and supplies. Any employee misusing machinery, property and/or equipment or expropriating materials and supplies, funds, or other assets may be liable to disciplinary action, financial restitution, suspension and/or termination upon the recommendation of the Department Head with approval of the Town Administrator or appropriate commission, and subject to a proceeding at law to recover Town losses.

#### **14. Health/ Dental Insurance**

The Town of Bristol offers medical insurance for full time employees. Employee's who work a minimum of 32 hours per week or domestic partners of full-time employees (as defined by the health insurance administrator) may have access to the Town's health insurance. However part-time employees or employee's with domestic partners will be responsible for 100% of the eligible health insurance plan cost which must be paid through payroll deductions unless another arrangement has been approved by the Select Board. The Town cost shares with full-time employees on health benefits. Benefit coverage, vendor, features, costs and Town contributions are reviewed annually by Human Resources, the Town Administrator and the Select Board and are subject to change at the Town's discretion.

All benefits begin the first of the month following your date of hire. Additional detailed information on benefits are listed elsewhere in the Personnel Policy and are available in Human Resources. Employees must select health and dental plans, authorize payroll deductions and complete all necessary forms prior to enrollment.

The Town of Bristol reserves the right to purchase Medicare Coverage Options for employees and retirees who are entitled to this benefit, equivalent to standard insurance coverage in lieu of such coverage.

With proof of alternative medical insurance coverage, a full time employee may request, in lieu of Town health insurance coverage, an annual payment of no greater than \$1,000 to be payable December 1st of each qualifying year, providing the employee has not used employer provided insurance during the calendar year. To be eligible the employee must have been employed on or before June 30<sup>th</sup>. Stipends for contracted employees are not subject to the \$1,000 limit and are specified within those contracts.

Dental insurance is offered to employees at their expense. Benefit coverage, vendor, features and costs are subject to change. Employees are responsible for 100% of the cost with no contribution by the Town. Rates are reviewed and posted annually by the carrier through Human Resources.

#### **15. Retirement - NHRS**

Upon employment with the Town, employees are enrolled in New Hampshire Retirement System (NHRS). The NHRS is a public employee pension plan that provides retirement, disability, and death benefits to its members and their beneficiaries. NHRS is a defined benefit plan, which offers eligible members a lifetime pension. The amount of the pension is based on a formula of salary, average final compensation, and creditable service, not on the contributions paid into the plan. A percentage of the employee's gross earnings are deducted bi-weekly from the employee's paycheck and are submitted monthly to the NHRS by

the Town. The Town submits, at the same time, a percentage towards each employee's retirement fund. The current percentages are designated by the NHRS. NHRS is made up of two groups. Group I is for employees of School Districts, Counties, Municipalities and other political subdivisions. Group II is for Police Officers and Firefighters. NHRS administers a post-retirement medical insurance subsidy for eligible Police Officers, Firefighters, retired employees and teachers. The NHRS is governed by RSA 100-A. Because the laws regulating the NHRS change regularly, contact the NH Retirement System for more information on the specifics of the system.

## **16. Worker's Compensation Insurance and Reporting Workplace Injuries**

On-the-job injuries are covered by the Workers' Compensation Insurance Policy provided at no cost to the employee. The Town follows all State of NH Labor Department policies with claims.

### Reporting Injuries

If you are injured on the job, no matter how slightly, you must report the incident immediately to the Department Head. We ask for your assistance in alerting the Town to any condition that could lead or contribute to an employee accident. Employees must complete the necessary Workers' Compensation forms following any injury and submit immediately to Human Resources. Department Head's must provide the report to the Human Resource Department upon receipt of the completed forms. A claim will be filed with the insurance carrier and Human Resources will follow up with the employee for medical updates. All medical documentation must be submitted to Human Resources.

### Weekly Income Benefits

The amount of the weekly Worker's 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. These benefits are paid by the Town's Workers' Compensation carrier to eligible employees.

### Temporary Alternative Duty

It is the policy of the Town of Bristol to manage its Worker's Compensation program effectively. The Town provides a Temporary Alternative Duty Program under the State of New Hampshire regulations for injured employees (RSA 281-A: 23-b). The Temporary Alternative Duty Program will be coordinated between the employee's supervisor and the Human Resources Department on an individual basis. Once an employee has been cleared to return to work, they may do so with a doctor's note specifying any limitations due to the injury.

The following temporary alternative duty assignments may be offered to an injured

employee based on their needs:

1. Administrative functions
2. Clerical functions
3. Desk assignments
4. Communications
5. Inventory
6. Packing
7. Light assembly
8. Mail (Sorting/distribution)
9. Copying
10. Light stocking of supplies
11. Cleaning

Specific duties for Temporary Alternative Duty work are subject to review and may vary by Department. Decisions on Temporary Alternative Duty assignments will be made based on the nature of the employee's injury, physician's recommendations for work duties, availability and necessity of specific duties. Positions will not be created for Temporary Alternative Duty assignments.

If an offer of Temporary Alternative Duty which has been approved by a physician is refused by the employee, the Town of Bristol may petition the Labor Commissioner pursuant to RSA 281-A:48, to reduce or end compensation.

For more information regarding this policy or to make a request for temporary alternative duty work, employees should speak with their Supervisor and the Human Resources Coordinator.

#### Reinstatement

A full time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A fitness-for-duty release will be required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if he/she has accepted a job with another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to his/her former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

## **17. Tuition Reimbursement Policy/ Education & Training**

The Town of Bristol encourages its full time employees to further their education, which is applicable to their current position or to a position towards which they hope to advance, or enhances the employee's job skills. Each employee must obtain approval from his/her Department Head, and the Town Administrator for any such training or educational program before the employee registers. While tuition reimbursement is expected to enhance employees' performance and professional abilities, the Town cannot guarantee that participation in formal education will provide the employee with automatic advancement, a different job assignment, or pay increases.

The Policy below should be carefully followed to be eligible for reimbursement:

- Applications will not be approved for elective courses.
- Applications will not be approved for course work that is not reasonably related to the employee's present position or prospective position.
- Reimbursement shall be made only for course work completed at accredited public, business, trade schools, colleges or universities.
- Reimbursement will be made as determined by the funds available in the budget for this purpose for this budget year (determined by the concluding date of instruction), but will not exceed 75% of the cost of tuition and 50% of the cost of books for up to four credit hours per semester.
- The employee must present an official school receipt indicating the cost (s) for which the reimbursement application is being made.
- Reimbursement shall be made only for course work in which a grade of "C" or better or Satisfactory is received. Employees must present an official school transcript showing the final grade received.
- If employment ceases prior to the completion of the approved course work, reimbursement will not be made.
- An employee will not be compensated for missed hours while using the tuition reimbursement policy during regularly scheduled work periods.
- Employees must sign an agreement to remain with the Town for a period to be agreed on by the employee and the Town.
- It is the responsibility of the employee to provide the employer with as much advance.
- Notice as possible to properly budget for any tuition assistance.

## **18. Performance Evaluations**

Performance evaluations are considered an important method of gathering job-related performance indicators. Both the employee and the supervisor are important members of the performance evaluation team. While this provides a good mechanism for structured communication and feedback, it is not a substitute for *ongoing* communication and feedback. Problems should be addressed as they occur and

should not be saved to be listed on the Performance Evaluation. However, performance problems of an ongoing nature should be included in the Performance Evaluation and specific goals and measurement criteria for improvement should be given to the employee. Follow up dates should be established and adhered to by the Supervisor.

Effective April 1, 2015, merit based evaluations will be used to evaluate employees annually. These evaluations will be reviewed with the employee and Department Head to assess overall performance, set goals and coordinate training if appropriate.

After review of the evaluation, merit increases will be assigned using the merit scoring system. All rate or salary changes must be submitted on completed PAF's and signed by the employee by April 30<sup>th</sup>.

If an employee has received a written warning or suspension in the last 12 months for behaviors or performance issues which have not been corrected, the employee will not be eligible for an increase that year. Appeals can be made to the Town Administrator for review on an individual basis.

It is the goal of the Town for every employee to receive an evaluation annually. It shall be the responsibility of the Town Administrator or Human Resources to remind Department Heads of the need to complete the evaluation each year. All evaluations shall be completed by the Department Head, reviewed and discussed with the employee and include a review of the employee's job description. The supervisor shall recommend any job description changes to the Town Administrator or appropriate commission for approval. The evaluation forms shall be filed in the employee's personnel file.

## **19. Employee Conduct and Discipline**

**19.1** Any group of people who have come together for a common purpose must have rules that promote consistency, harmony, and support the objectives and missions of the Town.

There are certain standards of common honesty and decent behavior that all employees are expected to follow. We believe that the following rules, which are not set out in any particular order, are necessary and reasonable for the proper conduct of our business.

We all know that no list of rules can be all inclusive. The following areas, however, are expressly described to guide you in the recognition of certain behaviors which are clearly prohibited and which can result in disciplinary action, up to and including discharge.

- Repeated performance problems;
- Willful neglect in the performance of duties required by or assigned to the position held;
- Refusal or inability to perform duties by or assigned to the position held;
- Disregard for, or willful violations of State or Federal laws, or Town policies or regulations;
- Misuse, misappropriation, negligence or destruction of Town property, or conversion of Town property, credit or good will, to the employee's personal use or gain;
- Violation of reasonable or official orders, refusal to carry out lawful and reasonable directions of a supervisor, or other acts of insubordination;
- Dishonesty or other unsuitable conduct adversely affecting the Town's services or effective job performance;
- Repeated tardiness or absence from duty without proper approval.
- Criminal conduct on or off the job;
- For positions whose duties involve the use of vehicles, the loss of a driver's license;
- Use of intoxicating beverages or other controlled substances are prohibited;
- Use of illegal prescription drugs, either while on duty, or otherwise so as to interfere with effective job performance are prohibited;
- Persons on call back who have used alcohol or controlled drugs shall refuse the call back, if it will interfere with effective job performance;
- Uncivil or discourteous attitude or conduct, or the use of indecent or slanderous language toward the public or fellow employees;
- Discrimination, sexual or other unlawful harassment, and inappropriate conduct in violation of Town policies;
- Fighting or creating a threat of violence in the workplace, possession of any kind of unauthorized weapons on Town property;
- Violation of safety regulations or endangering the health or safety of other persons;
- Repetition of avoidable mistakes to a point that the mistakes demonstrate disregard for the Town's interest;
- Negligence in the performance of duties which conflict with the Town's interest;
- Excessive use or other improper use of a Town telephone, facsimile, computer, e-mail, and copier for personal purposes;
- Any other conduct for which discipline or termination is warranted.

**19.2** It is the policy of the Town to take corrective action against employees who violate rules, regulations, and standards of conduct, endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town: **Documented verbal warning, Written warning, Suspension, and Dismissal.** While the Town will apply the concept of progressive discipline when it deems it appropriate, it reserves the right to determine, in its sole discretion, the appropriate level of discipline in any

circumstance including immediate termination. In addition, nothing in this Personnel Policy undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under Federal and State law.

## **20. Dispute Resolution Procedure**

If you feel you have a problem, you should present the situation to your Supervisor or Department Head so that the problem can be settled by examination and discussion of the facts. We hope that the Supervisor or Department Head will be able to satisfactorily resolve most matters.

An employee who is not satisfied with the Supervisor's response is urged to go to the Department Head and again try to resolve the issue. If the matter is not resolved by the Department Head within fifteen (15) business days, the Town Administrator is available to discuss the issue. We urge every employee to follow through rather than be dissatisfied. Any complaint will be investigated and the findings and determination reported back to the employee.

Your suggestions and comments on any subject are important to us so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure.

## **21. Anti-Harassment**

The Town is committed to providing a work place where all can work in a cooperative and professional atmosphere that is free from all forms of unlawful harassment. Unlawful harassment includes harassment based on a person's veteran status, sex, race, color, national origin, age, sexual orientation, religion, pregnancy, childbirth or related medical condition, physical or mental disability, marital status or any other legally protected characteristic. Such harassment is not allowed and will not be tolerated. Employees who take part in unlawful harassment will be disciplined, up to and including termination. All employees are expected to follow this policy.

Although all unlawful harassment is not allowed, the Town would like to address sexual harassment which is also illegal. Sexual harassment refers to behavior of a sexual nature, whether done on purpose or not, that is unwelcome and personally offensive to the receiver. Sexual harassment is a form of behavior that is disrespectful and demeaning to another person and breaks down the employment relationship. Sexual harassment includes the following types of behavior:

Sexual advances that are unwanted, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute 'sexual harassment' when:

1. The harassment has the purpose or effect of unreasonably getting in the way of the employee's work performance or creating an environment that is intimidating, hostile or offensive to the employee; or
2. Giving in to such behavior is made a requirement of employment, whether known or not; or
3. Giving in to or turning down such conduct is used as a basis for an employment decision affecting the employee.

Please understand that sexual harassment is not exclusive to the employee/supervisor relationship. Peer to peer harassment can also occur.

For example unlawful sexual harassment includes, but is not limited to: unwanted physical contact, foul language thought to be offensive and sexual in nature, sexually oriented propositions, jokes or remarks, obscene gestures or the display of sexually explicit pictures, cartoons, screen savers or other materials.

Racial harassment is also prohibited. Unlawful racial harassment includes, but is not limited to, foul language of an offensive and racial nature, racial jokes or remarks, the display of racially offensive pictures, cartoons, screen savers or other materials.

All employees should understand that the use of the Town's equipment to harass others or even to communicate offensive jokes or remarks that may be considered offensive to another employee is prohibited.

#### Complaint Procedure (including 504 Accessibility Grievances)

Any employee who feels that he or she has been harassed based on any legally protected characteristic should immediately report it. In order to ensure concerns/complaints are handled objectively and promptly please notify your Department Head, any member of senior management, the Town Administrator, or the Human Resources Department. Any Supervisor or Department Head who becomes aware of any possible unlawful harassment is required to immediately notify the Town Administrator or the Human Resources for a prompt investigation of the matter.

All complaints of unlawful harassment will be investigated as carefully and confidentially as possible. An immediate investigation will be organized and appropriate action will be taken where it is needed. Should an employee notify management of an unlawful harassment complaint, that individual's employment will not be negatively affected. Any person found to have violated the Town's policy against harassment will be subject to disciplinary action, including possible termination of employment.

The Town also recognizes that false statements of harassment may have serious effects on innocent people. Employees found to have made false statements of harassment will be subject to disciplinary action, including possible termination of employment.

We encourage employees to use the Town's procedure for resolving complaints of harassment, including claims of sexual and other harassment, and believe that this procedure is effective. However, employees may file complaints of discrimination, including complaints of harassment or for retaliation for having made claims of harassment, with the appropriate government agency in the State.

## **22. Work Place Violence**

The Town is committed to preventing workplace violence and to maintaining a safe work environment. Employees shall refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Employees are encouraged to bring their disputes or differences with other employees or the public to their Department Head, Town Administrator or the Human Resources Department before the situation escalates. The Town prohibits employees from bringing weapons on our premises, including parking lots.

Conduct that threatens, intimidates, or coerces another employee or member of the public at any time, including off-duty periods, will not be tolerated. This includes all acts of harassment, including harassment based on sex, race, age, or any characteristic protected by Federal or State law.

Any threat of or actual violence, by an employee, official, or member of the public, or any suspicious individual or activity, shall be reported as soon as possible to the employee's Department Head or the Town Administrator. The report should be as specific and detailed as possible. The Town will promptly and thoroughly investigate all reports.

In order to maintain workplace safety and the integrity of an investigation, the Town may suspend employees, with or without pay, pending the investigation. Anyone determined to be responsible for threats or actual violence, or other conduct that violates this policy, will be subject to prompt disciplinary action, up to and including termination of employment.

## **23. Computer Use and Communications Equipment Policy**

The Town provides communication tools including computers, fax machines, telephones, voice mail, e-mail, and access to the Internet to help you do your job. This policy is designed to help you understand our expectations for the use of these resources and to help you use these resources wisely.

All employees should be aware that the Town has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail, and Internet use of all employees. For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems. The Town reserves the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy.

The following guidelines apply to all employees:

- Employees should be aware that in addition to monitoring e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), we have the ability and the right to monitor such things as each Internet web site visit, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created on them are the property of the Town and may be monitored by the Town at any time.
- Our computers and other communications equipment may not be used to violate any Federal, State, or local laws or regulations. Use of any Town resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any legitimate law enforcement investigation.
- The Town reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document on any Town system is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, religion, national origin, disability, veteran status, or anything else that may be construed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
- Transmission of any religious or political messages is strictly prohibited.

- Access to non-Town related, obscene or offensive web sites is strictly prohibited.
- Any personal use of our computers or other communications equipment for any commercial activity (other than Town business) is strictly prohibited, as is the use of our computers and communications equipment for anything that may not be in the best interest of the Town including, but not limited to, activities that disclose any confidential or proprietary information of the Town.
- Town computers and other communications equipment are to be for Town use only by authorized users. Non-employees may not use the Town's computers, network, or other communications equipment for any reason.
- Use of another employee's account, user name, or password, or access to their personal files without their consent (by anyone other than authorized individuals) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.
- All pass-codes and passwords are the property of the Town. No employee may use a pass-code, 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 communications equipment must take reasonable precautions to prevent unauthorized access to our systems. Passwords should not be divulged to unauthorized persons.
- Destruction, theft, alteration, or any other form of sabotage of the Town's computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.
- The breaking into and/or corrupting of any of the Town's computer, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Town's technology is also prohibited, and will be reported to the authorities.
- Any vulnerability in the Town's computers, network, or other communications equipment or resources should be reported immediately to the Department Head.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the Department Head.

- Accessing the Town's files or any other files on the network or the system that you did not create is prohibited unless you have prior authorization from the Department Head.
- Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, or hacking, or introducing malware or spyware is strictly prohibited.
- Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All Town data and information is considered confidential unless the Town has granted permission for an employee to disclose that information or unless required by law or judicial process. Accessing or attempting to access confidential data without authorization 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 without the express prior approval of the Department Head.
- Employees are responsible for taking precautions to safeguard the physical security of the Town's network, Internet, computers, and other communications equipment. Disks, CDs, USB portable drives, Zip drives, and other removable drive devices containing sensitive, confidential, or proprietary information should be stored in a secured location, whenever possible. Computers should be turned off when not in use for an extended period of time or when an employee is out of his or her office.
- Employees are not allowed to introduce to our network, Internet, computers, or other communications equipment media from any external sources, including, but not limited to, CDs, disks, Zip drives, personal digital assistants (including, but not limited to, Blackberry and palm pilots), USB portable drives, and other removable drive devices without prior authorization from the Department Head.
- Employees also may not copy, transmit, or otherwise remove any information from our network, Internet, computers, or other communications equipment to CDs, disks, Zip drives, personal digital assistants, USB portable drives, or other removable drive devices without prior authorization from the Department Head.
- 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.

- All downloaded files or applications are to be scanned for viruses before being saved on the Town's network.
- The Town retains the copyright to any Town-related material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his/her duties.
- All information on the network, Internet, computers, and other communications equipment is the property of the Town. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town to continue using its equipment.
- All employees are required to report any violations, or suspected violations, of this policy.

#### **24. Personal Cell Phones**

Town employees shall use personal cell phones only during their fifteen (15) minute breaks or during their lunch breaks, except in the event of an emergency.

#### **25. Personal Telephone calls**

Use of the Town's telephone system for personal calls is strictly limited to breaks or lunch periods when permitted by a Department Head or the Town Administrator. Long distance calls and the use of \*69 and 411 shall be prohibited, except as authorized by a Department Head, and documented the same as a long distance call.

#### **26. Tobacco Use**

The Town is committed to providing a safe, healthy, and tobacco-free work environment for our employees and all others. Consistent with our commitment and State law, RSA 155:66 – Except as provided in RSA 155:67 and notwithstanding any law to the contrary, smoking is prohibited in any area of Town buildings except in a designated smoking area. Any employee wishing to smoke must do so only during authorized breaks in a designated smoking area. Tobacco use is prohibited in all Town owned/leased vehicles.

## **27. Solicitation and Distribution**

No solicitation of any kind is permitted during working time, unless first approved by the Department Head. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, and time before and after work hours. This rule applies to solicitations of both charitable and non-charitable causes.

No distributions of any non-work related written materials are permitted in any work area of any kind, unless first approved by the Department Head. "Work areas" are defined as any Town office or facility, other than designated break areas.

Employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on the Town's premises at any time, unless authorized by the Department Head.

## **28. Motor Vehicle Violations**

All employees who operate Town vehicles are required within 72 hours to notify their Department Head in writing if they have been convicted of, or plea nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicles is suspended, revoked, or otherwise restricted, the employee must notify the Department Head within one working day of learning of the suspension, revocation, or restriction. Employees who are required but unable to drive and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

## **29. Town Security**

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of the Department Head.

## **30. Media Contacts**

The Town acknowledges that our employees and the public have a genuine and legitimate interest in the Town's operations. The Town also recognizes that the news media plays a vital role in our community. Therefore, the Town will make every effort to disseminate information about the Town and its performance in a factual, accurate and timely manner when approached by the news media.

It is the policy of the Town that employees report all contact from/with the media to the Town Administrator. Only the Town Administrator and the Select Board or their designees may address matters related to the Town with the media.

### **31. Employee Health and Safety Program**

Safety can only be achieved through teamwork. Each employee, Supervisor, Department Head and Official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately.

Please observe the following precautions:

- a. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your Supervisor immediately.
- b. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Town property is prohibited. Employees are subject to random drug and alcohol testing.
- c. The use, adjustment, and/or repair of machines or equipment are to be performed only by you if you are trained and qualified.
- d. Employees should get help when lifting or pushing heavy objects.
- e. Employees should understand their job fully and follow instructions. If unsure of a safe procedure, ask a Supervisor or Department Head.
- f. Know locations, contents, and intended use of all first aid and fire fighting equipment.
- g. Wear personal protective equipment in accordance with the job you are performing.
- h. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- i. All job descriptions include keeping Town facilities and lots clean and safe.

Every employee must participate in this effort. Violations of safety precautions may lead to disciplinary action.

### **32. Joint Loss Management Committee (JLMC)**

The Town maintains an active JLMC comprised equally of management and regular employees, which meets quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Town Administrator for details.

### **33. Seat Belt Policy**

The Town is concerned about employee safety and recognizes that the use of seat belts has proven to be a positive factor in the reduction of personal injury when a vehicle accident occurs.

The NH Administrative Rules for Public Employee Safety and Health under RSA 227, (Labor 1403.40) require wearing of appropriate personal protective equipment. Seat belts are considered to be personal protective equipment; therefore, the Town of Bristol is charged under state law to require the use of seat belts while on Town business.

#### ***Policy:***

- \* All Town employees are required to wear seat belts while operating or riding in any vehicle while on Town business. This applies to personally owned vehicles as well as the vehicles of others.
- \* Passengers in vehicles operated by Town personnel while on Town business are required to wear seat belts. Clients transported in Police vehicles shall wear seat belts unless fastening the belt would place the officer in danger.
- \* This policy shall not apply in the use of vehicles in which the manufacturer has not installed seat belts.
- \* Town employees are prohibited from disengaging or disarming automatic seat belt systems/alarm.
- \* Violations of this policy may subject the employee to disciplinary action.

### **34. Hazardous Materials**

It is the Town's goal to have a workplace free from injury. The Town inspects the workplace to evaluate and determine any risk of injury and take corrective action whenever appropriate. The Town also relies on its employees to see to it that their workplace is free from safety hazards. Any employee who sees a situation that could be a safety concern must report the problem to the Department Head or Town Administrator immediately.

### **35. Hazardous Substances**

Due to work requirements, hazardous substances may be in the workplace. Notices of hazardous substances will be clearly marked with a “WARNING” sign, near the substance itself along with information about the substance that will include at a minimum, hazards of exposure, safe use of the substance, procedures for cleaning up spills, etc. Applicable material safety data sheets are readily available to employees from Department Heads.

All employees working with hazardous substances will receive training in the proper handling of the substance and will be provided with the necessary safety equipment for the handling of any hazardous substance.

### **36. Drug & Alcohol Policy**

The Town is committed to providing a work environment that is healthy, safe, and free of drugs and alcohol. In doing so all employees are required to submit to drug and alcohol testing upon request of a Department Head or Human Resources. In support of our commitment to a healthy and safe work environment, the Town prohibits the following conduct and any conduct which, in our determination, is not consistent with our commitment.

- The manufacturing, distribution, sale, possession, storage, or use of a controlled substance, unauthorized prescription drug, drug paraphernalia, or alcohol, at any time on Town property, on duty, while conducting Town business elsewhere, or during work hours;
- Reporting to work or otherwise working under the influence of drugs or alcohol, or under the influence of legal drugs that may impair your ability to safely perform your job functions;
- Reporting to work in a condition that is not fit for work. In addition to being under the influence as mentioned above, other indications of a lack of fitness for duty are smelling of alcohol, appearing to be “hung-over”, or otherwise appearing or being unable to effectively interact with citizens, visitors, and co-workers, and work safely and properly without impairment;
- Failing to submit to a required fitness for duty exam.

The Town recognizes drug dependency as an illness and a major health problem. Employees needing help in dealing with such problems are encouraged to use services provided with their health insurance, or the “Employee Assistance Program”. More information on EAP is available in Human Resources.

Conscientious efforts to seek such help will not jeopardize any employee's position if the employee comes forward prior to being notified they have been selected for a drug and/or alcohol test.

***An employee must, as a condition of employment, report to their Department Head any arrest under a criminal drug statute which occurred on Town property, while on-duty, conducting Town business outside of the normal work hours, or an arrest which would jeopardize their job functions. This report must be made on the following work day after the arrest. Once the case has been finalized/closed, the employee must also report to the Department Head the final disposition of the case on the following work day.***

The Town follows all protocols of the U.S. Department of Transportation drug and alcohol testing program for all employees whether they fall under the federal criteria, or not.

**1. Prohibitions.** No employee shall report for duty, remain on duty or operate a Town vehicle or any equipment, while under the influence, while in possession of, or while using alcohol or a controlled substance, or over-the-counter medications which may have an effect. In the case of controlled substances, an exception is made if prescribed by or used pursuant to advice of a physician. The employee must be advised by their physician or pharmacist that the substance won't impair their ability to operate a motor vehicle. Any employee shall inform their supervisor of therapeutic drug use that may impair the employee's ability to perform job functions. Please see "Prescription medication and over-the-counter medication" for more information.

Employees shall not perform safety sensitive functions within four hours after using alcohol.

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

**2. Testing.** Testing shall apply to all employees. The refusal to submit to a required test will be treated as a positive result.

The following classes of drugs will be subject to testing by urinalysis: marijuana, cocaine, phencyclidine (PCP), and amphetamines, and any other class of drugs covered under the U.S. Department of Transportation Drug and Alcohol regulations. Alcohol testing is done through breath analysis or any other method used by the collection site facility in accordance with approved U.S. DOT protocol. All employees are subject to additional drug testing outside the DOT regulations.

Test results: A positive result during the initial screening requires that the laboratory must do a confirmation test. Once confirmed, the results are submitted to the MRO. The MRO will attempt to contact the employee. The MRO will either declare a verified positive test, or cancel the positive result after discussion with the employee. In the event the MRO is unable to contact the employee in accordance with DOT regulations, the laboratory positive result will be reported to Human Resources. Human Resources will contact the Department Head and Town Administrator with the test results. Arrangements will be made to meet with them and discuss the disciplinary measures to be taken. See “Positive test consequences”. Documentation of the test result will be placed in the employee’s file.

Types of drug and alcohol testing include pre-employment, reasonable cause/suspicion, post accident involving fault or injury, random, return to duty, and follow-up.

Positive alcohol screenings are confirmed through a second breath analysis. After various steps, which could include a discussion with the employee, the MRO will declare a verified positive test or cancel the test altogether. A positive test is considered .02 and above.

Positive test consequences: Employees who are directed to take a test and refuse to cooperate will be subject to immediate suspension and will be treated as an employee who tests positive.

If the employee’s drug test result is positive, the employee is placed on paid administrative leave for the remainder of the workday. The employee is then placed on unpaid suspension. The employee’s unpaid suspension from work will be for a minimum of seven workdays and a maximum unlimited days until the employee does all of the following:

- Meet with a licensed substance abuse professional for assessment and begin appropriate treatment.
- A fit-for-duty report must be provided to Human Resources.
- Take and pass a drug and/or alcohol test at the Town’s medical facility.

A. Pre-employment. All offers of employment extended for any position must be conditioned upon negative drug and alcohol tests. If the applicant fails the test, the offer of employment shall be withdrawn.

B. Reasonable Cause/Suspicion. Reasonable cause/suspicion includes but is not limited to personal and contemporaneous observation of specific behaviors or performance or physical characteristics which indicate that an employee may be under the influence of drugs or alcohol during work hours.

C. Post Accident. After an accident of any type (motor vehicle or non-motor vehicle), an employee may be subject to testing and/or disciplinary action based on reasonable cause. Testing is also required if the accident results in a fatality or injury of any sort, or if the employee is found to be at fault of the accident.

Drug testing must be performed as soon as practicable after the accident. Alcohol testing must be performed within two hours after an accident. If, for unavoidable reasons, alcohol testing is performed beyond two hours but before eight hours post accident, the Department Head must document why there was a delay in testing. If alcohol testing cannot be performed within eight hours post-accident, all attempts to an alcohol test shall stop. The Department Head must document why testing could not be done within the required period. Any employee that is involved in an accident in which alcohol testing is required must abstain from alcohol use until they are alcohol tested; or eight hours have elapsed post accident. Post accident alcohol testing may be performed or referred by trained law enforcement officials in lieu of a medical facility. If testing is performed post accident, follow the procedures outlined under "Reasonable Cause." The employee's supervisor will transport the employee or arrange to have the employee transported to the testing or collection site.

If an employee is injured, unconscious, or otherwise unable to consent to testing, all reasonable steps will be taken to obtain a sample. The Department Head will notify the hospital or medical treatment facility where the employee has been taken, of the need to obtain specimens for drug and alcohol testing. Necessary medical attention will not be delayed in order to collect any specimen and any injury to the employee should be treated first.

The consequence for a positive post accident test result is immediate discharge. An employee will be suspended without pay pending the result of post accident test(s). In the event that the test(s) are negative, the employee will be reinstated without loss of pay or benefits, unless other conduct warrants discipline under Town policy.

D. Random. The consortium is responsible for the random selection of employees for testing and will provide a list of randomly selected employees to Human Resources. Random tests will be conducted on a monthly or quarterly basis at threshold levels prescribed by the Town. Each employee in the Consortium will be assigned an identification number. Except for providing and updating the employees information to the consortium, the Town will not be involved in the random selection process.

It is important for employees in the random consortiums to understand that if they are drawn for a drug or alcohol random test, their identification number is not withdrawn from the consortium. Rather it goes back into the random consortium and may be selected again in the future. This can result in an employee being randomly tested several times in one year.

Tests shall only be scheduled during work hours. If a selected employee is on leave, their name may be held in reserve until such time as they are available for testing. Human Resources will contact the testing facility and supply all information needed. The Department Head will not notify the selected employee that they have been scheduled. The Department Head will only notify selected employees to report for testing when the employee is on duty and immediately before the scheduled appointment. At the time of notification the employee must report immediately for testing. All time spent reporting for and during testing shall be considered on duty.

An employee who is the subject of an alcohol or drug test shall have access to any records relating to their test, and any records relating to the results of any relevant laboratory certification, review, or revocation of certification proceedings, upon a written request to Human Resources using a reasonable timeframe.

Employees under the influence during work hours or while using Town-owned property, such as vehicles, is strictly prohibited. This includes use of prescription drugs which have not been prescribed for you. These activities constitute serious violations of the Town's rules. Such behavior jeopardizes the Town and can create situations that are unsafe or substantially interfere with an employee's job performance.

This policy also applies to any prescription drugs that may have an adverse impact on an employee's ability to work safely while using these drugs. An employee using a drug that has been prescribed by a licensed physician for personal use shall report the use of that drug to his or her supervisor if such drug might reasonably be expected to impair the employee's ability to safely perform the duties of the job to which the employee is assigned. Medical documentation from the employee's medical provider must be provided to Human Resources. Any information reported in accordance with this policy will be maintained as confidential and shared only with those in management with a legitimate need to know.

Employees in violation of this policy are subject to appropriate disciplinary action, up to and including dismissal.

### **37. Workplace Searches**

To safeguard the safety and property of our employees, residents, and the Town and to help prevent the possession and use of weapons and illegal drugs on Town premises, it may become necessary to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from Town property. In addition, the Town reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and the Town. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town and are issued for

the use of employees only during their employment with the Town. Inspections may be conducted at any time at the discretion of the Town.

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, weapons, or illegal drugs, may be subject to disciplinary action, up to and including discharge.

### **38. END OF EMPLOYMENT CONDITIONS and REQUIREMENTS**

#### **End of Employment Notification**

When an employee decides to end their employment relationship with the Town, the employee must put their notice into writing to their Department Head. The employee should make every effort to give at least a two week notice in advance of the planned ending date. This will allow the Town to maintain work schedules and provide important services to the public as well as prepare the employee's ending paperwork and payroll.

#### **Exit Interview**

The purpose of the exit interview is to discuss any relevant separation benefits, benefit continuation, and to receive feedback from the employee on ways in which the Town can improve operations and retention of employees.

When an employment relationship with the Town ends for any reason, the Department Head in coordination with Human Resources shall conduct an exit interview with the employee. At the time of this interview, the employee shall account for all Town property in their custody or control.

If an employee refuses to participate in an exit interview, a notation shall be made for the employee's personnel file.

#### **Benefits – End of Employment**

Upon retirement, any full time employee shall receive payment in a sum equal to 1/3 the number of accumulated sick leave time. The amount of sick time eligible for payment shall not exceed 20 days. Employees who are dismissed will receive all accrued vacation leave up to 30 days and shall forfeit any accrued sick leave. An employee who has been employed with the Town less than six months will not be eligible for any accrued time payouts. With all other terminations of employment, employees shall not be paid for accrued sick time.

Employees who retire, resign, or end their employment for reasons other than dismissal will receive all accrued vacation leave. Personal days are non-cumulative and must be

used by January 31<sup>st</sup> of the following year or forfeited. Bonus leave may be accrued up to 20 days and will be paid out upon termination.

**Benefits - Upon Death.** If an employee dies while in an employment relationship with the Town, all monies owed the employee shall be paid to a beneficiary(s) named by the deceased and recorded with Human Resources. If no beneficiary is on record, these monies shall be paid to the estate of the employee.

**NHRS – End of Employment.** The New Hampshire Retirement System (NHRS) is a public employee pension plan that provides retirement, disability, and death benefits to its members and their beneficiaries. NHRS is a defined benefit plan, which offers eligible members a lifetime pension. The amount of the pension is based on salary, average final compensation, and creditable service, not on the contributions paid into the plan. NHRS administers a post-retirement medical insurance subsidy for eligible police officers, firefighters, retired employees and teachers. The NHRS is governed by RSA 100-A. Because the laws regulating the NHRS change regularly, contact the NH Retirement System for more information on the specifics of the system.

**Termination of Employees Not Able to Work.** An employee who has exhausted all accrued and approved leaves, and is no longer protected by FMLA, is subject to termination of the employment relationship with the Town.

If the employee is on disability or workers compensation and is no longer protected by FMLA, the employee is subject to termination of the employment relationship with the Town.

**Unemployment Compensation.** The Town pays into the unemployment compensation fund established by the State of New Hampshire. Employees no longer working for the Town may be eligible for unemployment compensation benefits through the NH Department of Employment Security.

**COBRA.** The “Consolidated Omnibus Reconciliation Act of 1985” (COBRA) requires the Town to offer covered employees and their family members the opportunity for a temporary extension of health insurance coverage through the group at their own expense in certain instances where coverage would otherwise end. The extension is not automatic and the coverage is not free. For more information on COBRA contact Human Resources.

Administrative Review  
Employee Statement and Request

The following statement is provided concerning my personal observations regarding an incident involving questionable employee conduct:

Date of Incident \_\_\_\_\_

Time of Incident \_\_\_\_\_

Individuals Involved \_\_\_\_\_

Other witnesses \_\_\_\_\_

Description of incident (attach additional sheets as needed):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that this information is an accurate and complete description of my personal observations.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Employee \_\_\_\_\_ Date \_\_\_\_\_

Written Employee Reminder

From: \_\_\_\_\_ Date \_\_\_\_\_  
Department Head Name

Department \_\_\_\_\_

To: \_\_\_\_\_  
Employee Name Title

Problem situation \_\_\_\_\_

---

Observation of an employee's conduct (or performance) \_\_\_\_\_

Effect of employee's conduct on performance \_\_\_\_\_

Similar situation in the past \_\_\_\_\_

Standards expected in the future \_\_\_\_\_

Purpose of corrective action \_\_\_\_\_

The following consequences will occur if employee fails to meet the above standard

These matters will be reviewed on \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Department Head/ Supervisor's Signature

I have read and received a copy of the above statement.

\_\_\_\_\_  
Employee's Signature

RECEIPT AND ACKNOWLEDGMENT  
OF THE TOWN OF BRISTOL'S  
PERSONNEL POLICY

***I have received a copy of the Town of Bristol's (the "Town") Personnel Policy, and I understand that I am responsible for reading the policies and guidelines within it.***

*I understand that this Policy replaces all prior policies, manuals and may be changed any time without notice by the Town. I acknowledge that my employment is terminable at will, either by myself or the Town, at any time, regardless of the length of my employment or the granting of benefits of any kind. I further understand that this Policy does not create a contract of employment, either express or implied.*

*If I have questions regarding the content or interpretation of this Policy, I will bring them to the attention of my Supervisor or Department Head.*

Employee  
Name \_\_\_\_\_ Date \_\_\_\_\_

Employee  
Signature \_\_\_\_\_

**PLEASE SIGN ABOVE AND RETURN THIS FORM TO YOUR DEPARTMENT HEAD.**