



# Personnel Manual

*Adopted: December 7, 2023*  
*Effective Date: January 1, 2024*

## Welcome to the Town of Bristol

We welcome you and wish you every success here. As an employee, the importance of your contribution to the Town of Bristol cannot be overstated. The Town's goal is to provide residents and visitors with the finest and most efficient service possible. Employees are an important part of this process.

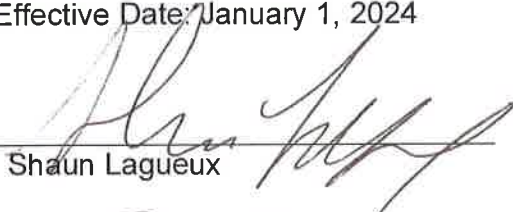
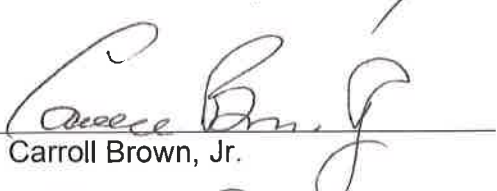
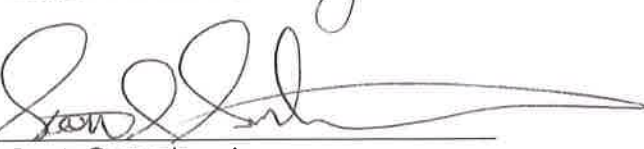
This Personnel Manual explains Town Personnel policies and benefits, as well as the specific opportunities and responsibilities that exist for employees within the Town. In an effort to be responsive to the needs of a changing organization, changes or additions to this Manual will be made when necessary. The Town will inform employees when these changes are made.

The Town is always interested in employees' constructive ideas and suggestions for improving operations. The Town believes constructive suggestions indicate initiative on the part of an employee, and employees are encouraged to submit them. All constructive suggestions should note an issue and offer a reasonable suggestion for improvement.

We are excited that you are a part of our team, and we hope your work with us is both challenging and rewarding as you become one of the Town's valued employees.

Adopted by the Select Board: December 21, 2023

Effective Date: January 1, 2024

  
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### **About this Personnel Manual**

This Personnel Manual has been established as a guide to the policies of the Town of Bristol for its employees and their supervisors in their relationship with each other and the Town of Bristol. This Manual 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.

These policies are intended as guidelines only and are subject to change at the discretion of the Select Board. This Manual should not be construed as and does not constitute a contract guaranteeing employment for any specific duration. To the extent permitted by law, employment with 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 employment. When specific benefit plans conflict with this Manual, the benefit document will prevail.

This Manual supersedes any handbook or policy statements whether written or oral issued prior to the effective date of this version of the Manual. All employment-related policies, whether written or oral, that existed prior to the issuance of this Manual 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 Select Board. Any revisions will substitute and replace prior policy or procedure statements and become a part of this Manual. To the extent a conflict exists between a particular policy in this Manual and the Police or Fire Department's Standard Operating Procedures (SOPs), the Department's SOP shall control. This Manual shall apply to Minot-Sleeper Library employees only to the extent determined by the Minot-Sleeper Library Board of Trustees.

Employees are required to read this Manual and understand the policies in it. This Manual is a source of general employment information. It is not all inclusive, as no employment manual can anticipate every circumstance or question that may arise in a workplace. In addition to this Manual, the Town may use a variety of other methods to communicate employment information to its employees. Such methods may include bulletin boards, email, and staff meetings. Employees are responsible for all such communicated information. The official updated copy of this Manual is located on the Town's website, making it available for all employees to review. If you have questions about any of this Manual, you are encouraged to ask your Department Head or the Human Resources Office.

Notwithstanding anything herein to the contrary, temporary Administrative Policies adopted by the Select Board in response to an emergency including any declared

pandemic or epidemic shall continue in place in accordance with their terms and until such time that they expire or are terminated by the Select Board.

By majority vote, the Select Board is the sole authority for amending this Manual 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 Manual is intended to supersede explicit provisions of the N. H. Revised Statutes Annotated (RSA) pertaining to specific employees or specific departments, for example the Police and Fire Departments. However, this Manual shall apply to the extent that it is not inconsistent with any such statute or policy properly adopted under such statute.**

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## **Personnel Manual**

### **Section 1 – Definitions:**

#### *PAF – Personnel Action Form:*

This form is used for hiring, terminating, resignations, increases or decreases in salary, leaves of absence, commendations, warnings, etc., and is the official document of record kept in an employee's personnel file. The form is normally signed by the employee, the Department Head and Town Administrator, but in some instances will also be reviewed and signed by the Select Board.

#### *Essential Functions:*

The functions that may be required to continue during business closure to maintain the continuity of operations of critical infrastructure, including those that protect the health and wellbeing of the community. For example, the Highway Department functions are essential to keeping the roads maintained during a storm event.

#### *Non-Essential Functions:*

Although these functions are important to the continued operation of the Town, the functions may not be required to continue during business closures, as the function does not protect the health and wellbeing of the community. For example, the Town Clerk / Tax Collector's Office is an important department of the Town, however, the offices may not need to be open during a storm event.

#### *OSHA – Occupational Safety and Health Administration:*

This organization was created by Congress to ensure safe and healthy working conditions for workers by setting and enforcing standards and by providing training, outreach, education, and assistance.

#### *SDS – Safety Data Sheets (Formerly known as Material Safety Data Sheets):*

Safety Data Sheets are detailed information bulletins prepared by the manufacturer or importer of a chemical that describes the physical and chemical properties, physical and chemical health hazards, routes of exposure, precautions for safe handling and use, emergency and first-aid procedures and control measures. These documents are often kept in a central location for each building and are required per OSHA. Employees should review the SDS associated with their work environment.

#### *Unplanned Overtime:*

Unplanned overtime is mandated or required for coverage of a Department's shift outside of an employee's normal work week. For example, the Highway Department is required to work during a winter storm event to keep the roads open.

#### *Planned Overtime:*

Planned overtime is unmandated or voluntary and not required. For example, the Town Offices are participating in the annual fireworks event, so employees sign up for coverage.

## **Section 2 - General Provisions:**

The purpose of this Manual is to guide administrative actions relating to personnel and inform employees by providing notice of information about the conditions and policies affecting their employment. Questions regarding any policy should be directed to your Department Head or the Human Resources Office.

### **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 Manual unless otherwise provided by law or contract.

### **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 based on age, sex, race, color, marital status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic information, military or veteran status or other legally protected status, except where such a factor is a bona fide occupational requirement. This Manual applies to decisions including, but not limited to, an employee's compensation, benefits, training, and development.

### **Disabilities/Accommodations**

The Town is committed to providing equal employment opportunities to qualified individuals with physical or mental disabilities as required by State and Federal law. It is the Town's policy not to discriminate against any qualified employee or applicant regarding any terms or conditions of employment because of such individual's physical or mental disability or perceived disability so long as the employee can perform the essential functions of the job with or without a reasonable accommodation, in accordance with applicable law.

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 accommodation. Employees with a disability who believe they need reasonable accommodation to perform the essential functions of their job should approach the Human Resources Office 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.

#### Job Descriptions

The Town will make every effort to maintain current job descriptions for 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 Department Head. The Department Head will provide the Town Administrator with copies of requests for the job information.

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

#### Personnel Files

The Town maintains certain records containing job-related information on all employees to ensure compliance with State and Federal law and to keep a record of the progress of an employee. A personnel file is the continuous record of information relative to employment. An employee may inspect their own personnel file during regular office hours, upon reasonable request. However, an employee may not be permitted to review their personnel file if they are subject to an investigation at the time of the request and disclosure of such information would prejudice law enforcement. File inspection must be arranged through the Human Resources Office. An employee may read their personnel file but may not remove any portion of the file. Upon request, and payment of any established copying cost, the employee will be provided with a copy of all or part of their personnel file.

If upon inspection of their personnel file, the employee disagrees with any of the information contained in such file, the employee may submit a written statement explaining their version of the information together with evidence supporting such version. The Town will maintain such a statement as part of the personnel file and will include the statement in any transmittal of the file to a third party.

It is important that an employee's personnel file includes accurate information regarding who should be contacted in case of emergency. It is the employee's responsibility to notify the Human Resources Office as soon as possible of any changes in their name, address, telephone number, marital status, dependents and/or beneficiaries.

#### 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 always be worn. 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 Department Head. In departments where the Town provides uniforms, they are required to be worn. Individual departments may establish more specific policies on dress and appearance appropriate for particular positions, with the approval of the Select Board.

#### Nepotism

While the Town is committed to hiring the most qualified and capable individuals available for every position, it recognizes the importance of maintaining a collegial and positive work environment. Therefore, no relative may work in the same department as a regular employee if the employment relationship is such that the relative is directly supervised by the employee or where the employment relationship may cause a potential conflict of interest, unless specifically approved by the Select Board. A relative is defined to include spouse, children, parents, stepparents, stepchildren, brothers, sisters, immediate in-laws, grandparents, grandchildren, or another person living in the employee's household.

#### 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 follow and comply with the Town's Code of Ethics, as applicable.

#### 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 certifications. 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.

#### Attendance and Punctuality/Call-in

The work the Town employees perform is essential to the success of the Town. The 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 an employee is going to be late

for work or absent, it is expected that the employee contact their supervisor no later than 30 minutes before their scheduled shift with the following process:

- Notify the Department Head directly by phone specifying how long it is believed that the employee will be away from work.
- If the employee is unable to call due to sickness or incapacitation, it is expected that someone close to the employee will call in on their behalf.
- If the employee is unable to reach their supervisor or Department Head, they must leave a message on voicemail and follow the individual Department's procedure.
- Provide reasonable advance notice if the employee is going to be late or absent from work.

If the employee is away from work for more than three (3) days due to illness, the employee may be required to provide medical evidence of their illness and/or medical certification of their fitness to return to work.

Repeated absences (excused or not), and/or failures to inform a Department Head that the employee will be late or absent may result in disciplinary action up to and including termination.

An employee who is absent without notification or not on leave for three (3) consecutive days shall be deemed to have resigned.

#### Telecommuting Policy

Telecommuting can allow employees, upon prior written approval from both their Department Head and the Town Administrator, to work at home, on the road or in a satellite location for all or part of their workweek. The Town considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement, and circumstances warrant such an arrangement, as determined by the Town in its sole discretion.

*See Administrative Policy - Telecommuting Policy.*

#### **Section 3 - Employment Status/Classification:**

Upon hiring, employees are informed whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If there are questions regarding employee classification under the FLSA, contact the Department Head or Human Resources Office. The following are the current classifications:

**Full-Time:** Employees who are regularly employed on a continuous work schedule that work 40 or more hours per week. Exception: Fire Department Full-Time employees have a regularly scheduled work week of forty-eight (48) hours. For purposes of health insurance benefits, Full-Time employees shall be defined in accordance with applicable law.

Part-Time Plus: Employees, who are regularly employed on a continuous work schedule of less than 40 hours but 35 or more hours per week. Occasional work weeks of 40 hours or more due to unusual circumstances shall not be a basis for the conversion of a Part-Time Plus position to a Full-Time position. Part-Time Plus employees are eligible for retirement, however, are not eligible for other benefits, unless as otherwise specified in this Manual.

Part-Time: Employees who are regularly employed on a continuous work schedule of less than 35 hours per week. Occasional work weeks of 35 hours or more due to unusual circumstances shall not be a basis for conversion to a Part-Time Plus or Full-Time position. Standard Part-Time employees are not eligible for benefits, unless as otherwise specified in this Manual.

Temporary: Individuals who are hired for specific periods of time or for the completion of a specific project. Temporary employees are not eligible for the benefits described in this Manual except to the extent required by State or Federal law.

On-Call: Individuals who are employed on an on-call, seasonal, or irregular basis for any number of hours in a work week. On-Call employees are not eligible for the benefits described in this Manual except to the extent required by State or Federal law.

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. However, it is understood that specific salaried positions are paid based on 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.

Probationary Period: A working test period, following an initial appointment or promotion during which an employee is required to demonstrate by conduct and actual performance of the duties demonstrating fitness for the position.

#### **Section 4 - 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 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 requirements will make an employment offer null and void.

All new employees will have a twelve (12) month 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 (6) months and the supervisor shall discuss unsatisfactory work with the employee prior to the end of six (6) 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.

#### **Section 5 - 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 enter time on your behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment. Supervisors will provide details concerning the obligation to report all time worked. The Town of Bristol requires salaried employees to complete a timecard reflecting accurate hours of work.

The payroll records will serve to record absences, types of leave, and all hours worked. All variations from the employees' regularly scheduled work period shall be approved by the Department Head or the Town Administrator.

Employees are paid on a bi-weekly basis on Thursdays for all hours worked during the preceding pay period. Paychecks must be reviewed for errors and must be reported to the Department Head immediately. Paychecks will be distributed only to the employee unless written permission is provided.

#### **Section 6 - Salary Setting and Review:**

Salary Setting: Department Heads are responsible for recommending hiring pay rates to the Select Board based upon the current Wage Scale. Final authority to set pay rates rests with the Select Board, subject to Town Meeting budget appropriation. Entry-level rates of pay and increases will be established using criteria, including but not limited to job responsibilities, job performance, training, prior experience, comparable positions in the area, and level of available funds.

Annual Salary Review: Adjustments in compensation may be made annually in the first full pay period following April 1, upon written approval of the Select Board, based upon the employee evaluation and wage scale. No pay increase will be effective until it is submitted on an approved Personnel Action Form (PAF) that is completed and signed by the employee, Department Head, Town Administrator and Select Board.

### **Section 7 - Time Worked and Overtime:**

Time Worked: "Time Worked" is defined to mean all time actually worked while acting directly in the scope of employment. The Town's workweek for pay purposes begins on Sunday and ends on Saturday. Because of the nature of the Town's business, an employee's work schedule may vary depending on the job and department. When hired, supervisors will inform employees of hours of work. The Department Head, with the approval of the Town Administrator, will determine workday hours and any changes to scheduled hours before they can be implemented.

For purposes of this manual, a day shall be defined as follows:

- Fire Department Shift Employees – 48-hour work week equals 12-hour days.
- All other employees – a 40-hour work week equals 8-hour days.

The Town requires the presence and diligent efforts of employees to provide the requisite level of service to the community. The Select Board reserves the right to alter or amend any employee's work schedule at its own discretion and in accordance with the needs of the Town. Employees are expected to work their scheduled hours. Employees who are required to keep time records must also adhere to this honor code when completing their time records. Time records or time sheets must be completed fully and accurately, and employees may not provide any false information on time records or any other Town records. If an employee is late or leaves early, they will put in for leave time, or make up the time with prior approval of the Department Head.

Callback pay for all employees shall be paid at a minimum of two (2) hours per day when showing up for work.

Overtime: From time to time, it may be necessary for a non-exempt employee to perform overtime work. All overtime must be approved in advance by the employee's Department Head. Except in the event of an emergency, the Town will attempt to provide the employee with advance notice of the necessity for overtime work. Most non-exempt employees, except for certain fire protection employees and designated police department employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked more than forty (40) hours per week.

Certain non-exempt fire protection employees will be entitled to overtime pay at the rate of one and one-half (1-1/2) times their regular rates of pay for all hours worked more than forty-eight (48) hours in the 7-day work period. The Fire Department has elected the

partial overtime pay exemption provided for under section 7(k) of the FLSA, but at the threshold of 48 hours.

Except as specified below, sick leave, earned time, leaves of absences, and other time off benefits are not counted as time worked for overtime purposes. If overtime is unplanned (i.e., mandated, required or unexpected), then paid holiday, earned time and sick time used in the same pay period as the overtime shall be treated as "Time Worked."

The Department Head must authorize the use of overtime in advance of its use. Failure of an employee to seek prior approval for overtime work may result in disciplinary action.

#### Payroll Deductions

*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.

*Payroll Deductions for Salaried Exempt Employees:* The Town complies with all Federal and State laws regarding 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 a particular pay period.
- 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.
- A salaried employee voluntarily, without, coercion or pressure requests time off without pay for any portion of a pay period, after the employee has exhausted any leave time

pursuant to a written bona fide leave plan, practice or policy and such leave time requested by the employee is granted by the employer.

- For unpaid disciplinary suspensions of one or more full days imposed for infractions of workplace conduct rules; and
- Any pay period in which an employee performs no work.

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.

*Questions Regarding Paychecks and Deductions:* If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Human Resources Office as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, 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.

#### Town Office Closures

If conditions occur that would endanger employees 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 functions, either on duty or prior to reporting to duty, may be advised to stay at home. Employees with essential functions shall report to their regularly assigned locations, unless otherwise notified. The Town Administrator shall make every effort to advise the Select Board of the decision as soon as is reasonably possible. The employee's job description will state whether the position has essential functions or non-essential functions.

Conditions for closure:

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

Employees with non-essential functions, who are sent home or notified not to report for work, shall receive their normal rate of pay for scheduled hours of work. If the closure is for an extended period of time, then the employee should refer to any policies adopted that pertain to the closure.

## **Section 8 - Hours of Work and Breaks:**

### **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.

### **Scheduled Breaks**

Non-exempt employees will have a thirty-minute unpaid meal period and two (2) fifteen-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 (5) hours after the beginning of the workday or shift. If the employee opts not to take a meal break, they must have a completed Meal Waiver Form on file with the Human Resources Office.

## **Section 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 must submit a Leave Request Form to the Department Head for approval. The Department Head should act on the request in a timely fashion and return a copy of the form to the employee. Approved forms must be submitted with the employee's timesheet covering the period of leave granted. Human Resources maintains leave records from information provided on employee time sheet(s).

### **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 for the following holidays, or any other day proclaimed by the Select Board as a day of holiday observance. Prorated calculations are rounded to the nearest hour. Calculations are based upon the actual approved hours when an employee is hired. If an employee's approved hours change, then a Department Head must submit an updated PAF. Prorated calculations include but are not limited to:

- 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 10 hour per week employee that works for the Town year-round would be eligible for two (2) hours holiday pay or 25%

This does not apply to seasonal, on-call, or other employees scheduled on a 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 workday following the holiday.

The list of approved Paid Holidays dates is provided to employees at the end of each year for the next calendar year. The current approved holidays are:

- |             |                 |   |
|-------------|-----------------|---|
| • January   | New Year's Day  | Civil Rights Day (Martin Luther King Day) |
| • February  | President's Day |   |
| • May       | Memorial Day    |   |
| • July      | Fourth of July  |   |
| • September | Labor Day       |   |
| • October   | Columbus Day    |   |
| • November  | Veteran's Day   | Thanksgiving Day after Thanksgiving       |
| • December  | 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.

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

#### Earned Time

It is the intent of the Town to strongly encourage employees to utilize earned time in such a manner as to enable them to take five consecutive days of leave annually. Earned 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 travel plans with their supervisors before making any final plans, paying deposits, purchasing non-refundable tickets, etc. Approval of earned time off requests will be at the discretion of the Department Head, taking into consideration the standard operating procedures of the Department. A Department Head shall approve time-off requests to ensure that the remaining workforce, at all times, will be adequate to cope with the expected workload.

Earned time shall be provided annually on January 1<sup>st</sup> of each calendar year, 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 earned time in the same manner as full-time employees but on a prorated basis. Calculations are based upon the actual approved hours when an employee is hired. If an employee's approved hours change, then a Department Head must submit an updated PAF. Prorated calculations include but are not limited to:

- A 20 hour per week employee that works for the Town year-round would be eligible for 50% of the earned time as accrued for full-time employees.
- A part time employee who works year-round 10 hours per week is eligible for 25% of earned time 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.

Newly hired full-time employees will begin to receive earned time on their start date but will not be eligible to utilize the time until they have been employed for ninety (90) days. The below accruals for an employee who has reached the designated service time benchmarks shall be provided to the employee on January 1<sup>st</sup>. Including benchmarks during that calendar year. For an employee's first year of employment, the number of earned days shall be prorated based upon their employment start date.

- Full-time employees who have worked less than five (5) consecutive years shall be eligible for 16 days of earned time per year.
- Full-time employees who have worked five (5) consecutive years, but less than ten (10) consecutive years shall be eligible for 18 days of earned time per year.
- Full-time employees who have worked ten (10) years consecutive but less than fifteen (15) consecutive years shall be eligible for 21 days of earned time per year.
- Full-time employees who have worked fifteen (15) consecutive years, but less than twenty (20) consecutive years shall be eligible for 24 days of earned time per year.
- Full-time employees who have worked twenty (20) consecutive years, but less than twenty-five (25) consecutive years shall be eligible for 28 days of earned time per year.
- Full-time employees who have worked twenty-five (25) consecutive years or more shall be eligible for 32 days of earned time per year. \*

\*After 25 consecutive years of service an employee cannot earn more than 32 days of earned time.

An employee may accumulate a maximum of 35 days of earned time that may be carried over to the next fiscal year. Time accumulated above 35 days, as of December 31<sup>st</sup> of each year, 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

earned time, which shall not exceed 35 days. Newly hired employees who have not reached one (1) year of employment will not be eligible for earned time payout.

Should a paid holiday fall during an employee's leave, the employee may either receive a paid holiday absence for the day or extend the leave period by the number of holidays occurring during the scheduled leave period. Employees who are on Family Medical Leave Act (FMLA) leave must use earned time concurrently with FMLA leave until all earned time is exhausted.

#### 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 Leave shall be provided for all full-time employees. Sick Leave may be taken in one-hour increments as mutually agreeable. Full-time employees shall be eligible for 60 hours of Sick Leave, which shall be provided as of January 1st of each calendar year. The maximum Sick Leave that may be carried over by an employee as of December 31 of each year is 50 days, and any amount over the 50 days will be forfeited by the employee on December 31.

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 request 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. Any planned Sick Leave should be submitted to the Department Head using a Leave Request Form. 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 included in this Personnel Manual.

If all accumulated Sick Leave has been used, the employee may take any accumulated vacation days, and personal days with prior approval of the Town Administrator. The Town Administrator may grant extended, non-paid leaves of absence.

Employees may be allowed to use Sick Leave and / or other accumulated time to offset the loss of pay during a Worker's Compensation claim. Worker's Compensation usually pays 66.66% of an employee's normal salary. The employee may choose to use their own accumulated sick time or other time after sick time has been exhausted to make up 33.33% of their normal salary. Any use of time will need to be coordinated with the Human

Resources Office, approved by the Town Administrator and a signed agreement placed in the employee's Personnel file.

Upon retirement, as defined under RSA 100-A:XXIII, and with a minimum of 20 years of continuous service with the Town of Bristol, any full-time employee shall receive payment in a sum equal to one third of the accumulated Sick Leave. The amount of Sick Leave eligible for payment shall not exceed 20 days. With all other terminations of employment (voluntary or involuntary), Sick Leave will be forfeited.

*See Administrative Policy – Required Documentation.*

#### Extended Sick Leave

The Town is authorized to provide additional Sick Leave to an employee under the following conditions:

- A request for additional 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 leave requested.
- Human Resources shall request a recommendation from the Department Head for the requesting employee.

The Human Resources Office and the Town Administrator shall approve or deny the request in whole or in part and the response to the request shall be transmitted to the requestor by Human Resources. If the request is approved, the Human Resources Office may solicit donations from other Town employees who wish to contribute unused Sick Leave up to the amount of the authorization. If the request is not approved, no further action shall be taken.

The employees contributing Sick Leave must complete a Personnel Action Form (PAF) indicating the amount of accumulated Sick Leave they wish to donate, with a statement that the employee understands that they have forfeited all claims to the Sick Leave donated if used in this manner. All PAF's must be approved by the Department Head, Town Administrator and/or Select Board. 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.

#### Bereavement Leave

Full-time and regular part-time employees bereaved by the death of a relative will be granted time off from work without loss of pay in accordance with the following.

In the event of the death of a member of a regular full-time employee's immediate family, the Town of Bristol provides up to three (3) days paid time off. "Immediate family" includes spouse, children (natural or adopted), stepchildren, parents, parents-in-law, brothers,

sisters, stepparents, stepbrother, stepsisters, grandparents, and grandchildren of the employee.

Additional time off, whether unpaid or with use of accrual due to bereavement may be granted for a specified and limited period of time with the approval of the Department Head.

#### 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.

#### Short-Term Disability

*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 Office. 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 Office.

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.

*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 be allowed to use Sick Leave and / or other accumulated time to offset the loss of pay during a Short-Term Disability claim. Any use of time will need to be coordinated with the Human Resources Office, approved by the Town Administrator and a signed agreement placed in the employee's Personnel file.

*Other Provisions:* Other eligibility requirements may be applicable which are more fully described in the benefit plan. Group health benefits 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.

#### **Section 10 - Life Insurance:**

Full-Time employees are provided with a \$25,000 life insurance policy with the premium paid 100% by the Town. Enrollment and benefit plan information is available in the Human Resources Office. Any changes to beneficiaries, including addresses of beneficiaries or employees, should be made with the Human Resources Office in a timely fashion.

#### **Section 11 - Unpaid Leaves of Absence:**

##### **Family and Medical Leave Act of 1993 (FMLA)**

Under the Family and Medical Leave Act ("FMLA"), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:

- The birth of the employee's child and to care for the newborn child (leave must be taken within 12 months of the birth of said child).
- The placement of a child with the employee for adoption or foster care, and to care for the placed child (leave must be taken within 12 months of the adoption or placement of the child).
- The serious health condition of a spouse (the term "spouse" shall include same sex spouse), parent, minor child, or adult child when the adult child is incapable of self-care and the employee is needed for such care ("covered family members").
- The employee's own serious health condition renders the employee unable to perform his or her job.
- A qualifying exigency (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the United States Armed Forces in support of a contingency operation as a member of the National Guard or Reserves.
- The employee is a spouse, son, daughter, parent, or next of kin of a "covered service member" (as defined in the Department of Labor Regulations, which includes National Guard, Reserves and Regular Armed Forces) who has a serious injury or illness, and the employee is needed to care for such person.

**Eligibility Requirements:** To be eligible for FMLA leave, an employee must satisfy both of the following conditions: The employee must have worked for the Town for at least twelve (12) months, must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request, and work at a site with at least 50 employees within 75 miles.

**Leave Entitlement:** If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5), above, the employee is entitled to up to twelve (12) work weeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an

FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2021, four weeks beginning June 1, 2021, and four weeks beginning December 1, 2021, the employee would not be entitled to any additional leave until February 1, 2022. Beginning on February 1, 2022, the employee would be entitled to four weeks of leave; on June 1, 2022, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph (6), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph (6), above, will be limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph (6) above is to be applied on a per-covered-service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 work weeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness or injury, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

**Qualifying Exigency:** A Qualifying Exigency under paragraph (5) above must be one of the following:

**Short-notice deployment:** Issues arising from the military member's short notice deployment (i.e., deployment within seven or less days of notice). For a period of up to seven days from the day the military member received notice of deployment, an employee may take qualifying exigency leave to address any issues that arise from the short-notice deployment.

**Military events and activities:** Attending military event and related activities, such as official ceremonies, programs, event and informational briefings, or family support or assistance programs sponsored by the military, military service organizations, or the American Red Cross that are related to the member's deployment.

**Childcare and school activities:** Certain childcare and related activities arising from the military member's covered active duty, including arranging for alternative childcare, providing childcare on non-routine, urgent, immediate need basis, enrolling in or transferring a child to a new school or day care facility. **Note:** The employee taking FMLA qualifying exigence leave does not need to be related to the military member's child. However, (1) the military member must be the parent, spouse, son, or daughter of the employee taking FMLA leave, and (2) the child must be the child of the military member (including a child to whom the military member stands in loco parentis).

Financial and legal arrangements: Making or updating financial and legal arrangements to address a military member's absence while on covered active duty, including preparing and executing financial and healthcare powers of attorney, enrolling in the Defense Enrollment Eligibility Reporting System (DEERS), or obtaining military identification cards.

Counseling: Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty of the military member and is provided by someone other than a health care provider.  
Rest and recuperation: Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment. The employee's leave for this reason must be taken while the military member is on Rest and Recuperation leave.

Post-deployment activities: Certain post-deployment activities within 90 days of the end of the military member's covered active duty, including attending arrival ceremonies, reintegration briefings and events, and other ceremonies or programs sponsored by the military, and addressing issues arising from the death of a military member, including attending the funeral; or

Additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

To care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

Under the FMLA, a "spouse" means a husband or wife, including those in same-sex marriages, which were made legal in all 50 United States as of June 26, 2015.

The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service



member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(k).

**Tracking FMLA Leave:** When an eligible employee requests any leave of absence that qualifies under the FMLA, the Town has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work-related injury that qualifies as a serious health condition, the Town has the right to designate any time away from work as FMLA leave. In such circumstances, the Town will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

**Intermittent and Reduced Schedule Leave:** Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (3), (4), and (6), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a "qualified exigency" under paragraph (5), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (1) and (2), above, use of intermittent leave is subject to the Town's approval. When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee's FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers' compensation, short-term disability, or other benefits. If an employee is a salaried/exempt employee, the Town will adjust the employee's salary based on the amount of time worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Town may temporarily transfer the employee to an available alternate position that better accommodates the employee's recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a “reasonable effort” to schedule the treatment so as not to disrupt unduly the Town’s operations.

**Status Of Employee Benefits:** Employees are required to use any accrued, unused sick and vacation time during FMLA leave unless the FMLA leave is otherwise paid through workers’ compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period. Also, the employee’s FMLA leave may run concurrently with other types of leave.

During an approved FMLA leave, the Town will maintain the employee’s health benefits under the same terms and conditions applicable to employees not on leave.

If paid leave is substituted for unpaid FMLA leave, the Town will deduct the employee’s portion of the health plan premium as a regular payroll deduction.

If an employee’s leave is unpaid, or is paid through workers’ compensation, short-term disability benefits, or other benefits not provided through the Town’s payroll system, the employee must pay his or her portion of the premium by making arrangements with the Town Administrator.

Health and other benefit coverage may be canceled if the employee’s premium payment is more than thirty (30) days late. Before dropping coverage, however, the Town shall notify employees in writing that payment has not been received and that coverage will end in fifteen (15) days if the premium is not paid.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town for the cost of the premiums paid by the Town for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee’s control. If the FMLA leave is for a condition that is covered under the Town’s short- or long-term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

#### Requesting Leave:

Employees must complete the appropriate FMLA leave request forms. These forms are available from the Town Administrator.

If an employee’s need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give the Department Head thirty (30) days’ prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Town’s operations.

If the need for leave is not foreseeable, the employee must give notice to their supervisor as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all the Town's policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify the Department Head of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.

**Medical Certifications:** If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Town Administrator or Department Head for the health care provider to use. If possible, the employee should provide medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the Town will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The Town reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the Town at its expense, may require an examination by a second health care provider designated by the Town. If the second health care provider's opinion conflicts with the original medical certification, the Town, at its expense, may require a third health care provider agreed upon by the employee and the Town to conduct an examination and provide a final and binding opinion.

The Town may also require subsequent medical recertification. Failure to provide requested re-certifications within fifteen (15) days may result in a delay of further leave.

**Certifications for a Qualifying Exigency:** Employees who request a leave for a "qualifying exigency" arising from an immediate family member's call to active duty or impending call or order to active duty will be required to provide a copy of the family member's active-duty orders or other documentation issued by the military indicating the member is on active duty or call to active-duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

**Confirmation of Familial Relationship:** Employees requesting a leave of absence based on a familial relationship (e.g., leaves under paragraphs (3), (5) and (6)), may be required to provide reasonable documentation or statement of family relationship. This

documentation may take many forms, including but not limited to a child's birth certificate, a court document, etc.

**Reporting While On Leave:** If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member with a serious illness or injury, or for a qualifying exigency, the employee must contact the Department Head on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

**No Work While on Leave:** The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

**Returning To Work:** At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position, except in the case of layoffs, shift eliminations, fraudulently obtaining leave, and occasions where the employee is unable to perform essential job functions. In addition, certain highly compensated employees or "key employees" may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Town. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the worksite.

If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from the Town Administrator or Department Head. The Town reserves the right to clarify and authenticate such certification.

An employee who fraudulently obtains Family and Medical Leave from the Town is not protected by the FMLA's job restoration or maintenance of health benefit provisions. In addition, the Town will take all available appropriate disciplinary action against such employees due to such fraud.

**Coordination With Pregnancy Related (Maternity) Leave:** As stated in the Disability & Pregnancy Related 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. If an employee is also eligible for FMLA leave, the employee's FMLA leave, and Disability & Pregnancy Related Leave will run concurrently. Please refer to the Town's Disability & Pregnancy Related Leave policy for more information. For purposes of coordinating FMLA and pregnancy related leaves (aka

maternity leaves), maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the Disability & Pregnancy Related Leave policy.

**Coordination With Other Town Policies; Reference to FMLA And Federal Regulations:** The FMLA and the FMLA Federal regulations issued by the U.S. Department of Labor contain The FMLA contains 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. Any questions related to FMLA leaves, including eligibility requirements, should be directed to the Town Administrator or Finance/Human Resources Director. A copy of the US Department of Labors "Rights and Responsibilities" FMLA poster is located in each Town work building.

#### Disability & Pregnancy Related Leave Policy

The Town recognizes that during pregnancy and after, some pregnant women may have special needs. The Town will accommodate these needs as defined below.

*Eligibility:* Female employees, either full time or part time, who are temporarily physically "disabled" resulting from pregnancy, childbirth or related medical conditions are eligible for the benefits provided under this policy. The term "disability" or "disabled" in this circumstance means the employee cannot perform the essential functions of her job due to pregnancy. To be classified as "disabled," the employee must be classified as "disabled" by her healthcare provider. Medical verification of the disability is required to receive eligibility under this policy.

*Duration of Leave:* Should your physician deem you temporarily disabled due to pregnancy, childbirth, or related medical condition your leave will extend until your physician states that such disability has ended, and you are able to return to work. The Town complies with all Federal and State laws governing pregnancy leave. Because this policy covers medical disability leave only, it is not available for the care of newborn, adoptive or foster child, or for child rearing although you may have rights under FMLA (see Family & Medical Leave Policy for details).

*Compensation During Pregnancy Disability Leave:* Pregnancy Disability Leave will be unpaid except for the following vehicle by which eligible employees may receive compensation during leave:

- Sick Leave
- Earned Time
- Disability Insurance, if applicable

*Health Benefits During Leave:* Your health benefits will continue while you are on pregnancy disability leave for the period that you are receiving compensation from the Town and the Town is able to deduct your standard benefits contributions. Should you move to an unpaid status you will continue to have the same health benefits available to you while you are on pregnancy-related disability leave. However, to maintain those benefits, you must write a monthly check to the Town for your portion of the benefit contributions. Monthly checks should be directed to the Town Administrator.

*Transfer Rights:* If you are pregnant and request a transfer, you may be eligible to transfer from your current position to less strenuous duties if such a transfer is due to your pregnancy; and you provide a certification from your health care provider that such transfer is medically advisable; and the Town can reasonably accommodate such a transfer without undue hardship.

If it is foreseeable that it would be medically advisable for you to take intermittent leave or leave on a reduced schedule based on your medical needs, the Town may require you to transfer temporarily to an available alternative position that has equivalent pay and benefits, so long as you are qualified for the position, and the position better accommodates recurring periods of leave.

You will be reinstated to your regular job or comparable position when your health care provider certifies that there is no further need for such transfer, intermittent leave or leave on a reduced work schedule due to your pregnancy.

*Returning From Pregnancy Disability Leave:* You will return to the Town with no less seniority than when your leave began. If you return to work at the end of a pregnancy disability leave you will be reinstated to your former position, unless the position no longer exists due to legitimate business reasons, such as a reduction in force or job abolishment. If your former position does not exist, you will be reinstated to an equivalent position if you are able to perform the essential functions of the job, unless such position is unavailable.

You will be required to provide the Town with a "fitness for duty" certification from your doctor stating that you are released to return to work and indicating any work restrictions you may have. You will not be permitted to return to work until you have provided this certification to the Department Head.

If you do not return to work after your leave has ended and have not contacted your supervisor at the end of your leave, the Town will assume that you have resigned, and your employment may be subject to termination unless you are eligible for some other legally mandated leave. In addition, your employment will be subject to termination after a pregnancy disability leave if you accept other employment during your leave, or you perform services for another employer during your leave without the Town's express written permission.

#### Lactation/Breastfeeding Break Policy

As part of our family-friendly policies and benefits, the Town supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child.

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times to express breast milk for her baby. The Town will designate a room for this purpose. A small refrigerator reserved for the specific storage of breast milk will be available. Any breast milk stored in the refrigerator must be labeled with the name of the employee and the date of expressing the breast milk. Any nonconforming products stored in the refrigerator may be disposed of. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering. Nursing mothers wishing to use this room must request/reserve the room by contacting the Human Resources Office. Additional rules for use of the room may be designated by the Human Resources Office. Employees who work outside of the Town Hall will be accommodated in a private area as necessary.

Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

#### Accrual of Paid Leave Benefits During Paid Leave

All employees who are actively at work or on paid leave – such as vacation leave, sick leave, or personal days – will continue to accrue paid leave benefits provided by the Town.

#### Accrual of Paid Leave Benefits During Unpaid Leaves

Generally, employees on unpaid leave are not entitled to continue accruing paid leave benefits. This includes employees who are receiving income replacement benefits such as short-term disability, long-term disability, or worker's compensation. However, employees on eligible military leave may be entitled to reinstatement upon returning from military leave with all benefits that would have been obtained but for being absent on military leave. This right is provided for by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and is known as the "escalator principle".

When an employee is out on leave that is protected by the Family and Medical Leave Act (FMLA), that employee will continue accruing paid leave as long as the employee is using paid leave benefits such as the items listed above. If an employee on FMLA leave uses

all paid leave in accordance with the Town's FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. During the period of unpaid FMLA leave, the employee will not continue to accrue paid leave, consistent with the Town's policy for all types of unpaid leave.

#### 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 because 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 causes 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 time, 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.

#### Military Leave

The Town is committed to protecting the job rights of employees absent on military leave. In accordance with Federal and State law, it is the Town's policy that no employee or prospective employee will be subjected to any form of discrimination based on that person's membership in or obligation to perform service for any of the Uniformed Services of the United States.



Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment based on such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that they have been subjected to discrimination in violation of this policy, the employee should immediately contact the Department Head. If the Department Head is unavailable or unable to be of assistance, then the employee should contact the Town Administrator. Military leaves of absence will be unpaid, unless otherwise required by law.

*Eligibility:* Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the Uniformed Services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five (5) years of leave of absence.

Questions regarding this policy should be directed to the Human Resources Office.

#### Procedures for Military Leave

Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the Town with advance written or verbal notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred but not required under the law or this policy. It is requested that notice should be provided at least 30 days before the leave begins when is at all possible to do so.

To request a temporary or extended military leave of absence, the employee should provide written notice to the Department Head. However, a written notice is not required under the law or this policy.

The Department Head will review and submit such requests to the Town Administrator for approval. The Human Resources Office will collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly. 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 times off will be decided by the Town Administrator on a case-by-case basis.

Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.

When the employee intends to return to work, he or she must provide notice of the date of return to work to the Department Head within the time set forth below.

#### Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

1. An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31-day period, the employee and covered dependents can continue group health insurance as provided for under USERRA up to 24 months at 102% of the overall (both employer and employee) premium rate. 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.
2. Life insurance provided by the Town will terminate immediately following the month in which the employee's leave of absence begins.
3. The long-term disability insurance provided by the Town will terminate immediately following the month in which the employee's leave of absence begins.
4. Employees do not accrue vacation, personal leave, or sick leave while on military leave of absence status.
5. For any applicable retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee's election, make any or all employee contributions that the employee would have been eligible to make had the employee's employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee's reemployment and that is not greater in duration than three times the length of the employee's military service.

#### Reemployment

Upon an employee's prompt notice to the Town of the intent to return to a position of employment with the Town (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service – (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the Town, in the position in which the employee had been employed prior to military service.
2. More than 90 days and less than 5 years of military service – (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the Town, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.

3. Employee with a service-connected disability – if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the Town; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

#### Request for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, notify the Town of the employee's intent to return to a position of employment according to the following:

1. If service is less than 31 days – then the employee should return to work on the first full regularly scheduled workday following completion of service, allowing for 24 hours of rest and time for safe transport back from the service.
2. If service is for 31 days or more but less than 181 days – the employee must submit a written request for reemployment with the Town Administrator no later than 14 days following the completion of service.
3. If service is over 180 days – the employee must submit a written request for reemployment with the Town Administrator no later than 90 days following the completion of service.
4. If the employee is hospitalized or convalescing from a service-connected injury – the employee must submit a written request for reemployment with the Town Administrator no later than two years following completion of service.

#### Exceptions to Reemployment

In addition to the employee's failure to notify the Town of the employee's intent to return to a position of employment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The Town's circumstances have changed so as to make reemployment impossible or unreasonable.
2. Reemployment would pose an undue hardship upon the Town.
3. The employee's employment prior to military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would continue indefinitely or for a significant period.
4. The employee, if discharged from military services did not receive an honorable discharge from military service.

#### General Benefits upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. Upon reemployment, a

covered employee will not be discharged except for cause for up to one year following reemployment.

#### Documentation

The Department Head will, upon the employee notifying the Town of the employee's intent to return to a position of employment, request that the employee provide the Town with military discharge documentation to establish the timeliness of the request for reemployment, the duration of the military service, and the date of release from active duty or, if discharged, evidence of honorable discharge from the military service.

#### **Section 12 - Employee Expenses:**

All employee travel and associated expenses must have prior approval from the Department Head, and/or Town Administrator. Failure to do so will result in non-payment.

Employees shall be entitled to reimbursement of their expenses according to the following schedule:

- Automobile expenses (only if a Town vehicle is not available).
- Mileage (at the IRS standard mileage rate)
- Tolls
- Parking
- Meals – up to \$50 per day (not to include alcoholic beverages).
- Purchases – all verified approved expenses.
- Lodging – where pre-approved.

Employees using personal funds to make purchases on behalf of the Town of Bristol shall be entitled to reimbursement of their expenses. All expenses must be itemized, with receipts attached on the Town's Reimbursement Form and submitted with the Department's Accounts Payable.

*See Administrative Policy – Employee Expenses.*

#### **Section 13 - Credit Card Policy:**

The Town shall adopt a policy governing the Town credit card program. Employees shall comply with the Credit Card Policy.

*See Administrative Policies – Town Credit Card Policy.*

#### **Section 14 - Use of Town Assets:**

All employees are expected to exercise due care when operating Town of Bristol machinery, hardware, software, and equipment and to exercise reasonable restraint when using Town of Bristol materials and supplies. Any employee misusing machinery, property, hardware, software 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 and Select Board, and subject to legal proceedings to recover Town losses.

#### **Section 15 – Health and Dental Insurance:**

The Town of Bristol offers Health & Dental insurance to all employees who are regularly scheduled for a minimum of thirty (30) hours per week. This threshold is subject to change, based upon applicable law. 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 the domestic partner of employees will be responsible for 100% of the eligible health insurance plan cost which must be paid through payroll deductions unless the Select Board has approved another arrangement. The Town cost shares with full-time employees on health benefits. Benefit coverage, vendor, features, costs, and Town contributions are reviewed annually by Finance, the Town Administrator, Human Resources, and the Select Board and are subject to change at the Town's discretion. The Town of Bristol offers health insurance to retirees at the retiree's cost.

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 from the Town. Rates are reviewed and posted annually by carrier through the Human Resources Office.

All benefits begin the first of the month following the date of hire. Additional detailed information on benefits is listed elsewhere in the Personnel Policy and is available from the Human Resources Office. 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 insurance in lieu of such coverage.

Employees eligible for medical plan coverage who are also enrolled in a comparable group medical plan sponsored by another employer, or are covered may, consistent with the Town's Section 125 Plan, elect to discontinue their Town-sponsored medical plan coverage by opting out or waiving their coverage. An employee may only opt-out during annual Open Enrollment, or mid-year, following a change in Status Event completing an Opt-Out form. A change of Status Event is an event that causes either gain or loss of other employer's comparable group medical coverage. With proof of alternative medical insurance coverage, which must be updated annually with Human Resources, a full-time employee may request, in lieu of Town health insurance coverage, an annual payment of no greater than \$7,000 to be payable in four (4) quarterly prorated payments at the end of the applicable quarter of each qualifying year, providing the employee has not used employee provided insurance during the applicable year. To be eligible the employee must have been employed on or before June 30. For an employee who has been employed less than a year, the annual payment shall be prorated based upon the number of months employed in the applicable year. Stipends for contracted employees are not

subject to the \$7,000 limit and are specified within those contracts. If the employee is enrolled in a marketplace coverage medical plan, the employee is not eligible for the annual medical payment stipend (opt-out).

#### **Section 16 – Retirement – New Hampshire Retirement System (NHRS):**

Upon employment with the Town, employees are enrolled in the New Hampshire Retirement System. 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 benefits 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 that's credited to the Pension Trust Fund.

The current percentages are designated by the NHRS. Employee contribution rates are set by State law. 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 and Firefighters.

The NHRS is governed by RSA 100-A. Because the laws regulating the NHRS change regularly, employees are encouraged to contact NH Retirement for more information on specifics of the system. The laws and regulations governing the NHRS contain many limitations and qualifications for entitlement and governance that are not stated in this Manual. In the event of any conflicts between this policy governing NHRS and applicable law, the law will govern.

See [www.nhrs.org](http://www.nhrs.org) for more information.

#### **Section 17 - Workers' Compensation Insurance and Reporting Workplace Injuries:**

The Town of Bristol provides Workers' Compensation coverage for all employees in accordance with RSA 281-A and at no cost to employees. Workers' Compensation is an insurance benefit that provides medical expenses and partial wage replacement payments for injuries, illnesses, and deaths that occur during the course and scope of employment. It can also provide employees with job-related rights and protections.

##### **Reporting Work-Related Injuries and Illnesses**

Prompt reporting of all work-related injuries and illnesses is important and required under this policy. An employee who sustains an injury or contracts an illness while working, no matter how minor, must notify the employee's Department Head or the Human Resources Office immediately absent extenuating circumstances. Prompt reporting of workplace injuries or illnesses is necessary to comply with applicable law, NH Department of Labor administrative rules and helps facilitate timely claim processing and compensability determinations. 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 Worker's Compensation forms following any workplace injury or illness, and submit such forms to the Human Resources Office, and provide other information needed by the Town and/or the Town's Worker's Compensation carrier. Department Head's must provide the report to the Human Resources Office upon receipt of the completed forms. Importantly, while all workplace injuries and illnesses must be reported under this policy and by law, the fact that an injury or illness occurs while an employee is working does not mean the employee is entitled to Worker's Compensation benefits.

The employee's treating healthcare provider and the ill/injured employee share the responsibility of providing the Town with an updated NH Workers' Compensation Medical Form (NHWCMF) following every medical appointment related to the workplace injury/illness. All NHWCMF's and other medical documentation must be submitted to the Human Resources Office.

#### Weekly Income Benefits

The amount of the weekly Worker's Compensation benefit is set by applicable Workers' Compensation laws and the New Hampshire Department of Labor administrative rules. 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.

#### Absence from Work and Leave

It is important to understand Workers' Compensation is neither a source of leave nor an employment status. To account for an employee's absence from the workplace the employee must have leave. Employees who are unable to work and must be absent from work due to work-related illnesses or injuries will be placed on FMLA leave if they are eligible for such leave. If an employee is ineligible for FMLA or exhausts available FMLA leave, the employee may be placed on a leave of absence and/or required to use accumulated leave if available.

#### Temporary Alternative Duty

In accordance with the provisions of RSA 281-A:23-b, the Town will provide temporary alternative work opportunities to eligible employees temporarily disabled by a work-related injury or illness when the Town has appropriate work opportunities available. For purposes of temporary alternative duty, an injury or illness may be considered work-related if the employee's Workers' Compensation claim is accepted by the Town's Worker's Compensation carrier or if the NH Department of Labor determines the injury/illness is compensable.

Employees who have had their Workers' Compensation claims denied or who otherwise sustain non-work-related injuries or illnesses are not eligible for temporary alternative duty; however, they may be eligible for an accommodation if they are a qualified individual with a disability per the Americans with Disabilities Act as amended.

The specific temporary alternative assignment of duties will be determined on a case-by-case basis considering the employee's current work capacity and limitations and the work available at the time the employee is released to return to work with restrictions. Following every medical appointment related to the workplace injury/illness, the employee must provide the Town with a NHCWCF. This form provides important information relating to the employee's capabilities and limitations that are needed to structure and/or modify a temporary duty program. The Town will work with the employees to facilitate a safe return to work program within limitations listed by the treating physician. If necessary, the Town may contact the treating physician for additional information.

When practicable, employees will be returned to their regular duties with modifications consistent with the employee's restrictions as determined by a healthcare provider. If such restrictions make it impracticable for an employee to perform the employee's normal job duties, even with modification, the employee may be reassigned to different duties or a different work schedule and may include temporary assignment to a different department with the Town.

Temporary alternative duty assignments are subject to change by the Town as necessary based on an employee's current work capacity and restrictions as well as work availability.

The purpose of temporary alternative duty is to provide meaningful work during the temporary period of healing following a work-related injury or illness to assist employees in transitioning back to work full duty. It is not intended for an employee who is deemed permanently disabled and/or unable to resume the employee's position, with or without reasonable accommodation(s).

Upon a release to full duty by the healthcare professional, the employee will assume normal duties of their regular position so long as the employee is eligible for reinstatement and is able to perform the essential functions of the position, with or without reasonable accommodation(s).

#### Reinstatement

An employee who has sustained a work-related illness or injury will be reinstated to the employee's former position upon request within eighteen months of the date of the work-related illness or injury if the position exists and is available, and the employee is not disabled from performing the duties of the position with or without accommodation(s). The Town's receipt of a certificate from the employee's treating healthcare provider releasing the employee to the former position with or without accommodation(s) is required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen months from the date of the work-related illness or injury. An employee also will not be reinstated if the employee 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 the



employee's former position with or without accommodation(s). Other circumstances concerning reinstatement will be governed by applicable law.

*See Administrative Policy: Filing a Workers' Compensation Claim.*

### **Section 18 - Tuition Reimbursement Policy/Education and Training:**

The Town of Bristol encourages its full-time employees to enhance their career development. Courses which are a requirement within a department shall be paid for entirely by the department, subject to appropriation. Courses which are related to the job but are not required may be eligible for tuition reimbursement. Each employee must obtain approval from their Department Head, and the Town Administrator for any such training or educational program before the employee registers. While tuition reimbursement is expected to improve 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:

1. Applications will not be approved for elective courses.
2. Applications will not be approved for course work that is not reasonably related to the employee's present position or prospective position.
3. Reimbursement shall be made only for course work completed at accredited public, business, trade schools, colleges, or universities.
4. 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 (4) credit hours per semester.
5. The employee must present an official school receipt indicating the cost(s) for which reimbursement application is being made.
6. Reimbursement shall be made only for course work in which a grade of "C" or better or passing is received. Employees must present an official school transcript showing the final grade received.
7. If employment ceases prior to the completion of the approved course work, reimbursement will not be made.
8. An employee will not be compensated for missed hours while using the tuition reimbursement policy during regularly scheduled work periods.
9. Any employee taking advantage of this policy must sign an agreement to remain with the Town for a period to be agreed on by the employee and the Department and/or Town Administrator.
10. If the employment ends prior to the agreed term period, reimbursement by the employee may be required.

It is the responsibility of the employee to provide the employer with as much advanced notice as possible to properly budget for any tuition assistance.

### **Section 19 - Performance Evaluations:**

Performance evaluations are considered an important method of gathering job-related performance indicators. Both the employee and the Department Head 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. Any performance concerns should be addressed as they occur and should not be saved to be listed on the Performance Evaluation. However, performance concerns 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 Department Head.

It is the goal of the Town for every employee to receive an evaluation. These evaluations will be reviewed with the employee and Department Head to assess overall performance, set goals, and coordinate training if appropriate.

It shall be the responsibility of the Human Resources Director and Town Administrator to ensure that all evaluations are completed annually. All evaluations should be completed by the Department Head, reviewed, and discussed with the employee and include a review of the employee's job description. The department Head shall recommend any job description changes to the Town Administrator for approval by the Select Board. The evaluation forms shall be kept in the employee's personnel file.

*See Administrative Policy: Procedure for Employee Evaluation and Annual Pay Increases.*

### **Section 20 - Workplace Civility, Employee Conduct and Discipline:**

The purpose of this policy is to reinforce our commitment to the Town's values of acting with integrity and personal accountability, to support a culture of inclusion, and to establish guidelines for civility and professionalism in the workplace.

#### **Employee Responsibility**

All employees, board members, appointed and elected officials, committee members and volunteers are expected to conduct themselves in a professional manner that promotes a safe, healthy, inclusive, and productive work environment. Such individuals are expected to exhibit a high degree of personal integrity, civility, and professionalism at all times while on the job. This expectation applies to all interactions with coworkers, supervisors, subordinates, vendors, contractors, the public, and guests. Interactions may be verbal, nonverbal, physical, written, through imagery, electronic or digital means. Disrespectful, unprofessional, and/or uncivil behavior is unacceptable and may result in corrective action, up to and including termination. Such behavior includes but is not limited to behaviors that a reasonable person would find embarrassing, offensive, or humiliating, such as:

- Use of profanity or otherwise offensive language or jokes.

- Obscene or indecent gestures.
- Shouting, yelling or other aggressive behavior.
- Degrading, demeaning, humiliating, or insulting comments.
- Discriminatory remarks.
- Racist, sexist, or other slurs or symbols.
- Name-calling.
- Horseplay.
- Harassment.
- Retaliatory actions.
- Personal attacks.
- Acts of insubordination.

Further, acts that constitute a violation of the Town's Non-Discrimination/Harassment policy, or the Workplace Violence policy could lead to corrective action up to and including termination.

#### Rules

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. The Town believes that the following rules, which are not set out in any particular order, are necessary and reasonable for the proper conduct of Town business.

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

1. Repeated performance problems.
2. Willful neglect in the performance of duties required by or assigned to the position held.
3. Refusal or inability to perform duties by or assigned to the position held.
4. Disregard for, or willful violations of State or Federal laws, or Town policies or regulations.
5. 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.
6. Violation of reasonable or official orders, refusal to carry out lawful and reasonable directions of a supervisor, or other acts of insubordination.
7. Dishonesty or other unsuitable conduct adversely affecting the Town's services or effective job performance.
8. Repeated tardiness or absence from duty without proper approval.
9. Criminal conduct on or off the job.

10. For positions whose duties involve the use of vehicles, the loss of a driver's license.
11. Use of intoxicating beverages or other controlled substances are prohibited.
12. Use of illegal prescription drugs, either while on duty, or otherwise so as to interfere with effective job performance are prohibited.
13. Persons on call back who have used alcohol or controlled drugs shall refuse the call back if it will interfere with effective job performance.
14. Uncivil or discourteous attitude or conduct, or the use of indecent or slanderous language toward the public or fellow employees.
15. Discrimination, sexual or other unlawful harassment, and inappropriate conduct in violation of Town policies.
16. Fighting or creating a threat of violence in the workplace.
17. Violation of safety regulations or endangering the health or safety of other persons.
18. Repetition of avoidable mistakes to a point that the mistakes demonstrate disregard for the Town's interest.
19. Negligence in the performance of duties which conflicts with the Town's interest.
20. Excessive use or other improper use of a Town telephone, facsimile, computer, e-mail, and copier for personal purposes.
21. Any other conduct for which discipline or termination is warranted.

#### Corrective Action

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.
- 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. For the purposes of documenting the conduct of an employee and issuing written warnings, a Department Head or designee as determined by a Department's Standard Operating Procedures will submit documentation. In addition, nothing in this Personnel Manual 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.

#### Supervisor Responsibility

Supervisors are expected to demonstrate leadership in exhibiting and promoting professionalism, civility, and respect. This includes setting clear expectations and

managing the performance of those they supervise in accordance with these standards through regular communication and performance feedback. Supervisors are expected to address professionalism, civility and respect concerns and deficiencies through coaching and/or corrective action as appropriate.

*See Administrative Policy: Disciplinary Action.*

#### **Section 21 - Dispute Resolution Procedure:**

If the employee feels there is a problem, then the situation should be presented to the Supervisor or Department Head so that the problem can be settled by examination and discussion of the facts. It is the intent 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 days, the Town Administrator is available to discuss the issue. The Town urges every employee to follow through rather than be dissatisfied. Any complaint will be investigated, and the findings and determination reported back to the employee.

Employee suggestions and comments on any subject are important to the Town, so employees are encouraged to take every opportunity to share. An employee's job will not be adversely affected in any way because they have chosen to use this procedure.

#### **Section 22 - Anti-Harassment Policy:**

The Town is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive including sexual harassment. Actions, words, jokes, or comments based on an individual's age, sex, race, color, marital status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic information, military or veteran status or any other legally protected status will not be tolerated.

Further, retaliation against an individual who has complained about sexual or other unlawful harassment and/or retaliation against any individual who has participated in an investigation of harassment or is a witness are unlawful and will not be tolerated.

#### **Statement of Policy**

The Town believes that employees are more effective and get greater satisfaction from their jobs if they are provided with a business-like work environment free from all forms of unlawful harassment.

It is the policy of the Town that all employees shall enjoy a working environment free from all forms of unlawful harassment and discrimination, including sexual harassment. Unlawful harassment shall be treated as employee misconduct and will not be tolerated.

Note that the Town of Bristol may take corrective and/or disciplinary action to address inappropriate conduct even if it does not rise to the level of unlawful harassment.

Unlawful harassment includes harassment based on a person's age, sex, race, color, marital status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic information, military or veteran status or any other legally protected status. It is to be understood that the use of the Town's equipment and/or electronic devices to harass others or even to communicate offensive jokes or remarks that may be considered offensive to another employee is not allowed and will not be tolerated. Such harassment by any Town employee, officer, official, board member, volunteer, personnel, supervisor or other third parties is not allowed and will not be tolerated. Note that the Town of Bristol may take corrective and/or disciplinary action to address inappropriate conduct even if it does not rise to the level of unlawful harassment. Employees who take part in unlawful harassment will be disciplined, up to and including termination. All employees, officers, officials, board members, volunteers, personnel, supervisors and other third parties are required to follow this policy.

#### Definition

Although all forms of unlawful harassment are prohibited the Town wants to give you information specific to one type of illegal harassment, sexual harassment. 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 is defined as any repeated or deliberate unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either implicitly or explicitly a term or condition of employment; (2) admission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment is not limited to requests for sexual favors in return for job benefits. Sexual harassment may take the form of verbal abuse, leering, salacious jesters, inappropriate language, jokes of a sexual nature, or any undesired touching or patting.

#### Responsibility

All Town employees, officers, officials, board members, volunteers, personnel, and supervisors have a responsibility for keeping our work environment free of harassment. Any employee, officer, official, personnel, or supervisor, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it as soon as possible in accordance with this Manual so that steps may be taken to protect the employee from further harassment and appropriate investigative and disciplinary measures may be initiated. When management becomes aware that

harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the Town to do so.

The Town accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses another employee may be personally liable for such actions and their consequences.

All employees, officers, officials, board members, volunteers, personnel, and supervisors 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 not allowed.

#### How to Report

Any employee who believes that they have been harassed must report the incident immediately to their supervisor. Where it is not practical to report the incident(s) to the immediate supervisor (such as when the supervisor is unavailable or when the allegation of misconduct involves the supervisor) the employee shall instead report the incident(s) to another supervisor, or the Town Administrator. If the allegation involves the Town Administrator, the complainant should present the allegation without delay to the Select Board. All complaints of unlawful harassment and retaliation will be investigated as carefully and confidentially as possible. However, absolute confidentiality cannot be guaranteed since the investigation necessarily requires the disclosure of the nature of the alleged behavior and complaint. Identities of those involved will be revealed only on a need-to-know basis. A prompt and thorough investigation will be organized by the Town Administrator, or designee, as may be required (should the Town Administrator be the subject of the complaint, the Select Board or its designee shall organize the investigation) and appropriate action will be taken where it is needed. Such an investigation may be conducted internally or by an outside investigator. Any person found to have violated the Town's policy against harassment will be subject to corrective and/or disciplinary action, up to and including termination of employment.

In no case shall an employee reporting an incident of harassment be subject to adverse employment action unless it is determined the employee is found to have made a false statement of harassment. The Town does not tolerate unlawful retaliation. Any person found to have engaged in such conduct will be subject to corrective and/or disciplinary action, up to and including termination of employment.

The Town recognizes that false statements of harassment may have serious effects on innocent parties. Employees found to have made false statements of harassment will be subject to corrective and/or disciplinary action, up to and including termination of employment.

*See Administrative Policy: Required Training.*

## **Section 23 - Workplace Violence Prevention Policy:**

### **Objective**

The Town is committed to preventing workplace violence and to maintaining a safe work environment. The Town has adopted the following guidelines to deal with intimidation, harassment, or other threats of actual violence that may occur onsite or offsite during work-related activities. The Town prohibits employees from bringing firearms on Town premises, including parking lots.

### **Scope of Policy**

All employees are covered under this policy.

### **Prohibited Conduct**

All employees, customers, vendors, and business associates should always be treated with courtesy and respect. Employees are expected to refrain from fighting, "horseplay" or other conduct that may be dangerous to others. Conduct that threatened, intimidates, or coerces another employee, customer, vendor, or business associate will not be tolerated. The Town resources may not be used to threaten, stalk, or harass anyone at or outside the workplace. The Town views threats coming from an abusive personal relationship as it does other forms of violence.

Indirect or direct threats of violence, incidents of actual violence, and suspicious individuals or activities should be reported as soon as possible to a supervisor, Department Head, Human Resources Director, or the Town Administrator. When reporting a threat or incident of violence, the employee should be as specific and detailed as possible. Employees should not place themselves in peril, nor should they attempt to intercede during an incident.

Employees should promptly inform the Human Resources Director of any protective or restraining order that they have obtained that lists the workplace as a protected area. Employees are encouraged to report safety concerns regarding intimate partner violence. The Town will not retaliate against employees making good-faith reports. The Town is committed to supporting victims of intimate partner violence by providing referrals to the Town's employee assistance program and community resources and providing time off for reasons related to intimate partner violence.

### **Investigations and Enforcement**

The Town will promptly and thoroughly investigate all reports of threats of violence or incidents of actual violence and of suspicious individuals or activities. The identity of the individual making the report will be protected as much as possible. The Town will not retaliate against employees making good-faith reports of violence, threats, or suspicious individuals or activities. To maintain workplace safety and the integrity of its investigation. The Town may suspend employees suspected of workplace violence or threats of violence, either with or without pay, pending investigation.



Anyone found to be responsible for threats of violence, actual violence or other conduct that is in violation of these rules will be subject to prompt disciplinary action up to and including termination of employment.

The Town encourages employees to bring their disputes to the attention of their Supervisor, Department Head, Human Resources Director, or the Town Administrator before the situation escalates. The Town will not discipline employees for raising such concerns.

**Section 24 - 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 employees do their job. This policy is designed to help employees understand expectations for the use of these resources and to help ensure that resources are used wisely.

All employees should be aware that the Town has the right, but not the duty, to monitor the computer, network, fax, voicemail, e-mail, and internet use of all employees. For this reason, employees should not have any expectation of privacy in their use of Town computers or other communications equipment, including e-mail and voicemail 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 the Town system), the Town has the ability and the right to monitor such things as each internet website visit, newsgroup discussion, chat room discussion, computer network use, and voicemail accounts. Town 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.

Town 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 the Town reserves the right to report the matter to law enforcement authorities. The Town will cooperate with any legitimate law enforcement authorities. The Town will cooperate with any legitimate law enforcement investigation. The Town reserves the right to inspect any and all files stored on the computer network, including any files in private areas of the Town network, to ensure 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 anti-harassment and Employee Conduct. Town 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, sex, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic status, veteran status or any other legally protected 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 Town computers or other communications equipment for any commercial activity (other than Town business) is strictly prohibited, as is the use of Town 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, username, 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 passcodes and passwords are the property of the Town. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by the Town or that is unknown to the Town. Users of the Town's computers, network, and other 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 computers, network, or other communications equipment is strictly prohibited. Hacking into third party computers 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, 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. 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 the 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, Zip drives, personal digital assistants, USB portable drives, and other removable drive devices without prior authorization from the Department Head.

Employees may not copy, transmit, or otherwise remove any information from the Town network, internet, computers, or other communications equipment to CDs, 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, applications, and USB portable drives 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 internet page by any employee in the course of their 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, 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.

*See Administrative Policy: Employee Cyber Security Requirements.*

### **Section 25 - Telephone Usage:**

Telephones are an important part of the world today. Because many of the Town employees own personal cell phones, the Town feels it necessary to provide guidance about the use of personal cell phones in the workplace. Additionally, some employees may receive cell phones due to the nature of their position. This policy also outlines the appropriate and safe use of Town-provided cell phones and the use of the Town's telephone system.

#### **Personal Cellular Phones**

While at work, employees are to exercise the same discretion in using personal cellular phones as they do for Town phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. The Town encourages a reasonable standard of limiting personal calls. Excessive use will be dealt with on a Department Head level. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the Town's policy. Flexibility will be provided in circumstances demanding immediate attention. The Town will not be liable for the loss of personal cellular phones brought into the workplace.

#### **Personal Use of Town-Provided Cellular Phones**

Where job or business needs demand immediate access to an employee, the Town may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection.

Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

#### Safety Issues for Cellular Phone Use

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving, in accordance with NH State law. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees must either pull off to the side of the road and safely stop the vehicle, stopping operation of the vehicle, before placing or accepting a call, or if acceptance of a call is unavoidable and pulling over is not an option, employees are required to use a hands-free device and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

In situations where job responsibilities include regular driving and accepting business calls, hands-free equipment will be provided to facilitate the provisions of this policy. Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill Town needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

#### Town Telephone System

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 Town Administrator. International calls are prohibited, except as authorized by a Department Head.

Violations of this policy will be subject to disciplinary action up to and including termination of employment.

#### **Section 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, tobacco use, including smoking, vaping, and chewing tobacco, is prohibited in any area of Town buildings, or within 30 feet of any door or open window. Any employee wishing to use tobacco products must do so only during authorized breaks in a designated tobacco use area. Tobacco use is prohibited in all Town owned/leased vehicles.

*See Administrative Policy: Use of Tobacco Products and Equipment Ordinance.*

#### **Section 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 the time during which the employee is scheduled

to be working, exclusive of established break periods, mealtimes, and time before and after work hours. This rule applies to solicitations of both charitable and non-charitable causes.

No distribution of any non-work-related written materials is 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 and 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.

#### **Section 28 - Motor Vehicle Violations:**

If the license of any employee who operates a Town vehicle is suspended, revoked, or otherwise restricted, the employee must notify the Department Head, prior to operating a Town vehicle. 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.

#### **Section 29 - Town Security:**

It is each employee's responsibility to help ensure that proper security measures are always exercised. The employee 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.

*See Administrative Policy: Town Security.*

#### **Section 30 - Media Contacts:**

The Town acknowledges that the 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 the 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 designee may address matters related to the Town with the media.

*See Administrative Policy – Media Contacts: Internal process.*

#### **Section 31 - Employee Health and Safety Program:**

Safety can only be achieved through teamwork. All employees must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately.

Please observe the following precautions:

1. Notify a supervisor of any emergency situations. If an employee is injured or becomes sick at work, no matter how slightly, the employee must inform their Supervisor immediately.
2. 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.
3. The use, adjustment, and/or repair of machines or equipment are to be performed only by those trained and qualified.
4. Employees should get help when lifting or pushing heavy objects.
5. Employees should understand their job fully and follow instructions. If unsure of a safety procedure, as a Supervisor or Department Head.
6. Know locations contents and intended use of all first aid and firefighting equipment.
7. Wear personal protective equipment in accordance with the job.
8. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials; and

All work areas and Town facilities should be kept clean and safe.

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

*See Administrative Policy: Employee Safety Responsibilities.*

#### **Section 32 - Joint Loss Management Committee (JLMC):**

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

*See Administrative Policy: Joint Loss Management Program.*

#### **Section 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 Employees Safety and Health under RSA 277, (Labor 1403.43) require wearing of appropriate personal protective equipment. Seat belts are 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 to 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/alarms.

Violations of this policy may subject the employee to disciplinary action.

### **Section 34 - Hazardous Materials and Substances:**

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 takes 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.

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 Safety Data Sheets (SDS) 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 substances.

*See Administrative Policy: Joint Loss Management Program: Safety Manual.*

### **Section 35 - Alcohol and Drug Free Workplace Policy:**

The Town of Bristol is a "Drug Free" Municipality. The Town considers all Town employees to be an extremely valuable resource, with their health and safety as one of the major concerns. Therefore, the Town will not condone or tolerate the use of drug and or alcohol use or abuse in the workplace. Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, violation of this policy will lead to appropriate disciplinary action, up to and including termination.



Purpose: Town government provides a variety of public services. The employees of the Town are its most valuable resource, since it is through their work that services are provided. When delivering services, the health and safety of the public and the residents of the Town's facilities and the health and safety of employees are of paramount importance.

Drug and alcohol abuse is a problem of serious concern and one that affects all segments of the community, including the workplace. Such behavior poses risks to members of the public and to Town employees. Employees have the right to work in an alcohol-free and drug-free environment. Residents and members of the public have the right to be free from the harmful effects of alcohol and drug abuse in the provision of public services. The objective of the Town is to provide a safe work environment and to protect the public by ensuring a drug-free workplace.

The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication. Specifically, it is the Town's policy, that the use, sale, purchase, transfer, possession, or presence in one's system of any controlled substance, (except medically prescribed drugs), by any employee, on Town property, engaged in Town business, while operating Town equipment or while under the authority of the Town, is strictly prohibited. The Town will notify and cooperate with law enforcement agencies in the investigation of a person suspected of being in possession of or trafficking of illicit or inappropriate drugs. Further, anyone convicted of on-the-job possession, trafficking in illicit or inappropriate drugs, using while working, or driving while "under the influence," will be immediately terminated.

Policy: It is the policy of the Town of Bristol not to test employees for use of drugs and/or alcohol other than as provided herein. Employees who display job difficulties may be required, upon reasonable suspicion, to undergo testing as set forth in this policy for substance use or abuse. Such testing shall include Reasonable Suspicion testing and Post Accident testing.

Employees of the Town who are required to have a Commercial Driver's License (CDL) as part of their jobs are subject to drug and alcohol testing as required by the U.S. Department of Transportation through the Federal Highway Administration ("FHWA"). CDL employees, in addition to Reasonable Suspicion and Post Accident testing, shall be subject to Pre-employment testing, Random testing and Return to Work testing. Pursuant to NH Administrative Rule Saf-C 1801.02(a)(1), for purposes of this policy, the term "CDL employee" shall not include fire service personnel driving emergency vehicles assigned or registered to the Town Fire Department in pursuit of fire service purposes.

In addition, all job applicants for Town positions that are considered a "Safety Sensitive Position," shall be subject to Pre-Employment Drug Testing. For purposes of this policy "Safety Sensitive Position", means a position that requires an employee to: carry a

firearm; work closely with an employee who carries a firearm; perform life-threatening procedures; work with heavy or dangerous machinery; emergency medical technicians, firefighters, work directly with elderly residents; work directly with children; work with detainees in the correctional system; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; hold a position in which a momentary lapse in attention could result in injury or death to another person; or a position requiring a Commercial Driver's License (CDL).

#### Pre-Duty Use of Alcohol

Employees are prohibited from consuming alcohol for eight (8) hours before going on duty or before operating a Town vehicle. This regulation applies to scheduled shifts and all callout situations. If an employee cannot meet this requirement, it is his/her responsibility to tell their supervisor, or person initiating the callout, that they cannot report to work.

#### Employee Responsibilities

Town employees:

1. Shall not unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.
2. Shall notify their Department Head within five (5) days after conviction under a federal or state statute regulating controlled substances.
3. Are prohibited from consuming alcoholic beverages within eight (8) hours of work, during work hours, or while at work during breaks or lunches.
4. Shall not be impaired by alcohol, illegal drugs, or medication during work hours.
5. Shall not represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.
6. Shall not use medication that may impair performance while operating a Town vehicle or engage in safety sensitive functions while on duty for the Town.
7. Shall not use prescription or non-prescription medication that may impair their ability to safely perform duties. The employee shall report that fact to their Department Head prior to performing any work.
8. Shall immediately notify their Department Head, if they have reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication.

This policy prohibits the following:

- The unauthorized use, possession, manufacture, distribution or sale of an illegal drug, controlled substance, or drug paraphernalia on Town property or while on Town business, in Town supplied vehicles or during working hours.
- The unauthorized use, possession, manufacture, distribution, or sale of alcohol on Town premises or while on Town business, in Town supplied vehicles or during working hours.

- Storing any illegal drug, drug paraphernalia, any controlled substance whose use is unauthorized, or any container of alcohol, in or on Town property (including vehicles).
- Reporting to work, or working, while under the influence of illegal drugs or the illegal use of legal drugs or alcohol, whether on Town premises, on Town business, or in Town supplied vehicles.
- Failing to notify the employee's supervisor before beginning work that the employee is taking medications or drugs that may interfere with the safe and effective performance of duties.
- Refusing to immediately submit to an alcohol and drug test when requested by a supervisor, in accordance with this policy.
- Failing to provide, by the next workday following a request, their valid prescription for any drug or medication identified when the results of a drug test are positive.
- Refusing to submit to an inspection as described in the Enforcement section when requested by a supervisor, in accordance with this policy.
- Failing to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.
- Violating any criminal drug or alcohol statute while working. Conviction under any criminal drug statute.
- Failing to notify the Department Head of any arrest or conviction under any criminal drug or alcohol statute by the next workday following the arrest or conviction.

#### The Town's Drug & Alcohol Program Administrator

The Town's Drug & Alcohol Program Administrator is designated to monitor, facilitate, and answer questions pertaining to these procedures is the Town Administrator.

#### Reasonable Suspicion

"Reasonable Suspicion" is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee's ability to perform the functions of the job is impaired or that the employee's ability to perform their job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:

- Slurred speech
- Irregular or unusual speech patterns
- Impaired judgment
- Alcohol odor on breath
- Uncoordinated walking or movement
- Unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility, or aggressiveness: or
- Possession of alcohol or drugs.

#### Enforcement

When there is a reasonable suspicion to believe that an employee's job performance may be impaired by drugs or alcohol, the supervisor may: (a) direct the employee to submit to a drug/alcohol test; and/or, (b) search, with or without employee consent, all areas and property in which the Town maintains control or joint control with the employee.

#### Impairment

The supervisor shall directly observe the employee's behavior and document in writing the facts constituting reasonable suspicion. When circumstances permit, a second person shall also observe the employee to verify that there is a reasonable basis to believe that drug or alcohol impairment may be present. If possible, the supervisor shall question the employee regarding the situation. The Supervisor shall immediately notify the Department Head. When a determination is made that an employee may be impaired because of drug or alcohol use. The Department Head may authorize testing, the employee shall be relieved of their duties and placed on paid leave status. In no case shall the time for review exceed two hours.

#### **Testing:**

The individual shall appear at the designated testing location at the time instructed by the Department Head.

#### Drug and Alcohol Testing

A test under this policy is a urinalysis (for drugs) and an evidential Breathalyzer test (for alcohol) administered under approved conditions and procedures conducted for the sole purpose of detecting drugs and alcohol. Other FHWA approved methods to detect the presence of alcohol may be added later, including blood/alcohol and saliva tests. The test will be conducted by a Town appointed medical laboratory and paid for by the Town.

An employee ordered to submit to a test or an applicant for employment directed to test by the Department Head is required to comply. A refusal equates to a positive test. Following authorization for reasonable suspicion or post-accident drug testing, the supervisor or other authorized person will transport the employee, as necessary, to the designated test site.

#### Procedures

The Laboratory shall test for the following:

- Amphetamines
- Cocaine
- Opioids
- PCP (Phencyclidine)
- THC (Marijuana)
- Alcohol \*

\*Tested through an evidential Breathalyzer instrument at a level of .02 alcohol/breath concentration or greater, expressed in terms of grams per 210 liters of breath.

### Pre-Employment Testing

The Town requires that drug tests shall be conducted before applicants for Safety Sensitive Positions are hired, or after an offer to hire but before, Safety Sensitive functions are performed for the first time. Testing is also required when employees transfer to a Safety Sensitive Position. The test will be administered after a conditional offer of employment has been made and before any tentative start day. All offers of employment or transfer to a Safety Sensitive Position shall be subject to a negative drug test result under this category.

This test will be conducted under the SAMHSA (Substance Abuse Mental Health Services Administration) standards and protocols. The test will involve an unobserved urine sample collection for drug testing. All urine drug testing will be conducted by a SAMHSA certified laboratory.

A positive test will exclude an applicant from being hired or transferred.

### Random Testing

During the calendar year, a percentage of drivers of commercial motor vehicles requiring commercial driver's licenses (CDL) will be tested at percentage rates in accordance with applicable law on a random basis for the presence of drugs and for the presence of alcohol. Approximately quarterly, although testing could occur anytime during the year, names of CDL holders will be drawn randomly to see who will be required to go to a designated location for onsite drug and alcohol testing. No advance warning will be given to employees regarding the date and time of the random test.

### Post-Accident

Post-Accident drug or alcohol testing is testing based on an accident or observation of unsafe work practices when the employee's performance either contributed to an accident or cannot be discounted as a contributory factor to an accident or based on an accident which could have reasonably resulted from an employee's performance. Any accident involving a Town vehicle must be reported as soon as possible by the employee to their supervisor. The supervisor should investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and alcohol test. An employee shall have a drug or alcohol test when the employee is involved in a workplace accident and if there is reasonable suspicion that the employee caused or contributed towards the cause of the accident. In addition, testing is mandated in the following circumstances:

- An accident that has resulted in the loss of human life.
- An accident in which the CDL driver receives a citation and there is an injury requiring medical attention away from the scene of the accident.
- An accident in which the CDL driver receives a citation and any vehicle in the accident must be towed from the scene.

A post-accident drug and alcohol test should be completed immediately following the accident. Drug testing must occur no later than 32 hours after the accident. Alcohol testing must occur no later than 8 hours after the accident. In the instance of a CDL driver, if more than two hours elapse before an alcohol test is administered, the Town is required to prepare and maintain on file an explanation of why a test was not promptly administered for the FHWA. If alcohol testing is not administered within 8 hours following the accident, the Town shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

A driver is prohibited from consuming alcohol for 8 hours after an accident or until they have taken a drug and alcohol test.

**Note:** A police officer investigating an accident has legal authority under certain circumstances to order a blood sample to be taken for drug and alcohol testing.

#### Return to Work Testing

When a CDL employee has tested positive for drugs or alcohol during a random or post-accident test the provisions in the section below on Discipline and/or Treatment/Rehabilitation will apply. In addition, the following specific rules apply in the case where the Employee's employment has not been terminated as a result of the positive test results:

Employees will be referred to the Employee Assistance Program or to a substance abuse program as part of their return-to-work requirements.

- The employee must comply with any recommended rehabilitation.
- The employee must have a negative retest before being permitted to return to work.
- Unannounced follow-up tests will be conducted at least 6 times within the first 12 months after an employee returns to work. The follow-up tests will be at the expense of the employee.
- Testing may be extended for a period of up to 60 months after return to work.

A "Positive" drug test results includes all the following:

- A verified positive.
- Refusal to allow or appear for a test.
- Adulterated or Substituted tests.
- Inability to provide a medical explanation for a "shy bladder" or "shy lung."
- Failure to cooperate in any way with the testing process.
- Admits to the collector that they have altered or substituted their specimen.
- Behaves in a confrontational way that disrupts the collection process.

- Fails to follow the "Observer's" instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process; or
- Refuses to wash their hands – after being directed to do so.

Any Employee receiving a 'shy lung' or "shy bladder" report from a Medical Review Officer, (MRO) will need to acquire a medical explanation of their doctor explaining why they cannot physically produce enough air for Breath Alcohol Testing or enough urine for a Drug Specimen Collection.

In the case of prescriptive drug use that may affect an employee's ability to perform their job safely, the Town will require the subject to provide, by the next scheduled workday, a bona fide verification of a valid current prescription for the drug identified. The applicant shall be dropped from eligibility, or the employee will be subject to disciplinary action when:

Verification of a valid prescription is not provided, and the employee has not previously notified their supervisor; or

The prescription provided is not in the subject's name.

Specimen samples shall be sealed and labeled. Samples shall be stored in a secure and refrigerated atmosphere. A large enough sample will be taken to allow for a second follow-up test.

Any sample that has been altered or is shown to be a substance other than urine shall be reported as such. Any applicant or employee providing false information about a urine or breath specimen or who attempts to contaminate such sample shall be subject to removal from consideration for hiring or terminated.

### **Testing Results:**

#### Results of Drug Testing

All laboratory results will be reported by the laboratory to an MRO designated by the Town. The MRO will review the results of the test and determine if the sample contains any illegal drug, legal drug or alcohol at levels that would cause impairment or reveal its use in an illegal manner. The MRO will also review the medical history made available by the subject when a confirmed positive test could have resulted from a legally prescribed medication.

The results shall be forwarded immediately to the Town for further review. The Department Head will send a copy of the drug testing results to the employee's home address upon request.

#### Positive Results

When there is a confirmed presence of alcohol at the .04 level or greater or any legal drug, for which in the opinion of the Town no reasonable explanation or proof is provided,

the subject shall be deemed to have failed the test. The employee shall be subject to disciplinary action as outlined in the personnel policies of the Town up to and including termination.

In addition, when there is a confirmed presence of alcohol at the .02 level or greater, the employee is deemed unable to safely operate a motor vehicle, operate machinery or perform safety-sensitive work. If these tasks are part of an employee's job (in the opinion of the supervisor), the employee shall be considered unable to work and will be sent home for the remainder of their work shift. The individual shall be required to take leave without pay. The employee shall not be permitted to take sick leave or vacation time. The employee shall return to work after a period of 24 hours or at the beginning of their next workday or shift (whichever period is greater). Under this policy, a Breathalyzer test of between .02 and .39 would be considered a positive test and may result in further disciplinary action other than taking leave without pay for the remainder of the workday(s) or shift.

**Notification:**

Job Applicants: In the case of job applicants, the Town shall notify the applicant. An opportunity will be granted to have the original urine sample retested at the applicant's expense. The applicant must request a re-test within 72 hours. If there is a confirmed positive retest, the Department Head shall remove applicant from eligibility for hire.

Employees: The Town shall advise the employee of the positive test result. The employee shall be given the opportunity to have the original urine sample retested. Retests must be requested within a period of 72 hours after notification of an initial positive test by the Department Head.

Treatment and Rehabilitation

The Town provides an Employee Assistance Program for employees needing treatment or rehabilitation as well as medical plan coverage for both inpatient and outpatient treatment. Earned Time may be used for treatment and rehabilitation purposes. Treatment and rehabilitation are entirely the financial responsibility of the employee. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program, if available.

Retesting of Employees

The original lab (at the Town's expense) will do a re-test unless the employee wishes to pay for a re-test at a different laboratory. The second test must be done by a SAMHSA certified lab. If the Employee declines a re-test, or, the re-test confirms the results of the initial test, the Department Head shall be notified. The Department Head shall determine the appropriate action to be taken.



### Discipline

As with any issue of employee misconduct, an appropriate investigation and assessment of circumstances needs to be made with guidance from the Department Head and the Town Administrator. Advice from medical professionals may be sought. A decision to refer for substance abuse evaluation, treatment and/or discipline may be made depending on the nature and severity of misconduct, the employee's work history, and other pertinent facts and circumstances. In certain situations, follow-up drug testing may be recommended and conducted to ensure the employee remains drug and alcohol free. Rehabilitative treatment and follow-up testing shall be the financial responsibility of the employee.

A referral for evaluation by a substance abuse professional is mandatory for CDL holders when there is a positive test. The evaluation by the substance abuse professional shall be the financial responsibility of the employee.

Any disciplinary action will be carried out in accordance with Town Personnel Policies.

### **Negative Test Results**

Employees who have been tested for drugs and alcohol, where no substance abuse was found, shall receive notice of such findings from the Town. A copy of this notice and a record of the negative results shall be placed in a confidential folder in a separate, secured file maintained by the Department Head. In the case of job applicants, the Department Head shall notify the Town Administrator that the applicant is clear for hire.

### **Confidentiality**

Laboratory reports of positive test results shall not appear in an employee's general personnel folder. Information of this nature will be placed in a separate confidential medical folder that will be maintained by the Department Head.

The positive reports or test results shall be disclosed only on a need-to-know basis. Disclosures without employee/applicant consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the town and the employee; (3) the information is to be used in administering an employee benefit plan such as for drug or alcohol treatments; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient (employee) who is unable to authorize disclosure.

No records containing information required by this policy will be released except as provided as follows:

Upon written request of the employee.

Upon written authorization of the employee, records will be disclosed to a subsequent employer subject to use as specified by the employee; or

Upon specific, written authorization by the employee, records will be released to an identified person, for use only as specified by the employee.

Records may be disclosed to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, including, but not limited to, a worker's compensation, unemployment compensation or other proceeding relating to a benefit sought by the driver.

#### Independent Contractors

Independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of 49 CFR Part 382 and are responsible for compliance with that and related laws. The Town will not provide or pay for tests, evaluation or rehabilitation for independent contractors or their employees. The Town shall make compliance with the law a condition of any contract which requires a CDL driver.

#### Record Retention Requirements

The Town shall maintain all records related to drug and alcohol testing for each employee in a secure location with controlled access. The Town shall keep all documents sent by the laboratory or the collection site.

*See Administrative Policy: Drug and Alcohol Testing Forms.*

#### **Section 36 - 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. An employee shall have no expectation of privacy in any such Town property. 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.

#### **Section 37 - 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 in writing to their Department Head. The employee should make every effort to provide two weeks' 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 Human Resources Office (as approved by the Town Administrator) shall conduct an exit interview with the employee, unless the terminating employee refuses, in which case the employee shall sign an acknowledgement that they are refusing to part in such an exit interview. At the time of this interview, the employee shall account for all Town property in their custody or control.

The exit interview form will be kept in the employee's personnel file.

#### Benefits – End of Employment

Employees who are terminated, whether voluntarily or involuntarily, will receive Earned Time payout up to 35 days maximum. Except as specified below Sick Leave is forfeited. An employee who has been employed with the Town less than one (1) year will not be eligible for any payouts. Upon retirement, as defined under RSA 100-A:XXIII, and with a minimum of 20 years continuous service with the Town of Bristol, any full-time employee shall receive payment in a sum equal to 1/3 the number of accumulated Sick Leave. The amount of Sick Leave eligible for payment shall not exceed 20 days.

#### Termination of Employees Not Able to Work

An employee who has exhausted all accrued and approved leaves, and is no longer protected by applicable law, is subject to termination of the employment relationship with the Town.

#### Benefits – Upon Death

If an employee dies while in an employment relationship with the Town, all monies owed the employee, including earned wages up to date of death and any applicable life insurance policy shall be paid to a beneficiary(s) named by the deceased and recorded with the Human Resources Office and/or under the applicable life insurance policy. If no beneficiary is on record, these monies shall be paid to the estate of the employee.

#### 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 the Human Resources Office.

*See Administrative Policy: Exit Interview Forms*



## **Receipt and Acknowledgement Signature Page**

### **Town of Bristol Personnel Manual** **Effective Date: January 1, 2024**

I have received a copy of the Town of Bristol's Personnel Manual, and I understand that I am responsible for reading the policies and procedures within it.

I understand that this Manual replaces all prior Manuals (or Personnel Policies) and may be changed at any time without notice by the Town. I acknowledge, subject to applicable law, that my employment is terminable at will, whether 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 Manual does not create a contract of employment, either express or implied.

I understand that the Town has included in this Manual an Anti-Harassment Policy because the Town seeks to provide a workplace free of sexual and other prohibited harassment. I understand that the Town will not tolerate unlawful harassment.

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

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Employee Name

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Date

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Employee Signature

