

## **TOWN OF PITTSFIELD, N.H.**

### **PERSONNEL POLICY**

As an employee of the Town of Pittsfield, the importance of your contribution to our community cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. You are an important part of this process.

This personnel policy and procedures manual explains our personnel policies and benefits for the employees who are not covered by collective bargaining agreements. The Town of Pittsfield has two collective bargaining agreements which represent many town employees.

This policy is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you in your capacity as an employee, you should address your specific questions to your supervisor or the Town Administrator.

Nothing in this document shall be construed as a contract or an offer to contract, and no person shall have any right to rely on any statement or representation made herein. The Board of Selectmen expressly reserves the right to amend, alter, repeal or replace any provision of this document, without prior notice and in the exercise of their sole discretion.

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## **SECTION 1 - OUR WORKPLACE**

As you review this policy, you will notice that terms such as “workplace” and “premises” appear in many of the Town of Pittsfield’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this policy, please understand that we are discussing not only Town of Pittsfield buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle you may be traveling in or using for Town of Pittsfield related business.

### **EQUAL EMPLOYMENT OPPORTUNITY**

The Town of Pittsfield is committed to a policy of equal employment opportunity to all persons based on individual merit, qualification, and competence. The Town of Pittsfield will not discriminate against employees or applicants for employment based on any legally-protected status, including, but not limited to: veteran or military status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, genetic information, or ancestry.

This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, benefits, and training.

In support of our commitment to equal employment opportunities, the Town of Pittsfield prohibits any and all discrimination or harassment on any of the bases discussed above. This policy prohibits all of the activities discussed herein, whether engaged in by a supervisor, employee, co-worker, agent or non-employee who is on Town of Pittsfield premises or who comes into contact with Town of Pittsfield employees.

### **DISCRIMINATION AND HARASSMENT**

Any employee who harasses or discriminates against another employee, citizen, or visitor on any of the bases discussed above will be subject to discipline, up to and including discharge.

Prohibited conduct includes:

- epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that are based on or that relate to race, color, religion, gender, national origin, genetic information, ancestry, pregnancy, age, disability, sexual orientation, marital status, or veteran status;
- written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, genetic information, ancestry, age, disability, sexual orientation or veteran status; and,



- offensive comments, jokes, innuendos, and other statements or conduct based on an individual's membership in any of the legally protected categories listed above.

The Town of Pittsfield prohibits all of the activities discussed above, whether engaged in by a supervisor, agent, employee, co-worker, or non-employee (such as a vendor) who is on our premises or who comes in contact with our employees. Any supervisor or employee who harasses or discriminates against another employee or non-employee on any basis discussed above will be subject to discipline, up to and including termination of employment.

If you experience or witness what you believe may be harassment and/or discrimination in violation of this policy, you should immediately report the incident. All reports must be made in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and appropriate action will be taken, depending on the nature and severity of any proven incident.

Retaliation against an employee who complains in good faith about harassment and/or discrimination or who participates in good faith in an investigation of a complaint is a violation of this policy. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. If you believe that you have been subjected to retaliation, you must report the incident in accordance with the Reporting Procedure contained in this Manual.

## **SEXUAL HARASSMENT**

The Town of Pittsfield's goal is to provide a workplace that is free of sexual harassment. Sexual harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by our Town of Pittsfield. Further, any retaliation against an individual who has complained about sexual harassment and/or retaliation against an individual who has cooperated in an investigation of sexual harassment is unlawful and will not be tolerated.

The Town of Pittsfield takes allegations of sexual harassment seriously, and will respond promptly to complaints of sexual harassment. Where it is determined that inappropriate conduct has occurred, the Town of Pittsfield will act promptly to eliminate the conduct and implement any necessary remedial or corrective action, including disciplinary action where appropriate.

### **Definition of Sexual Harassment**

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment; or

- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation or assistance; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome behavior emphasizing sexual identity. Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

This policy prohibits all of the activities discussed above, whether engaged in by a supervisor, employee, co-worker, agent or non-employee who is on Town of Pittsfield premises or who comes into contact with Town of Pittsfield employees.

It is not possible to list all of the additional circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct that will not be tolerated. However, the following are some examples of prohibited conduct:

- Unwelcome sexual advances, whether or not they involve physical touching;
- Sexual epithets; sexual jokes; written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body; sexual gestures;
- Suggestive or insulting comments;
- Inquiries into an individual's sexual experiences; and
- Discussion of one's sexual activities.

### **Complaints of Sexual Harassment**

Experience has shown that a clear statement to the person engaging in the offensive behavior is sometimes all that is necessary to stop the conduct. If you believe you are being harassed, we encourage you to let the person engaging in the conduct know how you feel. However, if you do not feel comfortable taking this step, you are not required to do so.

If you believe that you have been subjected to sexual harassment, you should report the incident immediately. All reports must be made in accordance with the reporting procedure contained in this policy. The matter will be promptly investigated and if it is determined that such inappropriate conduct has occurred, then will be taken to eliminate and correct the conduct.

Employees who violate this policy will be subject to disciplinary action, up to and including immediate termination of employment.

## **Retaliation**

Retaliation against an employee who complains in good faith about sexual harassment or who participates in good faith in an investigation of a complaint is a violation of this policy and is prohibited by law. If you believe that you have been subjected to retaliation, you must report the incident in accordance with the Reporting Procedure contained in this policy.

## **REPORTING PROCEDURE FOR SEXUAL AND OTHER UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION**

Any employee who feels that he or she has experienced sexual or other unlawful harassment and discrimination or retaliation should immediately report such actions. All reports must be made in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

1. If you believe that you have experienced sexual or other unlawful harassment, discrimination or retaliation, you should report the incident immediately to your supervisor or the Town Administrator.
2. Supervisors and department heads who become aware of discriminatory or harassing conduct, a complaint of discrimination or harassment, or retaliation must report the conduct and/or complaint immediately to the Town Administrator or the Administrative Assistant.
3. The Town of Pittsfield will promptly investigate incidents reported through this procedure. Any employee, supervisor, or agent of the Town of Pittsfield who has been found to have engaged in conduct that violates our policies against discrimination and/or harassment will be subject to appropriate remedial and/or disciplinary action, up to and including immediate discharge. The complainant will be informed generally of the outcome of the investigation and whether remedial action is being undertaken by the Town of Pittsfield.
4. The Town of Pittsfield will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.

## **ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES**

In accordance with the Americans with Disabilities Act of 1990 ("ADA"), as amended, and RSA 354-A, the Town of Pittsfield prohibits any form of discrimination in hiring as well as in all terms and conditions of employment against individuals with physical or mental disabilities. We will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process and in performing essential job functions, so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Please notify the Town Administrator if, because of a disability, you require an accommodation to perform the essential functions of your job. You may be asked to provide medical information regarding your disability and possible accommodations, and we expect that you will engage in this interactive process in good faith so that we may determine eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with the ADA, and will provide reasonable accommodations as required by law. The Town of Pittsfield may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

## **MANAGEMENT RIGHTS & RESPONSIBILITIES**

The listing of the following specific rights of management in this section is not intended to be, nor shall be considered restrictive of or as a waiver of any of the rights of the Town not listed herein. Such inherent management responsibilities are not subject to arbitration and shall remain exclusively with the Town except as may be shared by the Town in specific situations from time to time.

Among such management responsibilities as are vested exclusively in the Town are the following: The right to hire, promote, transfer, assign and retain employees in positions with the Town and to suspend, demote, discharge or take other disciplinary action against employees, to relieve employees from duty because of lack of work or other legitimate reasons, to determine the method, means, and personnel by which such operations are to be conducted, and to take whatever action may be necessary to carry out the work of the Town in situations of emergency.

The Town shall have the freedom of action to discharge its responsibilities for the essential and successful operation of the Town and its departments, including the scheduling of operations, the methods and materials used in carrying out the functions of the Town and its departments and the extent to which its own or other facilities and/or personnel shall be used.

## **HIRING & SCREENING**

Applicants for employment may be required to submit to, and pass, various pre-employment or conditional employment tests including, but not limited to; physical examinations, alcohol and drug screening, professional competency tests, a thorough background investigation and personal interviews – as deemed necessary for the position by the Board of Selectmen.

Any position that involves the oversight of children or other vulnerable persons or of town finances will require a criminal background check before employment with the town.

The Town may assume the responsibility for any screening costs that may be incurred as a result of related screening requirements requested.

## **EMPLOYEE WORK PERFORMANCE**

Each employee's work performance and attendance will be reviewed by their supervisor at least once each year or more often if deemed appropriate, such review to be prior to the anniversary date of the employee. Upon completion of such performance evaluation, employees will have the opportunity to comment on and sign their evaluation. All performance evaluations are forwarded to the Town Administrator and Board of Selectmen. No employee shall receive an adjustment upward in pay until such performance evaluations are completed and filed.

A performance evaluation is not a contract or a commitment to provide a compensation adjustment, a promotion, a bonus, or continued employment. These evaluations are only one of several factors that the Town of Pittsfield uses in connection with compensation, promotion, and retention decisions.

## **SECTION 2 - EMPLOYEE CLASSIFICATIONS**

### **EMPLOYMENT AT-WILL**

Unless otherwise provided in a written contract or unless set forth by statute, Town of Pittsfield employees are considered to be employees at-will. Employment at-will status enables both the Town of Pittsfield and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not communicated by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

### **EMPLOYMENT CLASSIFICATIONS**

At the time of hiring, employees are classified as full-time, part-time, or temporary employees and are informed as to whether they qualify for overtime pay.

**REGULAR FULL-TIME EMPLOYEES:** Individuals who are regularly scheduled to work 40 or more hours per week.

**REGULAR PART-TIME EMPLOYEES:** Individuals who are regularly scheduled to work less than 40 hours per week.

**TEMPORARY EMPLOYEES:** Individuals who are hired for specific periods of time or for the completion of a specific project are classified as Temporary employees regardless of how many hours of work they perform each week. Temporary employees are not eligible for benefits described in this Manual except to the extent required by state or federal law.

**NON-EXEMPT AND EXEMPT EMPLOYEES:** All employees will be classified as either "exempt" or "non-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 regardless of how many hours they work in a workweek. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA and Town of Pittsfield policy.

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

### **PROBATIONARY PERIOD**

All new employees and employees changing to a new job description will be required to successfully complete a probationary period of six months. Continued employment in the new job description will be contingent upon an acceptable performance evaluation at the

end of the probationary period. The Board of Selectmen may extend the probationary period in certain instances, in its sole discretion.

The Department Head shall meet with each new employee near the conclusion of the probationary period to review the employee's performance. Where appropriate, the Department Head will offer remedial suggestions for improvement.

Upon satisfactory completion of the probationary period, employees enter the "regular" employment classification. At all times during and after the probationary period, employees are at-will unless their employment is governed by an employment contract or collective bargaining agreement that states otherwise, or unless otherwise required by law.



## **SECTION 3 - COMPENSATION & HOURS OF WORK**

### **PAY GRADES AND RATES**

#### **Starting Rates**

The starting rate will be set by the Board of Selectmen, with the input of the Department Head recommending the hiring.

#### **Salary Increases**

Employees in the continuous service of the Town who have a satisfactory merit evaluation and performance record, may be eligible for a salary increase on the written recommendation of the Department Head. Any employee denied such an increase has the right to appeal to the Board of Selectmen, who shall confer with both the employee and the Department Head.

#### **Salary Adjustments**

Employees whose classifications have been upgraded will move to the new grade at the same rate or the next higher rate and will establish a new anniversary grade date, separate of the anniversary date of hire.

If an employee is transferred to a lower rated job, they will enter at their own rate or at the maximum of the new job, whichever is lower.

#### **Length of Service Stipend**

All fulltime permanent employees will be eligible for an annual longevity stipend as described in the chart below.

Longevity payments will be made in the payroll following the employee's anniversary date of hire.

<u>Anniversary Date of Hire</u>	<u>Annual Amount Received</u>
Years 7, 8, 9, 10, 11, 12, 13, 14	\$1,000.00
Years 15 and beyond	\$1,500.00

## **OVERTIME**

Non-exempt Employees shall be paid for overtime work at a rate equal to time and one-half their regular rates of pay for all hours actually worked in excess of 40 hours per week.

Leave time, holidays (with the exception of Christmas Day and New Year's Day), leaves of absences, and other time off benefits are not counted as "time worked" for purposes of overtime.

Police Officers engaged by private parties, when permitted by statute or Department Regulations, shall be paid by such parties through the Town's payroll system at an hourly rate approved by the Board of Selectmen. When police vehicles are used during such private paid details, the Town shall be paid at a rate approved by the Board of Selectmen. The hours worked on the private details are not factored into the total hours worked for calculating overtime pay.

## **REPORTING OF TIME WORKED**

It is important that time worked be accurately reported so that employees are compensated for all of the hours worked. Employees will be required to submit all of their time worked.

Falsification of time records could lead to disciplinary action, up to and including immediate termination from employment.

If there are any changes needed the weekly time worked, the change must be approved by the employee, indicating that the change was agreed upon.

## **WORK WEEK/HOURS OF WORK**

The Town of Pittsfield's work week begins on Sunday at 12:00 a.m. (midnight) and ends on Saturday at 11:59 p.m. Because of the nature of our business, the work schedule may vary depending on the job and department. When hired, the department head will inform the employee of the hours of work.

The Town of Pittsfield requires the presence and diligent efforts of employees in order to provide the requisite level of service to our community. Accordingly, normal weekday hours for the Town of Pittsfield will vary per department and will adhere to State and Federal labor and wage law regulations.

The regular work schedules must be reviewed and approved by the employee's department head and will remain in effect until compelling circumstances require a change. The Board of Selectmen 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 of Pittsfield.

An honor code of conduct exists whereby employees are entrusted to work their scheduled hours. Employees are encouraged to embrace this show of responsibility and commitment to the Town of Pittsfield, the community and to each other.

## **PAYCHECKS/PAY PERIODS**

Employees are paid on a biweekly basis on Friday for all hours worked during the calendar weeks preceding pay period. Employees should review each paycheck for errors. If a mistake is found, it should be reported to the department head or the Town Administrator immediately.

Paychecks will be distributed only to the employees. Paychecks are distributed either by mail to your address of record, by your supervisor, the Administrative Assistant, or the Town Administrator.

Employees may have pay directly deposited into their bank accounts at no charge if they provide advance written authorization.

## **PAYROLL DEDUCTIONS**

There are two categories of payroll deductions, those required by state or federal law and those authorized by the employee.

Payroll deductions required by state and federal law include federal withholding, income tax, social security tax, and wage garnishments as required by law (i.e. child support payments, court-ordered payments, IRS garnishments.)

If authorized by an eligible employee, the Town of Pittsfield will also make payroll deductions for health insurance, flexible spending accounts, other employee-funded insurance plans, and union dues. These deductions will be itemized on your check stub.

The New Hampshire Department of Labor permits these payroll deductions, and requires that employees are provided with notice of other circumstances in which payroll deductions are permitted by NH RSA 275:48.

### **Questions Regarding Paychecks and Deductions**

If employees have any questions or concerns about their paycheck or any deductions from their pay, they should contact their supervisor as soon as possible. If a prompt response is not received or have further questions, please 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 of Pittsfield will not tolerate retaliation against employees who have expressed concerns using this procedure.

## **REIMBURSABLE EXPENSES**

With prior approval by the respective department head, legitimate expenses will be reimbursed. The employee must submit receipts in order to be reimbursed. Mileage driven in a personal vehicle for pre-approved, work-related travel can be reimbursed with the completion of a mileage reimbursement form at the current applicable reimbursement mileage rate as set by the Internal Revenue Service. Reimbursement will be an accounts payable (not payroll) check.

## **BREAKS & MEAL PERIODS**

Town of Pittsfield employees will be provided with a thirty-minute meal period/break after five consecutive hours of working, unless it is feasible to eat while working and the employee is permitted to do so. Fire protection and law enforcement personnel will receive meal breaks as established by their respective departments.

Non-exempt employees who are nursing mothers will be provided with a reasonable break time to express breast milk for their nursing child for one year after their child's birth when such employee needs to express the breast milk. A private area will be provided. These breaks are unpaid.

## **SECTION 4 - EMPLOYEE BENEFITS**

Benefits for employees who choose to bargain collectively through representatives of their own choice and whose representative organization has been recognized or designated as the bargaining agent for all such employees shall be set forth in appropriate collectively bargaining agreements. Benefits for all other permanent full-time employees are described in the following sections, or by separate contractual agreements with the Board of Selectmen.

### **HEALTH INSURANCE**

The Town selects the "HealthTrust" to be the carrier to provide Health Insurance benefits for the Town of Pittsfield permanent full-time employees. The medical insurance plan provided is Access Blue New England (AB20) RX10/20/45.

Effective May 1, 2018, the Town will pay 100% of the monthly insurance cost for Access Blue New England (AB20) RX10/20/45 health insurance of a single, two-person or family plan. Any change in the rates during the term of this Agreement shall automatically increase the portion paid with the Town continuing to pay 100%. In the event two (2) employees are married, it is intended that only one (1) of the employees will receive the allotment.

Effective January 1, 2019, the Town will pay 98% of the monthly insurance cost for Access Blue New England (AB20) RX10/20/45 health insurance of a single, two-person or family plan. Any change in the rates during the term of this Agreement shall automatically increase the portion paid with the Town continuing to pay 98%. In the event two (2) employees are married, it is intended that only one (1) of the employees will receive the allotment.

Effective January 1, 2020, the Town will pay 96% of the monthly insurance cost for Access Blue New England (AB20) RX10/20/45 health insurance of a single, two-person or family plan. Any change in the rates during the term of this Agreement shall automatically increase the portion paid with the Town continuing to pay 96%. In the event two (2) employees are married, it is intended that only one (1) of the employees will receive the allotment.

Effective January 1, 2021, the Town will pay 93% of the monthly insurance cost for Access Blue New England (AB20) RX10/20/45 health insurance of a single, two-person or family plan. Any change in the rates during the term of this Agreement shall automatically increase the portion paid with the Town continuing to pay 93%. In the event two (2) employees are married, it is intended that only one (1) of the employees will receive the allotment.

#### **Health Insurance "Buy Out" Stipend**

Employees who receive health insurance through their spouse who is enrolled in another Health Insurance Plan through their employer, or Employees who have a health insurance plan provided by others including themselves without cost to the Town shall be eligible to

receive an annual payment of \$2,500.00 per year, to be divided equally in each payroll period of the calendar year, for voluntarily opting in writing not to take health insurance through the Town of Pittsfield.

To be eligible for such payment the Employee must be eligible to enroll in the plan offered in this section and must have and maintain health insurance through another licensed health insurance plan, proof of such coverage will be required to be documented.

In the first year of eligibility for an annual payment the sum will be pro-rated from the date of application to the end of the calendar year. If an Employee should enroll in the health insurance plan provided in this Article while receiving such annual payment the payment shall cease upon such enrollment.

### **FLEXIBLE BENEFIT PLAN**

The Town will select a Flexible Benefit Plan carrier to provide Employees who are enrolled in the Town's health insurance plan a choice of benefits under a plan that is designated to comply with Sections 105, 106, 125 and 129 of the Internal Revenue Code and the regulations issued thereunder.

The cost of such Flexible Benefit Plan shall be provided and paid by the Town in its entirety for each Employee choosing the Town's health insurance plan, provided such Employee makes application for such insurance to the carrier. Such plan shall remain in effect only so long as the Employee continues to be employed by the Town and only in accordance with the terms and conditions of the Flexible Benefits Plan Service Agreement. Each Employee will receive \$500.00 per year in their Flexible Spending Account with this plan. Each employee shall also receive an amount of \$500.00 per year paid to them during the month of January.

### **LIFE INSURANCE**

The Town of Pittsfield currently provides group life insurance to all eligible full-time employees. The amount of coverage is currently \$15,000.00 and is subject to change.

The cost of such term insurance shall be provided and paid by the Town in its entirety for each permanent full-time employee, provided such employee makes application for such insurance to the carrier. Such insurance shall remain in effect only so long as the employee continues to be employed by the Town and only in accordance with the terms and conditions of the insurance policy. The face value of each term policy, with no cash value, shall be \$15,000.00.

### **RETIREMENT**

All eligible permanent full-time employees will be enrolled in the New Hampshire Retirement System and will have deducted from their wages the amounts required for withholding.

## **FEDERAL INSURANCE CONTRIBUTIONS ACT (SOCIAL SECURITY & MEDICARE TAXES)**

Social Security & Medicare taxes are a payroll deductions representing your contribution to the federal government's Social Security and Medicare Programs. The Town of Pittsfield is also required to contribute a percentage based on your wages to the Social Security and Medicare Program.

## **COBRA**

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") provides eligible employees and their eligible dependents with the opportunity to continue their medical insurance and flexible benefit plan for a period of time, at their own expense, if they would otherwise lose coverage due to certain qualifying reasons.

## **WORKERS COMPENSATION**

The Town of Pittsfield provides insurance to compensate employees for occupational injuries pursuant to the provisions of RSA 281-A, New Hampshire's Workers Compensation Law.

### **Reporting Injuries**

If you are injured on the job, you **must** report the incident immediately to your supervisor. Failure to do so may jeopardize your workers' compensation benefits. Employees must complete the necessary workers' compensation forms following any injury. The Workers' Compensation carrier must also be contacted prior to seeking medical attention (unless it is a life-threatening injury).

### **Weekly Income Benefits**

The amount of the weekly worker's compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee's average weekly wages. These benefits are paid by our workers' compensation carrier to eligible employees.

In the event an employee is incapacitated as a result of bonafide injury or sickness arising out of and in connection with service to the Town and for which Workers Compensation is payable, they will be granted the difference between Workers Compensation payments and their regular hours of straight time rate of pay from their leave time accrued.

### **Temporary Alternative Duty**

Employees with work-related injuries may also be entitled to temporary alternative duty in accordance with New Hampshire's workers' compensation laws and Town of Pittsfield policies. Employees with non-work-related disabilities who require accommodations to perform their jobs should make accommodation requests to their supervisor.

### **Reinstatement**

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

Under New Hampshire law, an employee's reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if they have 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 their former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.



## **TEMPORARY ALTERNATIVE DUTY POLICY**

In accordance with the provisions of RSA 281-A: 23-b, the Town of Pittsfield will provide temporary alternative work opportunities for employees who suffer a work-related injury or illness as may be available.

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

The specific assignment of duties shall be determined on a case-by-case basis pursuant to the healthcare provider's restrictions and the work available at the time of the injury or illness.

The Temporary Alternative Work Program will be available to employees for a period of time extending as long as the circumstances of the illness/injury requires, but not longer than four months as dictated by the treating physician and as such duties are available.

The treating healthcare provider and the ill/injured employee share the responsibility of providing the Town of Pittsfield the NH Workers' Compensation Medical Form. This form provides information relating to the employee's capabilities necessary to structure a temporary duty program. The supervisor and/or Town Administrator will work with the employee 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.

After each subsequent visit, the ill/injured employee will be responsible for providing an updated medical form completed by the treating healthcare provider and returned to the Department Head or Town Administrator. Additional modifications will be made to the return to work program as required.

## **HOLIDAYS**

All permanent full-time employees shall receive time off without loss of pay on the following Town observed holidays:

1. New Year's Day
2. Birthday of Martin Luther King Jr.
3. Washington's Birthday
4. Memorial Day
5. Independence Day
6. Labor Day
7. Veterans Day
8. Thanksgiving Day
9. Day after Thanksgiving Day
10. Christmas Day
11. Floating Day

Employees will be permitted to take the floating day on the day of their choice, subject to the needs of their individual Department, with the advanced approval of their Department Head in writing.

If a holiday falls on a regularly scheduled day off, the employee shall be given an additional day off with pay, or shall receive straight time pay for the day, in addition to their regular pay.

Holidays are not considered time worked in the computation of other pay and benefits, with the exception of Christmas Day and New Year's Day.

When an employee is regularly scheduled to work on a holiday, they shall be given an additional day off with pay, or shall receive pay at time and one-half for the day worked in addition to his regular pay.

Holidays that occur on a Saturday will be observed on the preceding Friday, and those that occur on a Sunday will be observed on the following Monday.

## LEAVE TIME

Permanent full-time employees shall be credited with leave time based upon the years of continuous service.

Leave time may be used for the following purposes:

1. Vacation
2. Sick
3. Personal
4. Bereavement
5. Family Medical Leave
6. Injury/Disability (on and off the job)

The schedule for leave for vacation shall be the responsibility of each Department Head. Employees shall give supervisors or Department Heads adequate notice prior to the time the employee wishing to take leave for vacation. Department-wide seniority shall prevail in cases where requests are similar or overlapping. Employees who desire to receive their vacation payroll check in advance shall submit a written request to the Town Administrator at least two (2) weeks in advance of the payroll payment date on which such advance payment is desired.

An employee may utilize leave time in the event of illness, and for medical and dental appointments. Each employee is obligated to notify his Department Head or immediate supervisor daily at least 2 hours prior to the beginning of the employee's scheduled start time of work, of such employee's absence from work, unless such employee is in the hospital or under the care of a licensed physician.

Leave time will be utilized to supplement the Workers Compensation Insurance Benefit as prescribed by State law. It is the intention that employee will use leave time to supplement benefits in order to receive 100% of the pre-injury weekly compensation.

Leave Time shall accrue at the following rates:

Date of hire - up to 2 years	13.87 hours per month
2 years - up to 5 years	14.73 hours per month
5 years - up to 10 years	16.03 hours per month
10 years and more	17.33 hours per month

For full-time employees with less than 5 years of service - leave time may be continuously accrued up to a maximum of 200 hours.

For full-time employees with more than 5 years of service - leave time may be continuously accrued up to a maximum of 400 hours.

No more than the maximum leave time amounts accrued, as noted above, shall be credited from any calendar to the next calendar year (e.g. if an employee has accrued 411

hours as of 12/31/2018, then starting 1/1/2019 the employee's record of leave time hours would be set to 400 hours).

If an employee transfers or occupies other positions within the Town of Pittsfield, leave time will continue to be based upon unbroken years of service.

Upon severance of employment with the employer, the employee shall be paid for 50% of the unused leave time based upon the employee's current hourly wage.

### **COMPENSATORY TIME**

The Town does not utilize compensatory time.

### **MILITARY LEAVE**

All permanent full-time employees who are members of the United States Armed Forces or National Guard (collectively referred to as "uniformed services") shall receive their military pay for time spent on military duty in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA).

An Employee must give the Town prior written notice of required military duty. Employees giving prior written notice of required military duty will be excused from any scheduled work. Employees failing to provide proper written notice and who fail to report for scheduled work may be terminated from employment and such termination shall not be the subject of a grievance, arbitration, fact-finding or mediation.

Employees on active duty or called to full-time active duty shall, upon reemployment with the Town, count their active duty time toward calculating length of service with the Town for purposes of longevity and leave time accrual.

### **JURY DUTY**

All permanent Employees covered under this Agreement shall be paid the difference between their regular pay and the compensation they receive from jury duty, provided they report to work on each regularly scheduled working day when excused from such duty. A certificate setting forth the amount received by the Employee from jury duty, exclusive of any transportation, mileage, or overnight accommodations payments or reimbursements shall be required prior to any such payment. In addition to the foregoing, the Town shall comply with the provision of NH RSA 500:14 and subsequent amendments.

All employees called to jury duty shall inform the Department Head of such summons to appear for jury duty as soon as possible following receipt of the summons. Employees summoned to jury duty shall provide a schedule to the Department Head of the days they will be absent due to such jury duty. Employees shall also give advanced notice of those days on which they will be excused from jury duty so that the Town will not be required to schedule other employees to cover the work hours of the excused employee. Employees

failing to provide such advance notice of days on which they are excused from jury duty will not be paid or scheduled for work if another employee has been scheduled to cover the hours or work for which the employee failed to give notice of availability from jury duty before the assignment of such additional personnel for coverage of the previously excused employee's time.

## **LEAVE OF ABSENCE**

The Town of Pittsfield recognizes that due to personal circumstances, it may be necessary for an employee to request more time off than is provided under state or federal law or other Town of Pittsfield's policies.

A personal leave of absence may be granted at the sole discretion of the Town of Pittsfield to employees who have exhausted their leave available under our other leave policies, including paid leave and leave under the FMLA, and is normally only granted for compelling reasons.

Personal leaves of absence will be unpaid, and an employee on an unpaid personal leave of absence is not entitled to accrue any benefits.

Employees who are granted a personal leave of absence may continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue health insurance coverage by making arrangements with the Town Administrator to pay the entire amount of the appropriate monthly premium in advance each month.

To request a personal leave of absence, please contact your Department Head. You will be asked to provide a written request for the leave and possible supporting documentation explaining the need for leave, including but not limited to a health care provider's certificate stating the reason for the leave and the expected date of return to work.

If granted, personal leaves typically will not exceed thirty (30) days. An employee who has taken leave for medical reasons must submit a fitness for duty certificate from his or her health care provider before reinstated to work.

Requests for leave will be considered on a case-by-case basis, taking into account the Town's staffing needs and other factors. If a personal leave is granted, you may not accept other employment of any kind, including working for a business of your own, while you are on leave. If you are granted a personal leave of absence, you must inform us when you are able to return to work.

We will make reasonable efforts to reinstate employees returning from personal leaves to the same or similar job as held prior to the leave of absence, subject to our staffing needs and other requirements. Please understand that we cannot guarantee reinstatement from a personal leave. If the Town of Pittsfield is not able to reinstate an employee returning from

leave, the employee's employment will be terminated, and the employee will remain eligible to apply for employment in the future.

If an employee fails to return to work following the expiration of the leave, the employee will be considered to have voluntarily resigned from his or her employment with the Town of Pittsfield.

## **FAMILY MEDICAL LEAVE**

Employees are entitled to family and medical leave under the federal Family and Medical Leave Act of 1993 ("FMLA") when they meet all of the eligibility requirements of that law. This policy sets forth several rules that must be applied uniformly to all employees who may be eligible for family and medical leave. This policy is intended only as a summary of the Town of Pittsfield's obligations under the FMLA, and to the extent that the policy is inconsistent with federal law, the Town will follow applicable federal requirements.

### **Employee Eligibility Periods**

Employees who have been employed for at least 12 months, have worked at least 1,250 hours in the previous 12 months, and who work at a location where the Town of Pittsfield employs at least 50 employees within a 75-mile radius of the employee's worksite are eligible for FMLA leave.

There are two types of eligibility periods under the FMLA as described below.

#### **1. 12-Month Period for Birth, Adoption or Foster Care; Serious Health Conditions; or Qualifying Exigency**

There is a 12-month eligibility period for 12 weeks of FMLA leave taken for the following qualifying purposes:

- a. Birth and care of the newborn child of the employee;
- b. Placement with the employee of a son or daughter for adoption or foster care;
- c. Care for an immediate family member (spouse, child, or parent) with a serious health condition, as that term is defined by the FMLA;
- d. Medical leave when the employee is unable to work because of a serious health condition; or
- e. Qualifying exigency leave for an employee whose spouse, child or parent is a regular member of the Armed Forces on covered active duty deployed to a foreign country or a reserve member of the Armed Forces (including National Guard) on covered active duty deployed to a foreign country under a call or order to active duty in a contingency operation.

The 12-month period used to determine employee eligibility for FMLA for the purposes described above shall be the rolling year measured backward from the date that an employee begins FMLA leave.

## **2. 12-Month Period for Military Caregiver Leave**

There is a separate 12-month period for employees eligible for military caregiver leave of up to 26 weeks. Such leave may be taken to care for a spouse, child, parent or next of kin of an eligible service member or veteran with a serious injury or illness. This leave is calculated from the first day that leave is taken for this purpose and does not track the Town of Pittsfield's designated 12-month FMLA tracking period. Any military caregiver leave that is not taken within the specific 12-month period is forfeited. This leave period may overlap with the usual 12-month leave period designated by the Town of Pittsfield and, in certain circumstances, this may impact the employee's eligibility to take other types of FMLA leave.

### **Notice by Employee**

Employees requesting leave shall provide at least 30 days' notice to the Town of Pittsfield whenever the need for such leave is foreseeable. The employee shall provide appropriate medical certification (or other certification appropriate to the particular request) supporting the leave request.

When the Town of Pittsfield has reason to believe that an employee is or will be absent for an FMLA-qualifying purpose, the Town will request the appropriate information from the employee to determine the employee's eligibility for family and medical 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).

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 employee, the Town of Pittsfield may adjust the employee's salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Town of Pittsfield 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 of Pittsfield's operations.

**Health Insurance**

During an approved FMLA leave, the Town of Pittsfield will maintain the employee's health benefits under the same terms and conditions applicable to employees not on leave. Health and other benefit coverage may be canceled if the employee's premium payment is more than thirty days late. If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town of Pittsfield for the cost of the premiums paid by the Town of Pittsfield for maintaining coverage during the unpaid leave.

**Coordination with Other Leave**

When leave is taken that qualifies both as FMLA and as permitted leave under any employment contract, collective bargaining agreement, or policy, the employee shall use FMLA and accrued leave concurrently, provided that the employee meets all of the eligibility requirements for each type of leave, unless otherwise provided by contract.

**Tracking FMLA Leave**

When an eligible employee requests any leave of absence that qualifies under the FMLA, the Town of Pittsfield 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 of Pittsfield has the right to designate any time away from work as FMLA leave. In such circumstances, the Town of Pittsfield will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

**Fitness for Duty Certificate**

An employee on approved FMLA leave is entitled to reinstatement to the employee's position, or an equivalent position, as though the employee had not been out on leave. Before returning to work, employees taking FMLA for their own serious health condition shall submit a certificate from a health care provider indicating that they are able to return to work and perform the essential functions of the position.

**Additional Information**

The full extent of FMLA coverage is too extensive for inclusion in this handbook. If you have questions, please contact the Town Administrator. To request a leave, please obtain and fill out a FMLA Leave Request Form.

Additional information regarding FMLA rights and obligations can be obtained from the nearest Department of Labor office, Wage and Hour Division or by visiting their web site at [www.dol.gov/dol/esa](http://www.dol.gov/dol/esa).



## **SECTION 5 - EMPLOYEE SAFETY & HEALTH**

### **HEALTH & SAFETY PROGRAM**

Safety is of great concern to the Town of Pittsfield. It is important that we all keep safety foremost in our minds to ensure that our work environment is as safe as possible. Safety can only be achieved through teamwork. Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately.

Please observe the following precautions:

- Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- 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 (including marijuana) on Town of Pittsfield property is prohibited.
- The use, adjustment, and/or repair of machines or equipment is to be performed by you only if you are trained and qualified.
- Get help when lifting or pushing heavy objects.
- Understand your job fully and follow instructions. If you are not sure of a safe procedure for performing work, ask your supervisor.
- Know locations, contents, and intended use of all first aid and fire-fighting equipment.
- Wear personal protective equipment as directed in accordance with the job you are performing.
- Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.
- Violations of safety precautions may lead to disciplinary action, up to and including termination.

### **SAFETY COMMITTEE**

The Town of Pittsfield maintains a Safety Committee in accordance with state statutes comprised equally of management and regular employees, which meets quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please ask your supervisor for details.

## **WORKPLACE VIOLENCE**

Violence and verbal or physical threats of violence of any kind in the workplace or on Town of Pittsfield property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including separation from employment. Responsive action may also include notifying the police or other law enforcement and prosecuting violators of this policy.

If you become aware of any violence or threat of violence, you must immediately report the matter to your supervisor or the Police Department, or if the risk of danger is imminent, the police should be contacted directly, and then your supervisor should be contacted as quickly as practicable.

## **DRUG & ALCOHOL POLICY**

The Town is committed to providing a safe work environment that is free from the effects of drugs and alcohol.

Drug and alcohol use in the workplace can create health, safety, and security issues for our employees, citizens and visitors. Town of Pittsfield is committed to providing a safe work environment that is free from the effects of drugs and alcohol. In support of our commitment,

The Town of Pittsfield prohibits the following conduct and other conduct which, in our determination, is inconsistent with our commitment:

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

The Town of Pittsfield also maintains the following reporting requirements:

Any employee who is taking medication that may impair his or her ability to safely perform job functions must inform his or her supervisor immediately, and must not perform any work until authorized to do so by Town of Pittsfield.

If any employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized prescription drugs) on Town of Pittsfield premises or while working for the Town of Pittsfield, Town of Pittsfield reserves the right to report the incident to law enforcement authorities;

If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, they should immediately report the behavior to their supervisor or the Town Administrator.

### **Investigations and Searches**

When Town of Pittsfield determines that there is reasonable cause to suspect that an employee has violated this policy, Town of Pittsfield reserves the right to inspect, without prior notice, lockers, work areas, desks, cabinets, purses, bags, briefcases, other belongings, and vehicles brought on Town of Pittsfield premises or at locations where work-related activities are being conducted. Cause to suspect shall be solely in the judgment and discretion of Town of Pittsfield.

### **Violations of this Policy**

Employees must, as a condition of employment, abide by the terms of this policy. Violations of this policy will result in disciplinary action, up to and including termination, and may also have legal consequences.

### **Fitness for Duty Exams**

Town of Pittsfield reserves the right to require any employee to submit to a fitness for duty exam when there is a reasonable basis for Town of Pittsfield to believe that the employee may be under the influence of alcohol or drugs or may be otherwise unfit for duty. Fitness for duty exams may include, but not be limited to, tests for the presence of drugs or alcohol. Employees must consent to fitness for duty exams as a condition of employment. The cost of any such fitness for duty exams will be covered by the Town of Pittsfield. Within Town of Pittsfield's discretion, an employee may be placed on paid or unpaid administrative leave or suspension pending the results of a fitness for duty exam.

## **WORKPLACE SEARCHES**

To safeguard the safety and property of our employees, residents, and the Town of Pittsfield and to help prevent the possession and use of weapons and illegal drugs on Town of Pittsfield 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 of Pittsfield property. In addition, the Town of Pittsfield 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 of Pittsfield.

Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town of Pittsfield and are issued for the use of employees only during their employment with the Town of Pittsfield. Inspections may be conducted at any time at the discretion of the Town of Pittsfield.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection, the Town of Pittsfield determines are in possession of stolen property, weapons, or illegal drugs, may be subject to disciplinary action, up to and including discharge.

## **SECTION 6 - ON THE JOB**

### **ATTENDANCE**

Attendance and punctuality are important factors for your success in the Town of Pittsfield. However, the Town of Pittsfield is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise.

All employees are required to be punctual on reporting for their scheduled work shift. Employees are required to be in attendance, prepared to commence work activities at their designated work locations, on their assigned days and hours. Employees are required to remain at work for the entire work period, excluding meals, unless authorized by their supervisor to leave for an excused absence.

Employees found to be late for or absent from scheduled work may receive counseling, be subject to disciplinary measures and/or termination. Employees failing to notify their supervisor that they will be late or absent from work are subject to termination.

All employees should be aware that excessive absenteeism, lateness, or leaving early may lead to disciplinary action, up to and including dismissal from employment.

Attendance records will be considered when evaluating requests for promotions, transfers, leaves of absence, and approved time off, as well as disciplinary, termination, and layoff decisions.

### **PERSONAL DRESS**

We expect all employees to come to work with a neat, well-groomed appearance and workplace-appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Exceptions to the personal dress policy may be made for inclement weather.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law.

### **INCLEMENT WEATHER**

Employees generally are expected to report to work during inclement weather. However, there may be occasions when the Town of Pittsfield will be closed due to severe inclement weather. You should contact your supervisor for information as to whether the Town of Pittsfield will be open for business.

Please note, however, that some Town of Pittsfield employees will be expected to report to work even if the Town of Pittsfield is closed. Please speak to your supervisor if you are unsure whether closing announcements will apply to your position.

If the Town of Pittsfield's departments are not closed due to severe inclement weather, but you are unable to get to work, then you must call your supervisor to explain why you cannot get to work. If you do not come to work because of inclement weather, you must use your accrued leave time, if applicable. If your earned benefits have been exhausted, you will not be paid for the time missed, unless otherwise required by law.

If you are an hourly employee and you come to work and the Town of Pittsfield closes because of weather, loss of electricity or an emergency beyond our control, you will be paid a minimum of two hours or the time you worked, whichever is greater.

## **PERSONNEL RECORDS**

The Town of Pittsfield maintains certain records containing job-related information on all employees to ensure compliance with state and federal law and to keep a record of your progress as an employee.

Your personnel file is our record of information relative to your employment. You may inspect your own personnel file during regular office hours, upon reasonable request. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement. File inspection must be done on your own time, and must be arranged through your supervisor. You may read your personnel file, but you may not remove any portion of the file. Upon request, you will be provided with a copy of all or part of your personnel file. Town of Pittsfield may charge a reasonable fee for copying your personnel file.

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

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Please notify your supervisor as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

## **CONFIDENTIALITY**

The Town of Pittsfield's information and records relating to Town of Pittsfield business, operations, plans, projects, strategies, employees, or citizens may be confidential. Therefore, employees must treat all matters accordingly.

No Town of Pittsfield information, including, without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course

of performing duties on behalf of the Town of Pittsfield) may be removed from the Town's premises without permission from their supervisor.

Additionally, the contents of the Town of Pittsfield's records may not be disclosed to anyone, except as required by law.

Employees unsure about the confidential nature of specific information are expected to seek clarification from their supervisor or the Town Administrator.

Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

## **BUILDING SECURITY**

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

## **COMPUTER USE AND COMMUNICATIONS EQUIPMENT POLICY**

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

All employees should be aware that the Town of Pittsfield has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail, and Internet use of all employees.

***For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems.***

The Town of Pittsfield 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:

1. Employees should be aware that in addition to having the ability to monitor e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), the Town of Pittsfield has the ability and the right to monitor such things as Internet web site visits, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the

communications, information, and documents created or stored on them are the property of the Town of Pittsfield and may be monitored by the Town at any time.

2. Our computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Town of Pittsfield resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any resulting law enforcement investigation.
3. The Town of Pittsfield reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.
4. The display or transmission of any sexually explicit image or document by e-mail or through any other means using the Town of Pittsfield's system is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, genetic information, religion, national origin, disability, veteran status, marital status or other protected status in a manner that may be viewed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
5. Transmission of any religious or political messages using Town of Pittsfield equipment is strictly prohibited.
6. Accessing non-work related obscene, or offensive web sites is strictly prohibited.
7. Using Town of Pittsfield equipment to create or transmit any communications in violation of the Town's discrimination and harassment policies is prohibited.
8. Any personal use of our computers or other communications equipment for any commercial activity (other than Town of Pittsfield business) is strictly prohibited, as is the use of our computers and communications equipment for anything that may not be in the best interest of the Town of Pittsfield including, but not limited to, activities that disclose any confidential or proprietary information of the Town of Pittsfield.
9. Town of Pittsfield computers and other communications equipment are to be for Town use only by authorized users. Non-employees may not use the Town of Pittsfield's computers, network, or other communications equipment for any reason.
10. Use of another employee's account, user name, or password, or access to their personal files without their consent (by anyone other than authorized representatives of the IT department) is strictly prohibited. Obtaining, or trying to



obtain, other users' passwords, or using programs that compromise security in any way is prohibited.

- 11.** All passcodes and passwords are the property of the Town of Pittsfield. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by the Town of Pittsfield or that is unknown to the Town. Users of the Town of Pittsfield'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.
- 12.** 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.
- 13.** The breaking into and/or corrupting of any of the Town of Pittsfield's computers, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Town of Pittsfield's technology is also prohibited, and will be reported to the authorities.
- 14.** Any vulnerability in the Town of Pittsfield's computers, network, or other communications equipment or resources should be reported immediately to the Town Administrator.
- 15.** 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 Town Administrator.
- 16.** Accessing the Town of Pittsfield'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 your supervisor or the Town Administrator.
- 17.** Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, or hacking, or introducing malware or spyware is strictly prohibited.
- 18.** Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All Town of Pittsfield data and information is considered confidential unless the Town of Pittsfield has granted permission for an employee to disclose that information or unless required by law. Accessing or attempting to access confidential data without authorization to do so 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 of Pittsfield documents, data, or other

business on home computers or other portable technology without the express prior approval of their supervisor.

19. All employees are responsible for taking precautions to safeguard the physical security of the Town of Pittsfield's network, Internet, computers, and other communications equipment. Disks, CDs, USB portable drives, Zip drives, and other removable drive devices containing sensitive, confidential, or proprietary information should be stored in a locked drawer, whenever possible. Computers should be turned off when not in use for an extended period of time or when an employee is out of his or her office.
20. Employees are not allowed to introduce to our network, Intranet, computers, or other communications equipment media from any external sources, including, but not limited to, CDs, disks, Zip drives, personal digital assistants, USB portable drives, and other removable drive devices.
21. Employees also may not copy, transmit, or otherwise remove any information from our network, Intranet, computers, or other communications equipment to CDs, disks, Zip drives, personal digital assistants, USB portable drives, or other removable drive devices without prior authorization from their supervisor.
22. 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.
23. All downloaded files or applications are to be scanned for viruses by the Town's contracted computer maintenance firm before being saved on the Town of Pittsfield's network. The Town's contracted computer maintenance company must review all downloaded applications before being installed on the network.
24. The Town of Pittsfield retains the copyright to any Town of Pittsfield-related material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of their duties.
25. All information on the network, Intranet, computers, and other communications equipment is the property of the Town of Pittsfield. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have received prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town of Pittsfield to continue using its equipment.
26. All employees are required to report any violations, or suspected violations, of this policy.

## **SOCIAL MEDIA**

The Town of Pittsfield understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities, especially when social media use intersects with the workplace.

The Town of Pittsfield neither encourages nor discourages any of its employees from posting on social networking sites or blogging on their own time, using their own equipment. However, employees should be aware that these postings are public, even if access to them is restricted they may be forwarded out of the restricted group by those who have rightful access, and live on virtually forever. And, even if a posting is taken down it never truly disappears but rather continues to exist somewhere in cyberspace.

As a result, employees need to be mindful that online activity, including social networking postings (whether images or comments), even though done on personal time and using personal equipment, can cause damage to not only their own reputation and interests but also the reputation and interests of the Town of Pittsfield, co-workers, and the public we serve.

In order to ensure that all employees understand the Town of Pittsfield's expectations regarding social media use, we have established the guidelines below.

This policy applies to all Town of Pittsfield employees.

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to an employee's own or someone else's web log (or "blog"), journal or diary, personal web site, social or professional networking or affinity web site, web bulletin or a chat room, whether or not associated or affiliated with the Town of Pittsfield, as well as any other form of electronic communication.

Unless you have been specifically authorized to do so by your supervisor, you are not permitted to make any statements on social media that purport to be on behalf of the Town of Pittsfield, authorized by the Town of Pittsfield, or in an official capacity for the Town of Pittsfield.

If you have not been specifically authorized to do so by your supervisor, you are not permitted to use any of the Town of Pittsfield's equipment and/or devices to access social media.

When you are on-duty, you are expected to devote your full attention and efforts to the completion of your work. As such, while you are on-duty, you are not permitted to access social media on your own device without the prior consent of your supervisor.

Understand that even when you are off-duty, your use of social media may still be subject to scrutiny by the Town of Pittsfield. As such, whether on-duty or off-duty, you are not

permitted to disclose on social media any legitimate confidential records, communications, and/or proceedings of the Town of Pittsfield. Additionally, the Town of Pittsfield reserves the right to take disciplinary action against you, up to and including possible termination, in the event that your use of social media, whether on-duty or off-duty, unduly interferes with the Town of Pittsfield's legitimate interests, as an employer, in managing the workforce.

Violation of any aspect of this policy is subject to disciplinary action, up to and including termination of employment, regardless of whether such conduct occurred away from work or on non-work time.

## **CELL PHONE POLICY**

Except in emergency situations, the use of hand-held cell phones or personal digital assistants to make calls during the operation of a Town of Pittsfield vehicle or while driving a personal vehicle on Town of Pittsfield business is prohibited. Hands-free headsets are acceptable. It is strongly recommended, however, that the operator pull over to the side of the road prior to using the cell phone.

Drivers may not use their phones or other personal digital devices in any other manner, including but not limited to making or receiving calls (without a hands-free headset); sending, viewing or receiving text or voice messages of any kind; checking time; looking up information contained on phone or personal digital devices while operating a Town of Pittsfield vehicle, while operating any vehicle on Town of Pittsfield-related business, or while operating any Town of Pittsfield machinery or equipment with the exception of police and fire personnel who may receive work-related calls in their official capacity.

**Please be aware that texting while driving is against the law in New Hampshire and in many other states. Drivers are expressly prohibited from texting while operating Town of Pittsfield vehicles or while operating any vehicle while on Town of Pittsfield-related business.**

Failure to comply with this policy may result in disciplinary action, up to and including termination.

## **MOTOR VEHICLE VIOLATIONS**

All employees who operate Town of Pittsfield vehicles are required within seventy-two (72) hours to notify your supervisor if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town of Pittsfield vehicles is suspended, revoked, or otherwise restricted in any way, the employee must notify your supervisor within one working day of learning of the suspension, revocation, or restriction.

No employee is authorized to operate any vehicle on town business while his or her license is under revocation or suspension. Employees who are required to but are unable to drive, and/or who fail to comply with this policy, may be subject to discipline, up to and including termination of employment.

All employees who operate Town vehicles may be required to provide an official copy of their driving record annually at the Town's expense.

## **OPERATION OF VEHICLES**

Only authorized employees may operate Town of Pittsfield-owned vehicles. Unless prior written approval has been granted by the Board of Selectmen, they are not to be used for personal business and are not to be operated at times outside the scheduled workday. Using a Town of Pittsfield vehicle outside the scheduled workday or for personal business without Town of Pittsfield permission will result in disciplinary action, up to and including termination.

Any employee who, as a part of his/her duties, has a need to operate a Town of Pittsfield-owned vehicle must hold a valid driver's license and an acceptable driving record. In addition, the Town of Pittsfield reserves the right to conduct annual motor vehicle record checks, as well. Employees must cooperate in completing any required authorizations or other paperwork for the motor vehicle records checks. Copies of the reports received by the Town of Pittsfield will be furnished to the employee upon request. Having a driving record that, in the opinion of the Town of Pittsfield, is unsatisfactory, or one that is unacceptable to the Town of Pittsfield's insurance carrier, may be grounds for disciplinary conduct, including but limited to loss of driving privileges and/or dismissal.

### **Safe Operation**

As employees of a public agency, it is expected that the driving habits of all employees will serve as an outstanding example to the community.

Any employee who drives a Town of Pittsfield-owned vehicle and receives a citation or any other fine or penalty for unlawfully operating any motor vehicle, Town of Pittsfield owned or non-Town of Pittsfield owned, shall notify their supervisor consistent with the above MOTOR VEHICLE VIOLATIONS policy of the citation and/or fine and also shall be personally responsible for the payment of said fine(s) or any costs associated with the actual fine or legal representation in any such related matter.

### **Collision**

In the event of a collision involving property or vehicle damage, or personal injury, the following steps must be taken:

- The accident must be reported to your supervisor immediately
- An accident report must be completed
- At the accident scene, contact the local police department for all accidents regardless of the extent of physical damage.
- If applicable, obtain the other driver's name, address, phone number, description of vehicle, insurance company information as well as the name(s) of any witnesses.
- No repairs should be completed on any damaged Town of Pittsfield vehicle unless express permission is obtained from the Town of Pittsfield.

Failure to comply with any of the steps may result in discipline up to and including termination.

**Seat Belts**

Employees are required to wear seat belts when operating or riding in Town of Pittsfield-owned vehicles, or in personal vehicles while on Town of Pittsfield business. It is recommended that passengers also wear their seat belts, and to the extent required by state or federal law.

**Use of Cell Phones**

Except in emergency situations, the use of hand-held cell phones or personal digital assistants to make calls during the operation of a Town of Pittsfield-owned vehicle or while driving a personal vehicle on Town of Pittsfield business is prohibited. Failure to adhere to this policy could result in disciplinary action. Hands-free headsets are acceptable. It is strongly recommended, however, that the operator pull over to the side of the road prior to using the cell phone. TEXTING WHILE DRIVING IS AGAINST LAW AND EXPRESSLY PROHIBITED BY THE Town of Pittsfield.

**Smoking**

Employees are prohibited from smoking in Town of Pittsfield-owned vehicles at all times.



## **CONFLICT OF INTEREST**

The Town of Pittsfield expects its employees and officials to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create an actual conflict or the appearance of a conflict of interest. Examples of conduct and behavior that would violate this policy include, but are not limited to, the following:

- Investing in any of the Town of Pittsfield's vendors or suppliers (unless the securities are publicly traded and the investments are on the same terms available to the general public, and not based on any inside information), or having any financial interest in a vendor or supplier that could cause divided loyalty or even the appearance of divided loyalty.
- Receiving any gifts or favors in any amount or value from members of the public, or from any Town of Pittsfield vendors or suppliers.
- Using, directly or indirectly, Town of Pittsfield funds, assets, or other resources for any unlawful goal or purpose.
- Engaging in practices that violate federal, state or local laws or ordinances

Employees with any questions regarding these guidelines are required to discuss them with your supervisor, prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination.

## **NEPOTISM**

While the Town of Pittsfield 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 Board of Selectmen.

A relative is defined to include spouse, civil union partner, children, parents, step-parents, step-children, brothers, sisters, immediate in-laws, grandparents, grandchildren, or other person living in the employee's household.

## **STANDARDS OF CONDUCT**

All employees are required to comply with our standards of conduct, which are intended to promote consistency and harmony in the workplace, and to support the missions and objectives of the Town of Pittsfield. We recognize that no list of rules can be all inclusive. Incidents may arise that are not covered by the standards of conduct listed herein, but which may lead to discipline, up to and including termination.

The following areas are intended to guide you in recognizing certain behaviors which are clearly prohibited and which are considered by the Town of Pittsfield to constitute cause for disciplinary action, up to and including discharge.

### **1. Absence and Lateness**

Excessive absenteeism and/or lateness; failing to call in when absent; overstaying allotted break time; leaving the work area or work early without permission; misuse of any leave of absence.

### **2. Employment/Town of Pittsfield Records**

Making a false statement on the application form; falsifying Town of Pittsfield and employment records.

### **3. Attitude**

Using abusive language to any person while at work, creating any type of disturbance, demonstrating a lack of cooperation, verbally abusing or neglecting visitors or residents of the Town of Pittsfield.

### **4. Safety**

Violation of safety regulations or endangering the health or safety of other persons; failing to report any work-related accidents.

### **5. Employee Relations**

Using abusive or profane language to another employee; negligent or intentional destruction of another employee's personal possessions; threatening bodily harm; intent to strike; striking another employee. Using threatening, abusive or profane language or other provocation which might reasonably be expected to result in a disturbance.

### **6. Crime**

Conviction of a crime.

### **7. Dishonesty**

Dishonesty to a coworker, resident, visitor or to the Town of Pittsfield.

### **8. Incompetence**

Repetition of avoidable mistakes to a point that the mistakes demonstrate a disregard for the Town of Pittsfield's interest.

**9. Intoxicants**

Bringing, possessing, dispensing, selling, buying or using alcoholic beverages or illegal drugs on Town of Pittsfield property or while on the job; being under the influence of or testing positive for these substances during working hours.

**10. Neglect of Duty**

Negligence in the performance of duties which conflicts with the Town of Pittsfield's interest. Neglect of duty resulting in inferior work, equipment breakdown, or waste of materials, supplies or products.

**11. Unsatisfactory Job Performance**

Failing to satisfactorily discharge the employee's job duties; failure to demonstrate the requisite skills or abilities in order to satisfactorily discharge the employee's duties.

**12. Telephone, Facsimile, Computer, E-Mail, Copier**

Excessive use of Town of Pittsfield telephone, facsimile, computer, e-mail, Internet access and/or copier for personal purposes.

**13. Theft or Destruction of Property**

The theft or negligent or intentional destruction of any Town of Pittsfield property or the personal property of a coworker, resident or visitor.

**14. Sexual or Other Unlawful Harassment**

Discrimination, sexual or other unlawful harassment, and/or inappropriate conduct in violation of Town of Pittsfield policies. Retaliation against anyone who has complained of alleged harassment or discrimination or has participated in an investigation of a complaint.

**15. Insubordination**

Acting in an insubordinate manner toward any supervisor or in disregard of any directive of the Town of Pittsfield.

**16. Violation of the Town of Pittsfield's Policies, Procedures or Rules**

Violating or failing to follow the Town of Pittsfield's policies, procedures or rules.

## **DISCIPLINE**

It is the policy of the Town of Pittsfield to take corrective action against employees who violate rules, regulations, or standards of conduct, or who endanger the safety of others, or perform their duties in an unsatisfactory manner.

Except for gross misconduct, disciplinary action will normally be taken in the following order:

1. Verbal Warning
2. Written Warning
3. Suspension Without Pay
4. Discharge

However, the above sequence need not be followed if an infraction is sufficiently severe to merit immediate suspension or discharge. Additionally, the Town reserves the right to take disciplinary action in a manner consistent with the efficiency of operations and appropriate to the infraction involved.

An employee will be tendered a copy of any warning, reprimand, suspension or discharge entered on his personnel record.

While the Town of Pittsfield will apply the concept of progressive discipline when appropriate, it reserves the right to determine the appropriate level of discipline in any circumstance.

In addition, nothing in this policy undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken.

The Town of Pittsfield may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under federal and state law.

## **GRIEVANCE PROCEDURE**

The grievance procedure shall be as follows, with the exception of grieving a suspension or termination, in which case, the aggrieved will proceed directly to the third step of the procedure.

**First Step** - The employee shall verbally bring the grievance to the attention of his/her supervisor within five working days of the event giving rise to the grievance. The supervisor shall respond within three working days of hearing the grievance to the employee making the grievance.

**Second Step** - If dissatisfied with the response at the first step, the employee may submit the grievance in writing to the Department Head. Submission of the grievance to the Department Head shall be within three working days of the supervisor's decision. The Department Head shall respond in writing within three working days of receiving the grievance.

**Third Step** - If the employee is dissatisfied with the decision of the Department Head, or if grieving a suspension or termination, the employee may submit the grievance in writing to the Board of Selectmen within five working days of receipt of the Department Head's decision, or within five working days of the suspension or termination being grieved. The Board of Selectmen shall respond within fifteen working days of receipt of the grievance. The decision of the Board of Selectmen shall be final.

This procedure does not apply to the employees covered by a collective bargaining agreement or to groups of employees who have petitioned to bargain collectively.

## SECTION 7 - SEPARATION FROM EMPLOYMENT

### REQUESTED NOTICE OF DECISION TO TERMINATE EMPLOYMENT

Should you decide to resign from your employment with the Town of Pittsfield, we ask that you notify your supervisor and the Board of Selectmen of your decision at least two weeks in advance of your planned departure date. Your thoughtfulness will be appreciated, and will allow the Town of Pittsfield to maintain work schedules and provide important services to the public.

### EXIT INTERVIEWS

In most instances, employees who terminate their employment will be asked to participate in an exit interview, typically with the Board of Selectmen. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback from you on ways in which our Town of Pittsfield can improve our operations and retention of employees.

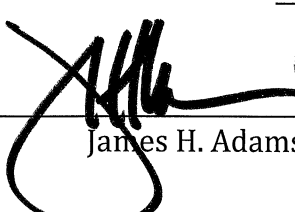
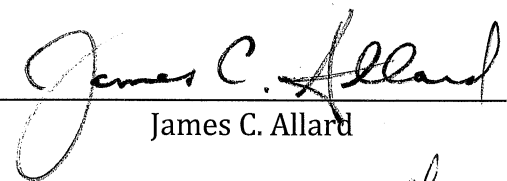


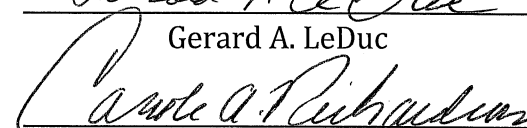
### INFORMATION ON FORMER EMPLOYEES

It is the policy of the Town of Pittsfield that all requests for information regarding former employees must be in writing. No information will be taken or provided orally. If the former employee is not making the request in person, the request for information must be accompanied by a written notarized released form from the former employee authorizing release of the specific information sought or requested.

## SECTION 8 - PASSAGE

This policy replaces & combines the personnel policy, employee harassment policy, office directive policy, the temporary alternative work program, and drug & alcohol policy.

Adopted on July 9, 2019

 _____ James H. Adams	 _____ James C. Allard	 _____ Gerard A. LeDuc
 _____ Carl E. Anderson		 _____ Carole A. Richardson