

# **Town of Chesterfield**



# **Personnel Policy**



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# CHAPTER 1 INTRODUCTION

## I. PURPOSE

The purpose of this Personnel Policy is to establish policies and procedures to ensure, insofar as possible, uniform treatment and administration of personnel employed by the Town of Chesterfield, and to inform the employees of the Town of the working conditions regarding their employment. The Town of Chesterfield considers its personnel to be its most valuable resource in delivering efficient services to its citizens.

The overall responsibility for the administration of this policy manual rests with the Department Heads under the direction of the Board of Selectmen.

If any provisions of this Policy Manual or the application thereof to any person or circumstance are determined to be invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this policy manual.

No employee handbook can anticipate every circumstance or question about policy. The Town reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or the Town to end our relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur.

This policy shall be considered a guide and not a contract of employment.

## II. EMPLOYEES COVERED

These policies and rules will be applicable to all persons employed in the service of the Town, except persons under the direction and control of the Town School Board.

## III. ADOPTION AND AMENDMENT

These policies and regulations will become effective upon signature of the Selectmen, as will any amendments thereto. Amendments to this policy will be reviewed at regular meetings of the Board of Selectmen for resolution and adoption.

## IV. DEPARTMENTAL RULES

Each department may have specific policies and rules that apply to the department's operations and activities. Such rules are subject to the approval of the Board of Selectmen. Departmental rules that are more stringent and have been approved by the Board of Selectmen supercede rules in this Policy Manual.

## V. EMPLOYMENT AT WILL

Employment with the Town of Chesterfield is not for any definite period or succession of periods, and may be terminated either by the employee or by the Town at any time without notices. Wages or salary and any accrued and unused vacation allowable under these rules and regulations will be due to the employee only to the day and hour of termination.

## VI. EQUAL OPPORTUNITY EMPLOYER

It is the policy of the Town of Chesterfield to guarantee equal opportunity to all qualified applicants and to employees with respect to appointment, advancement, and general working conditions. The Town of Chesterfield is an equal opportunity employer and shall recruit and employ individuals without discrimination based on race, religion, political affiliation, color, sex, age, national origin, sexual orientation, marital status, disability, pregnancy or veterans' status.

The Town is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, job applications are available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position.

Post-offer medical examinations are required for all employees with the examination paid for by the Town. The results of post-offer medical examinations shall not be used to exclude individuals from employment unless a medical condition is directly related to an essential job function and no reasonable accommodation is possible. Medical records will be kept separate and confidential from other employee records.

Reasonable accommodation is available to all disable employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists. Leave of all types will be available to all employees on an equal basis.

The Town is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The Town will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

This policy is neither exhaustive nor exclusive. The Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

## VII. EMPLOYMENT RECORDS

The Town Administrator will keep and maintain personnel files. Personnel files will be available for review at any reasonable time by the employee during the period of employment with the Town. Files will contain all pertinent information relating to the employment with the Town including, but not limited to: the employment application; resume; test results; introductory period; reclassification; performance evaluations; substantial letters or written comments from the public regarding the performance of the employee; written reprimands; commendations; warnings; disciplinary action; promotions; or other actions taken by the Selectmen or their designees regarding the employee. The Town reserves the right to charge a reasonable copying fee for providing the personnel file.

VIII. EMPLOYEE REFERENCES

The Town will provide references for former employees as follows: verify their employment with the Town, verify dates of employment, and verify ending salary/wage level.

Such requests for references will be directed to the Town Administrator or the Board of Selectmen.

Upon termination, employees may authorize, in writing, the Town to provide additional information pertaining to their employment and performance with the Town.

IX. FALSE INFORMATION

The Town of Chesterfield expects and requires that applicants and employees provide complete and accurate information regarding their previous employment, qualifications, and other questions that may arise regarding their employment with the Town. Providing false information will be grounds for non-hiring or for immediate dismissal at the time it is discovered.

X. PROOF OF CITIZENSHIP

The Town of Chesterfield is committed to employing individuals and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three years, or if their previous I-9 is no longer retained or valid.

## **CHAPTER 2 DRUG AND ALCOHOL POLICY**

### **I. POLICY**

It is the Town's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

### **II. DRUG AND ALCOHOL TESTING**

It is the policy of the Town of Chesterfield not to test employees for the use of drugs and/or alcohol. The exception to this policy will be all employees of the Town who are required to have a Commercial Drivers License (CDL) as part of their jobs. Employees required to have a CDL are subject to drug and alcohol testing as required by the U. S. Department of Transportation through the Federal Highway Administration.

### **III. PROHIBITIONS**

While on the Town premises and while conducting business-related activities off the Town premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

### **IV. VIOLATIONS**

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

## **CHAPTER 3 EMPLOYMENT CONDITIONS AND ENVIRONMENT**

### **I. NON-SMOKING**

The Town of Chesterfield recognizes that smoking and a smoke environment may be hazardous to the health of the employee. Also, the State of New Hampshire provides in RSA Chapter 155 Section 66 as amended, that employers must provide a smoke free work place effective January 1, 1991. Therefore it is the policy of the Town to provide a smoke free work environment. To that end, smoking or use of any tobacco products shall be prohibited in any building or vehicle owned by the Town. If any employee believes that the smoking policy is being violated, complaint may be made in confidence to the Board of Selectmen. If the complaint is not resolved within thirty (30) days, the employee may file a complaint with the Director of the New Hampshire Division of Public Health Services pursuant to RSA 155:71. No employee will be retaliated against or discriminated against for exercising their rights under the policy. A copy of this policy will be posted on each employee bulletin board.

### **II. SAFETY**

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the Town has established a workplace safety program entitled *Joint Loss Management Program*. Every employee will receive a copy of this program at the time of employment. This program is a top priority for the Town. Each employee must know and understand the procedures applicable to their work area, including knowledge of the location of fire extinguishers, fire alarm pull stations and emergency exits. The success of the safety program depends on the alertness and personal commitment of all.

### **III. TEMPORARY ALTERNATE DUTY**

An employee may request modification of work duties or a temporary reassignment during or immediately following illness/injury/pregnancy. Such request must be supported or initiated by the advice of a licensed physician. The Town will make a reasonable effort to accommodate such a request. For more specific information, see the *Joint Loss Management Program, Section VIII, Alternative Duty and Return to Work Program*. See also Chapter 12 *Family and Medical Leave*.

### **IV. SEXUAL AND OTHER UNLAWFUL HARASSMENT**

The Town is committed to providing a work environment that is free of discrimination and unlawful harassment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, disability, pregnancy, veteran's status and sexual orientation or any other legally protected characteristic will not be tolerated.

Examples of prohibited harassment include, but are not limited to: conduct or comments that threaten physical violence; offensive unsolicited remarks, unwelcome gestures or physical contact; requests for sexual favors and or physical contact of a sexual nature; display or circulation of written materials or pictures degrading to any gender, racial, ethnic, religious or other group listed above; and verbal abuse or insults about, or directed at, any employee or group of employees because of their membership in any of the groups listed above.

Sexual harassment is defined as unwelcome sexual or gender-based conduct that creates a hostile, intimidating or offensive work environment. It also exists when an employee

exercises or threatens the authority of his or her position to control, influence, direct, or affect the job, duties, earnings, or career of another employee in order to obtain a sexual favor. Unwelcome sexual advances, requests for sexual favors, lewd or off-color humor and other verbal, non-verbal and/or physical conduct of a sexual nature constitutes sexual harassment when:

- A. Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment.
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Harassment (both overt and subtle, sexual or otherwise) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited.

Any employees who believe that they or others have been subject to harassment from a co-worker, supervisor, manager, citizen or vendor should promptly report the matter to his or her immediate supervisor. If the supervisor is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Town Administrator, or any member of the Board of Selectmen. Employees can raise concerns and make reports at any level of management without fear of reprisal. Retaliation or reprisal is a form of illegal harassment which is a violation of this policy and will be treated in the same manner as other harassment prohibited by this policy.

Any supervisor or manager who becomes aware of possible sexual or other harassment either from a report from an employee or any other individual, or through observation of such conduct should promptly advise the Town Administrator or any member of the Board of Selectmen. The Town Administrator, or other individual designated by the Board of Selectmen, will promptly initiate an investigation of the matter in a timely and confidential manner. The investigation will normally include meetings with the parties and witnesses, if any. All parties will be provided with an opportunity to present information and to respond to allegations of harassment. Complaints of sexual harassment will be kept confidential to the fullest extent possible but also consistent with our obligation to investigate and remedy any alleged harassment.

Anyone determined after investigation to be in violation of this policy will be subject to disciplinary action, up to and including termination of employment. Failure to cooperate with management in the investigation of a claim of sexual or other harassment may also result in disciplinary action, up to and including termination from employment.

If you believe that you have been subjected to sexual harassment, you should first follow the procedures outlined above. You may file a formal complaint with the United States Equal Employment Opportunity Commission (EEOC) within one hundred eighty (180) days of the last discriminatory act at the following address:

1 Congress Street  
Boston, Massachusetts 02114  
(617) 565-3200

Employees may also file a complaint with the New Hampshire Human Rights Commission with the same period of time at:

2 Chennell Road  
Concord, New Hampshire 03301  
(603) 271-2767

## V. HOURS OF WORK

Actual starting and quitting time may vary from department to department as established by the respective department heads with the approval of the Board of Selectmen. The workweek for full time employees will include a thirty (30) minute non-paid lunch period. All employees are entitled to a fifteen (15) minute break for every four (4) hours worked. The hours and days of work and associated breaks are subject to change depending on the circumstances of each department.

## VI. OVERTIME

The Board of Selectmen entrusts their department heads to keep within their respective budgetary constraints and to exercise their authority in the use of overtime. It is understood that overtime should be directed to such unanticipated and unforeseeable situations, such as snowstorms, fires, major accidents or crimes, etc. In the case when overtime is needed for a large project or situation, the department head will make the Board of Selectmen aware of such use and detail the overall effect on his/her respective budgets. Every effort should be made by the department head to curtail the use of overtime. To the extent possible, overtime will be distributed as evenly as possible among the employees qualified to perform that particular job. Employees are expected to honor requests for overtime work, except in unusual circumstances. An employee will not refuse to work an overtime assignment except in the case of his/her own illness or serious illness in the family. Repeated failure or refusal to perform overtime work when requested will result in disciplinary action.

All non-salaried employees are subject to the minimum wage and overtime requirements of the Federal Fair Labor Standards Act. The Town will compensate non-safety sensitive employees for overtime worked on a weekly basis after completion of forty (40) hours actually worked, unless otherwise designated. Overtime compensation will be at a rate of one and one-half (1-½) times employees normal hourly wage for actual hours worked in excess of forty (40) worked per seven (7) day pay period. Vacation, sick time and holidays shall not be construed as actual hours worked in determining overtime pay.

## VII. WORKWEEK/PAYROLL

The workweek begins at 12:01 a.m. Sunday and ends on midnight Saturday. Friday is the payday for the previous week.

Pursuant to RSA 275:48,I, the Town will not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except:

1. For payroll taxes or as otherwise required by statute;
2. When the deduction is authorized in writing by the employee for:
  - a. Installment payments of legitimate loans made by the employer to the employee;
  - b. Union dues;
  - c. Health, pension and apprenticeship fund collections;

- d. Strictly voluntary contributions to charities;
  - e. Housing and utilities;
  - f. Payments into savings funds held by someone other than the employer;
  - g. Voluntary rental fees for non-required clothing;
  - h. Voluntary cleaning of uniforms and non-required clothing;
3. For medical, surgical, hospital and other group insurance benefits having no financial advantage for the employer, when the employee has given his/her written authorization and deductions are duly recorded; and
  4. For required clothing not covered by the definition of uniforms in the Rules of the Department of Labor.

## VIII. COST OF LIVING INCREASES

Annual cost of living increases will take effect after Town Meeting, subject to approval or modification of the budget by the annual Town Meeting. Cost of living increases will be determined by information received from the Department of Employment Security – Concord.

## IX. HOURLY EMPLOYEES

This class of employee shall consist of all positions whose weekly compensation is determined by a multiple of hours worked in a given period. Employees in this class may be full-time or part-time. The Town will compensate employees for overtime worked on a weekly basis after completion of forty (40) hours actually worked unless otherwise designated. Vacation, sick time and holidays shall not be construed as actual hours worked in determining overtime pay.

## X. SALARIED EMPLOYEES

An employee shall be deemed to be salaried if, as a condition of employment or as a matter of practice or policy, the employee regularly receives for each week a predetermined or fixed amount of money constituting his/her compensation. It is understood that these specific salaried positions are paid on the basis of job responsibility regardless of the hours required to do the work. As such, these employees are classified as exempt from the overtime provisions under Section 13(a) of the Fair Labor Standards Act. The following is a listing of the positions that fall under this category:

- ◆ Town Administrator
- ◆ Police Chief
- ◆ Public Works Director

Only the Board of Selectmen may determine whether or not an employee is exempt or non-exempt as defined by the Fair Labor Standards Act.

## XI. CALL OUTS

Employees who are called out to perform emergency work after the conclusion of their regular workday will be paid for actual time out or the minimum hours as set by departmental rules.

## XII. EMERGENCY RESPONSE PAY

Town employees who also serve as volunteer members of one of the local Fire Departments and/or Emergency Response Rescue Teams, if called to respond to an

emergency during their regular work day, will be paid their regular rate of pay for the full amount of time they are absent from work for such emergency, or the amount of time remaining in their work schedule for that day, whichever is less. Overtime pay will not be included for such emergency calls, nor will said time be used toward determining overtime pay. Every effort should be made to notify the appropriate department head when responding to an emergency.

### XIII. TRAINING

The Town of Chesterfield seeks to continually improve the effectiveness of the services provided and to encourage employees to develop and improve their abilities. Participation in training and educational programs will be determined upon the recommendation of the department head as authorized by the Board of Selectmen and at a reasonable cost to the Town. Such training must be anticipated as part of the budget approval process. The following factors will be used to determine if the Town will approve a training program:

- ◆ Relevance to current position/job,
- ◆ Relevance and potential benefit to the Town,
- ◆ Value and relevance to the employee,
- ◆ Length of time, if any, the employee will be absent from work,
- ◆ Training program cost and available budgetary allocation.

### XIV. WORK RELATED EXPENSES/REIMBURSEMENT

Whenever possible, employees will use Town vehicles for job related travel. No expense may be charged for travel when a Town owned vehicle is used with the exception of parking and tolls when applicable. All employees travelling on Town business in their privately owned vehicle, or using personal assets for necessary Town purchases, will be entitled to reimbursement of their expenses according to the following schedule:

- ◆ Automobile expenses (Mileage) at a rate determined by the Selectmen.
- ◆ Meals & Lodging reasonable expenses, with receipt, not to include alcoholic beverages. Maximum meal reimbursements are as follows:
  - Breakfast – up to \$7.00
  - Lunch - up to \$10.00
  - Dinner – up to \$18.00
- ◆ Purchases which are verifiable.

## **CHAPTER 4 PERSONNEL ACTIONS**

### **I. EMPLOYMENT OPPORTUNITIES**

**POLICY:** It is the policy of the Town, in every instance, to seek the best-qualified person available for vacancies as they occur. In filling vacancies, the following steps will be taken:

- A. Department Head shall notify the Board of Selectmen or Town Administrator stating the date of vacancy, position, title and other pertinent facts that may be necessary for recruitment purposes.
- B. Recruitment and selection will be conducted in accordance with all applicable laws, statutes and ordinances.
- C. Town employees will be given the maximum opportunity for advancement and promotion. Present employees will be given the first consideration when filling a vacancy.
- D. Vacancies, except those filled by promotion or transfer, will be advertised in at least one issue of a local newspaper. Applications will be received for at least one week after the date of the advertisement.
- E. The Selectmen reserve the right to bypass all or part of the selection process, while keeping within all laws, statutes and ordinances.
- F. Physicals are required of all people employed by the Town at the time an offer of employment is made. A physician chosen by the Town will conduct physicals. The Town is responsible for the costs of post-offer medical exams. Police officers may be required to undergo psychological testing.

### **II. APPOINTMENT**

Employment to fill a vacancy, which falls within the jurisdiction of the Board of Selectmen, will follow after consultation with the appropriate department head.

### **III. INTRODUCTORY PERIOD**

All new appointments shall be made for an introductory status of at least six months, except in the case of the police department, whereas they shall serve a twelve-month introductory period. A department head may extend the trial period, with the approval of the Board of Selectmen and the Town Administrator, for an additional period of time, not to exceed a total of eighteen months.

**Evaluation:** During the introductory period, the employee will be evaluated on a quarterly basis. One month prior to the end of the introductory period, the department head will submit a written report to the Board of Selectmen and the Town Administrator carefully reviewing the work of the new employee.

**Dismissal:** An employee, during the introductory period, may be dismissed by the Board of Selectmen based upon the recommendation of the Town Administrator and the department head if:

- A. The employee is unable or unwilling to perform the duties of the position satisfactorily;
- B. The employee's habits and dependability do not merit continuance in service; or,
- C. The employee disregards or violates the rules of conduct or procedure of the Town or of the department.

Compensation: An employee appointed to a position will be compensated at the minimum rate of pay assigned to the class to which the position is allocated. The Board of Selectmen reserves the right to employ an applicant at a pay rate above the minimum rate based on outstanding qualifications and/or experience.

Benefits: Employees on introductory status may be eligible for and may receive benefits during this period subject to the provisions and limitations defined in the Policies and Procedures Manual.

Appeals: Employees on introductory appointment shall not have the right of appeals.

#### IV. RESIGNATION

Employees who voluntarily resign from their employment with the Town should give at least two weeks notice, in writing. Such resignation notice should be submitted to the department head, or in the case of department heads, to the Town Administrator or the Board of Selectmen. An employee who fails to provide two weeks notice prior to termination of employment may not be eligible for re-hire.

#### V. DEMOTION

A Town employee may be demoted to a position of lower classification for which they are qualified for any of the following reasons:

Position Abolished: When an employee would otherwise be laid off because a position is abolished.

Position Reclassified: When a position is being reclassified to a higher classification for which the employee does not have the required qualifications.

Replaced Employee Returning from Authorized Leave: When another employee returns to work from authorized leave to the position, in accordance with the Rules on leave.

Lack of Qualifications: When an employee does not possess, or loses, the necessary qualifications to render satisfactory service in the position held.

Voluntary Request: When an employee voluntarily requests such a demotion and a position is available at the lower classification for which the employee is qualified.

Disciplinary Action: As a disciplinary action in conformance with the provisions set forth in the manual.

VI. REDUCTION IN PAY

An employee demoted through voluntary request or as a result of disciplinary action will also have a reduction in salary. All demotions are subject to the approval of the Town Administrator and the Board of Selectmen. If an employee is demoted unwillingly, an appeal may be file under Chapter 7 of the Personnel Policies and Rules.

VII. REDUCTION IN FORCE

A reduction in force will be undertaken when the best interest of the Town requires. Any reduction in forces will be undertaken in a manner which minimizes the adverse effects on the Town and affects the least number of employees as possible. In the event that a reduction in force is necessary, lay-offs with the affected department or classification will be made in accordance with the following procedure:

Employees with the affected department or classification who have not completed their introductory period will be terminated. Such employees will have no recall rights. The Town Administrator and the Board of Selectmen will determine which introductory employees will be terminated if less than the total number of introductory employees is to be terminated. This determination will be based upon the qualifications of the employees; the evaluations received; and the length of time with the Town.

Employees with the least departmental seniority will generally be laid off first. However, a more senior employee may be laid off if that employee does not have the skills or qualifications required to do the available work, and a less senior employee does have the required skills and qualifications.

VIII. RECALL

It is the policy of the Town to recall employees who are on layoff as vacancies occur within the Town service for which the employees are qualified. Such recall will be used to fill vacancies before new employees are recruited or hired.

Order of Recall: Employees who are on lay-off will be recalled in order of seniority within the department which is increasing its work force. The employee with the most seniority will be recalled first, provided, however, that the employee has the skills and qualifications required to do the available work.

Qualifications: Whether an employee has the skills or qualifications to perform available work will be determined by the Town Administrator and the Board of Selectmen. The Town may use an evaluation process which fairly measures an employees past work, present job abilities, and the employee's potential for improvement.

Reporting after Recall: An employee who is on lay-off and is recalled must notify the Town of their intention to return to work on a certain date within three days of their recall notice. Failure to notify the Town within three days shall result in a loss of all seniority and further recall rights.

In exceptional or unusual circumstances, the Town Administrator and the Board of Selectmen may extend the reporting period to a maximum of five working days.

**LIMITATION:** An employee who is on lay-off and who has not received notification of recall within one year from the date of lay off, will lose all seniority and recall rights.

IX. EMPLOYMENT SENIORITY

An employee's seniority status with the Town of Chesterfield shall be determined according to the actual length of continuous service the employee has had with the Town.

Class seniority shall be computed from the date of an employee's appointment to the present class.

When two or more employees are appointed to the same class on the same day, the employee whose application was first received by the Town shall be the ranking employee. In the Police Department, when two or more superior officers of the same rank are appointed to that rank on the same day, the officer with the most overall seniority shall be the ranking employee.

## **CHAPTER 5 EMPLOYEE CONDUCT**

### **I. POLICY**

The Town recognizes the rights of individuals to live their lives subject to the rules and laws of society as expressed in our various constitutional institutions.

The Town of Chesterfield expects and requires employees to adhere to standards of conduct which are required for the effective functioning of the Town. Failure to observe these standards can result in disciplinary actions, and in some situations, termination of employment.

The Town believes that every employee should be aware of their visibility as a Town employee and should conduct himself or herself in such a manner as to bring credit both upon the Town and the Town employee in general.

### **II. HOURS OF SERVICE**

With the approval of the Board of Selectmen, each department head shall prescribe the minimum number of hours to be worked on a daily and weekly basis. The hours so established shall be constructed as the normal work week. A minimum of thirty-five (35) hours per week is required of all full-time employees. The normal, full-time workweek for Town employees is forty (40) hours.

Flexible schedule: At the discretion of the department head, and with the approval of the Board of Selectmen, a flexible schedule may be permitted provided that all essential department needs are met and the full work week hours are completed. Observance of the established hours of the department is expected of all employees, unless a flex schedule has been approved, as discussed above.

Authorized absence: For a period not to exceed two hours, and for proper cause, department heads shall be able to excuse an employee from reporting or being present for duty.

Unauthorized absence: Unauthorized absences, including the absence for a single day or part of a day, will be investigated by the appropriate supervisor and will be reported to the Town Administrator or Board of Selectmen for action. An unauthorized absence shall result in a forfeiture of all compensation for the period of such absence. Repeated instances of unauthorized absences will result in other disciplinary action, up to and including dismissal.

### **III. INFORMATION DISCLOSURE**

Employees are prohibited from discussing, disclosing or using confidential knowledge of official business which is acquired as a result of employment with the Town. Divulging, discussion, or using such knowledge will result in disciplinary action, up to and including dismissal.

### **IV. POLITICAL ACTIVITY**

Town employees are encouraged to exercise their normal civic rights and responsibilities. They retain the right to vote and freely express their opinion on all political subjects, to become or continue to be, a member of any political party or to attend political meetings.

Restrictions: Several restrictions apply as a result of employment with the Town. Town employees shall not use their official authority for the purpose of interfering with or affecting the

nomination or election of any candidate for public office or command from any other employee direct or indirect participation in any political party, organization, or the support of political candidates. The pursuit of political activities while working, or through the use of, Town facilities is strictly prohibited.

## V. OUTSIDE EMPLOYMENT

Full time employees of the Town are expected to be available to fulfill their responsibilities and duties. Positions with the Town are the principal and primary occupation of full time employees and they are expected to devote their full energies to the performance of their duties. Other employment that interferes with an employee's responsibility to the Town is prohibited. A full time employee who obtains additional employment shall notify their department head, in writing, of such employment.

## VI. RECEIPT OF GIFTS

Town employees are discouraged from accepting gifts of any type, which are given as the result of the employee's position with the Town. An employee who receives a gift or gratuity from any source, by virtue of the fact that they are a Town employee, shall immediately inform their department head. Failure to report gifts may present grounds for suspension or dismissal. The department head will immediately inform the Town Administrator and the Board of Selectmen of all gifts and/or gratuities received by the department, whether individually or collectively. The Town Administrator, with the permission of the Board of Selectmen, may allow the acceptance of such gifts and/or gratuities by the individuals or department.

## VII. EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and provide the best possible work environment, the Town expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following, by way of example only, are infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment.

- ◆ Unauthorized release of confidential and personal information
- ◆ Theft or inappropriate removal or possession of property
- ◆ Falsification of timekeeping records
- ◆ Working under the influence of alcohol or illegal drugs
- ◆ Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- ◆ Fighting or threatening violence in the workplace
- ◆ Boisterous or disruptive activity in the workplace
- ◆ Negligence or improper conduct leading to damage of employer-owned property
- ◆ Insubordination or other disrespectful conduct
- ◆ Violation of safety or health rules
- ◆ Smoking in prohibited areas
- ◆ Sexual or other unlawful or unwelcome harassment
- ◆ Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- ◆ Excessive absenteeism or any absence without notice
- ◆ Unauthorized absence from work station during the workday

- ◆ Unauthorized use of telephones, mail system, or other employer-owned equipment
- ◆ Unsatisfactory performance or conduct

Employment with the Town is at the mutual consent of the Town and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

## VIII. COMPUTER AND E-MAIL USAGE

Computers, computer files, the e-mail system, and software furnished to employees are the Town's property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. Passwords must be reported to the Chief Executive Officer of the Town. To ensure compliance with this policy, computer and e-mail usage may be monitored.

The Town strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Town prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

The Town purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Town does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Town prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate supervisor, the Town Administrator, or Board of Selectmen upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

## IX. PET POLICY

The following policy has been established to provide for the health and safety of Chesterfield employees, volunteers, residents and visitors; for the protection, efficient use, and enjoyment of the towns buildings, vehicles and property; and for the responsible management and operation of the town.

This pet policy addresses pets on town property in and outside of town buildings.

Inside Town Buildings:

- No pets are allowed inside town buildings. Exclusions to policy:
- This prohibition does not apply to individuals accompanied by service animals

This prohibition does not apply to certified police service dogs or pets in the temporary custody of the Chesterfield Police Department

Outside of Town Buildings:

The following rules apply to the town property outside of buildings.

- Pets must be leashed and under control at all times.
- Employees and volunteers may not bring pets during scheduled work hours to town beach, parks, recreation, athletic fields, even if leashed.
- This prohibition does not apply to animals in private vehicles at the transfer station.

Town Vehicles:

No pets are allowed in town owned vehicles. Exclusions to policy:

- This prohibition does not apply to individuals accompanied by service animals
- This prohibition does not apply to certified police service dogs or pets in the temporary custody of the Chesterfield Police Department

Policy Violations:

Violations of this policy generally will be handled through a system of progressive corrective actions that will be administered by the individual supervisor, per Disciplinary Section of Personnel Policy.

Service Animal:

The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government .

Service animals perform some of the functions and tasks that the individual with a disability cannot perform for him or her. Guide dogs are one type of service animal used by some individuals who are blind. This is the type of service animal with which most people are familiar. But there are service animals that assist persons with other kinds of disabilities in their day-to-day activities. Some examples include:

Alerting persons with hearing impairments to sounds.

Pulling wheelchairs or carrying and picking up things for persons with mobility impairments.

Assisting persons with mobility impairments with balance.

A service animal must be permitted to accompany the individual with a disability to all areas of the facility where employees are normally allowed to go. An individual with a service animal may not be segregated from other employees.

## **CHAPTER 6 DISCIPLINARY ACTIONS**

### **I. POLICY**

The Town of Chesterfield provides a system of progressive disciplinary actions that may be invoked for failure of employees to observe the policies and practices contained in this Manual and in any modifications or supplements to it. Disciplinary actions shall be taken promptly by supervisors, department heads or the Town Administrator and the Board of Selectmen, and will be determined by the seriousness or frequency of violation. The following disciplinary actions shall be taken in accordance with the accompanying guide lines. The Town reserves the right at its sole discretion, to impose disciplinary action up to and including termination of employment at any time based upon the following procedures, or otherwise.

### **II. ORAL REPRIMAND**

The most immediate and least severe disciplinary action is given by the immediate supervisor for initial, minor misconduct. Department heads may verbally warn employees of area which needs improvement or of a specific incident. Warning shall be informal in nature and include specific steps for performance improvement or corrective action. A record of such reprimand will be placed in the employee's personnel file. If no other disciplinary action occurs during the next six-month period, the record of the oral reprimand will no longer be considered for any future action.

### **III. WRITTEN REPRIMAND**

A written reprimand shall be given to an employee by the department head, after consultation with the Town Administrator, when an oral warning has not resulted in the expected improvement; or, a further similar incident has occurred within a short period of time; or, a more severe initial action is warranted due to the seriousness of the action. The reprimand will include the nature of the offense and possibility of future disciplinary action and steps for correction of the situation. A copy of the reprimand, signed by both the department head and employee will be placed in the employee's personnel file and reviewed with the Selectmen. In the event that the employee refuses to sign the reprimand, this fact will be noted on the reprimand by the department head. The written reprimand shall be placed in the employee's personnel file.

### **IV. SUSPENSION**

Department head, after consultation with the Town Administrator and the Board of Selectmen, may suspend employee without pay. Suspension without pay, will occur when an employee repeats an action for which a written reprimand has previously been given; takes unauthorized absence from work; refuses to follow a legitimate directive from a supervisor or is otherwise grossly insubordinate; is negligent in the performance of work such that the Town may, or does experience a delay in work, or the public or other Town employee's safety is endangered; engages in conduct, on or off the job, which effectively limits or curtails the ability of the employee to perform an assigned job.

V. SUSPENSION PERIOD

On the first unauthorized absence from work, an employee will be suspended without pay for a period of time equal to the unauthorized absence. An employee may be suspended without pay for up to three (3) days by the department head. Notice of such action must be forwarded to the Town Administrator and the Board of Selectmen immediately. Suspension exceeding three (3) days will be made by the department head after obtaining the approval of the Board of Selectmen.

VI. FACTORS DETERMINING LENGTH OF SUSPENSION

The length of suspension will be determined by the seriousness of the action that has resulted in disciplinary action and the employee's performance history.

VII. RECORD OF SUSPENSION

Employee will receive confirmation of suspension in writing with the date, time and nature of the offense and date or dates of suspension period and corrective steps. The employee will be advised or more serious disciplinary action or dismissal in the event of further offenses. A record of suspension of an employee will become a permanent part of the employee's personnel record.

VIII. TERMINATION

An employee may be dismissed from the Town's service when, in the judgement of the department head, and concurrence of the Town Administrator and the Board of Selectmen, the employee's work or conduct so warrants, and such action will serve the best interest of the Town. The employee will be notified immediately in writing of such action and will be presented all final compensation due. Notification will include effective date of the termination and reason or reasons for the action.

IX. DISMISSAL PROCEDURE

The Board of Selectmen, when dismissing any employee will submit, to the employee, the department head's and the Town Administrator's written description of the reasons for such action, including evidence prior to any action being taken. The employee will be given a notice of the appeal procedure provided in Chapter 7 of these rules.

## **CHAPTER 7 APPEALS TO PERSONNEL AND DISCIPLINARY ACTIONS**

### **I. POLICY**

The Town will make a reasonable effort to be equitable and fair in its relations with employees. An appeal procedure is provided for employees who disagree with personnel or disciplinary actions taken by the Town. Notwithstanding the foregoing procedure, employment between the Town and its employees remains at will, and employment between the Town and the employee may be terminated at any time, with or without cause, and with or without notice.

### **II. RIGHT OF APPEAL**

Town employees have a right to appeal actions regarding position classification, compensation, dismissal, demotion and suspension. Disagreements over interpretations of specific rules are not subject to appeal, but may be dealt with through the grievance provisions of this manual.

### **III. APPEAL PROCEDURE**

Appeals of personnel actions must be made by submitting to the Town Administrator a written appeal within five (5) working days of the receipt of the personnel action. The purpose of the hearing will be to enable the Town Administrator to gather information regarding the personnel action being appealed. The hearing will be closed and informal; the employee and the department head or supervisor will be present. A decision will be given, in writing, by the Town Administrator within five (5) working days after the hearing. The Town Administrator may uphold the original actions; modify the severity of the action; or, overrule the action of the department head.

### **IV. FURTHER APPEAL**

The employee may appeal the decision of the Town Administrator to the Board of Selectmen. Such appeal will be submitted, in writing, within five (5) working days of the written decision of the Town Administrator. The Board of Selectmen will consider the appeal within ten (10) working days of the date the appeal is submitted. The Board may, at its discretion, convene a closed hearing; request additional information from the employee, the department head, the Town Administrator or other relevant parties; or determine that a hearing need not be held. The Board of Selectmen will submit its decision in writing, to the employee and the Town Administrator. The action of the Board of Selectmen is final with no further appeal available.

### **V. RESTORATION OF POSITION/STATUS**

If the original action is overruled, the employee will be restored to the original position or status with no loss of rights, privileges or compensation.

## **CHAPTER 8 GRIEVANCE**

### **I. POLICY**

The effective accomplishment of the work of the Town of Chesterfield requires prompt consideration and equitable adjustment of employee grievances. It is the intent of the Town to rectify grievances informally whenever possible. Both supervisors and employees are expected to make every effort to resolve problems as they arise. Notwithstanding the foregoing procedure, employment between the Town and its employees remains at will, and employment between the Town and the employee may be terminated at any time, with or without cause, and with or without notice.

### **II. DEFINITION**

A grievance is a difference in the interpretation of these Rules, considered by the employees as grounds for complaint, except in the case of a personnel action arising out of position classification, compensation, dismissal, demotion, and/or suspension. The settlement of complaints arising therefrom is separately provided for in Chapter 7, Appeals of Personnel and Disciplinary Action.

### **III. PROCEDURE**

The following steps will be followed in the case of a grievance by an employee: The employee will informally discuss the grievance with their department head. Such informal conference is to occur within five (5) working days of the date of the occurrence complained of. If the employee should be on excused absence during any of these five (5) working days, an additional two (2) working days will be allowed for the conference. Following the conference, the department head will issue an oral and written statement of their solution to the problem. The Town Administrator will keep a record of the conference and the decision. If the employee is not satisfied with the department head's solution, a written grievance may be submitted to the Town Administrator within five (5) working days of the department head's response. Upon receiving the written solution proposed by the department head, the employee may proceed with the appeal. The Town Administrator will obtain any additional information they request, and will respond, in writing, to the employee within five (5) working days.

### **IV. FURTHER APPEAL**

If the employee is dissatisfied with the decision of the Town Administrator, an appeal may be made to the Board of Selectmen. This appeal must be in writing to the Chairman of the Board of Selectmen and must state the basis for the appeal. The Board will hold an informational hearing within seven (7) working days of the date of receipt of such appeal; hear evidence and receive tendered exhibits if relevant or material; submit written findings of fact to the Town Administrator together with a summary of its recommendations, within ten (10) working days of the final date of such hearings. Within five (5) working days of the date of receipt of the findings of fact and recommendations from the Board of Selectmen, the Town Administrator will render a decision that will be binding on all parties; will be in writing and forwarded to the grievant and the department head. There will be no right of appeal from such decision.

## CHAPTER 9 HOLIDAYS, VACATION & LEAVES

### I. LEAVE GRANTS

Leaves will be granted by the department head in conformance with rules established for each type of leave.

### II. OFFICIAL HOLIDAYS

The following holidays will be official holidays, together with any other day so proclaimed by the Board of Selectmen. All full time employees will be granted these holidays with pay effective 30 days after employee has attained full time status. Holiday hours will be based on the regular daily scheduled hours of each full time employee (Example: If you were regularly scheduled to work 7 hours per shift, you would receive 7 hours of pay per holiday). Part time employees, who worked a minimum of 42 weeks and at least 1000 hours in the previous 52-week period, are eligible to receive four hours of holiday pay per holiday. Part time employees are eligible for holiday pay after their one-year anniversary date provided they meet the minimum requirements above.

New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Columbus Day	Second Monday in October
Veteran's Day	November 11
Thanksgiving Day	Fourth Thursday in November
Christmas Day	December 25
Floating Holiday (1)	Employee's Discretion

### III. OBSERVANCE OF LEGAL HOLIDAYS

When any holiday falls on a Saturday, the preceding day will be considered the holiday, when any holiday falls on a Sunday, the following business day will be considered the holiday.

### IV. VACATION LEAVE

All full time employees will earn paid annual leave on a flat rate basis and will be entitled to take vacation time after completion of the introductory period. Vacation leave will begin to accrue starting January 1<sup>st</sup> after the date of hire as full time employee. A week is determined by the number of hours in an employee's normal scheduled workweek.

Part time employees, who work a minimum of 42 weeks a year and at least 1,000 hours a year and who have maintained that status for at least 3 years will earn 25 hours of paid annual vacation leave starting the following January 1<sup>st</sup>. To be eligible for paid vacation leave, part time employees must maintain the minimum 42 weeks and 1,000 hours of work per year. Part time employees who work the minimum 42 weeks and 1,000 hours a year and who later become full-time shall receive length of service credit at the rate of 3 years of part time (42 weeks and 1,000 hours) service equaling one year of full time service. Fractions of years will not be rounded or prorated in the calculation from part time to full time employment for this purpose.

Except as noted below, annual vacation leave is based on continuous service to the Town and will be computed as follows:

LENGTH OF SERVICE	VACATION ACCRUAL RATE
0 years of service	0 weeks
1 years of service	1 week
2-7 years of service	2 weeks
8-12 years of service	3 weeks
13+ years of service	4 weeks

Salaried Employees: The workweek for Department Heads that are salaried is to be a minimum of 45 hours per week. Vacation accrual schedule for salaried Department Heads (see *Chapter 3, section X*) will be computed as follows:

LENGTH OF SERVICE	VACATION ACCRUAL RATE
0 years of service	0 weeks
1-3 year of service	2 weeks
4-7 years of service	3 weeks
8-15 years of service	4 weeks
16+ years of service	5 weeks

Separation: All unused accrued leave will be paid to an employee upon separation at the employee's regular rate of pay, providing that an employee separated for any reason from employment during introductory period shall not be paid for accrued vacation leave.

Service interruption: Employees who transfer from one department to another or who are promoted will not interrupt continuous service for the accrual of vacation. Absence due to workmen's compensation leave, authorized leave of absence, suspension, military leave of more than twenty one (21) days or jury leave will suspend accrual of vacation time.

Scheduling of vacations: Employees will provide their department head with at least two weeks written notice prior to the time they use vacation time. The department head may grant or deny the request based on the requirements of the department. No vacation shall be granted if doing so adversely effects the essential services of the department. Should a vacation request be denied, documented basis will be provided.

Accumulation: In the event a full time employee does not use his/her full-accumulated vacation leave annually, any unused portion shall be forfeited.

## V. SICK LEAVE

Full time employees are eligible for compensated sick time after the first thirty (30) days of continuous employment, accruing at a rate of ½ day per month for new hires until December 31 of their first year, thereafter, six (6) days sick pay will be allowed in one calendar year. Any sick days not used by December 15<sup>th</sup> will be compensated for at the employee's regular time pay rate.

## VI. EXTENDED ILLNESS

An employee who incurs an illness which extends beyond the duration of accrued sick leave and vacation time, will be notified that he or she may be placed on FMLA once paid leave time is exhausted, see also Chapter 12, *Family and Medical Leave*.

VII. LEAVE OF ABSENCE WITHOUT PAY

A non-compensated leave may be granted for medical or personal reasons. Details of the leave request must be forwarded to the Board of Selectmen for consideration as soon as possible, see also Chapter 12, *Family and Medical Leave*.

During any period of leave without pay for any purpose, the Town will make no contributions to the pension fund or to non-medical insurance plans. No wage or salary payments will be made during the period of the leave and the employee will not be entitled to service credit or compensation adjustments during the period of unpaid absence. Employees on non-medical/family unpaid leave may continue Town benefits, including healthcare benefits, by making necessary employee contribution payments in advance to the Town. Health care benefits for employees on a qualified Family and Medical Leave will be continued by the Town without prepayment by the employee and in accordance with the requirements under Chapter 12 on Family and Medical Leave.

VIII. BEREAVEMENT LEAVE

Employees shall be allowed up to three (3) consecutive days off for the death of an employee's immediate relative. Immediate relative shall be defined as spouse, children, stepchildren, parents, parent-in-law, stepparent, brothers, sisters, and other relatives who are actual members of the employee's household. Employees shall be allowed one (1) day of leave for members of an employee's family other than immediate relatives and those relatives who are actual members of the employee's household. Other relative is defined as grandparents, grandchildren, brother-in-law, sister-in-law, son-in-law and daughter-in-law. If additional time is necessary, it shall be taken as vacation or unpaid leave if vacation has been exhausted with advance authorization by the Board of Selectmen.

IX. JURY DUTY

Jury leave shall be granted to any employee who responds to a summons to serve on a jury, serves as a juror, or attends court for prospective jury service. During this leave, the employee will receive the difference between his/her jury pay and regular pay upon documentation of their jury pay. Employees must inform the Department Head of the amount received for jury duty to receive the payment from the Town. Failure to report such payment will result in a loss of pay for the period. Documented hours in the service of jury duty will be considered as actual hours worked for the calculation of overtime.

X. PREGNANCY-RELATED ABSENCES

The Town will not discriminate against any employee who requests an excused absence for medical disabilities associated with pregnancy. Such leave requests will be evaluated according to the medical leave policy provisions outlined in this handbook and all applicable federal and state laws.

XI. MILITARY LEAVE

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Re-employment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

The leave will be unpaid. However, employees may use any available paid time off for the absence.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Benefit accruals, such as vacation, sick leave, or holiday benefits will be suspended during the leave and will resume upon the employee's return to active employment.

Employees on military leave for up to 30 days are required to return to work for the first regularly schedule shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be place in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

## **CHAPTER 10 BENEFITS**

### **I. MEDICAL AND HOSPITALIZATION INSURANCE**

The Town offers full time employees medical and hospitalization insurance. Town employees may enroll in the program at the time of their initial appointment. A waiting period of thirty (30) days before coverage commences is required. The cost for this insurance may be shared between the Town of Chesterfield and the employee, on the basis of a formula which may be established from year to year.

Full time employees not requiring medical and hospitalization insurance must sign a waiver of benefit and demonstrate coverage through another medical and hospitalization plan and will be eligible for payment of \$100 per month payment for possible purchase of different health care coverage payable in December as a single payment. Maximum payment for the year is \$1,200. Payment calculation begins with month following two months of service and is based on current year beginning with month of January. Those who terminate employment prior to December 1 will NOT be eligible for any payment.

### **II. RETIREMENT**

The Town of Chesterfield provides a Retirement Program for eligible employees through the State of New Hampshire Retirement System.

Full time police officers are required to participate in this program. This requirement is a condition of employment upon gaining full time employee status. The plan is a contributory plan with the percentage deducted from the employee and the portion contributed by the Town varying from year to year.

All other full time employees hired before January 1, 1995 have the option to participate in the New Hampshire Retirement System. If an employee is hired after that date, this requirement is a condition of employment upon gaining full time employee status. The plan is a contributory plan with the percentage deducted from the employee and the portion contributed by the Town varying from year to year.

### **III. DENTAL INSURANCE**

The Town of Chesterfield provides a dental plan for eligible employees.

The Town offers full time employees a dental insurance plan. Town employees may enroll in the program at the time of their initial appointment. A waiting period of thirty (30) days is required before coverage. The cost for this insurance may be shared between the Town of Chesterfield and the employee, on the basis of a formula which may be established from year to year.

### **IV. SOCIAL SECURITY**

Full time Police Officers are not participants in the Social Security system, although they are required to pay toward Medicare. All other Town employees are required to participate in the Social Security system. Both the employee and the Town are required to contribute to

Social Security. Employee and Town contributions are determined by law and are subject to change.

V. WORKMEN'S COMPENSATION INSURANCE

As required by New Hampshire law, Town employees are covered by Workmen's Compensation Insurance. This insurance provides coverage in the event of a work related injury. It is the responsibility of the employee to complete the required forms within the obligatory seventy-two (72) hours.

VI. DISABILITY INSURANCE

The Town of Chesterfield provides long-term and short-term disability insurance for eligible employees.

The Town offers full time employees both short-term and long-term disability insurance. Town employees may enroll in the program at the time of their initial appointment. A waiting period of thirty (30) days is required before coverage. The cost for this insurance may be shared between the Town of Chesterfield and the employee, on the basis of a formula that may be established from year to year.

VII. LIFE INSURANCE

The Town of Chesterfield provides group life insurance for all eligible employees. The life insurance coverage provides twenty thousand (\$20,000) dollars in case of the employee's death while insured. Eligible employees may enroll in the program at the time of their initial appointment. A waiting period of thirty (30) days is required before coverage. The Town of Chesterfield pays the cost for this insurance.

VIII. ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE

The Town of Chesterfield provides accidental death and dismemberment insurance for the Chesterfield Fire and Police department. The AD&D coverage provides up to \$10,000 in benefit. The Town of Chesterfield pays the cost for this insurance.

IX. BEACH PASSES

The Town makes free beach passes available to full time employees upon request.

## **CHAPTER 11 PERFORMANCE EVALUATION**

It is the policy of the Town of Chesterfield that Town employees will have periodic performance evaluations. These evaluations are intended to provide an additional means of communication regarding an employee's job performance, personal development, wage/salary and department/organizational expectations.

### **I. DEPARTMENTAL FLEXIBILITY**

Each department and department head operates in a unique manner reflecting the needs and requirements of their particular department. Department heads are responsible for establishing the standards of performance for the employees within their department. Performance standards and the system of evaluation is subject to the review and approval of the Board of Selectmen.

### **II. FREQUENCY OF EVALUATIONS**

Employee performance evaluations shall be done at least once a year, in September. The department evaluation is intended to give the employee an indication of their performance and the opportunity to discuss and clarify issues with the evaluation with the department head. The evaluation may be utilized when considering salary adjustments. Copies of all evaluations will become a permanent part of the employee's personnel file.

### **III. EVALUATION FORMAT**

Each department head shall utilize evaluation forms which have been approved the Board of Selectmen. The evaluation format should consist of a rating scale of performance of each relevant or significant dimension of an employee's position, a narrative description of the quality and consistency of work performed, including both problem areas and areas of satisfactory and outstanding work. Also included should be employees' goals for the year including, but not limited to, the correction or improvement in specific work areas and acquiring or developing additional skills and/or abilities. Employees may include any comments regarding any item mentioned in the evaluation or any other job/performance related issue, and the employee is expected to sign the evaluation. Their signature is intended to only indicate that they have read and are aware of the contents of the evaluation.

### **IV. EVALUATION PROCEDURE**

Each employee shall be evaluated by his or her department head. The department head shall first complete a written evaluation of the employee. The evaluation shall be discussed with the employee in a confidential conference. The department head may modify any item during or immediately following this conference. Each employee shall sign the evaluation form, indicating only that they have met with the supervisor and received a copy of the evaluation. Such signature does not imply that the employee agrees or disagrees with the evaluation. Each completed evaluation, including the comments, of the employee, if any, will be reviewed by the department head. The department head may add appropriate comments. However, any comments regarding the employee's performance will also be given to the employee.

The Board of Selectmen will review all performance evaluations to ensure consistency and uniformity. If the Board of Selectmen find discrepancies or inaccuracies in or among evaluations, these will be discussed with the department head. The Board of Selectmen may recommend changes, but will not unilaterally revise performance evaluations.

V. EVALUATION GRIEVANCES

An employee who believes that an evaluation is unfair, may use the grievance process set forth in Chapter 8.

## **CHAPTER 12 FEDERAL RIGHTS AND BENEFITS**

### **I. BENEFIT CONTINUATION (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health, dental and disability insurance coverage under the Town's benefits plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Additional benefits also apply if you or an eligible dependent is determined to be totally disabled by the United States Social Security Administration during the first sixty (60) days of COBRA continuation coverage. Children who are born or who are placed for adoption during the coverage period are also eligible for continuation coverage with adjustment in the premium.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town's group rates plus an administration fee. The Town provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Town's benefits plan. The notice contains important information about the employee's rights and obligations.

Employees should keep the Town informed of any change in their personal circumstances which may effect their health, dental or disability insurance status. Questions on COBRA continuation coverage should be addressed to the Town Administrator.

### **II. FAMILY AND MEDICAL LEAVE**

The Town provides family medical leaves of absence under the federal Family and Medical Leave Act without pay to eligible employees who wish to take time off from work duties to fulfill family obligation relating directly to childbirth, adoption, or placement of a foster child; or to care for themselves, a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care; or continuing treatment by a health care provider.

Employees in the following employment classifications who have been employed for at least 12 months prior to the date that leave is requested and who worked at least 1,250 hours during that 12 month period are eligible to request family medical leave as described in this policy:

- ◆ Regular full-time employees
- ◆ Part-time employees
- ◆ Temporary employees

Eligible employees should make requests for family leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting family leave related to the serious health conditions for themselves, of a child, spouse, or parent, may be required to submit a health care provider's statement verifying the need for a family leave to provide care, its beginning and expected ending dates, and the estimated time of leave required. The health care providers certification

must state that the employee is unable to perform the functions of the employee's position because of the employee's serious health condition. If the leave is required to care for a child, spouse or parent with a serious health condition, the health care provider's certification must state that the employee is needed to provide the necessary care. The Town may require a second opinion and/or periodic re-certification of the serious health condition at its expense. Family and Medical Leave may be denied if the health care certification is not provided when requested by the employee when requested by the Town.

Eligible employees may request up to a maximum of 12 weeks of family leave within any 12-month period. Any combination of family leave and medical leave may not exceed this maximum limit. Employees will be required to first use any accrued paid leave time including sick days and vacation days before taking unpaid family leave. Married employee couples may be restricted to a combined total of 12 weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition. If leave is taken to care for a seriously ill child or spouse, each spouse is entitled to 12 total weeks leave.

If medically necessary for a serious health condition of the employee, or his/her spouse, child or parent, the leave may be taken on an intermittent or reduced leave schedule. An employee who requests intermittent or reduced leave schedule may be temporarily transferred to another position of equivalent pay or benefits in order to accommodate the leave.

Most employees granted leave will be returned to the same position held prior to the leave, or one that is equivalent in pay, benefits and other terms and conditions of employment. Certain highly compensated employees are eligible for leave, but are not guaranteed restoration to their former position if they choose to leave.

Subject to the terms, conditions, and limitations of the applicable plans, the Town will continue to provide health insurance benefits for the full period of the approved family leave upon the same premium payment conditions that existed prior to the leave. If you choose not to return from the leave, under certain circumstances, you may be required to repay the Town's portion of the premium payment.

Benefit accruals, such as vacation, sick leave, or holiday benefits will be suspended during the leave and will resume upon return of active employment.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide the Town with at least two weeks advance notice of the date the employee intends to return to work. An employee on family and medical leave must provide a return to work certification from a physician at the completion of the leave.

If an employee fails to return to work on the agreed upon return date without notifying the Town, the Town will assume that the employee has resigned.

For additional information on the Family and Medical Leave Policy, employees should contact the Town Administrator. Information on the Family and Medical Leave Act is also posted on the employee bulletin boards.

Approved and Adopted by the Board of Selectmen the 18<sup>th</sup> day of February, 2015.

Chesterfield Board of Selectmen

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Jon McKeon

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Elaine H. Levlocke

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Jim Larkin

## EMPLOYEE ACKNOWLEDGEMENT FORM

The employee handbook describes important information about the Town, and I understand that I should consult the Town Administrator regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of Selectmen have the authority to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_