TOWN OF WEBSTER

PERSONNEL POLICIES AND PROCEDURES

(Rev. 9/96)
(Rev. 4/5/99)
(Rev. 3/14/00)
(Rev. 12/01/08)
(Rev. 12/29/2009)
(Rev. 12/09/2013)
(Rev. 1/20/2014)
(Rev. 2/03/2014)
(Rev. 3/03/2014)
(Rev. 4/22/2015)

TABLE OF CONTENTS

ACCIDENT OR INJURY ON THE JOB 7
ANTI-HARASSMENT POLICY 14
APPEAL 21
BENEFITS 7
COBRA 13
DEFINITIONS 3
DISCIPLINARY PROCEDURES 19
EMPLOYMENT OF RELATIVES 5
ETHICS RESOLUTION 3
EVALUATION PERIOD 5
FIREARMS POLICY 18
GENERAL HIRING PRACTICES 4
GRIEVANCE PROCEDURE 16
HARASSMENT COMPLAINT PROCEDURE 16
HEALTH INSURANCE 13
HIRE DATE 5
HOLIDAYS 7
LAYOFF AND RECALL 21
LEAVE
- ABSENCE 11
- BENEFITS DURING LEAVE OR ABSENCE 12
- BEREAVEMENT 10
- COMPENSATORY 9
- JURY DUTY 11
- MATERNITY 12
- MILITARY 11
- SICK 10
- VACATION 8

MEETINGS/TRAINING/EDUCATION 13
NEW HAMPSHIRE RETIREMENT SYSTEM 12
NO SMOKING POLICY 18
OVERTIME 5
PERFORMANCE EVALUATION AND FITNESS FOR DUTY 6
PERSONAL APPEARANCE AND GROOMING 5
PERSONNEL RECORDS 6
PURPOSE 4
REFERRAL – FORMER EMPLOYEES 22
SAFETY AND FIRE RULES 7
SEAT BELT POLICY 17
SHORT-TERM DISABILITY INSURANCE 13
STANDARDS OF CONDUCT 5
STATUS CHANGES 6
TERMINATION/SUSPENSION/WARNINGS 18
TIME SHEETS 6
TOWN OF WEBSTER OBJECTIVE 4
UNIT OPERATING RULES 4
VOLUNTARY TERMINATION 21
WORK HOURS 5
WORKER'S COMP/SOCIAL SEC/UNEMPLOYMENT COMP 7

ETHICS RESOLUTION

The Select Board expects public servants to demonstrate the highest standards of personal integrity, truthfulness, honesty, and dedication. It is expected that all Town of Webster elected officials, appointed officials, and employees, will act in the best interest of the Town at all times. Such officials and employees should remove themselves from decision making if they have a conflict of interest.

It is expected that no person will be discriminated against because of age, race, religion, sex, national origin, disability, or sexual orientation. Public servants should ensure that the interest of the community and fairness to all are their primary considerations. Public servants should extend fair and equal treatment to all Town officials, Town employees, volunteers performing service to the Town, contractors working for or providing goods or services to the Town, and the general public. No special consideration, advantage or favor should be given to any person or entity as a result of public status, wealth, position, or personal relationship.

Public servants should, in their public position, implement and abide by applicable New Hampshire laws, and all written administrative rules, policies, as well as procedures established by the Town's Select Board, or by specifically designated Town officials. All officials and employees should not directly or indirectly solicit gifts or accept any gift under circumstances in which it could reasonably be inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.

Officials and employees should not disclose or improperly use confidential information obtained in the course of their work.

No public servant should use Town letterhead or stationary for any purpose other than official Town business. Members of boards, commissions, or committees should only use Town letterhead for purposes approved by their respective board, commission, or committee.

No member of a board, commission, or committee should speak on behalf of their respective board, commission, or committee unless authorized to do so by their respective board, commission, or committee. This is not to suggest that individual members cannot speak publicly, but rather to emphasize that they should clearly state they are speaking only as an individual and are not speaking for the board, commission, or committee.

DEFINITIONS

- ◊ "TOWN" – refers to Town of Webster.
- ◊ "ADMINISTRATION" – elected and appointed officials.
- ◊ "BOARD" – Select Board.
- ◊ "PERSONNEL" – refers to all Town of Webster employees.
- ◊ "JOB ANNIVERSARY" – refers to the beginning date of employment.
- ◊ "SUPERVISOR"/"DEPARTMENT HEAD" – Road Agent, Cemetery Commission, Chief of Police, Library Trustees, Administrative Assistant, or in the absence of a supervisor, The Select Board.
- ◊ "FULL-TIME EMPLOYEES" – employed 52 weeks/year; at least 35 hours/week.
- ◊ "PART-TIME EMPLOYEES" – employed less than 52 weeks/year and/or less than 32 hours/week.

PURPOSE

The purpose of this Personnel Policy is to establish policies and procedures to ensure uniform treatment and administration of personnel employed by the Town of Webster. The policies and procedures contained herein do not constitute an expressed or implied contract of employment. The Town reserves the right to change or modify policy and/or procedure at any time.

Personnel Policies are intended to explain the rights and responsibilities of both the Administration and Personnel. Any additional department policies which differ, shall be approved by the Select Board.

The Select Board is the governing body of the Town. All employees either directly or indirectly report to the Board.

TOWN OF WEBSTER OBJECTIVE

To provide the best possible public services through well-trained and dedicated staff.

To employ only those persons qualified to perform their duties and assures by orientation and in-service education, if necessary, that only qualified personnel are accepted. The Town will make reasonable employment accommodations for qualified individuals with disabilities.

To maintain good working relations with all personnel and assure that discrimination of any nature is not allowed.

UNIT OPERATING RULES

Each separate and identifiable department of the Town may develop, implement, and revise as necessary policies, procedures, and rules that are unique operational requirements. Such policies, procedures, and rules should not conflict with these policies and procedures or amendments. Where conflicts may arise, the policies and procedures contained in this document will prevail.

GENERAL HIRING PRACTICES

The Town is an equal opportunity employer and follows standard employment practices and conditions of employment in compliance with the Federal Labor Standards Act regarding recruitment advertising, hiring, layoffs, terminations, promotions, transfers, fringe benefits, and training and does not discriminate against any individual on the basis of race, color, national origin, sex, disability, religion or marital status.

A completed, signed employment application is required for all applicants for employment with the Town whether the applicant is applying from outside or is already a Town employee and is applying for another position. Applicants or employees may be subject to background checks, Department of Motor Vehicle clearance checks or other clearances or examinations depending upon the nature and requirements of the job for which they are applying or hold.

EMPLOYMENT OF RELATIVES

Nothing in the Town's equal opportunity policy is intended to preclude the Town from reasonably regulating nepotism for reasons of supervision, safety, security, or morale. Generally, employee's relatives will be eligible for employment with the Town as long as no conflicts in supervision, safety, security, or morale, or potential conflicts of interest exist.

STANDARDS OF CONDUCT

All personnel are expected to maintain the highest standards of conduct. Proper respect toward the public and fellow employees must be maintained.

PERSONAL APPEARANCE AND GROOMING

Cleanliness, neatness, and good personal hygiene habits are necessary for all Personnel.

EVALUATION PERIOD

All newly-hired full-time employees shall serve an evaluation period of at least 6 months but not to exceed 12 months. The evaluation period shall be determined in accordance with department policies. During the evaluation period, the new hire is an "at will" employee and under no guarantee of continued employment.

HIRE DATE

The hire date is the first day of employment and not the first day after the evaluation period.

WORK HOURS

The standard work week, with allowances for authorized holidays and leaves with pay, is forty (40) hours per week. A 15 minute rest period is allowed in each 4 hours of work in all departments. At least one half-hour is allowed for meal breaks. (Meal breaks are unpaid.)

For payroll purposes, the work week begins with the first shift on Monday and ends the last shift on Sunday.

OVERTIME

Eligible employees will be paid time and one-half for pre-authorized work performed in excess of forty (40) hours worked in a week. (Department Heads shall not exceed budget line items without approval of the Select Board.)

Employees requested to work overtime in an established work week containing a paid holiday will receive time and one-half for over forty (40) hours. If an employee is called in on his/her scheduled holiday, time and one-half will be paid for that day. Accrual of compensatory time must be pre-authorized except in emergencies.

PERFORMANCE EVALUATION AND FITNESS FOR DUTY

The Town will continue to evaluate the performance of its employees and their fitness for the performance of their duties. The Town will continue to determine the types and frequencies of such evaluations. Such evaluations may include medical examination by a physician and a physical fitness review, in addition to an objective analysis of each employee's competence and skill in carrying out his/her assigned duties over a defined period of time.

Annual employee performance evaluations are to be prepared by Department Heads or Select Board and shall be completed by the anniversary date each year. An individual evaluation will be done on each employee at the end of his/her probationary period. Evaluations will be kept in the personnel files. As evaluations are, in part, intended to be a vehicle for communication, employees are strongly encouraged to discuss their evaluations with their Supervisor. The employee is strongly encouraged to sign his/her performance sheet as acknowledgment of receipt, only, and shall be given a copy for his/her records. The employee shall be permitted to permanently affix any written responses he/she chooses to such evaluations and shall receive a copy thereof. Performance evaluations are one of the basic elements considered in pay raises and continued employment.

A performance evaluation must be completed prior to an employee's completion of the probationary period whether the probationary period results from a new employee to Town service or a change of jobs in Town employment.
(PAY RAISES ARE NOT AUTOMATIC, BUT ARE BASED ON PERFORMANCE, EVALUATION AND AVAILABILITY OF FUNDS.)

PERSONNEL RECORDS

Personnel administrative records are maintained on a current basis and will be available for inspection only by individuals designated by the Select Board. An individual employee may be allowed to inspect his/her own personnel file. An employee will not be permitted to inspect the records of another employee. Employee records will be considered a confidential matter between employer and employee. Individual employment files contain the following records as they apply to the employee concerned: application for employment, reference checks, performance evaluations, miscellaneous correspondence, record of disciplinary actions, and record of grievance.

Unauthorized disclosure of personnel records will be considered cause for discharge.

TIME SHEETS

Department Heads are responsible for filing and verification and must sign each time sheet.

STATUS CHANGES

Employees must contact the Select Board's Office through their Department Head when there are changes in their family and/or marital status, or a change in address, in order to insure appropriate update of records which are necessary for benefit coverage.

WORKER'S COMPENSATION/SOCIAL SECURITY/UNEMPLOYMENT COMPENSATION

All Personnel are included in the provisions of the Worker's Compensation Act, protected under the Federal Social Security Program, and covered under State Unemployment Compensation laws.

ACCIDENT OR INJURY ON THE JOB

ALL ACCIDENTS OR INJURIES, NO MATTER HOW MINOR MUST BE REPORTED AT ONCE TO THE DEPARTMENT HEAD. The proper reporting form must be completed immediately and forwarded to the Select Board's Office. It is the individual's responsibility to seek further medical care if required, and to notify the Select Board's Office of same within 24 hours.

SAFETY AND FIRE RULES

Safety rules and fire regulations are posted on all information bulletin boards. All Personnel are expected to familiarize themselves with these regulations and understand their precise role in any emergency. All Personnel are requested to report any conditions that they feel may present a fire or accident risk to their department head or supervisor.

The Town is a participant in the Joint Loss Management Program through the New Hampshire Municipal Association. As part of this program each employee is required to receive the "Employee Safety Responsibilities" form and acknowledge receipt by signing a copy. A safety orientation must also be completed by each employee and signed by the employee and his/her supervisor.

BENEFITS

HOLIDAYS

A. The following are legal paid holidays for full-time employees:

1. New Year's Day
2. President's Day
3. Memorial Day
4. Independence Day
5. Labor Day
6. Veteran's Day
7. Thanksgiving Day
8. Day after Thanksgiving
9. Christmas Day
10. One (1) personal day

Some employees may be required to work Holidays as per request of the Department Head or the Select Board. The Select Board will abide by all RSA's.

B. In the event a holiday date falls on a Saturday employees will be allowed the preceding day off. If the holiday falls on a Sunday employees will be allowed the following day off.

C. Full-time employees, at their discretion, and with the prior approval of the Select Board, will be reimbursed for working on a holiday by receiving another day off for compensation. No more than two (2) holiday compensation days may be built up, and must be taken as complete days.

D. A new employee will not be entitled to a paid personal day in the first year of employment but will be entitled to one (1) personal day per year after the first anniversary date of hiring.

E. The Town reserves the right to change or modify the benefits outlined in this document.

VACATION

Vacation is a time for you to rest, relax, and pursue special interests. The Town provides paid vacation as one of the many ways in which we show our appreciation for your hard work and continued service.

Only employees working 35 or more hours per week on a regular schedule are eligible for paid vacation. Part time and Temporary employees are not entitled to paid vacation time.

Vacation time is granted to eligible employees based upon length of service and anniversary date. If there is a break in service, eligibility for vacation will be based on the employee's most recent hire date.

No part of an employee's scheduled vacation may be converted to sick leave. If illness or injury occurs during a vacation, sick leave benefits will not begin until the employee is scheduled to return to work.

Vacation time will be paid based on the normal straight time scheduled hours e.g. if someone normally is scheduled for forty (40) hours per week, his/her vacation pay will be for forty (40) hours for each full week requested, and anyone normally scheduled for thirty-five (35) hours will be paid thirty-five (35) hours for each full week requested. If requested, an employee shall be paid his or her vacation pay before starting his or her vacation provided that such vacation pay is scheduled at least two (2) weeks in advance; otherwise, the employee shall be paid his or her vacation pay upon return from vacation.

Vacation is earned on the employee's anniversary date according to the following schedule:

Years of Continuous Service	Vacation Time
One year anniversary date.	40 hours*
Second, third and fourth year anniversary date	80 hours per year*
Fifth through ninth anniversary date	120 hours per year*
Tenth anniversary date and forward	160 hours per year*

Note: Since earned vacation will now be reflected in hours, current employees as of the effective date of this change will have their vacation balance changed from days to the appropriate number of hours based upon the number of hours in their normal work day. For example, a 40 hour per

week employee will have his/her number of days multiplied by 8 hours and a 35 hour per week employee will have his/her number of days multiplied by 7.

An employee will not be paid any unused vacation pay upon termination from employment unless (1) in the event of resignation or retirement, the employee has given two (2) weeks notice of his/her intent to resign or retire; or (2) in the event of involuntary discharge, the termination was not "for just cause," as determined by the Town.

Any pay period during which an employee is entitled to no wages, such as an unpaid leave, will result in a change of anniversary date, for vacation purposes only, when the employee returns to active employment.

An employee's vacation balance at the end of his/her anniversary year shall not exceed forty (40) hours (pro-rated for those working 35-39 hours per week) of vacation time; any balance over forty (40) or the applicable pro-rated amount at that time will be lost without any compensation. As of the effective date of this policy, current employees who have more than 40 hours or the applicable pro-rated amount accumulated in their vacation balance at the end of their anniversary year will not lose any vacation time; however, any future balance, at the end of their anniversary year, can never be any higher than that current balance. Once an employee's excess accumulation has been reduced to or below the policy maximum (i.e. 40 hours or the applicable pro-rated amount), that employee becomes subject to the maximum amount of this policy going forward.

All employees must submit requests for vacation time to their Department Head in writing. Requests should be submitted at least twenty (20) calendar days in advance of the requested vacation dates. After review and initial approval by the Department Head, the request will be forwarded to the Select Board. Approval or denial of vacation requests will be given by the Select Board within fourteen (14) calendar days of such request. Vacation may be taken only if the request is approved by the Board.

NOTE: An employee may not take more than two (2) consecutive weeks of vacation time without obtaining special permission from the Select Board.

*An employee who works between 35 and 39 hours per week will earn vacation time on a pro-rated basis.

COMPENSATORY LEAVE

Compensatory time may be earned with the approval of the department head or the Select Board. Accrual and use of compensatory leave shall comply with RSA 275:43. All town employees must receive Select Board approval prior to any work is performed which will accrue compensatory time. Non-emergency public sector employees may accrue no more than 240 hours of compensatory time for 160 hours of actual time worked.

SICK LEAVE

A. All full-time employees will accrue sick leave. However, employees in the first six (6) months of full-time employment will not be allowed to use sick leave. Upon completion of the six (6) month period they will be credited with 7.5 days of sick leave with monthly accruals commencing at that time. They may use their sick leave allowance for absence from duty due to illness, injury, or exposure to a contagious disease endangering the health of other employees when requested by an attending physician.

Accruals for sick leave are as follows:

YEARS WORKED	ACCRUED PER MONTH	YEAR/MAX
0-6 months	0	
6 months plus	1 1/4 days	15/90

B. Employees may use up to five (5) days of sick leave per year for the purpose of providing IN-Home care to an ill or injured dependent. Leave for the purpose of providing companionship, supervision, transportation, day care and reasons other than the provision of IN-Home care by the employee may be requested and used from the employee's available balance of annual leave. "Dependent" is defined as a person residing in the employee's household who may be legally claimed as a dependent for tax purposes.

C. In addition to bereavement leave, full-time employees may use up to four (4) days of sick leave for a death of a child, parent or household member. The Select Board may approve sick leave time for the death of an individual not defined as a child, parent or household member.

D. Upon retirement or death of an employee covered by this policy, the employee or his estate will receive payment in a sum equal to 1/3 the number of sick days remaining to his credit. If an employee resigns or is terminated sick leave will lapse.

E. The Select Board may require an employee to furnish a certificate from the attending physician or other licensed health care practitioner for sick leave absences.

BEREAVEMENT LEAVE

A. All full-time employees will receive up to 3 days of leave for the death of a child, parent or household member within 1 week of the death.

IMPORTANT: It is the responsibility of each employee to notify a supervisor or the Select Board of intended absence prior to the start of the workday or shift during which the sick leave is taken.

JURY DUTY

A permanent employee called to serve on County, Municipal, or Federal juries shall be reimbursed at his/her rate of pay, minus the per diem juror's fee. The employee may retain any mileage fee received from the court system.

MILITARY LEAVE

Permanent, full-time employees who attend authorized military training (up to two (2) weeks), shall receive the difference between their regular rate of pay and the pay received from the military if the regular pay exceeds the military wages. In order to receive the employer's share, the employee must submit proof of the military wages. The employee must also submit a copy of his active duty schedule to his supervisor.

LEAVE OF ABSENCE

A. Leave of absence is time off in a non-pay status. An employee must submit a request for leave of absence in writing to his/her supervisor. The supervisor will forward the request together with his/her supervisor's recommendation to the Select Board for approval. The employee should request leave of absence with as much advance notice as possible. Leaves will not be granted for less than two (2) weeks in duration. Vacation or sick leave should be used for such an absence.

B. The reason for leave should be one of the following:

1. Medical (Including pregnancy-related)
2. Personal
3. Military (Beyond the two (2) weeks allowed by the military leave policy)
4. Public Service

Personal leaves are granted to employees having special personal need for an extended period of absence which exceeds accumulated vacation time. Each case must be evaluated on its own merits considering but not limited to the following:

1. Reason for the request;
2. Amount of time requested;
3. The employee's length of service and past performance.

Leave for personal reasons is not granted beyond ninety (90) days, but a request for an extension will be considered if submitted at least fifteen (15) days prior to expiration of the approved leave.

Public service leaves of absence may be granted to employees to permit participation in special community projects or political campaigns or to accept a governmental elective or appointive position. Employees must have a minimum of seven (7) years of active service with the Town for such leave to be considered.

C. The employee has the responsibility to keep his supervisor advised of any changes in status and must contact the supervisor at least fifteen (15) days prior to the expiration of leave to discuss return to work. If the employee desires voluntary termination, this should be reported as soon as possible. The Town will make a reasonable effort to reinstate the employee to the same position previously occupied, or to a similar position. However, in the case of leave over six (6) months, the town cannot guarantee the same or a similar position will be available. The Town reserves the right to offer the employee a lower-level position, if one is available. An exception to this is when an employee is guaranteed re-employment rights under Federal or State law.

BENEFITS DURING LEAVE OR ABSENCE

A. Employees are not eligible to receive holiday pay during the leave period.

B. Vacation Accrual - no vacation time is accrued during the leave period. Employees requesting leave for medical reasons may use some or all vacation time before going off payroll but this must be noted in the request for leave of absence. Employees requesting leave for personal reasons must use all earned vacation time before going off payroll.

C. Sick or Personal - No sick or personal leave is accrued during the leave period.

D. Medical Insurance - The Town will continue the employee's health insurance benefits only during leave granted for medical reasons. The employee may continue his/her health insurance benefits at his/her own expense during leave of absences for other than medical reasons. Payment from the employee is due the Town each month before the payment due date.

MATERNITY LEAVE OF ABSENCE

Requests for Maternity Leave are to be made through the Select Board's Office. Employees are entitled to maternity leave as a result of a temporary physical disability resulting from pregnancy, child birth, or related medical condition, regardless of length of employment with the Town.

The employee must have a physician notify the Town in writing of the starting and ending dates of such a disability. When the employee is physically able to return to work, an original or "comparable" position will be made available, unless a compelling business necessity makes this unreasonable.

Maternity Leave is granted without pay.

NEW HAMPSHIRE RETIREMENT SYSTEM

Full-time employees are covered by the State Employers Retirement System under New Hampshire State Law RSA100:A, or as amended, and as such, participation is mandatory for all eligible Personnel. Eligible employees must fill out an application immediately upon employment, with membership to be effective as of the date of the first paycheck. A retirement application must be submitted to the Select Board's Office before the payroll can be processed.

HEALTH INSURANCE

The Town will provide Health Insurance for new hires effective the 1st of the month from the date of hire. The Town agrees to provide and pay 85% for one of the following plans for each full-time employee: single, 2 person or family plan. The employee will pay 15% of the cost of coverage through a bi-weekly payroll deduction once enrolled. All existing employees as of 4/22/2015 will continue to receive insurance 100% paid for single or 2 person.

If eligible, a signed Health Insurance Application requesting or refusing coverage must be submitted to the Select Board's Office immediately upon employment.

SHORT-TERM DISABILITY INSURANCE

Full-time employees are covered by a short-term disability insurance plan paid by the Town with no employee contribution. This benefit pays 66 2/3% of weekly earnings to a maximum of $700, benefit waiting period 1st day of accident or 8th day of illness, for a maximum of 26 weeks. Disabilities due to normal maternity or complications of pregnancy are covered the same as any other disability.

COBRA

Under Federal and State Law, you and your spouse/children are entitled to continue group health insurance coverage at your/their own cost at Group rates under circumstances which, in the past, would have terminated coverage. Contact the Select Board's Office for further information.

MEETINGS/TRAINING/EDUCATION

The Town will pay up to a regular work day's wages and expenses for any employee who is required to attend meetings and/or training sessions.

Employees authorized to take extended training or education to enhance their position or to gain certification for a specific job position shall sign a commitment of continued work or reimburse the Town at a prorated percentage of the training costs.

REIMBURSEMENT OF PRE-AUTHORIZED EXPENSES

Mileage

1. Mileage reimbursement is meant to supplement a Town employee's travel for Town approved business above and beyond their normal commute.

2. All employees are encouraged to limit mileage whenever possible.

3. Mileage reimbursement will be calculated at the federal IRS rate.

4. The Town will only reimburse travel on a monthly basis and/or only when the cumulative miles have exceeded 25 miles.

5. Mileage reimbursement is only applicable for travel over the normal roundtrip commuting distance from home to work. Please see the following examples.

Normal roundtrip travel distance from home to work: 30 miles

Example 1:

Travel to conference directly from home and back.

Roundtrip travel to Town approved conference: 25 miles

Result: No mileage reimbursement.

Example 2:

Travel to conference directly from home and back.

Roundtrip travel to Town approved conference: 50 miles

Result: 20 miles of travel reimbursed (50 miles minus 30 miles)

Example 3:

Take a Town approved trip in middle of day to and from Town Hall.

Mileage to and from Town Hall: 50 Miles

Result: 50 miles reimbursed.

Meals

Reimbursement for meals (excluding alcoholic beverages) is not to exceed $7.00 for breakfast, $10.00 for lunch, and $15.00 for dinner. Additional cost is at the employee's expense. Special circumstances need to be addressed with the Supervisor. Meal Expense limits do not apply to conference package costs.

Submission
Expenses must be itemized with receipts and statements of purpose attached.

ANTI-HARASSMENT POLICY

It is the policy of the Town that all its employees should be able to enjoy a work environment that is free of discrimination and harassment. The Town will not tolerate discrimination or harassment of any type.

The policy includes but is not limited to discrimination or harassment based on:

- ◊ Age
- ◊ Color
- ◊ Disability
- ◊ Marital Status
- ◊ National Origin
- ◊ Race
- ◊ Religion
- ◊ Veteran's Status
- ◊ Sexual Orientation
- ◊ Gender

Conduct whose purpose or effect is to discriminate or harass includes: display or circulation of written materials or pictures degrading to either gender or to racial, ethnic or religious groups; verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group; and behavior that is personally offensive, impairs morale, and interferes with the work effectiveness of employees.

Under Federal and State statutes, sexual harassment in the workplace constitutes unlawful employment discrimination, which may give rise to liability against both the employer and the harasser, whether the harasser is a supervisory level employee or a co-employee of the complainant. The New Hampshire law defining sexual harassment, as stated in RSA 354-A:7, or as amended, is as follows:

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

a. They are unwelcome;
b. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
c. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
d. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Thus, the legal definition of sexual harassment is very broad. The following list is no way exhaustive but it is illustrative of the kinds of activities which are actionable under State and Federal laws:

- ◊ written examples of sexual harassment include suggestive or obscene letters, notes, and invitations;
- ◊ verbal examples include derogatory comments, slurs, or jokes;
- ◊ physical examples include assault, touching, impeding, or blocking movements;
- ◊ visual examples include leering, sexually oriented gestures or a display of sexually suggestive or derogatory objects, pictures, cartoons, or posters.

HARASSMENT COMPLAINT PROCEDURE

Any employee who believes he or she has been subjected to harassment by either a co-worker or a supervisor should make it clear to the offender that such behavior is offensive to him or her by taking the following action(s):

1. Report the incident and the action you have taken to your Department Head. If the Department Head is involved in the complaint, report the behavior to an appropriate Supervisor.

2. Document the complaint to include the following information:

    a. Who committed the alleged harassment;
    b. The specifics of the harassment (the type of conduct involved, how many incidents, and over what period of time);
    c. The names of witnesses who saw or should have seen the conduct;
    d. The names of any employees with whom you may have discussed the alleged incident.

You should receive a response within twenty (20) days of filing your complaint.

You may file a grievance/appeal in accordance with Town procedures if you disagree with the investigation on the disposition of the harassment claim. The employee accused of harassment may also file such an appeal.

The Whistle-Blower's Act (RSA 275-E or as amended) gives protection to employees who report violations of law or refuse to execute illegal directives, participate in investigations, or hearings.

GRIEVANCE PROCEDURE

This is a separate and distinct procedure from the Harassment Complaint Procedure.

This grievance procedure is established to provide any employee or group of employees of the Town with a policy whereby alleged violations of policy can be investigated and an impartial ruling made without prejudice.
All grievances shall be submitted in writing to the immediate supervisor (Unless the complaint in question involves him/her, in which case, the grievance will be submitted to the Chairman of the Select Board) within thirty (30) days of alleged violation in question. The grievance shall contain as much information and as many facts as possible about the problem for which the action is being requested. In the case of a personnel issue the complaint form, approved and provided by the Town, shall be used.

Grievance procedures shall adhere to the following criteria:

1. Within seven (7) days of receipt of the grievance the receiver (whether it be the supervisor or the Select Board) shall notify the department heads and employees involved that a grievance has been filed and begin an investigation into the circumstances surrounding it.

2. It shall be the responsibility of the receiver to gather all evidence and/or statements pertinent and necessary to achieve a prompt and conclusive investigation.

3. If deemed necessary, an outside investigator may be engaged in order to ensure a thorough and impartial investigation of the grievance.

4. The investigation should be completed as soon as possible and should take no more than twenty (20) days, (unless unavoidable circumstances prevent, in which case the investigator will submit in writing an explanation of these circumstances to the aggrieved party or the receiver as is appropriate).

5. In the event that the investigation is assigned to someone other than the person who received the grievance, that investigator shall deliver in writing his/her findings including all related evidence and statements of witnesses or involved parties to the receiver. The outside investigator shall further submit a report of his/her conclusions and recommendations to the receiver for use at his/her discretion.

6. Within twenty (20) days of completion of the investigation, the receiver shall respond in writing to the persons involved. The response will offer a resolution, decision, or explanation of the position of the Town with respect to the grievance. The receiver shall also make the recommendations of appropriate disciplinary action and follow up to the department heads involved. Any involved person may require in writing within seven (7) days an opportunity to appear before the receiver and present comments which will be heard, recorded and included in the final response by the receiver.

7. If the final response by the receiver is not satisfactory to any of the involved parties, they may request in writing within twenty (20) days, a hearing before the Select Board for resolution.

8. The Select Board will schedule a hearing with the person/persons requesting the appeal within thirty (30) days of receipt of the request. Within thirty (30) days of the hearing the Select Board will investigate the appeal and respond in writing to all parties involved with the final resolution, decision or position of the Town.

This procedure is intended to offer an in-house resolution to grievances. It in no way excludes an aggrieved party from exercising his/her rights before any other appropriate forum.

SEAT BELT POLICY

The use of seat belts in motor vehicles has proven to be a positive factor in the reduction of personal injury in the event of vehicle accidents.

The State of New Hampshire Department of Labor Administrative Rules for Public Employee Safety & Health Chapter 277 Section 1403.50, require the use of appropriate personal protective equipment.

Seat belts are considered to be personal protective equipment, therefore, the Town is charged under State law to require their use while on Town business.

While on Town business, all Town employees are required to wear seat belts while operating or riding in any vehicle, public or private.

In addition, passengers in vehicles operated by Town staff while on Town business are required to wear seat belts. Please note that this requirement shall not apply in the case of vehicles in which the manufacturer has not installed seat belts.

All Town employees are directed not do disengage or otherwise disarm automatic seat belt systems or alarms in Town vehicles as directed by Department Policy.

NO SMOKING POLICY

Smoking shall be prohibited in all Town buildings to protect the health of the Public and the Employees of the Town, including but not exclusively the Town Hall, Fire Department, Library, and Police Department.

To minimize the possibility of death or illness from cancer, heart disease, or other conditions that may be caused by smoking, all places within the above named departments are designated as "No Smoking." "No Smoking" shall also be inclusive of Town owned vehicles.

All smoking shall take place outdoors and employees who smoke outdoors shall clean up cigarette butts and any debris.

FIREARMS POLICY

Possession of firearms will not be permitted in the Town Hall except by law enforcement officers.

TERMINATION/SUSPENSION/WARNINGS

The following rules and procedures are established for termination, suspension, and/or warnings and are incorporated herein as part of the Personnel Policy.

The Supervisor or Department Head will cite in writing employee's performance or behavior which is in violation of the Policies and Procedures of the Town.

Grounds will include but are restricted to:

1. Failure by employee to observe policies, procedures and regulations in the performance of the duties of the position to which the employee is assigned.

2. Violation of official order, refusal to carry out lawful and reasonable directions given by a supervisor, or other acts of insubordination.

3. Chronic unwillingness or tardiness in completing assignments or projects, or in following directions within an employee's responsibility and description.

4. Disregard for or frequent violations of Town or department policies and regulation.

5. Disregard for or frequent violations of Town ordinances or State laws.
6. Intoxication or use of alcoholic beverages, narcotics, drugs or other controlled substances while on duty.

7. Habitual use of intoxicating beverages to excess or abuse of narcotics, drugs or other controlled substances which interferes with effective job performance or efficiency.

8. Criminal, dishonest or other unsuitable conduct which interferes with effective job performance or has an adverse effect on job efficiency.

9. Accepting cash, gifts, or other valuable items in exchange for special favors when acting in the capacity as a Town Official.

10. Uncivil behavior, discourteous attitude, or the use of indecent, abusive, lewd and/or slanderous language toward the public or fellow employees.

11. Disclosure of confidential information.

12. Frequent tardiness, neglect of duty, or unauthorized absence from work; sleeping or dozing on the job.

13. Gross insubordination or other gross infraction sufficient to warrant immediate dismissal.

14. Willful misuse, theft, misappropriation, conversion to personal use or gain, or destruction of Town property.

15. Unwarranted harassment (see Anti-Harassment Policy).

16. Any other conduct or action of such seriousness that disciplinary action is considered warranted.

DISCIPLINARY PROCEDURES

Disciplinary action will normally be taken in the following order:

A. Verbal warning, B. Written warning, C. Suspension with or without pay, D. Discharge.

However, the above sequence need not be followed if an infraction is sufficiently severe to warrant immediate written warning, suspension, or discharge.

A. **Verbal Warning -** Any infraction of the rules, policies, or procedures will warrant a verbal warning from the employee's immediate supervisor. In giving the warning the supervisor must inform the employee of the specific nature of the violation, remedial actions, and the consequences of further violations which may include but not be limited to a written warning, suspension and/or discharge.

   The supervisor will document the nature of the violation and the time, place, and who was present when the employee was warned and keep this information on file.

   Two verbal warnings within a twelve (12) month period may be grounds for the issuance of a written warning.

B. **Written Warning -** Any subsequent or more serious violations of the Town's rules, policies, or procedures may result in a written warning, a more serious form of discipline specifically designed to alert the employee as to the seriousness of his/her deficiencies and that further violation of policies, procedures or rules may lead to suspension without pay or discharge. Warning should be issued to the employee within twenty (20) days of the time knowledge of the offense becomes known to the Select Board. The written warning may be for repeat offenses which were the source of verbal warning(s) or for an offense, the seriousness of which dictates more than a verbal warning. The written warning must include the date, time and nature of the offense, suggestions for remedial action by the employee and notice that further disciplinary action in the future will be taken if performance is not improved or unacceptable behavior corrected. The warning is signed by the Select Board and the employee will be asked to sign the warning to acknowledge receipt and understanding of the contents. More than two (2) written warnings for the same offense within a two (2) year period, or three (3) written warnings for different reasons within a two (2) year period may be grounds for discharge.

   Copies of written warnings are kept in the employee's personnel file.

C. **Suspension -** Any subsequent or serious violations of the rules, policies, or procedures of the Town may result in the suspension of the employee. The Select Board may suspend the employee up to thirty (30) days with or without pay depending upon the reason for suspension. Suspension for disciplinary reasons will be without pay, while suspension pending resolution or the outcome of an investigation into situations which could pose grave risk to the Town, will be with pay. Paid suspension may be extended beyond thirty (30) days by the Select Board if conditions warrant.

   In a disciplinary suspension, the length of the suspension is based upon the seriousness of the offense. The suspension comes within twenty (20) days of knowledge of the offense. The

employee received written confirmation of suspension, its duration, the date, time and nature of the offense, and remedial suggestions. The possibility of future disciplinary actions must be stated in this notification.

The letter of suspension is signed by the Select Board and a copy is filed in the employee's personnel file.

D. **Discharge -** Employee may be terminated from employment for a single serious violation of the rules, policies, or procedures, and/or for repeated violations of the rules, policies, or procedures. The employee must be given written notice of the discharge by the Select Board within twenty (20) days of the time cause for discharge comes to the Board's attention. The notice must advise of the effective discharge date, the reason(s) for discharge, including date and time of the offense, and reference previous notices of warning, if discharge is the result of the employee's failure to improve performance or correct inappropriate behavior.

In the case of Written Warning, Suspension or Discharge the employee will be given the opportunity to explain his/her actions prior to the imposition of disciplinary measures.

Note: The time frames for disciplinary action in the above paragraphs may be exceeded for good cause shown.

There may be exigent circumstances due to the nature of an infraction or misconduct, that an employee may be immediately terminated. The Town has the right to terminate any employee for any reason because they are "at will" employees.

APPEAL

The employee may request an appeal in writing to the Board within ten (10) days of initiation of suspension or discharge. The request shall specify whether the employee desires a public or non-public session. The Board must respond within twenty (20) days of receiving the appeal. This decision shall be final.

VOLUNTARY TERMINATION

All full-time personnel are required to provide a minimum of fifteen (15) days notice in writing prior to voluntary termination of employment. A minimum of (30) days notice is required for Department Heads. Employees who terminate employment with the Town, with proper notice, will be paid the amount of vacation not used at the time of termination.

An employee terminating WITHOUT NOTICE is subject to forfeiting all accrued benefits.

LAYOFF AND RECALL

A Department Head, with the approval of the Select Board, may lay off a regular employee because of material change in duties, or organization or shortage of work or funds. The Department Head must notify the Select Board at least twenty (20) days before the effective date and provide a statement whether or not the employee's performance was satisfactory. Other general layoffs

may occur, usually due to budget considerations, in which a segment of the work force may be affected.

Whenever it becomes necessary in the sole opinion of the Select Board to reduce the work force through layoffs, the Board will endeavor to provide affected employees with at least fifteen (15) days notice according to employment status in the following order: temporary, part-time, full-time.

With respect to layoff and recall, continuous service will be applicable, providing the employee is capable of performing the work in a satisfactory manner. Employees shall be recalled in the reverse order in which they were laid off. A person who is laid off shall retain his/her seniority for twelve (12) months. Employees who are eligible for recall shall be sent a recall notice by certified or registered mail and the employee must notify the Department Head or the Select Board within seven (7) days after receiving the recall notice of his/her intention to return to work. The Town shall be deemed to have fulfilled its obligations by mailing the recall notice by registered mail, return receipt requested to the mailing address provided by the employee. It is the responsibility and obligation of the employee to provide the Town with his/her latest mailing address. The employee must return to work within fifteen (15) days of the date specified.

REFERRAL – FORMER EMPLOYEES

It is the policy of the Town that requests for information concerning former employees must be in writing and no information is to be provided orally. Further, the only information to be provided is the initial and final dates of employment and the position held. No other information is to be provided.

TOWN OF WEBSTER
PERSONNEL POLICIES AND PROCEDURES

These policies and procedures are effective upon adoption by the Select Board and shall be subject to revision from time to time as circumstances may dictate, or as deemed advisable by the Select Board.

Bruce G. Johnson, Chairman

Michael P. Borek

Nanci A. Schofield

Select Board

Revision Date: April 22, 2015

EMPLOYEE STATEMENT REGARDING
TOWN PERSONNEL POLICIES AND PROCEDURES

I hereby attest that I have received a copy of the Town of Webster Personnel Policies and Procedures, which I have read, understand, and initialed on each page.

I understand that these Employee Policies and Procedures are not an expressed or implied contract of employment and may be changed or modified at any time.

Name (Please Print): _____

Position: _____

Date Received: _____

Signed: _____

STATEMENT OF SAFETY POLICY

The Town of Webster values the health, welfare, and safety of every employee and intends to provide a safe and healthful workplace. Accidents cause untold suffering and financial loss to our employees and their families.

In pledging its full support of the safety process, the Select Board of Webster recognize certain obligations:

1. That prevention of accidents and protection of all resources are guiding principles.

2. That all operational decisions affecting safety must receive the same consideration as those affecting production or quality.

3. The safe working conditions and methods are of prime importance and take precedence over shortcuts and "quick fixes."

4. That the Town of Webster will comply with all safety laws and regulations.

5. That feedback will be welcomed from all employees.

6. That all employees will follow all safety rules, take no unnecessary chances, use all safety guards and equipment, and make safety an integral part of their lives.

As an employee of the Town of Webster, you have a responsibility to yourself, your family, your co-workers, and the community to understand and follow our safety process. We must be alert in detecting and taking steps to remedy potentially hazardous conditions. Above all, we must exercise concern for others to help ensure everyone's safety, well-being, and productivity.

Your efforts will make the difference!

Bruce G. Johnson, Chairman

Michael P. Borek

Nanci A. Schofield

7/18/16
Date

Select Board