

TOWN OF SOMERS

EMPLOYEE HANDBOOK

January 1, 2017

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Office of The First Selectman

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CHAPTER 1

Purpose and Scope

1-1. Purpose.

This handbook is intended to serve as a practical guide to the current personnel policies and practices of the Town of Somers (the “Town”). As illustrated in this handbook, the Town believes that it offers its employees a variety of progressive benefits and protections. In exchange, the Town expects its employees to conform to certain rules and requirements consistent with maintaining a professional working environment.

For purposes of this handbook, unless otherwise specified herein, the word, “Town” is interchangeable with the “Board of Selectmen” and shall mean the same as “Board of Selectmen” unless stated otherwise.

1-2. Contract Disclaimer.

This handbook is only a summary of the Town’s expectations compiled for the convenience of its employees and supervisors. Since the Town cannot anticipate every situation that may arise, this handbook is not intended to cover all topics or circumstances. Additionally, the policies and procedures in this handbook are guidelines only and are not to be construed as an expressed or implied contract of employment, a promise of employment for any specified time, or a guarantee of benefits or working conditions between any employee and the Town. None of the Town’s policies, procedures or practices, whether expressed here or elsewhere, whether oral or in writing, are to be viewed as creating any promises about the nature and duration of employment and no employee has a vested property right, constitutional or otherwise, or any contractual rights of employment in a job or position with the Town. Rather, the Town follows a policy of “at-will” employment, which means that either the employee or the Town can terminate the employment relationship with or without cause at any time. No person in the Town has the authority to make a commitment of guaranteed or continuing employment unless it is contained in a written contract, signed by the First Selectman and approved by the Board of Selectmen. Further, the Town reserves the right to exercise its sole discretion in interpreting and applying this handbook without prior notice or employee approval.

This handbook supersedes and replaces all previous Town policies, rules and procedures which are contrary to those contained herein.

1-3. Revisions.

In order to adapt to the Town’s changing needs and to respond to specific situations as they may arise, these policies may change from time to time. As such, the Town reserves the right to revise, discontinue, suspend, or modify any part(s) of this handbook at any time without prior

notice. The Town's actions, from time to time, may also vary from the attached policies and procedures, or any subsequent policies and procedures that may be implemented.

1-4. Scope.

The terms of these policies shall apply to appointees to all positions now or hereafter created, except the following:

- A. Members of boards and commissions;
- B. The Town Attorney and other officers appointed by the Board of Selectmen;
- C. Employees of the Board of Education;
- D. The director of Health;
- E. Persons employed in a professional capacity to make or conduct a temporary or special inquiry, study or investigation;
- F. Volunteer personnel;
- G. Persons employed under individual contract or who are covered by a collective bargaining agreement (but only to the extent that the provisions contained herein conflict with those contained in such other contract, agreement or applicable laws; otherwise these policies shall apply to such persons as well);
- H. All elective officials and persons appointed to fill vacancies in elective offices, other than those elected officials who are employed in full-time paid positions with the Town (e.g. the First Selectman and the Town Clerk). The terms of the policies shall apply to an elected official who is a full-time paid employee to the extent that these rules do not conflict with other applicable laws.

While these policies shall not generally apply to the above categories of personnel, any person performing services on behalf of or for the Town in any capacity shall be required to comply with the Town's rules and regulations regarding acceptable conduct, as detailed in Chapter 9, herein, or as otherwise required by the Town.

1-5. Application.

These policies shall serve as a guide to the administration of a personnel system in keeping with the basic merit principles. The policies are not all inclusive and final discretion as to the interpretation or the appropriate course of action concerning a particular personnel matter shall be that of the First Selectman under the supervision of the Board of Selectmen. A violation of these policies may, at the determination of the First Selectman under the supervision of the

Board of Selectmen, result in disciplinary action up to and including dismissal. Employees of the Town may be disciplined for other legitimate reasons as determined by the Town. Where there is a conflict between a particular personnel rule and statements contained in an approved, uniform department regulation, an applicable local, state or federal law, or more specific statements contained in Town policies (such as insurance policies), then those statements shall prevail.

CHAPTER 2

Equal Employment Opportunity

2.1. Equal Employment Opportunity Statement.

The Town is an equal opportunity employer, dedicated to a policy of nondiscrimination in employment on any basis prohibited by law. The Town considers applicants for all positions without regard to race, color, religion, gender, national origin, age, disability, marital status, veteran status, sexual orientation, genetic information, gender identity/expression or any other legally protected status, and is committed to providing equal opportunities in terms of its recruiting and hiring practices. The Town is also committed to providing equal opportunities to its employees in all of its employment practices, including but not limited to compensation, training, transfers and promotions, and in the provision of all of its employee benefit programs.

The Town further pledges its strong commitment to ensure that all contractors and subcontractors who do business with the Town provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability and merit. The Town further pledges that all Town sponsored training and social and recreational programs will be administered without regard to any legally protected status. As part of its commitment to equal opportunities, the Town also expects all of its employees to adhere to this policy of nondiscrimination. The Town will take prompt action upon the receipt of a complaint of unlawful discrimination and will take appropriate corrective action, including disciplinary measures if necessary, to remedy any violations of this policy.

2.2. Employment of Qualified Disabled Individuals.

The Town will provide reasonable accommodations to any qualified individual with a disability, as defined under applicable law, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town. Applicants or employees with a disability who believe that they need a reasonable accommodation to perform the essential functions of their job should contact their supervisor and/or the First Selectman.

On receipt of an accommodation request, the Town will review potential reasonable accommodation(s) that the Town may be able to make to enable applicants and/or employees to perform the essential functions of their job. As part of this process, an applicant or employee may be required to provide authorization to the Town to communicate with and obtain documentation from his or her doctor regarding the medical condition(s) for which reasonable accommodation is sought, and may further be required to be evaluated by a doctor of the Town's choice. All such medical information discussed and received will be treated as confidential to the extent required and permissible by law.

CHAPTER 3

Administration of Personnel Policies

3-1. First Selectman.

The First Selectman under the supervision of the Board of Selectmen will determine and administer all personnel policies and procedures. The First Selectman may delegate the actual operation involved in administering these policies to such person or persons as he/she deems appropriate. The First Selectman under the supervision of the Board of Selectmen shall have the authority to impose discipline on Town employees, up to an including dismissal.

3-2. Department Heads.

Department Heads shall have the responsibility, as delegated by the First Selectman, to select, retain, promote, train and separate employees within their departments. They are expected to supervise effectively their employees; to report upon the performance of their subordinates; to notify the First Selectman of changes in duties of their employees; and to recommend salary increases. Department Heads shall recommend to the First Selectman necessary, desirable changes in the personnel policies and procedures to improve administration of the personnel system. Subject to the approval of the First Selectman under the supervision of the Board of Selectman, a Department Head may adopt regulations consistent with the overall personnel policy to implement these rules for the operation of his or her unit. Among other duties, all Department Heads shall report directly to the First Selectman, shall be required to attend department meetings, shall prepare an annual budget proposal for their departments, and shall represent the Town in the resolution of employee grievances. The Board of Selectmen shall remain the final hiring authority.

3-3. Employees.

It shall be the responsibility of all employees to acquaint themselves thoroughly with the material in this handbook and any subsequent revisions hereto. Employees are encouraged to submit suggestions for changes in personnel policy and procedures for improvement of Town personnel administration as appropriate.

CHAPTER 4

Hours of Work and Pay Practices

4-1. Hours of work.

Unless otherwise determined by the Town, the normal workweek for full-time Town employees shall be.

1. TOWN HALL AND LIBRARY: A total of at least 35 hours as scheduled and determined by the Board of Selectmen.
2. PUBLIC WORKS: A total of at least 40 hours as scheduled and determined by the Board of Selectmen.
3. FIRE DEPARTMENT: As negotiated by union contract.
4. POLICE DEPARTMENT: A total of at least 40 hours for Police Officers and Police Administrator as scheduled and determined by the Board of Selectmen. Otherwise, as contracted with the CT Resident State Trooper Program.

The above noted schedule may not apply to all Town employees as the hours of work of each employee will be determined by the requirements of the position held. The Town reserves the right to adjust the hours of work and the work schedules for any employee as necessary. Furthermore, individual start and end times will be set by the First Selectman to meet the needs of individual departments (e.g., where services to the public are required on a seasonal or 24-hour basis)

4-2. Hours of Operation.

The Town reserves the right to adjust the hours of work for all employees and to change the hours and days of the week employees are expected to work as necessary to meet the needs of the Town, subject to the approval of the Board of Selectmen. Therefore, all employees are subject to work schedule changes as the needs of Town service require.

4-3. Reporting Hours Worked.

All non-exempt employees will be required to submit their time sheets (whether manual or electronic) documenting hours worked each day, including when they start work, when they leave and return from lunch and when they leave for the day (and any other non-work time during the day, i.e., vacation, sick, etc.). Time sheets must be submitted by the employee to and approved by his/her Department Head or designee, who shall forward to payroll as required by the Finance Department. The Department Head or designee who approves hours worked is responsible for ensuring that the time sheet submitted is accurate, prior to forwarding.

All exempt employees will be required to submit time sheets showing hours worked each day, including when they start work, when they leave and return from lunch and when they leave for the day (and any other non-work time during the day, i.e., vacation, sick, etc.). Department Heads and any other exempt employees working in each should submit time sheets to the First Selectman or designee for review and approval. Elected officials should submit time sheets to the First Selectman or designee for review and approval (or if the First Selectman, to the Board of Selectman as may be required).

4-4. Pay Period and Paychecks

All employees are paid bi-weekly on Thursday (or as otherwise designated by the Finance Department) through direct deposit. From each paycheck, the Town will deduct any and all withholdings required by law, including federal and state income taxes, social security taxes, and wage garnishments. In addition, upon an employee's written authorization, the Town will make other lawful deductions from each paycheck, including for purposes of insurance payments.

4-5. Categories of Employment.

All employees are classified as either "exempt" or "non-exempt" in accordance with state and federal wage and hour laws. These classifications govern wage and salary procedures.

NON-EXEMPT EMPLOYEES: Individuals who are paid an hourly rate for regular hours worked and at the rate of one-and-one-half times their base rate for all hours worked in excess of forty (40) hours in any one-payroll week. Any paid time off [sick time/holiday/vacation, etc.] taken in any one payroll week will be counted as hours worked when computing weekly overtime for that week.

Non-exempt employees may be required to work overtime as necessary to meet work needs or project schedules. Supervisors will be responsible for scheduling overtime and will make every effort to notify employees as far in advance as possible. Non-exempt employees are expected to accept all requests to work overtime, unless there is an unavoidable scheduling conflict. In addition, except in emergencies, all overtime must be authorized and approved by the First Selectman, as recommended by the immediate supervisor in advance.

EXEMPT EMPLOYEES: Individuals who are paid on a salary basis which is intended as full compensation for all hours worked and who perform duties that are part of running the Town's operations, are exempt employees not eligible to receive overtime pay for hours worked beyond forty hours in any one payroll week. Rather, exempt employees will be expected to work pursuant to the operational needs of the Town and to expend whatever effort is necessary to meet the requirements of their position.

All employees are further classified as either “full-time,” “part-time,” or “temporary.” These classifications govern eligibility for participation in the Town’s leave and benefit programs, in accordance with the terms and conditions outlined in this handbook.

FULL-TIME: An exempt or non-exempt employee with a work schedule that is typically not less than 35 hours per week, though which may vary depending on operational needs.

PART-TIME: An exempt or non-exempt employee who is employed in a position as needed, less than 35 hours per week. Any part-time employee whose hours temporarily increase above 35 per week shall not be considered a full-time employee until the employee is provided with written notice of a change in status after approval by the Board of Selectmen.

TEMPORARY: An exempt or non-exempt employee who is employed in a position established for a specific period of time or for the duration of a specific project or group of assignments. Temporary employees are not eligible to participate in the Town’s current leave and benefits program regardless of the number of hours they may work each week, unless specifically designated in individual employment agreements or as otherwise required by law.

4-6. Meal Breaks.

All non-exempt Town employees shall have an unpaid meal break at a time to be determined by the Town, which break shall generally be at least thirty minutes per day unless otherwise determined.

4-7. Absenteeism and Punctuality.

Absenteeism detracts from service and causes an undue burden for those employees who must fill in for absent employees. As such, consistent attendance and punctuality is necessary to the operations of the Town and to each employee’s own individual performance.

Being on time for each scheduled workday means more than being physically present. It means being ready to begin work at the assigned time. Accordingly, employees are expected to report to work and to be ready to work at the beginning of their regularly assigned shift.

Tardiness will not be tolerated. Tardiness impairs workplace efficiency and is a burden to fellow employees. If an employee is going to be late for work, his or her supervisor should be notified immediately of the anticipated arrival time.

The Town recognizes that there will be occasions when unscheduled time off due to illness or for other personal matter will be necessary. All employees are expected to notify their supervisor at least one hour prior to the start of their shift to explain the reason(s) for such unscheduled time off, and to provide an estimate of the number of days before they are expected to return to work. Failure to do so may result in disciplinary action, unless the employee can demonstrate that it was not practicable to provide such notice. Notification is necessary so that job duties can be reassigned. When there is no notification, the absence will be considered unexcused. If an

employee fails to report his or her absence for three consecutive days, he or she will be considered to have resigned from employment.

Any deviation for this policy and/or repeated occurrences of unscheduled time off or unexcused absences could lead to disciplinary action, up to and including termination of employment.

4-8. Administration of Overtime.

- A. Positions Subject To Overtime. Personnel shortages, peak workloads and other emergency situations may make it necessary for non-exempt employees to work beyond their regularly scheduled workweek, as prescribed by the First Selectman or Board of Selectmen.
- B. Overtime Compensation. Hours of work over forty (40) hours in a regular work week shall be considered as overtime. When a non-exempt employee who is eligible for overtime compensation is required to work in excess of the normal workweek he or she will be paid his/her regular rate for all hours worked up to 40 and at the rate of one and one-half (1½) times the regular hourly rate for all hours worked over forty (40) hours in any such work week. Paid time off [sick time/holiday/vacation, etc.] taken in any payroll week will be counted as hours worked when computing weekly overtime for that week.
- C. Overtime Authorization. Except in emergency conditions as determined by the Department Head, all overtime must be authorized and approved by the First Selectman in advance. Failure to gain approval prior to working overtime will result in disciplinary action.
- D. Callback Time. When an employee who is eligible for overtime compensation after departing from his/her regularly scheduled shift is officially ordered to start back to work for emergency service, he/she shall be compensated from the time of his/her assignment for all hours worked at the rates set forth above or two (2) hours pay at his/her regular rate, whichever is the greater.
- E. Positions Exempt From Overtime. Because certain executive, professional and administrative personnel are considered exempt under applicable wage and hour laws, they are not eligible to be paid for overtime work. In the case of exempt personnel (such as Department Heads), attendance at meetings of Town agencies and other “after hours” work activities shall be considered part of the duties of the position and not ordinarily eligible for compensation in equivalent time or pay.

4-9. Emergency Closings.

All offices and facilities of the Town will be open on schedule for the full workday unless employees are specifically notified otherwise via phone, e-mail or television or radio news. The decision to close, based upon local conditions, will be made by the First Selectman or a designated Town official. The closing will apply to all Town facilities, except for public safety facilities or any other facility as deemed appropriate by the First Selectman. The Superintendent of Schools will be responsible for school closings and delayed openings.

Employees who are classified as “Emergency Essential Employees” may be required to work during the emergency period. “Emergency Essential Employees” are Department Heads, public safety employees and supervisors; all employees in the Department of Public Works; and other employees as required by the First Selectman and Department Heads for specific emergency duties.

Employees who are not required to work during an emergency closing will be paid for their regular hours of work on any day or portion of a day in which the Town facilities are closed due to emergency unless: (1) they did not report for work for any portion of the day in which the Town facilities were open; or (2) the employee was absent due to a pre-approved vacation or other paid or unpaid leave day.

Emergency Essential Employees who are required to work during an emergency period shall be paid in accordance with individual collective bargaining agreements and/or contracts.

CHAPTER 5

Recruitment, Selection and Appointment of Employees

5-1. Recruitment of Employees.

- A. Recruitment Policy. Individuals shall be recruited from a geographic area as wide as is necessary obtaining well-qualified candidates for the various types of positions.
- B. Announcements. The First Selectman shall cause to be made known all vacancies for all positions by posting announcements of such vacancies on the Town's website, and if the First Selectman or Board of Selectmen deems advisable, in a newspaper or other media outlet.
- C. Recruiting Expenses. While it is the preference of the Town to recruit local persons, it is recognized that various staff, professional and supervisory positions may require recruitment from outside the area to obtain well-qualified applicants. Accordingly, in recruiting for the filling positions of this type, the Board of Selectmen may authorize payment of expenses for:
 - 1. An applicant's trip for a personal interview or reporting to duty upon appointment to Town service. Reimbursable expenses may include an allowance for transportation, meals and lodging.

5-2. Selection of Employees.

- A. Application Forms. Applications for employment shall be accepted at any time. Each candidate for municipal employment shall make application on the standard form prescribed and provided by the Board of Selectmen. Such information may be required as is deemed necessary in order to judge the applicant's qualifications for services in the Town. Applications shall not be returned but will remain on file for two (2) years or as per state law requirement, after which they may be destroyed.
- B. References And Investigation. As part of the pre-employment procedure, former supervisors, employers and other references provided by candidates may be contacted as deemed necessary. Any references and other pre-employment investigation shall be documented and made part of the employee's file. Any reference checks or other investigation of an applicant shall be completed prior to an offer of employment.
- C. Competitive Examinations. The First Selectman shall have the discretion to administer competitive examinations to help determine the merit and fitness for duty of qualified applicants. Examinations shall relate to those matters that will appropriately test the capacity and fitness of the qualified applicants to discharge efficiently the duties of the position. Examinations may include a rating of qualifications and experience, written, oral, and

physical or performance tests or any combination thereof. Such examinations may take into consideration reasonable factors such as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications that, in the judgment of the First Selectman, enter into the relative fitness of applicants.

- D. Pre-employment Physicals And Substance Abuse Testing. In the event an applicant receives a job offer, s/he may also be subject to a medical examination and/or drug and/or alcohol testing that must be successfully completed before commencing work.

5-3. Appointment.

A. Method of Appointment. All vacancies shall be filled by regular appointment, temporary appointment, promotion, demotion or transfer. Only qualified candidates shall be recommended for appointment. Appointment to a vacancy and any changes regarding appointments shall be made by the First Selectman from the qualified candidates as certified by the Board of Selectmen.

- 1) Regular Appointment. A regular appointment indicates that an employee is to work for the Town in either a full-time or part-time capacity. Every employee who receives this type of appointment shall serve probationary period following the original appointment in accordance with the provisions below. Upon certification of the Department Head that the employee has satisfactorily completed the probationary period, the employee's status of employment shall be changed from probationary to full-time or part-time employee (as appropriate).
- 2) Temporary Appointment. A temporary appointment indicates that the employee is to work for the Town for a period of typically 3 months or less. If an employee serves more than 3 months in a temporary appointment, a personnel action must be submitted to change the employee status to full-time, part-time or terminated. Temporary employees may be separated at any time when their services are no longer required and are not eligible for the appeal process under Section 8.3.

5-4. Probationary Period.

Each new employee will receive a period of orientation into his/her position from his/her supervisor upon hire or transfer which is referred to as the employee's probationary period. The orientation process is designed to explain and review Town policies and procedures as necessary, including those that are contained in this handbook, and to allow the employee an opportunity to gain a thorough understanding of what is expected in his/her job duties. While each period of orientation will be unique to the needs of the individual and the functions to which s/he has been assigned, this process will also ordinarily entail explaining to the employee what his/her department does, its role in relation to the total operation of the Town, and how the employee's job fits in with the Town's operations.

The probationary period for new employees will generally be ninety (90) actual working days. If an employee is promoted or transferred to a new position, the probationary period shall be forty-five (45) working days. Throughout the probationary period, an employee's performance will be more closely reviewed to determine if performance expectations are being met. Should the Town determine that performance does not meet standards at any time during the probationary period (or at any time thereafter), at the Town's discretion, various measures may be implemented to improve performance or an employee may be terminated from employment. Nothing about the existence or implementation of the probationary period limits the Town's right to terminate the employment of employees for legitimate reasons as determined by the Town. The initial probationary period may be extended but in no event shall it be more than one hundred eighty (180) actual working days.

CHAPTER 6

Employee Development and Separation

6-1. Job Duties.

The Town will instruct employees about their job duties upon hire and throughout their employment, and reserves the right to change those duties as may be necessary for operational needs. One way to communicate job duties of a particular position to employees may be through a written job description, which the Town may implement and change from time to time. In any event, employees will be expected to devote their best efforts to the Town and to perform in good faith all duties that may be assigned.

6-2. Personnel Records.

The Town maintains a separate personnel file for each employee. A current employee may inspect his/her personnel file within seven (7) days following a written request made to the office of the First Selectman, where such files are maintained. A designated member of the Town will be present during any such review, and the Town reserves the right to charge a fee for any copies of documents requested.

The Town shall provide employees with a copy of any documentation of any disciplinary action imposed on that employee not more than one business day after the date of imposing such action and shall immediately provide an employee with a copy of any documented notice of termination of employment. The Town shall include a statement in any documented disciplinary action, notice of termination or performance evaluation that the employee may submit a written statement explaining his or her position to be maintained as part of the personnel file, should the employee disagree with any of the information contained in any such documents.

It is important to keep personnel records up to date. Accordingly, employees are expected to promptly notify their immediate supervisors and the First Selectman's office of any changes in the following information: name, address or telephone numbers and persons to notify in cases of an emergency, any changes in marital status, names of beneficiaries, dependents listed on your insurance policy and number of dependents for withholding tax purposes. Failure to notify the Town as soon as any of the above changes takes place could result in a loss of benefits or create personnel-related complications.

6-3. Communications and Problem Solving.

The Town employs numerous forms of communicating its expectations of employees and its policies and procedures to employees, including through this handbook, written memoranda and verbal instruction. Employees are further encouraged to periodically review Town bulletin boards and to read any information that is posted. Employees may not post any notices on these bulletin boards that are not work-related. All work-related notices must be approved by the First Selectman prior to posting.

The Town also encourages all employees to bring forward their suggestions and ideas about how the Town can be made a better place to work, how our work can be improved, and how our service to residents can be enhanced or provided more efficiently. Please bring any such suggestions and comments to your supervisor.

Whenever an employee has a problem or complaint, the Town expects that employee to speak up and communicate directly. In such cases, employees are encouraged to take the following steps:

- A. First talk to your immediate supervisor within five (5) business days of the event. Your supervisor is most familiar with you and your job, and is, therefore, in the best position to assist you.
- B. If your supervisor cannot help you resolve the matter, you can speak to the First Selectman who will address your problem or complaint and render a written decision typically within five (5) business days of receipt.
- C. In the event you are not satisfied with the First Selectman's response, you may follow the appeal process in Section 8-3.

When warranted in the Town's judgment, efforts will be made to address employee concerns and/or to take corrective action. Personal problems between employees are not to be acted on at work. In addition, if there is a work-related problem with a co-worker, and direct requests to cease that behavior have been ignored, then it is the employee's responsibility to bring the conduct at issue to the attention of his/her supervisor.

6-4. Salary Administration.

Salary administration shall be a function of the Board of Selectmen. The annual Town meeting followed by referendum maintains the ultimate authority to set the salaries of Town officials and employees subject to the approval of the Board of Finance. The Town budget shall include regular salary line items within each department.

Salary increase shall be recommended by the First Selectman and established by the Board of Selectmen. Salary increases shall not be predicated solely upon length of service, but shall be dependent upon the quality of an employee's work performance as determined by a performance evaluation. Such evaluation shall be based upon job related performance standards. Except for elected officials, a performance evaluation shall be conducted for every employee annually prior to the end of the fiscal year. The Board of Selectmen shall have the ability to recognize employees monetarily. The Board of Selectmen may review salaries annually to determine whether a cost of living allowance shall be granted to Town employees.

6-5. Promotion.

The Town encourages employees to develop new skills, expand knowledge of their work, assume greater responsibilities and make know their qualifications for promotion to more difficult and responsible positions. Current employees may apply for any vacancy if the employee has held his/her current position for a minimum of six (6) months, has performed his/her current duties satisfactorily and otherwise meets the requirements of the vacant position. Outside applicants may also be considered for any employment opportunities within the Town.

The decision whether to promote any particular employee will be made by the First Selectman with the approval of the Board of Selectmen and, as necessary, in consultation with the applicable Department Head(s).

6-6. Transfer.

Transfer of an employee from one position to another, which does not constitute either a promotion or a demotion as defined herein, may occur when:

- 1) The employee meets the qualification requirements
- 2) The transfer is in the best interests of the Town.
- 3) Further training and development of an employee in another position would be beneficial to the future potential of the Town; or
- 4) The transfer meets the personal needs of the employee and is consistent with Subsection (1) and (2) above.

The decision whether to transfer any particular employee will be made by the First Selectman with the approval of the Board of Selectmen and, as necessary, in consultation with the applicable Department Head(s).

6-7. Demotion.

An employee may be demoted to a position of a lower grade, for which he or she is qualified, for any of the following reasons:

- 1) As an alternative to layoff when a position is eliminated.
- 2) The position is reclassified to a lower grade.
- 3) The program is terminated
- 4) The employee requests the demotion
- 5) An employee is bumped due to a return of another employee from a leave of absence.
- 6) When unsatisfactory service is rendered or for disciplinary reasons.

The decision whether to demote any particular employee will be made by the First Selectman with the approval of the Board of Selectmen and, as necessary, in consultation with the applicable Department Head(s).

6-8. Separation.

Separation is the termination of an employee from employment by the Town through resignation, disability, death, retirement, dismissal or layoff.

At the time of any type of separation, all records, assets or other items of Town property in the employee's custody shall be returned by the employee to the Department Head.

- A. Resignation. An employee resigns in good standing if a written statement of reasons for the resignation is received at least fourteen (14) days prior to the effective date of the resignation and if such employee returns all Town property, records, and assets before departure. The Department Head may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the First Selectman with a statement by the Department Head as to the resigned employee's service performance and pertinent information concerning the cause of resignation, and whether or not re-employment is recommended. Employees may not take any paid time off during the notice period, unless specifically approved in advance by the First Selectman or otherwise allowed by law.
- B. Disability. An employee may be terminated from his/her employment with the Town if he/she cannot perform the essential functions of his/her position with or without a reasonable accommodation because of physical or mental impairment. The Town may require an examination at the Town's expense by a physician of its choice to determine an employees' fitness for duty as well as any reasonable accommodations that may be made to allow the employee to perform the essential job functions. The termination date shall be the last day the employee actually performed work for the Town.
- C. Death. Separation shall be effective as of the date of death. All wages due shall be paid to the estate of the employee, or to the surviving spouse if otherwise required by law.
- D. Retirement. Retirement is the separation of an employee in accordance with the provisions of the Town retirement system under which the employee is eligible to receive benefits.
- E. Dismissal. Dismissal is an involuntary separation of an employee for any lawful reason. An employee may be dismissed upon the recommendation of a Department Head or upon the initiative of the First Selectman with the approval of the Board of Selectmen.
- F. Layoff. Layoff is an involuntary separation of an employee resulting from a reduction in force due to lack of funds or work or because the employee's position has been eliminated for other legitimate reasons. The Department Head shall submit a report to the First

Selectman, together with a recommended list of the employee(s) to be laid off, and the Board of Selectmen shall make the final determination as to which employee(s) shall be laid off.

6-9. References.

All requests for references/information about current or former employees shall be referred to the First Selectman. Unless the Town receives a written authorization from a current or former employee to release personnel information about that individual to a third party and is inclined to do so, or is otherwise legally obligated to release personnel information, the First Selectman shall only confirm in writing the employee's dates of employment, salary history, and job title, in response to any request for personnel information or for a reference.

CHAPTER 7

Employee Leave

7-1. General Policy.

Leave is any authorized absence during regularly scheduled work hours that is approved by the employee's supervisor and/or the First Selectman, as applicable. Leave may be authorized with or without pay subject to these rules on the basis of the work requirements of the departments.

7-2. Procedure for Requesting Leave.

For all leave needed for foreseeable matters (such as for vacation time, pre-planned medical issues, jury duty, military leave, etc.), employees must make a written request to their supervisor on prescribed forms indicating the kind of leave and the duration and dates of departure and return must be approved prior to the taking of leave. In the case of any leave needed for unforeseeable matters (such as for unexpected medical issues), leave forms shall be completed and submitted for approval immediately upon the employee's return to work. Unless an absence is substantiated by a leave form approved by the First Selectman or his designee, an employee shall not be paid for any absence from scheduled work hours.

7-3. Holidays.

A. The Town recognizes the follow days as holidays for regular full-time employees to be granted with pay, subject to change as published by the Board of Selectmen each December.

New Year's Day	Labor Day
Martin Luther King, Jr., Day	Columbus Day
Lincoln's Birthday	Veterans Day
Washington's Birthday	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Day
Independence Day	

Notwithstanding and as an exception to the above, all employees who work for the Fire Department shall follow the official list of holidays pursuant to the current union contract.

- B. Except for Town Hall employees, when a holiday falls on a Saturday, it shall be observed on the preceding Friday (under these circumstances, since Town Hall is closed on Fridays, Town Hall employees shall get a floating holiday to use at the discretion of the Board of Selectmen); for all employees, when a holiday falls on a Sunday, the following Monday shall be observed.
- C. Holidays for Part-time Employees. Part-time employees who are scheduled to work less than twenty (20) hours per week shall not be eligible for holiday leave. Part-time employees whose normal workweek is twenty (20) hours or more shall be paid according to the number of hours they would be scheduled to work on the day observed as the holiday.

Notwithstanding and as an exception to the above, all part-time non-exempt employees who work for the Police, Fire or Public Works departments and who are required by their Department Head to work on the actual day of a recognized holiday shall be paid one and one-half times their normal rate of pay for the actual number of hours worked.

D. Absences before or after holidays.

- 1) Holiday pay is granted to any employee for established holidays on which the employee would normally have been scheduled to work and is available for such work.
- 2) To be eligible to receive holiday pay, an employee is required to work his/her regularly scheduled hours on both the workday preceding and the workday following the holiday.
- 3) Exceptions to this policy may be approved when individual is on:
 - a) Military leave
 - b) Jury duty
 - c) Vacation leave
 - d) Bereavement leave
 - e) One day of illness either before or after the holiday but not both
 - f) Previously approved personal days off either before or after the holiday but not both
 - g) Other leaves as approved by the First Selectman at his/her discretion.
- 4) In the event that an employee is absent the day prior and after the holiday due to illness, a sick day will be charged for the holiday as well as the day of absence.

7-4. Vacation.

A. Eligibility. Regular full-time employees who have completed one-half (1/2) year of employment are eligible for vacation leave earned as follows:

Length of Service	Vacation Eligibility for year	Actual Rate for Calendar Year
0-6 Months	None	5 days after 6 months
6 months – 1 year	1 week	1 day per month up to 5 days
1-4 years	2 weeks	0.84 days per month
5-9 years	3 weeks	1.25 days per month
10-19 years	4 weeks	1.67 days per month
20-29 years	5 weeks	2.09 days per month
30 plus years	6 weeks	2.50 days per month

- B. Maximum Accumulation of Vacation Leave. With the approval of the Department Head and First Selectman, a full-time employee who has completed one-half (1/2) year of employment may carry over earned vacation days from one year to the next and may accumulate vacation leave up to the following maximum limits:

Length of Service	Vacation Eligibility for year	Maximum Accumulated Carryover
0-6 Months	None	None
6 months – 1 year	1 week	5 days
1-4 years	2 weeks	5 days
5-9 years	3 weeks	10 days
10-19 years	4 weeks	10 days
20-29 years	5 weeks	15 days
30plus years	6 weeks	15 days

All unused vacation in excess of the maximum accruals allowed above shall be forfeited.

- C. Break in Service. Vacation leave shall be determined by the length of continuous service. For purposes of computing vacation leave, employees who leave Town employment and are later rehired shall be considered as new employees. Employees who are laid-off and later re-hired shall not be affected by the break in service; however, time on layoff shall not be considered as accumulated service.
- D. Transfers. An employee who is transferred between departments shall retain all accrued vacation credit.
- E. Advanced Vacation. No employee may take vacation leave beyond the amount earned except in extraordinary emergency circumstances as determined by the First Selectman. Requests for advanced vacation must be submitted by the Department Head to the First Selectman, in writing, and no advanced vacation shall be approved without a written agreement signed by the employee that he will reimburse the Town if he or she leaves Town service before earning the vacation credit taken.
- F. Holiday Celebrated During Vacation Leave. Observed holidays established by these rules shall not be considered in the computation of vacation credit or as part of the vacation leave.
- G. Sickness While on Vacation. An employee who becomes ill while on vacation leave may not charge such illness to sick leave unless the illness exceeds three (3) vacation days and the employee files a physician's certificate describing the nature and duration of the illness with the Department Head.

- H. Use of Vacation Leave. An employee may take vacation leave during the year it is earned with proper advance authorization in hourly or full-day increments, consistent with the needs of the Town and subject to the approval of an employee's supervisor. The vacation period shall be between July 1 and June 30 of each fiscal year.
- I. Vacation Approval. Employees must provide their immediate supervisor with written notice of their request to take vacations for periods of up to two weeks at least thirty (30) days in advance, and can only take vacation upon the approval of their supervisors. Vacation requests for periods in excess of two weeks require at least sixty (60) days advance notice. Under all circumstances, employees will only be allowed to take vacations in accordance with the operational needs of the Town. Length of service will govern in the selection of vacations, insofar as it is practicable and consistent with current operating conditions. Employees who fail to submit their vacation schedule by the required time shall relinquish any rights of seniority in selecting their vacation.
- J. Payment Upon Separation. Upon separation of employment, employees will be compensated for any amount of accrued but unused vacation time only if: the employee: (a) has returned all Town property, records, or assets and any Town-issued equipment in proper working order; and (b) has resigned and provided at least two weeks' notice of resignation and works through the notice period as required; or (c) was not involuntarily discharged for what the Town deems in its sole discretion to be for misconduct. A termination for "misconduct" for purposes of determining payment of vacation time upon termination includes (without limitation) acts of dishonesty, theft, harassment, violence and similar inappropriate or unlawful behavior. A termination for "misconduct" does not include (without limitation) a layoff due to lack of work or restructuring, a discharge for performance-related reasons, or a separation due to disability, retirement or death. **Notwithstanding the above, no elected official employed in a full-time paid position with the Town who took office on or after November 16, 2021 will be compensated for any amount of accrued but unused vacation time upon separation from service regardless of reason for separation.**

7-5. Sick Leave.

- A. Eligibility. This sick leave policy applies to all eligible full-time and part-time employees of the Town (as further defined below) who do not otherwise qualify for paid sick leave under a collective bargaining agreement or individual employment contract. Any eligible full-time or part-time employees who are covered by any such documents are entitled to the benefits provided thereunder and this policy does not diminish, preempt or override the terms of any such documents.

Any full-time or part-time employee classified as exempt or non-exempt is eligible to take paid sick leave after they have completed their probationary period for new hours of 680 hours of employment after hire, whichever occurs first, and if they have worked at least an

average of 10 or more hours per week for the Town in the most recent calendar quarter prior to requesting sick leave. Temporary workers who perform work on a per diem or occasional or irregular basis are NOT eligible.

B. Accrual. All full-time employees shall earn sick leave at rate of one and one-quarter (1 ¼) working days for each calendar month of service, cumulative to a maximum of one hundred and twenty (120) days. All part-time employees who work a minimum of ten (10) hours per week shall accrue sick leave at the rate of one-quarter (1/4) day per month as worked on a pro-rated basis, cumulative to a maximum of thirty (30) days of sick leave.

C. Use of Sick Leave. Sick leave is provided for the following purposes:

1. The employee's own illness, physical incapacity or bodily injury or disease.
2. Illness or physical incapacity in the employee's immediate family requiring his/her personal attention. For this purpose, "immediate family" is defined as employee's current spouse, mother, step-mother, father, step-father, mother-in-law, father-in-law, grandparents, brother, sister, child, step-child, daughter-in-law, son-in-law or grandchild.
3. To attend medical and dental appointments or for other preventive care issues. Sick leave will be paid only for the actual time an employee is required to attend an appointment and employees are otherwise expected to report to work or charge other time off against available vacation or personal time.
4. Medical care or other reasons related to being a victim of family violence or sexual assault (such as to obtain services from a victim services organization; to relocate due to the violence and/or assault; or to participate in any civil or criminal proceedings related to the violence and/or assault).

Any paid sick leave taken in any payroll week will not be counted as hours worked when computing weekly overtime for that week.

Sick leave cannot be used for absence due to any injury that is compensable under the workers' compensation system (except when any waiting period is required).

Sick leave may be used in one hour increments, up to and including all scheduled hours for which the employee would have otherwise worked on the day at issue.

D. Notification and Documentation of Illness. The Town requires employees to provide at least seven (7) days' notice of the need to take paid sick leave if the need for leave is foreseeable (such as for preventative medical care issues). If the leave is not foreseeable, then the employee must give notice as soon as practicable. In this regard, an employee is expected to

notify his/her immediate supervisor or the Department Head at least one (1) hour before the start of each workday that he/she will be absent and to provide the reason for such absence. Employees must notify their supervisor or the Department Head each day they are absent unless otherwise authorized by their supervisor or the Department Head. Failure to report absences may result in discipline up to and including termination of employment, unless the employee can demonstrate that it was not practicable to provide such notice. The supervisor or the Department Head must receive the call directly from the employee. On the first day of absence from work due to illness, the employee shall report his/her illness to his/her supervisor at least one (1) hour prior to the beginning of his/her scheduled work assignment.

An employee who has been absent for three or more consecutive days due to illness, injury or health condition, or for preventative medical care, of the employee or his/her immediate family member will be required to provide a note from the applicable health care provider establishing the need for the time off. The note must state the length of the illness and (as applicable) whether the employee is able to return to full duty without restrictions, or if the employee has any restrictions, the nature of those restrictions and how long the restrictions may need to be in place. If necessary, the Town may require the employee to see a physician paid for by the Town to determine fitness for duty. The Town may further require a court record or documentation from a victim services organization or the police or counselor for leave taken due to family violence or sexual assault issues.

If an employee takes more than 40 hours of paid sick leave in any fiscal year, she/he may be required to provide a health care provider's note under additional circumstances as well. Examples of additional circumstances when a note may be required include when there has been frequent or questionable absenteeism, or when the employee calls out sick the day before or after a holiday or vacation day, or for absences of less than three consecutive days.

If the Town determines that an employee is abusing sick leave, such employee will be subject to appropriate disciplinary action. However, the Town will not take any retaliatory or other adverse employment action or otherwise discriminate against any employees because they request or use paid sick leave in accordance with Town policy and applicable law or file a complaint with the Connecticut Department of Labor regarding sick leave matters.

E. Payment Upon Termination. Upon termination of employment, employees will be compensated for any amount of accrued but unused sick time in accordance with the provisions of Section 7.4.J, above. **Notwithstanding the above, no employee hired on or after July 1, 2022 and no elected official employed in a full-time paid position with the Town who took office on or after November 16, 2021 will be compensated for any amount of accrued but unused sick time upon separation from service regardless of reason for separation.**

7-6. Bereavement Leave.

Employees are eligible for a maximum of three (3) paid days against sick days for bereavement leave following the date of death of an employee's immediate family member. Immediate family member includes and is limited to the employee's current spouse, mother, step-mother, father, step-father, mother-in-law, father-in-law, grandparents, brother, sister, child, stepchild, daughter-in-law, son-in-law or grandchild. The First Selectman may grant an extension of the paid bereavement leave provided above based on extenuating circumstances, or for vacation leave or leave without pay for deaths of others not listed above. The Town reserves the right to request verification of the death and the person's relationship to the employee.

7-7. Training Leave.

With the approval of the Board of Selectmen, leaves of absence with pay may be granted by the Department Head for the purpose of allowing a regular employee to participate in conferences, seminars, training courses and official meeting which enhance the employee's value to the Town.

7-8. Jury Duty.

Any employee required to serve jury duty will receive a portion of his/her regular pay which will, together with the jury pay, equal his or her regular salary for same pay period. Employees shall be allowed as much time off as needed to serve on a jury. Jury duty pay will be given only for time lost on regularly scheduled working days. Employees are expected to report for work during scheduled hours whenever jury services are not required. The employee is required to give at least one (1) week's notice to his or her Department Head of forthcoming jury duty and must furnish the Town with the notice to serve, evidence of attendance and of any fees paid by the state.

7-9. Military Leave.

The Town will provide military leave in accordance with applicable state and federal law.

7-10. Personal Leave.

Personal leaves of absence for reasons not covered elsewhere in this handbook may be granted at the sole discretion of the First Selectman based on an employee's individual circumstances and the business needs of the Town. Leaves of absence are considered voluntary time off without pay. Since the purpose of an unpaid leave of absence is to enable an employee to maintain his/her ability to continue employment with the Town, such an employee may not work elsewhere while on such leave with prior unless previously approved by the First Selectman or unless otherwise required by applicable law.

To be eligible for a personal leave of absence, an employee must have been continuously employed full-time for a one (1) year period prior to the leave period requested. A request for

an unpaid leave of absence must be submitted in writing thirty (30) days in advance (unless it is an emergency) to the First Selectman stating the purpose and expected duration. The First Selectman will review each such request on a case-by-case basis to determine whether to approve the request, and if approved, to determine the duration of leave time that can be provided. The Town can require, at its discretion, medical certification for any leave requested for medical reasons.

Because a personal leave of absence is unpaid, employees must use all of their accrued vacation time and sick time (if the reason for the leave makes this benefit applicable) before any unpaid leave can begin. Vacation and sick time (if applicable) so used will be counted as part of the total leave time allotted. The employee will not accrue vacation or sick time and will not receive holiday pay during their leave of absence. Leave time will not count toward seniority during a leave of absence. Employees may continue participation in the Town's medical, dental and pension plans by continuing to make their employee contributions in a timely manner as directed by the Town.

Within a reasonable period of time prior to the expiration date of a leave, or in any event, at least one week prior to the expiration date, employees must contact the First Selectman to confirm whether they are able to return. If the leave time allowed has expired, and the employee has made no contact with his/her supervisor, the leave of absence will cease and employment will be terminated. If an employee confirms that s/he will be able to return to work upon the expiration of the leave, the Town will attempt to restore that employee to the same or similar position. However, employees should recognize that when they are ready to return from an unpaid leave of absence, there is a risk that the same or similar position (or any position) may not be available. As such, job placement following a return from an unpaid leave of absence is not guaranteed.

7-11. Family and Medical Leave.

In accordance with the Federal Family and Medical Leave Act (hereinafter referred to collectively as "FMLA"), eligible employees may take a leave of absence for certain designated reasons. This policy presents a general overview of FMLA entitlements and requirements. If this policy conflicts with applicable law, applicable law controls.

Employee Eligibility. An employee must have worked for the Town for a minimum of twelve (12) months, and must have worked at least 1,250 hours during the 12-month period prior to the start of the FMLA leave. Only hours actually worked – regular worked time plus overtime – count towards this requirement. Paid leave (such as vacation, sick leave, and holidays) and unpaid leave, including FMLA leave, are not included.

Reason for Leave. Unpaid family and/or medical leaves may be granted for the following reasons:

- A. Serious Health Condition of Employee, Employee's Child, Parent, Spouse.

Child may be a biological child, foster child, adopted child, stepchild, legal ward or child of person standing in loco parentis (in place of parent), who is under the age of 18, or over the age of 18 and unable to care for himself/herself because of a mental or physical disability.

Parent must be a biological parent, foster parent, adoptive parent, stepparent, legal guardian, or individual who stood in loco parentis to an eligible employee.

An eligible employee's spouse may be a husband or wife or civil union partners.

To be considered a serious health condition, the condition must be an illness, impairment or physical or mental condition that involves inpatient or outpatient care. Inpatient care generally involves treatment at a hospital, hospice, or residential medical care facility. Outpatient care generally requires continuing treatment by a health care provider.

B. Birth, Adoption or Foster Care Placement.

A family leave of absence will be provided upon the birth, adoption, or foster care placement of a child by an eligible employee.

C. To Serve as an Organ or Bone Marrow Donor.

D. Serious Injury or Illness of a Covered Service Member/Covered Veteran.

An employee who is a spouse, son, daughter, parent or next of kin of a covered service member or a covered veteran is eligible to take family leave to care for the serious injury or illness of such individual.

An eligible employee's spouse may be a husband or wife or civil union partners.

Son or daughter may be a biological child, foster child, adopted child, stepchild, legal ward or child of person standing in loco parentis (in place of parent), who is under the age of 18, or over the age of 18 and unable to care for himself/herself because of a mental or physical disability.

Parent must be a biological parent, foster parent, adoptive parent, stepparent, legal guardian, or individual who stood in loco parentis to an eligible employee.

Next of kin means the nearest blood relative of the eligible employee.

To be considered a covered service member, the individual must be either: (1) a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; or is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time

during the five year period before the date on which the employee must commence leave to care for the covered veteran.

E. Because of a Qualifying Exigency.

An employee whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Armed Forces (including a member of the National Guard or Reserves) is eligible to take family leave for the following qualifying exigencies: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; and (9) other activities which arise out of the covered military member's covered active duty or call to covered active duty status that the employer and employee agree qualify as an exigency and agree as to the timing and duration of such leave.

Employee Obligations. Employees are required to use their available paid vacation, sick and other time off during a family or medical leave of absence for any reason. That portion of the leave of absence that is used under these conditions will be with pay according to Town policies.

While as stated above all accrued paid vacation, sick and other time off must be used in accordance with Town policy before an employee is eligible to utilize any unpaid family or medical leave, an employee will not be required to utilize any such paid leave during an FMLA leave if she/he is simultaneously receiving payments under the Town's disability insurance plan or workers' compensation laws.

The maximum amount of family and medical leave allowed, whether it includes paid and/or unpaid leave or whether it includes time off during which an employee is receiving payments under either the Town's disability insurance plan or the Workers' Compensation laws, will not exceed the maximum leave entitlement as described below.

Since the purpose of leave under this policy is to enable employees to maintain their ability to continue employment with the Town, an employee may not work elsewhere while on FMLA leave, unless otherwise required by applicable law.

When planning medical treatment or seeking intermittent leave, the employee must consult with his/her Department Head and/or the First Selectman and must make a reasonable effort to schedule the treatment or intermittent leave so as to avoid unduly disruptive effects on the Town's operations.

Employees needing FMLA leave must, at a minimum, follow the Town's usual and customary call-in procedures for reporting an absence, absent unusual circumstances.

Whenever an eligible employee's medical or family leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment, or to care for others, the employee must provide at least thirty days advance written notice to his/her Department Head and/or the First Selectman. If such prior notice is impossible, as in the case of an unforeseen medical emergency or qualifying exigency, an eligible employee must provide notice as soon as practicable after s/he learns of the need for the leave (typically within one or two working days of learning of the need for leave). Failure to comply with these notice rules is grounds for, and may result in, deferral or denial of the requested leave.

All leaves due to a serious health condition of an eligible employee, or an eligible employee's son/daughter, parent or spouse/civil union partner, or due to a serious injury or illness of a covered service member, must be accompanied by a medical certification from the appropriate health care provider identifying, among other things, appropriate medical facts regarding the condition and its probable duration. Such medical certification must be provided before the leave begins, or in any event, within 15 days after the leave begins, unless the employee can demonstrate that it is not practicable to do so despite his/her good faith efforts. Failure to comply with these medical certification requirements is grounds for, and may result in, deferral or denial of the requested leave.

Subsequent medical re-certification will be required as necessary, but no more than once every thirty days after receipt of the initial medical certification.

All leaves due to a qualifying exigency must be accompanied by a certification as has been prescribed by the Secretary of Labor.

In response to a request for leave necessitated by the serious health condition of the employee or others, the Town may require the employee to obtain a second opinion from a health care provider selected and paid for by the Town.

While on leave, employees are, at a minimum, required to report on the 1st day of each month to their Department Heads and/or the First Selectman regarding the status of the family or medical condition(s) and their intent to return to work.

Under Town policy, employees are required to provide at least two weeks of advance notification of the date they intend to return to work from a leave of absence.

Maximum Leave Entitlement. The maximum FMLA leave entitlement for employees eligible under this policy is 12 weeks in the one-year period measured from the date of the employee's first day of FMLA leave due to: (1) the serious health condition of the employee or the employee's child, parent or spouse/civil union partner; (2) birth, adoption or foster care placement; (3) service as an organ or bone marrow donor; or (4) a qualifying exigency.

The maximum FMLA leave entitlement for employees eligible under this policy due to the serious injury or illness of a covered service member is 26 weeks in the one-year period measured from an employee's first day of FMLA leave taken.

The maximum amounts of FMLA leave stated herein do not afford eligible employees the ability to take more leave if they have multiple qualifying reasons than they otherwise would be entitled to take for a single qualifying reason during the applicable time period.

Any absences that qualify as FMLA leave runs concurrently with an absence under the Town's disability insurance plan or workers' compensation laws.

Any time spent performing "light duty" work does not count against an employee's FMLA leave entitlement, whether such "light duty" work has been required by the Town or requested by the employee. Therefore, any employee's right to restoration of his or her job is held in abeyance during the period of time (if any) the employee performs light duty (or until the end of the applicable FMLA leave period).

When a husband and wife or civil union partners are both eligible employees of the Town, they are each individually eligible to receive the maximum leave time allowable for their own serious health condition or the serious health condition of a son/daughter or spouse/civil union partner, or to serve as an organ or bone marrow donor. For purposes of leave due to a qualifying exigency, married employees are each individually eligible to receive the maximum leave time allowable for each. For purposes of family leave taken due to the birth, adoption or placement of a son/daughter or for the serious health condition of a parent, married persons are eligible for the maximum leave allowable to one individual eligible employee. For purposes of leave taken due to the serious injury or illness of a covered service member or covered veteran (or for a combination of leave taken for this reason and any other qualifying reason), married employees are eligible for the maximum leave allowable to one individual eligible employee.

An eligible employee may take intermittent leave or leave on a reduced schedule (up to the amount of the maximum leave entitlement) when medically necessary due to the employee's own serious health condition, or the serious health condition of the employee's son/daughter, parent or spouse/civil union partner, or due to the serious injury or illness of a covered service member or covered veteran. An eligible employee may further take intermittent leave or leave on a reduced schedule (up to the amount of the maximum leave entitlement) due to a qualifying exigency or to serve as an organ or bone marrow donor. Employees seeking to take intermittent leave or leave on a reduced schedule are subject to the same notice, medical certification and other employee obligations identified above. In addition, if such intermittent or reduced schedule leave is requested, the Town reserves the right to temporarily transfer the employee to an available alternative position with equivalent pay and benefits (but not necessarily equivalent duties) that better accommodates this type of leave.

Intermittent or reduced schedule leave may not be taken upon the birth, adoption or foster care placement of an employee's son/daughter unless agreed to by the employee and the Town.

There is no obligation under the FMLA to guarantee an employee's original job or an equivalent position beyond the maximum period specified above.

Maintenance Of Health Benefits. An eligible employee's medical benefits will continue during a leave of absence up to the maximum amount of leave afforded under this policy. While on paid leave, the Town will continue to make payroll deductions to collect the employee's share of the medical insurance premiums. While on unpaid leave, the employee must continue to pay his/her share of the medical insurance premiums, either in person or by mail. The payment must be received as directed by the Town. Failure of the employee to pay the premium may result in loss of coverage.

Employees have a 30-day grace period in which to make required premium payments. If payment is not timely made, health insurance coverage may be cancelled, if the employee has been notified in writing at least 15 days before the date that coverage would lapse. At the Town's option, the Town may pay the employee's share of the premiums during FMLA leave if the coverage were to lapse due to failure of the employee to make timely payments, and then recover such payments from the employee upon return to work.

Should an employee's health insurance lapse due to non-payment while on FMLA leave, the Town will again provide health insurance benefits according to the applicable plans when the employee returns from the leave of absence.

If an employee does not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition (or serious injury or illness in the case of a covered service member or covered veteran) which would otherwise render the employee eligible for FMLA leave; or (2) other circumstances beyond the employee's control, the Town reserves the right to seek reimbursement from the employee for its share of health insurance premiums paid on the employee's behalf during the employee's FMLA leave.

Rights Upon Return From Leave. If an employee is considered a "key employee" as defined in the FMLA, restoration to employment may be denied following FMLA leave if restoration will cause substantial and grievous economic injury to the Town.

If an employee is not a "key employee" as defined in the FMLA, upon the conclusion of an FMLA leave (or the expiration of the maximum family or medical leave provided by law, whichever occurs first), s/he may return to work with all seniority, retirement or fringe benefits s/he had at the commencement of such leave. There will be no accruals of such benefits (including paid time off) during an FMLA leave.

If an employee is not a "key employee" as defined in the FMLA, upon the conclusion of an FMLA leave (or the expiration of the maximum family or medical leave provided by law,

whichever occurs first), s/he will be reinstated to the same position s/he held prior to such leave or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. If an employee is medically unable to perform his/her prior job, s/he will be offered work suitable to his or her physical condition, if such work is available, at the pay rate appropriate to that job.

If an employee cannot return to work at the expiration of the maximum FMLA leave allowed, the Town has no obligation under the FMLA to restore an employee to any position. An employee on leave or returning from leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

Fitness For Duty Certification. In accordance with applicable law and Town policy governing returns to work after a medical absence, employees returning to work after a medical leave due to their own serious health condition (other than an employee taking intermittent leave or leave on a reduced schedule) must present a fitness-for-duty certification from their health care provider to their Department Heads and/or the First Selectman prior to their return to employment.

If there are any medical restrictions upon an employee's return to work, the health care provider should state these restrictions in the certificate provided. It is the employee's responsibility to notify their Department Heads and/or the First Selectman prior to his/her return to work and make them aware of any restrictions.

Employees will not be eligible to return to work after a medical leave without being medically cleared to do so. In addition, the Town reserves the right to have its own health care provider contact the employee's health care provider for purposes of clarification of the employee's fitness to return to work certification. Under no circumstances will an employee's direct supervisor make contact with the employee's health care provider for purposes of determining fitness for duty (or any other medical certification issue pertaining to FMLA).

CHAPTER 8

Disciplinary Actions

8-1. Responsibility for discipline; reasons.

It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the Town's departments.

- A. Department Head Responsibilities. Department Heads are responsible for the proper and efficient operation of their departments and for enforcing Town policies and regulations. Department Heads are authorized to apply such disciplinary measures as may be necessary to enforce Town personnel policies up to and including recommending dismissal to the Board of Selectmen.
- B. Types of Disciplinary Action. The type of disciplinary action taken will vary with the severity of the situation and may include the following measures: oral or written reprimand, demotion, suspension, dismissal, denial of pay increases or other discipline of employees for such reasons as, but not limited to, those stated herein. The Town reserves the right to determine the appropriate disciplinary action based on individual circumstances.
- C. Reasons for Disciplinary Action. All employees are expected to comply with the Town's standards of behavior and performance. Disciplinary action, up to and including dismissal, may be imposed upon an employee for conduct or actions that interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public.

The following shall result in disciplinary action; however, the list is meant to be illustrative only and should not be considered to include all reasons for disciplinary action:

- Engaging in activities prohibited by or in violation of the law, Town Charter, Town ordinance and/or Town policies and procedures;
- Falsification of Town or employment records;
- Substandard or unsatisfactory job performance;
- Incompetence, inefficiency or negligence in the performance of duties;
- Theft or misappropriation of funds;
- Fraud or dishonesty;
- Misuse of or damage to the property of the Town, co-employees, visitors, or others associated with the Town;
- Insubordination, disobedience or refusal to comply with supervisor's instructions;
- Sleeping or otherwise wasting time or loafing during work hours;

- Physical or verbal abuse of co-employee, visitors or other associated with the Town, including by exhibiting bullying behavior;
- Threatening or intimidating co-employees, visitors, or others associated with the Town, including sexual harassment or harassment or discrimination based on other protected categories;
- Acts of violence, including bringing a weapon of any kind, licensed or otherwise on Town property or on Town business, unless otherwise authorized to do so as part of job responsibilities (e.g., police, animal control officer or deputy);
- Disorderly conduct or disruptive behavior, including provocations or fighting with other employees, visitors, or others associated with the Town on the premises or during Town business;
- Use of profane or vulgar language while on Town premises or during Town business;
- Use or possession of alcohol at work;
- Use, sale, purchase, or possession of illegal drugs at work;
- Abuse of prescription drugs at work;
- Unauthorized disclosure or use of privileged, proprietary or confidential information;
- Unauthorized absence from work;
- Abuse of paid or unpaid time off;
- Unexcused and/or repeated absenteeism or tardiness;
- Unauthorized use or destruction of Town property, equipment or supplies;
- Conviction of a criminal offense while employed by the Town;
- Performing services for others during working hours;
- Action or conduct affecting or impairing the efficiency of the Town service or that may bring the Town into disrepute;
- Violation of the Town's information technology policies
- Any other conduct that the Town deems is adverse to the best interests of the Town.

The forgoing list is non-exhaustive and is only intended to be representative of the types of conduct for which discipline up to and including dismissal may be imposed. This policy should be construed as a guide for employees and supervisory personnel to illustrate the Town's general philosophy on rules of conduct and discipline. It does not alter the employment at-will relationship between the Town and its employees.

8-2. Discipline Procedure.

The Town reserves the right to determine what form of discipline, if any, is appropriate for specific employee behaviors, given the particular facts and circumstances present in each instance, and what outcome would be in the best interests of the Town.

Whenever possible, if employee performance attitude, work habits or personal conduct falls below a desirable level, supervisors shall inform the employee of the problem and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initialing a disciplinary action. In some instances, a specific incident may justify severe disciplinary action up to and including dismissal; however, the action to be taken depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

- A. Written Warning. In situations where a verbal counseling has not resulted in expected improvements or where more severe initial action is warranted, a written warning shall be given to an employee, and a copy shall be placed in the employee's personnel file.
- B. Suspension. An employee may be suspended by the First Selectman subject to review by the Board of Selectmen with or without pay for such reasons as (without limitation): misconduct, negligence, inefficiency, insubordination, mishandling of confidential material, breach of the duty of loyalty, unauthorized absence or other reasons when alternate personnel actions are not appropriate. Within two (2) working days of the suspension decision, the First Selectman shall furnish to the employee a written statement of such action specifically setting for the reasons for the action.
- C. Demotion. An employee may be demoted to a position of a lower grade for which he/she is qualified as a form of discipline.
- D. Dismissal. An employee may be dismissed upon the recommendation of the First Selectman with the approval of the Board of Selectman. Immediately upon the dismissal decision, the First Selectman shall furnish to the employee a written statement of such action specifically setting forth the reasons for the action. It is the policy of the Town not to rehire former employees who have been dismissed, or who resigned while charges were pending.

8-3 Appeal Process.

- A. An employee aggrieved by any disciplinary action (other than a demotion, a suspension or more than ten (10) days or a dismissal) shall first notify his/her immediate supervisor, in writing, of the nature and facts of the grievance within three (3) working days of its occurrence. The immediate supervisor shall make and return his/her resolution of the grievance, in writing, within three (3) working days after such notification. If the supervisor's resolution of the matter is not satisfactory to the employee, he/she shall submit such grievance, in writing, to the

Department Head within three (3) working days. Within five (5) working days after the Department Head received such notice, he or shall return his/her resolution of the grievance.

- B. Grievances that cannot be settled at the department level shall be submitted within five (5) working days to the First Selectman, in writing, for review.
- C. Within three (3) working days of the date of receipt of the grievance, the First Selectman may call a meeting to review the nature and facts of the grievance or h/she may refer the grievance to the Board of Selectmen. When the First Selectman chooses to make a review of the matter, he/she may call the aggrieved employee, his/her representative, if any, the Department Head or any other person involved in the complaint to attend such meeting. Within five (5) working days following such meeting, the First Selectman shall render a decision, in writing, to all concerned or refer the matter to the Board of Selectmen. If the matter is referred to the Board of Selectmen, the Board shall begin its review of any question placed before it within fifteen (15) working days of date of receipt of the grievance and shall inform all concerned of its decision within fifteen (15) working days after the hearing.
- D. Appeals from suspension of more than ten (10) days or dismissal or demotion may be made by an employee by applying, in writing within five (5) working days to the Board of Selectmen. The Board of Selectmen shall hold a hearing within fifteen (15) working days or a mutually agreeable time after such request for appeal shall have been made by the employee. The employee, his/her representative, if any, and the Department Head will be present at the hearing. At the discretion of the employee, the hearing may be public or private. The Board of Selectmen shall make findings and recommendations in individual cases brought before it and shall inform all concerned of its decision within fifteen (15) working days after the hearing.
- E. Where there is a conflict between these procedures and an approved procedure established by applicable law or contract, that procedure shall be utilized by employees covered by such law or contract.

CHAPTER 9

Employee Conduct

9-1. General Policy.

A Town employee is prohibited from engaging in any conduct that could reflect unfavorably upon Town service. Town employees must avoid any action that might result in or create the impression of using public office for private gain or giving preferential treatment to any person.

9-2. Outside employment.

An employee may not engage in outside employment absent prior notification to his/her immediate supervisor and the First Selectman. No full-time employee may engage in other full-time employment outside the Town service, and no employee's outside employment shall be in conflict of interest with Town employment. Conflicts will be resolved at the sole discretion of the First Selectman.

Any employee who engages in employment outside of his/her regular working hours shall be subject to call perform his/her regular Town duties first.

The Town shall in no respect be liable in case of any injury to an employee while he/she is engaged in outside employment nor for any occupational illness attributed to that outside employment.

9-3. Political activity.

All employees of the Town shall be free and are encouraged to exercise their rights as citizens, to cast their votes and express their opinion on all political subjects. No employees of the Town shall solicit any person to vote at any political primary or election or challenge or in any manner attempt to influence any voter in a Town election while on duty.

9-4. Disclosure of interest.

- A. Any appointed Town officer or employee who has or may have a significant financial interest, direct or indirect, in any contract, transaction or decision or any agency, agent, officer, Board or commission of the Town shall immediately disclose the nature and extent of that interest, in writing, the Town Clerk, who shall record such disclosure upon an official record filed in the office of the Town Clerk. The Town Clerk shall then send a copy of such disclosure to the agency, agent, officer, board or commission of the town making such contract, transaction or decision.
- B. Any such officer or employee shall be disqualified from any discussion, action or vote on any such matter coming before an agency, agent, officer, board or commission. Such officer or employee of the Town shall not in any way condone, promote, encourage, influence or

otherwise attempt to affect action or matters which will or may result in a conflict of interest between his/her Town duties and responsibilities and his/her private affairs or which are incompatible with the proper discharge of his/her other official duties and, to that end, no appointed Town officer or employee shall grant any special consideration, treatment or advantage to any person or entity beyond that which is available to every other person or entity.

- C. No employee shall solicit any gift. No employee shall accept any gift having a substantial value from any person who, to his/her knowledge, has an interest, directly or indirectly, in any manner whatsoever in business dealings with the Town.
- D. Violation of the provisions of this section shall be grounds for the immediate dismissal of any such officer or employee. Any such violation shall render such contract, transaction or decision voidable by the agency, agent, officer board or commission or employee making such contract, transaction or decision.
- E. The Board of Selectmen shall establish procedures for disclosure of possible conflicts of interest and determination of the facts and record in any situation where there is possible conflict of interest, and such ordinance shall provide for appropriate action.

9-5. Confidentiality

During the course of employment with the Town, employees will have access to certain confidential information. Such confidential information may include information pertaining to the lives of Town residents and the business interests in the community, as well as personnel, fiscal and legal matters pertaining to Town employees or operations.

Violating confidentiality as it pertains to the Town's internal affairs or the affairs of its residents and the business community, either during the course of employment or thereafter, except as may be required in connection with job duties, is strictly prohibited. All employees must hold in confidence and not directly or indirectly disclose, make public, use, or make copies of any confidential information, except as may be expressly authorized by the Town or other applicable laws. Except as otherwise required by law, all records must be kept secured and confidential and not discussed with or released to anyone inside or outside the Town who does not have a business need to know such information. All employees must further agree to take all reasonable steps necessary to ensure that all confidential information will not become known to third parties, including other employees who do not need to know such information.

All records, files, documents, computer disks and other materials, or copies thereof, containing confidential information shall be and remain the sole property of the Town, shall not be removed from the Town's premises or otherwise used except for bona fide business purposes and shall be promptly returned to the Town upon request at any time during employment and immediately upon termination of employment with the Town, whether voluntary or involuntary. These non-

disclosure obligations shall remain in effect during the entire period of employment with the Town and at all times after termination of employment, whether voluntary or involuntary. The Town further requires all employees to comply with the Freedom of Information Act.

9-6. Employment of Relatives

The Town neither prohibits nor favors the employment of relatives of an employee. For purposes of this policy, a “relative” includes a parent, spouse, child, brother, sister, aunt, uncle, niece, nephew, grandparent and stepparent. In-law relationships to the same degrees and other persons living in a household are also included in this policy. Employment of relatives in the same work unit or department is permitted provided that neither relative occupies a position which directs or controls the work of the other; reports to the other; or has any review or sign-off relationship with the other. The conditions of this policy also apply if two employees are dating or become related through marriage after they are employed.

9-7. Information Technology Use.

A. Internet Access Guidelines

Employees may obtain access to the Town’s Internet services if there is a business need to do so. Employees granted access to the Internet are required to abide by the following guidelines:

- Internet access shall be used for business purposes only during working time. “Working time” for purposes of this provision and other provisions below is the time an employee is engaged or should be engaged in performing his/her duties for the Town. Limited personal use of Internet access during non-working time is permitted to the extent that such use does not interfere with the Town’s business operations or others who are working, does not cause the Town to incur any additional expenses, and does not otherwise violate any the Town policies or procedures or applicable laws. Excessive personal use of Internet access is strictly forbidden.
- The Town reserves the right to block access to certain Internet web sites and/or other addresses, which are not specifically related to business needs.
- All Town communications services and systems, hardware and software are the Town’s property; accordingly, the Town may review and monitor the use of the Town property as well as the data and/or communications sent, received and/or stored.
- Town employees are prohibited from using the Town’s Internet and/or network to access social media sites for personal use at any time due to the potential risks associated with malware, spyware, viruses, etc.
- Information Technology Department personnel are the only Town employees *authorized to download software from the Internet or via e-mail onto the Town’s network.* Any such

software or files become the property of the Town and may be used only in ways that are consistent with their licenses or copyrights. All downloaded software must be virus tested by the Information Technology Department personnel and have sufficient support documentation to assess the origin and integrity of the software.

B. Electronic Mail (E-mail) Guidelines

E-mail system users must utilize their best professional judgment in writing messages, in forwarding e-mail messages and attachments or reading e-mail that was inadvertently sent to their mailboxes.

The Town prohibits the use of e-mail for personal, non-work related messages or exchanges during working time. Limited personal use of e-mail during non-working time is permitted to the extent that such use does not interfere with the Town's business operations or others who are working, does not cause the Town to incur any additional expenses, and does not otherwise violate any the Town policies or procedures or applicable laws. Excessive personal use of e-mail is strictly forbidden. The Town further prohibits Town personnel from accessing their personal email (Yahoo mail, Gmail, etc.) through the Town's network due to the potential risks associated with malware, spyware, viruses, etc.. Town personnel are also prohibited from forwarding personal emails with or without attachments to their Town email address due to potential risks. Citizen and any non-public business-related information are not to be forwarded to personal email addresses.

The Town considers all data developed on its systems, including e-mail, to be the property of the Town and further considers any improper use of the e-mail system to be a misuse of the Town's resources. The Town reserves the right to access, view, review, audit, intercept, and block or monitor any messages sent or received over the Town's network at any time. The Town also reserves the right to block email messages forwarded or sent from Town email addresses to preserve the integrity of the Town's network and private and confidential data and resources.

The following e-mail guidelines must be adhered to:

- Employees must not communicate nonpublic, personal information regarding the Town's residents via e-mail. If it is necessary to communicate confidential information, this must be done using the Town's encrypted email service by an employee that has been given access to the service.
- Each employee using e-mail must identify himself or herself honestly, accurately and completely, including their job title.
- No confidential proprietary information can be communicated by e-mail, unless using the encrypted email service.

- E-mail received (*especially unsolicited e-mail*) shall be reviewed immediately and promptly addressed or disposed. All e-mail received with attached files must first be completely evaluated by a full virus test check before the files may be opened or used.
- E-mail may not be used during working time to solicit or proselytize for religious or political causes, outside organizations or other non-job related solicitations.
- E-mail must not be used to send or receive copyrighted materials, trade secrets, or proprietary information.

Authorized Information Technology Department personnel have access to all messages on the e-mail system. Designated authorized personnel have the authority to monitor and block both incoming and outgoing e-mail transmissions.

C. Consequences for Failure to Follow Guidelines On Internet Access and E-mail

Misuse of the Internet or e-mail will not be tolerated. Examples of misuse include:

- Sending messages that contain computer viruses
- Using data from any system, internal or external, when the employee does not have the authority to access
- Using another person's password
- Allowing another person to use your personal password
- Using intimidating, violent, profane, obscene, defamatory, discriminatory or similar inappropriate language in private or public messages, including sending threats and harassing (as defined in our anti-harassment policy) messages
- Entering another individual's e-mail or reading another person's e-mail without authorization
- Downloading or installing any non-Town owned software including screensavers
- Downloading or installing any software that allows "instant messaging" or access to personal e-mail accounts
- Breaking into, or attempting to break into, systems when the employee does not have authorization to access (known as hacking)
- Sending fictitious messages that could be mistaken for Town official statements or materials
- Sending or posting confidential Town information outside the Town or forwarding to unauthorized individuals or an employee's personal email account

- Using Town’s property and Internet access for personal gain, in non-job related activities or entertainment
- Sending illegal messages or materials
- Sending or receiving emails with attachments that may contain potentially damaging malware, etc. or that may utilize large amounts of the Town’s resources (bandwidth, storage, etc.)
- Refusing to cooperate with the Town when it is conducting an authorized, reasonable internal security investigation

This list is not meant to be complete but to serve as a guideline for employees.

By using the Town’s electronic information systems, employees agree to comply with this policy and other applicable Town policies, as well as state and federal laws and regulations. Penalties for infractions may include loss of system access, and disciplinary action up to and including the termination of employment. In addition, some activities may lead to risk of legal liability, both civil and criminal.

Public records retention and Freedom of Information requirements must be satisfied in the use of electronic communications systems in accordance with the Town’s policies and applicable law.

D. Electronic Monitoring

The Town gives notice to all of its employees and to anyone else who enters its premises or work locations of the potential use of electronic monitoring in the workplace. “Electronic monitoring” means the collection of information on the Town’s premises and in connection with the Town’s equipment about the activities or communications of employees and others by any means other than direct, personal observation. Electronic monitoring includes the use of a computer, telephone, wire, radio, camera, video-camera, tape or digital recording device or any other type of electromagnetic, global positioning system (“GPS”), photo-electronic or photo-optical system.

The Town reserves the right in its sole discretion to engage in electronic monitoring on its premises at any time for any lawful business purpose, including without limitation, to: (a) access business information; (b) provide a safe and secure work environment; (c) assist in the evaluation of employee work performance; (d) supervise employees to be sure that they are acting consistently with business objectives; (e) investigate suspected misconduct; (f) assess compliance with the Town policies and applicable law; and to (g) ensure that the Town’s operations continue appropriately. The Town will not engage in any electronic monitoring that is prohibited by any applicable state or federal law, including without limitation, by monitoring activities in areas provided for employee private, personal use (such as rest rooms/locker rooms) and/or by monitoring for the purpose of interfering with/restraining an employee’s rights to engage in protected concerted activities.

The following are examples of the specific types of electronic monitoring that the Town may use on its premises and at its work locations:

- Monitoring of e-mail and other components of the computer system
- Video surveillance
- Telephone and voice-mail monitoring
- Monitoring of electromagnetic card access system
- Monitoring using GPS tracking devices

An individual consents to being electronically monitored by the Town for any lawful business purpose by being employed by the Town, using the Town equipment or vehicles and/or by being on the Town's premises.

Any employee who is determined to have engaged in any conduct that is contrary to the Town's business as a result of information obtained through the Town's use of electronic monitoring shall be subject to disciplinary action, up to and including termination of employment. In addition, criminal penalties and fines may apply where the employee's conduct violates applicable state or federal laws.

E. Personal Electronic Devices

Employees are prohibited from attaching their personal devices to or charging them on the Town's computers. Employees are not to plug in any storage devices, USB drives, cell phones, cameras, DVD\CDs, media cards or any other personal storage device into the Town's network or Town owned hardware. All charging of these personal devices should always be done from a wall outlet.

An employee's use of any personal electronic devices (such as cell phones, tablets, laptops, MP3 players, smartwatches, smartglasses, etc.) is prohibited during working time. During non-working time, an employee's use of any personal electronic devices must not be disruptive to others (including co-workers, customers, etc.) or interfere with the work of the Town, and must not violate the Town's policies (including standards of conduct; confidentiality; acceptable IT use, etc.) or applicable law.

F. Recording Devices

To prevent harassment (as defined in our anti-harassment policy), maintain individual privacy, encourage open communication, avoid unnecessary distractions and protect confidential information of the Town from being improperly disclosed, employees are prohibited from taking, distributing or posting pictures, videos or audio recordings while on working time. Exceptions may be granted when participating in an authorized Town activity or with permission from the

First Selectman for business related purposes. For the same reasons as stated above, employees who seek to take, distribute or post pictures, videos or audio recordings of people while on the Town's premises (such as other employees, residents or others doing business with the Town) while on non-working time must notify and obtain permission from such other individuals first.

At no time may an employee take, distribute or post pictures, videos or audio recordings of any confidential information of the Town (as defined in the Town's confidentiality policy) or in violation of any other Town policy.

Employees also may not take pictures or make recordings of work areas at any time. An exception to the rule concerning pictures and recordings of work areas would be if the employee were engaging in any activity protected by the National Labor Relations Act including, for example, taking pictures of health, safety and/or working condition concerns, or of strike, protest and work-related issues and/or other protected concerted activities, as long as such pictures, videos or audio recordings do not disclose any confidential information of the Town (as defined in the Town's confidentiality policy).

G. Social Media

"Social Media" are various forms of discussion-and information-sharing tools, including social networks, blogs, video sharing, podcasts, wikis, message boards and online forums.

Technologies include picture and video sharing, wall postings, e-mail, instant messaging, and music sharing. Examples of Social Media applications include, but are not limited to, Google and Yahoo Groups; Wikipedia; Facebook; YouTube; Twitter; LinkedIn; and news media comment sharing/blogging. This policy covers all social media tools, both current and future.

Any employee who chooses to use social media needs to be aware of the following set of guidelines for appropriate online conduct to avoid having the Town take adverse action with respect to their employment.

- The personal use of social media is not allowed while employees are on working time regardless of the equipment used (e.g., either using personal or Town phones or computers). Employees may further not use Town equipment for personal reasons in accordance with applicable policies.
- Any conduct, which under the law or Town policy is impermissible if expressed in any other format (such as through a conversation, a memo or an e-mail), is impermissible if expressed through social media as well. Any harassing comments (as defined in our anti-harassment policy), obscenities or similar conduct that would violate the Town's policies is never allowed while using Town equipment or during an employee's working time.
- Employees who use social media shall not post any proprietary or confidential data, documents or photographs about the Town or its residents or vendors, or any information

which would violate any laws applicable to the Town, regardless of whether the posting is done during working or non-working time.

- Unless authorized in writing by a management representative (such as when an employee's job is to send public messages on behalf of the Town), employees do not have permission to speak on behalf of the Town via social media.
- While communicating through social media, if an employee posts any content that has something to do with the work they perform for the Town or subjects or individuals associated with the Town's business, employees must make clear that they are not speaking on behalf of the Town by accompanying their posts with a disclaimer such as: "The postings on this site are my own and do not necessarily represent the Town's positions or opinions."
- Supervisors should avoid sending or accepting "friend" requests from and to employees which could result in violations of any applicable Town policies, including without limitation policies pertaining to conflicts of interest and discrimination or harassment.
- Be thoughtful in all your communications and dealings with others, including in e-mail and social media. Never harass (as defined in our anti-harassment policy), threaten or defame fellow employees, residents or others doing business with the Town.
- Be aware that you are not anonymous when you make online comments. Information on your networking profile is published in a very public place. Even if you post anonymously or under a pseudonym, your identity can still be revealed.
- The Town may monitor content on the Internet and reserves the right to request that you remove posts that violate this policy.

When an employee's use of any social media violates the law or any Town policies (including policies pertaining to confidentiality, employee misconduct or job performance), appropriate discipline up to and including termination of employment will be imposed, regardless of when the information was posted or sent and regardless of the tools or site used to post or send such information.

Nothing in this policy (or any other Town policy) will be implemented or should be interpreted in any manner so as to prohibit or inhibit employees from engaging in any lawful activities through social media, including exercising any rights they may have to engage in protected concerted activity or political activities.

H. Computer Access and Passwords

Employees are prohibited from gaining access to another employee's computer or other electronic communications and must not use unauthorized codes passwords or other means to gain access to another employee's computer or other electronic communication systems, unless

expressly permitted to do so by authorized management personnel. Employees are prohibited from accessing a file or retrieving any stored information on the Town's e-mail, voice-mail, and computer system passwords unless permitted to do so by authorized management personnel. Employees should not create their own computer, voice-mail or other electronic communications system passwords unless permitted to do so by authorized management personnel. Employees must provide all personal passwords to the Town, so that the Town may effectively conduct business at all times.

9-8. Workplace Harassment and Discrimination.

The Town will not tolerate verbal or physical conduct by any employee that unlawfully discriminates against any co-workers, visitors, or others associated with the Town, on the basis of any legally protected status, or which unlawfully harasses, disrupts or interferes with another's work performance or creates an intimidating, offensive or hostile working environment.

Discrimination or harassment can take many forms. It may be, but is not limited to: words, conduct, adverse job action, signs, jokes, pranks, intimidation, physical contact, or violence. While all forms of discrimination and harassment based on an employee's legally protected status are prohibited, including but not limited to any adverse job action or intimidation based on race, age, religion, gender, national origin, disability status, marital status, veteran status, genetic information, gender identity/expression or sexual orientation, it is the Town's policy to emphasize that sexual harassment is illegal and prohibited by both state and federal law.

In order to maintain a work organization that is free from any form of sexual harassment, the Town puts all employees (including managers) on notice that sexual harassment is unacceptable conduct. Specifically, it is contrary to the Town's policies for any employee to sexually harass another employee by:

- a) Making unwelcome sexual conduct or requests for sexual favors a condition of an employees' continued employment; or
- b) Using an employee's submission or rejection of such conduct as the basis for making employment decisions (e.g., promotions, raises); or
- c) Creating a work environment in which conducts of a sexual nature substantially interferes with an individual's work performance or creates an atmosphere intimidation, hostile or offensive to employees.

Although not an inclusive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

1. Unwelcome sexual advances, propositions or flirtations;

2. Unwelcome attention of a sexual nature such as degrading comments, suggestive or lewd remarks, propositions, jokes, tricks or noises;
3. Unwanted hugs, touches, kisses or requests for sexual favors;
4. The threat or suggestion that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;
5. Retaliation for complaining about sexual harassment.

All employees are further advised that sexually explicit or sexually offensive material has no place within the Town's facilities. Such material may not be posted, displayed, or even possessed within the facility. Possession of such material, even if it is not posted or publicly displayed, will be considered a violation of Town policy and will subject the individual to disciplinary action.

Any employee who believes that the actions or words of a supervisor or fellow employee or any outside party in the workplace constitute unwelcome harassment or unlawful discrimination has a responsibility to report such conduct or immediately complain to his or her immediate supervisor should his/her direct requests that the conduct cease be ignored. If an employee is uncomfortable raising his or her complaint with someone to whom s/he reports, or if the complaint involves someone in his or her direct line of command, then that employee should bring a complaint to the Department Head, the First Selectman or any managerial representative of the Town.

Confidentiality at the time of reporting the incident will be preserved to the maximum extent possible. However, all allegations of unlawful harassment and discrimination must be investigated promptly. In this regard, the reporting employee, the alleged harasser or discriminator and any other employees aware of the incident are expected to treat this information in a confidential manner so as not to defame or invade the privacy of others.

The Town will take prompt action upon the receipt of a complaint of unlawful harassment or discrimination. Any employee determined to have committed unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Moreover, any individual who makes unwelcome advances, threatens or in any way discriminates or harasses another employee based on a legally protected status may be personally liable for monetary damages for such actions and their consequences.

The Town will not tolerate the taking of any reprisal against an employee who, in good faith, files harassment or discrimination or participates, in good faith, in the investigation of any such complaint. However, any employee who is determined to have made up false accusations of unlawful harassment or discrimination will also be subject to appropriate disciplinary action, up to and including termination.

9-9. Drug and Alcohol Free Workplace.

To promote safe and efficient operation of the workplace and to comply with applicable state and federal laws, it is the policy of the Town to maintain a work force that is free from the effects of illegal drugs and abuse of alcohol or prescription drugs. The health and safety of the Town's employees is of serious concern. Employees have the right to work in an alcohol and drug-free environment and to work with person's free from the effects of alcohol and drugs. Employees who abuse alcohol or drugs are a danger to themselves, to other employees and to the Town's business interests.

It is a standard of conduct for employees of the Town not use illegal drugs and to abuse alcohol or prescription drugs, either on or off the job. No employees may use, sell, manufacture, receive, distribute, dispense, possess or be under the influence of alcohol or any illegal drug, or abuse prescription or over the counter drugs, while on Town property, while operating Town or personal vehicles on Town business, or while off-premises where such behavior compromises the Town's business interests, or undermines the public confidence in or harms the reputation of the Town, or adversely effects the employees' job performance, job safety and/or ability to fulfill Town responsibilities.

It is against Town policy to report to work under the influence of alcohol or drugs. Being under the influence of alcohol, an illegal drug, or abuse of any prescribed or over the counter drugs on Town premises or while performing Town business, in Town supplied vehicles or during working hours in absolutely prohibited.

In compliance with applicable state and federal law and regulations, any employee who operates a commercial motor vehicle requiring a commercial driver's license (CDL) or is an applicant for a driver position will be subject to alcohol and drug testing as further described in a separate policy for all such affected individuals.

Employees must notify the First Selectman of any criminal drug/alcohol statute conviction no later than five (5) days after such conviction.

Failure or refusal of an employee or applicant to cooperate fully with any portion of this policy, or submit to any drug testing as may be lawfully requested or required, will be grounds for disciplinary action up to and including termination or denial of employment.

9-10. Smoking.

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking in Town Hall offices and other Town facilities is not allowed. Employees may be subject to disciplinary action for violating this policy.

9-11. Personal Appearance and Work Habits.

All employees are representatives of the Town and are expected to project a positive image of the Town to the public and to anyone associated with the Town. As such, employees are expected to wear appropriate business attire when at work, in accordance with the type of job they hold.

The wearing of revealing or sexually provocative clothing will not be permitted. Moreover, the following, without limitation, are examples of clothing which do not present a business like appearance for those who have contact with the public, and which, therefore, will not be permitted: tank-tops, T-shirts, shirts which expose the midriff, shorts/skirts which do not extend below the mid-thigh, off the shoulder dresses/shirts/ blouses/sweaters, sweats and exercise clothing, casual shoes and all types of dirty or ripped/ragged clothes. Adjustments to above-noted clothing may be made based on position and as approved by the immediate supervisor.

If an employee reports for work improperly dressed, his/her supervisor will instruct the employee to return home to change clothes or will take other appropriate corrective action. Non-exempt employees will not be compensated during such time they are away from work. Repeated violations of this policy will be cause for disciplinary action, up to and including dismissal.

Employees are also expected to maintain good work habits at all times. All work areas are to be kept neat and orderly at all times, to assure ease in retrieval of necessary information. Employees should also maintain professional posture at all times, and, for example, should not put their feet up on any furniture while at work. In addition, telephone courtesy at all times is essential. An employee answering the telephone should state the department's name and then his/her own name, and should be professional in dealing with the caller, and responsive to the caller's needs.

9-12. Personal Telephone Calls and Personal Mail.

The Town recognizes the need for occasional personal calls to be made or received during business hours for situations such as checking on family members' health or safety, childcare, eldercare, emergency transportation, etc. The Town expects employees to keep the number of personal phone calls to a minimum, to make and receive them during personal time (e.g., breaks or lunch), and to limit the duration of such phone calls. In addition, when a long distance phone call must be made, the call must be billed to the caller's personal phone number. Employees should not use the Town as a personal mailing address and personal mail should not be put through the Town's postage meter. Use of Town stationery for personal mail is prohibited.

9-13. Use of Cell Phones.

At all times during working time all personal cell phones must be either turned off or switched to vibrate. Absent an emergency situation, any employee who needs to make or receive a cell phone call, should do so only during break times and only in private locations.

Cell phones that are purchased through the Town of Somers are the property of Town of Somers. The primary use of the cell phone is for work-related business. Personal use of a Town-owned

cellular phone should be occasional. **NOTE:** Under no circumstances should the assigned cellular phone be used as a replacement for a personal cell phone or residential landline phone.

Cell phone (Town-owned or personal) use is prohibited while driving a Town-owned or personal vehicle. Should an employee need to make or receive a call (including text messaging) while driving, s/he should locate a lawfully designated area to park and make or receive the call or use a hands-free speaking device.

Individuals to whom cellular phones have been provided are responsible for the security and maintenance of the phones and must promptly report any damage, theft, or vandalism to their Department Head and/or the First Selectman.

9-14. Employee Safety.

The Town seeks to promote a safe and healthy physical environment for all employees. These guidelines are designed with employee safety in mind. In addition to complying with these guidelines and any directives from supervisors, each employee should insure that no action s/he takes endangers himself or herself or a fellow employee or results in the destruction of property.

Every employee needs to be aware of and adhere to the following safety precautions:

- Notify your supervisor of any emergency situation.
- If you are injured or become sick at work, no matter how slight, inform your supervisor immediately.
- If you have an accident at work, immediately report it to your supervisor, who will assist you in completing an incident report. This incident report must be submitted within 24 hours of any accident so that it can be filed with our Workers' Compensation carrier, if necessary.
- Learn how to lift properly. Bend your knees and keep your back erect. Get help when necessary.
- Keep work areas neat and arrange workstations so there are no hidden safety or health hazards.
- Keep passageways clear at all times.
- Report unsafe working conditions immediately to your supervisor.
- Report damages or broken machines and equipment to your supervisor.
- Know the locations, contents and use of first aid and firefighting equipment.

9-15. Workplace Violence Prevention.

The safety and security of its employees and residents is important to the Town. Acts of intimidation, threats, threatening behavior, or acts of violence against employees, visitors or others associated with the Town by anyone on Town property or otherwise in the course of their relationship with the Town will not be tolerated. Violations of this policy will lead to appropriate action that may include discipline up to dismissal, arrest and prosecution.

The Town has a ZERO TOLERANCE policy against any form of intimidation, threats or violence in the workplace. Any form of intimidation, threat or violent act is STRICTLY PROHIBITED. Violations of this policy include but are not limited to: participating in, provoking or otherwise contributing to any threat or violent act in the workplace; abuse, assault,

battery, verbal or written threats, intimidation, and harassment; and possession of any firearm(s) or any other type of weapon on any Town property or work location(s) (unless authorized to carry weapons by the Town or State).

Because it is often difficult to distinguish between a real threat and one made in jest, all threats will be treated as real and therefore even threats of violence spoken only in a joking manner are strictly prohibited by this policy. Any employee who makes a threat, whether express or implicit, exhibits threatening behavior, or engages in any violent act or other violation of this policy on Town property or otherwise in the course of their employment with us, shall be removed from the premises as quickly as safety permits, and shall remain off Town property pending the outcome of an investigation. Depending on the circumstances involved, the Town's response may include, but is not limited to, reassignment of job duties, discipline up to and including suspension and termination of employment, and/or criminal prosecution of the person(s) involved.

All Town personnel are responsible for notifying their supervisors and the First Selectman of any violation of this policy, including but not limited to, any threats they have witnessed, received, or have been told that another person witnessed or received. All reports will be investigated fully and promptly. Any intentionally false or misleading report will be grounds for disciplinary action.

The Town's premises are restricted to individuals with a legitimate business purpose. Any employee who observes any individual (including current or former employees) loitering, or present on the premises without an apparent business need to be there or otherwise interfering with operations should report the circumstances immediately to their supervisor and the First Selectman

9-16. Unauthorized Use of Town Property.

Unauthorized employee use of any Town equipment and supplies for non-work related purposes is strictly prohibited. Examples of equipment and supplies that employees may not use without authorization include the following: computers/printers, copiers, telephones, fax machines, postage meter, and work supplies (pens, papers, tape, etc.). Employees may further not use their own or other Town offices or workspaces as a place to live, sleep or engage in any outside business activities. Unauthorized use or negligence in the care and use of Town property shall subject an employee to disciplinary action, up to and including termination.

9-17. Return of Town Property.

All records, files, documents, equipment and other materials, or copies thereof, relating to the Town's business, shall be and remain the sole property of the Town. These materials shall not be removed from the Town's premises except when required in connection with the performance of an employee's duties for the Town, and shall be promptly returned to the Town and not retained by any employee upon request at any time and upon termination of employment with the Town. Employees must return all Town property in their possession by their last day of employment.

Chapter 10

Retirement and Other Fringe Benefits

10-1 Insurance Benefits.

The Town offers full-time employees medical, dental, life and disability insurance benefits. The conditions of enrollment and specific benefit plan terms are set forth in specific plan documents that are available upon request in the Office of the First Selectman. The Town reserves the right to change any of its insurance benefits as well as the conditions for participation in such benefits plans in the sole discretion of the Board of Selectmen.

10-2 Pension Plan Benefit.

The Town has established a pension plan benefit applicable to full-time employees. The conditions of participation and specific plan terms are set forth in a plan document which is available upon request in the Office of the First Selectman. The Town reserves the right to change its pension plan benefit as well as the conditions for participation in such benefit plan in the sole discretion of the Board of Selectman.

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

I acknowledge that I have received and reviewed a copy of the Town of Somers' Employee Handbook, as amended effective January 1, 2017. I understand that is my obligation to familiarize myself with and abide and comply with all of the policies and procedures set forth therein. I further understand that the Town has the right to change, delete, add to, suspend, or discontinue any of its policies and procedures at any time without prior notice, and that if the Town so exercises this right and I remain employed thereafter, I will abide by, and comply with, all of the Town's policies and procedures which are then in effect.

Employee Name: _____
(please print)

Signature _____ Date: _____

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