



TOWN OF SOMERS

EMPLOYEE HANDBOOK

January 1, 2017
Amended September 17, 2020 Section 6-4
Amended June 23, 2022 Sections 7.4.J and 7.5.E
Amended June 1, 2023
Amended and Adopted on September 7, 2023

Office of The First Selectman

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CHAPTER 1

INTRODUCTION

1.1. Purpose of Handbook

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. 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, unless specified in the policy, except the following:

- Members of boards and commissions;
- The Town Attorney and other officers appointed by the Board of Selectmen;
- Employees of the Board of Education;
- The Director of Health;
- Persons employed in a professional capacity to make or conduct a temporary or special inquiry, study or investigation;
- Volunteer personnel;
- 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);
- 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 3, herein, or as otherwise required by the Town.

1.5. Application of Handbook

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 termination. 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.

Employee Applicability

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.

1.6. Employee-At-Will

Employment with the Town is voluntarily entered into, and the employee is free to resign at-will, with or without cause, with or without reason, and with or without notice at any time. Similarly, the Town may terminate the employment relationship at-will, with or without cause, with or without reason, and with or without notice at any time, so long as there is no violation of applicable federal, state law or collective bargaining agreement.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Town and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at the Town's sole and absolute discretion. No oral or written representation made to the contrary is either authorized or enforceable.

Nothing in the Town of Somers employee handbook prohibits activity permitted by applicable law, including reporting discriminatory, violent, or other illegal conduct, or for engaging in protected or concerted activity.

CHAPTER 2 EMPLOYMENT

2.1. Equal Employment

The Town is an equal opportunity employer, dedicated to a policy of nondiscrimination in employment on any basis prohibited by law. The Town prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard race, color, religion, gender, national origin/ancestry, age, disability status, marital status, pregnancy, military/veteran status, sexual orientation, genetic information, gender identity/expression, hair texture/protective hairstyles, status as a domestic violence victim, erased criminal history record information or any other characteristic protected by applicable local, state or federal law. Equal employment opportunity and anti-discrimination applies to all aspects of the relationship between the Town and its employees, including but not limited to recruiting, employment, training, transfers, demotion, and promotions, working conditions, wages and salary administration, employee benefits, and application of policies.

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. Workplace Accommodations

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 and employee or applicant shall engage in an interactive process to discuss what reasonable accommodation(s) are available and appropriate in order to perform the essential functions of the 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.

The Town will make all decisions concerning recruitment, placement, selection, training, hiring, demotion, advancement, termination or other terms, conditions, or privileges of employment based on job-related qualifications and abilities.

Religious Beliefs or Practices

The Town complies fully with its duty to provide a reasonable accommodation of an employee's sincerely held religious beliefs, unless the Town believes such an accommodation would create an undue hardship such as substantial increased costs to the Town. Accommodation requests may involve requests for a certain work schedule or a particular day off for religious observance, or to dress or attire oneself in a way that varies from any dress code adopted by the Town.

Reasonable Accommodation(s) for Conditions Related to Pregnancy

It is the Town's intention to provide reasonable accommodations to pregnant workers and pregnant job applicants. Reasonable accommodations or adjustments to the job application process or work environment, or to the manner or circumstances under which the position desired or held is customarily performed, may be granted to help enable an applicant or employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. The Town will provide a requested reasonable accommodation to pregnant workers and pregnant job applicants, unless doing so would cause an undue hardship on the ordinary operation of the Town.

Approval or Denial of Request for Reasonable Accommodations

Each request for reasonable accommodation must be considered on its own merits in light of the particular job and the specific accommodation requested. When the Town makes accommodations to the needs of a particular employee, the Town does not make any commitment that these special arrangements are permanent or that they will be extended to any other employee. Rather, the Town must retain its flexibility to reorganize work and redefine job requirements in light of its overall mission to serve the citizens of the Town.

Request for Medical Information

Employees may be required to sign releases or disclosures that will allow medical providers to communicate with the Town regarding a medical condition for which an employee is seeking reasonable accommodation. The Town will decide whether any accommodation can be reasonably offered after obtaining relevant information from the employee, the supervisor, and medical providers or clergy. Personal information submitted will be kept confidential as required by law.

Safety Standards

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace such that the threat cannot be eliminated by reasonable accommodation will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in

the workplace will be placed on appropriate leave, paid or unpaid depending on the circumstances, until an organizational decision has been made in regard to the employee's immediate employment situation.

The First Selectman and/or designee is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

No Retaliation

The Town will not retaliate against any applicant, intern or employee because of a request for reasonable accommodation. If an applicant, intern or employee believes that he or she has been discriminated or retaliated against because of his or her disability and/or has been unlawfully denied or retaliated against for requesting a reasonable accommodation, he or she should follow the reporting procedures outlined in the Town policy against workplace harassment and the Town will respond accordingly.

2.3. Harassment-Free Workplace

The Town is committed to maintaining a work environment that is free of discrimination, harassment and retaliation. In keeping with this commitment, The Town will not tolerate harassment of its employees by anyone, including any supervisor, co-worker, elected or appointed official or any third-party. All employees are expected to avoid any behavior or conduct which could reasonably be interpreted as harassment. All employees are expected to make it known promptly, through the avenues identified below, when they experience or witness offensive or unwelcome conduct.

The Town prohibits discrimination, harassment and retaliation 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.

Harassment is a form of discrimination and is prohibited. The Town seeks to provide a work environment in which all individuals are treated with respect and dignity and which is free from sexual harassment as well as other types of harassment described here.

All employees of the Town are responsible for conducting themselves in accordance with this policy. The Town will not condone harassment, whether engaged in by employees, supervisors, management, officers or Town or by those who do business with the Town such as, but not limited to, vendors, contractors, guests, visitors and other third parties. Violation of this policy shall be considered grounds for disciplinary action, up to and including termination.

Harassment Relating to a Protected Status

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's actual or perceived protected status, such as race, color, religion, gender, national origin/ancestry, age, disability status, marital status, pregnancy, military/veteran status, sexual orientation, genetic information, gender identity/expression, hair texture/protective hairstyles, status as a domestic violence victim, erased criminal history record information or any other characteristic protected by applicable local, state

or federal law. The Town will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. The conduct forbidden by this policy specifically includes, but is not limited to:

- Slurs, negative stereotyping, demeaning or degrading comments, nicknames or intimidating acts that are based on a person's protected status;
- Written or graphic material that is circulated, available on the Towns' computer system or technology resources, or posted or distributed in the workplace that shows hostility toward a person or persons because of their protected status.

Sexual Harassment

Sexual harassment is conduct based on sex, whether directed towards a person of the, opposite or same-sex. Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature become sexual harassment when (1) submission to such conduct is made either explicitly or implicitly as a term or condition of a person's employment; (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such person; or (3) such conduct has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile or offensive work environment.

This policy forbids harassment based on sex, regardless of whether it rises to the level of legal violation. The Town considers the following conduct to represent some of the types of acts that violate this policy.

- either explicitly or implicitly conditioning or providing preferential treatment in any term of employment (such as continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- physical contact of a sexual nature, such as patting, pinching or brushing against any part of another's body, or physical assaults of a sexual nature;
- sexual propositions, sexual innuendo, suggestive comments;
- continuing to ask an employee to socialize on or off-duty when the employee has indicated that she or he is not interested;
- displaying or transmitting demeaning, obscene or sexually suggestive pictures, objects, cartoons, or posters anywhere in the workplace;
- sexually oriented kidding, teasing, practical jokes, or threats;
- referring to or calling a person a sexualized name;
- telling sexual jokes or using sexually vulgar or explicit language;
- making derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of an employee's sex or sexual orientation; or
- off-duty conduct that falls within the above definition and affects the work environment.

Everyone is required to avoid behavior or conduct that could reasonably be interpreted as prohibited harassment under this policy. Employees are encouraged to inform others in the workplace when their behavior is unwelcome, offensive, inappropriate, or in poor taste. Employees are expected to come forward promptly and report any violations pursuant to this policy before the alleged offending behavior becomes severe or pervasive.

Retaliation

The Town will not retaliate or allow retaliation against an individual who has made a good-faith complaint of harassment; or has assisted or cooperated in an investigation of a complaint by someone else, whether internally or with an external agency; or has filed a charge of discrimination or harassment; or has otherwise provided information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws.

Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. Anyone who is found by the Town to have engaged in retaliation may be subject to discipline, up to and including termination of employment.

Procedure for Reporting & Investigation of Harassment, Discrimination & Retaliation

Reporting

All employees are responsible for helping to ensure that forms of harassment are avoided. 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 immediately to his or her immediate supervisor. If an employee is uncomfortable raising his or her complaint with someone to whom he/she 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.

No Exception to Reporting

Please note that there are no exceptions to reporting. There is no friendship exception. Even if the alleged victim or perpetrator of the conduct is a friend, acquaintance, family member, relative or coworker, each and every employee is required to report the incident or complaint, as the case may be.

An applicant, intern or employee also has the right to file a complaint for any claimed acts of discrimination, harassment or retaliation with the applicable state or federal agency within the applicable limitations' periods established by law (i.e., within 300 days of the alleged incident). For more information, individuals may contact the Connecticut Commission on Human Rights & Opportunities ("CHRO") (www.ctgov/chro) or the Equal Employment Opportunity Commission ("EEOC") (www.eeoc.gov). Employees may

further access the following link to obtain information concerning the unlawfulness of sexual harassment and the remedies available to victims of sexual harassment: (<https://portal.ct.gov/-/media/CHRO/Sexual-Harassment-Prevention-Training/Sexual-Harassment-Written-Materials-English.pdf>).

Confidentiality

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, to the fullest extent possible,

Investigation

Any conduct inconsistent with this policy will be investigated promptly. The Town is committed to investigating and taking prompt and appropriate action with respect to all such claims and strongly urges internal utilization of this policy. 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.

Consequences

All reports of violations of this policy shall be made in good faith. Therefore, all reports will be taken seriously and they will be promptly investigated. Employees are required to cooperate with investigations conducted by the Town.

Employees who engage in conduct that is found, by the Town, to be inconsistent with this policy are subject to disciplinary action, up to and including termination. Failure to cooperate in an investigation also will be subject to the same disciplinary action. The Town may discipline an employee for any inappropriate conduct discovered in investigation reports made under this policy. Moreover, any individual who makes an unwelcome advance, threatens or in any way discriminates or harasses an employee or other person associated with the Town based on a legally protected status may be personally liable for monetary damages and/or criminal prosecution for such actions, and may further be subject to other actions as the Town may determine to be necessary to address the matter.

It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy are not furthered where a complaint is found to be false and frivolous and made to accomplish some other end than stopping harassment. A complaint that is determined to be false and frivolous can result in a severe level of discipline or discharge. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven.

2.4. Whistleblower Protection

An employer may not retaliate against, discharge, discipline or otherwise penalize an employee because he/she reports a violation or suspected violation of any federal, state or municipal law or regulation or ordinance.

CHAPTER 3

CONFLICTS OF INTEREST & CONDUCT

3.1. Conflicts of Interest

A public official, including an elected state official, or state employee has an interest which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed in the laws of this state, if he has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. A public official, including an elected state official, or state employee does not have an interest which is in substantial conflict with the proper discharge of his duties in the public interest and of his responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group. A public official, including an elected state official or state employee who has a substantial conflict may not take official action on the matter.

3.2. 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. While Town employees may encourage community members to participate in voting, 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.

3.3. Disclosure of Interest

1. 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.
2. 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.

3. 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.
4. Violation of the provisions of this section shall be grounds for the immediate termination 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.
5. 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.

3.4. 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 separation 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.

3.5 Employee Conduct

The maintenance of extremely high standards of honesty, integrity, performance and conduct is essential to the proper performance of our business, the satisfaction of our residents and the maintenance of our residents' trust. The Town expects its employees to have careful regard for our standards and avoid even the appearance of dishonesty or misconduct. Our employees are expected to conduct themselves at all times in a professional and courteous manner, to exercise good judgment in the discharge of their responsibilities, and to conduct themselves in a manner that can be supported by management.

Workplace Investigations

The Town is committed to ensuring that all internal investigations are conducted in a fair and impartial manner and in compliance with all applicable state and federal laws.

Process

The First Selectman and/or designee will promptly initiate an appropriate investigation upon receiving a written or verbal statement of misconduct or harassment and will conclude the investigation in a timely fashion. A reasonable effort will be made to ensure that the entire investigation process and those involved will remain confidential. The complainant or whistleblower and all witnesses will be informed that if the investigation leads to legal action, there is a potential that information provided during the investigation process may be disclosed.

Investigation Steps

The following steps shall normally be undertaken for a workplace conduct investigation:

1. An internal investigation will commence upon the receipt of verbal or written complaint.
2. The complainant or whistleblower will be interviewed confidentially; a written statement shall be signed by complainant or whistleblower.
3. All witnesses will be interviewed confidentially.
4. The accused employee will be questioned based upon written statements of the complainant or whistleblower and witnesses.
5. The accused employee may present additional witnesses to be interviewed during the investigation process.
6. If there is a potential of risk to employees, visitors or property determined during the investigation process, all appropriate measures to protect employees, visitors and property shall be taken.
7. Upon completion of investigation, the First Selectman and/or designee will draft a confidential Investigation Summary Report.
8. The complainant or whistleblower will be informed of the results of the investigation.

Maintenance of Investigation Records

All investigative records will be maintained in a separate confidential file.

Reasons for Disciplinary Action

All employees are expected to comply with the Town's standard of behavior and performance. Disciplinary action, up to and including termination, may be imposed upon an employee for conduct and/or actions that interfere with or prevent the Town from providing services effectively and efficiently.

The following is illustrative in nature and is a PARTIAL list and is not all inclusive of conduct or behaviors which may result in disciplinary action, up to and including termination.

- Engaging in activities prohibited by or in violation of the law, Town Charter, Town ordinance and/or Town policies and procedures;
- Providing false or misleading information on employment application, resume, timecards or other Town records or documents or resident records or documents or falsifying any benefit data or accepting unauthorized benefit moneys.
- Substandard or unsatisfactory job performance;
- Incompetence, inefficiency or negligence in the performance of duties;
- Engaging in theft, fraud, embezzlement or other actions of dishonesty, unethical or illegal conduct.
- 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 lawful instructions;
- Sleeping (unless required for fire department employees) or otherwise wasting time or loafing during work hours;
- Harassing, threatening, intimidating, coercing or physical or verbal abuse of an employee or visitor for any reason, including sexual harassment.
- Harassing, threatening or intimidating or coercing an employee, resident, visitor, or others associated with the Town, for any reason 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;
- Reporting to work unfit or under the influence of drugs and/or alcohol, or the possession, use of drugs or alcohol on Town premises or while on Town business.

- Unauthorized disclosure or use of privileged, proprietary or confidential information;
- Unauthorized absence from work and/or excessive absenteeism and/or tardiness
- Abuse of paid or unpaid time off;
- Unauthorized use or destruction of Town material, time, property, or equipment or removing documents, materials, supplies, or equipment from the premises of the Town without proper authorization;
- Being convicted of a crime, pleading guilty or no-contest/nolo contendere to a criminal charge; receiving probation before judgment in a criminal matter, or being found criminally responsible in connection with criminal charges brought against an employee.
- 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 termination 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.

Discipline

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.

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 termination to the Board of Selectmen.

Supervisor Responsibilities

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 termination; however, the action to be taken depends on the seriousness of the incident and the pattern of the employee's past performance and conduct.

Types of Discipline

The type of disciplinary action taken will vary with the severity of the situation and may include the following: (1) Oral Reprimand; (2) Written Warning; (3) Demotion; (4) Suspension with or without pay; (5) Denial of pay increase or other compensation or benefits; and/or (6) Termination. The Town reserves the right to determine the appropriate disciplinary action based on individual circumstances.

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.

Demotion

An employee may be demoted to a position of a lower grade, to include a decrease in pay, for which he/she is qualified as a form of discipline.

Suspension

An employee may be suspended by the Department Head temporarily in an emergency situation or 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 and the reason(s) for the action. The First Selectman shall notify the Board of Selectmen of any employee suspension within five (5) working days.

Termination

An employee may be terminated upon the recommendation of the First Selectman with the approval of the Board of Selectman. Immediately upon the termination 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 terminated, or who resigned while charges were pending.

Appeal Process

1. An employee aggrieved by any disciplinary action (other than a demotion, a suspension or more than ten (10) days or a termination) 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.

2. 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. The First Selectman shall notify the Board of Selectmen of any employee suspensions within seven (7) days.
3. 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.
4. Appeals from suspension of more than ten (10) days or termination 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.
5. 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 4

EMPLOYMENT RELATIONSHIP

4.1. First Selectman Responsibilities

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 (such as Department Heads). The First Selectman, under the supervision of the Board of Selectmen, shall have the authority to impose discipline on Town employees, up to and including termination.

4.2. Department Head Responsibilities

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.

4.3. Applicant Recruitment

Individuals shall be recruited from a geographic area as wide as is necessary obtaining well-qualified candidates for the various types of positions.

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.

Applications

Employment applications shall be accepted at any time. Each candidate for municipal employment shall make an 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.

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 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.

Competitive Examinations

The Director and/or 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 Director and/or the First Selectman, enter into the relative fitness of applicants.

4.4. Employee Selection

Background Checks & References

The Town conducts background checks on all final candidates, after a conditional offer of employment has been made. The type of information that can be collected may include, but is not limited to, a criminal background check, education, employment history, credit and professional and personal references. The Town reserves the right to make the sole determination concerning information or any employment decision arising out of the background and/or reference check. As part of the checking references 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 on an applicant shall be completed prior to a conditional offer of employment.

Pre-employment Physicals & Substance Abuse Testing

In the event an applicant receives a job offer, she/he may also be subject to a medical examination and/or drug and/or alcohol testing that must be successfully completed before commencing work.

4.5. Employee Appointment & Probationary Period

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.

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).

Temporary Appointment: A temporary appointment indicates that the employee is to work for the Town for a period of typically three (3) months or less. If an employee serves more than three (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.

Employment Eligibility Verification

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within three (3) days of hire. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three (3) years, or if their previous I-9 is no longer retained or valid.

Inaccurate Pre-employment Information

Providing false, incomplete, or misleading information on the employment application or other materials submitted in connection with an application or in response to any part of the recruitment process, no matter when discovered, may result in a non-hire decision, rescission of an offer of employment, or termination of an employee.

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.

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 six (6) months, without extended leave. If an employee is promoted or transferred to a new position, the probationary period shall be three (3) months. 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 (1) year.

4.6. Employee Classifications

In order to determine eligibility for benefits, overtime status and to ensure compliance with federal and state laws and regulations, employees are classified as shown below. These may be reviewed or changed at any time.

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. Except in emergency conditions as determined by the First Selectman and/or the Department Head, all overtime must be authorized and approved by the First Selectman and/or the Department Head in advance. Failure to obtain advance approval prior to working overtime will result in disciplinary action.

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.

Full-Time, Part-Time & Temporary

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 thirty-five (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 thirty-five (35) hours per week. Any part-time employee whose hours temporarily increase above thirty-five (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/Seasonal: 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.

4.7. Employment of Relatives & Personal Relationships

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 (2) employees are dating or become related through marriage after they are employed.

Personal Relationship between Supervisor & Subordinate

The Town strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business and enhancing productivity. Although this policy does not prevent the development of friendships or personal relationships between co-workers, it does establish restrictions for direct supervisor/subordinate relationships.

A supervisor who has authority over an employee’s terms and conditions of employment, may not have a personal relationship with a subordinate because of the supervisor’s ability to affect the terms and conditions of employment of that individual.

A “personal relationship” is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

If a Relationship Occurs

If a relationship occurs or a potential risk is identified, it will be reported to the First Selectman and/or his designee, who will work with the parties involved, to consider options for resolving the problem. The initial solution may be to ensure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer to other positions or departments.

If one or both parties refuse to accept a reasonable solution or an offer of alternative position, if available, such refusal will be deemed a voluntary resignation.

Failure to Cooperate

Failure to cooperate with the Town to resolve a conflict or problem caused by a personal relationship between a supervisor and a subordinate may be deemed insubordination and cause for immediate termination. The Towns’ disciplinary policy will be followed to ensure fairness and consistency before any such extreme measures are undertaken.

The provisions of this policy apply regardless of the sexual orientation of the parties involved.

4.8. Hours of Work & Workweek

Normal Work Hours

Town Hall & Library

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.

Normal Workweek

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

Town Hall & Library

A total of at least thirty-five (35) hours as scheduled and determined by the Board of Selectmen.

Public Works

A total of at least forty (40) hours as scheduled and determined by the Board of Selectmen.

Fire Department

As negotiated by union contract.

Police Department

A total of at least forty (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.

4.9. Pay

Employee Payday

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.

Changes in W-4, Direct Deposit & Deductions

Employees must complete the proper forms to update W-4 information, set up direct deposit, or change any voluntary deductions to their pay. To ensure that the W-2 is accurate and received on time, please report any name or address changes within thirty (30) days of the change.

Callback

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 for all hours worked at the rates set forth above or two (2) hours pay at his/her regular rate, whichever is the greater.

Meals & Breaks

All non-exempt Town employees who work at least 7.5 hours in any given day (except fire department employees) shall have an unpaid meal break at a time to be determined by the Town, which break shall generally be at least thirty (30) minutes per day unless otherwise determined.

Overtime

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.

Positions Exempt from Overtime

Certain executive, professional and administrative personnel are considered exempt under applicable wage and hour laws, and 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.

Overtime Compensation

Hours worked 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/she will be paid his/her regular rate for all hours worked up to forty (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.

Overtime Authorization - Except in emergency conditions as determined by the First Selectman and/or the Department Head, all overtime must be authorized and approved by the First Selectman and/or the Department Head in advance. Failure to gain approval prior to working overtime will result in disciplinary action.

Payroll Deductions

It is the policy of the Town not to take improper pay deductions from the salary of an exempt employee that would be in violation of the Fair Labor Standards Act (FLSA) as amended, its regulations, or relevant state law or local ordinance. In accordance with state and federal law, automatic payroll deductions will be made for federal and state income tax purposes, insurance deductions, pension contributions, approved unions dues or make good provisions of collective bargaining agreements, social security tax, and any other item ordered by a court or applicable law. Voluntary deductions may be made for approved elective programs.

Payroll Errors

It is an employee’s responsibility to review his/her paycheck to ensure that pay is calculated correctly. If an error is noted, the employee should contact his/her immediate supervisor, who will contact Payroll for necessary corrections.

Reporting Time

Non-Exempt Employees

All non-exempt employees will be required to submit their timesheets (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.

Exempt Employees

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).

4.10. Demotions, Promotions & Transfers

Demotion

An employee may be demoted to a position of a lower grade, for which he/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).

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).

4.11. 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 (1) business day after the date of imposing such action.

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.

4.12. Separation of Employment

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

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.

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.

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.

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.

Eligible for Recall

An employee on layoff status is eligible for recall to their former position, or a position of like status, if one becomes available. The employee must notify the Department Director of his/her intention to return to work within seven (7) calendar days after receiving Notice of Recall. Should an employee not return to work when recalled, the Town shall have no further obligation to recall him. The Town will try, in so far as it deems possible and appropriate, to give preference to employees laid off due to a reduction in force in filling positions which subsequently open and for which the employee is qualified.

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.

Retirement

Retirement is the separation of an employee in accordance with the provisions of the own retirement system under which the employee is eligible to receive benefits.

Termination

Termination is an involuntary separation of an employee for any lawful reason. An employee may be terminated upon the recommendation of a Department Head or upon the initiative of the First Selectman with the approval of the Board of Selectmen.

CHAPTER 5

WORKPLACE GUIDELINES

5.1. Appearance & Work Habits

Personal Appearance

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 termination.

Work Habits

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.

5.2. Attendance, Punctuality & Dependability

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

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.

Unscheduled Time Off

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 (1) 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 (3) consecutive days, he/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.

5.3. 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 and/or the Department Head prior to posting.

The Town also encourages all employees to bring forward, to their supervisor, any 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.

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:

1. First talk to their immediate supervisor within five (5) business days of the event. The supervisor is most familiar with the job, and is, therefore, in the best position to assist.
2. If the supervisor cannot help resolve the matter, speak to the First Selectman who will address the problem or complaint and render a written decision typically within five (5) business days of receipt.

3. In the event the employee is not satisfied with the First Selectman's response, the employee may follow the appeal process.

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.

5.4. Information Technology Use

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 websites 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 or their designees 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.

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, nonwork-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 of 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.
- 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
- 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.

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 on a network machine.
- 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.

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 restrooms/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.

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, smart glasses, etc.) for nonwork-related tasks 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.

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 or the Department Head 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 when participating in an authorized Town activity or with permission from the First Selectman or the Department Head or if the employee were engaging in any protected activity (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)).

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 for non-business related purposes 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."
- 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.

Computer Access and Passwords

Employees are prohibited from gaining access to another employee's profile 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, voicemail, and computer system passwords unless permitted to do so by authorized management personnel. Employees shall create their own computer, voicemail or other electronic communications system passwords.

5.5. Outside Employment

A full-time employee may not engage in outside employment absent prior notification to his/her immediate supervisor who will notify the First Selectman. No full-time employee may engage in other employment outside the Town service which would cause them to have a conflict of interest with Town employment or interfere with their ability to perform their expected duties for the Town and any such employment must be approved by the First Selectman. Conflicts will be resolved at the sole discretion of the First Selectman.

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.

5.6. 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 call. 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.

5.7. 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 machines, construction equipment, vehicles,

computers/printers, copiers, telephones, fax machines, postage meter, and work supplies (pens, papers, tape, etc.). 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. Employees may also 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.

Return of Town Property

Employees must return all Town property in their possession whenever requested to do so, and in any event, on or before their last day of employment.

CHAPTER 6

WORKPLACE SAFETY & HEALTH

6.1. Commitment to 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 ensure 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 the supervisor of any emergency situation.
- If injured or an employee becomes sick at work, no matter how slight, inform the supervisor immediately.
- If an employee has an accident at work, immediately report it to the supervisor, who will assist in completing an incident report. This incident report must be submitted within 24 hours of any accident so that it can be filed with the Workers' Compensation carrier, if necessary.
- Learn how to lift properly. Knees should be bent and 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 the supervisor.
- Report damages or broken machines and equipment to the supervisor.
- Know the locations, contents and use of first aid and firefighting equipment.

6.2. Alcohol & Drug Free Workplace

The Town believes that it is the responsibility of management to provide a safe work environment for all employees and others in our workplace which is free from the effects of substance abuse or abusers. Similarly, it is the responsibility of employees to maintain their personal health so that they are physically and mentally capable of performing in the workplace. The abuse of drugs or alcohol is an unsafe and counterproductive practice and will not be tolerated.

No employees or others associated with the Town (e.g., members of the Board of Selectmen, Commission members and other elected officials) may use, consume, sell, manufacture, receive, distribute, dispense, possess or be under the influence of alcohol, recreational marijuana or any illegal drug, or abuse prescription or over-the-counter drugs, at the time they report to work for the Town; during work hours at any location when performing/expected to be performing their duties; and/or at any time while at The Town's workplace (which includes any building, property, parking area or vehicles under the control of the Town or any area used while performing duties for the Town), while

representing the Town and/or performing The Town's business. No employees or others associated with the Town (e.g., members of the Board of Selectmen, Commission members and other elected officials) may use, consume, sell, manufacture, receive, distribute, dispense, possess or be under the influence of alcohol, recreational marijuana or any illegal drug, or abuse prescription or over-the-counter drugs, while outside the workplace and/or off-duty where such behavior adversely effects the Town's business interests, or undermines the public confidence in or harms the reputation of the Town, or impacts work performance, the ability to fulfill Town responsibilities and/or anyone's safety on the job.

The appropriate, legal use of over-the-counter or prescribed drugs (except medical marijuana) is permitted at the workplace or during work hours if such use does not impair an individual's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger or pose risk of injury to the individual, others in the workplace and/or the general public. Individuals must keep all prescribed medicine in the original container, which identifies the drug, date of prescription, dosage and prescribing physician. Employees taking prescription drugs and over-the-counter medications that may impair work performance must report such use to their Supervisors prior to starting work. The Supervisor shall be required to notify Human Resources of any such circumstance and such information shall be shared only on a need-to-know basis to protect employee safety and safety to others. The employee's schedule or duties may be adjusted to accommodate this situation. Misuse or inappropriate use of over-the-counter or prescription drugs also violates this policy.

The Town shall not take any adverse action against any applicant or employee or anyone else who provides services to the Town (including refusal to hire, discipline, discharge, etc.) for the lawful use of medical marijuana, if such use is: (1) as a "qualifying patient" under Connecticut's palliative marijuana use law (i.e., a person who uses marijuana authorized by a health care provider to alleviate symptoms of certain diagnosed and designated debilitating medical conditions or the effects of such symptoms) and the individual submits proof of such authorization to the Town as required; (2) not otherwise prohibited by any federal law applicable to the work the individual performs for the Town; (3) does not restrict the Town's ability to obtain federal funding; and is (4) strictly confined to lawful use outside of the workplace, not during any working hours at any work location and does not cause the individual to be under the influence while at the Town's workplace or during work hours.

For purposes of clarity and by way of providing non-exhaustive examples, the Town prohibits medical marijuana use (regardless of location or time of day of use) for any Town employee who: (1) may need to use a firearm in the performance of their duties (e.g., a police officer); (2) is subject to restrictions on drug use pursuant to the United States Department of Transportation ("DOT") or the Federal Motor Carrier Safety Administration ("FMSCA") in performing their job duties (e.g., any employee required to possess a CDL to perform their job, or is an applicant for such position; those required to drive forklifts and operate a CMV with a gross value weight greater than 10,000 LBS

and less than 26,000 LBS, or is an applicant for such position; and any mechanics, or applicants for such position, working on such vehicles); and (3) has been designated as working in a “safety-sensitive position” with the approval of the Connecticut Department of Labor.

The Town shall not take any adverse action against any applicant or employee solely because such individual used marijuana (regardless of reason) outside of the Town’s workplace before being employed by the Town, unless failing to take an adverse action for this reason would put the Town in violation of a federal contract or cause the Town to lose federal funding, or any such individual will work/works in any “exempted position” as defined under Connecticut’s recreational marijuana law. An “exempted position” includes: any position with the potential to adversely impact the health or safety of employees or members of the public in the determination of the Town; firefighter; EMT; police officer in a position with a law enforcement or investigative function; a position requiring a CDL license or state/federal drug tests; a position requiring DOD national security clearance; a position where Connecticut’s marijuana law would be inconsistent or otherwise in conflict with any employment contract, collective bargaining agreement or federal law; a position that is funded in whole or in part by a federal grant; a position requiring completion of OSHA construction safety and health course; and/or a position requiring supervision or care of children, medical patients or vulnerable persons.

An applicant may be denied employment based on his/her refusal to submit to, or efforts to tamper with, any requested or required pre-employment drug/alcohol test or if there is a positive test result (including a positive test for recreational marijuana and/or for the specific metabolite of TCH 11-nor-9-carboxy-delta-9-tetrahydrocannabinol but not for medical marijuana used in accordance with applicable law and this policy) that has been confirmed once by an independent laboratory test and after the applicant has been given a copy of the positive test result.

The Town may test employees for drug and alcohol use or require a fitness-for-duty evaluation in accordance with applicable state and federal laws, including, but not limited to, when the Town has reasonable suspicion to believe that they are unable to perform or are deficient in performing their job responsibilities due to the influence of drugs or alcohol. Generally, reasonable suspicion means, but is not limited to, observation by a representative of the Town of the use, possession, sale or distribution of drugs, drug paraphernalia or alcohol, or of specific, articulable symptoms of drug or alcohol impairment (which can be based on without limitation: (i) the individual’s speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment of machinery; (ii) disregard for the individual’s own safety or others or involvement in any accident that results in serious damage to equipment or property; (iii) disruption of a production or manufacturing process; or (iv) carelessness that results in any injury to the individual or others). If any individual in the workplace is aware of or reasonably suspects that another individual is unable to perform or is deficient in performing his/her job responsibilities due to the influence of drugs or alcohol, the individual should immediately report this to any manager and/or Human Resources. The Town may also conduct random drug and

alcohol testing of employees or any other testing (such as post-accident testing or return-to-work testing) as allowed or required by and in accordance with any applicable state or federal laws and collective bargaining agreements.

All information relating to drug and alcohol testing and/or to drug or alcohol use by applicants or employees will be treated confidentially and maintained with other employee medical records in accordance with the privacy protections afforded by applicable law.

The Town shall not take any adverse action against any employee solely because the employee tests positive for TCH-11-nor-9-carboxy-delta-9-tetrahydrocannabinol, unless failing to take an adverse action for this reason would put the Town in violation of a federal contract or federal law or cause the Town to lose federal funding, or there is reasonable suspicion or symptoms of alcohol/drug use/impairment while performing duties or at the workplace (or the positive test is the result of any other lawfully allowed or required type of testing), or the individual works in any “exempted position” as defined under Connecticut’s recreational marijuana law.

Employees who are experiencing problems or work-related deficiencies resulting from drug or alcohol use may request or be required to seek counseling help. Leave to take time off to participate in a rehabilitation or treatment program may be granted in accordance with any legal requirements and/or conditions established by the Town (such as “last chance agreements” requiring employees to abstain from use of the problem substance and abiding by all Town policies, rules, and prohibitions relating to conduct in the workplace). If an individual has been referred for counseling and refuses to participate, the Town may take disciplinary action up to and including termination.

During any recovery period allowed for an employee with a drug/alcohol problem, the employee must utilize sick leave or personal leave time when absent from work. If an employee is unable to work for a prolonged period of time, the Town will consider a written request for a leave of absence, provided such recovery period is certified by a medical practitioner and the employee is otherwise eligible for such extended leave as a reasonable accommodation due to having a disability without causing the Town any undue hardship.

Any applicant or employee who violates this policy, or fails or refuses to comply with any portion of this policy (including, but not limited to, by failing a test and/or refusing to submit to any drug or alcohol testing as may be lawfully required or requested), will be subject to appropriate actions including, but not limited to, immediate removal from the workplace and/or disciplinary action up to and including termination of employment. Any third party at the Town’s workplace (such as visitors, contractors, vendors, others associated with the Town, etc.) who violates this policy will be subject to appropriate actions including, but not limited to, immediate removal from the workplace and termination of any business relationship. Where appropriate upon the Town’s determination, any violation of this policy may be reported to the appropriate law enforcement agencies.

For purposes of clarity and by way of providing non-exhaustive examples, any Town employee who uses or is under the influence of recreational or medical marijuana will be disciplined up to and including termination from employment if they use marijuana during any working hours at any work location, or their use causes them to be under the influence while at the Town's workplace or during work hours.

Employees are further required to notify their supervisors of any federal, state or local drug conviction no later than five days after such conviction. As required, the Town will notify appropriate agencies and take appropriate disciplinary action up to and including termination.

To the extent that any provision in this policy is contrary to or conflicts with the requirements of any applicable law, then applicable law shall control and prevail over any such provision.

6.3. Bullying & Workplace Violence

All employees have the right to work in an environment free from bullying, physical violence, threats, and intimidation. The Town believes that violence is a form of serious misconduct that undermines the integrity of the employment relationship. No employees, customers, visitors or other third parties should be subject to provocation, taunting, physical violence, threats, or intimidation. Violations of this policy will lead to appropriate action that may include discipline up to termination, arrest and prosecution. 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.

Workplace Violence & Bullying Defined

For purposes of this policy, workplace violence is any violent or potentially violent behavior that arises from or occurs in the workplace that affects Town employees. Bullying is any threatening act, or harassment based on an employee's characteristics, position, or status in the workplace.

Zero Tolerance

The Town has a ZERO TOLERANCE policy against any form of intimidation, threats or violence in the workplace. Any form of bullying, 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.

6.4. Cell Phone Use

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 on Town business, except by Town peace officers, firefighters or ambulance drivers when necessary for the performance of their official duties. Should any other employee need to make or receive a call (including text messaging) while driving, he/she 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.

6.5. Inclement Weather, Emergencies & Pandemics

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 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.

6.6. Smoke Free Workplace

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, the use of tobacco products including cigarettes, cigars, pipes, e-cigarettes, vaping and “spit tobacco” in Town Hall offices and other Town facilities, and within 25 feet of a doorway, operable window or air intake vent outside of any Town offices or facilities, is not allowed. Employees may be subject to disciplinary action for violating this policy.

CHAPTER 7 TIME OFF & EMPLOYEE LEAVE

7.1. Requesting Leave

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.

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.

Health Insurance while on Leave

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.

7.2. Bereavement Leave

Employees are eligible for a maximum of three (3) paid days, using sick leave, 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, stepmother, 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.

7.3. Federal Family and Medical Leave (FMLA)

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:

1. *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 eighteen (18), or over the age of eighteen (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.

2. *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
3. *To Serve as an Organ or Bone Marrow Donor*
4. *Serious Injury or Illness of a Covered Service Member/Covered Veteran*
5. *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.*
 1. An eligible employee's spouse may be a husband or wife or civil union partners.
 2. 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.
 3. Parent must be a biological parent, foster parent, adoptive parent, stepparent, legal guardian, or individual who stood in loco parentis to an eligible employee.
 4. Next of kin means the nearest blood relative of the eligible employee.
 5. 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;
2. or is otherwise on the temporary disability retired list, for a serious injury or illness; or
3. 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 (5) year period before the date on which the employee must commence leave to care for the covered veteran.

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.

Use of Paid Time

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.

Maximum Amount of Leave

The maximum FMLA leave entitlement for employees eligible under this policy is twelve (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 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.

Military Leave - The maximum FMLA leave entitlement for employees eligible under this policy due to the serious injury or illness of a covered service member is twenty-six (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.

Employment Elsewhere

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.

Scheduling Treatment/Intermittent Leave

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.

Call-In Procedures

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.

Employee Notice

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 (30) 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 she/he learns of the need for the leave (typically within one (1) or two (2) 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.

Medical Certification

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 fifteen (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.

Recertification

Subsequent medical recertification will be required as necessary, but no more than once every thirty (30) 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.

Second Opinions

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.

Reporting while on Continuous Leave

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 (2) weeks of advance notification of the date they intend to return to work from a leave of absence.

FMLA/Disability/Workers' Compensation

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).

Husband & Wife or Civil Union Partners Employees

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 (1) 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.

Intermittent Leave

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 fifteen (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).

7.4. Leave for Victims of Family Violence & Domestic Violence

Employees who are victims of family violence (as defined under Connecticut law) may take up to twelve (12) unpaid days of leave (either intermittently or consecutively) during any calendar year in which the leave is reasonably needed for one or more of the following reasons: (1) to seek medical care or counseling for physical or psychological injury or disability; (2) to obtain services from a victim services organization; (3) to relocate due to the family violence; or (4) to participate in any civil or criminal proceeding related to or resulting from such family violence.

Such leave will be unpaid, unless: (1) the employee chooses to use any available paid time off for such leave; or (2) the Town is otherwise required by law to pay for such leave.

Employees who seek family violence victim leave under this policy will need to provide at least seven (7) days' notice of the need for such leave if foreseeable, or notice as soon as practicable if the need for such leave is not foreseeable. The Town may require appropriate certification from the employee certifying that the employee is a victim of family violence. Any such certification must be provided to Human Resources and will be maintained in a confidential manner and will be only disclosed as required by law or to protect the employee's safety in the workplace, provided that the employee is given notice prior to any such disclosure. The Town will further not discriminate or take adverse actions against any employee for being a victim of family violence or having to attend or participate in a court proceeding related to a civil case in which they are a family violence victim. Any leave provided for family violence victims will not run concurrently with any other leave for which the employee may be eligible under any of the Town's other policies.

Employees who are victims of domestic violence (as defined under Connecticut law) are entitled to a reasonable leave of absence to: (a) seek attention for injuries caused by domestic violence including for a child who is a victim of domestic violence, provided the employee is not the perpetrator of the domestic violence against the child; (b) obtain services including safety planning from a domestic violence agency or rape crisis center as a result of domestic violence; (c) obtain psychological counseling related to an incident or incidents of domestic violence, including for a child who is a victim of domestic violence, provided the employee is not the perpetrator of the domestic violence against the child; (d) take other actions to increase safety from future incidents of domestic violence, including temporary or permanent relocation; or (e) obtain legal services, assisting in the prosecution of the offense, or otherwise participate in legal proceedings in relation to the incident or incidents of domestic violence. Any leave provided for domestic violence victims will run concurrently with any other leave for which the employee may be eligible under any of the Town's other policies.

7.5. Holidays

The Town recognizes the following 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
President's Day	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Juneteenth	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.

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.

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.

Absences before or after holidays

- 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.
- 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.
- 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.

In the event 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. Should there be a pattern or abuse of use of sick days prior to or after a holiday, the Town may require a doctor's note.

7.6. 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) weeks' 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.

7.7. Military Leave

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

7.8. Nursing Mothers in the Workplace

The Town provides a supportive environment to enable breastfeeding employees to express their milk during work hours.

Time for Expressing Milk

Breastfeeding employees are allowed to express milk during work hours using their normal breaks and meal times. For time that may be needed beyond the usual break times, employees may use personal or vacation leave or may make up the time as determined by their supervisor.

Locations

A private room shall be available for employees to express milk. If employees prefer, they may also express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the Department Head.

Storage of Expressed Milk

Expressed milk may be stored in general Town employee only refrigerators/freezers. Employees wishing to store their expressed milk in general Town employee only refrigerators/freezers must clearly label their expressed milk.

7.9. 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 unless previously approved by the First Selectman or unless otherwise required by applicable law.

Eligibility

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.

Use of Accrued Time

Since 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.

Returning from Leave

Within a reasonable period of time, prior to the expiration date of a leave, or in any event, at least one (1) week prior to the ending 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 he/she 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.

7.10. Sick Leave

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 and if they have worked at least an average of ten (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.

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.

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).

Worker's Compensation Injury

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).

Increments

Sick leave may be used in one (1) hour increments, up to and including all scheduled hours for which the employee would have otherwise worked on the day at issue.

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.

Absence of More than Three (3) Consecutive Days

An employee who has been absent for three (3) 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.

Using More than Forty (40) Hours per Fiscal Year

If an employee takes more than forty (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 (3) consecutive days.

Abuse of Sick Leave

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.

Payment upon Separation of Employment for Employees

Employees hired prior to July 1, 2022, will be compensated for any amount of accrued but unused sick time upon separation of employment. Employees hired on or after July 1, 2022, will not be compensated for any amount of accrued but unused sick leave upon separation of employment.

Payment upon Separation of Employment for Elected Officials

Full-time paid Elected officials, employed with the Town, who took office prior to November 16, 2021, will be compensated for any amount of accrued but unused sick time upon separation of employment. Elected officials, employed in a full-time paid

position with the Town, who took office on or after November 16, 2021, will not be compensated for any amount of accrued but unused sick time upon separation of employment.

7.11. Vacation

Eligibility

Regular full-time employees who have completed six (6) months of employment are eligible for vacation leave earned as follows:

Length of Service	Monthly Accrual
Completion of 6 Months of Service	1 Week
Completion of 1 Year of Service	2 Weeks
Completion of 4 Years of Service	3 Weeks
Completion of 9 Years of Service	4 Weeks
Completion of 19 Years of Service	5 Weeks

Maximum Accumulation of Vacation Leave

With the approval of the Department Head and First Selectman, a full-time employee who has completed six (6) months 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	Maximum Accumulated Carryover
Completion of 6 Months of Service	Up to 5 days
Completion of 1 Year of Service	Up to 5 days
Completion of 4 Years of Service	Up to 10 days
Completion of 9 Years of Service	Up to 10 days
Completion of 19 Years of Service	Up to 15 days

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

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 rehired shall not be affected by the break in service; however, time on layoff shall not be considered as accumulated service.

Transfer between Departments

An employee who is transferred between departments shall retain all accrued vacation credit.

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/she will reimburse the Town if he/she leaves Town service before earning the vacation credit taken.

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.

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 provides a physician's certificate, to his/her Department Head, describing the nature and duration of the illness,

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.

Vacation Approval

Employees must provide their immediate supervisor with written notice of their request to take vacations for periods of up to two (2) 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 (2) 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.

Payment upon Separation

Upon separation of employment, employees will be compensated for any amount of accrued but unused vacation time only if the employee has:

- returned all Town property, records, or assets and any Town-issued equipment in proper working order;
- resigned and provided at least two (2) weeks' notice of resignation and works through the notice period as required;
- or 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.

CHAPTER 8

BENEFITS & COMPENSATION

8.1. Employee Assistance Program (EAP)

The Employee Assistance Program, offered through The Lexington Group, is a free, professional, and confidential service for employees and their family members for any personal and/or work-related problems that could potentially impact job performance, health, mental and emotional well-being. No information regarding identity or participation may be disclosed to anyone outside of the program, without specific written consent. In cases involving supervisory or management referrals to help with performance concerns, employees may be asked to grant limited consent for reporting follow-through on participation and recommendations. However, neither the nature of recommendations, nor content from any EAP sessions, will be disclosed.

EAP counselors are available 24/7 for employees and their family members for prompt, confidential assistance with stress, emotional difficulties, marital and family issues, alcohol and drug problems, or financial or legal concerns that may be affecting work performance. Use of the EAP is voluntary, and confidentiality is assured. The Lexington Group may be contacted at 1-800-676-HELP (4357).

8.2. Insurance Benefits

The Town offers employees, who work thirty (30) hours per week on an annual basis, 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.

Change in Status – Qualifying Life Event

Changes in family status must be submitted in writing within thirty (30) calendar days of the event. Changes in status due to a qualifying life event such as a birth, death, marriage, divorce, adoption, etc., will require notification and supporting documentation to be submitted.

8.3. Health Insurance Portability & Accountability Act (HIPPA)

In compliance with the Health Insurance Portability and Accountability Act, the Town has a procedure in place that addresses the privacy of and access to an employee's Protected Health Information (PHI).

Disclosure of Private Health Information

The Town's employees and their dependents who participate in our group health plan are advised that PHI may be disclosed to others for the purpose of facilitating coverage in a group health plan, facilitating payment for treatment and services that you or your covered dependents receive.

The group health plan may use or disclose an employee's health information for any of the following reasons; Workers Compensation, Health & Safety, healthcare operations or decedents. The Town reserves the right to use or discuss PHI for the purpose of a determination, upon the request of the employee, for FMLA.

8.4. Pension Plan

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.

8.5. 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 increases 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.

8.6. Training

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.

8.7. Worker's Compensation

It is the responsibility of all employees to report all unsafe conditions or unsafe acts to their supervisor or Department Director immediately. Any employee involved with an accident or incident shall cooperate fully with the review to help identify and eliminate accident causes.

Reporting an Injury

Employees must submit a written notice of claim as outlined in Public Act No. 16-112: An act concerning the filing of workers' compensation claims when a municipality is the employer.

Light Duty

Injured employees may be brought back to work and placed temporarily (no more than six (6) months, unless otherwise required by applicable law), within an existing job that accommodates the employee's work restrictions that the treating physician has determined for the injured employee. Light duty is not guaranteed and will be assigned, on a case-by-case basis.

EMPLOYEE HANDBOOK ACKNOWLEDGMENT FORM

I acknowledge that I have received and reviewed a copy of the Town of Somers' Employee Handbook, as amended effective September 7, 2023. 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 with or without prior notice. I also understand that all Town of Somers employees are hired on an at-will basis, unless stated otherwise in a written agreement signed by an authorized official of the Town. Therefore, each person's employment is for no specific term. The Town reserves the right to terminate the relationship at any time and nothing in the Employee Handbook should be construed as a contract or guarantee of continued employment.

Print Name:

Employee's Signature:

Date:
