

Town of Baldwin  
Municipal Employees Personnel Ordinance  
Adopted \_\_\_\_\_ 2024

Town of Baldwin Municipal Employees Personnel Rules & Regulations  
TABLE OF CONTENTS

<u>Section and Number</u>	<u>Page</u>
Background - 1 thru 4	3
Applicability- 5	3
Severability - 6	3
Responsibility for Hiring - 7	3
Employee Classifications – 8	3
Compensation – 9	4
Application and Recruitment- 10	5
Probation – 11	6
Promotions – 12	6
Training and Educations – 13	6
Reimbursement of Expenses – 14	7
Resignations – 15	7
Work Schedules – 16	8
Time Recording – 17	8
Overtime – 18	9
Disability Accommodations – 19	9
Inclement Weather / Utility Failures - 20	10
Holidays – 21	10
Personal Time Off Leave – 22	11
Scheduling and Pre-approval of Leave – 23	12
Sick Leave – 24	12
Inclement Weather Leave – 25	12
Use of Leave – 26	13
Family Medical Leave – 27	13
Leave of Absence without Pay – 28	13
Military Leave – 29	13
Jury Duty – 30	14
Bereavement Leave – 31	14
All Leave Utilized – 32	14
Compensatory Time – 33	14
Health Insurance – 34	14
Social Security – 35	16
Performance Evaluations – 36	16
Personnel Records – 37	16
Employee Conduct – 38	16
Attendance and Lateness – 39	17
Disciplinary Actions – 40	17
Confidentiality – 41	18

Conflict of Interest/Nepotism– 42	18
Gratuities – 43	18
Use of Town Property - 44	18
Outside Employment and Compensations – 45	18
Workplace Smoking Policy – 46	19
Safety – 47	19
Grievance Procedure – 48	20
Harassment – 49	20
Workers Compensation Insurance –50	22
Infectious Disease – 51	23
Alcohol and Drug Abuse – 52	25
Video Display Terminal Training – 53	26
Town Computer/Software for Data Processing and Comm – 54	26
Amendments – 55	29

## Town of Baldwin Municipal Employees Personnel Rules & Regulations

### Background

1. The Select Board, Treasurer/Clerk/Tax Collector, the Road Commissioner, and the Fire Chief shall follow this Ordinance in the management and administration of the employees of the Town of Baldwin.
2. The Town of Baldwin is an equal opportunity employer. As such, the Town policy is to seek and employ qualified personnel in all operations; to provide equal opportunities for advancement including upgrading, promotion and training, and to administer these activities in a manner which does not discriminate against any person because of race, color, gender, age, religion, ethnic or national origin, ancestry or physical/mental disability, or any other protected class as established by State or Federal Law. Any references to masculine gender as used in this document are intended to include both male and female. First preference will be given to citizens of the Town of Baldwin, all other factors being equal in hiring decisions.
3. The Select Board, in consultation with the other Department heads, may propose changes to this Ordinance. Any changes, including those arising from the town's legislative body, require approval by the legislative body. Appointing and selection officials will notify their employees of any change.
4. The general purpose of this ordinance is to establish a uniform, fair, and impartial system of personnel administration that meets the needs of the Town of Baldwin. This ordinance includes procedures for employee hiring and advancement, fringe benefits, Social Security, discipline, time keeping, and other related questions.
5. Applicability. Unless stated otherwise, the policies in this document apply to all personnel employed by the Town of Baldwin who are paid a wage, salary, or stipend, either elected or appointed.
6. Severability. If any provision of these policies or the application to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application and for this purpose, the provisions of this ordinance are severable.

### Responsibility for Hiring:

7. The selection of persons for employment shall be the respective responsibility of the Select Board, the Town Treasurer/Tax Collector/Town Clerk, Fire Chief, or the Road Commissioner. The implementation this ordinance is the responsibility of the selecting or appointing official.

### 8. Employee Classifications

A. Regular Full-time. Paid hourly. A regular full-time position, shall be year-round in nature, the incumbent shall be required to work the standard work week of their particular department (at least 32 hours per week.) He/she is subject to all personnel

policies and is entitled to receive all benefits such as “paid leave” (as defined in Maine Title 26 §637), sick leave, holiday pay, and Town subsidized health insurance.

B. Regular Part-time. Paid hourly. An employee in this classification is scheduled to work less than a full-time work week (at least 20 but less than 32, hours per week), on a continuing basis throughout the year. The employee is subject to all personnel policies. Regular part-time employees are not eligible for benefits such as sick leave, and holiday pay. The employee may be eligible for Town subsidized health insurance if he/she works an average of 30 hours per week. They are eligible for paid leave IAW Maine Title 26 §637.

C. Temporary Employees. Paid hourly. Temporary employees work on a non-permanent or seasonal basis, usually within a limited time frame, or work less than 20 hours per week on a scheduled basis. Temporary employees are not eligible for benefits such as, sick leave, holiday pay, and Town subsidized health insurance. They are eligible for “paid leave” IAW Maine Title 26 §637.

D. Fire and EMS Employees. Paid hourly. Fire and EMS employees are not eligible for benefits such as sick leave, holiday pay, and Town subsidized health insurance. They are eligible to accrue “paid leave” IAW Maine Title 26 §637 when they attend training or respond to fire calls.

E. Exempt Employees. Exempt Employees are Salaried Employees with a full-time work schedule (32 or more hours per week) working in a professional, executive, or administrative capacity that earn a minimum salary at or above the Maine Labor Law minimum or the Federal minimum for exempt employees whichever is higher. The Town of Baldwin does not currently have “Exempt Employees.” Exempt employees are entitled to benefits such as “paid leave” IAW Maine Title 26 §637, sick leave, holiday pay, and Town subsidized health insurance.

F. Members of the Select Board are paid an annual stipend as voted in the Annual Town Meeting. Members of the Select Board are not eligible for benefits such as “paid leave” IAW Maine Title 26 §637, sick leave, holiday pay, and Town subsidized health insurance. Elected officials paid an hourly wage are eligible for benefits such as “paid leave” IAW Maine Title 26 §637, sick leave, holiday pay, and Town subsidized health insurance depending on their work schedule.

G. The Fire Chief is appointed by the Select Board for a three-year term. The Assistant Fire Chief is appointed by the Fire Chief. They are paid a yearly nominal stipend. The Fire and EMS personnel are emergency response employees as spelled out in D above.

H. The Town Clerk/Tax Collector/Treasurer shall appoint their deputies and voting officials as necessary. The Select Board shall appoint the Code Enforcement Officer (CEO), Animal Control Officer (ACO), Emergency Management Administrator (EMA), Health Officer. The Road Commissioner shall appoint all supporting full and part time employees.

## 9. Compensation

A. The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees. The equitable nature of Town wage rates will be judged using several factors including but not limited to comparison with pay rates reported in the MMA annual pay survey.

B. The Town budget, which includes compensation for appointed employees, is adopted at Town Meeting each year. Fair and equitable employee compensation is one of several budget priorities.

C. Employees shall receive a written performance review from their supervisor. The performance review may be used as a determining factor in consideration of compensation increases.

D. Compensation for elected officials is set by voters at the Town Meeting. Compensation for appointed employees is set by the appointing official and is paid for within the respective program operating budgets.

E. Compensation for the Town Fire Chief and Assistant Chiefs is set by voters at the Town Meeting. The Fire Chief and Assistant Fire Chief's annual stipends are recommended by the Select Board and voted on at the town meeting.

F. Volunteer Firefighters are paid on an hourly basis for their training and fire response time based on a pay schedule managed by the Town Fire Chief. The schedule takes into account the qualifications of the individual firefighters. Firefighters are paid every six months as a minimum per state law. The Town Fire Chief is responsible for maintaining an accurate record of firefighter's hours and certifying the semi-annual request for payment. Volunteer firefighters who are also otherwise employed by the Town of Baldwin are paid firefighter wages when serving as a fireman for training or responding to alarms. Hours accrued while serving as a fireman count toward overtime and paid time off accrual for the employee's primary position.

G. The Select Board is authorized to pay a Town Meeting Moderator from their office budget as they deem necessary for the timely and orderly conduct of Town meetings.

#### 10. Application and Recruitment.

A. All applicants or appointments must submit a written application for employment on forms provided by the Town of Baldwin.  
Recruitment. The character of the recruitment and selection process for all town positions will vary with the position. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practical. This may include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information. It shall be the duty of the Select Board or the responsible appointing/selecting official to seek out the most qualified employees for the Town.

B. Citizens of Baldwin will be given first preference for positions, all factors being equal among the candidates.

C. Physical Exams. After a position of employment is offered, the Town may require a physical exam for Public Works employees by a physician of the Town's choice at the expense of the Town.

D. Oath of Office. All town officials elected or appointed, must swear an oath of office. MRS title 30-A Chapter 123, section 2604 defines "official" to mean any elected or appointed member of a municipal or county government. For Baldwin, these officials include Selectmen, Treasurer/Clerk/Tax Collector and his or her appointed deputies, the Road Commissioner, ACO, CEO, EMA Coordinator, School Board members, Planning

Board members, Appeals Board members, Town Administrative Assistant, Fire Chief, and Assistant Fire Chief.

#### 11. Probation.

A. All employees are considered probationary for the first 180 days of employment, commencing on their hire date. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without right to file a grievance. The object of the probationary period is to determine the ability of the employee to adhere to required work standards through a 180-day period of observation and review by the selecting official. During the probationary period, the department head, with the approval of the Select Board, may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose work habits and dependability did not merit his/her continuance of service.

B. After the first 180 days, the employee shall receive a formal written evaluation by his/her supervisor which will be delivered to the Select Board. A successful evaluation will result in the employee being transferred to regular status. Employees are hired on an "at will" basis. This means an employee can be fired or released from the workforce at any time for any reason or for no reason at all. Each worker is hired for no specific term. The employer reserves the right to terminate the employment relationship at any time.

#### 12. Promotions

A. The Town of Baldwin has a limited number of employees with the primary or supervisory positions being elected. However, appointed or selected town employees will be given maximum opportunity for advancement or more favorable scheduled hours within the needs of the Town. It is recognized that the good of the community may require that a vacancy be filled from outside the ranks of employees of the Town of Baldwin.

B. Current Town employees will be given first consideration in filling a vacancy if the responsibilities of the position are commensurate with the employee's current position or qualifications as determined by a competitive hiring process.

C. Town employees will be given preference in a selection for promotion if they are deemed by the selecting official to be equally qualified with other applicants.

13. Training and Education. Both the Town and its employees profit from the provisions of educational training opportunities reasonably related to the employee's position for which provisions have been made in the budget.

A. It shall be the responsibility of office or department heads to provide town employees reasonable opportunities for in-service training and attendance at schools or conferences that will improve quality of performance and bring about more efficient and effective operations.

B. It is the employee's responsibility to seek out and apply for job related training opportunities that meet their career goals. The town will reimburse the employee for such training if it also meets town training needs and is related to the employee's current position.

C. Employees may apply for job-related courses or training. Most training attended by Town employees is hosted by MMA. Upon registration with MMA, the town is automatically billed for MMA charges. For any other related costs of attendance, the Town will reimburse employees per diem and mileage upon completion of the course. For pre-approved training which is paid for in advance by the employee, the employee will be reimbursed 100% of the tuition cost only upon satisfactory completion of the pre-approved course.

D. Advance conference or training fees may be paid by the Town Treasurer only with pre-approval in a warrant by the Select Board. Reimbursement of training fees and related costs must be applied for within two (2) pay period of completion of the training.

E. To ensure proper budgeting for tuition and related training reimbursement, office and department heads should work with their employees to determine their training needs and budget for it each year.

#### 14. Reimbursement of Expenses.

A. Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out approved, official Town business. Maximum reimbursement shall be made in accordance with those published annually by the IRS for per diem and for mileage upon submission of a standard expense sheet, signed by the employee's office or department head.

B. All employees that use their own vehicles for town business are entitled to be reimbursed for mileage. A handwritten form must be filled out that includes destination to and from, a brief reason for the miles, total mile, and date. Mileage reimbursement shall not apply to travel between employee's home and the Town office for regularly scheduled town meetings or regularly scheduled work.

C. Requests for reimbursement of, parking fees, excess lodging, and registration fees must be accompanied by receipts of same whenever possible.

D. Requests for reimbursement of expenses must be received no later than two pay periods after the expense was incurred.

E. Credit Card Purchases: All town program related purchases must be signed and submitted to the Town Clerk Office within seven (7) days of the purchase with a clear explanation of what was purchased. Failure to submit the receipt may result in revocation of the Town credit card. Purchases made with personal credit cards will have the same rules applied. Failure to submit personal credit card receipts in a timely manner may result in reimbursement being denied.

#### 15. Resignations

A. An employee may resign from regular Town employment in "Good Standing." "Good standing" shall mean the submission of a written notice 14 calendar days in advance of the last day of actual work. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the Town. The Select Board may permit a shorter period of notice if extenuating circumstances exist.

B. The resignation should be accompanied by a statement by the office or department head as to the resigning employee's service performance and pertinent information concerning the cause of resignation.

C. Employees are offered the opportunity for a voluntary exit interview in which he/she may discuss working conditions and the reasons for their resignation.

D. The effective date of the employee's termination with the Town is considered to be the last day actually worked.

E. Upon separation from service, the Town shall pay all wages owed as well as earned and/or pro-rated paid leave pay due to the employee, if any, on the next regular payday.

#### 16. Work schedules

A. Normal Work Hours. Unless specifically spelled out in a Town Ordinance or Town Meeting Warrant article, the appointing or selecting official shall be responsible for establishing the work week/work day schedule for all categories of employees within their department or office.

B. The hours of work, the starting and quitting time, and lunch periods will be established in writing within each office or department and a copy provided the Select Board. The hours of work, the starting and quitting time, and/or the lunch periods may be changed provided they meet the requirements of this ordinance. It is the responsibility of each department or office head to ensure that the employee's work hours are adhered to.

C. It is the policy of the Town of Baldwin to only pay for hours worked except as noted below. Any employee working a schedule that includes six consecutive hours will be allowed a paid lunch break of 30 minutes during the six-hour period, except in cases of emergency. The Clerk/Treasurer/Tax Collector's office will remain open during lunch breaks with at least one person on duty. In the event of concurrent Paid leave and sick leave among the Clerk/Treasurer/Tax Collector's office personnel, the office may be closed for up to 30 minutes.

D. Normal Salaried Work Week for Exempt Positions. The normal work week for exempt salaried positions will vary with the assigned workload within a range of 32-40 hours per week. Hours worked by salaried employees will be managed and recorded by the Select Board. The Town of Baldwin does not currently have exempt employees.

#### 17. Time Recording.

A. The work week begins at midnight Sunday evening and extends to midnight the following Sunday. A pay period consists of two consecutive work weeks.

B. Time recording: All hourly paid employees who are required to punch the time clock must use the time clock located at the entrance of the Community Center, all other forms of time recording will not be accepted, except for a handwritten form that has been approved by the Selectmen. The handwritten form will have a brief description, mileage, and date of the task the employee was doing. Employees approved to use timesheets shall submit signed timesheets at the end of each pay period to their department or office head, and prior to being paid.

C. Office or department heads shall certify each of their department's timesheets prior to being submitted to the Town Treasurer.

D. Unless specifically approved by the Select Board, timesheets must be submitted no later than one pay period after the work has been performed.

E. The Salary warrant along with the associated timesheets shall be present for review/approval by the Select Board prior to employees being paid by the Town Treasurer.

#### 18. Overtime.

A. It is the obligation of those in charge of setting work schedules, as responsible managers of taxpayer funds, to keep the amount of overtime work to the minimum necessary to provide efficient and timely service to the Town. Use of overtime should be the exception rather than the rule.

B. It is also the obligation of all employees to accept a reasonable amount of overtime work as shall, from time to time, be required to allow for coverage of illness, paid leave schedules, and continuance of Town services when work demands so dictate. Department and office heads shall make every responsible effort to distribute overtime equally among employees and their respective departments. Overtime is paid in accordance with State and Federal regulations at 1 ½ times an employee's hourly rates. The rules for charging/awarding overtime are as follows:

1. Any time actually worked in excess of forty (40) hours in one week shall be compensated for by overtime pay except for Fire and EMS employees who shall be paid overtime after 42 hours per week.
2. Sick leave, holidays, "paid leave" IAW Maine Title 26 §637, and other forms of paid leave shall not be counted as time worked for determining overtime.
3. Town employees are not authorized to work more than 16 hours during any 24 hour period. (Exceptions may be made during weather emergencies)
4. Any time worked on a holiday, regardless of what occurs during the rest of the regular work week, shall be compensated for at a time and one-half rate, in addition to the employee's regular, straight holiday pay.
5. When an hourly paid employee has left work after the regular work day and then is called back into work, he/she shall be paid a minimum of two hours of pay. If and when time worked for each particular call-in exceeds two hours, he/she shall be paid for the actual hours worked.
6. Any time worked outside of normal work hours shall only be paid at the employee's normal hourly rate, unless overtime applies.

19. Disability Accommodation. The Town is committed to complying with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act, and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis. The Town will not discriminate against any qualified employees or applicants because they are related to or associated with a person with a disability. Furthermore, the Town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and the Maine Human Rights Act.

#### 20. Inclement Weather/Utility Failure

A. Inclement Weather. Municipal facilities are made available with public funds to provide services to the public who are our customers. As such, it is the intent of the Town offices to remain open and maintain regular operating hours when weather

conditions allow for safe travel over the public highways. Employees are advised to be prepared for Maine weather events and are expected to report to work during weather events including snowstorms depending upon the critical nature of the job held. In the event of a particularly significant storm event, the Town Clerk is authorized to use his/her judgment and may close the his/her office. Beyond the road crew and Fire and EMS personnel, there are no town employees critical to town operations during severe storms. These employees should use their best judgment in determining if roads they travel are safe.

B. No one is expected to expose themselves to undue risk during inclement weather:

a. Employees who become concerned with travel conditions may request permission from their supervisor to leave work before the end of the normal workday. Employees who leave work before the end of the normal work day and before closure of their Office, shall only be paid for actual hours worked. These employees may request use of Personal Time Off hours to receive pay of the hours not worked.

b. Employees who leave work after closure of their Office is announced will be credited with a full work day based on their normal work schedule.

c. Employees are responsible for their own safety between their residence and Town offices.

d. Supervisors may authorize work from home during severe weather events if the position duties allow it.

C. Utility Failure/Emergency Event. In the event of an inability to operate because of a utility failure, emergency event or some other condition, the Select Board may establish temporary facilities at some other location or may declare appropriate facilities temporarily closed. In instances where facilities are closed and employees are asked to not report to work or to depart work, employees will receive their regular wages during the closure.

## 21. Holidays

A. Holiday pay is to be considered a normal day's wages.

B. The Town of Baldwin offers the following thirteen (13) paid holidays to all regular full-time Town employees: These holidays coincide with Maine state holidays and will be observed on the same day as the state government. Generally, if a holiday falls on a Sunday, the following Monday is considered the holiday. If the holiday falls on a Saturday, the preceding Friday is considered the holiday for employees who do not normally work on Saturday, unless otherwise regulated by law.

- |                           |                           |
|---------------------------|---------------------------|
| a. New Year's Day         | January 1st               |
| b. Martin Luther King Day | Third Monday in January   |
| c. President's Day        | Third Monday in February  |
| d. Patriot's Day          | Third Monday in April     |
| e. Memorial Day           | Last Monday in May        |
| f. Independence Day       | July 4th                  |
| g. Labor Day              | First Monday in September |
| h. Indigenous Peoples Day | Second Monday in October  |
| i. Veteran's Day          | November 11th             |

- j. Thanksgiving Day                      Fourth Thursday in November
- k. Thanksgiving Friday                  The Friday after Thanksgiving
- l. Christmas Day                            December 25th

C. Holiday pay is equal to the number of hours an hourly-paid employee would normally be scheduled to work for that day of the week not counting overtime hours. (For example, if an employee normally works 8 hours per day, his/her holiday pay equals 8 paid hours. If an employee normally works 7 hours per day, his/her holiday pay equals 7 paid hours, etc.)

D. A person on a leave of absence without pay shall not be entitled to holiday pay.

E. If a paid holiday falls on an employee's non-work day, the employee may take their paid holiday in the week just prior to or just following the State scheduled holiday. Holiday pay will be for the hours the employee normally works the day actually taken.

## 22. Personal Time Off (PTO) Leave. (Combined "paid leave" IAW Maine Title 26 §637, Sick Leave, and Inclement Weather Days)

A. Personal Time Off Leave reflects the current practices of most workplaces today. It allows the employee to determine how they want to use their combined leave. The employee is awarded PTO based on a combination of paid leave as defined in D below, sick leave in Section 24, and sixteen (16) hours per fiscal year of inclement weather leave.

B. For appointed employees, "paid leave" IAW Maine Title 26 §637 benefits begin accruing upon the day being hired but are only available to use after 120 days after employment. "Paid leave" IAW Maine Title 26 §637 earned will be credited based on the total years of service in accordance with D. below.

C. A break in employment starts the employee at 0 years of service again.

D. Paid leave (a component of PTO Leave) will be awarded using the following schedule.

- a. 0-1 years of service, 1 hour for each 40 hours worked, 40 hours/year maximum. (IAW Maine Title 26 §637 para 3)
- b. 2-5 years of service, 2 hours for each 40 hours worked, 80 hours/year maximum.
- c. 6-10 years of service, 3 hour for each 40 hours worked, 120 hours/year maximum.
- d. 11 years of service and above, 4 hour for each 40 hours worked, 160 hours/year maximum.

E. Time lost for the following reasons will be considered as credited time worked for purposes of computing "paid leave" benefits:

- a. Workers compensation injury
- b. Military training (2 weeks)
- c. Jury duty

F. If an employee's combined PTO leave balance exceeds the combined carryover limits for sick leave and paid leave, the excess will be lost.

G. Paid or unpaid leave time does not accrue toward paid leave benefits but the time does count towards the 120 days of employment.

H. All leave is awarded at the start of the anniversary of the start of employment. Any unearned leave that has been awarded to an employee will be recouped from an employee's final paycheck upon termination or resignation using an appropriate accrual rate for the employee's years of service.

23. Scheduling and Pre-approval of Leave.

A. Whenever possible, leave will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Long periods of leave not related to sickness requires pre-approval by the department head.

B. Due consideration will be given to an employees' seniority (highest years accrued with un-interrupted service) in regard to scheduling leave.

C. Leave will ordinarily be taken in blocks of one work day or more, but leave for a lesser period may be permitted by the department head. 1 hour is the shortest leave period permitted.

D. In case a holiday falls within the leave period, the employee will receive holiday leave compensation for that day.

E. Employees may take accrued paid leave starting at the end of their first 120 days of employment (IAW Maine Title 26 §637 para 3). Employees may carry over one year's worth of paid leave from one year to the next. Their paid leave year shall start with their date of hiring.

F. The town has no legal obligation to retroactively compensate employees for past paid leave time not used before their expiration date.

G. Employees who leave employment within their first year of employment will forfeit all unused paid leave.

H. Accrued unused paid leave shall be paid to an employee who leaves in good standing (see section 15. Resignations) upon separation or to a beneficiary or estate upon separation due to death.

24. Sick Leave (A component of PTO leave)

A. Regular, full-time employees earn 40 hours annually. Employees may accumulate no more than 80 hours of sick leave.

B. Probationary employees shall not be entitled to paid sick leave until they have completed the 180-day probationary employment period. At the completion of the probationary period, cumulative sick leave days shall be computed from the original date of employment.

C. Unused accumulated sick leave will be forfeited at the time of employment separation.

D. Employees may not donate sick leave or PTO Leave to other Town of Baldwin employees.

25. Inclement Weather Leave (A component of PTO Leave)

An employee will be granted 16 hours of inclement weather leave each year granted at the beginning of the date of their appointment.

## 26. Use of Leave

A. An employee may use his/her accumulated PTO Leave in any manner they desire. Time off from work after all PTO Leave is expended will be a leave of absence without pay.

B. An employee is required to notify his/her supervisor or his/her designee prior to the start of the employee's regularly scheduled workday or as soon as practically possible when they are taking leave.

C. In the case of an emergency situation, i.e., hospitalization, the employee will make every effort to notify the supervisor or designee as soon as possible.

D. An employee is required to call the supervisor or his/her designee each day of the absence unless previous arrangements have been made between the employee and the supervisor. In the event that an employee fails to call the supervisor or designee the day of the absence, and the day of the absence falls before a holiday, the employee will not receive holiday pay for that holiday period.

E. After any extended leave due to illness, it may be required by the office or department head that the absent employee obtain a physician's statement, at his/her own cost, that he/she is physically capable to return to normal duty. It shall be the responsibility of the department head to insure that this requirement is appropriately followed before the employee is allowed to return to his/her regular duties.

27. Family Medical Leave. The Town of Baldwin does not provide Family Medical Leave for employees.

## 28. Leave of Absence without Pay.

A. An employee of regular standing may be granted an extended leave of absence without pay by the Select Board on recommendation of the department head when it is in the best interest of the Town to grant the leave, with such leave not to exceed 30 days in length. The granting of the leave shall protect the employee's existing continuous service for the leave period, but paid and sick leave shall not accrue during the absence, nor will the employee receive pay for municipal holidays.

B. An employee may also take leave without pay on an intermittent basis or by working a reduced schedule with prior written approval by the department head. This may impact an employee's eligibility for Town sponsored health care insurance if average weekly hours falls below 30.

## 29. Military Leave

A. Full-time regular employees who are members of the organized military reserves and who are required to perform field duty will be granted a maximum of two weeks reserve service leave (in addition to their paid leave) per fiscal year. The employee must request Military Leave from the department head two pay periods in advance of the leave.

B. For any such period of reserve service leave, the Town will pay the difference (if any) between service pay and the employee's regular pay.

30. Jury Duty

A. An employee will be granted special leave, as required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. The employee must notify their department head in advance by providing a copy of the jury duty summons.

B. The employee shall be paid the difference (if any) in compensation between the amount received from the rendering of such service and his/her regular rate of pay if the service occurs during a work day.

C. Time paid for Jury Service shall not be counted as time worked for purposes of overtime computation.

D. These provisions shall apply only to employees who have completed their probation period.

31. Bereavement leave. Special leave with pay shall be granted to regular full-time employees for up to three days for absence caused by the death of a member of the immediate family. "Immediate family" means parent, spouse, brother, sister, child, stepchild, grandmother, grandfather, and also includes the father, mother, brothers and sisters of the spouse.

32. All Leave Utilized.

A. When all leave has been utilized by an employee that is absent from regularly scheduled work, salary payments to the employee shall cease immediately.

B. Unless a leave of absence without pay has been granted, the Town will no longer pay any amount toward medical insurance. The employee will then have the opportunity to continue the benefits by paying the cost themselves.

33. Compensatory Time

A. With approval of the supervisor, an employee who earns overtime may be granted compensatory time in lieu of overtime pay. One hour of compensatory time granted for one hour of overtime.

B. An employee may accumulate up to 40 hours of compensatory time (comp time) after which all overtime shall be paid as wages. In order to take comp time, an employee must make a request at least one (1) day in advance and must receive written permission from the department or office head.

C. Exempt employees are not eligible for comp time.

34. Health Insurance. The Town of Baldwin provides subsidized health insurance to eligible employees via enrollment in a group plan offered by the Maine Municipal Employees Health Trust. Interested employees shall be given a brochure by the appointing official upon being appointed. It provides detailed information about the program and the options available to eligible employees.

A. Regular and regular part-time employees who work 30 or more hours per week are eligible for health insurance coverage as provided through the Town's health insurance provider.

B. The Town (employer) pays 80% of the cost of the premium for the single employee. The employee is responsible for the remainder of the cost.

C. Regular Part-Time employees who do not meet the 30 hours per week requirement for Town subsidized coverage are eligible to participate in the program without Town subsidy.

D. There is a 60 day waiting period after an employee is appointed before an employee is eligible to enroll in the Town provided health care program. An employee's application for health insurance must be received by the Health Trust before the end of the waiting period for coverage to begin on the first day of eligibility. If the application is received no later than 60 days after the end of the waiting period, coverage will begin on the first day of the calendar month in which the Health Trust receives the application. (Other plan restrictions on the starting date of coverage may apply). If an application is received by the Health Trust after that, it is considered a late enrollment and the enrollee must wait until the annual enrollment period in December to apply for coverage. There are also several qualifying events that would enable an employee to apply for coverage at any time. Qualifying events are as follows:

- a. Marriage.
- b. Birth of a child.
- c. Adoption of a child.
- d. Placement of a child for adoption within an employee's home.

The Health Trust must receive proof of the event along with the original application to enroll within 60 days of the qualifying event. An employee may also enroll within 60 days after the loss of other health insurance coverage.

E. All eligible participants may purchase Supplemental and Dependent health coverage at their expense. Employees may also purchase Dental insurance at their own expense. See the plan brochure for more details.

F. Regular Part-Time Employees who were not previously eligible to participate in the plan may do so if his/her hours are changed to at least 30 hours average per week. The date of increase in hours is considered the date of hire for purposes of applying for participation in the plan.

G. Newly appointed eligible employees who decline to enroll in the Health Trust will be requested to fill out the Group Medical Plan Election for Enrollment/Change form, sign and date the Election Not to Enroll section.

H. Other coverage available to Regular Full Time and Regular Part-Time employees at their own expense.

- a. Basic Life Insurance coverage equal to one times an active employee's annual salary (rounded to the next higher \$1,000; to a maximum of \$100,000) is provided to all employees participating in a Health Trust Medical Plan, at no additional cost to employee or employer, provided the Employee enrolls when first eligible or following a qualifying event, or during the annual Health open enrollment period (applications received during the annual open enrollment period must be accompanied by a health enrollment application). Eligible elected or appointed municipal officials receive a minimum benefit of \$5,000, and a maximum benefit of \$50,000. Any employee who is eligible to participate in the Health Trust Medical Plan, but does not elect coverage because he/she is covered under another medical plan may participate in the Basic Life Plan for a nominal premium amount. Those who participate in the Life Insurance Plan are eligible to

participate in any other Health Trust life insurance supplemental and dependent plans.

b. The Health Trust has an Income Protection Plan, a Long-Term Disability Plan, and a Vision Enrollment plan that are available to eligible employees. See the plan brochure for current details.

c. Retiring employees who meet eligibility requirements may continue coverage with the plan(s) at their own expense. See the plan brochure for details.

J. Employees who are enrolled in a Health Trust program have access to their Employee Assistance Program (EAP). They can offer information and advice to help solve a wide range of problems including relationship and family concerns, anxiety, depression, alcohol and drug abuse, stress, grief, financial, or legal issues. See the attached flyer for more information.

35. Social Security. Any person who becomes an employee of the town must participate in the Social Security program as a condition of employment.

### 36. Performance Evaluations

A. All employees will be given a written position description upon beginning employment with the town. Any employee appointed to a regular position shall be considered on probationary status for the first 180 days of employment. After 180 days, the employee shall receive a formal written evaluation by his/her supervisor on a standardized evaluation form. A successful evaluation will result in being transferred to a regular status after 180 days.

B. After successful completion of the probationary period and transfer to regular status, employee's performance will be reviewed and documented on a standard evaluation form, by their supervisors annually, at a minimum.

C. A copy of all employee reviews shall be kept in the employee's personnel file.

### 37. Personnel Records

A. Personnel records shall be maintained for each employee of the Town and shall be kept in a locked file cabinet in the Town Clerk's office.

B. Any employee may review his/her files in the presence of a member of the Select Board or his/her department head between the hours of 8:00 a.m. and 4:00 p.m., Tuesday through Friday. So as not to cause inconvenience the employee shall set up an appointment with a member of the Select Board or his/her department head for such a review in advance.

C. All position related training records, for either mandatory or optional training, i.e., CPR, first aid, child development, background checks, fire department training must be maintained in the employee's personnel record and be readily available for review.

### 38. Employee Conduct

A. All employees are expected and required to treat the public and their coworkers with promptness, patience, courtesy, and respect. Employees are expected to conduct themselves at all times in a manner that will bring no discredit to their department or to the Town of Baldwin.

B. Reporting Incidents: Any incidents that has occurred involving any town employee while on duty. i.e.: incidents involving a child, broken town property, injured employee, or vehicle accident must be report to the Select Board's office ASAP.

C. Hiring of new employees / Establishment of new programs: Except for hiring and programs related to the Town Clerks Office and the Road Commissioner, all new employees and new programs must be approved by the Selectmen Board.

D. Parking during regular business hours: Town Office employees will park at the east end of the building. Road Crew, Fire department, Select Board, and Planning Board members will park on the other side of the driveway opposite the building. No Parking signs have been put in place in the driveway closest to the building to keep the driveway safe for pedestrians and to keep the driveway clear for emergency vehicles.

E. Break area and kitchen: To help with rodent control, both areas must be kept clean. All food must be stored in a refrigerator or a rodent proof container. The sink must be kept cleaned. Both areas will be inspected daily at the end of the shift.

### 39. Attendance and Lateness

A. Employees shall be at their respective places of work in accordance with their work schedule. In the event of necessary absence because of illness or any other cause, it is the responsibility of the employee to see that his/her office or department head is advised of the reason for absence prior to the start of the work day and on each subsequent day so he/she may adjust the daily schedule of work as necessary.

B. Excessive tardiness or unapproved absences may be cause for disciplinary action and/or termination.

### 40. Disciplinary Actions

A. Whenever, in the supervisor's judgment, hourly employee performance, attitude, work habits, or personal conduct at any time falls below a suitable level, the supervisor shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. Disciplinary action steps may be skipped if infractions are severe. Disciplinary action shall consist of the following:

- a. Verbal warning, documented in writing
- b. Written warning
- c. Suspension of one to five days
- d. Dismissal

B. The office or department head may demote, suspend without pay for not more than ten (10) working days, or permanently dismiss any municipal employee whose work performance and/or misconduct justifies such action.

C. Notice of disciplinary action against an employee must be in writing and the employee must receive such notice not later than seven (7) days before its effective date.

D. The notice shall specify the proposed penalty and contain a statement of the evidence against the employee.

E. The employee shall be entitled to present their evidence prior to the effective date of the action.

F. All employees shall have the right to appeal any disciplinary action within five (5) working days to the Select Board. (See grievance procedure.)

41. Confidentiality Policy. During the course of their duties, employees of the Town of Baldwin often are privy to information about individuals which is sensitive and should be kept confidential. Examples include, but are not limited to, contract bids or personnel actions. Employees are expected to respect the confidential nature of such information.

42. Conflict of Interest and Nepotism

A. No Town employee who is authorized to make purchases shall have any pecuniary interest either directly or indirectly in any contract with the Town. (See M.R.S.A. Title 30-A § 2605)

B. Any employee who may have the appearance of a pecuniary interest either directly or indirectly shall abstain from participation in the award of the contract.

C. Nepotism: The final decision of whether a person is hired or promoted shall not be made wholly by a person related to the candidate by consanguinity of affinity within the 2nd degree. If necessary, a decision shall be referred to a non-related Town official of equivalent department level so as to not deprive an applicant or employee of full consideration for hiring or promotion.

43. Gratuities

A. Town employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties.

B. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

44. Use of Town Property

A. Employees may not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities.

B. Town telephones may be used for personal business only for matters of importance. Employees must pay for any personal long distance telephone calls made from Town telephones which are billed to the Town phone accounts. Exceptions to this rule must be approved by the Select Board.

45. Outside Employment & Compensation

A. Town employees may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position with the Town, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment.

B. Regular full time and regular part time employees must inform their department supervisor of their outside employment.

C. If the department head or the Select Board determines that such outside employment is disadvantageous to the Town; they shall notify the employee in writing that the outside employment must be terminated.

D. The Town of Baldwin work requirements shall take priority over outside employment and employees shall be expected to perform their Baldwin related duties first.

E. The Town shall in no respect be liable or grant sick leave or disability leave in cases where an employee is injured or contracts an occupational illness or develops occupational disability while engaged in outside employment.

F. Any employees receiving payment from non-Town sources for services rendered during his/her normal work day and for which work day Town compensation was given, shall turn the entire amount of that compensation over to the Treasurer, Town of Baldwin.

G. Employees are expected to be fit for duty at their normal duty times. Employees who show up for work who are not fit for duty due to fatigue or other conditions resulting from outside work can be sent home without pay. Repeated occurrences can be grounds for termination.

46. Workplace Smoking Policy. In accordance with the provisions of the Workplace Smoking Act of 1985, the Town of Baldwin maintains a smoke free environment for its employees and visitors to municipal facilities. Pursuant to this Act, smoking shall be prohibited within any municipal building, within 50 feet of any municipal building and/or within 50 feet of any Town owned vehicle. All employees shall cooperate with this policy.

Office and department heads are responsible for implementing and monitoring, and enforcing no-smoking regulations. Employees who violate the no-smoking policy of the town may be subject to disciplinary action.

#### 47. Safety Policy

A. Personal injury and property loss are needless waste and squandering of precious resources. Personal injury places the Town of Baldwin at a disadvantage in its ability to provide the necessary services and functions to its citizens. Property losses place an undue burden on limited taxpayer funds for services and general operations. As an employer, the Town of Baldwin is legally responsible to ensure that mandated safety regulations are enforced. It is the policy of the Town of Baldwin that mandated safety regulations are complied with by all town employees at all levels.

B. Mandatory safety training will be accomplished and documented by supervisors.

C. Where it is the responsibility of the Town to provide safety equipment, it shall also enforce its use. It is incumbent upon employees and their supervisors to utilization of such equipment. The Town will pay for one (1) pair of safety boots for each employee who is required to wear safety boot on the job.

D. It is the responsibility of every town employee to ensure that a safe workplace is maintained and that personal injury and property loss are minimized and/or eliminated wherever possible.

#### 48. Grievance Procedure

A. The term “grievance” means any dispute between an employee and management concerning the effect, interpretation, application, or claim of breach or violation of Town of Baldwin Personnel Policies.

B. The employee shall initiate any grievance not later than ten (10) working days after the occurrence of the event giving rise to the grievance, or within ten (10) working days after the time such event became known to the employee, whichever is later. Mutual agreement of the parties concerned is sufficient to extend all time limits in this section.

C. Excluded from consideration of grievance are those matters pertaining to: hiring, promotion of personnel, and compensation adjustments, except that regular employees may appeal performance evaluations.

D. Every attempt should be made to resolve any dispute as soon as possible to the satisfaction of all parties.

E. Steps in the grievance procedure shall be as follows:

a. An attempt should be made for an oral agreement between the individual and his/her supervisor or department head.

b. If an oral agreement is not reached, the aggrieved may within five (5) working days file a written complaint to the supervisor or department head.

c. The department head or supervisor is required to make a determination of the merits of the complaints and give a written reply within three (5) working days.

d. If the individual is dissatisfied with the department head or supervisor’s written decision, the aggrieved may within three (5) working days make a formal written appeal to the Select Board.

e. The Select Board will upon receipt of the written appeal, return a formal written decision within five (5) working days.

f. If the employee is still aggrieved, the employee shall, within five (5) working days, submit in writing to the Select Board the employee’s grievance for presentation to the Select Board at their next regularly scheduled meeting. At this meeting the aggrieved employee may make a statement concerning the grievance and may be required to answer any questions that the Board poses relative to the grievance.

h. The Select Board will notify all parties involved of its decision within ten (10) working days of the final meeting.

#### 49. Policy on Harassment

A. It is the intent of the Town of Baldwin to provide a work environment that is free from discrimination or harassment. Therefore, it is the policy of the Town that sexual and verbal harassment is unacceptable conduct in the workplace and will not be tolerated from any source, including supervisors, co-workers and non-employees. Employees are encouraged to assist the Town with its goal of maintaining a workplace free of sexual and verbal harassment and with its commitment to deal seriously with allegations of sexual and verbal harassment when they arise.

B. Sexual Harassment Is Illegal under State and Federal Law. It is illegal for any employee to sexually harass another employee, and for any supervisory employee to

permit any act of sexual harassment in the workplace by anyone, whether or not an employee.

C. Definition of Sexual Harassment under State and Federal Law. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b. submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

D. Description of Sexual Harassment.

a. Physical assaults of a sexual nature such as: rape, sexual battery, molestation or attempts to commit these assaults; and intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another employee's body.

b. Unwanted sexual advances, propositions or other sexual comments, such as: sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome;

c. Preferential treatment or promise or preferential treatment to an employee for submitting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and

d. Subjecting or threatening to subject, an employee to unwelcome sexual attention or conduct or making performance of an employee's job more difficult because of that employee's sex.

e. Sexual or discriminatory displays or publications anywhere in the organization by employees such as: Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work.

f. reading or otherwise publicizing in the work environment material that are in any way sexually demeaning or pornographic; and displaying signs or other material purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/ changing rooms.)

E. Verbal Harassment. Any employee who believes he or she has been harassed should take the following steps to resolve the problem:

a. If an employee finds someone's behavior offensive, they may attempt to resolve the behavior by calmly but firmly informing the individual that they find the behavior offensive and requesting that the behavior cease.

b. If the harassment continues and the employee does not feel comfortable discussing the behavior with the individual(s) involved, or if they believe some

employment consequence may result from his/her confrontation with the individual whose behavior offends them, they should register a complaint, preferably in writing, with their supervisor or with the Select Board. All complaints will be investigated promptly, and to the extent possible, on a confidential basis. Confirmed instances of verbal or sexual harassment will be dealt with by utilizing whatever disciplinary action the Town deems appropriate, up to and including termination.

c. If what the employee considers to be a reasonable length of time has gone by and they believe inadequate corrective action has been taken by their supervisor, they should register their complaint in writing with the Select Board.

F. Legal Recourse through the Maine Human Rights Commission. With regard to a sexual harassment complaint, if the employee does not want to make the report internally, the employee may make the complaint to the Maine Human Rights Commission which is located at the State House Station 51, Augusta, Maine, 04333, telephone number 289-2326. Any complaint must be filed with the Commission within 180 days of the act of harassment. Once a signed charge form has been received by the Commission, an investigation will be conducted and a determination will be made by the Commission of whether or not there are reasonable grounds to believe sexual harassment occurred. If the Commission determined that sexual harassment did occur, it will attempt to resolve the situation between you and your employer through informal means. If informal means of resolution are unsuccessful, the Commission counsel may file a civil action on your behalf in Superior Court seeking appropriate relief. Maine Human Rights Act Protection Against Retaliation for Complaining about Sexual Harassment. Under the law, no employee may be punished or penalized in any way for reporting, complaining about or filing a claim concerning sexual harassment, or for testifying in any procedure brought by anyone else. This notice is provided to all employees in compliance with 26 M.R.S.A. 807(2). If anyone has any questions regarding this notification, please ask your supervisor or contact the Select Board.

#### 50. Worker's Compensation Insurance

A. The Town of Baldwin provides Workers' Compensation Insurance coverage for all employees. When an on-the-job accident occurs, the affected employee is to:

- a. report it immediately to his/her direct supervisor or department head and
  - b. complete a "First Report of Injury" form.
  - c. The department head shall notify the Select Board's office within 24 hours of the injury or on the next following work day of the accident.
- Preferred Provider Program.

B. The Town of Baldwin does not have a preferred provider for work-related medical services. It is requested that all employees seek medical treatment through at the closest medical facility with capability to treat the injury. If possible, employees should use their health insurance recommended health care provider. In an emergency, the employee should be transported to the nearest emergency room facility based on the judgment of the EMT's. Maine Workers' Compensation Act of 1992, Title 39-A,

M.R.S.A., Section 206 and 207 address employee and employer involvement in selection of medical treatment practitioners under the Workers' Compensation Act.

C. Medical Bills. Medical bills, when received either by the department or the employee, are to be forwarded immediately to the Select Board's office. Medical bills are paid without any waiting period.

D. For employee compensation there is a seven day waiting period. The Town remains responsible for employee compensation for the first seven days of the absence, charged to the employee's sick leave. Between eight and thirteen days the insurance carrier provides compensation. Fourteen days and over – the insurance carrier pays all compensation retroactively to the first day of injury; then the employee pays the seven days' worth of sick leave back to the Town, who in turn, credits the sick leave back to the employee's account. Firefighters are excluded from the waiting period and must receive compensation from the date of incapacitation with the Town.

E. Transitional Work Program. In the case of an employee out of work due to a work-related injury, the Select Board's office may coordinate a transitional work program with the employee, employee's doctor and department. This program may be in the employee's department, in a different department, or spread over several departments and is designed to provide less strenuous work or modified work tasks to those employees able and approved by their doctor to return to work in some capacity with the Town. Transitional work may start at a reduced schedule with a gradual increase in hours or may include a full time work schedule as coordinated by the physician, employee, and Town. The Town reserves the right to discontinue the transitional work program or any employee's participation in this program consistent with the provisions of Workers Compensation laws. In some instances workers' compensation payments may be held up. If this occurs, the Town will continue to pay the employee by charging his/her time to sick leave (if available), of which the employee must buy back from the compensation paid by the insurance carrier. If a worker is receiving workers' compensation or disability insurance, he/she must continue to pay his/her share of life, medical, and disability insurances.

## 51. Infectious Disease Policy

A. Purpose: This is to establish the policy of the Town of Baldwin for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases:

- a. AIDS,
- b. Chickenpox,
- c. Hepatitis A,
- d. Hepatitis B,
- e. Impetigo,
- f. Measles,
- g. Mumps,
- h. Pertussis, and
- i. Parasitic Infestations.

B. Any employee or volunteer who could or does come into contact with bodily fluids while performing his/her job as a Town employee or volunteer, should immediately refer to the Town of Baldwin Exposure Control Plan. Copies of the

Exposure Control Plan are available in the Select Board's office, as well as in the Fire and Public Works Departments.

C. Policy: It is the policy of the Town to assure to the extent possible a safe and healthful work environment. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's department head.

D. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.

E. The Town of Baldwin shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post exposure evaluation and follow-up. Refer to the Town of Baldwin Exposure Control Plan for detailed information on necessary procedures to follow.

F. Procedures. The Town will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements.

G. Where allowed by law, the Town retains the right to test employees for infectious diseases.

H. The Town must maintain confidentiality regarding an employee's health status, and does not have a duty to inform other individuals or organizations unless required by law.

I. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Select Board and to carry out his/her assigned duties if reasonable accommodations can be made.

J. Upon notification by an employee that an infectious disease diagnosis has been confirmed and is a threat to the public health, the Select Board will:

- a. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
- b. Assist in the identification of reasonable accommodations to be made, if any.
- c. Assist individual departments, if necessary, in complying with this ordinance.

K. The Town will treat all occupational infectious disease injuries or illnesses according to state law.

L. The Town will provide appropriate educational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.

M. Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.

N. An employee cannot refuse to carry out his/her assigned duties when dealing with a co-worker or the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

O. Accidental Needle Stick Procedure. Fire and rescue personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

- a. Wash the puncture site thoroughly with soap/disinfectant and water.
- b. Report the incident to your supervisor.
- c. Fire or rescue personnel must notify the medical facility receiving the patient of the incident.
- d. Complete Incident and/or Workers Compensation forms.
- e. Establish your potential exposure risk to infectious diseases.
- f. Notify your department head to establish your: (1) tetanus status, (2) Hepatitis B status, and (3) HIV exposure.
- g. Seek further medical attention if necessary.

P. Procedure for Exposure to AIDS Infection. If a Town employee is exposed to the blood or body fluid of a known or highly suspected AIDS- infected person:

- a. Wash the exposed areas thoroughly with soap and water.
- b. Clean any spills with a one (1) part bleach to ten (10) parts water solution.
- c. Report the incident to your supervisor.
- d. Complete the Incident and Workers Compensation forms.
- e. Notify your department head as soon as possible to schedule an appointment for a voluntary blood test. The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results. If all three specimens are negative, you are considered not to be infected. Counseling occurs with each visit or when requested, and is also available to family members and co-workers. Emotional counseling is available through a counselor of the employee's choice and will be provided by the Town of Baldwin through the Maine Municipal Employees Health Trust.
- f. Strict confidence will be maintained in all incidences unless appropriate medical and/or information releases have been obtained.

52. Alcohol & Drug Use and Abuse. The possession, sale, or use of alcohol, marijuana, or illegal drugs on the employer's premises is strictly prohibited and is grounds for immediate dismissal. If an employee is unable to effectively perform his/her duties or causes disruptions in the workplace due to the influence of drugs or alcohol, disciplinary action may be taken. Pursuant to Public Law 100-690 Title V, Subtitle D, the Town of Baldwin has established the following policy:

A. The unlawful manufacture, distribution, dispensing, possession, or use of alcohol, marijuana, or a controlled substance is prohibited in the Town of Baldwin workplace.

B. As a condition of employment with the Town of Baldwin, all employees will abide by the terms of the policy and notify their supervisor or the Select Board of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

C. The Town of Baldwin, within 30 days of receiving notice, with respect to any employee who is so convicted, will take one of the following actions:

a. Taking appropriate personnel action against such an employee up to and including discharge;

b. or requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency at the employee expense.

53. Video Display Terminal Training. The Town of Baldwin is required by a Maine training law enacted on July 1, 1989, and amended on July 17, 1991, to explain or describe the proper use of computer terminals and the protective measures that operators of VDTs should take to avoid or minimize symptoms (i.e., carpal tunnel syndrome) that may result from extended or improper use of these terminals. This law requires that training be done orally and in writing to all VDT users annually. Included in the training is instruction on proper use of equipment (chairs, desks, terminal holders) and lighting.

A. All new employees must receive the training within one month of their starting date as a VDT operator. A VDT user can request, through the Town of Baldwin Safety Committee, that a professional trained in proper use of VDTs review the employee's work station and recommend any improvements.

B. The Town of Baldwin will make every effort to insure that each VDT user has the proper equipment to perform their job safely and effectively.

54. Town Computer Equipment and Software for Data Processing and Communication

A. General. This policy provides Baldwin town employees with the general requirements for using the Town's computers, networks, internet services and e-mail services. The computers, Town licensed software, internet access services, data collected, and entered into local or off-site data cloud storage or web-sites are all the property of the Town of Baldwin. They are significant public investment of resources and must be protected as critical and essential public records and tools for management of the Town. This policy applies to all members of Town government including non-paid members of appointed boards and committees. Loss of critical Town information on a personal computer due to the loss of the computer or hardware failure may represent a cost to Town taxpayers if that information isn't resident somewhere else.

B. Access. The access employees have to Town computers, networks, internet services and e-mail services is based upon specific job or functional requirements of Town government. Employees must have approval of an office or department head in order to gain access to the Town's computers, systems or services. The office or department head must also approve access before an employee is authorized to use any of the Town's computers, systems or services.

C. Acceptable Use. Employee access to the Town's computers, networks, internet services and email services is to aid employees in the performance of their

employment responsibilities. Unless specifically allowed elsewhere in this ordinance, any use not consistent with this purpose is prohibited.

D. E-Mail.

a. E-mail is an essential communication tool in conducting almost all functions of Town government. Currently, Town business is conducted using a combination of commercial and personal e-mail accounts such as G-Mail, Yahoo Mail, and Time Warner accounts. It is the goal that all Town business, including e-mail, be conducted on Town owned and managed hardware and software.

b. Employees sending and receiving e-mail on hardware that is used to conduct to business need to be constantly aware that it is not necessary for an e-mail to contain an attachment in order to deliver a virus. Viruses can be transmitted simply by opening infected mail. Because preview panes and auto-preview functions work by opening the mail, those features shall be disabled on all computers and systems. Further, employees should not open mail from sources unfamiliar to them.

c. Employees are cautioned that e-mail is considered a public record under Maine's Freedom of Access law. This is true for all Town related e-mail, even that residing on non-Town owned computers. Employees should assume that any e-mail may be deemed "public information" and treated the same as any other written communication related to the conduct of Town business.

d. Precautions should be taken to preserve important communications in hard copy form whenever practical. Consideration should be given to archiving e-mails to media for permanent storage on writable CD material.

e. Employees are cautioned that deliberative discussions via e-mail could be construed to be a public meeting under Maine's Freedom of Access law.

f. Employees are cautioned to avoid using e-mail and other mediums to promote, advocate or communicate personal views or the views of other individuals or organizations that could be perceived as an endorsement by the municipal government of the Town when no such endorsement has been provided.

g. Employees shall not make the name and e-mail addresses of other employees available to those whose intent is to communicate with employees for purposes unrelated to their job responsibilities.

h. Employees shall not send to or receive on Town owned hardware, any e-mails not directly related to Town business.

i. Employees shall not send e-mails concerning Town business that contain information that could be deemed inappropriate or illegal to the Town. This should not be interpreted to prohibit use of e-mail in the essential conduct of Town business.

D. Internet & Websites. Internet access is essential for accomplishing most office functions. Town employees need to be careful when downloading files from the internet. Viruses and other harmful software can be spread via files from the internet.

E. Personal Use. Personal use of the Town's computers, networks, internet services and e-mail services is permitted so long as such use does not interfere with the employee's job duties and performance, with system operations, or other Town users. Such personal use must be consistent with appropriate professional conduct. Employees are reminded that all personal use must comply with this ordinance as well as all other procedures, regulations and laws. Employees are further reminded that all use may be monitored and inspected.

Employees shall not install, or attempt to install, on any Town computer or system, personally owned software or shareware downloaded from the internet. Any use of the Town's equipment or services for private financial gain, commercial advertising or solicitation purposes is prohibited.

F. Copyrights. It is the policy of the Town of Baldwin to fully comply with all laws pertaining to the reproduction, use or distribution of copyrighted or otherwise protected materials and software. The Town will comply with all licensing requirements. Employees shall not install, or attempt to install, any software on any computer or system unless the Town is properly licensed and approval is obtained from the system administrator. Employees shall not make copies of software other than those copies authorized in the software license. Employees shall respect the copyrighted protection of materials found on the internet.

G. Other Prohibited Uses. Any use that is determined to be inconsistent with this ordinance or other policies, rules or regulations of the Town of Baldwin is prohibited. In addition to the prohibited uses cited throughout this ordinance, other prohibited uses include but are not limited to:

- a. Any use that is illegal.
- b. Any use involving materials that are obscene, sexually explicit or sexually suggestive.
- c. Any use that represents personal views as the views of the Town of Baldwin.
- d. Malicious use or deliberate disruption of the Town's computers, networks, internet services or e-mail services and/or breach of security features.
- e. Misuse or deliberate damage to the Town's computer systems and/or components.
- f. Copying, downloading, and installing/removing software or applications without the approval of the system administrator.
- g. Failing to report a known breach of computer security to a system administrator or supervisor.

#### H. Breaches of Policy

- a. Failure to comply with this ordinance may result in disciplinary action, up to and including termination of employment. Violations of the ordinance that are also violations of law may result in referral to law enforcement authorities. Employees who violate this policy may also be required to compensate the Town for any damages or costs whether direct or as a consequence of the failure to

adhere to this ordinance. The Town will not make job accommodations to individuals who have, by virtue of inappropriate conduct, lost the privilege of using the Town's computers, systems, internet services or e-mail services.

55. Amendments. The Town may amend and supplement this ordinance from time. Employees will be provided with any amendments and supplements and are expected to abide by them.

This Ordinance shall become effective upon approval at Town Meeting.