CITY OF Gardiner

Moving Forward

Employee Handbook

Adopted: 4/3/13

City of Gardiner Employee Handbook
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Acknowledgement Form – Return to Human Resource

Disclosure

In the event of any conflict between the provisions of the employee Handbook and the provisions contained in the City charter, City ordinances or any applicable collective bargaining agreement; the charter, ordinance or collective bargaining agreement shall govern.

City of Gardiner
Employee Handbook

I. Introduction

A. **Welcome to the City of Gardiner**, we are delighted you have joined us! Gardiner is a customer service driven organization dedicated to excellence in municipal services. Your contribution is important to ensure our sustained success and growth.

This book is designed to help you understand our organization more fully and answer basic questions. We hope this information will put you on the path to becoming a successful contributor with the City of Gardiner. Employees are asked to treat co-workers, the public and others with whom they do business with dignity, respect, patience and courtesy. Employees should strive to provide a high quality of service to the citizens of Gardiner and in such a way as to maintain the public trust.

Together, you and your Department Head are responsible for your success with the City of Gardiner. You are vital to your department's accomplishment, and your supervisor and Department Heads have a great interest in your success. Frequent and open communication between you and your Department Head is essential to a successful, mutually beneficial working relationship. Your relationship with your Department Head should allow you to feel comfortable doing the following things:

- Communicating your needs and expectations;
- Asking questions and discussing problems; and
- Sharing any suggestions you have to improve work processes and team performance.

Department Heads are an important link to many of the resources available for your personal growth and professional development in Gardiner. Whenever you need assistance or support, you should begin with your Department Head.

Again, welcome! We hope that your career here will be a gratifying one.

B. City Government Organization

1. General Citizenry - Our citizens and others doing business or visiting our community are the ultimate beneficiaries of the performance by City employees of their assigned tasks and duties. However, a large segment of the population has little contact with their local government. In most cases, our citizens interact with one or two City employees. For these reasons, all employees must give the best possible impression at all times. Individual employees must be aware that the customer service they provide as well as their conduct, both on and off the job, shall always be identified with City of Gardiner government by the general public. In addition, it is important that all employees provide honest, efficient, and courteous service to our citizens at all times.

2. City Council - The non-partisan City Council is composed of a Mayor and seven Councilors. Four councilors are elected by district. The mayor and three councilors are elected at-large. The City Council sets broad policy for the City, establishes the annual budget and exercises powers and duties assigned to it by the State Legislature.

3. City Manager - The City Manager is the chief administrative officer of the City. He/she is hired by the City Council to carry out its policies. The City Manager is responsible for the day-to-day activities of all City Departments and the successful completion of projects and implementation of all policies adopted by the City Council. The City Manager is responsible for hiring Department Heads.

4. City Departments - The day-to day activities are performed by employees assigned to city departments, who are overseen by a Department Head.

C. Purpose
The purpose of the Employee Handbook is to establish a uniform and equitable system of personnel administration governing employment with the City of Gardiner.

D. Disclaimers
Although the Employee Handbook outlines the conditions, responsibilities and benefits of employment with the City of Gardiner, **this handbook is not a contract or guarantee of employment**. The following disclaimers are included to provide specific notice to that effect:

- This Employee Handbook is not a contract and nothing in the Employee Handbook affords employees any contractual or other rights.
- No Department Head, supervisor, employee or representative of the City, other than the City Manager or a majority of the City Council, has the authority to enter into an agreement for any specified period or make any promises or commitments restricting the City's right to lay-off or terminate an employee. Any employment agreement, promises or commitments entered into by the City Manager or a majority of the City Council shall not be enforceable unless it is in writing and signed by all parties.
- Where this Employee Handbook contains descriptions or references to insurance or other benefit plans, the specific provisions of the benefit plan will take precedence and govern should a conflict arise concerning interpretation, application or benefit level.
- The City may change, amend, repeal or modify any rules or regulations at any time.

II. General Provisions

A. Applicability
This Employee Handbook applies to all City employees including those covered by collective bargaining agreements, unless otherwise provided in such agreements, or except for individual cases where a differing procedure is provided for in the City Charter or in the City Ordinances. **In the event of any conflict between the provisions of the Employee Handbook and the provisions contained in the City Charter, City Ordinances or any applicable collective bargaining agreement; the Charter, City Ordinance or collective bargaining agreement shall govern.**

B. Non-Discrimination

The City makes equal employment opportunity and non-discrimination compliance its affirmative action policy with regards to recruitment, compensation, and benefits. No employee shall be subjected to discrimination nor be denied compensation and/or benefits on account of race, color, sex, physical or mental disability, religion, ancestry, national origin, age, marital status, genetic information or sexual orientation by any employee or agent of the City, under any program or activity in which the City participates including third party agreements. The City provides reasonable accommodations to qualified individuals as required by law.

Any employee who believes they have been discriminated against based on one of the categories stated above should contact their Department Head, the Human Resource Director, or the City Manager.

All employees have the right to work in an environment free from illegal harassment, including sexual harassment. All employees shall adhere to the City's Harassment Policy (Attachment B).

C. Authority of the City Manager

The City Manager has the authority, except as may be otherwise limited by law and/or by the provisions of the Employee Handbook, to administer and manage the day-to-day operations of the City government. This authority shall include the right to take such administrative action as he/she deems necessary or appropriate to direct the programs of the various departments; direct the workforce, establish work schedules, introduce new or improved methods, techniques or facilities; hire, promote, suspend, demote or discharge for just cause; change duties and assignments; reduce, or expand the workforce; transfer; maintain discipline, and to contract or subcontract work. Equally important to the authority of management is the right to take necessary and appropriate administrative action to uphold the rights and interests of the citizens, the City Council and employees.

D. Administration of the Employee Handbook.

The day-to-day administration of the Employee Handbook is the function of the Human Resource Director in conjunction with Department Heads and supervisors.

E. Whistleblower Protection

It is illegal for the City of Gardiner to fire you, threaten you, retaliate against you or treat you differently because:

1. You reported a violation of the law;
2. You reported something that risks someone's health or safety;
3. You have refused to do something that will endanger your life or someone else's life and you have asked your supervisor to correct it; or
4. You have been involved in an investigation or hearing held by the government.

You are protected by this law ONLY if:

1. You tell your supervisor or the City Manager about the problem and allow a reasonable time for it to be corrected; or
2. You have good reason to believe that the City will not correct the problem.

To report a violation, unsafe condition or practice or an illegal act at the City of Gardiner, contact your supervisor, the City Manager, or the Human Resource Director.

III. Employment Definitions

A. Regular Employment

1. Full-time - Full-time employment is appointment to a regularly budgeted position to work on a continuing and indefinite basis for at least 37.5 or 40 hours per week depending on the position.

2. Part-time - Part-time employment is appointment to a regularly budgeted position to work on a continuing and indefinite basis for less than 37.5 hours per week. Part-time employees are paid for the hours worked, but may not receive other benefits except those mandated by law (FICA, Workers Compensation, and Unemployment Compensation) or those to which they pay 100% of the costs, with approval from the City Manager.

3. Contract Employment - Contract employment is employment under an employment agreement or contract between the City and an individual.

B. Employment for a Limited Time

1. Temporary Employment - Temporary employment is an appointment to work a full-time or part-time work schedule, but for a limited period of time. Temporary employees are paid for the hours worked, but may not receive other benefits except those mandated by law (FICA, Workers Compensation, and Unemployment Compensation).

2. Seasonal Employment - Seasonal employment is appointment coinciding with one or more of the four (4) seasons and for which the position terminates with the end of one or more of the applicable season(s). Seasonal employees are paid for the hours worked, but may not receive other benefits except those mandated by law (FICA, Workers Compensation, and Unemployment Compensation).

3. Probationary Period - All employees will be subject to a probation period as defined in the bargaining agreements. Employees appointed to positions and those not covered by collective bargaining agreements shall be subject to a six month probationary period. During this period, employees must demonstrate their fitness for the position. During the probation period, the probation employee may be disciplined, discharged, laid off or otherwise dismissed at the sole discretion of the City, and neither shall the reason for the disciplinary action, discharge, lay-off or dismissal be the subject of a grievance.

IV. General Employee Information

A. There shall be no residency requirements for City of Gardiner employees.

B. Work Hours

1. Regular Hours - Due to the wide variety of services provided by the City, hours per week between departments and employees also vary. Management reserves the right to change the work day or work week for the purpose of promoting the efficiency of the municipal government; from establishing the work schedule of the employees, and establishing part-time positions.

   The current administrative office hours are Monday through Friday 8:00 am to 4:30 pm., and are subject to change per management.

2. Part-time Hours - Part-time hours are established on a case-by-case basis based upon the needs of individual Departments.

The hours of each employee's work day is determined by the Department Head with the approval of the City Manager. Department Heads are responsible for recording the time for all employees within their department. The employee and the Department Head must account for any hours not worked by the employee and shall designate from which approved leave the hours will be deducted.

3. Overtime - The City of Gardiner uses the Federal Fair Labor Standards Act to determine which employees are eligible for paid overtime. If you have questions about the eligibility of your position, please contact your Department Head or the Finance Department for clarification.

   Employees have the option of overtime pay or compensatory pay for time worked in excess of 40 hours in a pay period. Whenever possible, the Department Head must approve overtime in advance of the work being performed. All overtime worked will be recorded along with the reason for the overtime. This will assist the Department Head and/or the supervisor to manage the overtime requirements as well as provide a way to track the financial liabilities for overtime incurred.

   Overtime is paid at one and a half times the employee's base wage for actual hours worked in excess of 40. When overtime is paid to an employee whose normal work week is 37.5 hours, then straight time will continue to be paid until the work performed reaches above 40 in a pay period. Only hours worked are considered when calculating overtime.

4. Compensatory Time - Employees who are eligible for overtime according to FLSA regulations may choose to take compensatory time in lieu of overtime pay. Compensatory time shall be taken at one and one half times the number of hours worked over 40. The employee must state his/her choice of overtime pay or compensatory time to his/her Department Head before the overtime hours are worked. Employees may not accumulate more than the number of hours stated within each union contract or, where the employee is not covered by a labor agreement, no more than 24 hours without authorization from the City Manager. Compensatory time must be scheduled with the Department Head who will consider the workload of the department, personnel coverage and other reasonable criteria when granting or not granting compensatory time off. Employees who separate from their employment with the City of Gardiner shall receive a lump sum payment of the balance of any accrued but unused compensatory time at the hourly rate the employee is earning at the time of termination. The City Manager, Department Heads and all other salaried employees are not entitled to compensatory time.

   It is understood that salaried employees, exempt from overtime as defined by the most recent Fair Labor Standards Regulations, shall accomplish the work assigned to the position regardless of the hours required to do the work. Any employee exempt from overtime pay who works significant extra hours, may from time to time take off time during the normal business day with the approval of their Department Head or supervisor, or in the case of a Department Head, with the approval of the City Manager as long as it is understood that the hours off are not taken hour for hour in exchange for time worked.

5. Flexible Schedules - On occasion it may be necessary to alter the workweek in order to meet the demands of the public or a project and to minimize the need for overtime. Changes from the standard workweek must be approved in writing by the Department Head and/or the City Manager.

6. Lunch Breaks/Other Breaks - Lunch breaks are either one half hour, or one hour in length, depending upon the department, and must be taken between the hours of 11:00 a.m. and 2:00 p.m. at the discretion of the employee's supervisor. On rare occasions, employees may be allowed to skip a lunch break to shorten the work day upon the approval of the Department Head or City Manager, and if they sign a rest break waiver form (see attachment I).

   All employees' work schedules shall provide for reasonable rest periods (refer to the applicable collective bargaining agreement).

7. Time Sheets – Employees who are required to fill out timesheets are required to have them signed by their supervisor/Department Head. The time sheets are official documentation of hours actually worked. If time is taken off during the workweek, the employee must record on the time sheet how time-off will be compensated (vacation, sick leave, comp time, medical leave, or holiday, etc.). See Attachment C for the Time Sheet Policy. If time is not recorded on the time sheet, it will not be regarded as worked or entitled to pay. Falsification of time sheets may result in termination of employment.

C. Pay Periods, Compensation & Evaluations - City of Gardiner employees are paid weekly. Checks are available on Friday mornings. Employees are encouraged to use direct deposit to deposit all or a portion of their weekly payroll into one or several bank accounts. To set up a direct deposit please contact the Finance Department.

At least annually, job performances will be evaluated by the employees Department Head. All Department Heads will be evaluated by the City Manager, or in the case of the City Manager's evaluation, the City Council. In no event shall an employee be granted a pay increase or other financial consideration without his or her work having been first evaluated. This does not apply to cost of living adjustments or step increases.

Pursuant to 30 MRSA ss 2257, all performance evaluations of employees are considered confidential and not public documents under the freedom of access act, 1 MRSA ss 401et seq. The Mayor and Council members shall not be allowed to review employee's personnel files. The City Manager may share personnel information with the Council as a whole in executive session if deemed necessary.

D. Employee Appearance

We are representatives of the City and are expected to conduct ourselves professionally and project a positive image. Because of the special nature of government service, we have daily contact with the public. These contacts directly affect the City's identity and how we are perceived by the public. We are expected to project a positive image to co-workers and the public through our overall appearance and our work performance.

When determining whether or not attire is appropriate, employees should consider:

- What types of job duties we are required to perform;
- Where we are required to carry out our job duties;
- With whom we are interacting when we are required to transact City business; and
- Personal safety considerations.

The following are minimal guidelines for employee appearance:

1. Uniforms and other apparel that are required to be worn due to labor contracts and/or safety regulations are considered acceptable clothing for those particular jobs.

2. Standard work clothes are appropriate for employees who spend virtually all their time out in the field (i.e. Highway Department and custodial personnel).

3. Non-uniformed employees who do administrative work are expected to wear clothing generally associated with professional office setting, rather than casual or work clothing.

4. Employees who perform office work and also must work in the field may wear casual attire that will allow them to perform the job safely, minimize destruction of good clothing while still projecting a professional image.

5. Employees are expected to dress in more formal business attire (suits, jackets, ties, etc.) when the situation dictates. These situations may include: meetings with the City Council and other community boards, commissions and groups; court appearances; special business or community events and meetings; planned media interviews; etc.

Additionally, employees are expected to come to work in clothing that is neat, clean, in good repair and is free from slogans and symbols that may be offensive to co-workers, the general public and others with whom they do business.

There will occasionally be exceptions to the above minimal guidelines. For example, if the day is going to be spent cleaning or painting office space, office attire may be more relaxed for that time period in which the work is being done.

E. Reimbursement for Travel Expenses

1. Purpose – The City of Gardiner supports and encourages the professional development of all staff members. In order to enhance the skills and knowledge base of employees, regional and out-of-state travel is sometimes necessary to attend professional meetings, seminars and workshops. Attendance at these sessions, while important, is a privilege for which employees are responsible for ensuring that both their time and the City's financial resources are well spent.

   The following policy governs reimbursement of travel expenses incurred during the conduct of City business. The City will reimburse employees for ordinary, necessary and reasonable travel expenses that pertain to the transaction of City business with prior approval (when required) and proper documentation. The objective is to ensure cost effective and equitable reimbursement for expenses incurred by employees in the performance of their duties, within the City's budgetary parameters.

2. Responsibilities - Prior to any employee attending a seminar, workshop or professional association meeting that requires the expenditure of funds for travel or lodging, the employee must receive approval of the Department Head. In the case of out-of-state travel, the employee must also receive the approval of the City Manager.

   All employees who incur travel expenses must comply with the policy. Employees who submit travel expense reports not in compliance with the policy risk delayed, partial, or forfeited reimbursement.

   Department Heads that approve travel expense reports are responsible for ensuring that employees follow City reimbursement guidelines. Any deviation must be explained by the Department Head on the report.

3. Reimbursable Expenses

   a. Transportation/Mileage
      - Personal Car - Employees who use their personal vehicles for work related travel will be reimbursed on a per mile basis, with the per mile rate to follow the State of Maine rate in effect at the time of travel. The mileage covers all auto costs (fuel, repairs, insurance) other than parking and tolls. Mileage reimbursement requests must be accompanied by a MapQuest printout (or other similar service) showing the distance traveled.
      - Air and other modes of travel - Employees are expected to make travel arrangements that are the most cost-effective possible within practical considerations.
      - Taxi and other local transportation - Cab fare to and from convention centers, hotels and airports in connection with a work related activity is reimbursable. Cab fare is authorized only when alternate, less expensive services (hotel vans, shuttles, etc.) are not available. Employees are encouraged to use public transportation whenever feasible. Receipts are required for all transportation expenses.

b. Meals - The cost of meals will be reimbursed, up to the federal per diem rates, when the employee is on official City business. Receipts are required for all meal expenses.

c. Lodging - Employees are expected to make cost comparisons and ensure that the selected lodging is the most cost-effective, given other factors (distance from the meeting or seminar site and potential travel costs, safety, etc.). Receipts are required for all hotel expenses.

d. Other - The following incidental expenses are reimbursable, when directly related to City business:
   - Parking fees
   - Tolls
   - Seminar registration fees

   Receipts are required for all miscellaneous reimbursable expenses.

4. Non-Reimbursable Expenses - The following expenses are not reimbursable:
   - Any additional costs resulting from an employee's family accompanying him/her on the trip.
   - Childcare fees
   - Pet care fees
   - Hotel room movies
   - Personal phone calls
   - Meal cost which exceed the per diem rate
   - Alcoholic beverages (except when pre-approved by the City Manager for business recruitment purposes within reason)
   - Other non-work related expenses

5. Cash Advances

   a. Issuance and Use - Upon request, temporary cash advances will be given to employees for expected out-of-pocket expenses. Advances will not be issued to employees who have a previously issued advance that remains outstanding. Cash advances will not be given without the prior approval of the Department Head or City Manager.

   b. Settlement and Reporting - Cash advances must be settled within five (5) business days after returning from the pre-approved trip. Settlement consists of reporting the advance on a travel expense form (Attachment D) and deducting the advance from the final balance due.

   c. The City reserves the right to settle overdue cash advances by payroll deduction.

6. Expense Report Processing

   a. Timeframes - Travel must be documented on a travel expense report within five (5) business days after returning from a trip.

   b. Authorization - The travel expense reports must be approved and signed by a Department Head, who will review the report for accuracy and compliance with the travel policy. The City Manager must approve and sign all travel expense reports for Department Heads.

   c. Reimbursements - Reimbursement checks will be processed with the regular accounts payable, which are processed weekly.

V. Conditions of Employment

A. Employee Conduct and Ethics

1. General Statement of Ethics - Work in the public sector exposes employees to many areas of ethical judgment. In order for the City, its employees, and its leadership to maintain a positive relationship with the public they serve, we must all abide by the policies and procedures that will protect the public trust and the trust we place in ourselves and co-workers.

2. Local Political Activity - While employed by the City of Gardiner, all employees, their spouses/domestic partners, and their children shall refrain from seeking or accepting nominations or elections to any elective office in the Gardiner city government, and using their direct or indirect influence in any way for or against any candidate for elective office in City government.

   During work hours, city employees shall not work at the voting polls (unless compensated by the City Clerk's office), circulate petitions or campaign literature, or be in any way involved in the solicitation of endorsements, subscriptions, contributions or political service from any persons for any political purpose pertaining to the government of the City.

   This policy shall not be construed to prevent City employees from becoming or continuing to be members of any political organization, from attending political meetings, from expressing views in political matters, or from voting with complete freedom in any election.

3. Conflicts of Interest - Employees must avoid situations where loyalties may be divided between the City's interests and their own personal and/or financial interests.

   a. Employees will place public interests above individual, group and special interests.

   b. Employees will not have any material financial interests in any private or professional activity that will be in conflict with their job responsibilities.

   c. Employees will not engage in any business activity or professional activity that would appear to be in conflict with job responsibilities or that would tend to impair independent judgment or action on performance of official duties.

   d. Employees will refrain from using their position for personal gain.

   e. Employees will keep confidential all information not available to all citizens that are acquired by virtue of their positions with the City.

   f. Employees will not represent private interests which conflicts with City interests.

   g. Employees shall treat all citizens and others doing business with the City alike – courteously and with respect. Employees will not grant any citizen any favor, benefit, or special privilege beyond what is provided to all citizens.

   h. Employees shall handle all matters of personnel, including recruitment, selection, or promotion on the basis of qualification, ability and merit.

   Employees must disclose to their Department Head or to the City Manager, the nature and extent of any financial or personal interest in any City contract, agreement, purchase of goods or services, or project.

4. Conflicts of interest and Employment Positions - City employees shall not hold a Department Head position or be senior in the chain-of-command to an individual with whom he or she has a personal relationship or a financial involvement, unless:

   a. The relationship is disclosed by the employee to the City Manager.

   b. City Manager approves a management plan that is designed to prevent favoritism or any other improper influence in connection with the employment relationship and that provides ongoing oversight by a person or persons not subordinate to either individual who have the personal or financial involvement.

   For purposes of this section, a personal relationship is defined as any family, affectionate, or social relationship that is characterized by one or more of the following:

   - Persons who are husband and wife, or parent and child;
   - Persons who share a physical intimacy with each other;
   - Persons who acknowledge an ongoing romantic relationship with each other;
   - Persons who live together in the same residence;
   - Persons who intermingle their financial assets without an accounting of separate ownership interests.

   For purposes of this section, financial involvement means any existing (or current efforts toward achieving) ownership or investment interests, contract rights, significant customer relationships or employment relationships of a City employee.

   Relatives of employees or other City officials shall not be given special consideration for any employment opportunity or contract position with the City (aka nepotism). The City Manager shall be required to approve of any hire or award of contract to a relative of an employee or other City official and shall ensure that such selection was not based at all on nepotism.

5. Guidelines for accepting Gifts or Gratuities - Employees will not accept personal gifts, favors, services, money, discounts, or anything of value from the public that might reasonably tend to influence or be perceived to tend to influence the impartial discharge of duties. Employees will not accept gifts or money for services which they are paid by the City to perform.

   Employees with enforcement/inspection/decision-making responsibilities should keep in mind that the donor of gifts, favors and/or services may expect or seek preferential treatment. Favoritism, especially as a result of acceptance of a gift, is prohibited. The policy of gifts and gratuities does not preclude the employee from accepting advertising or promotional items of inconsequential value such as pens, pads of paper, caps, etc., nor does it prevent the acceptance of a food donation during the holidays, such as a box of cookies or sandwiches.

   Any questions relating to this policy on gifts and gratuities or on the acceptance or rejection of specific items under specific circumstances should be directed to the City Manager.

6. Outside Compensation - City working hours shall be reserved for the conduct of City business. Under no circumstances shall an employee conduct private business activities for compensation or profit during his or her City work hours.

   No employee shall, during off-duty hours, be engaged in any employment, activity or enterprise that is incompatible or in conflict with his/her duties, functions, and responsibilities with the City. No employee shall accept outside employment if said employment will interfere with or not permit the employee to meet emergency, special assignment or overtime requirements in conjunction with his/her duties with the City of Gardiner.

7. City Property - All City-owned equipment, vehicles, tools, materials and supplies are the property of the City of Gardiner. The following rules shall govern the personal use by employees of City owned equipment (other than motor vehicles):

    a. City equipment (including computers, laptops and cell phones) or supplies WILL NOT be used by an employee in the conduct of private business activities for compensation or profit.

    b. City equipment WILL NOT be removed from City premises for an employee's personal use or for the personal use of another.

    c. With permission of their Department Head, an employee may use City equipment such as computers, photocopy machines, faxes, occasionally for personal tasks, as long as these tasks are performed on the employee's own time. Employees will reimburse the City for any supplies consumed in their personal use of City equipment. Employees are responsible for any damage to City equipment occurring during personal use thereof.

    d. The City's letterhead will not be used for personal correspondence or in personal business correspondence.

    e. Individual departments may establish stricter rules governing the use of specific types of equipment.

    f. Accidents or incidents involving City equipment and other private or public property shall be reported to the Department Head who will then notify the Chief of Police, who will conduct an investigation, the purpose of which shall be to determine cause. The results of such an investigation shall be reported to the Department Head and the City Manager.

    There is a specific policy regarding appropriate use of City computers, including internet usage. Please refer to Attachment E for the complete policy.

8. City Vehicle Use – The Police Chief, Fire Chief, Director of WasteWater, and the Public Works Director may drive their assigned vehicles to and from their homes. City vehicles are to be used only in the accomplishment of official city related business. Stops for incidental purposes are permissible provided they are made within the regular travel route.

    Department Heads shall have the authority to determine who may operate City vehicles in the accomplishment of official City business.

    Any City vehicle may be utilized to meet any official exigencies as determined by the City Manager.

    All City of Gardiner employees must use seat belts while in City vehicles or equipment, either as an operator or passenger. This policy also applies when an employee is using his or her own personal vehicle for City business.

    Smoking and smokeless tobacco are not allowed in any City vehicles.

    Any employee that is operating a city owned vehicle or city owned piece of equipment will not use any cellular device or any other type of electronic device that impairs or distracts the employee from the safe operation of the vehicle or equipment.

    Employees failing to comply with this safety policy will receive disciplinary action.

9. Workplace Safety and Injury Management – The City strives to provide a safe work environment for all employees and the general public conducting business in our various facilities. Department Heads are responsible for ensuring that each worksite is free from recognized job hazards and that each job task is

performed in compliance with appropriate safety regulations. Employees are equally responsible for working in a safe manner in accordance to all safety policies and report unsafe conditions to their Department Head in written form.

Despite employees' best efforts in maintaining a safe work environment, workplace injuries may occur. When this happens, employees are required to follow these procedures:

The injured employee must report the injury immediately to his or her direct supervisor or Department Head who will in turn report the incident to the Human Resource Director. The Department Head or his or her designee will file a "First Report of Injury" within 24 hours with the Human Resource Director, which will be forwarded to the City's Workers' Compensation program. Injured employees needing medical treatment will be treated at the City's designated occupational health provider, or if seriously injured, at one of the area hospitals. If the employee is unable to return to work, the employee must provide a physician statement from the City's provider stating the incapacity and any restrictions.

Medical bills for a covered claim are payable without any waiting period.

Workers' Compensation benefits are paid a compensation based on the average weekly wage at the time of the injury and the employee's federal dependent filing status (80% after tax Workers' Compensation Board formula) paid by our Workers' Compensation carrier. The employee may receive his/her average weekly pay by electing to have the difference between the amount paid by Workers' Compensation and the amount paid by the City deducted from his or her accrued leave. Any employee electing to remain on regular payroll will endorse the workers comp checks back to the City of Gardiner. Any employee electing to receive Workers' Compensation in lieu of base pay will be billed for any normal employee contributions toward benefits.

The employee will have the opportunity to attend Workers' Compensation mediation for any claim that the City denies compensability.

The City supports a transitional return to work program for all work related injuries when appropriate accommodations can be made. This program is a partnership between the City, the Workers' Compensation division, the employee and the medical provider.

Employees who are out of work more than three consecutive days due to a work related injury and who have filed a claim for Workers' Compensation but whose claim is being contested will be placed on Family Medical Leave if he or she would otherwise be eligible for such leave. Please refer to the FMLA Policy (Attachment F) at the end of the Employee Handbook.

10. Substance Abuse Detection – Employees required to have a CDL are subject to drug and alcohol testing. See attached policy for more details (Attachment J).

11. Tobacco Use - Pursuant to 22 M.R.S.A. Section 1580-A, " Workplace Smoking Act of 1985" and 22 M.R.S.A. Section 1542, and in order to promote the health and safety of all municipal employees and the general public and to ensure the cleanliness of all municipal facilities, the City of Gardiner has the following Tobacco Use Policy:

    Smoking and the use of smokeless tobacco products that are expelled by spitting (i.e., chewing tobacco or snuff) is prohibited in all municipal facilities and in all municipal vehicles and equipment at all times. Smoking and the use of smokeless tobacco products will be allowed in the designated employee smoking areas. Those employees who use these areas shall be responsible for keeping them free of cigarette butts and expelled smokeless tobacco products.

Designated Areas:

- **Municipal Building to include Public Safety** - On the southeast corner of the employee parking lot.
- **Public Works Facility**- On the side of the building near the employee parking area.
- **Public Library**- On the southeast corner of the employee parking lot.
- **WasteWater Treatment Facility** – Twenty feet away from the outside of the building.

Violations of this tobacco use policy will result in disciplinary action including verbal warning, written reprimand, suspension, or termination, not necessarily in that order. In the case of a non-employee smoking in a non-designated smoking area or using smokeless tobacco products at any municipal facility, that person may be barred from utilizing said facility in the future.

All complaints of violations of this policy shall be referred to the Human Resource Director.

Assistance in quitting smoking is available from the Maine Tobacco Helpline by calling 1-800-207-1230 or by visiting: www.tobaccofreemaine.org/quittobacco/MaineTobaccoHelpLine.php

VI. Discipline/Discharge

A Department Head may discipline an employee when in his/her judgment the performance of the employee justifies such action. Discipline may include counseling, verbal or written reprimand, temporary relief from duty, suspension, probation, demotion, and discharge from employment. Any of these forms of discipline may be assessed at any time regardless of prior disciplinary history depending on the severity of the conduct. Cause for discipline may include, but not be limited to the following:

- Repeated failure to follow job standards, policies and procedures established by the City
- Being in possession of or under the influence of alcohol, legal drugs not prescribed by the employee's physician, and/or illegal or scheduled substances while on duty or while on City property
- Theft or willful destruction of City property
- Willful falsification of employment related records or intentional misrepresentation of facts relating to job performance
- Insubordination
- Physically striking a co-worker, Department Head or member of the public except in self-defense
- Carrying weapons and/or firearms into the workplace unless it is required as part of the employee's official work capacity
- Disorderly conduct which interferes with the operation or management of the department or poses a serious danger to the health and safety of other employees
- Repeated failure to follow work instructions
- Repeated neglect of duty
- Absence without notice or excuse, including lateness
- Behavior including off-duty behavior, or being charged with or convicted of a misdemeanor which causes or has the potential for causing discredit to the Department or the City, and of eroding the public's confidence in the City, its employees and its services
- Charged with or convicted of a felony under the criminal laws of the United States or any state
- Threats to the safety of City personnel or property
- Violation of the City Harassment Policy and/or inappropriate and unwanted behavior (see attachment B)

- Failure to treat the public and co-workers in a respectful and courteous manner
- Use of sick leave for reasons other than what it is intended for; failure to notify Department Head of sick leave use and high frequency of sick leave use without corresponding documentation as to the reasons

Types of Discipline:

The following types of discipline may occur in any order depending on the severity of the conduct being addressed:

Counseling
Counseling is a discussion to explain an actual performance deficiency and emphasizing expected standards. Supervisors and/or Department Heads shall make every attempt not to ignore minor deficiencies, but rather to correct them. Sometimes the employee may need further training or they may not know the proper procedure. One purpose of counseling is to determine what corrective measures can be taken to improve employee performance. Counseling shall be documented by the supervisor and/or Department Head and placed in the employee's personnel file.

Verbal Warning
A verbal warning is a verbal statement by the supervisor and/or Department Head to an employee, usually detailing an unsatisfactory element of job performance and is intended to be corrective or cautionary. A verbal reprimand defines the area of needed improvement, and informs the employee that failure to improve may result in more serious actions. Verbal warnings shall be documented in writing by the supervisor and/or Department Head and placed in the employee's personnel file.

Written Reprimand
A written reprimand shall be issued by the Department Head. The written reprimand shall contain a statement of the cause for the action, improvement or corrective action required of the employee, time frames for such action, and possible results of the employee's failure to comply. An employee receiving a written reprimand may respond to that action and a copy of the response shall be attached to the reprimand. A copy, which shall be signed by both the employee and Department Head, shall be given to the employee and the Human Resource Director for placement in the employee's personnel file. More than one written warning may be given.

If the employee refuses to sign the written warning, then the Department Head and one other witness shall note on the warning that the employee received a copy thereof and refused to sign it.

Temporary Relief from Duty
Under certain circumstances, it may be necessary to restrict an employee immediately from performing duties at the work site. The circumstances usually involve potential danger to the employee, co-workers, or the public, or the employee's inability to perform assigned duties satisfactorily. Because of the need for immediate action, the decision to relieve an employee from duty is typically the responsibility of the supervisor or Department Head. In these situations, the following procedure is to be followed:

1. As soon as possible, the supervisor or Department Head taking the action to relieve from duty an employee will prepare a written statement of the action taken and the reasons for such action.
2. The Department Head will prepare, together with the supervisor, the statement of charges and document any supporting evidence.
3. The Department Head and Human Resource Director will review all evidence to determine disciplinary direction.

Suspension
A suspension is the temporary removal of an employee from duty, generally without pay. A Department Head may recommend the suspension of an employee after carefully reviewing all facts and reviewing same with the Human Resource Director. Employees will be provided a letter of suspension, that will (a) state the effective date; (b) length of duration; (c) reasons for action, including a statement of the particular facts which evidence each performance deficiency and identification

of each performance deficiency; (d) a list of exhibits and witnesses supporting the statement of facts; (e) a notice to the employee of his/her rights to appeal the action. In no event will the use of paid time be allowed during a period of suspension without pay. Should a paid holiday occur during a period of suspension without pay, the suspension period will be extended by the number of holidays occurring during the suspension period. Such suspension shall not exceed twenty working days.

Probation
Depending upon the circumstances, an employee may be placed on disciplinary probation. Such discipline may be on its own or in conjunction with another disciplinary action outlined herein. The employee will receive a written notice stating the reason or reasons for the disciplinary probation, the effective date of such action, and length of the same (maximum one year). The employee will continue his or her duties on a paid status while on disciplinary probation. During disciplinary probation the City reserves the right to terminate the employee for what would otherwise be considered minor infractions.

Disciplinary Demotions
Under circumstances of demotion for disciplinary reasons, an employee may be reallocated from a present job to one having lower responsibilities, skill requirements, performance standards, and rate of pay upon recommendation of supervisory personnel and/or the Department Head. The decision to demote an employee shall be made by the City Manager. A copy of such written notice will be given to the affected employee and the Human Resource Director for placement in the employee's personnel file.

Removal/Discharge from Employment
An employee outside of his or her probationary period may be removed or discharged from employment with the City when the employee's work or misconduct warrants, after the employee receives cause, notice and hearing where the employee will be permitted to present evidence that they should not be removed or discharged. If the City is contemplating removal or discharge, the employee will receive a notice stating the cause for such a decision and setting a hearing date no later than 72 hours after the date of notice given to the employee. If, following the hearing, the City elects to remove or discharge the employee, the employee will be provided a letter of discharge, that will (a) state the effective date; (b) reasons for action, including a statement of the particular facts which evidence the reason(s) for discharge; and (c) a notice to the employee of his/her rights to appeal the action.

Initiating Discipline: Consideration and Notice
Disciplinary notice to employees should, as a general rule, contain the following information:

A. A statement of the disciplinary action to be taken and its effective date
B. A statement of the reason(s) for imposing the discipline and the nature of the violation
C. Attachment of any supporting material or evidence where appropriate

Service of disciplinary notice will be deemed to have been made upon personal presentation or by certified mail addressed to the employee's last known address on file.

Appeal of Disciplinary Action
The employee may appeal a disciplinary action to the City Manager within ten (10) working days of notice of the action. After reviewing all facts and evidence, the City Manager will put in writing his/her final decision and provide it to the employee. The City Manager's decision shall be final.

Appeal of Discharge
The employee may appeal the discharge to the City Manager within ten (10) working days of notice of the action. After reviewing all facts and evidence, the City Manager will put in writing his/her final decision and provide it to the employee. Should the City Manager find in favor of the discharge, such discharge if final. Should the City Manager find in favor of the disciplined employee, he/she may reinstate a disciplined employee at any time and may authorize back pay. The City Manager's decision shall be final.

Dispute Resolution
In consideration that a dispute, complaint, or problem may arise periodically concerning working conditions, policies and practices, or decisions made by City representative that effect an employee's job, the City has established the following dispute resolution procedure. It is the intent of this policy and procedure to afford employees a voice in those matters that have a potential adverse, unjust, or inequitable effect on their employment conditions. The City desires solving problems as promptly, justly, objectively and confidentially as possible.

The three (3) steps involved in the dispute resolution procedure are:

1. Discuss the dispute with the immediate supervisor including the nature of the concern and possible appropriate remedies. If a satisfactory solution cannot be reached within ten (10) working days, or if the nature of the problem is not within the supervisor's authority, the employee will proceed to step 2.
2. Present the issue in writing to the Department Head, who will investigate, examine, and evaluate the factual basis of the situation in an attempt to reach a satisfactory solution. Every effort will be made to provide the employee with a written decision, and the reasons thereof, within ten (10) working days. If the Department Head's decision is not satisfactory to the employee, the employee will proceed to step 3.
3. Within five (5) working days following the receipt of the Department Head's decision, the employee may arrange an appointment to present and discuss the issue with the City Manager. On the basis of information provided in this meeting, or related written documents, the City Manager may conduct further inquiries to fully consider all relevant facts and circumstances, followed by a final decision to the employee and others concerned within fifteen (15) working days. The City Manager's decision shall be the final internal appeal.

VII. Holidays and Leaves

A. Holidays - All regular, full-time employees shall be entitled to the following paid holidays:

- New Years Day
- Martin Luther King Day
- Presidents' Day
- Patriot's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- The day following Thanksgiving Day
- Christmas Day

For non-emergency personnel (i.e. Police and Fire/Rescue), whenever the holiday falls upon a Saturday, the employee shall have off the preceding Friday. When the holiday falls upon a Sunday, the employee shall have the succeeding Monday off.

In order to be eligible for holiday pay, employees must work their last regular scheduled work day immediately preceding and their first regularly scheduled work day immediately following the holiday, unless they are excused in writing by the City Manager or Department Head from compliance with this requirement. Excuses shall be granted for failure to work either the day before and /or day after a holiday because of vacation leave, personal leave, sick leave, or other approved leaves with pay. Excuses may be granted for other reasons at the sole and absolute discretion of the City Manager or Department Head, and neither the granting nor the failure to grant such a discretionary excuse shall be subject to the grievance procedure. Employees who are not excused as provided above shall be considered ineligible.

Depending upon work requirements which demand immediate or special attention, an employee may be required by the City Manager to work on a holiday. In such a case, the employee will be paid holiday pay for the time worked or allowed compensatory time off for the hours worked, up to a maximum of 8 hours.

B. Paid Leaves

1. Vacation - The City's vacation accrual is as follows:

	37.5/week	40/week
Employees with less than 5 yrs of service	7.5/hr/mo	8/hr/mo
Employees who have completed 5 years, but less than 10 years	9.38/hr/mo	10/hr/mo
Employees who have completed 10 years, but less than 15 years	11.25/hr/mo	12/hr/mo
Employees who have completed 15 years, but less than 20 years	13.13/hr/mo	14/hr/mo
Employees who have completed 20 years of service	15/hr/mo	16/hr/mo

All vacation will be accrued in hours and credited on the last payday of the month worked. The City Manager shall have discretion to provide vacation time to a Department Head(s) upon his/her hire or as part of his/her annual evaluation that is not contingent upon years of service.

It is preferred that employees give two weeks advanced notice of intent to take vacation time on vacation request forms. However, employees must request vacation time at least 72 hours in advance of the time off. The Department Head may waive the 72 hour advanced notice in the event of an emergency or other extenuating circumstance. Scheduling and/or approval of vacation leave is the responsibility of the Department Head who shall ensure that vacations do not significantly interfere with the efficiency of the department. The City retains the right to approve, deny, schedule and cancel all vacations.

An employee may carry up to one year's vacation accumulation on the books at any one time. The City Manager may, at the employer's sole discretion, allow one (1) additional week to be carried over.

In lieu of taking all vacation earned during any one year, the City will pay an employee at their regular rate of pay for up to half of their annual accrued vacation, with the permission of the Department Head or City Manager.

2. Sick Leave - The City recognizes that from time to time, employees may be absent as a result of their own illness or injury or that of immediate family members. Therefore each regular employee is provided with paid leave to accommodate periods of illness or injury. Misuse or abuse of sick leave shall be cause for disciplinary action.

   a. Sick Leave Accrual - Each regular employee shall be entitled to accrue one day of paid sick leave per month, beginning with the date of employment. Employees working 37.5 hours per week will accrue 7.5 hours per month. Employees working 40 hours per week will accrue 8 hours per month. For employees hired prior to July 1, 2013, accrued sick leave may accrue from one year to the next up to a maximum of 120 days (900 hours for employees working 37.5 hours per week and 960 hours for employees working 40 hours per week). Employees will be paid for 1/2 of any sick days earned over 120 days. Upon voluntary separation, death, or retirement, employees may credit up to 30 days accumulated sick leave towards earnable compensation for determining Maine Public Employees Retirement System, and will be paid 1/2 of any remaining accumulated sick days. For employees hired on or after July 1, 2013, accrued sick leave may accrue from one year to the next up to a maximum of 60 days (450 hours for employees working 37.5 hours per week and 480 hours for employees working 40 hours per week). These employees will not be paid for any unused sick time. Upon voluntary separation, death, or retirement, employees may credit up to 30 days accumulated sick leave towards earnable compensation for determining Maine Public Employees Retirement System.

b. Sick Leave Use - The employee must use accrued sick leave for actual personal illness or injury of the employee or the employee's immediate family. For purposes of this section, immediate family shall mean spouse, domestic partner, child/step-child, parent/step-parent or other family members living in the person's household. Each hour the employee is out due to a personal or immediate family illness or accident will be charged against the employee's accrued sick leave. If the employee has no accrued sick leave, then he/she will receive no pay for those hours. Employees may use sick leave for routine doctors appointments with the approval of the Department Head. Employees are encouraged to schedule doctors appointments at the beginning or at the end of their normal work shift, so as to minimize disruptions in staffing and service to our citizens. Employees are expected to work on the day of their appointment prior to and/or immediately after the appointment.

c. Employee's responsibilities - An employee absent due to illness or injury must report that fact to his or her Department Head at the beginning of the workday. An employee on extended sick leave (three consecutive days or more) will be asked to regularly provide certification from his/her physician that he/she continues to be unable to do his/her regular job.

d. Exhaustion of Accrued Sick Leave - An employee absent on sick leave must utilize accumulated sick leave for every day absent until he or she returns to work or the sick leave is exhausted. Once all sick leave is exhausted, the employee may, upon request in writing, opt to use his/her accrued vacation time or compensatory time if available.

   When all leave have been utilized by an employee on sick leave, salary payments to the employee, including holiday pay, shall cease immediately. The City will continue to pay the employer's cost share for the employee's (and family's if applicable) health insurance coverage as provided to all other similarly situated employees this time, as required by the Family Medical Leave Act.

   During this time, the employee must continue to pay his/her cost share of the health insurance premium. At the end of the FMLA period, if the employee has not returned to work, he/she may have the option of continuing health insurance coverage at his/her own expense directly through the health provider as per federal COBRA regulations pertaining to health insurance coverage, unless the Family Medical Leave Act or other applicable law provides otherwise.

   It is the responsibility of the employee to coordinate with the Finance Department the payment of the health insurance premiums as well as any other payroll deductions.

e. Return to Work - After any extended sick leave (which is considered to be three consecutive days), it may be required by the Department Head that the absent employee obtain a physician's statement, at the employee's expense, indicating that he/she is physically capable of returning to regular duty. The City reserves the right to send the employee to a designated physician if there is a question regarding the employee's fitness to return to regular duty. In such cases, the City will pay the cost of the medical exam.

f. Inability to Return to Work - If during the course of the employee's absence because of illness, the employee is determined by his treating physician to be indefinitely or permanently unable to return to the position, and/or unable to perform his/her essential job functions with reasonable accommodations, or the employee is unable to return to work after the FMLA period has expired, the employee will be separated. The employee will then be entitled to cash out remaining vacation and sick leave as per the relevant sections of this Employee Handbook.

3. Building Closure due to Snow Storms or Weather Conditions - If conditions are such that an employee does not feel safe coming into work, the employee is responsible for contacting his/her Department Head to let him/her know if the employee will be late or will not be coming to work. Employees not coming to work on such days will be unpaid or may elect to use accrued vacation or compensatory time.

It is the City of Gardiner's policy to be open on business days during normal business hours even during storm events. In the event that the City Manager determines that weather/circumstances warrant closing the administrative offices employees can obtain this information by watching their local news channel, listening to the radio, or checking the City's website. If an employee is unsure, he/she should contact the Department Head.

If the employee takes time off as a result of a snowstorm or weather condition when the administrative offices are open, the time will be taken as vacation leave or compensatory time. If the City administrative offices are closed for all or a portion of the day, employees will be paid as regular hours worked. In the event of a partial day closing, employees who did not report will only be credited pay for the hours the administrative offices were closed. That employee will need to use accrued vacation or compensatory time if he/she wishes to be paid for the time not worked on that day. It is the employee's responsibility to submit this clarifying information with his/her payroll documents and it is up to the Department Head to verify the accuracy of the information.

All emergency and critical employees who are normally required to work during bad weather conditions, emergencies, disasters, etc. will be required to work as usual, at no additional compensation. Unless specified by contract, emergency employees shall be defined as members of the Police Department and Fire/Rescue Department, and "critical" employees shall be defined as members of the Public Works Department (Highway and Buildings & Grounds) and the WasteWater Department. Some situations may require the Department Heads to work during bad weather conditions.

4. Funeral/Bereavement Leave - Leaves of absence without loss of pay shall be granted to employees for bereavement or to attend a funeral. For the death of a spouse, domestic partner, or child, an employee will be granted five (5) consecutive calendar days plus reasonable travel time. For a member of the employee's immediate family (which will be defined herein as parent, grandparent, grandchild, sister, brother, father-in-law, mother-in-law, grandparents-in-law, brother-in-law and sister-in-law), he/she will be granted three (3) consecutive calendar days, plus reasonable travel time.

   Special leave shall also be granted for the funeral of a fellow employee or municipal official, with time granted not to exceed one half day. For attendance at a funeral for a relative or friend not included in the category eligible for special leave, it shall be permissible, with the approval of the Department Head or his/her designee, to utilize sick leave.

5. Court Leave/Jury Duty - An employee will be granted special leave, without loss of pay if required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. Court leave will not be provided to employees who are plaintiffs, or defendants or who are called as witnesses in a private, personal non-work related lawsuit.

   In order to be paid by the City for such leave, the employee must submit to the Finance Director the notice and schedule for jury duty or the subpoena, and the amount of compensation received for such service. Any compensation received, with the exception of mileage reimbursement, must be reimbursed to the City.

   Any employee who reports for Jury Duty or court and is then excused, shall immediately contact his/her Department Head and report for work if requested.

6. Armed Forces Reserves and National Guard Training - Employees who are members of one of the United Sates Military Reserve Units or the National Guard and who are required to perform field duty or training will be granted leave for reserve duty in accordance with the law. Such leave shall be without pay but the employee may elect to use accrued vacation or compensatory time.

C. Unpaid Leaves

1. Family and Medical Leave Policy - The City of Gardiner will grant unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

   - The birth of a child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement); or
   - In order to care for an immediate family member, as defined by law, of the employee if the family member has a serious health condition; or
   - The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.
   - As otherwise required by law.

   In addition, an eligible employee may be entitled to:

   1. Up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that a covered service member is on covered active duty, or has been notified of an impending call to active duty status, in support of a contingency operation;

   2. Up to 26 weeks of leave in a single 12-month period to care for a covered service member (including an eligible veteran). This military caregiver leave is available during a "single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

   In order to be eligible, the employee must have worked for the City of Gardiner for at least 12 consecutive months and at least 1250 hours prior to taking leave.

   The twelve (12) month period in which the FMLA entitlement occurs is a "rolling" twelve (12) month period measured backward from the date leave is taken.

   Employees may elect to be paid through accrued sick leave or, if exhausted, through accrued compensatory time or accrued vacation leave only if the reason for the leave is medical necessity. Certification of the basis for the leave must be provided 30 days prior to commencement of the leave or as much in advance as practical. Employees taking leave for the birth or adoption of a child may be compensated through accrued vacation pay or will be unpaid. Leave for the birth or adoption of a child will be paid through accrued sick leave only if there is a serious health condition that requires leave as certified by a health care provider.

   An employee on family medical leave has certain job protections and may continue to be covered under the City's group health insurance plan and life insurance plan under the same conditions as coverage would be provided if they had been continuously employed during the leave period.

   See Attachment F at the end of the Employee Handbook for the complete Family and Medical Leave Policy and all of the required forms.

2. Family Military Leave - The Family Military Law is intended to allow employees time-off to spend with immediate family members who are going to or returning home from a deployment to areas of armed conflict.

   a. Eligibility - The City of Gardiner will grant eligible employees up to 15 days of unpaid family military leave, upon notice and request per covered deployment. An eligible employee is any employee who has been employed by the City of Gardiner for at least 12 months and for at least 1250 hours of employment during the 12 months immediately prior to the leave.

b. Definition of covered deployment - A covered deployment is a deployment of:

- Of a spouse/domestic partner, child or parent of an employee;
- Longer than 180 days;
- Into active military or National Guard duty when the duty assignment is in a combat theater or in an area where armed conflict is taking place.

The leave must be used during the 15 days immediately before or immediately following deployment.

The City of Gardiner will maintain the employee's benefits during the leave and restore the employee's employment (or equivalent) after the leave. The City of Gardiner will not discriminate against any employee who uses or seeks to use family military leave.

See Attachment G at the end of the Employee Handbook for the complete Family Military Leave Policy.

3. Leave for Victims of Domestic Violence

In accordance with Maine Law, the City will grant an employee reasonable and necessary amount of time off from work without pay if he or she is a victim of domestic violence, domestic assault, sexual assault or stalking, and if he/she needs time to:

- Prepare for or attend court hearings;
- Receive medical treatment; or
- Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The employee must request the leave as soon as circumstances make it clear that time off is necessary. Approval will be dependent upon (a) whether absence will create an undue hardship for the City; (b) whether leave is requested within a reasonable time, and (c) whether the requested leave is impractical, unreasonable, and unnecessary given the facts made available to the City at the time of the request.

If leave is approved, the employee will be required to first use any accrued leave before taking unpaid leave. The employee will not be discriminated against for taking or asking for leave.

4. Authorized Leave of Absence - A regular employee may be granted a leave of absence without pay by the City Manager on recommendation of the Department Head, with such leave not to exceed 90 days in length. For purposes of this section, an Authorized Leave of Absence shall be defined as any leave without pay of more than two weeks in duration, that is for personal reasons of the employee, and which may not be occasioned by illness, accident, physical or mental incapacity. Examples of leave of absence should be extraordinarily rare and include pursuing educational or specialized training opportunities, travel, or public service.

The granting of leave shall protect the employee's existing continuous service before the start of the leave of absence, but shall not count as service time. Vacation, sick leave and personal days will not accrue while the employee is on a leave of absence. Neither shall the employee receive regular wages or holiday pay. The employee will pay the full cost of his/her health insurance and other benefits while on leave of absence.

5. Active Military Leave - The City of Gardiner provides military leave in compliance with the law.

6. Termination from Employment - Absence from employment in excess of 90 days for any reason with the exception of enrollment in or return to active military duty shall normally be cause for termination unless the City Manager or his/her designee extends such period.

VIII. Employee Benefit Plans

A. Health Insurance

1. Coverage - The City will make available to all permanent, full-time employees and their dependents, including domestic partners, medical insurance.

   The City reserves the right to change or offer alternative insurance carriers, health maintenance organizations, preferred provider organizations, or benefit levels or to self-insure as it deems appropriate.

2. For employees hired prior to 11/1/11, the City shall pay 100% of the premium for a single employee and 50% of the additional premium for any level of dependent coverage selected. For employees hired after 11/1/11, the City shall pay 80% of the premium for single coverage and for single with dependent coverage. The employee will be responsible for the remaining 20% of the premium. For family coverage, the City will pay 72% of the total premium and the employee will pay the remaining 28%. All employee payments shall be made through payroll deduction.

3. Terms of Insurance - The extent of coverage under the insurance policies referred to in the Employee Handbook shall be governed by the terms and conditions set forth in said policies and plans. Any questions or disputes concerning insurance policies or terms and conditions set forth in these policies or plans shall not be subject to a grievance. The failure of any insurance carrier(s) or plan administrator(s) to provide any benefit for which it has contracted or is obligated shall result in no liability to the City, nor shall such failure be considered a breach by the City, of any obligation undertaken under this or any other agreement.

   Complete details of plan benefits are provided each employee in a booklet furnished by the Maine Municipal Employees Health Trust (or subsequent provider) at the time the employee enrolls in the health insurance plan.

4. Payments to Employees who Waive Health Insurance Coverage - The City offers an incentive to employees known as “In Lieu of Insurance”. This is available to regular employees who do not need coverage under the City’s health insurance plan because they have coverage through a spouse, domestic partner, second employer or the military. The City provides monthly payments to employees who drop all of their health insurance with the City so they can be covered by other insurance available to them.

   Any employee waiving full coverage for which he/she would be otherwise eligible shall be paid according to the following conditions:

   a. Any employee who elects to waive health insurance coverage shall receive an amount equal to 50% of the annual cost for the health insurance premium based on the single rate for employees hired before July 1, 2011 and who are enrolled in the “In Lieu of Insurance” program as of July 1, 2012. This amount is capped at $4,248 for employees hired after July 1, 2011 or for those employees who were hired prior to that date but were not enrolled in the “In Lieu of Insurance” program on that date. Such amount will be paid monthly.

   b. In order to receive payment for waiving health insurance coverage or to be reinstated on the health insurance plan, the employee must submit written notice to the Finance Director and provide proof that the employee and/or his/her family has health insurance coverage through another carrier. Discontinuance of health insurance or reinstatement of coverage will be effective the first day of the following month in which written notice has been received.

   c. When an employee is eligible for City-paid dependent coverage and is married to a person who is also employed by the City, the City will pay the cost of medical insurance for only one spouse employed by the City. The other spouse will not be eligible for any payment-in-lieu of insurance premium mentioned above.

Retirees and their spouses shall be allowed to remain in the group provided such coverage is available through the City's policy and provided that the retiree or their spouse pays the entire premium cost.

B. Life Insurance - Each employee eligible for or enrolled in the health insurance plan offered by the Maine Municipal Employees Health Trust (or subsequent provider) is also eligible for term life insurance based upon his/her base annual salary.

   The City reserves the right to change or offer alternative insurance plans as it deems appropriate so long as the new or alternate coverage meets the basic life insurance needs of the employees.

   Employees are offered additional life insurance coverage for themselves and their dependents through the Maine Public Employees Retirement System (MEPERS), as well as other independent providers. This coverage is paid by the employee. For more information, please contact the Human Resource Director.

C. Short Term and Long Term Disability - The City makes available short term and long term disability plans. These plans cover accidents and illnesses. The employee pays the full cost of the benefit plan.

   A complete plan description including definition of covered employees, length of disability benefit, partial benefits, etc. can be obtained in the Human Resource Director.

   The City reserves the right to change or offer alternative insurance plans as it deems appropriate.

D. Dental Insurance - The City makes available a dental insurance plan. The employee pays the full cost of the benefit.

E. Vision Insurance – The City makes available a vision insurance plan. The employee pays the full cost of the benefit.

F. Pension Plans

   1. Maine Public Employees Retirement System - The City participates in the Maine Public Employees Retirement System for all full-time, permanent employees. The City currently offers Regular Plan A for general government employees and Special Plan 3 for Public Safety employees. The City of Gardiner adopted a cost of living adjustment (COLA) provision effective July 1, 2009 for future service only. This provision applies to service earned after June 30, 2009 under the city's current plans (see above). Service rendered prior to July 1, 2009 is not subject to a COLA at retirement.

      The City reserves the right to change plans for future employees at its sole discretion.

      All provisions of the plan are established by the Maine Public Employees Retirement System and may be changed.

   2. Supplemental Retirement Plans - All employees have the option to join a supplemental retirement plan. This is a 457 plan offered through the Maine Public Employees Retirement System. Please contact the Human Resource Director for additional information on this supplemental retirement plan.

   3. Retire in Place – The City of Gardiner will not discriminate in who it hires based on retirement status. As such, if a retired person is legally permitted to work a full or part-time job, the City shall consider this applicant the same as any non-retired applicant, even if this applicant will continue to receive retirement benefits.

      In the case of a current employee wishing to retire and remain in his or her current position, the City shall allow this "retirement in place" to happen for any non-union employee subject to the following conditions:

a. The decision to allow a “retire in place” is at the sole discretion of the City and requires prior approval of the City Manager
b. The employee shall retire at 11:59:59 pm on an agreed upon, specified date and will be rehired at 12:00:01 am the following day
c. The employee will be rehired at 95% of their salary at the time of retirement.
d. The employee shall be subject to reappointment by the City Manager on an annual basis
e. The employee shall continue to be subject to all other City policies and procedures

G. Other Miscellaneous Benefits

1. Computer Loan Program – The city offers all full-time employees and City Councilors the option to purchase personal computers and software for personal use through an interest free loan that is repaid through payroll deductions. For the complete details of the computer loan program, refer to attachment H.

2. Real Estate Tax & Sewer Payments - The City offers payroll deductions for Real Estate Tax and Sewer payments for employees who are Gardiner residents.

3. Boys & Girls Club Fitness Room – Employees have the benefit of using the Boys & Girls Club Fitness free of charge. The facility is located at 14 Pray Street and is open from 6:30 a.m. to 5:30 p.m., Monday through Friday.

4. Local Health Clubs – The City offers a weekly payroll deduction for membership to local health clubs.

5. Gardiner Public Library – Any City Employee, regardless of residency, is eligible to join the Gardiner Public Library, located at 152 Water Street, free of charge.

6. Water & Coffee - For your convenience, there are water and coffee supplies in the City’s lunch room, which can be paid for per cup or through a weekly payroll deduction of $3 per week.

For specific information on any of these benefits, please see the Human Resource Director.

H. Benefits due upon separation from service

Vacation - Accumulated vacation leave, subject to the maximum allowed, shall be paid to an employee upon separation after six months employment or upon death, with no minimum employment period required. The payment shall be in one lump sum. Computation of the value of vacation leave cash out shall be determined by the most recent hourly wage.

Sick Leave – For employees hired prior to July 1, 2013, one half of accumulated sick leave, up to a maximum of 120 days (900 hours for employees working 37.5 hours per week and 960 hours for employees working 40 hours per week) shall be paid upon pensioned retirement or termination, or upon death to the employee’s beneficiary. The computation is determined in the same manner as with the vacation leave cash-out. Employees hired on or after July 1, 2013 will not be eligible for any sick leave cash out at the time of separation.

Compensatory Time - Any unused compensatory time will be paid out to the employee upon separation of employment at the employee’s regular hourly rate at time of separation from service.

Savings and Separability Clause

If any provisions of the Employee Handbook are proven to be invalid, the validity of the remaining provisions of the Employee Handbook shall not be affected thereby. If the application of the Employee Handbook or any of its provisions to any persons or circumstances is held invalid, the application of the Employee Handbook and its provisions to other persons or circumstances shall not be affected thereby. If by reason of any conflict with Federal and State Law, the provisions of the applicable Federal and State law shall automatically be incorporated within this Employee Handbook in place of the invalid provisions.

If any provision is in conflict with any of the contract agreements, the respective contract agreement shall supersede.

Attachment B

City of Gardiner
Harassment Policy

HARASSMENT IN THE WORKPLACE

It is the policy of the City of Gardiner to ensure that all personnel enjoy a work environment free from all forms of discrimination, either through sexual harassment or other forms of harassment due to age, race, physical disability, intellectual capability, color, creed, marital status, ancestry, natural origin, sexual orientation, or gender.

According to The Equal Employment Opportunity Commission (EEOC), Title VII of the Civil Rights Act of 1964 (Title VII) and Civil Rights Act of 1991 offer protection from workplace harassment. Workplace harassment is any behavior that is hurtful or shows aggression toward an employee and based on race, sex, color, national origin, religion, sexual orientation, age, political affiliation, disability or veteran status. Harassment creates an intimidating, uncomfortable, or abusive environment and can interfere with an employee's performance. Harassment can also affect an employee's compensation or advancement opportunities.

Sexual harassment is illegal and is a form of sex discrimination that violates the Maine Human Rights Act, Title 5 MRSA 4551, Title VII of the Civil Rights Act of 1964 and City of Gardiner Maine policies against such conduct. The Maine Human Rights Commission and the U.S. Equal Employment Opportunity Commission respectively are the two agencies charged with the responsibility of enforcing the law regarding sexual harassment. **Sexual harassment may also result in disciplinary action up to and including dismissal from employment.**

The City of Gardiner has adopted a zero tolerance position towards illegal employment discrimination, including gender and sexual harassment.

Definitions

Harassment in any form refers to behavior which is not welcomed, personally offensive, damages morale and interferes with an employee's work effectiveness. Some forms of harassment may occur within or across genders.

A. **Sexual Harassment** is defined as "unwelcome sexual advances, requests for sexual favors, sexual contact, gestures or other physical or verbal conduct of a sexual nature." Such behavior is illegal whenever:

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

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

3. such conduct has the purpose or affect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual Harassment generally falls into one of two categorical forms:

1. *Quid Pro Quo* is where an employer offers or withholds compensation or benefits in exchange for sexual favors. Often the employee is told their career can flourish or be in trouble if they do not provide sexual favors.

2. *Hostile Work Environment* is where inappropriate behavior makes an employee uncomfortable in their jobs. This includes unwanted physical touches, sexual jokes or innuendos, or comments that are unsolicited by the employee.

The following are examples of illegal sexual harassment:

- unwelcome sexual advances, gestures or display of images;
- explicit sexual or lewd remarks;
- unwanted hugs, touches, kisses;
- requests for sexual favors;
- harassment consistently targeted at only one sex, regardless if the conduct itself is not sexual;
- retaliation for complaining about sexual harassment.

Sexual harassment may take the form of other types of conduct as well. All forms of sexual and gender harassment are prohibited by law. At the City of Gardiner, the Department Heads and supervisors are responsible for day-to-day compliance with this policy and for the prevention and correction of illegal discrimination/harassment.

Specifically, no supervisor will threaten or insinuate that an employee's refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shift assignments or any other condition of employment or career development. Other examples of sexually harassing conduct in the workplace, whether committed by supervisory or non-supervisory personnel, includes: offensive flirtations, advances, propositions, verbal abuse of a sexual nature, graphic verbal comments about an individual's body, sexually degrading words used to describe an individual, and display of sexually suggestive objects and pictures.

Other forms of harassment occur when, without reasonable cause, a person engages in any course of conduct with the intent to harass, torment or threaten another person as defined in Title 17-A, Sec. 506-A.

B. **Hostile Work Environment Workplace Harassment** includes a broad array of offensive, disturbing, upsetting, or threatening behavior. In order for the harassment to be actionable from a legal standpoint, it normally must be so pervasive that the targeted employee is unable to undertake his or her job duties without undue disruption. Indeed, certain types of workplace harassment may rise to the level that it creates a hostile work environment. The most commonly identified forms of workplace harassment creating a “hostile work environment” apart from sexual harassment are:

1. **Racial** - harassment is when an employee is subjected to demeaning, offensive, and inappropriate conduct based on their racial identification. This includes addressing the employee in a derogatory way (using a derogative slang word) or telling derogatory jokes. This also applies when the victim and violator are both of the same race.

2. **Age** - harassment is subjecting an employee to demeaning, offensive, and inappropriate conduct based on their age. This includes addressing an employee in derogatory way, or when subjects are left out, or asked to do something, based on their age.

3. **Disability** - harassment is when a physical or mental disability (like speech, physical, or mental disabilities) is the focus of the harassment message.

4. **Religion** - harassment is when an employee is subjected to demeaning, offensive, and inappropriate conduct; usually involving jokes, or other demeaning conduct based on a person’s religion and religious observances of holidays or dress. Attempting to force an employee to participate or not participate in religious activities also constitutes religious harassment. This also includes when persons are forced to participate in contrary functions once their statement of belief is made known.

5. **National Origin or Ethnicity** - harassment occurs when the nature of the slur is based on the person’s perceived national or ethnic origin.

C. Verbal Abuse is a situation in which an employee is treated differently from others and is always criticized and pointed at.

D. Bullying at Work is most often "*a combination of tactics in which numerous types of hostile communication and behavior are used*". Workplace bullying is also defined as "*repeated, health-harming mistreatment, verbal abuse, or conduct which is threatening, humiliating, intimidating, or sabotage that interferes with work or some combination of the three*." Workplace bullying is "*persistent verbal and nonverbal aggression at work, which includes personal attacks, social ostracism, and a multitude of other painful messages and hostile interactions.*" Workplace bullying appears as "*systematic aggressive communication, manipulation of work, and acts aimed at humiliating or degrading one or more individual that create an unhealthy and unprofessional power imbalance between bully and target(s), result in psychological consequences for targets and co-workers, and cost enormous monetary damage to an organization's bottom line*"…

Bullying is characterized by:

- Repetition (occurs regularly)
- Duration (is enduring)
- Escalation (increasing aggression)
- Power disparity (the target lacks the power to successfully defend him/her self).
- Attributed intent

This distinguishes bullying from isolated behaviors and other forms of job stress and allows the term "***Workplace Bullying***" to be applied in various contexts and to behaviors that meet these characteristics.

1. Workplace Discrimination
2. Workplace Slander
3. Workplace Conflicts

The harassment delivery mediums include:

- In person
- In writing
- By telephone
- Via e-mail
- Types of workplace harassment may also occur through any other means of communication such as text messaging.

Harassment can be physical, verbal or visual. Examples of verbal harassment include but are not limited to unwelcome comments, jokes, insults and name-calling. It can include any other words and conduct that demean, stigmatize, intimidate, or single out a person because of his or her sex, race, color, religion, national origin, age, disability, sexual orientation or other legally protected status.

Examples of physical or visual types of workplace harassment include but are not limited to unwelcome physical contact, damaging personal property, possession or display of derogatory pictures or other graphic materials.

What are some examples of workplace harassment?

Workplace harassment may take many forms including, but not limited, to these examples:

- Verbal – Sexual innuendoes and other suggestive comments; racial or ethnic slurs; humor, jokes or teasing about sex, race, age, religion, disability or gender-specific traits; repeated requests for dates; sexual advances or propositions; comments about a person's body, dress, excessive flattery or questioning of a personal nature; abusive language or insults; or threats.

- Visual or Non-Verbal – Leering or staring in a sexual manner; whistling or hooting; suggestive or insulting looks; vulgar sounds or gestures; offensive or hateful pictures, posters, calendars, cartoons or obscene e-mail; excessive attention in the form of love letters or gifts; or offensive or derogatory written materials.

- Physical – Inappropriate touching of the body (e.g., brushing, patting, hugging, pinching or shoulder rubs); kissing or inappropriate display of body parts; coerced acts of a sexual nature; physically blocking another individual's movement, assault; exclusionary or demeaning actions or activities based on age, ethnicity, sex or race.

How does one know if an offensive conduct or harassing behavior has created a hostile work environment?

Harassment must be viewed in its totality. Mere discourtesy, rudeness or lack of sensitivity should not be confused with harassment. The harassing behavior must be sufficiently severe or pervasive so as to alter the conditions of employment and create an abusive working environment. The more severe the conduct, the less pervasive it must be. The required showing of severity varies inversely with the frequency of the conduct. A single incident, simple teasing, off-hand comments or isolated instances of offensive sexual conduct or remarks generally will not be sufficient to create a hostile work environment. A hostile environment claim generally requires a showing of a pattern of offensive conduct. However, a single severe incident of harassment may be a violation of the law, particularly when the harassment is physical or quid pro quo.

What factors determine whether an environment is "hostile?"

The Equal Employment Opportunity Center (EEOC) has established the following factors to determine whether a hostile work environment has been created:

- Whether the conduct was unwelcome or unwanted;
- Whether the conduct was verbal or physical, or both;
- Whether the conduct was a one-time occurrence or was repeated (e.g., continuous period of harassment);
- Whether the conduct was hostile and offensive;
- Whether others joined in perpetrating the harassment; and
- Whether the harassment was directed at more than one individual.

How can an employee make sure that his or her conduct is appropriate at all times?

- Avoid behavior that demeans, degrades, abuses or shows disrespect to any individual.
- Recognize that the same remarks or gestures that seem acceptable to some people may be embarrassing or offensive to or unwanted by others.
- Consider how you would react if the same behavior were directed toward your spouse or family member.
- Ask yourself whether you would act the same way in front of your spouse, significant other, or child.
- Ask yourself how you would feel if your behavior were captured on video, reported in a newspaper, or featured on the nightly news.

What should an employee do if he or she is harassed by another person at work?

The most effective method to put an end to harassment is to tell the person to stop. Let the person know the action is unwelcome. Be direct and say something like "I'd like to keep our relationship strictly professional" or "I think ethnic jokes are offensive, so please do not tell them in my presence." Ignoring the situation will not make it go away. If the direct approach does not solve the problem, report the situation to a supervisor, the human resources person or a member of management.

Banned Behavior:

- Inappropriate or offensive touching.
- Word-of-mouth harassment: This includes lewd comments, sexual jokes or references (such as one's sexual activity), offensive personal questions, and negative comments based on a person's gender, age, disability, religion, etc.
- The display of offensive pictures.
- Offensive or inappropriate written materials: This would range from letters to e-mail messages to Web site and blog postings, and graffiti.
- Threats or promises by a supervisor conditioned on an employee's agreeing to engage in sexual or romantic behavior.
- Retaliation against any employee for complaining about such behavior.

Requirement to Report Harassment

Any employee who believes that s/he has been discriminated against in employment on the basis of race, color, religion, national origin, age, sex, sexual orientation, handicap or veteran status has been denied any employment benefit on that basis, or has been harassed, must report the behavior to his/her Department Head or to the human resource officer. The human resources officer will be available to assist in processing such complaints.

Prompt Investigation

City policies, as well as federal and state laws, require the City to promptly investigate and remedy unlawful discrimination in employment, including sexual harassment. The City's policy is to promptly investigate every allegation of discrimination or harassment thoroughly. The steps outlined below describe the investigative process to be followed by the City. The City has the discretion to alter the investigative process as required by the individual circumstances of each report of such incidents.

1. Whenever a Department Head or the Director of Human Resources receives a report of discrimination or harassment, s/he will encourage the reporting employee to make a written report of the circumstances. The reporting employee must sign and date the report.

2. If the employee does not wish to submit a written report, the person taking the report will make notations during the employee's verbal statement and shall immediately prepare a written report which contains the name of the reporting employee, the date of the alleged act of discrimination or harassment, the date of the report and all of the information provided by the reporting employee.

   The report will immediately be forwarded to the Director of Human Resources.
3. All investigations and reports are to be confidential within the scope of the investigation to the extent possible.

Retaliation is Prohibited

There will be no retaliatory measures taken against any employee who makes a report of harassment. Any person found to have retaliated against another individual for reporting harassment will be subject to disciplinary action up to and including termination of employment.

Attachment C

Payroll and Time Sheet Policy

The City of Gardiner currently utilizes a financial software system called UNIFUND for processing payroll.

Submission of Payroll – Payroll will be submitted to the Finance Department by Wednesday morning.

Time Sheets – The city's software system will track all compensated absences (vacation, sick leave, comp time, personal days and floating holidays). Current leave balances will be reported on employees' paychecks. The City of Gardiner requires that all time worked and all time taken off during the regular workweek to be documented.

- Administrative employees eligible for compensatory time and overtime – Actual hours worked will be recorded on the time sheet. In addition, all time taken off during the normal workweek for vacation, sick leave, comp time, etc. will also be recorded on the timesheet. Any overtime worked must be authorized by the supervisor, if possible prior to overtime being worked. Employees will indicate on the timesheets whether they elect overtime to be paid at time and a half after 40 hours worked, or if they elect to use compensatory time at a later date.

The Department Head or his/her designee must sign the time sheets for his/her department personnel.

It is extremely important that supervisors approve all overtime worked. Overtime and compensatory time represents financial liability for the City and must be appropriately budgeted and accounted. Time sheets are the official record for comp time earned and used. If comp time is not submitted with weekly timesheets, then it is not considered to have been earned and is not available to be used or cashed out at a later date.

The timesheets will be completed and turned into the Finance Department. Employees who expect to be out of the office due to vacations and other planned absences, will turn in time sheets to their Department Head before leaving. If the absence is unexpected (sick leave or funeral leave for example), then the timesheets will be completed by the Department Head to the best of their knowledge and any adjustments will be made on the next week.

Please direct questions regarding the Payroll and Time Sheet Policy to the Finance Department.

Attachment D

CITY OF GARDINER, MAINE
TRAVEL EXPENSE REPORT

EMPLOYEE: _____

DEPARTMENT: _____

DESTINATION: _____

PURPOSE:_____

THIS REPORT IS TO BE COMPLETED WITHIN 5 DAYS OF RETURN FROM TRIP

****

CATEGORY	**AMOUNT**	**BUDGET CODE**
Personal Auto	$_____	_____
Registration Fees	$_____	_____
Tolls & Parking	$_____	_____
Meals	$_____	_____
Lodging	$_____	_____
TOTAL EXPENSE	**$**_____	
Advance Received	(_____)	
Balance Due City	$_____	
Balance Due Employee	$_____	

I hereby certify that the above expenses were incurred by me while traveling on approved City business. (Attach receipts for registrations, tolls, parking and lodging)

_____ _____ _____ _____

SIGNATURE DATE APPROVED DATE

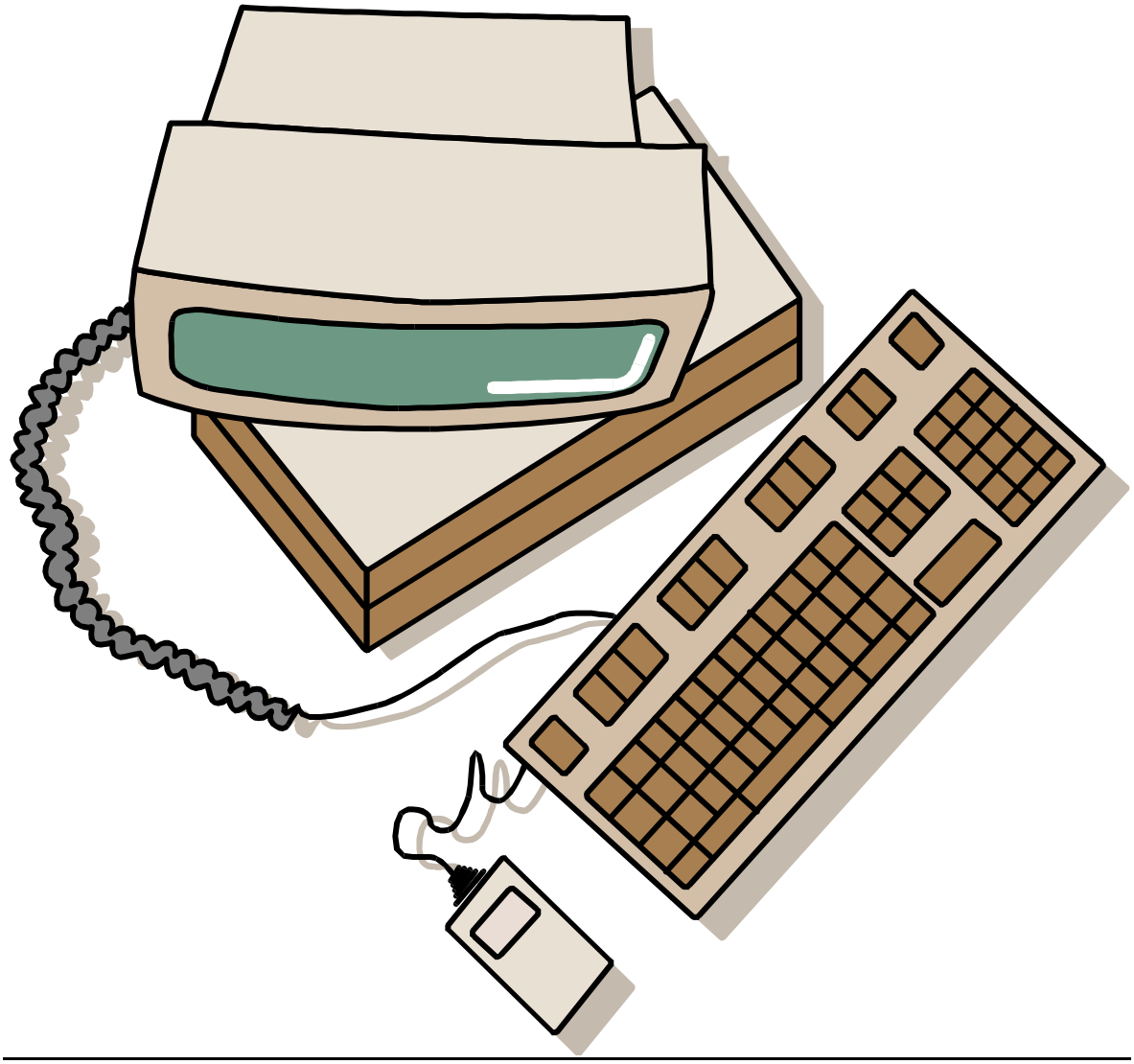
****

Mileage/Expense reimbursement (Attach MapQuest.com verification, or equivalent)

Date	Destination	Miles	Meals
_____	_____	_____	_____

Total personal auto miles _____@ .44/mile = $ _____

CITY OF GARDINER, MAINE



Internet and Electronic Mail Acceptable Use Policy

The purpose of this Policy is to identify and promote the positive aspects of the City of Gardiner's Internet use and electronic mail (e-mail) services. The policy describes user responsibilities with respect to existing laws, addresses privacy and security concerns, and provides several examples of acceptable use. By establishing and maintaining compliance with this policy, risks and costs to the City can be minimized while the valuable potential of this communication tool can be maximized.

I. Scope

This policy applies to any employee(s) and/or contractor(s) (hereinafter referred to as "users") whose access to or use of email or internet services is funded by the City or is available through equipment owned or leased by the City.

II. Authority

The Office of the City Manager is responsible for administering policies and procedures for the use of communications facilities and services, and ensuring compliance with applicable laws and regulations. This policy has been developed to make users aware of acceptable uses of City Internet access and electronic mail services and of prohibited or unacceptable uses.

III. Email

Electronic mail (E-mail) refers to the electronic transfer of information typically in the form of electronic messages, memoranda, and attached documents from a sending party to one or more receiving parties via an intermediate telecommunications system. Stated differently, electronic mail is a means of sending messages between computers using a computer network. Electronic mail services, as defined in this policy, not only consist of the use of City-provided electronic mail systems but also the act of sending and/or receiving electronic mail across the Internet.

As with any City-provided resource, the use of electronic mail services should be dedicated to legitimate City business. Use of electronic mail services is a privilege, which imposes certain responsibilities and obligations.

Acceptable use must be legal, ethical, reflect honesty, and show restraint in the consumption of shared resources and be in compliance with City policies.

The user shall not violate intellectual property rights, information ownership rights, system security mechanisms, and should not use electronic mail to intimidate, harass or annoy.

Acceptable email use will be related to, or for the benefit of, City government and subject to the same laws, regulations, policies, and other requirements as information communicated in other written forms and formats.

IV. Email Department Responsibilities

All Department Heads are responsible for the electronic mail activities of their employees. City Department Heads have the responsibility to ensure that City-provided electronic mail services are used for internal and external communications which serve legitimate government functions and purposes, and all correspondence is processed in a timely fashion.

Departments may consider providing additional restrictions and guidelines regarding the use of electronic mail within their environments. In considering the need for additional restrictions and guidelines, each Department may take into account its particular needs, mission, available technology, level of staff training, size, geographic diversity, and organizational culture.

V. Email User Responsibilities

Electronic mail is not private communication. All information transmitted via the City's Internet/electronic mail system(s) can be reviewed at any time. Electronic mail communications may best be regarded as a postcard rather than as a sealed letter. Unless specifically protected, all City communication is subject to public inspection, but is at all times subject to at least the inspection of the Department Head and/or City Manager. Disclosure may occur intentionally or inadvertently when an

unauthorized user gains access to electronic messages. Disclosure may also occur when electronic mail messages are forwarded to unauthorized users, directed to the wrong recipient, or printed in a common area where others can read them.

Because of the various security, legal, and productivity issues referenced in this policy, each user has these responsibilities:

As an electronic mail participant, each user must comply with this Policy. By participating in the use of networks and systems provided by the City, users agree to comply with City and Department policies governing their usage.

The content of anything exchanged (sent and/or received) via electronic mail communications must be appropriate and consistent with City policy, subject to the same restrictions as any other correspondence.

E-mail is a resource made available to employees as a means to communicate with each other, companies, other government entities and individuals for the benefit of the City. It is not to be used for personal message or to make solicitations. It shall not be used to harass, torment, or disparage another party. Offensive and harassing communications are prohibited.

VI. Importing/Downloading Information & Software - Copyright & Licensing

Employees shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized. Any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided is subject to removal by the designated system administrator. Privately owned software or data may not be loaded on City computers without prior approval of the City Manager. Employees shall also observe the copyright restrictions of any documents, images, or sounds sent through or attached to e-mail.

VII. Internet Information Concerning the City

The City of Gardiner's connection to the Internet exists to facilitate the official work of the City. The Internet/Electronic Mail (e-mail) facilities and services are provided for City employees to efficiently exchange information and the completion of their assigned responsibilities. Its use is to be consistent with all rules and regulations, policies, laws and job responsibilities.

Any misuse of the Internet or e-mail may result in the suspension of Internet privileges, disciplinary action, and/or termination.

IIX. Acceptable Internet Use

Acceptable Internet use must:

- Comply with City and Department policies, procedures, and standards.
- Be courteous and follow accepted standards of etiquette.
- Protect others' privacy and confidentiality.
- Use information technology resources efficiently and productively.

The following list, although not all-inclusive, provides some examples of acceptable uses:

- Communications, including information exchange, for professional development or to maintain job knowledge or skills;
- Use in applying for or administering grants or contracts for City government research programs or work-related applications;
- Announcements of local ordinances, procedures, hearings, policies, services, or activities.

IX. Unacceptable Internet, Computer Use

Unacceptable use can be defined generally as activities that do not conform to the purpose, goals, and mission of the City and to each user's job duties and responsibilities. Any electronic mail usage in which acceptable use is questionable should be avoided. When in doubt, seek policy clarification prior to pursuing the activity.

Unacceptable Internet activities and practices are those that do not conform to this policy and/or the purpose, goals and mission of the City, and to each user's authorized job duties and responsibilities. Such unacceptable activities are, but not limited to, the following:

Private or personal, for profit activities, any illegal purpose, including communications that violate this policy, any ordinance, state or federal law or regulation. Transmitting threatening, obscene, disparaging, or harassing messages. Intentionally seeking information about, obtaining copies of or modifying files, data, or passwords not belonging to you. Interfering with or disrupting network users, services or equipment.

Creating a web site on the Internet that has any appearance of officially representing the City of Gardiner is prohibited without the expressed approval of the City Manager. Any official web pages or sites will be at the direction of the City Manager and must have his/her approval before being accessible to the public. Using scanned images of any official City logo or symbol on personal web pages is prohibited without the expressed written approval of the City Manager.

Accessing or transmitting material (other than that required for City business) that involves online purchasing, gambling, violence or the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage the City, any person, group, or classification of individual is prohibited whether or not a recipient has consented to or requested such material.

An Information System is designed and intended to conduct business of the City and is restricted to that purpose. Installation of or access to software for purely entertainment purposes is prohibited without the approval of the City Manager. Exceptions to business use are included in the following:

- Infrequent personal use of these devices may be permissible if limited in scope and frequency. The use must be in conformance with other elements of this order, and not connected with a profit-making business enterprise or the promotion of any product, service, or cause that has not received prior approval of the City Manager.

- Personnel may make off-duty personal use to the City's computers for professional and career development purposes when in keeping with other provisions of this policy and with prior knowledge of the on duty supervisor.

X. Security Implications

Users should take all reasonable precautions, to prevent the use of their electronic mail account by unauthorized individuals. Since the Internet and its tools adhere to open and documented standards and specifications, it is inherently an unsecured network that has no built-in security controls.

Although confidential and sensitive information should not be included in electronic mail communications unless proper, formalized security precautions have been established, certain electronic mail communications may be privileged or confidential. It is the responsibility of each City Department to protect confidential and sensitive information where intentional, inappropriate, or accidental disclosure of the information might expose the City or an individual to loss or harm.

XI. No Presumption of Privacy

Electronic mail messages are not personal and private. The City reserves the right to monitor and/or log all electronic mail communications without notice. Therefore, users should have no expectation of privacy in the use of these resources.

Attachment F

City of Gardiner
Family and Medical Leave

Statement of Policy

In accordance with the Family and Medical Leave Act, effective August 5, 1993, the City of Gardiner will grant unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

A. The birth of a child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or

B. In order to care for an immediate family member (as defined by law) of the employee if such immediate family member has a serious health condition; or

C. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

D. As otherwise required by law.

In addition, an eligible employee may be entitled to:

1. Up to 12 weeks of leave because of "any qualifying exigency" arising out of the fact that a covered service member is on covered active duty, or has been notified of an impending call to active duty status, in support of a contingency operation;

2. Up to 26 weeks of leave in a single 12-month period to care for a covered service member (including an eligible veteran). This military caregiver leave is available during a "single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

Definitions

A. 12-month Period – means 12-month rolling period measured backward from the date leave is taken and continuous with each additional leave day taken.

B. Spouse – If both spouses work for the City of Gardiner, their total leave in any one period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for an adoption or foster care of a child or to care for a sick parent.

C. Child – means a child either 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster of step-child.

D. Serious Health Condition – means an illness, injury, impairment, or a physical or mental condition that involves:

1. Inpatient care; or

2. Any period of incapacity requiring absence from work for more than three calendar days and involves continuing treatment by a health care provider;

3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or

4. Prenatal care by a health care provider.

E. Continuing Treatment – means:

1. Two or more visits to a health care provider; or

2. Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or

3. A single visit to a health care provider that results in a regimen of continuing treatment; or

4. In the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health care provider.

Coverage and Eligibility

To be eligible for a family/medical leave an employee must:

- Work at a worksite that has 50 or more employees or be within 75 miles of a worksite that has 50 or more employees. All City of Gardiner departments meet these criteria.
- Have worked for the City of Gardiner for at least 12 months; and
- Have worked at least 1250 hours over the previous 12-month period immediately preceding the commencement of the leave.

Compensation During FMLA Period

Employees may be paid through accrued sick leave, or if exhausted, through accrued compensatory time or accrued vacation leave only if the reason for the leave is medical necessity. Medical documentation must be provided in cases of medical necessity.

Women recovering from birth of a child qualify for paid FMLA during the six weeks post delivery unless a physician certifies that additional time is needed. Leave for the birth or the adoption of a child will be paid through vacation or will be unpaid unless the time off meets the conditions above.

Notice Requirement

An employee is required to give 30 days notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form included in this policy should be completed by the employee and returned to the Human Resource Director. In unexpected or unforeseeable situations, an employee should provide as much notice as is practical, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed request form.

If an employee fails to give 30 days notice for a foreseeable leave with no reasonable excuse for the delay, the leave may be denied until 30 days after the employee provides notice.

Medical Certification

For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner's Certification" form included in this policy, and return to the Human Resource Director. Medical certification must be provided by the employee within 15 days after requested, or as soon as is reasonably possible. The City of Gardiner may require a second or third opinion (at the City's expense), periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report before the employee returns to work (in the case of the employee's medical condition).

All documentation related to the employee or the family member's medical condition will be held in strict confidence and maintained in the employee's medical/personnel file.

Effects on Benefits

An employee granted leave under this policy will continue to be covered under the City's group health insurance plan, life insurance plan and disability plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.

Employee contributions will be required either through payroll deductions or by direct payment to the Finance Department. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occur while the employee is on leave.

If the employee's contribution is more than 30 days late, the City of Gardiner may terminate the employee's insurance coverage.

If the City of Gardiner pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the employer for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for the delinquent payments.

If the employee does not return from unpaid family/medical leave for reasons other than (1) the continuation of the serious health condition of the employee or a covered family member or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City may seek reimbursement from the employee for the portion of the premiums paid by the Finance Department on behalf of that employee (employer contribution) during the period of leave.

An employee is not entitled to the accrual of vacation and sick leave during periods of unpaid leave, but will not lose anything accrued prior to the leave.

Job Protection

If the employee returns to work within 12 weeks following a family/medical leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status and authority.

The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.

If the employee does not return within 12 weeks following a family/medical leave, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

Family/Medical Leave Forms to be submitted by the Employee

Request for Family/Medical Leave
Physician or Practitioners Certification
For Serious Health Condition of the Employee
For Serious Health Condition of a Family Member
Authorization for Payroll Deductions for Benefit Plan Coverage during FMLA Leave
Employee Fitness for Duty to Return to Work

Attachment G

City of Gardiner
Family Military Leave

Statement of Purpose

The Family Military Law is intended to allow employees time-off to spend with immediate family members who are going to or returning home from a deployment to areas of armed conflict.

Eligibility

The City of Gardiner will grant eligible employees up to 15 days of unpaid family military leave, upon notice and request per covered deployment. An eligible employee is any employee who has been employed by the City of Gardiner for at least 12 months and for at least 1250 hours of employment during the 12 months immediately preceding the leave.

A covered deployment is a deployment of:

- a spouse, domestic partner, or parent of an employee;
- duty longer than 180 days;
- reporting for active military or National Guard duty when the duty assignment is in a combat theater or in an area where armed conflict is taking place.

The leave must be used during the 15 days immediately before or immediately following deployment or both.

The City of Gardiner will maintain the employee's benefits during the leave and restore the employee's employment (or equivalent) after the leave. The City of Gardiner will not discriminate against any employee who uses or seeks to use family military leave.

Attachment H

City of Gardiner
Computer Loan Program

Purpose

The purpose of this program is to offer employees and City Councilors an interest free option of purchasing personal computers and software.

Eligibility

All full-time employees and City Councilors are eligible to participate in the program with the following provision:

0%	Down payment required for employees with 50+ sick days
5%	Down payment required for employees with 30-49 sick days
10%	Down payment required for employees with 20-29 sick days
15%	Down payment required for employees with 10-19 sick days
15%	Down payment required for City Councilors
	Employees with less than 10 sick days are not eligible.

Conditions

- The maximum loan amount is $2,500.
- No prepayment penalties.
- Loans shall be repaid through payroll deductions. Loans of $1,000 or less shall be repaid within one year and loans over $1,000 may be repaid over a two year term.

Request and Reimbursement Process

Employees must contact the Finance Director to discuss their eligibility and/or any down payments required before purchasing or requesting their desired items.

After eligibility is determined, the employee may purchase his or her own items and request reimbursement from the City or make requests in writing to the City's IT Director/computer purchase liaison.

If the City makes the purchase for the employee, the employee will be required to complete a promissory note.

City of Gardiner
Computer Loan Program - Promissory Note

Name:_____

Department:_____

Promise to Pay: In return for a loan in the amount of $_____, I promise to repay said loan amount to the City of Gardiner through weekly payroll deductions in accordance with the schedule of payments detailed below:

Number of Payments:_____ Weekly Payment Amount:_____

Quarterly Payment Amount (City Councilor):_____

Payment Terms: Loans shall be repaid through payroll deductions. Loans of $1,000 or less shall be prepaid over a one year term and loans over $1,000 may be repaid over a two year term.

Down Payment: The maximum amount of the loan, less down payment, is $2,500

- 0% down payment required for employees with 50+ sick days.
- 5% down payment required for employees with 30-49 sick days.
- 10% down payment required for employees with 20-29 sick days.
- 15% down payment required for employees with 10-19 sick days.
- 15% down payment required for City Councilors.
- Employees with less than 10 sick days are not eligible.

Prepayment: I have the right to prepay the whole outstanding amount of this loan at any time without penalty. Partial prepayment will not delay the due dates or reduce the amount of regular installment payments.

Payroll Deductions: I hereby authorize the City of Gardiner to deduct my loan payments from my payroll in accordance with the schedule above until the loan is paid in full. I also authorize the City of Gardiner to deduct the balance of this loan from my final or vacation/sick leave pay upon my separation from employment.

Default: I will be in default of this Note,

- If I fail to maintain the payroll deduction; or
- If my employment with the City is terminated and my final pay or vacation/sick leave pay does not cover the balance due; or
- If I die, become insolvent, or if I am in bankruptcy or receivership.

If I am in default, the City may demand immediate payment of my loan and/or use any and all other legal remedies available at law including, balance being deducted from monies owed the employee by the City. The City can enforce this Note against my heirs and legal representatives.

By signing below, I indicate my agreement to the terms and conditions of this Note and acknowledge receipt of a copy of the fully executed Note.

_____ _____
Employee Name (printed) Date

_____
Employee Signature

Attachment I

City of Gardiner
Rest Break Waiver Form

Maine employees are entitled to take a thirty (30) minute unpaid rest break if they work for more than six (6) consecutive hours. On those days when you are scheduled to work more than six hours, we will either schedule an unpaid 30 minute break or you may waive your rest break as described below.

Please indicate your choice:

_____ 1) If I am scheduled to work more than six hours, I waive my right to a thirty (30) minute unpaid rest break.

_____ 2) If I am scheduled to work more than six hours, I would like to take a thirty (30) minute unpaid rest break no later than six (6) hours after the start of my work day. My supervisor will notify me when the thirty (30) minute unpaid rest break will be scheduled. I understand that this means that my schedule will be extended that day so that I work my full regularly scheduled hours.

You may change your option at any time by providing your Department Head with a new signed and dated Rest Break Waiver form.

Please note that employees are expected to be at work during their regularly scheduled hours. The non use of a rest break cannot be used to change the start or end time of your scheduled work hours unless otherwise approved by the Department Head.

Date: _____

_____
Signature

_____
Printed Name

Attachment J

CITY OF GARDINER
ALCOHOL AND DRUG POLICY AND TESTING PROCEDURES

POLICY STATEMENT AND AUTHORIZATION

It is the intent of this policy to assure compliance with mandated Federal and State laws and regulations regarding drug and alcohol testing of employees. This includes Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CRF 49 Part 382, Substances and Alcohol Use and Testing, and the State of Maine Substance Abuse Testing Law (26 MRSA, CH7, Subchapter III-A), and the Omnibus Transportation Employee Testing Act.

The City of Gardiner has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Therefore, the City seeks to hire and employ workers requiring a Commercial Drivers License (CDL) who are free of illegal and abused drugs and alcohol, and protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The City requires the final applicant selected for a position requiring a CDL to undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.

Studies indicate that the use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those involved in safety sensitive operations, and may endanger the employee, co-workers, the public, the City and public and private property. The City seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the City or public. The City also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.

DRUG AND ALCOHOL TESTING

All applicants for employment in positions requiring a CDL shall be required to pass a drug and alcohol test as a post-offer prerequisite to employment. Employees shall remain free from the abuse of alcohol and controlled substances. An employee may be tested at any time based on the following:

Reasonable suspicion that the employee:

- has unlawfully used illicit drugs and/or abused controlled substances; or
- has reported to work under the influence of or has illicitly ingested controlled substances or alcohol during work hours.
- Post-Accident following involvement in a vehicle accident.
- Random selection is mandated under CFR 49.
- Returning to duty following a confirmed positive test.

RESPONSIBILITY

It is the responsibility of the Human Resource Director to administer and enforce this policy and the procedures. Employment by the City shall not be deemed to be final, nor shall a prospective employee have the right to accept any offer or suggestion of an offer of employment until such time as a drug test evaluation has been received and cleared by the Human Resource Director. Any work performed by an individual for or in behalf of the City prior to such approval shall not involve the operation of any City equipment requiring a CDL prior to testing.

It is the responsibility of each Department Head to abide by this policy, and work with the Human Resource Director to ensure that alcohol and drug tests are conducted. The Human Resource Director will contract for specimen collection, medical review and testing.

It is the responsibility of the Human Resource Director and each Department Head to see that supervisors are properly trained and that employees have notice of, and are familiar with, these drug and alcohol policies and procedures.

DEFINITIONS

Alcohol and Drug Test: A generally accepted and proven test methodology or methodologies as recommended by the Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CRF Part 382, Substances and Alcohol Use and Testing. This test method determines whether an individual has ingested or otherwise used the substance in question within a period of time before the test.

Breath Alcohol Technician (BAT): Professionally trainee and certified in the use of an evidential breath testing device (EBT)

Applicant: A person who has applied for a position with the City of Gardiner including past employees eligible for re-hire, and present employees voluntarily seeking another city position.

Employee Assistance Program (EAP): A confidential counseling program available to all City employees.

Medical Review Officer (MRO): Physician responsible for reviewing all test results for confirmation prior to communicating same to the employer. The MRO must protect the confidentiality of individual involved.

NIDA: The National Institute on Drug Abuse (also know as SEMSA)

Positive Test: Alcohol and Drug tests results that meet or exceed the standards outlined under CFR 49.

Random Testing: A scientific method used to select employees for testing at random. This method will be performed yearly and involve testing of a minimum of 50% of CDL employees registered in the consortium for drugs and 25% of CDL employees registered in the consortium for alcohol.

Reasonable Suspicion: A belief by the supervisor of City official based on specific facts and reasonable inferences drawn from those facts that an employee is under the influence or drugs or alcohol to the extent that job performance may be impaired or the ability to perform the job safely may be reduced. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to:

- A pattern of abnormal or erratic behavior;
- Information provided by a reliable and credible source;
- Direct observation of drug or alcohol use;
- Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and /or reflexes);

Substance Abuse: The use of alcohol, prescription or over the counter drugs, any of which impairs the ability of an employee to perform the job safely and effectively, use of illegal drugs or other controlled substances without a valid prescription.

Substance Abuse Professional (SAP): Individual or institution licensed to provide rehabilitation serves for substance abuse.

PROCEDURES FOR TESTING

When chemical drug and alcohol screening is required under the provisions of this policy and CFR 49 and Parts, a breath test and/or urinalysis test will be given to detect the presence of the following drug groups: Alcohol, Amphetamines, Cocaine, Opiates, Phencyclidine (PCP), and THC (Marijuana).

Testing Techniques:

Drug Testing: Drug testing is accomplished by analyzing the employee's urine specimen (urinalysis). Specimens will be collected at an off-site facility selected by the City. The testing facility must ensure that specimen collection be done in a dignified, professional and confidential manner. Once the employee provides a urine specimen, it is sealed and labeled by a certified/authorized agent of the testing facility. A chain of and the specimen is shipped to a SEMSA certified laboratory.

All urinalysis procedures are required to include split-specimen techniques. Each urine sample is sub-divided into two containers and labeled as primary and split specimens. Both specimens are forwarded to the laboratory. Only the primary specimen I used in the urinalysis. In the event of a confirmed positive test result, the split specimen may be used for a second confirmation test if requested by the employee.

During testing an initial screening test is performed. If the test is positive for one or more drugs, a confirmation test will be performed for each individual drug using gas chromatography/mass spectrometry (GC/MS) analysis. This test ensures that over the counter medications are not reported as positive results.

If the analysis of the primary specimen results in a confirmed positive test, the employee may within 72 hours request that the split specimen also be tested at the SEMSA laboratory of his/her choice. The second test is at the employee's expense, unless the test should be negative, in which case the City would reimburse the employee.

All test results are reviewed by a physician Medical Review Officer (MRO) prior to results being reported to the City. In the event of a positive test result, the MRO will first contact the employee and conduct an interview to determine if there are any alternative legitimate reasons for the positive result (such as over the counter or prescription medications) If the MRO determines there is a legitimate medical explanation for the presence of drugs, the result will be reported as negative.

Alcohol Testing: Alcohol testing will be conducted using an evidential breath testing (EBT) device. If an applicant /employee is clinically unable to take the breath test and provides sufficient documentation which gives evidence of the applicant's or employee's inability to take a breath test, a blood test may be provided. The breath test must be performed by a certified Breath Alcohol Technician (BAT) trained in the use of the EBT and alcohol testing procedures. Under certain circumstances, post accident tests conducted by law enforcement personnel will be acceptable.

Two (2) breath tests are required to determine if an individual is over the alcohol concentration limit permitted. Any result of less than 0.02 concentration is considered a negative result. Any result of greater than 0.02 requires a confirmation test. A confirmed test of 0.02 or greater is considered a positive result.

Applicant Testing- General Standard

Applicants for all classes of employment requiring a CDL will be required to undergo a chemical drug and alcohol test upon a conditional offer of employment and prior to their final appointment to the position.

Current Employee Testing- General Standard

The City may require a current City employee whose position requires a CDL to undergo drug and alcohol testing if there is reasonable suspicion by the immediate supervisor or other management personnel that the employee is under the influence of drugs or alcohol during work hours.

Supervisors are required to document the specific facts, symptoms, or observations which formed the basis that reasonable suspicion existed or did not exist to warrant the testing of an employee.

The City will require a current City employee in a position requiring a CDL to undergo post-accident drug and alcohol testing if he/she is involved in a reportable work-related vehicular accident resulting in a fatality and/or receives a citation under State law for a moving traffic violation relating to the accident.

All current employees in positions requiring CDL will be subject to Random Testing.

Employees having had a confirmed positive test will be subject to re-testing at the time they return to work. After returning to work, they may be subject to follow-up testing without notice for up to 60 months.

Testing of Supervisors

All supervisors who directly oversee or monitor the activities of those requiring a CDL are subject to the testing rules and procedures outlined in this policy.

If an employee suspects a supervisor of substance abuse, the employee will notify the Department Head or Human Resource Director of the employee's suspicions. The contacted official will act as specified above and in accordance with the reasonable suspicion section below. All employee reports are kept strictly confidential. Anonymous complaints will not be investigated.

Supervisor Training

The City shall provide training to assist supervisory personnel identifying drug and alcohol use among employees.

Prior Notice of Testing Policy

The City shall provide written notice of its drug and alcohol testing policies to all employees and job applicants. The notice shall contain the following information:

- the need for drug and alcohol testing;
- the circumstances under which testing may be required;
- the procedure for confirming an initial positive drug test result;
- the consequences of a confirmed positive test result and the appeal procedures available.
- The consequences of refusing to undergo a drug and alcohol test;
- The right to explain a positive test result and the appeal procedures available; and
- The availability of drug abuse counseling and referral services.

Notice and Consent

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release to test results to those City officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over the counter medication.

All recruitment announcements for any position, including in house recruitment and promotion will disclose that a chemical, alcohol, and drug screening test will be required for the applicant.

Pre-employment Testing

When any Department Head or other City hiring authority makes a conditional offer of employment to an applicant for a position requiring a CDL, the offer will be conditional upon test results. He/she will notify the test facility and arrange for pre-employment testing of the applicant/candidate. A chemical substance and alcohol screening test will be conducted at the test facility.

The applicant shall be given a copy of this policy, a consent form to complete, and take to the test facility, and will be informed of the test appointment.

The MRO will notify the applicant of the test results, and if positive, will give the applicant an opportunity to discuss the same prior to release of the information to the City.

After the Human Resource Director has received the test results from the MRO or medical facility she/he will not inform the hiring authority or Department Head of the test results. This disclosure from the MRO will state whether the test is positive or negative, and if positive, which substances were detected, and shall be kept confidential by the Finance Department.

The Human Resource Director will inform the hiring authority/Department Head whether or not the applicant is eligible for employment. All test results shall be kept confidential within the Finance Department.

Reasonable Suspicion Testing

A supervisor may upon reasonable suspicion (see definition) and after at least attempting to consult with the Department Head, ask an on-duty employee to submit to an immediate alcohol and drug test. The Department Head or designee should be notified as soon as possible and shall immediately advise the Human Resource Director of the determination of reasonable suspicion.

The employee shall be given a "Test Consent Form" to complete and sign.

The employee will immediately be taken by the supervisor or another supervisor or management employee of the department to the appropriate facility for testing.

The employee may be immediately removed from duty with no reduction in pay or benefit, and assisted in getting home after the drug and alcohol test.

When reasonable suspicion is grounds for requiring a drug/alcohol test, the employee shall be placed on administrative leave (with no reduction in pay or benefits) until the test results are available and a preliminary administrative review has been conducted.

A drug and alcohol test for reasonable suspicion will include the urinalysis test and a breath test.

Results from the alcohol and drug screen test will be given by the laboratory to the MRO who after confirmation, will forward to the Human Resource Director.

Random Testing

This method will be performed yearly, and will initially involve a minimum of 50% of CDL employees in the consortium for drugs and 25% of CDL employees in the consortium for alcohol. Those to be tested will be selected at random. Employees will be notified of the testing requirement shortly before they are scheduled to be tested. Employees selected for random testing are required to be present at the testing facility within 60 minutes of their notification to be tested.

Post Accident Testing

The accident results in a loss of life.
The operator receives a citation under local or State law for a moving traffic violation arising from the accident.

Return to Duty Testing

Any employee returning to duty following a confirmed positive test must be subjected to a return to duty test. The test must show a verified negative result prior to the employee's returning to duty.

Follow-Up Testing

An employee returning to work following a confirmed positive test and period of counseling/rehabilitation will be subject to unannounced follow-up testing for a period of at least 12 months and not more than 60 months. The frequency and follow-up testing will be recommended by the Substance Abuse Professional (SAP). A mandatory minimum of 6 tests within the first 12 months is required. Employees subject to follow-up testing must also remain in the random.

Follow-up tests may be used to determine whether or not the drug is still being used.

Refusal to Consent- Applicants

A job applicant who refuses to consent to a drug and alcohol screening test will be denied employment with the City. If the applicant is a current City employee, the applicant will be denied employment in the position for which application was made. No denial shall be made without first attempting to discuss the refusal with the applicant.

Refusal to Consent- Employees

An employee who refuses to consent to a drug and alcohol screening test when selected for random testing, or when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reason(s) for the refusal shall be considered in determining the appropriate disciplinary action. No disciplinary action shall be taken without first discussing the matter with the employee, Department Head, and Human Resource Director.

Confirmation of Chemical Test Results

An employee or job applicant whose drug test yields a positive result, confirmed by the MRO, shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test result, the employee or applicant shall be notified of the results by the MRO, who will offer the employee an opportunity to discuss the results. The MRO will then notify in writing the Human Resource Director or designee. The letter of notification shall identify the particular substance found and its concentration level.

Consequences of a Confirmed Positive Test Result

Job Applicants will be denied employment with the City if their initial positive test results have been confirmed. Applicants who are current City employees shall be denied employment in the position for which application was made. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive test result. Employee applicants shall be referred to the City's Employee Assistance Program.

If an employee's positive test result has been confirmed, the City will remove the employee from the CDL position and refer the employee to the City's Employee Assistance Program (EAP). The EAP will provide the employee with counseling and a referral to the Substance Abuse Professional (SAP). The SAP will arrange for up to 6 months in a rehabilitation program designed to enable the employee to avoid future substance abuse. If the employee chooses not to participate in a rehabilitation program, he/she will be subject to disciplinary action up to and including termination. No disciplinary action may be taken against an employee who voluntarily participates in a rehabilitation program. Disciplinary action based on a violation of the City's drug and alcohol policy for a second time is not automatically waived by an employee's participation in a rehabilitation program and may be imposed.

Discussions with Employees

The applicant will be provided an opportunity to meet with the MRO to comment and provide input regarding the results of any positive test and seek a second confirmation test as provided above.

In the case of a second offense, if an employee's positive test result has been confirmed by the MRO, the employee is entitled to a pre-disciplinary hearing before any disciplinary action resulting in suspension or discharge may be taken by the City.

Employee Assistance Program (EAP) Referral

Upon the first confirmed determination that an employee is under the influence of drugs or alcohol, the City will refer the employee to an Employee Assistance Program (EAP) for assessment, counseling, and referral for rehabilitation.

Confidentiality of Test Results

All information from an employee's or applicant's drug and alcohol test is strictly confidential. Disclosure of test results to any other person, agency or organization is prohibited unless written authorization is obtained from the employee or applicant. The results of a positive drug test shall not be released by the MRO to the City until confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. All positive test results will be maintained by the MRO, and reported to the City, where they will be kept on file.

Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation, or administrative proceedings arising out of a positive drug or alcohol test or other violation of these rules.

Privacy in Chemical Drug Testing

Urine samples shall be provided in a private rest room stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples.

An applicant or employee may waive the right to privacy and provide the urine sample in the presence of a witness and not be required to disrobe and wear a hospital gown.

Laboratory Testing Requirement

All chemical drug and alcohol testing of employees and applicants shall be conducted at medical facilities or laboratories selected by the City. To be considered as a testing site, a medical facility or lab must submit in writing a description of the procedures that will be used to maintain test samples. Factors to be considered by the City in selecting a testing facility include in addition to NIDA (SEMSA) certification.

Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering.

Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results; chain of custody procedures which ensure proper identification, labeling and handling of test samples; and retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

Second Confirmation Test

The applicant or employee may request from the MRO a second confirmation test of the same sample with 72 hours of notice that the first test was positive.

The cost of the second confirmation test must be paid in advance by the applicant or employee. If the test is negative, the City shall reimburse the applicant or employee for the cost of the test.

The second confirmation test will be performed by a NIDA (SEMSA) certified Laboratory selected by the MRO.

Acknowledgement Form

Return to the Human Resource Department

I acknowledge that I have received a copy of the City of Gardiner's Employee Handbook. I understand that this handbook replaces any and all prior verbal and written communications regarding City of Gardiner's working conditions, policies, procedures, appeal processes, and benefits.

In the event of any conflict between the provisions of the Employee Handbook and the provisions contained in the City Charter, City Ordinances or any applicable collective bargaining agreement; the Charter, City Ordinance or collective bargaining agreement shall govern.

I have read and understand the contents of this Handbook and will act in accordance with these policies and procedures as a condition of my employment with the City of Gardiner.

I understand that if I have questions or concerns at any time about the Handbook, I will consult my immediate supervisor, my Department Head, the Human Resources Director, or the City Manager for clarification.

Finally, I understand that the contents of this Employee Handbook are simply policies and guidelines, not a contract or implied contract with employees. The contents of the Employee Handbook may change at any time.

Please read this Handbook carefully to understand these conditions of employment before you sign this document.

_____
Employee Name (printed)

_____
Employee Signature

_____
Date