

24 Smoke St.
Nottingham, NH 03290

FIRST CLASS

Penny S. Dean, Esq.
59 Warren St.
Concord, NH 03301-3951

FIRST CLASS



The Town of Nottingham
PERSONNEL POLICIES
MANUAL

Complete Revision May, 2005
Approved June 13, 2005

This document supercedes all personnel policies previously established or approved by The Board of Selectmen for the Town of Nottingham.

WELCOME TO THE TOWN of NOTTINGHAM, NH

Starting a new job is exciting, but at times can be overwhelming. This Personnel Manual has been developed to help you get acquainted and answer many of your initial questions.

As an employee of the Town of Nottingham, the importance of your contribution cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. **You** are an important part of this process.

This Personnel Manual explains our personnel policies and benefits, as well as the specific opportunities and responsibilities that exist for you within Nottingham. In an effort to be responsive to the needs of a changing organization, changes or additions to this handbook will be made when necessary. We will keep you informed when these changes are made.

We are glad you have joined us, and we hope you will find your work to be both challenging and rewarding.

Sincerely,
Nottingham Board of Selectmen

ABOUT THIS MANUAL

The policies outlined in this Manual should be regarded as guidelines only, which may require changing from time to time. The Town of Nottingham retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town of Nottingham. This Manual supersedes and replaces any and all prior Manuals, policies, procedures, and practices of the Town of Nottingham.

This Personnel Manual also summarizes the current benefit plans maintained by the Town for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Manual. The Personnel Manual (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This Manual is not, and shall not be construed as, an explicit or implied contract, shall not modify the at-will status of any Town employee, and shall not create any due process requirements in excess of federal or state constitutional or statutory requirements.

Unless otherwise provided in a written contract signed by the Board of Selectmen, or unless set forth by statute, Town employees are employees at-will. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the employer has similar rights and can terminate the employment relationship at any time, with or without cause or notice. Please understand that neither the policies contained in this Personnel Manual, nor any other written or verbal communication by any other employee, including management employees, are intended to create a contract of employment or a warranty of any of the benefits described in this Manual.

Please also be aware that the Town reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Manual at any time, in its sole discretion.

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OUR WORKPLACE

As you review this Manual, you will notice that terms such as “workplace” and “premises” appear in many of Town’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, as you know, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this Manual, you must understand that we are discussing not only Town buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle in which you may be traveling with a supervisor and/or coworker for Town-related business.

EQUAL EMPLOYMENT OPPORTUNITY

The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees or applicants for employment on any legally-recognized basis including, but not limited to: veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, or national origin. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training.

The Town does not tolerate harassment in the workplace on the basis of marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, veteran status, pregnancy, or national origin.

In support of our commitment to equal employment opportunities, the Town prohibits harassment of one employee by another employee or supervisor on any of the basis discussed above. Any employee who harasses another employee or a customer on any of the bases discussed above will be subject to discipline, up to and including discharge. The Town defines harassment as follows:

Harassment is verbal and or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, sex, pregnancy, national origin, age, religion, disability, marital status, sexual orientation or veteran status, or that of his or her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunities.

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of Town policy. However, the following are some examples of conduct which, if unwelcome, may constitute harassment depending on the circumstances, including the severity of the conduct and its pervasiveness:

- epithets, slurs, negative stereotyping, foul language, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, pregnancy, age, disability, sexual orientation, marital status, or veteran status; and
- written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, age, disability, sexual orientation or veteran status that is placed on walls, bulletin boards, or elsewhere on Town premises, or in circulation in the workplace.

The Town prohibits all of the activities discussed above, whether engaged in by a supervisor, agent of our corporation, co-worker, or non-employee who is on our premises or who comes in contact with our employees.

If you believe that you have been subjected to harassment in violation of this policy, you should report the incident in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and appropriate action will be taken, depending on the nature and severity of any proven incident.

Retaliation against an employee who complains in good faith about harassment in accordance with this policy is a violation of this policy. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. If you believe that you have been subjected to retaliation, you should report the incident in accordance with the Reporting Procedure contained in this Manual.

SEXUAL HARASSMENT POLICY

It is the goal of the Town to promote a workplace that is free of sexual harassment. Sexual harassment of employees is unlawful and will not be tolerated. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- submission to such conduct is made explicitly or implicitly a term or condition of employment;

- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation, or assistance; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually-oriented statements and unwelcome emphasizing of sexual identity. Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

Experience has shown that a clear statement to the person engaging in the offensive behavior is often all that is necessary to stop the conduct. If you believe you are being harassed, we encourage you to let the person engaging in the conduct know how you feel. However, if you do not feel comfortable taking this step, we certainly do not require that you do so. If you believe that you have been subjected to sexual harassment, you should report the incident in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Retaliation against an employee who complains in good faith about sexual harassment is a violation of this policy and is prohibited by law. If you believe that you have been subjected to retaliation, you should report the incident in accordance with the Reporting Procedure contained in this Manual. (See next section)

REPORTING PROCEDURE FOR SEXUAL AND OTHER UNLAWFUL HARASSMENT AND DISCRIMINATION

If you feel that you are a victim of sexual or other unlawful harassment, you should immediately report such actions in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

1. If you believe that you are a victim of sexual or other unlawful harassment, you should report the act immediately to your Department Head, the Town Administrator or any member of the Board of Selectmen.
2. The Town will promptly investigate every reported incident if appropriate. Any employee, supervisor, or agent of Town who has been found to have sexually or

- unlawfully harassed another employee may be subject to appropriate disciplinary action, up to and including immediate discharge. The complainant may be informed of the outcome of the investigation.
3. The Town will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know.

AMERICANS WITH DISABILITIES ACT POLICY

The Town is committed to providing equal employment opportunities to qualified individuals with disabilities, which includes providing reasonable accommodation to qualified applicants to allow them to perform essential job duties. In general, it is your responsibility to notify the Town Administrator of the need for an accommodation of any physical or mental disability which substantially limits a major life activity. When appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals to document that you have a disability and to assist us in assessing any functional limitations for which a reasonable accommodation may be needed. All medical information will be treated as confidential in accordance with the Americans With Disabilities Act. The Town will take all requests for accommodations seriously and will promptly determine whether the employee is a qualified individual with a disability and whether a reasonable accommodation exists which would allow the employee to perform the essential functions of the job without imposing an undue hardship on the Town or other employees.

II. EMPLOYEE CLASSIFICATIONS

EMPLOYMENT AT WILL

Unless otherwise provided in a written contract signed by the Board of Selectmen, or unless set forth by statute, Town employees are considered to be employees at will. Town employees at will therefore may resign from their employment at any time, for any reason. Likewise, the Town may terminate the employment relationship of such employees at any time, for any lawful reason. Neither the policies contained in this Manual, nor any other written or verbal communication by a supervisor, are intended to change the at-will relationship or create a contract of employment.

EMPLOYMENT CLASSIFICATIONS

At the time that you are hired, you are classified as full-time, part-time, or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in writing or as required by law, the benefits described in this Manual apply only to full-time employees. All other policies described in this Manual apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of which job classification into which your position fits, please ask the Town Administrator or your Department Head.

FULL-TIME EMPLOYEES: Individuals who are regularly scheduled to work forty (40) or more hours per week.

PART-TIME EMPLOYEES: Individuals who are regularly scheduled to work less than forty (40) hours per week. Part-time employees are not eligible for benefits described in the Manual except where noted or to the extent required by state or federal law.

TEMPORARY EMPLOYEES: Individuals who are hired for specific periods of time or for the completion of a specific project. Seasonal employees, those hired to work for twenty-six (26) weeks or less, are considered to be temporary employees. Temporary employees are not eligible for benefits described in this Manual except to the extent required by state or federal law.

SEASONAL EMPLOYEES: Individuals who are employed for temporary work of a seasonal nature. Examples include but are not limited to Snow Plow Operators and Life Guards.

NON-EXEMPT AND EXEMPT EMPLOYEES: Exempt employees are those who, because of their job, are not entitled to overtime pay and minimum wage in accordance with the Fair Labor Standards Act ("FLSA"). Most non-exempt employees, with the exception of employees engaged in law enforcement, fire protection, or other public safety activities, are entitled to be paid one and one-half (1-1/2) times their regular hourly wage for any time worked over forty (40) hours per week. Time away from work due to a job-related injury, jury duty, bereavement leave, vacation time, and sick time are not counted as hours worked for the purpose of computing eligibility for overtime pay. You will be advised when you are hired if you are entitled to overtime pay. (See Overtime Policy.)

III. COMPENSATION AND HOURS OF WORK

REPORTING OF TIME WORKED

It is important that your time be accurately reported so that you are compensated for the hours that you work. You will be required to complete time sheets. Occasionally, Department Heads or Supervisors may complete time sheets for employees but each employee must still sign or initial their time sheets. Falsification of time records could lead to disciplinary action, up to and including termination from employment. Your supervisor will provide you with details concerning your obligation to report all time you have worked.

PAY/PAY PERIODS

Employees are informed as to their rates of pay and the pay period at the time that they are hired. Rates of pay are reviewed annually and may be adjusted. If you have any questions regarding your rate of pay, please see your Department Head or the Town Administrator.

Employees are paid on a BIWEEKLY basis on Tuesday for all hours worked during the previous calendar WEEKS. Please review your paycheck for errors. If you find a mistake, report it to the Bookkeeper immediately. Paychecks will be distributed only to you by your Department Head, Supervisor or the Bookkeeper unless you provide the Town with written authorization for someone else to receive your paycheck.

WORKWEEK/HOURS OF WORK

The Town's work-week (for Payroll purposes), begins on Friday at 12:00 a.m. (midnight) and ends on Thursday at 11:59 p.m. Because of the nature of our business, your work schedule may vary depending on your job and department. When hired, the Town Administrator or Department Head will inform you of your hours of work.

PAYROLL DEDUCTIONS

There are two categories of payroll deductions: those required by state or federal law and those authorized by the employee. Payroll deductions required by state and federal law include federal withholding, income tax, social security tax, and wage garnishments as required by law (i.e., child support payments, court-ordered payments, IRS garnishments). If authorized in writing by an eligible employee, the Town will also make additional deductions for health insurance and other purposes that are for your benefit. Arrangement for these voluntary deductions may be made with the Bookkeeper.

REIMBURSABLE EXPENSES

With prior approval by the Town Administrator or Department Head, legitimate expenses will be reimbursed by the Town to the employee. The employee must submit receipts within thirty (30) days after expense is incurred in order to be reimbursed. Reimbursement will be in the form of a separate check. See the Department Head or Bookkeeper with any questions as to whether and what expenses may be reimbursed the employee.

The Town of Nottingham will reimburse employees for educational courses / training and expenses if said courses are required for certification or upgrading the performance of an individual's job. Satisfactory completion as determined by the Board of Selectmen upon recommendation by the Town Administrator of any initial required certifications / courses will be required before any secondary courses will be considered.

Courses / training that is required can be paid in advance or have a purchase order issued if enough advance notice is given.

Reimbursement for courses or training that is not specifically required for the regular

performance of one's job will be reviewed on a case by case basis and if approved by the Department Head and the Board of Selectmen, will require satisfactory completion, as determined by the Board of Selectmen upon recommendation by the Town Administrator, before reimbursement. The Town reserves the right to limit the reimbursable cost of secondary training.

OVERTIME

From time to time, it may be necessary for you to perform overtime work. All overtime must be approved in advance by the Department Head. Except in the event of an emergency, the Town will attempt to provide you with advance notice of the necessity for overtime work. To the extent possible, the Town will attempt to equally distribute overtime among employees. Most non-exempt employees, with the exception of certain law enforcement, fire protection, and public safety employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) per week. Sick days, holidays, vacation time, leaves of absences, and other time off benefits are not counted as time worked for purposes of overtime.

Certain law enforcement and fire protection positions are covered by different provisions of the FLSA and may not be legally entitled to overtime pay for all hours worked over 40 per workweek. However, at the present time, Town employees engaged in law enforcement activities will be paid overtime at the rate of one and one-half times their regular rates of pay for all time worked in excess of forty (40) hours worked in the seven day work period (Friday through Thursday). Town employees engaged in fire protection activities will be entitled to overtime pay at the rate of one and one-half times their regular rates of pay for all hours worked in excess of forty (40) hours in the seven day work period (Friday through Thursday).

BREAKS AND MEAL PERIODS

Breaks and meal periods will differ by department. Police and Fire/Rescue personnel shall be governed by specific Department policy. The remainder of Town Departments shall allow full-time employees and part-time employees a 10 minute break if they are performing work for 2 ½ hours or more. The actual time of such breaks will be determined by the Department Head or Supervisor so as not to disrupt the flow of work. The maximum number of breaks in a regular workday will be (2) two. Combining of the break times will not be allowed.

Meal Breaks: As above, Police and Fire/Rescue personnel shall be governed by Department practice. Recycling Center employees shall have a ½ hour paid meal break. The nature of coverage required at the Recycling Center warrants this because these employees are essentially on call through out their 8-hour shift. All other Town employees shall be given a ½ hour unpaid lunch break. Office personnel may eat in their work area in order to provide office coverage without taking an unpaid lunch break.

PERSONNEL RECORDS

The Town maintains certain records containing job-related information on all employees to ensure compliance with state and federal law and to keep a record of your progress as an employee. Your personnel file is our continuous record of information relative to your employment. You may inspect your own personnel file during regular business hours upon written request to the Town Administrator or your Department Head. Also, an employee may authorize, in writing, a representative to view the file. However, you may not be permitted to review the investigative portion of your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement. File inspection must be done on your own time, and must be arranged through the Town Administrator. You may read your personnel file, but you may not remove any portion of the file. Inspection of personnel files will be done in the presence of another designated town employee. Upon request, you will be provided with a copy of all or part of your personnel file.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written statement explaining your version of the information together with evidence supporting such version. The Town will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Please notify the Town Office as soon as possible of any changes in your name, address, telephone number, marital status, dependants and/or beneficiaries.

PERFORMANCE APPRAISALS

In order for employees to improve performance and better understand the Town's expectations, the performance of employees will be periodically reviewed. You will generally receive performance appraisals from your immediate supervisor on at least an annual basis. However, throughout the course of employment, you may meet with your supervisor or Department Head to discuss performance more frequently.

You and your supervisor will discuss your performance review, giving you the opportunity to understand the expectations of your evaluator and to examine your strengths, as well as areas in which you need to improve. You will have the opportunity to comment on and sign the review. Your signature on the performance appraisal form indicates that you have seen the appraisal; it does not indicate agreement or disagreement with the content of the review.

An appraisal is not a contract or a commitment to provide a compensation adjustment, a bonus, or continued employment. Appraisals are only one of several factors that the Town uses in connection with compensation, promotion, and retention decisions.

PROMOTIONS, TRANSFERS & JOB POSTINGS

The Town of Nottingham strives to provide employees with the opportunity to make full use of their skills, interests and potential. It is the policy of the town that all positions shall be filled by fully qualified persons who have been evaluated on the basis of job related criteria. Wherever reasonably possible it shall be the policy of the town to select persons currently employed by the town to fill vacancies for which they are qualified. We may also recruit individuals from outside of the Town, depending upon the circumstances.

In an effort to inform employees of promotion and transfer opportunities, we list vacancies for non-exempt positions on the bulletin boards. Employees who have at least twelve (12) months of service in their present position and who meet the qualifications of the open position are eligible to apply. Generally, in order to maintain stability, employees who have been working in their current position for less than one year may not be considered for another position, unless the Town, in its discretion, decides otherwise. However, a transfer or promotion initiated by the Town may take place at any time regardless of the employee's length of service in their present position.

Employees may obtain additional information about open positions and request consideration for any opening by contacting the Town Administrator. The Board of Selectmen will have final approval over all transfers and promotions.

If a transfer or promotion is granted, the employee's pay rate in the new position will be determined at the time of the transfer or promotion. The pay rate will be based upon the employee's qualifications, experience, job performance evaluations, and other considerations within the discretion of the Town.

Employees will generally receive a performance evaluation after 30-45 days in a new position. Another performance evaluation will typically be conducted after (6) six months of service in the new position.

IV. TIME AWAY FROM WORK AND OTHER BENEFITS FOR ELIGIBLE EMPLOYEES

HOLIDAYS

Employees are entitled to the following paid holidays, provided that the employee normally works on that day and provided that the employee works his or her assigned day preceding and following the holiday. Holiday pay will be paid at the straight time hourly rate.

Some employees may be required to work on holidays. Employees who are required to work on a holiday may take a floating holiday. The floating holiday must be scheduled at least one week

in advance and approved by the employee's Department Head in writing.

If a holiday occurs during an employee's vacation leave, the employee is entitled to an additional day of leave.

Holidays:

New Year's Day	(January 1)
Martin Luther King Day	(3rd Monday of January)
President's Day	(3rd Monday of February)
Memorial Day	(Last Monday of May)
Independence Day	(July 4)
Labor Day	(1st Monday in September)
Columbus Day	(2nd Monday of October)
Veterans' Day	(November 11)
Thanksgiving Day	(4th Thursday in November)
Thanksgiving Friday	(the day after Thanksgiving)
Christmas Day	(December 25 th)

*All holidays will be observed on the day designated by the Board of Selectmen.

VACATION

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

Regular full-time employees are eligible for paid vacation. Regular part-time employees and temporary employees are not entitled to paid vacation time.

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

Vacations shall be scheduled during a time that is mutually agreed upon by the employee and their respective Department Head. Any vacation day taken without prior agreement by the Department Head will be considered an unexcused absence.

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

If requested, an employee shall be paid his or her vacation pay before starting his or her vacation, provided that such vacation pay is scheduled at least two (2) weeks in advance; otherwise, the employee shall be paid his or her vacation pay upon return from vacation. Vacation pay for a full week will be paid at the normal straight time scheduled hours; i.e., if someone normally is scheduled for 40 hours per week, their vacation pay will be for 40 hours for each full week requested.

Vacation is earned beginning on the employee's hire date and is accrued according to the following schedule:

1. After six months of consecutive service, accrued time can be taken, if approved, at the rate of (1) one day per month based on the employee's hire date.
2. After (5) five years of continuous service, 1.5 days per month.
3. After (10) ten years of continuous service, 1.75 days per month.

The purpose of a vacation is to provide you with a time to rest and relax. You are expected to take your vacation during the year in which it is earned. The Town will not pay employees for unused, accrued vacation time at the end of the year. Vacation time may not be carried over and accumulated in subsequent years, except for the following. A maximum of forty (40) hours may be carried over from one year to the next year. Carry-over days shall not accumulate on a year to year basis.

PERSONAL DAYS

The Town will provide two personal days to all full-time employees each year, based on the employee's date of hire. Part-time employees will not be paid for personal days. Personal days cannot be accumulated or carried over from year to year, and employees will not be paid for personal days not taken either during employment or upon termination of employment. All personal days must be approved in advance by the employee's Department Head.

SICK LEAVE

The Town provides sick days to all full-time employees. Sick time must be used in full day increments, and employees will be paid at the normal straight time rate for the number of hours the employee was scheduled to work. Sick pay may not exceed the employee's regular workday and/or workweek hours.

Sick leave accrues at the rate of one (1) 8 hour day per month up to a maximum of 90 days or 720 hours. Accrual commences on the date of hire, but cannot be taken during the first ninety days of employment.

Sick days are to be used for absences due to illness. The Town may require an employee provide

certification from a healthcare provider regarding the employee's ability to return to work if the employee has been absent more than three (3) days. A medical certificate may be requested by the Department Head whenever the Department Head believes this to be reasonably appropriate. When the certificate is requested by the Department Head, it shall be at the expense of the town. Employees who do not report to work due to illness must contact their Department Head or the Town Administrator on a daily basis relative to the need for and status of their absences, unless otherwise directed. Reporting of the absence to any employee other than the Department Head or the Town Administrator will not be accepted as compliance with the daily reporting requirement.

Employees who fail to report to work or call their Department Head or the Town Administrator for three consecutive work days will be considered to have voluntarily resigned from their employment.

On separation, an employee is entitled to be paid for 1/3 of the total unused sick leave, to a maximum of 30 days or 240 hours. The amount of payment shall be calculated based on the employee's straight time hourly rate of pay on the date of separation. Payment shall be subject to the following:

1. Employees must provide a minimum of two (2) calendar weeks notice.
2. Employees who are dismissed shall not be eligible for payment of unused sick leave.
3. Employees who are on layoff and choose to receive the one-third payback shall have the option of restoring that one-third portion of sick leave by returning the one-third payback should they be recalled.
4. Upon an employee's death, the one-third payback shall be paid to the employee's designated beneficiary or estate.

FAMILY AND MEDICAL LEAVES OF ABSENCE

Because the Town does not employ at least 50 employees within 75 miles of its worksite, Town employees are not eligible for FMLA leave. Should this fact change in the future, the Town will provide employees with notice and will set forth an FMLA policy.

MATERNITY LEAVE POLICY

Employees affected by pregnancy, childbirth or related medical conditions shall be treated in the same manner as any employee affected by any other temporary disability.

If an employee has exhausted all paid leave benefits (including paid vacation time) and/or is otherwise ineligible for paid leave benefits, she is still allowed to take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions.

When the employee is physically able to return to work, her original job or a comparable job will be available to her unless business necessity makes this impossible or unreasonable. An employee on maternity leave who states that she will not be returning to work, will be considered to have resigned as of the date that her leave commenced.

DISCRETIONARY LEAVE OF ABSENCE

Part-time and full-time employees may apply for an unpaid, discretionary leave of absence for up to six (6) months if they have exhausted their vacation time, and either have exhausted their Family and Medical Act Leave or are not eligible for Family and Medical Act Leave. (*See Family and Medical Leave Act policy.*) Requests for such unpaid leaves are granted at the sole discretion of the Town. Discretionary leaves of absence will not ordinarily be granted to employees with less than one (1) year of continuous employment. In determining whether to grant a discretionary leave of absence, the Town will consider, among other factors, the employee's length of service, the employee's work record, the reason(s) for leave, and staffing needs. Discretionary leaves will be unpaid, and the employee on discretionary leave is not entitled to accrue any benefits, including vacation, sick leave, holidays, and personal days. In addition, participation in any medical, dental, disability or life insurance coverage must be paid entirely by the employee during the discretionary leave. The employee must make arrangements with the Town Office to make the insurance premium payments.

If a vacancy exists at the time of the expiration of the approved discretionary leave, the employee will be reinstated to his or her prior position or a comparable position unless business necessity makes reinstatement impossible or unreasonable. If a vacancy does not exist, the employee will be considered for the next available position for which the employee qualifies. If the employee does not report to work on the work day following the expiration of the approved leave, the Town will assume that the employee has voluntarily resigned from his or her employment. Requests for discretionary leave should be submitted to the Town Administrator for approval by the Board of Selectmen at least thirty (30) days prior to the requested date of leave. The request must be made in writing, stating the length of leave and a brief description of the reason for the request. All considerations and approval for discretionary leave are handled on a case by case basis.

MILITARY LEAVE

It is the Town's policy to grant leaves of absence without pay to regular full-time or regular part-time employees who enlist, are drafted, or are recalled to active service in the armed forces of the United States.

If you are in the military reserve, you will receive the required time off to complete your training and your drill obligations. You must present a copy of your official orders or instructions to the Town Administrator. This information shall be made a part of your permanent personnel record.

If you enlist or are recalled to active Armed Forces duty, for a time period beyond normal annual training and drill obligations, you have certain re-employment rights prescribed by statutes with which the Town will comply.

You must notify the Town Administrator of your availability to return to work.

The Town reserves the right to place another employee in your position for the duration of the military leave of absence. Every effort will be made to place you in your previous position. If this is not possible, you will be placed in a position with comparable status, pay and responsibility.

BEREAVEMENT LEAVE

Full-time and part-time employees bereaved by the death of a relative will be granted time off from work without loss of pay in accordance with the following policy.

In the event of the death of a member of a full-time or part-time employee's immediate family, the Town provides three (3) days paid time off, and up to five (5) days in case of a spouse or child. The three work days usually include the day before the funeral and a day after. Pay for part-time employees will be pro-rated based on the number of hours, if any, the employee regularly works on those days. "Immediate family" includes spouse, children, step-children, parents, brothers, sisters, step-parents, step-brothers, step-sisters, mother-in-law, father-in-law, grandparents, and grandchildren of the employee.

In cases where travel arrangements or other unusual circumstances prevail, the Town may, at its discretion, grant additional time the employee may take without pay. An amount of leave time, not to exceed one (1) day will be allowed to attend funerals for other relatives or persons actually living in the same household.

Additional unpaid time off due to bereavement may be granted for a specified and limited period of time with the approval of the Board of Selectmen upon recommendation from the Town Administrator. Employees seeking such additional unpaid time off must demonstrate the need for the time off. In the event that you are on paid vacation at the time of the death of the relative, the bereavement leave will not be charged against your vacation credit. Additional vacation days may be granted to compensate for those days used as bereavement leave.

JURY DUTY LEAVE

The Town considers it a civic duty to serve on a jury if summoned and will grant you leave in order to serve on a jury. Employees summoned for jury duty will be paid the difference between their regular rate of pay and the pay provided by the government for jury service. You must show your jury summons to the Town Administrator as soon as you receive the notice. In order to receive jury duty pay, you will be required to furnish the Town Office with copies of the checks you receive for jury duty pay.

While serving on a jury, you are expected to call your Department Head or the Town Office daily to advise them of your status. In addition, you are expected to return to your job if you are excused from jury duty during your regular working hours.

EDUCATIONAL LEAVE

At the sole discretion of the Town, part-time and full-time employees may be granted paid or unpaid leave to attend workshops, institutes, or short-term courses. All considerations and approval for an educational leave are handled on a case by case basis.

MEDICAL BENEFIT PLAN

The Town provides all full-time employees and their dependants who have met the eligibility requirements of the insurance plan with health insurance coverage at no cost to the full-time employees. Details concerning the health insurance plan may be obtained from the Town Office.

DENTAL PLAN

(None provided at this time.)

CONTINUATION OF GROUP HEALTH INSURANCE

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage at group rates in certain instances where coverage under the plan otherwise would end. (This will be at the employee's expense) Please contact the Town Office for more details regarding COBRA.

WORKERS' COMPENSATION

The Town pays a premium for Workers' Compensation insurance for all employees. This insurance coverage protects employees from a loss of income and pays medical expenses, resulting from a workplace accident or injury. You are required to report all work-related injuries to your Supervisor or Department Head immediately.

Employees with work-related injuries may be entitled to temporary alternative duty in accordance with the New Hampshire Workers' Compensation law. Employees with non-work-related injuries or other physical or mental impairments who require accommodations to perform their jobs should make any accommodation requests to the Town Office. The Town will consider the request in accordance with its Americans With Disabilities Act policy.

UNEMPLOYMENT INSURANCE

The Town pays into the unemployment compensation fund established by the State of New Hampshire. Individuals laid off from employment by the Town may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security.

SOCIAL SECURITY

Social Security is a payroll deduction representing your contribution to the federal government's Social Security Program. The Town also contributes money on your behalf to the Social Security Program.

LIFE INSURANCE, RETIREMENT PLAN, SHORT/LONG TERM DISABILITY,

At this time, the Town provides all full-time employees with life insurance and both long & short term disability coverage at no cost to the full-time employees. In addition the Town offers a 457 retirement plan to full-time employees. Participation in this plan is voluntary. Details concerning the insurance and retirement plans may be obtained from the Town Office. Full-time police and fire-rescue personnel are provided retirement benefits through the NH Retirement System.

V. ON THE JOB

ATTENDANCE

Every employee is a valuable and contributing member of the Town. Your regular attendance is important to our success and efficiency. We must be able to depend on our employees to report to work regularly and on time.

Every employee is expected (1) to work all scheduled hours; (2) to report for work on time; and (3) to work until the end of the work period.

Excessive absence, being late, and quitting early, are grounds for disciplinary action, including termination from employment. If you are absent or late for work, you must contact your Department Head, Immediate Supervisor or the Town Administrator, either verbally or in writing, within one hour before and no later than one-half hour after starting time, to explain why you will be absent or late and how long you expect to remain absent. An employee who fails to

call in on the day of an absence, or does not have an excuse for calling in late, may be subject to discipline, up to and including termination. If you are absent from work for more than one day, you are required to call in on each day of your absence, unless you have submitted a doctor's note indicating that you will be absent from work on that day.

Unless there are extenuating circumstances, an employee will be considered to have resigned from the Town if no notification is received within three (3) consecutive working days from the beginning of the absence. Before returning to work, an employee who is absent three (3) or more consecutive workdays due to illness must obtain and submit to the Department Head, a doctor's release to work slip.

SAFETY

As a condition of employment, every employee is expected to maintain a safe and healthy work environment. Every employee is expected to familiarize themselves with the safety rules and procedures of their respective departments and the Town as a whole.

CONFIDENTIALITY

Employees are expected to respect the confidentiality of information received during the course of employment with the Town.

TOWN EQUIPMENT, TELEPHONES, FACSIMILE, E-MAIL AND INTERNET USE

All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in Town equipment and systems are the property of the Town and as such are to be used solely for job-related purposes. Town telephones may not be used for personal calls except in an emergency situation. Moreover, the use of any electronic communications systems and software and business equipment, including, but not limited to facsimiles, computers, e-mail, and copy machines, for private purposes is prohibited.

Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from the Town Administrator. All pass codes are the property of the Town. No employee may use a pass code that has not been issued to that employee or that is unknown to the Town. Moreover, improper use of the e-mail system (e.g., spreading offensive jokes or remarks) will not be tolerated. Employees who violate this policy are subject to disciplinary action, up to and including termination from employment. Please also consult the Town's equal employment opportunity and sexual harassment policies as these policies will apply to e-mail and internet use.

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town's legitimate business interests, and to ensure quality service to our customers, authorized representatives of the Town may monitor the use of such equipment from time to time. Assume that any electronically stored information is not private and is accessible by others. In addition to access of our network by computer support services, please be aware that such material could be retrieved by unauthorized "hackers" who have only curiosity or mischief as a motivation.

COMMUNICATIONS

Good communications are vital for efficient and effective operations. Bulletin boards are maintained within town buildings to bring to the attention of employees any matters relating to federal and state regulations, safety and health, Town policies and announcements. No notices, posters or other material may be displayed on these boards without the approval of the Town Administrator. All employees are urged to check these boards daily. Failure to read bulletins will not serve as an excuse for violations of posted policies.

FIREARMS

No employee of the Town may bring a firearm into a town building or onto town property during working hours, with the exception of duly appointed Police Officers who are specifically authorized to do so, or other town employees that may be authorized by the Board of Selectmen in writing.

PERSONAL DRESS

Discretion in style of dress and behavior is extremely important to the Town. Employees are therefore required to dress in attire safe and appropriate for their positions. Work clothing worn by employees must not be torn, must meet safety requirements, and must not contain inappropriate language or graphics. Please use good judgment in your choice of work clothes and hygiene and remember to conduct yourself at all times in a way that best represents you and the Town. Any questions regarding appropriate dress for your department should be addressed to the Department Head.

SNOW DAYS

Employees generally are expected to report to work during inclement weather. However, there may be occasions on which the Town will be closed due to severe inclement weather. You should contact your Department Head for information as to whether the Town will be open for business.

SOLICITATIONS

No solicitation of any kind is permitted during working time, unless first approved by the Town Administrator. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, or time before or after work hours. This rule applies to solicitation for both charitable and non-charitable causes.

No distribution of any non-work-related written materials is permitted in any work area, unless first approved by your Department Head or the Town Administrator. "Work areas" are defined as any Town office or facility, other than designated break areas. Absent prior approval by the Department Head or Town Administrator, employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on Town premises at any time, unless authorized by the Department Head or Town Administrator.

Any employee who violates these rules will be subject to disciplinary action.

PARKING FACILITIES

Please park in a manner that affords citizens and customers reasonable access to Town buildings / offices. The Town assumes no liability to any person or employee for any damage to or by any motor vehicle owned or operated by any person or employee upon Town property.

MOTOR VEHICLE VIOLATIONS

All employees who operate Town vehicles are required within 72 hours to notify their Department Heads if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicle[s] is suspended, revoked, or otherwise restricted, the employee must notify his or her Department Head within one working day of learning of the suspension, revocation, or restriction. Employees who are required but unable to drive and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

TOWN PROPERTY

Town property of any type or value shall not be used or removed from Town premises without authorization of your Department Head or the Town Administrator. All Town equipment, memoranda, records, communications, computer data, disks, or other documents made or compiled by you or made available to you in connection with the business of the Town shall be delivered to the Town promptly upon your termination or at any other time upon request. This Town property and or equipment is intended to include uniforms and any gear rented or purchased by the Town for use by an employee.

TOWN SECURITY

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of your Department Head or the Police depending on the situation.

CONFLICT OF INTEREST

The Town expects its employees to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create a conflict or the appearance of a conflict of interest. Examples of conduct and behavior that would violate this policy include, but are not limited to, the following:

- Receiving any gifts or favors from, any members of the public, vendors, or suppliers.
- Using directly or indirectly, Town funds, assets, or other resources for any unlawful goal or purpose.

Employees with any questions regarding these guidelines are required to discuss them with their Department Head or the Town Administrator, prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination.

DISCIPLINE & DISMISSAL

Unless otherwise provided in a written contract signed by the Board of Selectmen, or unless set forth by statute, Town employees are employees at-will. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the employer has similar rights and can terminate the employment relationship at any time, with or without cause or notice. Please understand that neither the policies contained in this Personnel Manual, nor any other written or verbal communication by any other employee, including management employees, are intended to create a contract of employment.

An employee may be given a written reprimand, suspension, and demotion or be discharged. Prior to the effective date of such discipline, an employee shall be given written notice of the proposed discipline and the reasons for it. In the event of discharge or suspension, an employee will have the opportunity to meet with the relevant Department Head or other supervisor to discuss the discipline before the effective date, except in cases of gross misconduct or other circumstances warranting immediate suspension or termination. The authority to discipline shall rest with the Town Administrator, except that the Administrator may delegate authority to take initial disciplinary action to Department Heads for employees under their supervision. The Town Administrator shall report all disciplinary actions to the Board of Selectmen. The Town Administrator shall report recommendations for termination to the Board of Selectmen for final

action. Everyone must know, understand, and follow town standards of conduct. The following list of unacceptable conduct is not inclusive of all situations in which the town may impose discipline. Incidents may arise which are not included by the rules of conduct that may lead to discipline, up to and including termination.

UNACCEPTABLE CONDUCT

- Sexual Harassment or other unlawful harassment
- Violation of any Health & Safety rule (or any activity that may directly or indirectly create unsafe conditions)
- Destruction of the property of the town, a co-worker of the town, or a customer of the town
- Vandalism or theft
- Stealing, destruction, distribution, misuse, or unauthorized access to restricted property, information, or records
- Falsification of records
- Conviction of a crime
- Verbal or physical acts of violence against any person in the work place
- Insubordination
- Unexcused absence or absences or tardiness
- Use, possession of or being under the influence of drugs or controlled substances while on duty or while on town premises
- Drinking, possession of or being under the influence of an alcohol beverage while on duty or while on town premises
- Unsatisfactory job performance
- Negligence in the performance of duties
- Leaving work without permission
- Sleeping on the job during working hours
- Filing false complaints

SUGGESTIONS AND IDEAS

We are always interested in your constructive ideas and suggestions for improving our operations. Please put them in writing and you will be notified whether or not it is feasible to put it into practice.

We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement.

PERSONNEL POLICIES AND PROCEDURES MANUAL FOR TOWN OF NOTTINGHAM

Approved June 21, 2010

Revised [Date]

**This document supersedes all personnel policies previously
established or approved by the Town of Nottingham.**

WELCOME TO NOTTINGHAM!

Starting a new job is exciting, but at times can be overwhelming. This *Personnel Policies and Procedures Manual* has been developed to help you get acquainted and answer many of your initial questions.

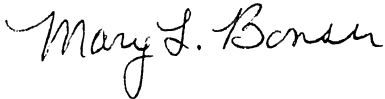
As an employee of the Town, the importance of your contribution cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. You are an important part of this process.

This *Personnel Policies and Procedures Manual* explains our personnel policies and benefits. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you in your capacity as an employee, you should address your specific questions to the town administrator.

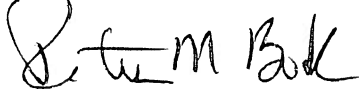
We are glad you have joined us, and we hope you will find your work to be both challenging and rewarding.

Sincerely,
Nottingham Board of Selectmen

Mary L. Bonser



Peter M. Bock



Gary A. Anderson



ABOUT THIS MANUAL

The policies outlined in this manual should be regarded as guidelines only, which may require change from time to time. The Town of Nottingham retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. This manual supersedes and replaces any and all prior manuals, policies, procedures, and practices of the Town.

This manual also summarizes the current benefit plans maintained by the Town for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this manual. This manual (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This manual is not, and should not be construed as, an express or implied contract and does not modify any existing at-will status of any Town employee. It is not intended to create any due process protections or requirements in excess of federal or state constitutional or statutory requirements, nor does it guarantee any fixed terms and conditions of employment and/or benefits. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the Town has similar rights and can terminate the employment relationship at any time, with or without cause or notice, except as provided by law.

Please be aware that the Town reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this manual at any time, in its sole discretion. If and when provisions are changed, you will be given replacement pages for those that have become outdated. A copy will, also, be placed on our bulletin boards.

**RECEIPT AND ACKNOWLEDGMENT OF
PERSONNEL POLICIES AND PROCEDURES MANUAL**

This *Personnel Policies and Procedures Manual* is an important document intended to help you become acquainted with the Town. This manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this manual.

- I have received a copy of, and understand that it is my obligation to read, the *Personnel Policies and Procedures Manual*. I understand that the policies described in the manual are subject to change at the Town's sole discretion at any time. I understand this manual supersedes and replaces all other previous manuals and personnel policies for the Town as of June 21, 2010.
- I acknowledge that unless altered by contract or statute, my employment is at-will. This means that I have the right to terminate my employment with the Town at any time without notice. In turn, I acknowledge that the Town has the right to terminate my employment with or without cause or notice.
- I am aware that the descriptions of benefits in this manual are not contractual in nature and do not guarantee any continuance of said benefits.
- I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Town premises or with non-Town employees, except as required by law.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the *Personnel Policies and Procedures Manual*.

Employee's Name **(please print)**

Date: _____

Employee's Signature

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I. GENERAL PROVISIONS

OUR WORKPLACE

As you review this manual, you will notice that terms such as “workplace” and “premises” appear in many of the policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease; however, the nature of our work as a municipality requires that use of these terms have a broader definition. Accordingly, whenever “workplace” or “premises” is discussed in this manual, please understand that we are discussing not only Town buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle you may be traveling in or using for town related business.

EQUAL EMPLOYMENT OPPORTUNITY AND POLICY AGAINST UNLAWFUL DISCRIMINATION AND/OR HARASSMENT

The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees or applicants for employment based on any legally-protected status, including, but not limited to veteran or military status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, genetic information or ancestry. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, benefits and training.

In support of our commitment to equal employment opportunities, the Town prohibits harassment of one employee by another employee or supervisor on any of the bases discussed above. Any employee who harasses another employee, citizen, or visitor on any of the bases discussed above will be subject to discipline, up to and including termination of employment. The Town defines harassment as follows:

Harassment is verbal and/or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, sex, pregnancy, national origin, ancestry, age, religion, disability, marital status, sexual orientation or veteran status, and that (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunities.

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of Town policy. However, the following are some examples of conduct which may constitute harassment:

- epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that are based on or that relate to race, color, religion, gender, national origin, ancestry, pregnancy, age, disability, sexual orientation, marital status, or veteran status; and

- written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, ancestry, age, disability, sexual orientation or veteran status.

The Town prohibits all of the activities discussed above, whether engaged in by a supervisor, agent, employee, co-worker, or non-employee (such as a vendor) who is on our premises or who comes in contact with our employees. Any supervisor or employee who harasses or discriminates against another employee or non-employee on any basis discussed above will be subject to discipline, up to and including termination of employment.

If you experience or witness what you believe may be harassment and/or discrimination in violation of this policy, you should report the incident in accordance with the reporting procedure contained in this manual. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Retaliation against an employee who complains in good faith about harassment and/or discrimination or who participates in good faith in an investigation of a complaint is a violation of this policy. If you believe that you have been subjected to retaliation, you should report the incident in accordance with the reporting procedure contained in this manual. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

SEXUAL HARASSMENT POLICY

A. Introduction

The Town of Nottingham's goal is to provide a workplace that is free of sexual harassment. Sexual harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by our Town. Further, any retaliation against an individual who has complained about sexual harassment and/or retaliation against an individual who has cooperated in an investigation of sexual harassment is unlawful and will not be tolerated.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment. Where it is determined that inappropriate conduct has occurred, whether or not it rises to the level of legally actionable harassment, the Town will act promptly to eliminate the conduct and implement any necessary remedial or corrective action, including disciplinary action where appropriate.

B. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation or assistance; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome behavior emphasizing sexual identity. Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

This policy prohibits all of the activities discussed above, whether engaged in by a supervisor, employee, co-worker, agent or non-employee who is on Town premises or who comes into contact with Town employees.

It is not possible to list all of the additional circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct that will not be tolerated. However, the following are some examples of prohibited conduct:

- Unwelcome sexual advances, whether or not they involve physical touching;
- Sexual epithets; sexual jokes; written or oral references to sexual conduct; gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body;
- Sexual gestures;
- Suggestive or insulting comments;
- Inquiries into an individual's sexual experiences; and
- Discussion of one's sexual activities.

C. Complaints of Sexual Harassment

Experience has shown that a clear statement to the person engaging in the offensive behavior is sometimes all that is necessary to stop the conduct. If you believe you are being harassed, we

encourage you to let the person engaging in the conduct know how you feel. However, if you do not feel comfortable taking this step, you are not required to do so. If you believe that you have been subjected to sexual harassment, you should report the incident in accordance with the reporting procedure contained in this manual. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

D. Retaliation

Retaliation against an employee who complains in good faith about sexual harassment or who participates in good faith in an investigation of a complaint is a violation of this policy and is prohibited by law. If you believe that you have been subjected to retaliation, you should report the incident in accordance with the reporting procedure contained in this manual.

REPORTING PROCEDURE FOR SEXUAL AND OTHER UNLAWFUL HARASSMENT, DISCRIMINATION AND RETALIATION

Any employee who feels that he or she has experienced sexual or other unlawful harassment and/or discrimination or retaliation should immediately report such actions in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

1. If you believe that you have experienced sexual or other unlawful harassment, discrimination or retaliation, you should report the incident immediately to the town administrator or the chief of police.
2. Supervisors and managers who become aware of discriminatory or harassing conduct, a complaint of discrimination or harassment, or retaliation must report the conduct and/or complaint immediately to the town administrator or the chief of police.
3. The Town will promptly investigate incidents reported through this procedure. Any employee, supervisor, or agent of the Town who has been found to have engaged in conduct that violates our policies against discrimination and/or harassment will be subject to appropriate remedial and/or disciplinary action, up to and including immediate termination of employment. The complainant will be informed generally of the outcome of the investigation and whether remedial action is being undertaken by the Town.
4. The Town will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.

THE AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act of 1990 ("ADA") and RSA 354-A, the Town of Nottingham prohibits any form of discrimination in hiring as well as in all terms and conditions of employment against individuals with physical or mental disabilities. We will make every effort to make reasonable accommodations to ensure equal opportunity for qualified

individuals with disabilities in the application process and in performing essential job functions, so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Please notify the town administrator if, because of a disability, you require an accommodation to perform the essential functions of your job. You may be asked to provide medical information regarding your disability and possible accommodations, and we expect that you will engage in this interactive process in good faith so that we may determine eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with the ADA, and will provide reasonable accommodations as required by law. The Town may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

II. EMPLOYEE CLASSIFICATIONS

EMPLOYMENT AT-WILL

Unless otherwise provided in a written contract or unless set forth by statute, Town employees are considered to be employees at-will. Employment at-will status enables both the Town and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not prohibited by law. Neither the policies contained in this manual, nor any other written or verbal communication by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

EMPLOYMENT CLASSIFICATIONS

At the time that you are hired, you are classified as full-time, part-time, seasonal, or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in this manual, addendum to this manual, or as required by law, the benefits described in this manual apply only to full-time employees. All other policies described in this manual apply to all employees, with the exception of certain wage, salary, and time off limitations. If you are unsure of which job classification your position fits, please ask your immediate supervisor or the town administrator.

FULL-TIME EMPLOYEES: Individuals who are regularly scheduled to work forty (40) or more hours per week.

PART-TIME EMPLOYEES: Individuals who are regularly scheduled to work less than forty (40) hours per week. Part-time employees are not eligible for benefits described in the manual except where noted or to the extent required by state or federal law.

TEMPORARY EMPLOYEES: Individuals who are hired for specific periods of time or for the completion of a specific project. Temporary employees are not eligible for benefits described in this manual except to the extent required by state or federal law.

SEASONAL EMPLOYEES: Individuals who are employed for temporary work of a seasonal nature. Examples include, but are not limited to, snow plow operators and life guards. Seasonal employees are not eligible for benefits described in the manual except to the extent required by state or federal law.

NON-EXEMPT AND EXEMPT EMPLOYEES: All employees will be classified as either "exempt" or "non-exempt." Exempt employees are paid on a salary basis and their duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA"). Therefore, these employees are not eligible to receive overtime pay. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA and Town policy.

Upon hire, employees are told whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If you have questions about whether you are classified as exempt or non-exempt under the FLSA, please contact the bookkeeper or the town administrator.

ORIENTATION PERIOD

All new employees will be required to successfully complete an orientation period, commencing on the first day of employment. The orientation period will normally be three (3) months in duration, and may be extended for an additional three (3) month period by the Town.

The respective department head or the town administrator shall meet with each new employee at the conclusion of the third month of employment to review the employee's performance. Where appropriate, the department head or town administrator will offer remedial suggestions for improvement.

All employees who have been promoted to new positions shall be required to complete a three (3) month orientation period in the new position before the promotion is considered to be fully approved.

Nothing in this policy changes the at-will nature of employment. Employment may be terminated with or without cause at any time.

III. COMPENSATION AND HOURS OF WORK

REPORTING OF TIME WORKED

It is important that your time be accurately reported so that you are compensated for the hours that you work. You may be required to complete time sheets or to punch a time clock. No one is

authorized to punch a time clock on your behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment. Your supervisory will provide you with details concerning your obligation to report all time you have worked.

PAY/PAY PERIODS

Employees are paid on a BIWEEKLY basis on Tuesday for all hours worked during the previous pay period. Please review your paycheck for errors. If you find a mistake, report it to the bookkeeper immediately. Paychecks will be distributed only to you by your department head, supervisor or the bookkeeper unless you provide the Town with written authorization for someone else to receive your paycheck.

WORK WEEK/HOURS OF WORK

The Town's work-week (for payroll purposes), begins on Friday at 12:00 a.m. (midnight) and ends on Thursday at 11:59 p.m. Because of the nature of our business, your work schedule may vary depending on your job and department. When hired, the town administrator or department head will inform you of your hours of work.

PAYROLL DEDUCTIONS

A. Payroll Deductions for All Employees

There are two categories of payroll deductions, those required by state or federal law and those authorized by the employee. Payroll deductions required by state and federal law include federal withholding, income tax, social security tax, and wage garnishments as required by law (i.e. child support payments, court-ordered payments, IRS garnishments). If authorized by an eligible employee, the Town will also make payroll deductions for health insurance, savings plans, and voluntary contributions to a retirement plan. Arrangement for these voluntary deductions may be made with the bookkeeper. These deductions will be itemized on your check stub.

Under New Hampshire law, the Town may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except, with appropriate authorization, as follows: union dues; health, welfare pension, and apprenticeship fund contributions; medical, surgical, hospital and other group insurance benefits without financial advantage to the employer; voluntary contributions to charities; housing and utilities; payments into savings funds held by someone other than the employer; voluntary payments for the recovery of tuition for non-required education costs; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; and voluntary payments by the employee for the following: child care fees by a licensed child care provider; parking fees; pharmaceutical items, gift shop, and cafeteria items purchased on the site of a hospital by hospital employees; fees for the employee's use of a qualifying fitness facility; contributions to a political action committee; installment payments of loans made by the employer to the employee; voluntary repayment of accidental overpayments made to the employee; repayment of unearned advances on vacation or other paid time off where supported by appropriate documentation; required clothing not considered to be uniforms; and the use of a demonstrator vehicle as defined in RSA 261:111.

B. Questions Regarding Paychecks and Deductions

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the bookkeeper as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the town administrator.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. The Town will not tolerate retaliation against employees who have expressed concerns using this procedure.

REIMBURSABLE EXPENSES

With prior approval by your department head or the town administrator, legitimate expenses will be reimbursed by the Town to the employee. The employee must submit receipts within 45 days in order to be reimbursed. Reimbursement may be in the form of petty cash, an addition to a paycheck, or a separate check. See your department head, the bookkeeper or the town administrator with any questions as to whether and what expenses may be reimbursed.

OVERTIME

From time to time, it may be necessary for you to perform overtime work. All overtime must be approved in advance by your department head. Except in the event of an emergency, the Town will attempt to provide you with advance notice of the necessity for overtime work. Most non-exempt employees, with the exception of certain law enforcement and fire protection employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) hours per week. Sick days, holidays, vacation time, leaves of absences, and other time off benefits are not counted as "time worked" for purposes of overtime. You will be advised when you are hired if you are entitled to overtime pay.

Town employees engaged in law enforcement activities will be paid overtime at the rate of one and one-half (1-1/2) times their regular rates of pay for all time worked in excess of forty (40) hours worked in the seven day work period. Town employees engaged in fire protection activities will be entitled to overtime pay at the rate of one and one-half (1-1/2) times their regular rates of pay for all hours worked in excess of forty-five (45) hours in the seven day work period.

BREAKS AND MEAL PERIODS

Breaks and meal periods will differ by department. Police and fire/rescue personnel shall be governed by specific department policy. The remainder of Town departments shall allow one paid break period of fifteen (15) minutes within any four (4) hour work period. The actual time of such breaks will be determined by the department head or supervisor so as not to disrupt the

flow of work. The maximum number of breaks in a regular workday will be two (2). Combining of the break times will not be allowed. Meal breaks: as above, police and fire/rescue personnel shall be governed by department practice. Recycling Center employees shall have one-half (½) hour paid meal break. The nature of coverage required at the Recycling Center warrants this because these employees are essentially on call throughout their eight (8) hour shift. All other Town employees shall be given one-half (½) hour unpaid lunch break. Office personnel may eat in their work area in order to provide office coverage without taking an unpaid lunch break.

IV. TIME AWAY FROM WORK AND OTHER LEAVE BENEFITS

HOLIDAYS

Full-time employees are entitled to the paid holidays listed below, provided that the employee normally works on that day and provided that the employee works his or her assigned day preceding and following the holiday. For hourly employees, holiday pay will be paid at the straight time hourly rate and will be pro-rated for employees that regularly work fewer than eight (8) hours on that day. Temporary or seasonal employees are not entitled to paid holidays.

Some employees involved in emergency services (i.e., police, fire and highway departments) may be required to work on holidays. Employees who are required to work on a holiday will be paid holiday pay at the rate of two and one half (2-1/2) times their regular hourly rate.

Part-time employees are entitled to the following paid holidays, provided that the employee works his or her assigned day preceding and following the holiday. Holiday pay will be paid at a prorated straight time hourly rate as indicated below.

- A half (½) day, four (4) hours, holiday pay benefit for part-time employees who work 15-25 hours per week.
- A three-quarter (¾) day, six (6) hours, holiday pay benefit for part-time employees who work 26-39 hours per week.

Holidays:

New Year's Day	(January 1)
Martin Luther King Day	(3rd Monday of January)
President's Day	(3rd Monday of February)
Memorial Day	(Last Monday of May)
Independence Day	(July 4)
Labor Day	(1st Monday in September)
Columbus Day	(2nd Monday of October)
Veterans' Day	(November 11)
Thanksgiving Day	(4th Thursday in November)
Thanksgiving Friday	(the day after Thanksgiving)
Christmas Day	(December 25 th)

Note: All holidays will be observed on the day designated by the Board of Selectmen.

VACATION (Full-Time Employees)

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

Full-time employees are eligible for paid vacation time. Temporary or seasonal employees are not entitled to paid vacation time.

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

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

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

Vacation is earned beginning on the employee's hire date and is accrued according to the following schedule:

1. Upon hire, vacation time is accrued at the rate of one (1) day per month; however, new employees must complete six months of consecutive service prior to accessing vacation benefits.
2. After (5) five years of continuous service, 1.5 days per month.
3. After (10) ten years of continuous service, 1.75 days per month.

You are expected to take your vacation during the year in which it is earned. Vacation time may be taken in full day or half-day increments. The town will not pay employees for unused, accrued vacation time at the end of the year. Vacation time may not be carried over and accumulated in subsequent years, except for the following:

A maximum of forty (40) hours may be carried over from one year to the next year. Carry-over days shall not accumulate on a year-to-year basis. An employee will not be paid accrued, unused vacation pay upon termination from employment unless the employee has been actively employed for at least six (6) months prior to the termination and (1) in the event of resignation or retirement, the employee has given two (2) weeks notice of his/her intent to resign or retire; or (2) in the event of involuntary termination of employment, the termination was not "for cause," as determined by the Town.

An employee will not accrue any vacation time for those pay periods in which the employee is entitled to no wages, unless required under law. Generally, this will occur when the employee is on unpaid leave, such as FMLA leave.

VACATION (Part-Time Employees)

Regular part-time employees are entitled to paid vacation time as outlined below.

Vacation time is granted to eligible part-time employees based upon regularly scheduled hours worked. If there is a break in service, eligibility for vacation will be based on the employee's current hire date. Vacations shall be scheduled during a time that is mutually agreed upon by the employee and their respective department head. Any vacation day taken without prior agreement by the department head will be considered an unexcused absence.

Vacation is earned beginning on the employee's hire date and is accrued according to the following schedule:

For existing regular part-time employees as of January 1, 2007;

1. A half ($\frac{1}{2}$) day, four (4) hours, per month vacation pay benefit for part-time employees who work 15-25 hours per week.
2. A three-quarter ($\frac{3}{4}$) day, six (6) hours, per month vacation pay benefit for part-time employees who work 26-39 hours per week.

For regular part-time employees hired after this date, six months of consecutive services will be required before using this benefit.

You are expected to take your vacation during the year in which it is earned. Vacation time may be taken in full day or half-day increments. The Town will not pay employees for unused, accrued vacation time at the end of the year. Part-time employees may not carry over and accumulate vacation in subsequent years.

An employee will not accrue any vacation time for those pay periods in which the employee is entitled to no wages, unless required under law. Generally, this will occur when the employee is on unpaid leave, such as FMLA leave.

All employees must submit requests for vacation time to their department head in writing. Requests should be submitted at least two weeks in advance of the requested vacation dates. Vacation may be taken only if the request is approved by the department head.

PERSONAL DAYS

The Town will provide two (2) paid personal days each to all full-time employees per year. Part-time, seasonal and temporary employees are not entitled to any paid personal days. Personal days may not be carried over from year to year, and employees will not be paid for personal days not taken either during the year or upon separation from employment. All personal days must be approved in advance by a department head.

SICK LEAVE

The Town provides paid sick days to all full-time employees. Part-time, seasonal and temporary employees are not entitled to any paid sick days. Sick time must be used in half-day increments, and employees will be paid at the normal straight time rate for the number of hours the employee was scheduled to work. Sick pay may not exceed the employee's regular workday and/or workweek hours.

Sick leave accrues at the rate of one (1) eight (8) hour day per month, up to a maximum of ninety (90) days or 720 hours. Accrual commences on the date of hire, but cannot be taken during the first ninety (90) days of employment (orientation period).

Sick days are to be used for absences due to illness. The Town may, at any time, ask you to submit satisfactory medical verification of an illness from your health care provider. Failure to provide verification may result in loss of sick leave benefits or, in cases in which sick leave abuse is detected, disciplinary action.

An employee will not accrue any sick leave for those pay periods in which the employee is on unpaid leave status.

Employees who do not report to work due to illness must contact their immediate supervisor or department head on a daily basis relative to the need for and status of their absences, unless otherwise directed. Reporting of the absence to any employee other than the supervisor or department head will not be accepted as compliance with the daily reporting requirement. Employees who fail to report to work or call in to their supervisor or department head for three (3) consecutive workdays will be considered to have voluntarily resigned from their employment.

Absence from work for two (2) consecutive days without notifying the department head or Town Office will be considered a voluntary resignation. Furthermore, three (3) absences in a 90-day period, or a consistent pattern of absence, will be considered excessive, and the reasons for the absences may come under question.

On separation, an employee is entitled to be paid for one-third (1/3) of the total unused sick leave, to a maximum of 30 days or 240 hours. The amount of payment shall be calculated based on the employee's straight time hourly rate of pay on the date of separation. Payment shall be subject to the following:

1. Employees must provide a minimum of two (2) calendar weeks notice.
2. Employees who are dismissed shall not be eligible for payment of unused sick leave.
3. Employees who are on layoff and choose to receive the one-third payback shall have the option of restoring that one-third portion of sick leave by returning the one-third payback should they be recalled.
4. Upon an employee's death, the one-third payback shall be paid to the employee's designated beneficiary or estate.

FAMILY AND MEDICAL LEAVE

Please note: You are not an eligible employee unless there are at least fifty (50) employees working for the Town. At the time these policies were adopted, the Town had fewer than 50 employees.

Under the Family and Medical Leave Act (“FMLA”), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:

A. Eligible Reasons

1. The birth of the employee’s child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child);
2. The placement of a child with the employee for adoption or foster care, and in order to care for the newly placed child (leave must be taken within twelve (12) months of the adoption or placement of the child);
3. The serious health condition of a spouse, parent, minor child, or adult child when the adult child is incapable of self care and the employee is needed for such care (“covered family members”);
4. The employee’s own serious health condition that renders the employee unable to perform his or her job;
5. A “qualifying exigency” (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the United States Armed Forces in support of a contingency operation as a member of the National Guard or Reserves;
6. The employee is a spouse, son, daughter, parent, or next of kin of a “covered service-member” (as defined in the Department of Labor Regulations) who has a serious injury or illness and the employee is needed to care for such person.

B. Eligibility Requirements

To be eligible for FMLA leave, an employee must satisfy both of the following conditions:

1. The employee must have worked for the Town for at least twelve (12) months, and must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request; and
2. At the time leave is requested, the employee must either: (a) work at a site where the Town employs fifty (50) or more employees or (b) work at a worksite where the Town employs less than fifty (50) employees, if fifty (50) or more employees are employed within a seventy-five (75) mile radius of the worksite.

C. Leave Entitlement

If an employee takes FMLA leave for a reason stated in paragraphs 1-5, above, the employee is entitled to up to twelve (12) workweeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. Beginning on February 1, 2009, the employee would be entitled to four weeks of leave; on June 1, 2009, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph 6 above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph 6, above, will be limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph 6, above, is to be applied on a per-covered-service-member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service-members or to care for the same service-member with a subsequent serious illness of injury, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

D. Tracking FMLA Leave

When an eligible employee requests any leave of absence that qualifies under the FMLA, the Town has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work related injury that qualifies as a serious health condition, the Town has the right to designate any time away from work as FMLA leave. In such circumstances, the Town will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

E. Intermittent and Reduced Schedule Leave

Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs 3, 4, and 6, above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a "qualified exigency" under paragraph 5, above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in

paragraphs 1 and 2, above, use of intermittent leave is subject to the Town approval.

When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee's FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers' compensation, short-term disability, or other benefits. If an employee is a salaried employee, the Town will adjust the employee's salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Town may temporarily transfer the employee to an available alternate position that better accommodates the employee's recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a "reasonable effort" to schedule the treatment so as not to disrupt unduly the Town's operations.

F. Status of Employee Benefits

Employees are required to use any accrued, unused paid time off days during FMLA leave unless the FMLA leave is otherwise paid through workers' compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period. Also, the employee's FMLA leave may run concurrently with other types of leave.

During an approved FMLA leave, the Town will maintain the employee's health benefits under the same terms and conditions applicable to employees not on leave.

- If paid leave is substituted for unpaid FMLA leave, the Town will deduct the employee's portion of the health plan premium as a regular payroll deduction.
- If an employee's leave is unpaid, or is paid through workers' compensation, short-term disability benefits, or other benefits not provided through the Town's payroll system, the employee must pay his or her portion of the premium by making arrangements with the town administrator and the bookkeeper.
- Health and other benefit coverage may be canceled if the employee's premium payment is more than (thirty) 30 days late.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town for the cost of the premiums paid by the Town for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control. If the FMLA leave is for a condition that is covered under the Town's short or long term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the

commencement of the leave, but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

G. Requesting Leave

Employees must complete the appropriate FMLA leave request forms. These forms are available from the bookkeeper.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give your department head (thirty) 30 days prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Town's operations.

If the need for leave is not foreseeable, the employee must give notice to your department head as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all of the Town's policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify the Town of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.

H. Medical Certifications

If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service-member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the town administrator or benefits administrator for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If the employee does not provide the certification at all, the Town will not be able to determine whether he/she is eligible for FMLA leave and the request will be denied. The Town reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the Town, at its expense, may require an examination by a second health care provider designated by the Town. If the second health care provider's opinion conflicts with the original medical certification, the Town, at its expense, may require a third health care provider agreed upon by the employee and the Town to conduct an examination and provide a final and binding opinion.

The Town may also require subsequent medical recertification. Failure to provide requested recertifications within fifteen (15) days may result in delay of further leave.

I. Certifications for a Qualifying Exigency

Employees who request a leave for a “qualifying exigency” arising from an immediate family member’s call to active duty or impending call or order to active duty will be required to provide a copy of the family member’s active duty orders or other documentation issued by the military indicating the member is on active duty or call to active duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

J. Confirmation of Familial Relationship

Employees requesting a leave of absence based on a familial relationship (e.g. leaves under paragraphs 3, 5 and 6, may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child’s birth certificate, a court document, etc..

K. Reporting While On Leave

If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service-member with a serious illness or injury, or for a qualifying exigency, the employee must contact the office of the town administrator on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee’s intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days, if feasible) if the dates of leave change or are extended or initially were unknown.

L. No Work While On Leave

The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including termination of employment.

M. Returning to Work

At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or “key employees” may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Town. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the worksite.

If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from the town administrator or benefits administrator. The Town reserves the right to clarify and authenticate such certification.

N. Coordination With Maternity Leave

As stated in our maternity leave policy, the Town provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee's FMLA leave and maternity leave will run concurrently. Please refer to the Town's maternity leave policy for more information regarding maternity leave.

For purposes of coordinating FMLA and maternity leave, maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph 4 above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph 1 or 2 after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the maternity leave policy.

O. Coordination With Other Town Policies; Reference To FMLA and Federal Regulations

In the event of any conflicts between this policy and other Town policies, the provisions of this policy will govern. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. The Town reserves the right to apply the terms of the FMLA and the FMLA federal regulations.

Any questions relative to FMLA leave, including eligibility requirements, should be directed to the town administrator or benefits administrator at the Town Office.

MATERNITY LEAVE

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when she is medically able to return to work. Employees will be required to take FMLA leave, if they are eligible for such leave, concurrently with maternity leave, as described in our FMLA policy.

Employees must use their accrued vacation and sick/personal time before taking unpaid leave under this policy. Employees on maternity leave may also be eligible for short-term disability benefits.

Employees on maternity leave who are not eligible for FMLA leave or who have exhausted their FMLA available leave weeks will be allowed to continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue medical insurance coverage by making arrangements with the town administrator to pay the entire amount of the appropriate monthly premium in advance each month.

When the employee is physically able to return to work, her original job or a comparable position will be made available to her unless business necessity makes this impossible or unreasonable. An employee who cannot be returned to his/her original or a comparable position will remain eligible to apply for any available position within the Town.

PERSONAL LEAVE OF ABSENCE

The Town recognizes that due to personal circumstances, it may be necessary for an employee to request more time off than is provided under our policies. A personal leave of absence may be granted at the sole discretion of the Town to employees who have exhausted their leave available under our other leave policies, including vacation, sick, personal, maternity leave and FMLA, and is normally only granted for compelling reasons.

Personal leaves of absence will be unpaid, and an employee on an unpaid personal leave of absence is not entitled to accrue any benefits, including, but not limited to, holidays, vacation time, sick leave, and personal days. However, if the leave of absence is for medical reasons, eligible employees may apply for workers' compensation or short-term disability benefits. The forms for these benefits are available from the Town Office.

Employees who are granted a personal leave of absence may continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue health insurance coverage by making arrangements with the town administrator to pay the entire amount of the appropriate monthly premium in advance each month.

To request a personal leave of absence, please contact the town administrator. You may be asked to provide a written request for the leave and/or a health care provider's certificate stating the reason for the leave and the expected date of return to work. If granted, personal leaves typically will not exceed thirty (30) days. An employee who has taken leave for medical reasons must submit a fitness for duty certificate from his or her health care provider before being reinstated to work.

Requests for leave will be considered on a case-by-case basis, taking into account the Town's staffing needs and other factors. If a personal leave is granted, you may not accept other employment of any kind, including a business of your own, while you are on leave. If you are granted a personal leave of absence, you must inform us when you are able to return to work.

We will make reasonable efforts to reinstate employees returning from personal leaves to the same or similar job as held prior to the leave of absence, subject to our staffing needs and other requirements. Please understand that we cannot guarantee reinstatement from a personal leave if the employee's job would have been eliminated, altered, or subjected to layoff for reasons unrelated to the leave. If the Town is not able to reinstate an employee returning from leave, the employee's employment will be terminated, and the employee will remain eligible to apply for employment in the future. If an employee fails to return to work following the expiration of the leave, the employee will be considered to have voluntarily resigned from his or her employment with the Town.

MILITARY LEAVE

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as “uniformed services”) will be provided with leaves of absence for such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act (“USERRA”), the FMLA (if eligible) and any applicable state laws.

Military leaves of absence will be unpaid, unless otherwise required by law. You may elect to take part, or all, of your accrued vacation time with pay during your military leave of absence, but you are not required to do so.

A. Notice of Leave Request

An employee needing time away from work for service or training in the uniformed services should make the town administrator and his or her department head aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

An employee’s request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the town administrator and the department head on a case by case basis.

B. Health Coverage

If a military leave lasts less than 31 days, the employee’s health insurance will be continued and the employee will pay his/her regular contribution for the cost of health insurance. Payment for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions.

If a military leave lasts 31 days or more, then the employee’s health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage at his or her own expense for up to 24 months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a 2% administrative fee may also be charged.

When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

C. Pension

Upon reemployment the employee is treated as if there was no break in service for participating, vesting and accrual purposes. If applicable, the employee may elect to make up any missed contributions or elective deferrals, but is not required to do so.

D. Reinstatement

Employees wishing to be reinstated following military leave should promptly notify the town administrator of their desire to be reinstated. If the leave is for service of less than 31 days, then

the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify the town administrator of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify the town administrator of the desire for reinstatement within 90 days of completing service.

The Town will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying.

Employees cannot waive their reemployment rights in advance of being released from uniformed service.

E. Disabled Service Members

If a returning employee was disabled or a disability was aggravated during uniformed service, the Town will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

F. Statement Against Discrimination and Retaliation

The Town will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. The Town also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA or other applicable laws.

Questions regarding this policy should be directed to the town administrator.

BEREAVEMENT LEAVE

Full-time and part-time employees will be granted time off from work without loss of pay in connection with the death of a relative in accordance with the following policy.

In the event of the death of a member of a full-time or part-time employee's immediate family, the Town provides three (3) days paid time off. The three (3) work days usually include the day before the funeral and a day after. Pay for part-time employees will be pro-rated based on the number of hours, if any, the employee regularly works on those days. "Immediate family" includes spouse, civil union partner, children (including biological or by adoption), step-children, parents, brothers, sisters, step-parents, step-brothers, step-sisters, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, and grandchildren of the employee.

JURY DUTY/WITNESS LEAVE

The Town considers it a civic duty to serve on a jury if summoned and will grant leave in order for an employee to serve on a jury. An employee shall be excused from employment for the day or days required in serving as a juror or witness in any court of the United States or the employee's state of residence. For part-time and temporary employees, jury or witness duty will be considered an excused unpaid absence. A full-time employee called for jury duty (*or subpoenaed as a witness*) shall be granted paid leave for the first three (3) days for the period of the civil involvement, and any absence thereafter will be unpaid leave, unless otherwise required by state or federal law. Employees who are compensated for jury duty shall be paid the difference between their regular day's pay and the amount of compensation they receive for performing their jury duty.

Employees summoned for jury duty must inform the town administrator as soon as possible, and must present a copy of the summons to the town administrator. If released from jury duty on any day, the employee is expected to return to work.

LEAVE OF ABSENCE FOR VICTIMS OF CRIME

The Town will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a "victim" is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, "immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, civil union partner, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify the town administrator or his/her department head as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the Town. An "undue hardship" for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee's position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation time, sick leave, or personal days.

The Town will not terminate, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

MEDICAL BENEFIT PLAN

Eligible employees (single, married or civil union partners) may participate in our medical insurance plan. Full-time employees may enroll in either a single, two-person, or family plan after meeting the eligibility criteria stated in our plan documents. (Currently, the first of the month following date of hire). Information and enrollment forms may be obtained from the benefit administrator. To assist you with the cost of this insurance, the Town currently pays a portion of the premium for single, two-person, or family coverage. The balance is to be paid by the employee through an authorized payroll deduction.

Please see the town administrator or benefits administrator for more details.

DENTAL PLAN

There is no dental benefit offered by the Town at this time.

LIFE INSURANCE

The Town provides group life insurance to all full-time employees. The amount of coverage is currently one (1) times the employee's base salary with a maximum benefit of \$50,000 and is subject to change. There is no shared cost with eligible employees at this time.

SHORT-TERM AND LONG-TERM DISABILITY

Full-time employees are eligible to enroll in our short-term and long-term disability insurance, after the first of the month following date of hire. This insurance is designed to provide some income for you in the event that you suffer a non-occupational illness or injury. There may be waiting periods that apply before the benefits will begin.

The Town's short-term and long-term disability benefits are governed by detailed plan documents that are available from the benefits administrator.

If you are enrolled in the Town's short-term or long-term disability benefits and you suffer an illness or injury, please notify the benefits administrator immediately. The benefits administrator will tell you which forms must be completed and the medical information that must be supplied to apply for the benefits.

RETIREMENT PLAN

Currently, the Town offers a 457 retirement plan to full-time employees. Participation in this plan is voluntary. Details concerning the retirement plan may be obtained from the benefits

administrator. Full-time police and fire/rescue personnel are provided retirement benefits through the NH Retirement System.

COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") provides eligible employees and their eligible dependents with the opportunity to continue medical and dental insurance for a period of time, at their own expense, if they would otherwise lose coverage due to certain qualifying reasons. Please see the town administrator for more information about COBRA.

WORKERS' COMPENSATION INSURANCE AND REPORTING WORKPLACE INJURIES

On-the-job injuries are covered by Workers' Compensation Insurance, which is provided at no cost to the employee. We ask for your assistance in alerting the Town to any condition, which could lead or contribute to an employee accident.

A. Reporting Injuries

If you are injured on the job, no matter how slightly, you **must** report the incident immediately to the Town Office and your department head. Employees must complete the necessary workers' compensation forms following any injury.

B. Weekly Income Benefits

The amount of the weekly worker's compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee's average weekly wages. These benefits are paid by our workers' compensation carrier to eligible employees.

C. Temporary Alternative Duty

Employees with work-related injuries may also be entitled to temporary alternative duty in accordance with New Hampshire's workers' compensation laws. Employees with non-work-related disabilities who require accommodations to perform their jobs should make accommodation requests to the town administrator. Please refer to the Americans with Disabilities Act policy in this manual for more information.

D. Reinstatement

A full-time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A fitness-for-duty certificate may be required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if he/she has accepted a job with

another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to his/her former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

UNEMPLOYMENT INSURANCE

The Town pays into the unemployment compensation fund established by the State of New Hampshire. Individuals laid off from employment by the Town may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security.

SOCIAL SECURITY

Social Security is a payroll deduction representing your contribution to the federal government's Social Security Program. The Town also contributes money on your behalf to the Social Security Program.

V. ON THE JOB

ATTENDANCE

Attendance and punctuality are important factors for your successful employment with the Town. Employees are expected to arrive at their designated work location in time to begin work at a regularly scheduled time. Example; if your regular shift is 7:00 AM – 3:30 PM the employee should be at the workplace and prepared to start work at 7:00 AM, not just arriving at 7:00 AM with a similar scenario at the end of the shift. However, the Town is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise.

If an employee is unable to report to work, or if an employee will arrive late, the employee must contact his/her department head or supervisor. The department should be given as much time as possible to arrange for someone else to cover the position until the employee arrives. If the employee knows in advance that he or she will need to be late or absent, the employee is required to request, in writing, this time off directly from the department head.

For late arrivals, the employee should indicate when he or she expects to arrive for work. If the employee is unable to call in because of an illness, emergency or for some other reason, the employee should arrange to have someone call on his or her behalf.

Absence from work for two (2) consecutive days without notifying the department head or the Town Office will be considered a voluntary resignation. Furthermore, three (3) absences in a 90-day period, or a consistent pattern of absence, will be considered excessive, and the reasons for the absences may come under question.

Tardiness or leaving early is often as detrimental to the Town as an absence. Three (3) such incidents in a 90-day period will be considered a "tardiness pattern" and will be considered

excessive, and the reasons for tardiness or leaving early may come under question. Other factors, like the degree of lateness, may be considered.

All employees should be aware that excessive absenteeism, lateness, or leaving early may lead to disciplinary action, up to and including dismissal from employment.

Attendance records will be considered when evaluating requests for promotions, transfers, leaves of absence, and approved time off, as well as disciplinary, termination, and layoff decisions.

This policy is subject to the Town's ADA and FMLA policies.

CONFIDENTIALITY

The Town's information and records relating to Town business, operations, plans, projects, strategies, employees, or citizens may be confidential. Therefore, employees must treat all matters accordingly.

No Town information, including, without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town) may be removed from the Town's premises without permission from the town administrator.

Additionally, the contents of the Town's records may not be disclosed to anyone, except as required by law.

Employees unsure about the confidential nature of specific information are expected to seek clarification from the town administrator. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

COMPUTER USE AND COMMUNICATIONS EQUIPMENT POLICY

The Town provides communication tools including computers, fax machines, telephones, voice mail, e-mail, and access to the internet to help you do your job. This policy is designed to help you understand our expectations for the use of these resources and to help you use these resources wisely.

All employees should be aware that the Town has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail, and internet use of all employees. For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems. The Town reserves the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy.

The following guidelines apply to all employees:

- Employees should be aware that in addition to having the ability to monitor e-mail messages sent and received on our system (including e-mail messages sent and

received from personal e-mail accounts accessed from our system), the Town has the ability and the right to monitor such things as internet web site visits, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. The Town's computers and other communications equipment and the communications, information, and documents created on them are the property of the Town and may be monitored by the Town at any time.

- The Town's computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Town resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any resulting law enforcement investigation.
- The Town reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document by e-mail or through any other means using the Town's system is a violation of our policy on sexual harassment. The Town's computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, religion, national origin, disability, veteran status, marital status or other protected status in a manner that may be viewed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
- Access to non-work related, obscene, or offensive web sites is strictly prohibited.
- Any personal use of Town computers or other communications equipment for any commercial activity (other than Town business) is strictly prohibited, as is the use of Town computers and communications equipment for anything that may not be in the best interest of the Town including, but not limited to, activities that disclose any confidential or proprietary information of the Town.
- Town computers and other communications equipment are to be for Town use only by authorized users. Non-employees may not use the Town's computers, network, or other communications equipment for any reason without the written approval of the town administrator or Board of Selectmen.
- Use of another employee's account, user name, or password, or access to their personal files without their consent (by anyone other than authorized representatives of the IT department) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.
- All pass-codes and passwords are the property of the Town. No employee may use a pass-code, password, or voice mail access code that has not been issued to that employee by the Town or that is unknown to the Town. Users of the Town's

computers, network, and other communications equipment must take reasonable precautions to prevent unauthorized access to our systems. Passwords should not be divulged to unauthorized persons.

- Destruction, theft, alteration, or any other form of sabotage of the Town's computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.
- The breaking into and/or corrupting of any of the Town's computers, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Town's technology is also prohibited, and will be reported to the authorities.
- Any vulnerability in the Town's computers, network, or other communications equipment or resources should be reported immediately to the town administrator.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the town administrator or the Town's computer technician.
- Accessing the Town's files or any other files on the network or the system that you did not create is prohibited unless you have prior authorization from the town administrator.
- Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, hacking, or introducing mail-ware or spy-ware is strictly prohibited.
- Confidential information is not to be transmitted over the internet or otherwise disclosed without prior authorization and proper encryption. All Town data and information is considered confidential unless the Town has granted permission for an employee to disclose that information or unless required by law. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should be used only for its intended purpose. Employees' responsibility for confidentiality continues outside of work. Employees may not work on Town documents, data, or other business on home computers or other portable technology without the express prior approval of the town administrator.
- All employees are responsible for taking precautions to safeguard the physical security of the Town's network, internet, computers, and other communications equipment. Disks, CDs, USB portable drives, zip drives, and other removable drive devices containing sensitive, confidential, or proprietary information should be stored in a locked drawer, whenever possible. Computers should be turned off when not in use for an extended period of time or when an employee is out of his or her office.
- Employees are not allowed to introduce to the Town's network, intranet, computers, or other communications equipment, media from any external sources, including, but

not limited to, CDs, disks, zip drives, personal digital assistants (including, but not limited to, BlackBerries and palm pilots), USB portable drives, and other removable drive devices.

- Employees may not copy, transmit, or otherwise remove any information from our network, intranet, computers, or other communications equipment to CDs, disks, zip drives, personal digital assistants, USB portable drives, or other removable drive devices without prior authorization from the town administrator.
- Employees may not intentionally download anything from the internet without prior authorization. This includes, but is not limited to, screensavers, music, E-mail stationary, and other images.
- All downloaded files or applications are to be scanned for viruses by approved software before being saved on the Town's network. The town administrator or computer technician must review all downloaded applications before being installed on the network.
- The Town retains the copyright to any Town-related material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his/her duties.
- All information on the network, intranet, computers, and other communications equipment is the property of the Town. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have received prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town to continue using its equipment.
- All employees are required to report any violations, or suspected violations, of this policy.

PERSONAL DRESS

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Footwear such as flip-flops or other beach type sandals is not acceptable. Torn jeans or clothing, tight-fitting clothing, low riding pants, tank tops, bare midriff (half) shirts, shirts with bare backs, short skirts or dresses are not considered workplace appropriate clothing. Exceptions to the personal dress policy may be made for inclement weather.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law.

Any questions concerning dress should be directed to the town administrator.

INCLEMENT WEATHER

Employees are generally expected to report to work during inclement weather. However, there may be occasions when the Town will be closed due to severe inclement weather. You should contact the Town Office or a department head for information as to whether the Town will be open for business.

If the Town's departments are not closed due to severe inclement weather, but you are unable to get to work, then you must call the Town Office or your department head to explain why you cannot get to work. If you do not come to work because of inclement weather, you must use your earned vacation time, sick days, or personal days. If your earned benefits have been exhausted, you will not be paid for the time missed, unless otherwise required by law.

If you are an hourly employee and you come to work and the Town closes because of weather, loss of electricity, or an emergency beyond our control, you will be paid a minimum of two (2) hours or the time you worked, whichever is greater.

SOLICITATION AND DISTRIBUTION

No solicitation of any kind is permitted during working time, unless first approved by the town administrator. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, memberships in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, and time before and after work hours. This rule applies to solicitations of both charitable and non-charitable causes.

No distribution of any non-work related written materials is permitted in any work area of any kind, unless first approved by the town administrator. "Work areas" are defined as any Town office or facility, other than designated break areas.

Employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on the Town's premises at any time, unless authorized by the town administrator.

PARKING FACILITIES

Because of limited space, parking spaces are available on a first come basis. The Town assumes no liability to any employee or official for any damage to or by any motor vehicle owned or operated by any employee or official on Town property.

MOTOR VEHICLE VIOLATIONS

All employees who operate Town vehicles are required within seventy-two (72) hours to notify the Town Office if they have been convicted of or plead nolo-contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicles is suspended, revoked, or otherwise restricted, the employee must notify the Town Office within one working day of learning of the suspension, revocation, or restriction. No employee is authorized to

operate any vehicle on town business while his or her license is under revocation or suspension. Employees who are required to but are unable to drive, and/or who fail to comply with this policy, may be subject to discipline, up to and including termination of employment.

All employees who operate Town vehicles may be required to provide an official copy of their driving record annually at the Town's expense.

TOWN SECURITY

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of the town administrator or the police department.

CONFLICT OF INTEREST

The Town expects its employees and officials to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create an actual conflict or the appearance of a conflict of interest. Examples of conduct and behavior that would violate this policy include, but are not limited to, the following:

- Investing in any of the Town's vendors or suppliers (unless the securities are publicly traded and the investments are on the same terms available to the general public, and not based on any inside information), or having any financial interest in a vendor or supplier that could cause divided loyalty or even the appearance of divided loyalty.
- Receiving any gifts or favors in any amount or value from members of the public, or from any Town vendors or suppliers.
- Using, directly or indirectly, Town funds, assets, or other resources for any unlawful goal or purpose.
- Engaging in practices that violate federal, state or local laws or ordinances.

Employees with any questions regarding these guidelines are required to discuss them with the town administrator prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination.

POLICY AGAINST NEPOTISM

While the Town is committed to hiring the most qualified and capable individuals available for every position, it recognizes the importance of maintaining a collegial and positive work environment. Therefore, no relative may work in the same department as a regular employee if the employment relationship is such that the relative is directly supervised by the employee or

where the employment relationship may cause a potential conflict of interest, unless specifically approved by the Board of Selectmen or the town administrator.

A relative is defined to include spouse, civil union partner, children, parents, step-parents, step-children, brothers, sisters, immediate in-laws, grandparents, grandchildren, or other person living in the employee's household.

SUGGESTIONS AND IDEAS

We are always interested in your constructive ideas and suggestions for improving our operations. We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement.

STANDARDS OF CONDUCT

All employees are required to comply with our standards of conduct, which are intended to promote consistency and harmony in the workplace, and to support the missions and objectives of the Town. We recognize that no list of rules can be all-inclusive. Incidents may arise that are not covered by the standards of conduct which may lead to discipline, up to and including termination. The following areas are intended to guide you in recognizing certain behaviors which are clearly prohibited and which are considered by the Town to constitute cause for disciplinary action, up to and including termination of employment. Please note that nothing in this policy changes the at-will nature of employment.

A. Absence and Lateness

Excessive absenteeism and/or lateness; failing to call in when absent; overstaying allotted break time; leaving the work area or work early without permission; misuse of any leave of absence.

B. Employment Records

Making a false statement on the application form; falsifying Town and employment records.

C. Attitude

Using abusive language to any person while at work, creating any type of disturbance, demonstrating a lack of cooperation, verbally abusing or neglecting visitors or residents of the Town.

D. Safety

Violation of safety regulations or endangering the health or safety of other persons; failing to report any work-related accidents.

E. Employee Relations

Using abusive or profane language to another employee; negligent or intentional destruction of another employee's personal possessions; threatening bodily harm; intent to strike; striking

another employee. Using threatening, abusive or profane language or other provocation, which might reasonably be expected to result in a disturbance.

F. Crime

Conviction of a crime.

G. Dishonesty

Dishonesty to a coworker, resident, visitor or to the Town.

H. Incompetence

Repetition of avoidable mistakes to a point that the mistakes demonstrate a disregard for the Town's interest.

I. Intoxicants

Bringing, possessing, dispensing, selling, buying or using alcoholic beverages or illegal drugs on Town property or while on the job; being under the influence of or testing positive for these substances during working hours.

J. Neglect of Duty

Negligence in the performance of duties which conflicts with the Town's interest. Neglect of duty resulting in inferior work, equipment breakdown, or waste of materials, supplies or products.

K. Unsatisfactory Job Performance

Failing to demonstrate the requisite skills or abilities to satisfactorily discharge the employee's duties.

L. Weapons

Possession of any kind of weapons on Town property, unless legally permitted.

M. Telephone, Facsimile, Computer, E-Mail, Copier

Excessive use of Town telephone, facsimile, computer, e-mail, Internet access and/or copier for personal purposes.

N. Theft or Destruction of Property

The theft or negligent or intentional destruction of any Town property or the personal property of a coworker, resident or visitor.

O. Sexual or Other Unlawful Harassment

Discrimination, sexual or other unlawful harassment, and/or inappropriate conduct in violation of Town policies. Retaliation against anyone who has complained of alleged harassment or discrimination or has participated in an investigation of a complaint.

P. Insubordination

Acting in an insubordinate manner toward any supervisor or in disregard of any directive of the Town.

Q. Violation of the Town's Policies, Procedures or Rules

Violating or failing to follow the Town's policies, procedures or rules.

DISCIPLINE

It is the policy of the Town to take corrective action against employees who violate rules, regulations, or standards of conduct, or who endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town: documented verbal warning, written warning, suspension, and termination. While the Town will apply the concept of progressive discipline when appropriate, it reserves the right to determine the appropriate level of discipline in any circumstance. In addition, nothing in this *Personnel Policies and Procedures Manual* undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under federal and state law.

VOLUNTARY DISPUTE RESOLUTION PROCEDURE

If you feel you have a problem, you should present the situation to your supervisor/department head so that the problem can be settled by examination and discussion of the facts. We hope that the supervisor/department head will be able to satisfactorily resolve most matters.

An employee who is not satisfied with the supervisor's/department head's response is urged to go to the town administrator and again try to resolve the issue. If the matter is not resolved by the town administrator, the Board of Selectmen may be asked to examine the issue. We urge every employee to follow through rather than be dissatisfied.

Your suggestions and comments on any subject are important so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure. Please note that nothing in this policy creates any contractual or other legal right to due process or changes the at-will nature of employment.

PERSONNEL RECORDS

The Town maintains certain records containing job-related information on all employees to ensure compliance with state and federal law and to keep a record of your progress as an employee. Your personnel file is our record of information relative to your employment. You

may inspect your own personnel file during regular office hours, upon reasonable request. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement. File inspection must be done on your own time, and must be arranged through the town administrator. You may read your personnel file, but you may not remove any portion of the file. Upon request, you will be provided with a copy of all or part of your personnel file.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written statement explaining your version of the information together with evidence supporting such version. The Town will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Please notify the Town Office as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

PERFORMANCE APPRAISALS

In order for you to improve your performance and better understand the Town's expectations, the performance of employees will be periodically reviewed. You will generally receive performance appraisals from your supervisor or department head. However, performance review is a continuing process throughout the course of employment, and you may meet with your supervisor to discuss performance more frequently.

Your supervisor or department head will discuss your performance review, giving you the opportunity to understand the expectations of your position and to examine your strengths, as well as areas in which you need to improve. You will have the opportunity to comment on and sign the review. Your signature on the performance appraisal form indicates that you have seen the appraisal; it does not indicate agreement or disagreement with the content of the review.

A performance appraisal is not a contract or a commitment to provide a compensation adjustment, a promotion, a bonus, or continued employment. Appraisals are only one of several factors that the Town uses in connection with compensation, promotion, and retention decisions.

PROMOTIONS, TRANSFERS & JOB POSTINGS

The Town strives to provide employees with the opportunity to make full use of their skills, interests and potential. To support employee growth and development, we will make every effort to promote qualified employees from within the Town if possible, based upon the needs of the Town and employee qualifications. We may also recruit individuals from outside of the Town, depending upon the circumstances.

In an effort to inform employees of promotion and transfer opportunities, we list vacancies for non-exempt positions on the bulletin boards. Employees who have at least twelve (12) months of service in their present position and who meet the qualifications of the open position are eligible to apply. Generally, in order to maintain stability, employees who have been working in their current position for less than one year will not be considered for another position, unless the Town, in its discretion, decides otherwise. However, a transfer or promotion initiated by the

Town may take place at any time regardless of the employee's length of service in their present position.

Employees may obtain additional information about open positions and request consideration for any opening by contacting the town administrator. The Board of Selectmen will have final approval over all transfers and promotions.

If a transfer or promotion is granted, the employee's pay rate in the new position will be determined at the time of the transfer or promotion. The pay rate will be based upon the employee's qualifications, experience, job performance evaluations, and other considerations at the discretion of the Town, unless otherwise governed by a collective bargaining agreement or other Town policy.

Employees will generally receive a performance evaluation after 3-6 months in a new position. Another performance evaluation will typically be conducted after 12 months of service in the new position. Employees may be eligible for a pay increase in conjunction with the 12-month evaluation, depending upon the circumstances.

VI. EMPLOYEE SAFETY AND HEALTH

HEALTH & SAFETY PROGRAM

Safety is of great concern to the Town. It is important that we all keep safety foremost in our minds to ensure that our work environment is as safe as possible. Safety can only be achieved through teamwork. Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately. Please observe the following precautions:

1. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
2. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Town property is prohibited.
3. The use, adjustment, and/or repair of machines or equipment is to be performed by you only if you are trained and qualified.
4. Get help when lifting or pushing heavy objects.
5. Understand your job fully and follow instructions. If you are not sure of a safe procedure for performing work, ask your supervisor.
6. Know locations, contents, and intended use of all first aid and fire fighting equipment.
7. Wear personal protective equipment as directed in accordance with the job you are performing.

8. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
9. All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.

Violations of safety precautions may lead to disciplinary action, up to and including termination.

SAFETY COMMITTEE

The Town maintains an active safety committee comprised equally of management and regular employees, which meets quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the town administrator for details.

WORKPLACE VIOLENCE

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. The Town, therefore, prohibits employees (except employees who are legally permitted or required to carry weapons for the performance of their jobs) from bringing weapons on our premises, including our parking lots. Moreover, violence and verbal or physical threats of violence of any kind in the workplace or on Town property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including termination of employment. Responsive action may also include notifying the police or other law enforcement and prosecuting violators of this policy. If you become aware of any violence or threat of violence, you must immediately report the matter to your supervisor or the town administrator.

ALCOHOL AND DRUG POLICY

A. Policy

Drug and alcohol use in the workplace can create health, safety, and security issues for our employees, citizens and visitors. The Town is committed to providing a safe work environment that is free from the effects of drugs and alcohol. In support of this commitment, the Town prohibits the following conduct and other conduct, which, in our determination, is inconsistent with our commitment:

- the manufacture, distribution, sale, dispensation, possession, storage, or use of a controlled substance, unauthorized prescription drug, or drug paraphernalia at any time on Town premises, on Town business, or during work hours;
- use, possession, storage, manufacture, distribution, dispensation, or sale of alcohol at any time while on Town premises, on Town business, or during work hours;
- reporting to work or otherwise working under the influence of drugs or alcohol, or under the influence of legal drugs that may impair your ability to safely perform your job functions;

- reporting to work in a condition that is not fit for work. In addition to being under the influence as mentioned above, other indications of a lack of fitness for duty are smelling of alcohol, appearing to be hung over, or otherwise appearing or being unable to effectively interact with citizens, visitors and co-workers, and work safely and properly without impairment;
- failing to submit to a required fitness for duty exam.

The Town also maintains the following reporting requirements:

- Any employee who is taking medication that may impair his or her ability to safely perform job functions must inform his or her supervisor immediately, and must not perform any work until authorized to do so by the Town.
- If any employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized prescription drugs) on Town premises or while working for the Town, the Town reserves the right to report the incident to law enforcement authorities.
- If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, he or she should immediately report the behavior to the Town Office.

B. Violations of this Policy:

Employees must, as a condition of employment, abide by the terms of this policy. Violations of this policy will result in disciplinary action up to and including termination and may also have legal consequences.

C. Fitness for Duty Exams:

The Town reserves the right to require any employee to submit to a fitness for duty exam when there is a reasonable basis for the Town to believe that the employee may be under the influence of alcohol or drugs or may be otherwise unfit for duty. Fitness for duty exams may include, but not be limited to, tests for the presence of drugs or alcohol. Employees must consent to fitness for duty exams as a condition of employment. The cost of any such fitness for duty exams will be covered by the Town. Within the Town's discretion, an employee may be placed on paid or unpaid administrative leave or suspension pending the results of a fitness for duty exam.

This policy is subject to the Town's ADA policy.

SMOKING POLICY

The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, we have declared a no smoking policy within our buildings and in Town vehicles, except in a designated smoking area.

The Town of Nottingham

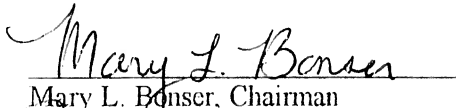
PERSONNEL POLICIES

ADDENDUM

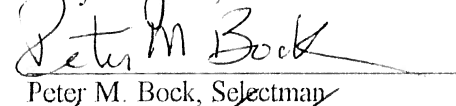
Addendum Approved December 21, 2009

This addendum is in addition to personnel policies previously established or approved by The Board of Selectmen for the Town of Nottingham.

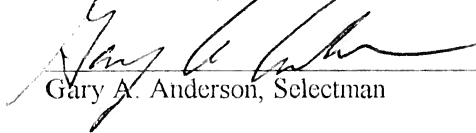
Given under our hands this 21 th day of December 2009.
Nottingham, Board of Selectmen



Mary L. Bonser, Chairman



Peter M. Bock, Selectman



Gary A. Anderson, Selectman

OVERTIME

From time to time, it may be necessary for you to perform overtime work. All overtime must be approved in advance by your Department Head, Except in the event of an emergency, the Town will attempt to provide you with advance notice of the necessity for overtime work. Most non-exempt employees, with the exception of certain law enforcement and fire protection employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) hours per week. Sick days, holidays, vacation time, leaves of absences, and other time off benefits are not counted as "time worked" for purposes of overtime. You will be advised when you are hired if you are entitled to overtime pay.

Town employees engaged in law enforcement activities will be paid overtime at the rate of one and one-half times their regular rates of pay for all time worked in excess of forty (40) hours worked in the seven day work period. Town employees engaged in fire protection activities will be entitled to overtime pay at the rate of one and one-half times their regular rates of pay for all hours worked in excess of forty-five (45) hours in the seven day work period.

