

TOWN OF NEWBURGH

Public employees are unique in that they are endowed with the public trust and their actions have the force of government authority. Therefore, they have a special obligation to ensure that their actions reflect the highest standards of professional integrity. Engaging in or tolerating dishonesty violates the public trust necessary for the preservation of democracy and diminishes the ability of the entire public service to discharge its responsibilities.

PERSONNEL POLICY

ARTICLE 1 – PREAMBLE

- A. The Select Board hereby adopts the following Policy for utilization by the Town of Newburgh in the administration of the personnel activities of the employees of the Town of Newburgh. These rules and subsequent modifications shall supersede any policy and rules made previously by the Select Board.
- B. The Select Board may delete, amend, modify or change any or all the provisions contained in this Policy without prior notice. The provisions set forth are not contractual, but rather, are for the general guidance of the Administration in its relationship with Town of Newburgh employees.

ARTICLE II-EMPLOYMENT

- A. The employment of all personnel shall be the responsibility of the Town Manager.
- B. All applicants must submit a written application for employment.
- C. All employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without the right to file a grievance.

ARTICLE III-EQUAL OPPORTUNITY EMPLOYER

The policy of the Town of Newburgh is to provide equal opportunity to all employees and applicants without regard to religion, age, sex, marital status, race, color, ancestry, national origin, physical or mental handicap, except as a bona fide occupational qualification.

ARTICLE IV-TYPES OF APPOINTMENTS

The following types of appointments may be made to the Town's service in conformity with the rules established:

- A. Full Time. A full-time employee works full-time (36 hours per week) and on a continuing basis (indefinite). He/she is subject to all personnel rules and regulations and receives all benefits and rights as provided by these rules.
- B. Regular Part-Time. An employee in this classification works less than the normal work week, but on a continuing basis (indefinite). He/She is subject to all personnel rules and regulations. Vacation, sick leave, and holiday benefits shall be in proportion to the hours worked. This classification shall only be assigned at the discretion of the Select Board. Additional benefits may be granted by the Select Board.
- C. Temporary Employees. Temporary employees work on a non-permanent basis, usually within a limited time frame. They are not entitled to benefits such as holiday pay, sick leave and vacation time and may be terminated for any reason at any time.

ARTICLE V-PUBLIC AND EMPLOYEE RELATIONS

- A. The employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town or disrupt the efficient operation of the administration of the Town. Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.
 - B. Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy, and responsibility are the key elements of good service.
 - C. These policies and regulations are provided to assist the employees and Town administration in functioning at peak efficiency with minimal cost to the taxpayers.
- 1. Receipt of gifts.

Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person\ Business or Vendor, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.
 - 2. Business Activities and Solicitations.

No employee shall engage in any business other than his/her regular duties during work hours.

3. Confidentiality.

Many town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the "Right to Know" law, 1 MRSA Sections 401-410.

ARTICLE VI-WORK/OVERTIME

- A. Work Week. The regular work week for payroll purposes begins on Thursday and ends Wednesday midnight. The actual hours for Town employees shall be set by the Select Board.
- B. Overtime. Employees, not exempt from the Fair Labor Standards Act shall receive overtime pay after forty hours of actual work per week. All overtime shall be paid at the rate of one and one-half times the employee's normal rate of pay.

ARTICLE VII-ATTENDANCE

Employees shall be at their respective places of work at the appointed starting time. It is the responsibility of employees who may be absent from work to see that their immediate supervisor is advised of the reason for such absence, not previously arranged for, if possible, within two (2) hours of the beginning of the starting time of his/her workday.

ARTICLE VIII-PERFORMANCE EVALUATIONS; PERSONNEL FILES.

A. Performance Evaluations:

Employee performance will be evaluated on an annual basis by the appropriate supervisor in a format and procedure prescribed by the Town Manager. Employees shall have an opportunity to review their performance evaluation with the appropriate department head or supervisor. All wages will be market and performance based, and the performance evaluation is vital for proposed wage adjustments.

B. Record Keeping/Personnel Files:

An official personnel file shall be maintained for each employee. Employees shall have access to their personnel files upon reasonable notification. The Town Manager shall have access to all personnel files. Department heads may have access only to the files of those employees under their direct supervision or control. Confidentiality of certain personnel files shall be maintained pursuant to Maine Revised Statutes Annotated, 1964 as amended, Title 30-A, Section 2702.

ARTICLE IX-HOLIDAY

A. Subject to these rules, the following holidays shall be paid holidays for regular Town employees:

HOLIDAY
New Year's Day
Martin Luther King, Jr. Day
Washington's Birthday/President's Day
Patriots Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Thanksgiving Friday
Christmas Day

- B. If a regular holiday falls on a Sunday, the following Monday is considered a holiday.
- C. A person on a leave of absence without pay shall not be entitled to holiday pay.
- D. Holiday pay is to be considered and based on the employee's regular workday schedule.
- E. When occasion warrants, employees may be required to work whole or part of a holiday. Employees working a holiday shall receive straight time pay plus their applicable holiday pay.
- F. Employees should work the day before and the day after a holiday unless other arrangements have been approved (i.e.: vacation or comp time usage).

ARTICLE X-VACATION

A. Vacation privileges are available to full-time and regular part-time employees subject to the following conditions. Each employee shall earn vacation with pay on the following basis: After an employee has completed their 6-month probationary period of continuous service, he/she is entitled to receive and use two weeks of vacation time. After an employee has completed five years of continuous service, he/she is entitled to receive three weeks of vacation.

B. Vacations will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Vacation leave will ordinarily be taken in blocks of one (1) or two (2) or (3) periods, but vacations for a lesser period may be permitted by the Town Manager.

C. Employees must take the vacation due them within that year after the vacation time is earned. Employees will not be permitted to carry over vacation time from one year to the next. Vacation time not taken in that year shall be lost; exception to this may be permitted for special reasons with prior approval of the Select Board.

Vacation Time: Employees may not carry over annual vacation time accrual. The time is on a fiscal year not your anniversary date and is established by the number of years of employment, ie: 1-4 years, 2 weeks, 5 years and over, 3 weeks.

E. Employees may receive their vacation pay prior to the start of their vacation, but must advise the Town Treasurer in writing, at least ten (10) days in advance.

F. Vacation time is not to be paid out unless there are unforeseen circumstances and with prior approval from the Select Board.

ARTICLE XI-SICK LEAVE

A. Employees will be granted one week of sick leave per year.

B. Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position unless the employee is capable of other work in his/her division and assigned to such other work; or for personal medical or dental appointments; or to care for members of his/her immediate family affected by serious illness.

C. Sick leave without pay may be granted by an employee's immediate supervisor provided it does not adversely affect the operation of the Town government.

D. Sick leave with pay for less than (4) workdays may also be granted by an employee's immediate supervisor in accordance with the provisions of paragraph A above.

E. Sick leave with pay for more than (4) workdays must be approved by the Select Board.

F. Sick leave shall not be considered as an entitlement which an employee may use at his/her discretion, but shall be allowed for the necessity arising from actual sickness or disability of the employee. The employee shall furnish the Town with a certificate from his/her attending physician if out more than 2 days.

G. Sick leave usage shall be recorded regularly by the Town Treasurer. The Town Manager shall review all sick leave records periodically and shall investigate any cases which indicate

abuse of the privilege. Abuse of the sick leave privilege shall be cause for discipline. Sick leave shall under no circumstances be bought back.

H. Employees may carry up to and no more than three-weeks or twelve-days of sick leave.

ARTICLE XII-LEAVES OF ABSENCE

- A. Bereavement Leave. An employee may be excused form work for up to three (3) workdays because of death in his/her immediate family, as outlined below, and shall be paid his/her regular rate of pay for the scheduled work hours missed. It is intended that the time off be used for the purpose of handling necessary arrangements and attendance at the funeral. For purposes of this article only, immediate family is defined to mean spouse, parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother and grandchildren. One (1) workday may be granted to employees at the sole discretion of the Town Manager for attendance at funerals of persons not covered under the above definition.
- B. Leave Without Pay. A full-time or regular part-time employee may be granted a leave of absence without pay by the Town Manager for a period deemed necessary by the employee for the purpose of the leave, but not in excess of sixty (60) calendar days. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of leave, granted at the discretion of the Town Manager. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service. Employees may choose to continue insurance benefits for the duration of the leave by assuming the employer contribution. Vacation and sick leave will not continue to accrue during the leave.

ARTICLE XIII-JURY DUTY

The Town shall pay to an employee called for jury duty the difference between his/her regular pay and juror's pay provided the employee presents an official statement of jury pay received.

ARTILE XIV-EMPLOYEE CONDUCT

1. Contact with the Public. All employees of the Town, regardless of whether contacts with the public are direct or indirect, shall be courteous and polite to members of the public and to their fellow employees.
2. Personal Appearance. Employees are to wear clothing suitable to their jobs and work sites. Employees are required to be clean, hair properly and reasonably groomed, and clothes neat and clean.
3. Safety. Employees shall comply with all applicable safety regulations and directives, including without limitation, the proper use of safety apparel and equipment. Town employees shall always wear seat belts while driving or riding in Town vehicles or in other vehicles while engaged in Town business.

ARTICLE XV-GRIEVANCE PROCEDURES

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of the Town's personnel rules, regulations, and policies or the terms of employment within five (5) working days from the incident, he/she shall submit the details of such grievance in writing to the Select Board. Within thirty (30) calendar days thereafter, the Select Board shall meet with the employee for the purpose of discussing the grievance and the Board shall render their final written decision within thirty (30) working days after said meeting.

ARTICLE XVI-POLITICAL ACTIVITY

While performing their normal work duties, employees shall refrain from seeking or accepting nomination or election to any office in the Town government, and from using their influence publicly in any way for or against any candidate for elective office in the Town government. This rule is not to be construed to prevent Town employees from becoming or continuing to be, members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

ARTICLE XVII-RESIGNATION

All employees resigning from the service of the Town shall give a written two-week notice.

ARTICLE XVIII-POLICY ON HARRASSMENT

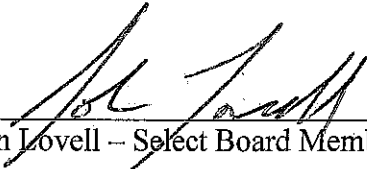
It is the policy of the Town that all our employees should be able to work in an environment free from all forms of harassment. Harassment, both sexual and verbal, is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination, or retaliation against any employee who makes a report of harassment. (26 M.R.S.A. § 807)

ARTICLE XIX-ELECTRONIC COMMUNICATION POLICY

The Newburgh Town Office utilizes and maintains electronic communications systems including: email, networks, the internet, telephone, voicemail, cellular phones, computers and fax. All information created, received, transmitted, or stored on these systems are the properties of the Town of Newburgh and is to be used within the established guidelines. The Town reserves the right to record, monitor, conduct surveillance, inspect or review the contents of all electronic communications.

1. The Town reserves the right to review, audit, intercept, and access messages created, received, or sent using any of the above systems.
2. The confidentiality of any, and all, information and messages are at the utmost importance and all employees are to adhere to the privacy of all information.

8/5/2024 Date


John Lovell -- Select Board Member


Brian Carlisle -- Select Board Member


Kurt Giles-- Select Board Member