

TOWN OF MERCER PERSONNEL POLICY

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RECEIPT ACKNOWLEDGEMENT

Section 1: Preamble

1.1 PURPOSE OF POLICY

The Select Board hereby adopts the following policy by the Town of Mercer in the administration of the personnel activities of the Town of Mercer. These rules and subsequent modifications shall supersede any policy and rules made previously by the Select Board.

The Select Board may delete, amend, modify or change any or all of 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 Town in its relationship with its employees.

1.2 EMPLOYMENT

The employment of all personnel shall be the responsibility of the Select Board.

All employees are considered probationary for the first (6) six months of their 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 right to file a grievance.

1.3 TYPES OF EMPLOYMENT

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

- Full-time: A full-time employee works full time (twenty-four hours per week or more) 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.
- 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 hours worked. This classification shall only be assigned at the discretion of the Select Board who may grant additional benefits.
- 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, accrual of sick leave and vacation time, or seniority and may be terminated for any reason at any time.

Section 2: Workplace Commitments

2.1 EQUAL OPPORTUNITY EMPLOYMENT

The Town of Mercer is an equal opportunity employer and does not unlawfully discriminate against employees or applicants for employment on the basis of an individual's race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status or any other status protected by applicable law. This policy applies to all terms, conditions and privileges of employment, including recruitment, hiring, placement, compensation, promotion, discipline and termination.

Whenever possible, the Town of Mercer makes reasonable accommodations for qualified individuals with disabilities to the extent required by law.

2.2 NON-HARASSMENT & NON-DISCRIMINATION POLICY

The Town of Mercer prohibits discrimination or harassment based on race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status or any other status protected by applicable law. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and is free from discriminatory practices, including without limitation harassment. Consistent with its workplace policy of equal employment opportunity, the Town of Mercer prohibits and will not tolerate harassment on the basis of race, color, religion, creed, sex, national origin, age, disability, marital status, veteran status or any other status protected by applicable law. Violations of this policy will not be tolerated. Discrimination includes, but is not limited to: making any employment decision or employment related action on the basis of race, color, religion, creed, age, sex, disability, national origin, marital or veteran status, or any other status protected by applicable law.

Harassment is generally defined as unwelcome verbal or non-verbal conduct, based upon a person's protected characteristic, that denigrates or shows hostility or aversion toward the person because of the characteristic, and which affects the person's employment opportunities or benefits, has the purpose or effect of unreasonably interfering with the person's work performance, or has the purpose or effect of creating an intimidating, hostile or offensive working environment. Harassing conduct includes, but is not limited to: epithets; slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group based on their protected characteristic.

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

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include: unwelcome or unsolicited sexual advances; displaying sexually suggestive material; unwelcome sexual flirtations, advances or propositions; suggestive comments; verbal abuse of a sexual nature; sexually oriented jokes; crude or vulgar language or gestures; graphic or verbal commentaries about an individual's body; display or distribution of obscene materials; physical contact such as patting, pinching or brushing against someone's body; or physical assault of a sexual nature.

Reporting: Any town employee who feels that he or she has been harassed or discriminated against, or has witnessed or become aware of discrimination or harassment in violation of these policies, should bring the matter to the immediate attention of his or her supervisor or to any member of the Mercer Select Board by phone or in person.

We will promptly investigate all allegations of discrimination and harassment, and take action as appropriate based on the outcome of the investigation.

If you believe you are being harassed, you also have the right to file a complaint with the Maine Human Rights Commission (MHRC) within 6 months of the unlawful act or unlawful discrimination. To file a charge or obtain more information on the procedure, you may contact the Commission by mail at: Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333-0051; by phone at 207-624-6050 or on-line at www.state.me.us/mhrc.

2.3 OPEN DOOR POLICY

The Town of Mercer has an open-door policy and takes employee concerns and problems seriously. The Town of Mercer values each employee and strives to provide a positive work experience. Employees are encouraged to bring any workplace concerns or problems they might have or know about to their supervisor or any member of the Select Board.

2.4 ANNUAL PERFORMANCE REVIEW

The Select Board shall conduct a performance review of its' employees, both full-time and part-time, on an annual basis near the employee's anniversary date. The Select Board has the discretion to perform a more frequent review if they deem it necessary to monitor the progress of an employee. The results of such performance review shall be filed with the employee's personnel file. Adopted July 13, 2023

Section 3: Policies and Procedures

3.1 PROFESSIONAL CONDUCT

The Town of Mercer expects its employees to adhere to a standard of professional conduct and integrity. This ensures that the work environment is safe, comfortable and productive. Employees should be respectful, courteous, and mindful of others' feelings and needs. General cooperation between staff and the public is expected. Individuals who act in an unprofessional manner may be subject to disciplinary action. These policies and regulations are provided to assist the employees in functioning at peak efficiency with minimal cost to the taxpayers.

3.2 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 hours of the beginning of the starting time of his/her work day.

3.3 DRESS CODE

An employee's personal appearance and hygiene is a reflection on the Town of Mercer. Employees are expected to dress appropriately for their individual work responsibilities and position.

3.4 TOWN PROPERTY

Town of Mercer property, such as equipment, vehicles, telephones, computers, and software, is not for private use. These devices are to be used strictly for Town of Mercer business. Town of Mercer property must be used in the manner for which it was intended. Upon termination, employees are required to surrender any Town of Mercer property they possess.

Town of Mercer computers, internet and emails are a privileged resource, and must be used only to complete job-related functions. Employees are not permitted to download any "pirated" software, files or programs and must receive permission from a supervisor before installing any new software on a Town of Mercer computer. Files or programs stored on Town of Mercer computers may not be copied for personal use.

Violations of these policies could result in disciplinary action.

3.5 PRIVACY

Employees and employers share a relationship based on trust and mutual respect. However, the Town of Mercer retains the right to access all Town of Mercer property including computers, desks, file cabinets, storage facilities, and files and folders, electronic or otherwise, at any time. Employees should not entertain any expectations of privacy when on Town of Mercer grounds or while using Town of Mercer property.

3.6 RECEIPT OF GIFTS

A Town employee is prohibited from soliciting or accepting gifts, gratuity, favor, entertainment, loans or any other item of monetary value from any person within or outside Town employment, whose interest 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, notepads, calendars, etc. is permitted.

3.7 SOLICITATION

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

3.8 CONFIDENTIALITY

Many Town employees have access to confidential information pertaining to persons in Town. Employees must not use this privileged information to their private advantage or to provide anyone else with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the "Freedom of Access Act", 1 MRSA § 400 to 414.

3.9 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.

3.10 DRUG-FREE / ALCOHOL-FREE ENVIRONMENT

The Town of Mercer has adopted the following rules and procedures with respect to drugs and alcohol. These rules and procedures apply to all our appointed or elected personnel and applicants for employment.

1. Impairment Prohibited: No employee will work or report to work or be on Town property or on town business with (a) any illegal drug or controlled substance not medically authorized, in his/her system, or (b) under the influence of or impaired by alcohol or any other substances which may impair job performance or pose a hazard to the safety and welfare of the employee, the public or any other employees.

2. Possession/Use Prohibited: No employee will use, consume or possess, on Town property, time or business, any illegal drug or controlled substance not medically authorized, or any other substance which may impair job performance or pose a hazard to the safety and welfare of the employee, the public or other employees.

3. Violation of Policy: An employee who violates this policy will be subject to appropriate disciplinary action, up to and including termination of employment. However, the Town reserves the right, in its discretion, to allow an employee to seek professional assistance in dealing with a substance abuse problem rather than to be subject to disciplinary action.

Drug-Free Workplace Policy: In addition to the rules and procedures set forth above, the Town maintains a drug-free workplace, in keeping with Federal Drug-Free Workplace Act of 1988. The Town prohibits its employees from unlawfully manufacturing, distributing, dispensing, using or possessing any illegal drug, or paraphernalia associated with illegal drugs, on the Town's premises or while engaged in Town business.

Compliance with this policy is a condition of employment and continued employment with the Town. The Town may as it chooses, report any employee who violates this policy to law enforcement authorities.

3.11 TOBACCO USE

The Town of Mercer is dedicated to providing a healthy and productive work environment. As required by law 22 MRSA § 1580-A, it will be our policy to provide a smoke-free workplace. This policy applies to all employees, clients, contractors and visitors. The Workplace Smoking Act of 1985 applies to all enclosed areas of business facilities in Maine where employees perform work and for which the employer is responsible.

Section 4: Payroll and Benefits

4.1 PAYROLL

The regular bi-weekly pay period for payroll purposes begins on Monday and ends two weeks later on Sunday at midnight. The Select Board shall set the actual hours for town employees.

4.2 EMPLOYEE BENEFITS

All employees are covered by Worker's Compensation, FICA and state unemployment insurance.

4.3 HEALTH INSURANCE

The Town of Mercer provides all full-time employees with health insurance through Maine Municipal Association and offers the following plans: POS-C and PPO-2500

The Town agrees to pay 100% of the Employee Only ("Single Person") Health Insurance subject to Annual Town Meeting approval. The employee may elect to enroll in any Family plans ("Employee & Spouse", "Employee & Child(ren)", "Family"), with the employee contributing the remaining cost for additional coverage.

The Town will provide, at the employees' expense, dental, vision and income protection insurance coverage.

4.4 OVERTIME

Employees not exempt from the Fair Labor Standards Act shall receive overtime pay after forty (40) hours of actual work per week. All overtime shall be paid at a rate of one and one-half times the employee's normal rate of pay.

4.5 COMPENSATORY (COMP) TIME

It is the policy of the Town of Mercer NOT to permit exempt employees who work more hours than regularly scheduled to receive compensatory (come) time off. The provisions of the Fair Labor Standards Act (FLSA) established a test to determine overtime exemption applied to all positions within Town of Mercer. Positions that do not meet the exempt test standard are classified as nonexempt. Nonexempt positions are entitled to overtime pay (see section 4.4 above) and must be compensated for any hours worked over 40 hours in a workweek and are not eligible to earn comp time. Adopted July 13, 2023

4.5 TRAVEL

Mileage will be paid for approved, work-related travel at the state's current allowable mileage rate per mile.

Section 5: Leave Policies

5.1 VACATION

Vacation privileges are available to full-time employees.

Vacation is earned in the current year. All employees are expected to take their time off; no vacation will be paid for time not taken. Vacation time does not carry over from one year to the next unless approval by the Select Board prior to December 31st. Employees shall not receive vacation leave until they have completed their first month of employment.

FULL-TIME employees (24 hours or more per week for the entire calendar year) will earn vacation as follows:

1-2 years employment = 2 weeks paid vacation

After the second year of employment, the Select Board will review vacation privileges on an annual basis.

5.2 SICK LEAVE

Sick days may accrue for full-time employees at a rate of three (3) days per year with a maximum of fifteen (15) days earned in a three (3) year period. When an eligible employee leaves employment for whatever reason, said employee will not be entitled to receive any sick leave pay for any sick leave balance remaining on the books at the time of separation. Revised 07/13/2023

1-2 years employment = 3 days earned;
3+ years employment = 6 days earned

5.3 HOLIDAY

Subject to these rules, the following holidays shall be observed and employees who are regularly scheduled to work that work day shall receive holiday pay. If you are scheduled off on a holiday, you will not be paid for that holiday.

New Year's Day, Martin Luther King Jr Day, Presidents Day, Patriots Day, Memorial Day, Independence Day, Labor Day, Indigenous Peoples (Columbus) Day, Veterans Day, Thanksgiving Day, Thanksgiving Friday, Christmas Eve – close at noon, Christmas Day

If a regular holiday falls on a Sunday, the following Monday is considered a holiday, if on a Saturday, the preceding Friday, unless otherwise regulated by law.

Holidays will be paid at straight time at the employee's regular rate of pay.

Employees on an excused leave of absence will be paid for their holiday.

5.4 JURY DUTY

The Town of Mercer understands that occasionally employees are called to serve on a jury. Employees who are selected for jury duty must provide a copy of their jury summons to the Select Board. Time taken for jury duty is granted on a paid basis. Employees released from jury duty before the end of the workday, are expected to return to work.

5.5 BEREAVEMENT

An employee may be excused from work from up to three (3) work days because of death in his/her immediate family, as outline below, and shall be paid his/her regular rate of pay. For the purpose of this section only, immediate family is defined to mean: spouse, parents, children, step-children, siblings, mother-in-law, father-in-law, grandparents and grandchildren.

One work day may be granted to employees at the sole discretion of the Select Board for attendance at funerals of persons not covered under the above definition.

5.6 LEAVE WITHOUT PAY

Regular full-time employees may be granted a leave of absence without pay by the Select Board for a period deemed necessary by the employee, not in excess of sixty (60) calendar days. A request for a leave of absence must be submitted in writing in advance to the Select Board. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave granted at the discretion of the Select Board. Continued absence without having arranged for an extension of leave may be deemed a resignation from employment. Neither benefits nor sick and vacation leave will accrue during the leave.

Section 6: Discipline Policy, Grievances and Termination

6.1 GROUNDS FOR DISCIPLINARY ACTION

The Town of Mercer reserves the right to discipline and/or terminate any employee who violates Town of Mercer policies, practices or rules of conduct. Poor performance and misconduct are also grounds for discipline or termination.

The following actions are unacceptable and considered grounds for disciplinary action. This list is not comprehensive; rather, it is meant merely as an example of the types of conduct that the Town of Mercer does not tolerate. These actions include, but are not limited to:

- Engaging in acts of discrimination or harassment in the workplace;
- Possessing, distributing or being under the influence of illicit controlled substances;
- Being under the influence of a controlled substance or alcohol at work;
- Unauthorized use of Town of Mercer property, equipment, devices or assets;
- Damage, destruction or theft of Town of Mercer property, equipment, devices or assets;
- Falsification of documents or records and lying;
- Insubordination or refusal to comply with directives;
- Failing to adequately perform job responsibilities;
- Excessive or unexcused absenteeism or tardiness;
- Disclosing confidential or proprietary Town of Mercer information without permission;
- Illegal or violent activity;
- Possessing unauthorized weapons on premises;
- Disparaging or disrespecting supervisors and/or co-workers; and
- Any other action or conduct that is inconsistent with Town of Mercer policies, procedures, standards or expectations.

This list exhibits the types of actions or events that are subject to disciplinary action. It is not intended to indicate every act that could lead to disciplinary action. The Town of Mercer reserves the right to determine the severity and extent of any disciplinary action based on the circumstances of each case.

6.2 PROCEDURES

Disciplinary action is any one of a number of options used to correct unacceptable behavior or actions. Discipline may take the form of oral warnings, written warnings, probation, suspension, demotion, discharge, removal or some other disciplinary action, in no particular order. The course of action will be determined by the Town of Mercer Select Board at its sole discretion as it deems appropriate.

6.3 GRIEVANCE PROCEDURES

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the town of any provision of the town's personnel 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 (3) calendar days thereafter, the Select Board shall meet with the employee for the purpose of discussing the grievance and the Select Board shall render their final written decision within thirty (3) working days after said meeting.

6.4 RESIGNATION

All employees resigning from town employment shall give a written two-week notice.

Upon resignation, an employee is required:

- to continue to work until the last scheduled day of employment;
- to turn in all reports and paperwork required to be completed by the employee when due and no later than the last day of work;

To return all files, documents, equipment, keys, access cards, software or other property belonging to the Town of Mercer that are in the employee's possession, custody or control, and turn in all passwords to the Select Board. Failure to do so may result in the withholding of their final paycheck.

6.5 FINAL PAYCHECK

Employees who terminate employment with the Town of Mercer will be given their final pay check on the next scheduled payroll date. Should the employee be unable to personally retrieve their paycheck, it will be mailed to the address on file.

6.6 SEVERANCE PAY

There is no requirement in the Fair Labor Standards Act (FLSA) for severance pay. As such, employees of the Town of Mercer shall NOT be granted any additional pay in the form of severance at termination of their employment. Adopted: July 13, 2023

Section 7: Health and Safety

7.1 WORKPLACE SAFETY

The Town of Mercer takes every reasonable precaution to ensure that employees have a safe working environment. Safety measures and rules are in place for the protection of all employees. Ultimately, it is the responsibility of each employee to help prevent accidents. Employees should use all safety and protective equipment provided to them, and maintain work areas in a safe and orderly manner, free from hazardous conditions. Employees who observe an unsafe practice or condition should report it to a supervisor or the Select Board immediately. Employees are prohibited from making threats against anyone in connection with his/her work or engaging in violent activities while in the employ of the Town of Mercer. Any questions regarding safety and safe practices should be directed to the Select Board.

In the event of an accident, employees must notify a supervisor immediately. Report every injury, regardless of how minor, to a supervisor immediately. Physical discomfort caused by repetitive tasks must also be reported. Employees should recognize any potential fire hazards and be aware of fire escape routes and fire drills. Do not block fire exits, tamper with fire extinguishers or otherwise create fire hazards.

7.2 WORKPLACE SECURITY

Employees must be alert and aware of any potential dangers to themselves or their coworkers. Take every precaution to ensure that your surroundings are safe and secure. Guard personal belongings and Town of Mercer property. Visitors should be supervised at all times. Report any suspicious activity to a supervisor immediately.

Adopted: May 27, 2021

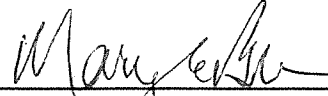
Amended: July 13, 2023

Approved and Signed
Mercer Select Board:

Date: July 13 2023

 1st mo.
RICKY G. PARLIN

 2nd
GARY D. MOSHER

 3rd mo 7/13/2023
MARY E. BURR

Acknowledgement of Receipt for Employee Handbook

(Employee Copy - Keep with Handbook)

I acknowledge that I have received a copy of the Employee Handbook. I understand that I am responsible for reading the information contained in the Handbook.

I understand that the handbook is intended to provide me with a general overview of the Town of Mercer's policies and procedures. I acknowledge that nothing in this handbook is to be interpreted as a contract, expressed or implied, or an inducement for employment, nor does it guarantee my employment for any period of time.

I understand and accept that my employment with the Town of Mercer is at-will. I have the right to resign at any time with or without cause, just as the Town of Mercer may terminate my employment at any time with or without cause or notice, subject to applicable laws. I understand that nothing in the handbook or in any oral or written statement alters the at-will relationship.

I acknowledge that the Town of Mercer may revise, suspend, revoke, terminate, change or remove, prospectively or retroactively, any of the policies or procedures of the Town of Mercer, whether outlined in this handbook or elsewhere, in whole or in part, with or without notice at any time, at the Town of Mercer's sole discretion.

(Printed name of Employee)

(Signature of Employee)

(Date)

(Town of Mercer Representative)

Acknowledgement of Receipt for Employee Handbook

(Employer Copy - Detach and retain for records)

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(Printed name of Employee)

(Signature of Employee)

(Date)

(Town of Mercer Representative)