

## **TOWN OF CANTERBURY**

### **PERSONNEL POLICY**

**ISSUED 29 MAY 2009**

This policy has been adopted by the Canterbury Board of Selectmen at their regular Selectmen's Meeting on 18 May 2009 and consists of 38 pages including this title page.

Revision	Date	Change Description
Revision #1	5 June 2009	Page 9 Section 4.1 Changed working hours for Fire Fighters to be 45 hours/week. Added Fire Fighter to the end of the first sentence. On-Page 16 Section 8.1 Changed the first sentence to read "A leave period for Part-Time and Full-Time employees will be their normally scheduled workweek."
Revision #2	30 Sept 2009	Page 16 Section 8.1 Changed the maximum number of vacation days which may be carried over from 10 days to one year's worth of accrued vacation time.
Revision #3	01 Oct 2010	Page 35 Section V Adding additional substances to initial testing
Revision #4	16 Mar 2012	Page 15 Section 7.3 Changed Health Insurance contribution for Part-time employees
Revision #5	01 Jan 2013	Page 15 Section 7.3 Changed eligibility for Health Insurance for part-time Employees.
Revision #6	06 July 2014	Page 15 Section 7.3 Employee Health Care contribution
Revision #7	01 January 2015	Page 15 Section 7.3 Employee Health Care contribution – re-defines Employee Contributions towards Health Care –
Revision # 8	01 July 2015	Page 15 Add Section 7.4 to address Health Insurance Buyout
Revision #9	24 July 2015	Page 9 Add to Section 4.1 "Working Hours" to address part-time employees/seasonal
Revision #10	04 May 2016	Page 8 Section 3.2 to Change introductory period from one (1) year to (90) days.
Revision #11	12 Sept 2016	Page 12 Section 6.1 to Change evaluations dates from June to October
Revision #12	12 Sept 2016	Page 7 Section 2.5 to address where copies of personnel records are held
Revision #13	06 Nov 2017	Page 16 Section 8.2 to change sick leave, can be used on an hourly basis,
Revision #14	07 Feb 2021	Page 27 Section 9.8 to update the IT Policies and Procedures

# **Chapter 1**

## **Purpose and Scope**

### **1.1 INTRODUCTION**

The Town of Canterbury considers its personnel to be its most valuable resource in delivering efficient services to the citizens of Canterbury. It is, therefore, in the best interest of the Town to attract, hire, and retain quality employees. Whereas the largest portion of the Town's budget is appropriations for personnel, it is our goal that policies and procedures are implemented to standardize personnel administration, create consistent lines of communication, and provide a clear, fair, and uniform system for all Town employees and prospective Town employees. Neither this policy nor any provision in this policy constitutes a contract of employment or any other type of contract. This policy supersedes and replaces all prior published and unpublished policies. Canterbury is an equal opportunity employer.

The Town of Canterbury is an Equal Opportunity Employer and shall recruit, hire, and employ without discrimination as to race, religion, political affiliation, color, sex, age, sexual orientation, national origin, marital status, or physical or mental disability, veteran status, or any other category protected by law, unless based on a bona fide occupational qualification.

The overall responsibility for the administration of these policies rests with the Board of Selectmen or their representative. Department Heads are responsible for the administration of these policies within their departments and communicating issues and concerns that may bring about change to the Town Administrator. Department Policies and Procedures are located in the Office of the Department Head, with a Master File in the Administrative Assistant's Office (all references to the Administrative Assistant in this document refer to the Administrative Assistant in the Selectmen's Office).

This policy is designed to serve as a guide for town supervisors in performing their supervisory duties. It is not a contract and is not intended to be a complete or exhaustive guide to all supervisory issues.

### **1.2 INTENT OF POLICIES**

These policies are not intended to be a contract, expressed or implied, or any type of promise or guarantee of specific treatment upon which you may rely, or, as a guarantee of employment for any specific duration. Although we hope that your employment relationship with us will be long term, employees must understand that unless altered by contract, collective bargaining agreement, or statute, they are "at-will" employees and may be terminated at any time with or without cause. Please understand that no Supervisor, Department Head, or other representatives of the Town other than the Board of Selectmen has the authority to enter into any agreement with you for employment for any specified period or to make any written or verbal commitments contrary to the foregoing.

## **1.3 SCOPE OF POLICIES**

These personnel policies apply to all Town employees. In cases where these policies conflict with any Town ordinance, Civil Service rules and regulations, the provisions of an individual contract or a collective bargaining agreement, State or Federal law, the terms of that law or agreement shall prevail. In all other cases, these policies apply.

Each separate and identifiable department of the Town may develop, implement, and revise as necessary, such policies, procedures, and rules pertaining to unique operational requirements and their effect upon employees as are needed for the efficient performance of the department. Such policies, procedures, and rules should not conflict with these policies or amendments thereto and must, therefore, be approved by the Board of Selectmen prior to implementation. Where conflicts arise, these policies shall prevail.

## **1.4 CHANGING THE POLICIES**

As the need arises, the Board of Selectmen may modify these policies. The Board may deviate from these policies in individual situations, especially in an emergency, in order to achieve the primary mission of serving the Town's citizens. Employees may request specific changes to these policies by submitting their suggestions to their Department Head or the Town Administrator in writing.

## **CHAPTER 2 General Policies and Practices**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The Town of Canterbury is an equal opportunity employer. The Town employs, retains, promotes, terminates, and otherwise treats all employees and job applicants based on job-related qualifications and competence. These policies and employment practices shall be applied without regard to any individual's sex, race, color, religion, national origin, age, marital status, sexual orientation, veteran status, or physical or mental disability.

### **2.2 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 your Department Head 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 physical 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 American with Disabilities Act (ADA).

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.

## **2.3 LIFE-THREATENING/COMMUNICABLE DISEASE**

Employees with life-threatening illnesses or communicable diseases are treated the same as all other employees. They are permitted to continue working as long as they can maintain an acceptable level of performance and medical evidence shows they are not a threat to themselves or their co-workers. The Town will work to preserve the safety of all of its employees and reserves the right to reassign employees or take other job actions, including discharge, when a substantial and unusual safety risk to fellow Town employees or the public exists.

## **2.4 ANTI-HARASSMENT AND NON-DISCRIMINATION POLICY**

### Objective

The Town will not discriminate against any employee or applicant for employment because of race, color, sex, marital status, sexual orientation, national origin, religion, age, physical or mental disability, or veteran status, or any other characteristic protected by law.

### Details

The Town has established the following Complaint Procedure to address all types of discrimination complaints. Employees have the right to use these procedures without jeopardizing their current or prospective employment status.

The Town believes that each individual employed by us has the right to be free from illegal discrimination or harassment because of **race, creed, color, religion, national origin, age, sex, marital status, sexual orientation, physical or mental disability or veteran status**. All employees should be able to work in an environment free from all forms of discrimination, intimidation and harassment, including sexual harassment. All employees must treat each other with courtesy, consideration and professionalism.

To achieve our goal of providing a workplace free from sexual and other illegal harassment and discrimination, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with. Where inappropriate conduct is found, we will act promptly to eliminate the conduct and impose such corrective actions as are necessary including disciplinary action or termination where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual or other illegal harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

## **Definition of Sexual and Other Illegal Harassment**

**Harassment** refers to unreasonable conduct or behavior which is personally offensive or threatening, impairs morale, or interferes with the work effectiveness of employees. Examples of harassment include conduct or comments that threaten physical violence; offensive, unsolicited remarks; unwelcome gestures or physical contact, display or circulation of written materials, items or pictures degrading to any gender, racial, ethnic, religious, age, disability or other group listed above; and verbal abuse or insults about or directed at any employee, or group of employees because of their relationship in any of the groups listed above.

**Sexual harassment** includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

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

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

1. Verbal: sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
2. Visual/Non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
3. Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and
4. Retaliation: making or threatening reprisals as a result of a negative response to harassment.

Each employee must exercise his or her good judgment to avoid engaging in conduct that may be perceived by others as harassment.

Harassment can come from superiors, fellow employees, clients, visitors or vendors. Men as well as women can be victims of sexual or other harassment. **It cannot be stressed enough that the Town will not tolerate any form of illegal discrimination or harassment. Violations of this policy, whether intended or not, will not be permitted.**

All employees should take special note that retaliation against an individual who has complained about sexual or other harassment or discrimination, and retaliation against individuals for cooperating with an investigation of a sexual or other harassment or discrimination complaint is unlawful and will not be tolerated by the Town.

### **Harassment/Discrimination Grievance Procedure**

Should you feel that you are being harassed or discriminated against or that you have observed harassment or discrimination, please follow these guidelines to help us remedy the problem.

Harassment or discrimination by other employees or by clients or vendors should immediately be brought to the attention of the Town Administrator or a member of the Board of Selectmen. These individuals are also available to discuss any questions or concerns you may have and to provide information to you about our policy on sexual or other illegal harassment and discrimination and our complaint process.

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the problem. No employee of this Town is exempt from this policy.

If, at any point in the process, a complaining employee is dissatisfied with the investigation being conducted, the employee should bring it to the attention of the individuals listed above.

### **Harassment/Discrimination Investigation**

When we receive a complaint of harassment or discrimination, we will promptly investigate the allegation. Complaints will be kept confidential to the extent consistent with our obligation to look into and remedy any harassment or discrimination. For most matters, the investigation will include an interview with the person filing the complaint, an interview with the person alleged to have committed the harassment, and to the extent necessary, interviews with co-employees or other witnesses. All employees are expected to be truthful, forthcoming and cooperative in connection with a complaint investigation.

Once the investigation is complete, we will, to the extent possible, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation.

If it is determined that inappropriate conduct occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will impose disciplinary action.

There may be instances when, depending upon the nature of the allegations of harassment or discrimination, an alleged wrongdoer will be suspended, with pay, pending investigation. Suspension pending investigation should not be considered as a conclusion of wrongdoing.

### **Disciplinary Action**

The Town will not condone, permit or tolerate unlawful harassment or discrimination in any manner whatsoever. Any employee who is found to have engaged in harassment or discrimination contrary to this policy will be subject to disciplinary action, up to and including suspension or termination, depending, among other things, on the nature of the conduct. As stated previously, this sexual and anti-harassment and discrimination policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

### **Retaliation**

The Town also prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation. Anyone found to have engaged in such retaliation against a person who has registered a complaint under this policy or to have retaliated against anyone for assisting in the investigation of a complaint, will be subject to disciplinary action up to and including suspension or termination. Any employee who believes that he or she is being retaliated against should bring it to the attention of the Town Administrator or a member of the Board of Selectmen, so that appropriate action may be taken.

## **2.5 EMPLOYEE PERSONNEL RECORDS**

A personnel file for each employee is kept in the Town Office, Any and all copies of personnel files kept at other department locations shall be kept up to date. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee, including discipline, and other pertinent information. Medical information about employees is contained in a separate confidential file.

Employees have a right to review their files. An employee may request removal of irrelevant or erroneous information in his/her personnel file. If the Town denies an employee's request to remove the information, the employee may file a written rebuttal statement to be placed in his/her file.

Personnel files are kept confidential to the maximum extent permitted by law. Except for routine verifications of employment or a request by the individual employee, no information from an employee's personnel file may be released to the public for any reason.

## **2.6 EMPLOYMENT REFERENCES**

Only the Board of Selectmen, the Department Head or the Town Administrator will provide employment references on current or former Town employees. Other employees shall refer requests for references to the appropriate Department Head. References shall be limited to verification of employment and salary unless the employee has completed a written waiver and release.

## **Chapter 3 Hiring**

### **3.1 ANNIVERSARY DATE**

The date of the first day of employment of a full time employee or part time employee shall be his/her anniversary date, which will be used when determining seniority or accrued benefit time. In the event an employee returns to Town employment subsequent to termination, quitting, failure to be reelected, or other like separation, the anniversary date will be the first day of employment on the most recent return to employment. Those granted different anniversary dates prior to the implementation date of this policy shall retain them.

### **3.2 INTRODUCTORY PERIOD**

Upon hire or appointment, all employees enter an introductory period that is considered an integral part of the selection and evaluation process. The introductory period is designed to give the employee time to learn the job and to give the Department Head time to evaluate whether the match between the employee and the job is appropriate. Introductory periods are generally one 90 days (please note that for Police officers, the introductory period would begin after successful completion of the N. H. Police Standards and Training Academy).

Once the introductory period is successfully completed, the employee may be changed to regular employment status. Satisfactory completion of the introductory period does not create an employment contract or guarantee employment with the Town for a specified duration. Unless altered by contract, collective bargaining agreement, or statute, employees are reminded that they are “at will” employees and may be terminated with or without cause either during or after the introductory period.

### **3.3 EMPLOYMENT OF RELATIVES (NEPOTISM)**

Nothing in the Town’s equal employment opportunity policy is intended to be interpreted as preventing the Town from reasonably regulating nepotism for reasons of supervision, safety, security, morale or due to statutory requirements that place the employee in conflict with the law.

Notwithstanding the above provisions, the Town retains the right to:

- a. refuse to place a spouse or live-in significant other under the direct supervision of the other spouse or live-in significant other where such has the potential for creating an adverse effect on supervision, safety, security or due to statutory requirements that place



the employee in conflict with the law.

- b. refuse to place both spouses or live-in significant others in the Police Department if there is the potential for creating an adverse affect on supervision, safety, security or morale.
- c. refuse to allow other relatives to be hired in the same department where such has the potential for creating an adverse effect on supervision, safety, security, morale or involves potential conflicts of interest unless there are no other equally qualified candidates and all the members of the Board of Selectmen vote an exception.

If two employees marry, become related or begin sharing living quarters with one another, and, in the Town's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay in the Town's employ, unless reasonable accommodations, as determined by the Board of Selectmen, can be made to eliminate the potential problem. The decision as to which employee will remain with the Town must be made by the two employees within thirty (30) calendar days of the date they marry, become related or begin sharing living quarters. If no decision is made during that time, the Town reserves the right to terminate either or both employees.

## **Chapter 4**

### **Hours and Attendance**

#### **4.1 WORKING HOURS**

Due to the nature of the Towns operations, the standard hours may vary between departments. The workweek will not include time taken for lunch breaks, except for Police Officers and Fire Fighters.

A normal working schedule for regular, full time employees consists of eighty (80) hours each pay period, which is every two weeks. Full time Police officers are required to work a total of eighty (80) hours each pay period, Fire Fighters would work ninety (90) hours. Each employee's Department Head will advise the employee regarding their specific working hours. The specific work hours will be reported to the Board of Selectmen prior to beginning the work.

Part time and temporary (on-call)/seasonal employees will work hours as specified by their Department Head. Part-time employees will not exceed 32 hours per week.

Regular seasonal work that exceeds 40 hours per week will not qualify an employee to be eligible for full-time status.

#### **4.2 HOURS OF WORK AND OVERTIME**

All Town positions are designated as either *exempt* or *non-exempt* according to the Fair Labor Standards Act (FLSA). Each employee will be advised of their status by their Department Head. (See Chapter 5 for additional information on exempt and non-exempt positions.)

For most Town employees, the established work period is forty (40) hours per week and eighty (80) hours during a 14-day pay period. All personnel are responsible for accurately reporting all hours worked on Town's electronic standard time sheet template. Employees failing to accurately record time worked are subject to discipline, up to and including termination.

Non-exempt employees are entitled to additional compensation, either in cash or compensatory time off, when they work more than 40 hours during a work week.

All overtime must be authorized in advance by the employee's supervisor. Overtime pay is calculated at one and one-half times the employee's regular rate of pay.

Exempt employees are not covered by the FLSA overtime provisions and do not receive either overtime pay or compensatory time in lieu of overtime pay. An exempt employee is paid to perform a job, which may not necessarily be completed in a normal workweek. In recognition of the extra time demands of certain exempt positions, informal paid leave may be taken, as mutually agreed upon by the employee and the Board of Selectmen.

### **4.3 TIME REPORTING FOR NON-EXEMPT EMPLOYEES**

The Town's policy is designed to ensure that you are paid for all hours you work in accordance with applicable law. If you ever feel that the Town's policy on payment of non-exempt employees is not being met or that you are being asked by anyone to violate our policy, please notify your Department Head or contact the Town Administrator immediately. In addition, if you discover any discrepancies in your pay or have questions about your pay, please contact your manager or the Town Administrator as soon as possible. Your concerns will be reviewed and any problems promptly resolved. In order to ensure that you are being paid for all hours worked, you are responsible for:

1. Accurately recording your time.
2. Not working "off the clock." That means you must not start working before your recorded work hours or continue working after your recorded work hours. "Recorded work hours" refers to the time you record on your time sheet.
3. Signing in and out for your meal period.
4. Not working overtime unless it is authorized. If however, you do work overtime, you must record it accurately so that you can be paid appropriately for it.
5. Not recording time for other employees.
6. Not engaging in conduct that misrepresents the time that you or other employees have actually worked.

Violation of any of these rules will result in disciplinary action, up to and including termination.

### **4.4 COMPENSATORY TIME**

Non-exempt employees entitled to overtime pay may request time off instead of cash payment. This is approved on a case-by-case basis by the employee's Department Head. The Town is not required to grant comp time instead of overtime pay. The Town may limit the amount of comp time accrued by employees. Maximum accruals of compensatory time off shall be limited to

eighty-one (81) hours for fifty-four (54) actual overtime hours worked. After maximum accrual, overtime compensation shall be paid.

Employees may use compensatory time within a reasonable time period after making a request to their Department Head, unless doing so would unduly disrupt Department operations. Compensatory time should be used for short-term absences from work during times mutually agreed to by the employee and his/her Department Head. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.

## **4.5 ATTENDANCE**

Punctual and consistent attendance is a condition of employment. Each Department Head is responsible for maintaining an accurate attendance record of his/her employees to be held with the Administrative Assistant.

Employees unable to work or unable to report for work on time should notify their supervisor as soon as possible, ordinarily before the work day begins or within six (6) minutes of the employee's usual starting time. If the absence continues beyond one day, the employee is responsible for calling in each day. If the supervisor is unavailable, the employee may leave a message with the appropriate Department Head, Administrative Assistant or the Town Administrator, stating the reason for being late or unable to report for work.

Any employee on an unauthorized absence for three (3) consecutive scheduled work shifts without acceptable notification to the Town shall be deemed to have abandoned the position and may be automatically terminated. Any employee who is absent without authorization or notification is subject to disciplinary action, including possible termination.

This section is subject to the Town's FMLA and ADA Policies.

## **4.6 UNUSUAL WEATHER CONDITIONS**

During times of inclement weather or natural disaster, it is essential that the Town continue to provide vital public services. Therefore, it is expected that employees make every reasonable effort to report to work without endangering their personal safety.

An employee who is unable to get to work or leaves work early because of unusual weather conditions may charge the time missed to an available personal day, vacation, comp time or as unpaid time. The employee shall advise their supervisor by phone, as in any other case of late arrival or absence.

## **4.7 BREAKS AND MEAL PERIODS**

Employees may take one (1) fifteen minute break for every four (4) hours worked. All breaks shall be arranged so that they do not interfere with Town business or service to the public. Meal periods shall be scheduled by the employee's Department Head. Meal periods are unpaid and are usually one-half hour in length.

## **4.8 CALL BACK**

All employees are subject to call back in emergencies or as needed by the Town to provide necessary services to the public. A refusal to respond to a call back, without a reasonable excuse, is grounds for immediate disciplinary action up to and including termination.

## **4.9 PAYROLL RECORDS**

The official payroll records are kept by the Town Office. Each Department Head will turn in a signed work record for each employee in their Department at the end of each pay period, noting hours worked, leave taken and overtime worked.

# **Chapter 5 COMPENSATION**

## **5.1 PAYDAYS**

Town employees are paid every two (2) weeks on the Wednesday following the end of the pay period. Paychecks will be distributed at noon at the Town Office. Any paychecks not picked up by the end of the day on Wednesday may be mailed to the employee's home address of record.

## **5.2 COMPENSATION UPON TERMINATION**

When an employee's employment with the Town is terminated, the employee will receive the following compensation:

1. Regular wages for all hours worked up to the time of termination which have not already been paid (salaried employees will be paid for the whole pay period if any work was performed during the pay period unless the employee voluntarily resigns or is terminated for cause);
2. Any overtime or holiday pay due;
3. A lump sum payment of any accrued, but unused vacation, personal days, and, compensatory time.

If an employee is terminated, these payments shall be made within 72 hours. If an employee voluntarily resigns, the payments shall be made no later than the next regular payday.

# **Chapter 6 Performance Evaluations and Training**

## **6.1 PERFORMANCE EVALUATIONS**

To achieve the Town's goal to train, promote and retain the best qualified employee for every job, the Town requires periodic performance evaluations to be conducted by each department on their employees. All employees are to be evaluated in October for submission to the Board of Selectmen December 31st. The Board of Selectmen will act on the evaluations by March 15th. The evaluation provides both the employee and the employer with a means of communicating how well the employee is performing their duties, how they interact with fellow employees, the public and what they are expected to do to improve their performance.

The evaluations will be done by the employee's supervisor or Department Head and will be reviewed with the employee, making suggestions and recommendations for improvement where appropriate. The employee will acknowledge the review of the evaluation and may comment on any item with which he/she disagrees within five (5) business days.

The evaluation is part of the employee's personnel record and may be a factor in determining whether the employee receives a wage increase (merit raise), or is to be promoted, transferred, demoted, laid off, or terminated.

## **6.2 FITNESS FOR DUTY EVALUATIONS**

The Town may continue to evaluate its employees' fitness for the performance of their duties. The Town will determine the types and frequencies of such evaluations. Such evaluations may include medical or psychological examinations or a physical fitness review, in addition to an objective analysis of each employee's competence and skill in carrying out his/her assigned duties over a defined period of time. The employee shall be permitted to permanently affix any written responses he/she chooses to such evaluations and shall receive a copy thereof.

Some departments, such as the Police Department, Fire Department, Highway Department or Transfer Station may also require that employees successfully complete periodic physical agility tests. The testing shall be designed so that employees are required to pass the minimum standards as determined by the appropriate Training Academy. Employees failing a physical agility test will be given the opportunity to re-test. Those who cannot pass the physical agility tests are subject to disciplinary action, including termination.

This policy is subject to the Town's ADA policy and if this policy and the ADA policy are inconsistent, the ADA policy shall prevail.

## **Chapter 7 Current Benefits**

Although the Town strives to provide the best benefits possible for its employees, the Town has the right to change, at any time, the benefits it provides. The following is a summary of the benefits that are currently provided by the Town. If anything in this policy is inconsistent with any other Town insurance policy language, the insurance policy shall prevail. Employees must complete thirty (30) days of employment before being eligible for any Town benefits with the

exception of retirement, which starts immediately. If employees have any questions regarding these benefits, they should contact their Department Head or the Town Administrator.

## **7.1 RETIREMENT BENEFITS**

The Town makes contributions on behalf of all eligible employees to the Social Security System, in addition to those contributions made by the employee through FICA payroll deductions.

All full-time Town Employees are covered by the State Retirement System. Benefit levels and contribution rates are set by the State of New Hampshire. Coverage starts on the first day of employment.

In order to insure that all the required paperwork is completed in a timely manner, employees intending to retire should notify their Department Head of their intent to retire at least three (3) months prior to the date of retirement.

## **7.2 DISABILITY BENEFITS (WORKERS COMPENSATION)**

All employees are covered by the State Workers' Compensation Program. This insurance covers employees in case of on-the-job injuries or job-related illnesses. All job-related accidents/injuries must be reported immediately to the employee's supervisor, or in the absence of a supervisor, the Town Administrator. All job-related injuries, however slight, must be reported to the employee's supervisor and Administrative Assistant by filling out an "Employer's First Report of Occupational Injury or Disease Form" and a "Notice of Accidental Injury or Occupational Disease Form."

When an employee is absent for one or more days due to an on-the-job accident/injury, he/she is required to file a claim for Workers' Compensation. If the employee files a claim, the Town will continue to pay (by use of the employee's unused sick leave, personal days or vacation days) the employee's regular salary, pending receipt of Workers' Compensation benefits.

Coordination of Benefits: When the employee receives Workers' Compensation benefits, he/she is required to repay to the Town the amount covered by Workers' Compensation and previously advanced by the Town. This policy is to insure that the employee will receive prompt and regular payment during periods of injury or disability so long as accrued sick leave, personal days or vacation time is available, while insuring that no employee receives more than he/she would have received had the injury not occurred. Upon the repayment of funds advanced, the appropriate amount of sick leave, personal days or vacation time shall be restored to the employee's account.

The Town requires notice from the employee's doctor, in writing, that the employee is injured and cannot report to work, and, notice in writing from the doctor stating the employee can return to partial/full duty.

## **7.3 HEALTH INSURANCE BENEFITS**

All full-time employees shall be eligible for either single, two person or family coverage in the

Town Health Insurance plan paid for by the Town. The Town will pay for a single person plan for Part-time employees, those working 15-29 hours per week.

Health insurance coverage begins the first of the month following the completion of thirty (30) days employment. The coverage and type of policy shall be as approved by the Board of Selectmen. The Town reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable, with prior notice to affected employees.

Effective January 1, 2013 part-time employees will not be eligible for the employer contribution towards Health Insurance.

Effective July 6, 2014 employees will be contributing to their health care costs at the rate of 5% of the annual cost. This cost will be distributed evenly throughout the annual pay periods.

## **7.4 HEALTH INSURANCE BUYOUT**

Effective January 1, 2011. Any eligible employee that opts out of the town Healthcare Plan will be offered a buy-out at sum to be determined annually by the Board of Selectmen.

Effective July 1, 2015. The buy-out will be paid the last pay period of the year. If an employee ends employment with the town, the buy-out will be paid on a pro-rated basis.

## **7.6 SHORT TERM DISABILITY**

The Town currently provides all full time employees with a short-term disability benefit beginning the first month following the completion of thirty (30) days employment.

## **7.8 MILEAGE REIMBURSEMENT**

The Town reimburses employees for mileage as a result of the use of their private vehicle on Town business. The rate will be at the prevailing Federal Rate for mileage reimbursement. Any request must have been funded within the Town Budget for the particular Department requesting the reimbursement and approved by the Board of Selectmen, Town Administrator or Department Head.

# **Chapter 8 Leaves**

## **8.1 VACATION LEAVE**

The purpose of Vacation Leave is to provide the employee the opportunity for a break in their annual work schedules.

Vacation schedules are the responsibility of the Department Head, and should be determined by

taking into consideration the desires of the employee, the needs within the particular department and the best interests of the Town. Department Heads should present their request to the Town Administrator who after consideration of the desires of the employee, the needs within the particular department and the best interests of the Town grant or deny the request. Leave requests shall be submitted at least one (1) week prior to taking vacation leave.

In the event that more employees apply for time off than can be spared by the particular department, conflicts will be resolved based on seniority and departmental priorities.

All new employees must complete twelve (12) consecutive months' employment with the Town before being entitled to accrue or use vacation leave.

Vacation days shall be granted for full time and part time employees on the employee's anniversary date, based on the following formula:

<u>YEARS OF EMPLOYMENT</u>	<u>VACATION DAYS EARNED</u>
1-5 years	2 leave periods
6-9 years	3 leave periods
10 or more years	4 leave periods

A leave period for Part Time and Full Time employees will be their normally scheduled work week.

The maximum number of vacation days, which may be carried over from one calendar year to the next, is one year's worth of vacation time. All additional time will be forfeited ("use it or lose it"). In cases where Town operations have made it impractical for an employee to use vacation leave, the Department Head, with approval of the Board of Selectmen, may authorize additional carryover or payment at year end.

This benefit may vary for full time employees having a contract with the Town, as negotiated in the terms of the contract.

If an employee's employment with the Town is terminated for any reason, he/she will receive payment for all current unused vacation time.

## **8.2 SICK LEAVE**

Sick leave is considered to be a fringe benefit. The use of sick leave shall be allowed for medical appointments that have been pre-scheduled. In these instances, accrued sick leave time will be used on an hourly basis. Notification will be the same as below.

All full and part time employees shall be entitled to five (5) days of sick leave per calendar year, once they have successfully completed thirty (30) days employment. Sick leave may be carried over into each succeeding year; however, no employee may accrue more than ten (10) sick days.



In order to be paid for sick leave, an employee must notify their supervisor or Department Head prior to the start of their regular work day, unless physically unable, in which case they shall notify their supervisor or Department Head as soon as possible. Failure to do so may result in forfeiture of pay for that day(s).

Employees who are absent for six (6) consecutive scheduled work days may require a doctor's note and must indicate resumption of normal work tasks or outline specific restrictions limiting normal tasks and what reasonable accommodations may be required.

Employees will not be paid for any remaining sick leave upon termination of employment with the Town of Canterbury.

The sick leave policy is subject to the Town's FMLA and ADA Policies.

### **8.3 LEAVE OF ABSENCE**

A full time employee, who has completed twelve (12) months of employment, may be granted a leave of absence without pay, upon request of the employee and approval of the Town Administrator, Department Head and the Board of Selectmen.

In all requests, the employee must clearly show the benefit that the leave would be to both the employee and the Town. The request for the leave of absence shall be submitted to the Department Head no later than thirty (30) days prior to the start of the leave.

The employee shall return to work on or before the expiration of the leave and/or extension. Failure of the employee to return to work upon expiration of the leave shall be deemed a resignation and the Town shall not be liable to hold a position open for the employee.

Seniority, wage, and fringe benefit considerations will be frozen during the leave and will be reinstated when the employee returns to work. The employee's job or equivalent position shall be held open until the employee returns to work.

Please also see the Town's FMLA and ADA policies. If an employee is eligible for FMLA leave, the FMLA policy shall control.

### **8.4 JURY DUTY AND WITNESS LEAVE**

Jury Duty: All full and part time employees who are called to jury duty shall be compensated for the difference between their regular rate of pay and Juror's pay. The check from the Court, excluding expense reimbursements such as mileage, shall be signed over to the

Town and the Town will reimburse the employee their regular rate of pay. The employee is expected to report to work whenever they are excused from jury duty.

To receive payment from the Town, the employee must give prior notice to their Department Head of the days they have been directed to report and must furnish satisfactory evidence that they reported and performed jury duty on those days.

Witness Leave: All employees summoned to testify in court are allowed time off for the period they serve as a witness. In general, witness leave is unpaid unless you are a witness in a case involving the Town.

## **8.5 ADMINISTRATIVE LEAVE**

On a case-by-case basis, the Town may place an employee on administrative leave with or without pay for an indefinite period of time. Administrative leave may be used in the best interest of the Town (as determined by the Board of Selectmen) during the pendency of an investigation or other administrative proceeding.

## **8.6 MILITARY LEAVE**

Reserve Duty: All full and part time employees who are called to and perform short term annual active duty for training as a member of the U.S. Armed Forces Reserve Components or National Guard, shall be paid as provided herein, for days spent performing such duty, provided the employee would not otherwise be on layoff or leave of absence. The Town shall also comply with all applicable laws concerning military leaves of absence.

In order to receive payment under this paragraph, an employee must provide the Town with prior notice of such military duty and furnish the Town with a statement of the military pay received for performing such duty, upon their return to work. Payment is limited to a maximum of ten (10) working days per calendar year. Employees shall be compensated for the difference between their rate of pay and their military pay, if the regular rate of pay exceeds the military pay.

## **8.7 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The Town complies with the Federal Family and Medical Leave Act (FMLA) of 1993 and all applicable State laws related to family and medical leave. This means that, in cases where the law grants you more leave than our leave policies provide, the Town will give you the leave required by law.

Family Leave Eligibility: The FMLA provides up to twelve (12) weeks of unpaid, job-protected leave every 12 months to eligible male and female employees for certain family and medical reasons. (Leave may, in some cases, be taken intermittently.) To be eligible, you must have worked for the Town for at least one year, and for one thousand two hundred fifty (1,250) hours over the previous twelve (12) months. **Please note: You are not an eligible employee unless there are at least fifty (50) employees working for the Town. Since the Town does not have 50 employees, there are no eligible employees at this time.**

Reasons for Taking Leave: If you are an eligible employee you are entitled to FMLA leave for any of the following reasons:

- a. To care for a newborn, an adopted child or a foster child within a year of the child's arrival,
- b. To care for a spouse, child, or parent who has a serious health condition, or
- c. For a serious health condition that makes you unable to perform the functions of your job.
- d. Because of any qualifying exigency (as the Department of Labor Regulations shall define that term) 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 Armed Forces in support of a contingency operation.

Service Member Family Leave: An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty shall be entitled to a total of 26 workweeks of leave during a 12-month period to care for the service member. The leave described in this paragraph shall only be available during a single 12-month period. During this 12-month period, an eligible employee shall be entitled to a combined total of 26 workweeks of leave (including any time taken because of any qualifying exigency 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 Armed Forces in support of a contingency operation).

Notice: Where your need for FMLA leave is foreseeable, you must provide notice of your need for leave to the Town not less than thirty (30) days before the leave is scheduled to begin. If your need for FMLA is not foreseeable (for example where a birth or placement of a child or a need for medical treatment requires leave to begin in less than thirty (30) days), you must provide notice as soon as practicable.

If your need for leave is foreseeable based on planned medical treatment, you should make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the Town, subject to the approval of your health care provider.

Certification: The Town requires that you provide a medical certification of your need for leave because of a serious health condition (whether your own or that of your child, spouse, parent's, or next of kin's) whenever the leave is expected to extend beyond **five (5)** consecutive working days or will involve intermittent or part time leave.

The Town requires that you provide a medical certification of your ability to resume work after a FMLA leave for your own serious health condition that extends beyond **ten (10)** consecutive working days.

The Town may require that a request for leave due to military service be supported by appropriate certification if the FMLA regulations prescribe such certification.

Substitution of Paid Leave for FMLA Leave: In the case of leave for the birth, foster placement, or adoption of a child, the serious health condition of a spouse, child or parent, or because of any qualifying exigency 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 Armed Forces in support of a contingency operation, an eligible employee must substitute any accrued vacation leave, personal leave and/or “family” leave for any part of the unpaid leave provided for under the FMLA. In the case of the employee’s own serious health condition, an eligible employee must substitute any accrued vacation leave, personal leave and/or sick leave for any part of the unpaid leave provided for under the FMLA. The substitution of paid leave time for unpaid leave time does not extend the 12-week leave period. Your family/medical leave will run concurrently with other types of leave. You will not accrue vacation or holiday benefits while on unpaid leave.

Periodic Reporting: If you take leave for more than two (2) weeks, the Town requires that you report to your Department Head at least every two weeks on your status and intent to return to work.

Measurement of 12 Month Period During Which FMLA Leave May be Taken:

For purposes of this policy the “twelve month period” described in the FMLA will be measured forward from the date the employee’s first FMLA leave begins. Accordingly, you are entitled to twelve weeks of leave during the year beginning on the first day you take FMLA leave. The next 12 month period would begin on the first day on which you take FMLA leave after the completion of any previous 12 month period.

The complete provisions of the FMLA are too lengthy to include in this policy. However, if you have questions about the FMLA or would like to review the statute itself, please contact the Town Administrator or the United States Department of Labor.

## **8.8 MATERNITY 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.

## **8.9 CRIME VICTIM EMPLOYMENT LEAVE ACT**

The New Hampshire Crime Victim Employment Leave Act, N.H. RSA 275:61, became effective on January 1, 2006. The Town complies with this law.

- I. Definitions: For purposes of this policy:
  - a. “Crime” means an offense designated by law as a felony or a misdemeanor.
  - b. “Victim” means any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime. “Victim” also includes the immediate family of any victim who is a minor or who is incompetent, or the immediate family of a homicide victim.
  - c. “Immediate family” means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim; or any person involved in an intimate relationship and residing in the same household with the victim.
- II. Right to Leave Work: The Town of Canterbury will permit an employee who is a victim of a crime to leave work so that the employee may attend court or other legal or investigative proceedings associated with the prosecution of the crime. This time will be considered an authorized unpaid leave of absence. The employee will not lose seniority while taking this leave.
- III. Substitution of Paid Leave: The employee must substitute any accrued vacation leave, personal leave and/or sick leave for any part of the unpaid leave provided for under this policy.
- IV. Notice Required: Before taking leave under this policy, the employee must provide the Town of Canterbury with a copy of the notice of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency responsible for providing notice to the employee. The Town of Canterbury will maintain the confidentiality of any written documents or records submitted by the employee relative to the employee’s request for leave under this policy.
- V. Limitations on Leave: The Town of Canterbury may limit the leave provided under this policy if the employee’s leave creates an undue hardship to the Town of Canterbury’s business.
- VI. No Discrimination: The Town of Canterbury will not discharge, threaten, or otherwise discriminate against any employee regarding the employee’s compensation, terms, conditions, location or privileges of employment because the employee has exercised his or her right to leave work as provided under this policy. Complaints of discrimination should immediately be brought to the attention of the Board of Selectmen, Town Administrator or Human Resources. Complaints of discrimination will be investigated and, if appropriate, remedial action will be taken.

## **8.10 BEREAVEMENT LEAVE**

When a death occurs in a full-time or part-time employee's immediate family, the employee may be excused for three (3) normally scheduled work days, without loss of pay.

Immediate family is defined as: Spouse, civil union partner, mother, father, child, brother, sister, mother-in-law, father-in-law, step-child, step-parent, son-in-law, daughter-in-law, grandparent, or, any other relative living in the employee's immediate household.

A full time or part-time employee may be excused for one work day without loss of pay in the event of the death of an aunt, uncle, brother-in-law, sister-in-law, or, any other relative not mentioned.

## **8.12 HOLIDAYS**

All full-time and part-time employees shall be given a day off with pay for all designated holidays, unless specifically changed by the Board of Selectmen, providing that the holiday falls on a scheduled work day. If Christmas falls on a Tuesday and you do not normally work Tuesdays, you will not receive holiday pay. Your rate of pay will be the same as that calculated for Sick Leave in Section 8.2. Holiday pay will not be provided when a holiday falls on a weekend unless a Monday federal holiday is in force for the Monday following the Holiday. All employees must have completed thirty (30) days of employment to be eligible for holiday pay.

If an employee must work on a holiday, such as a Police Officer, he/she shall receive straight-time pay for the day worked, in addition to their regular holiday pay.

Should a holiday occur during an employee's vacation, the day shall be treated as a holiday, and vacation period extended by one day.

The list of designated holidays shall include:

New Year's Day  
President's Day  
Memorial Day  
Christmas Day  
Fourth of July

Veteran's Day  
Thanksgiving Day  
Day after Thanksgiving  
Labor Day  
Two Floaters

Two weeks' notice to Supervisor is required for floaters. Each employee may choose his own floaters.

## **8.13 RELIGIOUS HOLIDAYS**

If an employee's religious beliefs require observance of a holiday not included in the basic holiday schedule, the employee may, with his/her Department Head's approval, take the day off using vacation, compensatory time, personal day, or, leave without pay.

## **Chapter 9**

### **Employee Responsibilities and Conduct and Discipline**

#### **9.1 GENERAL CODE OF CONDUCT**

All employees of the Town of Canterbury are expected to represent the Town to the public in a professional manner, which is courteous, efficient and helpful. Employees must maintain a clean and neat appearance, appropriate to their work assignment, as determined by their position and Department Head and in harmony with individual Department policies.

Since the proper working relationship between employees and the Town depends on each employee's on-going job performance, professional conduct and behavior, the Town has established certain minimum standards of personal conduct. Among the Town's expectations are: basic tact and courtesy towards the public and fellow employees; adherence to Town policies, procedures, safety rules and safe working practices; compliance to directions from supervisors; preserving and protecting the Town's equipment, grounds, facilities and resources; and, providing orderly and cost efficient services to its citizens.

The Town is a relatively small organization. To function as efficiently as possible, we may ask you to perform seemingly *menial* duties outside your regular assignment. It is no reflection on your worth to the Town, but a necessary arrangement for most small organizations.

To make the most efficient use of personnel, the Town also reserves the right to change your work conditions and duties originally assigned. If these arrangements become necessary, we expect your best cooperation.

#### **9.2 DISCIPLINARY ACTIONS**

Unless altered by contract, collective bargaining agreement, or statute, your employment with the Town is At-Will, which means that you or the Town may end the employment relationship at any time, with or without cause. This policy is designed to give a general summary of some types of prohibited conduct that may lead to disciplinary action, up to and including termination. Disciplinary actions may include verbal warning, written warning, suspension, demotion, and termination. The Town is not obligated to follow any steps before termination.

Written warnings may be given and will become a permanent part of the employee's personnel record and will specify the issue or reason for the warning, a corrective action plan for remedying the issue (which may include a timeframe), and the consequences if the action or performance continues.

A suspension may be given; it involves temporarily removing an employee from their respective assignment or job responsibilities without pay for the purpose of evaluating the possibility of termination or the development of a corrective action plan.

Termination will be the final action for employees who fail to respond to disciplinary actions and corrective action plans designed to improve their performance. Immediate termination without warning will be considered at the discretion of the Town.

Conduct that may lead to disciplinary action includes, but is not limited to:

- Violation of any of the policies described in this handbook or otherwise communicated to employees;
- Conduct, including speech, that physically harms or threatens others or that is abusive to or disrespectful of other employees, contractors, citizens, or other persons involved with the Town;
- Use of illegal drugs or alcohol during work hours;
- Theft or misappropriation of Town property;
- Discrimination or unlawful harassment or retaliation;
- Violating the law on Town premises or while on-duty (including gambling);
- Unlawful conduct during non-work hours that might lead our customers or the public to lose confidence in you or in the Town;
- Failure to adhere to the work schedule that has been established for you;
- Failure to be honest in your communications with the Town and/or falsifying records or other documents;
- Failure to conduct yourself in a professional and cooperative manner while carrying out your duties;
- Poor work performance including, but not limited to, neglect of duty, unacceptable work product, lack of efficiency or productivity;
- Excessive unauthorized absences or tardiness;
- Unsafe conduct at work including, but not limited to, fighting or starting a disturbance on the premises or while performing job duties and/or violating safety rules or practices or creating or contributing to unhealthful or unsanitary conditions;
- Acting in conflict with the interest of the Town;
- Failing to fully cooperate in any investigation;



- Insubordination; and,
- Disclosing confidential information without authorization.

### **9.3 LEVELS OF DISCIPLINE**

In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation:

1. Oral Warning
2. Written Warning
3. Suspension
4. Demotion
5. Termination

The choice of what discipline to apply in any particular case lies solely with the Town. Employees who are exempt from overtime laws will not be suspended without pay for disciplinary purposes for periods less than a full workweek, unless the infraction involves a violation of safety rules of major significance.

### **9.4 APPEAL\***

Employees may request an appeal in writing to the Town Administrator or Board of Selectmen within five (5) workdays of initiation of suspension or termination.

In the case of verbal and/or written warnings, employees may appeal to the Department Head, Town Administrator or Board of Selectmen within three (3) workdays of the action. The Department Head, Town Administrator or Board of Selectmen shall respond within three (3) workdays of receiving the appeal.

If not satisfied with the Department Head's or Town Administrator's decision, the employee may appeal to the Board of Selectmen within five (5) workdays of receiving the appeal. The Board's decision shall be final. Nothing in this policy changes the at-will nature of employment, which means that employees may be terminated at any time, with or without cause. This policy does not create any additional legal rights or remedies.

If employees have questions or concerns regarding other issues, the Town maintains an open door policy and employees may raise such questions or concerns with his/her Department Head, Town Administrator or Board of Selectmen.

\*If an employee's employment is governed by a statute or contract that provides for a different disciplinary and/or appeal process or procedure, such statute or contract shall control.

### **9.5 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST**

Employees shall not, directly or indirectly, engage in any outside employment or financial

interest, which may conflict, in the Town's opinion, with the best interests of the Town or interfere with the employee's ability to perform his/her assigned Town job. Examples include, but are not limited to, outside employment which:

1. prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job;
2. is conducted during the employee's work hours for the Town;
3. utilizes Town telephones, computers, supplies, or any other resources, facilities, or equipment;
4. constitutes employment with a firm which has a contract with or does business with the Town; or,
5. may reasonably be perceived by members of the public as a conflict of Interest with the Town or otherwise discredits public service.

An employee, who wishes to have an additional job, contractual commitment or self-employment, may do so only after obtaining prior approval from his/her Department Head, Town Administrator or Board of Selectmen.

## **9.6 POLITICAL ACTIVITIES**

Town employees may participate in political or partisan activities of their choosing provided that Town resources and property are not utilized, and the activity does not adversely affect the responsibilities of the employees in their positions. Employees may not campaign on Town time or in a Town uniform or while representing the Town in any way. Employees may not allow others to use Town facilities or funds for political activities.

Any Town employee who meets with or may be observed by the public or otherwise represents the Town to the public, while performing his/her regular duties, may not wear or display any button, badge, sticker, placard or poster relevant to any candidate or ballot issue during working hours. Employees shall not solicit, on Town property or Town time, for a contribution for a partisan political cause.

Except as noted in this policy, Town employees are otherwise free to fully exercise their constitutional First Amendment rights.

## **9.7 NO SMOKING POLICY**

For health and safety considerations, the Town prohibits smoking by employees in all Town facilities, including Town owned buildings, vehicles, and offices or other facilities rented or leased by the Town, including individual employee offices.

## 9.8 Information Technology Policies and Procedures

Currently the Town of Canterbury contracts with Cybertron Network & IT Solutions for IT support for the Town Office and Town Clerk/Tax Collector. The Police, Fire and Highway Departments currently use Cybertron on an as needed, hourly billed basis. IT budgets are separate for each Department and individual Department Heads are responsible for any purchases or repairs. However, the guidelines in this Policy and Procedure Manual will apply to all departments and employees.

### Purchasing-

1. Purchasing hardware and software will be done at the discretion of the Department Heads and any purchases will be for official use only.
2. As per the Town's Purchasing Policy, any purchases over \$1,000 require an approved Purchase Order prior to the purchase.

### Compliance-

1. All employees are expected to comply with the IT Policy rules and guidelines while using and maintaining any equipment or software purchased by the Town.
2. Any employee who notices misuse or improper use of equipment or software will inform his/her supervisor or Department Head.
3. Inappropriate use of equipment and software by an employee will be subject to disciplinary action.

### IT Support-

1. For support of the Town Office and the Town Clerk/Tax Collectors Office, IT support is provided by Cybertron Network & IT Solutions. Contact information is available from the Administrative Assistant or the Town Administrator.
2. For other departments, Cybertron is available on an as needed, hourly billed basis.

### Inventory Management-

1. The following information is to be maintained by each department and forwarded to the Town Administrator.
  - a. Item (Laptop, Printer, Monitor, etc...) with any details as needed.
  - b. Serial Number
  - c. Physical Location
  - d. Date of Purchase
  - e. Cost of Purchase
2. Inventory sheets should be updated as soon as possible after a change of inventory and should be forwarded to the Town Administrator.

### Back-Up & Data Retention-

1. Currently back-up and data retention is done via Barracuda hardware and off-site storage for the Town Office and Town Clerk/Tax Collector.
2. Currently back-up for the Police and Fire Departments is done via cloud services. There is no back-up of the Highway Departments single laptop.

### Anti-Virus Software-

1. Anti-virus Software should be in place for all departments.

#### Internet Use-

1. Internet is a paid resource and therefore shall be used only for official work or incidental personal use which will be limited so as not to interfere with employee productivity.
2. Users are responsible for ensuring that their use of the Internet is appropriate and consistent with all Town policies. No employee should use the Internet for any purpose which could be construed as sexually harassing, discriminatory, immoral, offensive, unprofessional or could be construed to create a hostile work environment by any other employee or client.
3. The Town reserves the right to monitor, examine, block or delete any/all incoming or outgoing internet connections on the Town's network.
4. The Town has installed an Internet Firewall to assure safety and security of the organizational network. Any employee who attempts to disable, defeat or circumvent the Firewall will be subject to strict disciplinary action.

#### Password Guidelines

The following password guidelines can be followed to ensure maximum password safety.

1. Select a Good Password.
  - a. Choose a password which doesn't contain easily identifiable words (e.g. your username, name, phone number, house location, etc.).
  - b. Use 8 or more characters.
  - c. Use at least one numeric and one special character apart from letters.
  - d. Combine multiple unrelated words to make a password.
2. Keep your password safe.
  - a. Don't share your password with anyone.
  - b. Make sure no one is observing you while you enter your password.
  - c. Try not to write your password down, if you must, don't display it in public.
  - d. Don't reuse old passwords. If that is difficult, don't repeat the last 5 passwords.
3. Other Security Measures.
  - a. Ensure your computer is reasonably secure in your absence.
  - b. Lock your monitor screen, log off or turn your computer off when not at your desk.

#### Email Guidelines-

1. An employee that is provide with an official email address should use it for official purposes only.
2. A Supervisor or Department Head must be made aware of any email security breach.
3. Upon termination, resignation or retirement from the Town, the Town will deny all access to email owned by the Town.
4. All messages should be sent after careful consideration since they are inadequate in conveying mood and context of the situation which may lead to the sender being wrongly interpreted.
5. Public agencies are subject to Right To Know laws under NH RSA 91:a. All messages should be appropriate in nature. Official email should not be used to send messages

containing pornographic, defamatory, derogatory, sexual, racist, harassing or offensive material.

6. Official email should not be used for personal work, personal gain or the promotion of one's religious, social or political views.

#### User Access-

1. Employees that are issued or given access to Town owned computers will follow the Town's Information Technology Policies and Procedures.
2. Any violation of these policies and procedures should be brought to the immediate attention of the Department Head or the Town Administrator. Appropriate disciplinary actions will be utilized, up to and including termination.
3. Upon termination, resignation or retirement, employees' usernames and passwords will be deleted or changed to allow management access to electronic files and any related confidential information will be turned in to the Town.

## **9.9 USE OF TOWN VEHICLES AND EQUIPMENT**

Use of Town telephones for local personal phone calls should be kept to a minimum; long distance personal use is prohibited. Other Town equipment, including vehicles, should be used by employees for Town business only. An employee's misuse of Town services, telephones, vehicles, equipment or supplies can result in disciplinary action, including termination.

## **9.10 CONTACT WITH THE NEWS MEDIA**

The Selectmen, Town Administrator or Department Heads shall be responsible for all official contacts with the news media during working hours, including answering of questions from the media. The Chairperson of the Board of Selectmen, Town Administrator or Department Heads may designate certain employees to give out procedural, factual, or historical information on particular subjects.

## **9.11 SEAT BELT POLICY**

Seat belts are an available piece of personal protective equipment, and they are frequently underutilized. It has been proven that the use of seat belts directly affects the safety of the vehicle occupants in the event of a crash. Further, seat belt usage is a requirement under Section 1403.50 of the State of New Hampshire Department of Labor Administrative Rules for Public Employee Safety and Health, Chapter 277. Seat belts are considered to be personal protective equipment, therefore, the Town is charged under State law to require their use while on Town business.

All Town employees are required to wear their seat belt while operating or riding in any vehicle while on Town business. This applies to personally owned vehicles, as well as the vehicles of others. In addition, passengers in vehicles operated by Town staff while on Town business are required to wear seat belts.

This requirement shall not apply in the case of vehicles in which the manufacturer has not installed seat belts. Town employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms.

Employees found to be violating this policy may be subject to discipline as outlined in this Personnel Policy Plan.

## **9.12 DRIVER'S LICENSE REQUIREMENTS**

As part of the requirements for certain specific Town positions, an employee may be required to hold a valid New Hampshire driver's license. If an employee's license is revoked, suspended or lost, or is in any other way not current, valid, and in the employee's possession, the employee shall promptly notify his/her Department Head and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to his/her Department Head. Depending on the duration of license suspension, revocation or other inability to drive, an employee may be subject to disciplinary action, including termination.

## **9.13 MEDICAL CARD REQUIREMENT**

A medical card is required for operators of vehicles greater than 26,000 pounds. No medical cards will be honored except from the Towns designated medical provider.

## **9.14 SAFETY**

Every employee is responsible for maintaining a safe work environment and following the Town's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to his/her Department Head. The Town will make every effort to remedy problems as quickly as possible.

In case of an accident involving personal injury, regardless of how minor, employees shall immediately notify their Department Head. Any motor vehicle accident involving a Town owned vehicle, however slight, shall be reported to the Police Department immediately and no vehicle shall be moved prior to the arrival of the Police.

Since being exposed to a blood borne pathogen may lead to sicknesses such as hepatitis, AIDS, or malaria, and since the Town wants to assure its employees as safe and healthy work environment as possible, it is the policy of the Town to comply with all statutory obligations for the prevention of exposure to blood borne pathogens. Employees should familiarize themselves with exposure control methods and follow them at all times.

The Town also has a Joint Loss Management Committee available to deal with safety issues and/or concerns.

## **9.15 DRUG AND ALCOHOL POLICY**

The Town prohibits the use, possession, or distribution on its premises, facilities, or work places of any of the following: alcoholic beverages, intoxicants and narcotics, illegal or unauthorized drugs (including marijuana), “look-alike” (simulated) drugs, related drug paraphernalia, unauthorized firearms, and/or unauthorized explosives. Town employees shall not report for duty, possess while on duty, while engaged on Town business, or subject to being called, or utilize such substances while they are subject to Town duty, sell or provide drugs or alcohol to any other employee or to any person while such employee is on duty or subject to being called, or have their ability to work impaired as a result of any drug, alcoholic beverage, intoxicant, or narcotic or other substance (including legally prescribed drugs and medicines) which may adversely affect their work ability, alertness, coordination, response or adversely affect the safety of others on the job or members of the general public. No employee may possess or use these substances during working hours or while subject to duty, on breaks, or during meal periods or at any time while on Town property.

Employees shall not report to work or attempt to work while under the influence of non-prescribed drugs or alcoholic beverages. Employees shall not report to work or attempt to work while suffering from the effects of prescription or over-the-counter medications if such effects impair the employee’s ability to perform work safely.

While the use of medically prescribed medications and drugs is not per se a violation of this policy, failure by the employee to notify his/her supervisor, before beginning work, when taking medication or drugs which may interfere with the safe and effective performance of duties or operation of Town equipment or vehicles can result in discipline, up to and including termination. In the event there is a question regarding an employee’s ability to safely and effectively perform assigned duties while using such medications or drugs, clearance from a qualified physician will be required.

The Town will inform those who voluntarily seek help with alcohol or drug problems of available resources. Employees are encouraged to contact their Department Head, the Town Administrator or the Selectmen for further information. No disciplinary action will be taken as a result of voluntary requests for help with problems and the fact will be kept confidential.

The Town is committed to providing reasonable accommodations to those employees whose drug or alcohol problem classifies them as having a recognized disability under state and/or federal law. Entry into or presence on Town premises, facility or work place by any employee is conditioned upon the Town’s right to search the person, personal effects, municipal vehicles, lockers, baggage and work areas of any employee for any substances named in this section when reasonable suspicion exists. By entering into or being present on Town premises, facility or work place, any employee is deemed to have consented to such searches, which may include periodic and unannounced searches of entire departments.

## **9.16 SUBSTANCE ABUSE POLICY FOR CDL LICENSE HOLDERS**

The Town has contracted with “Onsite Drug Testing of New England, LLC to administer the following drug testing policy:

## Town of Canterbury

### DRUG AND ALCOHOL POLICIES AND PROCEDURES

#### I PURPOSE OF POLICY (DOT employees)

- Compliance with DOT Regulations
- To provide a safe, drug and alcohol free work environment

#### POLICY STATEMENT

- No employee shall consume drugs or alcohol while on company time or property. This includes unpaid meal and break periods.
- No employee shall possess or be in control of any alcoholic beverage or controlled substance within any company building or vehicle.
- No employee will participate in the unauthorized use, abuse or sale of any controlled substance.
- We do not permit the use or sale of any controlled substance at any time.

#### II. APPLICABILITY

All employees who hold (CDLs) Commercial Drivers Licenses and drive vehicles in the following categories:

- Vehicles with a gross weight rating of 26,001 pounds.
- Vehicles with a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of 10,000 pounds.
- Vehicles designed to transport 16 or more passengers.
- Vehicles of any size used to transport materials found to be hazardous and which require the vehicle to be placarded under Hazardous Materials Regulation 49 CFR Part 172, subpart F.

#### III TESTING

- Although this policy prohibits the use of any controlled substance not lawfully prescribed by a physician, any drug test required under this policy will analyze an individual's urine (DOT required) to test for the presence of the following substances:

DOT:            Marijuana  
                     Opiates  
                     Cocaine  
                     Phencyclidine  
                     Amphetamines



- Alcohol screening tests are performed via breath analysis or saliva testing. A trained Breath Alcohol Technician (BAT) or Saliva Test Technician (STT) using the approved testing device; QED, (Quantitative Enzymes Diagnostics) and will perform these tests.
- A trained BAT will perform confirmation testing on an evidential breath-testing device that is on the National Highway Traffic Safety Administration's Conforming Products List.

#### IV REASONS FOR TESTING

##### a. Pre-employment (382.301)

- Prior to the first time an employee performs a safety-sensitive function, he/she will undergo testing for controlled substances and will not be allowed to perform any such function unless a verified negative test result is received from the Medical Review Officer (MRO). If a pre-employment controlled substance test indicates a confirmed positive, the company will rescind the employment offer.

##### b. Post-accident (382.303)

- At the discretion of the Designated Employer Representatives (DER), a post-accident test may be administered under the following circumstances: any incident, any incident involving damage to a company vehicle, any incident that involves someone being seen at the Emergency Room, or any incident resulting in lost time.
- As soon as practicable following an occurrence involving a Commercial Motor Vehicle (CMV) operating on a public road in commerce, the Company Employer shall test for alcohol and controlled substances each employee who:
  - a. Performing safety-sensitive functions with respect to the vehicle, if the accident involved the loss of human life; or
  - b. Receives a citation under State or local law for a moving violation arising from the accident if the accident involved:
    1. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
    2. One or more vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
- Per DOT regulations, drivers are prohibited from using alcohol for eight hours following any accident or until the required post-accident alcohol test is administered, whichever occurs first. Testing will be performed as soon as possible, but not more than eight (8) hours after the accident for alcohol and within thirty-two (32) hours for controlled substances.

- All eligible employees will immediately contact a supervisor/employer for instructions. The employee will not drive to the testing facility. Either, the testing collector will travel to the accident, if applicable, or the employee will be brought to the testing facility.

c. Random Testing (382.305)

- All drivers subject to the Federal Motor Carrier Safety Regulations as outlined under APPLICABILITY section of this policy shall be required to submit to alcohol and substance abuse testing in a random program. The program shall be outlined as:
- The substance abuse testing program will be managed by Onsite Drug Testing of New England. ODTNE will perform all aspects of program management including, but not limited to, random selection, blind samples, quarterly statistic reports, scheduling and/or collecting samples.
- Drug screen collections and alcohol tests will be performed at the Town of Canterbury, a worksite of the Town of Canterbury that has the proper accommodations, a collection site or at Onsite Drug Testing of New England, LLC, Concord, N.H.
- Per the DOT regulations, random selection and subsequent testing will be performed at an annual percentage rate of 50% of eligible driver positions for controlled substances and 10% for alcohol. These tests will spread throughout the year and shall be performed with little or no notice to the employees. When the driver is notified of the need to be tested, he/she shall be immediately ready or proceed directly to the collection site and submit to the required testing. The testing rates are eligible to change at the beginning of each year, per the Federal Motor Carrier Safety Regulations.

d. Reasonable Suspicion (382.307)

- All eligible employees are subject to Reasonable Suspicion Testing.
- Per the DOT regulations 382.307d., reasonable suspicion alcohol testing shall only be required before, during or after the driver is performing a safety-sensitive function.
- All employees eligible for *controlled substance and alcohol testing* under this policy are to only undergo reasonable suspicion testing before, during or after performing a safety sensitive-function.
- Per the DOT regulation 382.307, whenever the Company has reasonable suspicion to believe that an employee has violated any alcohol or controlled

substance prohibition contained in this policy, it will require that employee to submit to an alcohol and/ or controlled substance test. Any suspicion shall be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee. The observations may include indications of the chronic effects of controlled substances. These observations will only be made by a supervisor or company official who has received appropriate training and will be documented by that individual in a Supervisor's Report of Reasonable Suspicion within twenty-four (24) hours after his/ her observation. Whenever possible, two (2) DER's shall concur with regards to the observations about the reasonable suspicion.

- All testing shall be conducted as soon as possible after the determination to test has been made. If the employee needs to be transported to the collection site, it will be by a supervisor and the employee will not be allowed to perform any safety sensitive function or drive any company vehicle until negative results are confirmed. Appropriate measures will be taken to transport the employee home after the test has been taken to ensure the safety of the employee and the general public. Such measures may include but are not limited to calling a family member, calling a taxi or driving him/ her home.

e. Return to Duty Testing (382.309)

- FMCSR Part 382.309 says each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Subpart B of this part concerning alcohol, the driver shall undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02 units.  
and
- Each employer shall ensure that before a driver returns to duty requiring the performance of a safety-sensitive function after engaging in conduct prohibited by Subpart B of this part concerning controlled substances, the driver shall undergo a return to duty controlled substance test with a result indicating a verified negative result for controlled substance use.

f. Follow-up Testing (382.311)

- Following a determination under Part 40.289a., that a driver is in need of assistance in resolving problems associated with alcohol misuse or use of controlled substances, each employer shall ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing as directed by a Substance Abuse Professional (SAP) in accordance with the provision of Part 40.289b. Follow-up testing shall be conducted only when the driver is performing safety-sensitive functions, just before the driver is to perform safety-sensitive functions, or just after the driver has ceased performing safety-sensitive functions.

- Employee is responsible for any other costs accrued by testing positive.
- Employee will stay employed by the Town of Canterbury, not in a Safety-Sensitive function from the time of a confirmed positive screen through the time of a confirmed negative screen.
- Following a second confirmed positive drug and/or alcohol screen, the employee will be terminated.

g. Refusal to Submit: (382.211)

- Any employee who refuses to submit to any required test under any circumstance shall be prohibited from performing any safety-sensitive function and shall be subject to discipline as outlined in CONSEQUENCES OF POSITIVE TEST RESULTS.
- Refusal to submit (Definitions 382.107) shall be determined by any of the following circumstances, but are not limited to:
  - Failing to provide adequate breath, saliva or urine for testing without a valid medical explanation after the employee has received notice of a required test as well as refusal to submit to a medical evaluation as required by Subpart 40.193d.  
(In the case of a Pre-Employment drug test, the employee is deemed to have refused to test on this basis only if the Pre-Employment test is conducted following a contingent offer of employment.)
  - Engaging in conduct that disrupts the collection process.
  - Engaging in any conduct that creates reason to believe that a urine specimen has been altered, substituted or adulterated for the purpose of affecting the validity or accuracy of a controlled substance test result. This includes refusing to submit to an observed or monitored collection.
  - Failure to appear for any test, except Pre-Employment within a reasonable time as determined by Onsite Drug Testing of New England, LLC after being directed by the employer.
  - Failure to remain at the testing site, until the testing procedures are completed.
  - Failure to submit to a second test that the Employer or Collector has directed the driver to take.
  - A result reported by the MRO as being a verified, adulterated or substituted test.

V ALCOHOL & DRUG TESTING PROCEDURES (Part 40, 382 and 383)

- All procedures for drug and alcohol collection and testing shall be performed in accordance with FMCSR Parts 40 (Procedures for Transportation Workplace

Drug and Alcohol Testing Programs), 382 (Controlled Substance and Alcohol Use and Testing) and 383 (Commercial Drivers License Standards; Requirements and Penalties).

- Each employee must present a photo ID directly prior to submitting to a drug or alcohol test.
- All specimens will be collected at locations that afford privacy for the employee. Providing a urine sample will not be directly observed or monitored unless the employee's conduct indicates an attempt to tamper with or adulterate the specimen.
- Urine samples will be tested for drugs at laboratories certified by the US Dept. of Health and Human Services (DHHS).

## VI TESTING RESULTS (Subpart D, 382.401)

- All controlled substance and alcohol test results will be reported and maintained in a confidential manner and only shared with those who have a bonafide need to know, the DER, Onsite Drug Testing of New England, LLC and Department Of Transportation Agents.
- A negative-dilute specimen is considered a confirmed negative and no further action is needed.
- A negative drug or alcohol test result is indicative of having passed the test. No further action needs to be taken.
- A positive alcohol result is defined as a confirmation alcohol test of greater than or equal to 0.04 units and a drug test determined and reported as positive by the MRO.
- No driver shall report or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.02 units or greater. No employer having actual knowledge that a driver has an alcohol concentration of 0.02 units or greater shall permit the driver to perform or continue to perform safety-sensitive functions.
- All drug test results, positive or negative, will be reviewed by a MRO prior to being reported to the employer. In the case of a positive test result, the MRO will contact the employee and discuss the results prior to reporting them to employer. If the employee can show a legitimate medical reason for testing positive, the MRO will report the result as negative to the employer.
- A positive controlled substance result means that the employee has failed the test and needs to be removed from safety-sensitive functions immediately. At this

time, the employee may opt to have the split drug test sample sent for re-test. If the split result is other than positive for the same substance, the test is canceled and the employee may return to his safety-sensitive function. (The Town of Canterbury will pay for the cost of having the sample re-tested.)

## VII. CONSEQUENCES OF POSITIVE TEST RESULTS (Part 40, Subpart 0)

- The consequences under this part for drivers found to have an alcohol concentration of 0.02 units or greater, but less than 0.04 units is suspension of safety-sensitive functions for 24-hours (This time off is not paid).
- The DOT requires that anyone who refuses to test be treated as though the test was positive and all consequences for a positive test apply.
- All employees will be treated as though they had a verified positive test result if they refuse to test.
- A driver who has a verified positive test will be provided information by the employer on where to go to get guidance regarding substance abuse.
- Consequences for the first verified positive result will be:
  - a. Immediate suspension from safety-sensitive functions.
  - b. Meet with a SAP for evaluation and referral.
  - c. Follow the SAP's referral including but not limited to a Substance Abuse class.
  - d. Submit to a return-to-duty test (drug and/or alcohol) of which the results are negative.
  - e. Submit to a minimum of 6 follow-up tests maintained by the SAP and DER within the first year following the evaluation. (follow-up tests are in addition to being selected for random testing and are paid by the employee)
  - f. Upon completion of the SAP referral program (302.605 and Part 40, Subpart 0), the Employer will allow the employee to return-to-duty.
- Consequences for the second verified positive result will be termination.

## VIII. GENERAL REQUIREMENTS

- All drivers must read, understand and sign the Alcohol and Drug Testing, Driver Awareness and Training Handbook to meet requirement 382.601.
- The receipt with signature, will be kept in the driver qualification file or personnel file.

- All employees are required under Part 382.601b.11 to report any other employees, driver's or co-driver's behavior showing any signs and symptoms of an alcohol or controlled substance problem to their immediate supervisor.
- The Town of Canterbury shall insure that each employee and driver sign a statement certifying that he/she has received a copy of the materials described in 382.601d. (Alcohol Misuse and Controlled Substances Use, Training and Referral).
  - a. If a prospective employee refuses to acknowledge receipt of a copy of the materials listed above, the employee will not be hired.

References; Federal Motor Carrier Safety Regulations Handbook

Policy written by Onsite Drug Testing of New England, LLC

By signing and dating this policy, you are agreeing that you have read and understand this policy.

The Designated Employer Representative is: \_\_\_\_\_

Kimberly Reid, President:

Date:

Town of Canterbury Representative:

Date:

Employee:

Date: