



WELLS EMPLOYEE HANDBOOK


Employee Policies,
Procedures, and
Benefits Manual

DECEMBER 2025

Town of Wells
Maine

207-646-5113 

www.wellstown.org 

208 Sanford Road, Wells ME 

TOWN OF WELLS EMPLOYEE HANDBOOK



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EMPLOYEE HANDBOOK

Town of Wells, Maine

SECTION I – INTRODUCTION

1.1 Welcome

As a new or current member of the Town of Wells community, this Employee Handbook is a resource to help employees understand the organization. Employees' important contributions ensure that the Town of Wells continues to provide its citizens with excellent services in the most efficient and effective manner possible.

1.2 Values, Mission Statement and Core Values

The Town of Wells partners with our community members to deliver high-quality services efficiently and effectively while preserving, protecting, and enhancing quality of life now and in the future.

Culture of Excellence: We respect members of the public and each other and treat all with courtesy and dignity. We rely on teamwork to provide a seamless experience for all customers. We uphold high ethical standards in our personal, professional, and organizational conduct. We continuously improve by promoting innovation and flexibility to best meet the needs of customers through available resources.

Accountability: We accept responsibility for our personal and organizational decisions and actions, while delivering cost-effective and efficient services that are done right the first time.

Communication: We openly communicate with the public and each other by sharing information and soliciting feedback to achieve our goals.

Environment: We care about our natural, historic, economic, and aesthetic resources, and work to preserve and enhance them for future generations.

Safety: We use education, prevention, and enforcement methods to protect life and property in the community as we maintain and enhance our infrastructure and facilities to provide a safe environment in which to live, work, and play.

Trust: We realize the perception of our organization is dependent upon the public's confidence in our commitment to our core values, and to meeting the goals set collectively by and with the Town Manager and the Select Board.

1.3 Purpose and Effect

The Town of Wells hereby adopts the following personnel policies and rules to establish a uniform, equitable and efficient system of personnel administration. The general purpose of this Handbook is to establish a system of personnel administration that meets the social, economic and program needs of the Town of Wells. This Handbook includes policies and procedures for employee hiring and advancement, benefits, retirement, employee leave policies, discipline and grievance processes, performance management, and other related policies.

The policies in this handbook apply to all employees, however, where the handbook and Collective Bargaining Agreement conflict, the Collective Bargaining Agreement governs. This Employee Handbook is not an employment contract and should not be construed as such, nor should it be interpreted as making any guarantee regarding any employee's continued employment, wages, or benefits. A copy of this Handbook shall be provided to all employees upon hire and upon any significant amendment.

1.4 Goals of Personnel Management

The goals of personnel management in the Town of Wells are as follows:

- Promote effectiveness, economy, and productivity in delivering services to the citizens of Wells;
- Encourage a commitment to professional excellence in serving the public and continue the professional development and upgrading of employee skills; and
- Provide reasonable assurances that all rights and benefits of employees and applicants for employment are protected and respected.

1.5 Changes in Policy

This Handbook supersedes all previous employee manuals and memos that may have been issued from time to time on subjects covered in this manual. This Handbook also supersedes, and renders void any unwritten policies and/or "past practices," regardless of their duration.

Since our environment and our Town are subject to change, the Town reserves the right to interpret, change, suspend, cancel, or dispute with or without notice all or any part of our policies, procedures, and benefits at any time. We will notify all employees of these changes. Changes will be effective on the date determined by the Town Manager, and after those dates, all superseded policies will be null.

No individual supervisor or manager has the authority to change policies or this Handbook at any time. If employees are uncertain about any policy or procedure, they should contact the Town Manager.

1.6 Town Manager's Role

It shall be the responsibility of the Town Manager to ensure the day-to-day administration of this Handbook, to provide guidance to subordinates regarding application of the Handbook, and to seek or obtain policy guidance as deemed appropriate.

SECTION 2 – APPLICATION AND HIRING

2.1 Equal Employment Opportunity and Non-Discrimination

The Town of Wells is an equal employment opportunity employer and as such is committed to providing equal employment opportunities for all persons making application to the Town and for equity of treatment and advancement opportunities for its employees. The Town of Wells therefore has set forth a policy of nondiscriminatory hiring, employment, and personnel actions. Such decisions or actions shall not be based upon religion, age, sex, sexual orientation, gender identity, gender expression, familial status, race, color, ancestry, national origin, physical or mental disability, or any other protected class under federal and or state law, except as a bona fide occupational qualification.

2.2 Disability Accommodation

The Americans with Disabilities Act (ADA), the Americans with Disabilities Amendments Act (ADAAA), and the Maine Human Rights Act require employers to not discriminate against applicants and individuals with disabilities and to provide reasonable accommodations to applicants and employees who are qualified for a job, so that they may perform the essential job duties of the position, provided that the requested accommodation does not pose an undue hardship to the Town of Wells.

It is the policy of the Town of Wells to comply with all federal and state laws concerning the employment of individuals with disabilities, (including temporary disabilities), and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC) and the Maine Human Rights Commission (MHRC). Furthermore, it is the Town's policy not to discriminate against qualified individuals with disabilities regarding application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

Employees who have mental or physical disabilities, or pregnancy-related medical conditions which may impact their ability to perform the essential functions of their job need to notify their supervisor to request an accommodation. Once the employer is aware of the disability or condition, they will begin the interactive process in consultation with the Labor and Employee Relations Department.

Interactive process:

- The employee and their supervisor meet to discuss their need for accommodation.
- The employee and their supervisor review the essential functions of the job and may need to provide these to the employee's medical provider to confirm the disability and the need for accommodation.
- The employee and their supervisor will review options for the accommodation, and will work together to identify ideas that are reasonable, and that do not create undue hardship for the employer.
- Once reasonable accommodation is determined, it will be documented and placed in the employee's medical file.
- Both the employee and their supervisor will continue to monitor the need for the accommodation to ensure there are no issues/concerns by either party.

2.3 Eligibility

It is the policy of the Town of Wells that all positions within the Town be filled by fully qualified people who have been evaluated based upon job-related criteria. Eligibility for appointment, promotion or transfer shall be based upon such qualifications. It is also the policy of the Town to provide reasonable opportunities to currently qualified Town employees.

2.4 Immigration Law Compliance

The Town of Wells employs only United States citizens, and those non-United States citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three years or if their previous I-9 is no longer retained or valid. If the State of Maine or the federal government enacts any more stringent immigration requirements, the Town will immediately and without prior notice comply with such standards.

2.5 Announcement of Vacancies

Recruitment notices shall be prepared setting forth a basic description of the position, any minimum qualifications, requirements or skills, education and experience preferences, application process, and the date by which applications must be received. Such notices shall affirm Wells as an Equal Opportunity Employer. It shall be the policy of the Town of Wells to advertise as widely as is deemed necessary to attract a qualified field of candidates. All job notices will be communicated internally and may run concurrently with external postings.

2.6 Application for Employment

Applications for employment with the Town shall be made on a standard application form and may be accompanied by the submission of a resume and completing other such forms as may be prescribed by the Town Manager. All sections of the application form must be completed; any incomplete or non-responses to the application may serve as grounds to reject the application without further notice. In addition, any information in the application that is found to be untruthful (either directly, or by omission) will serve as grounds to reject the application, and, if the applicant is hired, as cause to terminate the applicant at any time after they have been hired.

2.7 Employment of Relatives and Anti-Fraternization Policy

Town of Wells applies the following safeguards regarding the employment of persons related to one another:

An officer or employee of the Town may not appoint, employ, promote, advance, or advocate for the appointment, employment, promotion, or advancement of their relatives to any position over which such officer or employee exercises direct or indirect financial, administrative, supervisory or personnel control or authority.

Unless the Town Manager approves adequate safeguards to protect against potential conflicts, no person shall be hired, appointed, or promoted to a position that will be supervised by or will have supervisory authority over that person's relative. For the purposes of this section, supervision shall include direct or indirect financial, administrative, managerial or personnel control or authority.

For purposes of the above provisions, a relative is defined as a spouse, domestic partner, parent, child, stepparent, stepchild, sibling, stepsibling or half sibling, or the parent, sibling, or child of the employee's spouse; grandparent, grandchild, uncle, aunt, first cousin, niece, nephew, and any in-law equivalent of these relationships.

The Town Manager will provide specific instructions concerning employees affected by this Section in a manner to safeguard the promotional opportunities of the individual, as well as the objectivity of the process. If situations arise where relatives working together causes sensitive personnel problems, such individual situations may be brought before the Town Manager for review and a recommendation for problem resolution.

Anti-Fraternization Policy

The Town generally discourages and prohibits supervisors/managers from being romantically or physically involved with employees directly under their supervision. Supervision includes authority to assign and evaluate work, grant benefits such as vacation leave, hear grievances, discipline an employee, or review assignments, evaluations, and benefit determinations. In the event a supervisor/manager develops such a relationship with a subordinate in the course of employment at the Town, those employees are required to report it to the Town Manager, and every effort will be made to change the supervision for purposes of hiring, firing, promotions, and discipline.

2.8 New Employee Orientation and Onboarding

Orientation is a formal welcoming process that is designed to make the new employee feel comfortable, informed about the Town, and prepared for their position. New employee orientation is conducted by the appropriate Town Department Head or their designee, and by the HR Generalist, and includes an overview of benefits, broad overview of Town policies and the Employee Handbook, and an opportunity to complete required employment/benefits paperwork and enrollment elections.

In addition, Department Heads will provide an onboarding process, which will occur over the first year of hire.

New employees are expected to provide the Town with current and updated contact information at all times.

2.9 Probationary Period

All regular full-time and regular part-time employees shall serve an initial six-month probationary period and shall be probationary until affirmatively informed that probation has been satisfactorily completed. A review will be conducted prior to the completion of the applicable probationary period at 2 months and 4 months with a final review at 6 months. Probationary employees may be dismissed without cause. Dismissal of a probationary employee is not subject to appeal or grievance, nor does it require a showing of "cause."

Employees successfully completing the probationary period shall be considered regular full time or regular part time employees. All employees, regardless of classification or length of service, are expected to meet and maintain the Town's standards for job performance and behavior.

Promoted employees shall serve an additional probationary period of up to six (6) months in the new position. Promoted employees will have no rights to reinstatement to their former position.

2.10 Lateral Transfer

The Town Manager or designee may approve a wage and/or vacation accrual rate that considers years of relevant work experience and education during the hiring process.

2.11 Pre-Employment Physical Examinations

The Town Manager may identify regular full-time or part-time positions for which offers of employment will be contingent on a satisfactory medical examination by a physician designated by the Town Manager at Town expense. The physician must evaluate the candidate's qualifications to perform the essential functions of the position, with or without reasonable accommodations, with specific reference to the job description, actual duties and essential functions, and without posing a direct threat to the health or safety of the applicant or the safety of others.

2.12 Personnel Files

Appropriate records will be maintained for each employee of the Town.

Personnel files are the property of the Town of Wells, and access to the information is restricted by law and Town policies. Management personnel of the Town who have a legitimate reason to review the file, or portions of the file, are allowed to do so.

Upon written request to the Town Manager, employees are permitted to request a copy of their personnel file. One (1) copy of the file will be available to the employee at no cost per year. The Town shall provide a copy of the personnel file to the requesting employees within 10 days of receipt of the request. Note that material(s) may be added to the personnel file without notice to the employee. Employees may not add items to their personnel file without review by the Town Manager.

2.13 Personal Data Changes

It is the responsibility of each employee to promptly notify their supervisor and the HR Generalist of any changes in personal data changes such as: mailing address, telephone numbers, name and number of dependents, beneficiaries, and emergency contacts.

SECTION 3 – EMPLOYEE CLASSIFICATION, STATUS, JOB DESCRIPTIONS

Employees Defined - An “employee” is a person who regularly works for the Town of Wells on a wage or salary basis. “Employees” may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed with the Town who are subject to the control and direction of the Town of Wells in the performance of their duties. Volunteers are not considered Town employees, except under those specific circumstances defined under Maine law for liability coverage and immunity purposes only.

3.1 Employee Classifications

It is the intent of the Town to clarify the definitions of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time.

Fair Labor Standards Act Job Classifications

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws:

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are *not* exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are generally executives, managers, professional, administrative, or outside sales staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under applicable state and federal law.

Town Job Classifications

The Town has established the following categories for both nonexempt and exempt employees:

REGULAR FULL TIME: Year-round employees who are regularly scheduled to work 40 or more hours per week are regular full-time employees. Regular full-time employees shall be required to work the standard workweek of their respective department. Regular full-time employees are eligible for all benefits and rights as provided by this Handbook (subject to the terms, conditions, and limitations of each benefit program), except where otherwise provided for in a Collective Bargaining Agreement.

REGULAR PART TIME: Year-round employees who are regularly scheduled to work 20 or more hours (but less than 40 hours) per week, are regular part-time employees. Benefits eligibility will be on a pro-rated basis. See Section 9.

TEMPORARY AND SEASONAL: Temporary employees work on a non-regular basis for a limited assignment not to exceed six months, usually with a predetermined end date. Full-time and part-time seasonal employees, as designated by the State of Maine, are included in this classification. Employees in this classification must be rehired for each separate period of employment. Temporary employees are not entitled to benefits, except those benefits mandated by law.

VARIABLE HOUR PART-TIME: Variable hour part-time employees work less than 20 hours per week and typically do not work a consistent schedule from week to week. Unlike Temporary Employees, these positions are generally actively employed on a year-round basis. Variable hour part-time employees are generally not entitled to benefits except those mandated by law.

PER DIEM: Per diem employees are typically hired on an as-needed basis and are paid a daily rate, often for covering shifts or tasks that don't require a full-time employee. Per Diem employees are generally not entitled to benefits except those mandated by law.

CONTRACT: A contract employee is an individual hired through a written agreement specifying the terms and conditions of employment for a specific time period. Contract employees may be either temporary or definite-term employees, part-time or full-time, but do not have an expectation of continued employment beyond the term for which they are appointed and are not considered regular employees.

3.2 End of Employment

Separation of employment may occur under a number of circumstances, some of which are:

- Voluntary resignation initiated by the employee. Prior to departure, an exit interview may be conducted, including a checklist to ensure they receive all appropriate information, and that all property is accounted for. This checklist becomes part of their employee file. Employees are asked to provide at least fourteen (14) calendar days written notice, and Department Head employees are asked to provide at least thirty (30) calendar days written notice. Vacation or other paid leave is not to be used as a period of notice, unless approved by the Department Head. The Town reserves the discretion in all instances to pay any separating employee in lieu of the applicable notice period and terminate employment immediately.
- Retirement initiated by the employee, who meets eligibility for the Town sponsored retirement plan and/or Social Security criteria. Prior to departure, an exit interview may be conducted and will include a checklist to ensure they receive all appropriate information, and that all property is accounted for. This checklist becomes part of their employee file. Employees are asked to provide written notice of at least thirty (30) calendar days. Vacation or other paid leave is not to be used as a period of notice, unless approved by the Department Head
- Involuntary Termination initiated by the Town, often in response to a number of reasons including, but not limited to, negligence of job responsibilities, substandard performance, insubordination, misconduct, inappropriate conduct, or other actions violating Town policy. Involuntary termination will only be administered by the Town Manager.

Regular full-time and part-time employees who have successfully completed the probationary period may have their employment terminated for cause at any time during their employment. Termination for cause means any job performance related reason such as, not limited to misconduct, failure to meet standards of conductor performance, or the employee's inability or unwillingness to consistently work cooperatively and constructively with others. Termination for cause will include notice and hearing.

- Layoff – typically as a result of the business needs of the Town and not as a result of disciplinary action. Whenever possible, the reduction in work force will be accomplished by not filling current or anticipated openings of the staff through attrition. Skills, competencies, performance, and length of recognized service may be considered.

Final paycheck: All wages and allowable accrued leave owed to the employee will be paid in the employee's final paycheck which will be processed in the following pay period.

Employees who separate employment with the Town of Wells shall return all files, records, keys, credit cards, uniforms, and any other materials that are the property of the Town.

3.3 Job Descriptions

The Labor and Employee Relations Department maintains job descriptions for all positions. Job descriptions are utilized in all postings and advertisements for job openings and are the basis for employee evaluations.

Job descriptions will contain the following information:

- Position Details: Title, Department, Exempt or Non-Exempt Status, Classification and Union Applicability
- Supervision received and exercised.
- Essential duties and responsibilities
- Peripheral or Special duties (if applicable)
- Education and experience qualifications
- Knowledge, skills, and abilities qualifications
- Physical Requirements and Work Environment
- Reasonable Accommodation Clause
- Equal Employment Opportunity/Anti-Discrimination Policy

The Labor and Employee Relations Manager and the Department Head review job descriptions on a periodic basis and recommend modifications to the Town Manager. The Town Manager has final approval of all changes and revisions to job descriptions. The Select Board has final approval of all changes and revisions to the Town Manager's job description. Employees are required to sign their job descriptions once they are reviewed.

SECTION 4 – STANDARD WORK WEEK / OVERTIME

4.1 Work Week

The standard work week for full-time employees is 40 hours per week. In the computation of various employee benefits, the employee work week is considered to begin on Tuesday, starting at 12:01 a.m. through Monday at 12:00 a.m.

4.2 Breaks

Daily work breaks for non-exempt employees shall be administered in accordance with the following guidelines:

At a minimum, employees who work six (6) hours or more per day shall be eligible for a thirty (30) minute paid meal break, unless an employee wishes to waive their lunch breaks in writing.

Coffee breaks or other brief rest periods and actual break times shall be subject to approval by the Department Head, giving due consideration to the needs of the Town, its customers, citizens, and other employees. Break times shall be taken so as to minimize any inconvenience to the public and other employees who may require assistance. As such, they are not automatic events to be taken at an employee's discretion.

Unused break time shall not be accumulated as leave, nor can break time be used at the beginning or the end of a workday or to extend lunch.

4.3 Pregnant Workers Fairness Act and Workplace Lactation Policy

The Town of Wells is committed to providing reasonable accommodations to qualified employees or applicants who have known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the Town an undue hardship. If an employee feels they may require a reasonable accommodation pursuant to the Pregnant Workers Fairness Act in connection with a known limitation, please contact the Labor and Employee Relations Manager, or in their absence, the Town Manager, in order for the Town to review this request and/or engage in the interactive process.

In addition, the Town supports mothers to express breastmilk or breastfeed their nursing child in compliance with the Maine's Law (26 M.R.S.A. § 604), Nursing Mothers in the Workplace, and the Federal PUMP Act (Providing Urgent Maternal Protections for Nursing Mothers Act).

We encourage employees and management to have a positive, accepting attitude toward working women who are expressing breastmilk or breastfeeding their nursing child. We support employees who are expressing breastmilk or breastfeeding their nursing child when they return to work.

It shall be the policy of the Town of Wells to provide:

- **Time to Express Milk or Breastfeed**

Employees will be provided adequate break time to express breastmilk or to breastfeed their child for up to three years following the child's birth. The Town will allow flexibility in the employee's schedule with time to express milk or breastfeed. The time needed beyond will be negotiated between the employee and their supervisor.

- **A Place to Express Milk or Breastfeed (Lactation Room)**

Employees will be provided with a clean room or other location, which is not a toilet stall or bathroom, where an employee may express breastmilk or breastfeed their child in privacy. The Town shall work with mothers and their supervisors to determine a secure and private area for this purpose.

The Lactation Room will be:

- Private
- Equipped with an electrical outlet
- In close proximity to the employee's work area when possible
- Furnished with comfortable seating and a flat surface for pumping equipment
- Well lit
- Comfortable temperature

- **Atmosphere of Tolerance**

Discrimination and harassment of employees that are expressing milk or breastfeeding their nursing child in any form is unacceptable and will not be tolerated.

- **Communication**

Information about breastfeeding support after returning to work shall be provided to employees prior to their maternity leave.

4.4 Time Keeping

All non-exempt employees are required to submit and sign accurate timecards weekly detailing their activities (including absences), which will be reviewed and approved by the Department Head or other supervisory personnel. Employees going on vacation or extended leave should submit timecards in advance.

Timecards are official instruments, including electronic time records, and altering, falsifying, or in any way tampering with them may result in disciplinary action up to and including termination. Time must be recorded as the actual time worked.

Exempt (Salaried) employees are paid based on work performed rather than hours worked. A record of time and projects worked each week must be completed for each exempt employee.

4.5 Pay Checks

Paydays occur every Thursday, except in the case of an observed holiday. Deductions from employees' pay will include all mandatory deductions (such as Social Security, Medicare, and Earned Paid Leave), as well as deductions for elective fringe benefits employees have selected. Garnishments from weekly payroll will be made per directives from state and federal authorities. Payment is made by mandatory Direct Deposit for all employees.

4.6 Overtime/Compensatory Time

Overtime compensation is paid to non-exempt employees in accordance with federal and state wage and hour restrictions. Overtime is payable for all hours worked over forty (40) hours per week at a rate of one and one-half times the non-exempt employee's regular hourly rate for most non-exempt positions.

Hours worked (defined): "Hours worked" shall mean hours worked and hours compensated for by bereavement, vacation, personal, and holiday pay only.

All overtime work performed by a non-exempt employee must receive their immediate supervisor's prior

authorization. Overtime worked without prior authorization from the supervisor may result in disciplinary action. The supervisor's signature on a timesheet authorizes pay for overtime hours worked.

Overtime compensation shall be paid either in the form of wages or compensatory time off. Employees must specify whether they prefer to receive overtime pay or be credited with compensatory time off prior to working the overtime hours. An employee who does not request compensatory time and receives supervisor approval for overtime work will be paid for overtime. Employees who are not in public safety positions may accrue up to 40 hours of compensatory time, which they shall be eligible to use when requested, unless use at the requested time would unduly disrupt the operations of the department.

Overtime is payable when an employee works more than 40 hours in a work week. Compensatory time may be earned only when overtime is payable. Supervisors are encouraged to adjust the normal work week of employees by shifting days or hours of work to keep an employee's work week to 40 hours (or the normal part time schedule) whenever possible. If part-time employees are scheduled to work more hours than is customary, the hours shall be paid at straight time unless the hours worked exceed forty hours in a work week, in which case overtime compensation shall be paid as specified herein.

It is the responsibility of employees in salaried exempt positions to accomplish the work assigned to the position regardless of the hours required to do the work. However, salaried exempt employees are expected to work during the standard work hours established for the position or department unless excused by the Town Manager or supervising Department Head. It is to be expected that employees in salaried exempt positions will, from time to time, find it necessary to work well beyond their normal work week. This fact is taken into consideration in determining salary. The prolonged or continuing inability of an employee to accomplish a task within a reasonable work week may lead to reevaluation of the job requirement as well as the employee's job performance. Salaried exempt employees shall not be entitled to compensatory time off. However, a salaried exempt employee's supervisor may, in their discretion, excuse the employee from a number of regular work hours in recognition of extraordinary hours recently required of that employee.

4.7 Attendance/Absences

The Town of Wells expects that every employee will be regular and punctual in attendance. This means being in the department, ready to work at the starting time each day. Absenteeism and tardiness place a burden on other employees and on the Town citizens.

If employees are unable to report for work for any reason, they are to notify their immediate supervisor before their regular starting time. Should undue absence/tardiness become apparent, corrective action may be required.

If an employee becomes ill while at work or must leave work for some other unscheduled reason before the end of the workday, employees are required to inform their immediate supervisor of the situation without delay.

Any employee who is absent from their job for a prolonged illness or any other reason will be required to keep their supervisor informed of their progress and be able to provide satisfactory proof of illness or other justification of absence upon request.

4.8 Appearance

As each employee of the Town is a representative of the Town, all persons employed by the Town shall maintain an acceptable level of personal appearance and hygiene appropriate to their position and according to the departmental standards set forth by each Department Head. Shoes are required at all times.

SECTION 5 – STANDARDS OF CONDUCT

The work rules and standards of conduct for the Town of Wells are important, and the Town regards them seriously. Employees, town officials and appointees, are expected to treat each other, the public and vendors with courtesy, respect and dignity at all times. While not a complete list, the examples below illustrate the types of workplace infractions or misconduct that may result in disciplinary action, including termination. (Workplace means wherever the employee conducts Town business, regardless of location.)

In addition, Department Heads may issue additional Rules of Conduct, Standard Operating Procedures, and other work-related requirements that relate to the specific municipal services provided by the departments they manage.

- Theft or unauthorized removal abuse or possession of property.
- Working under the influence of alcohol, illegal substances, or other intoxicants.
- Possession, distribution, sale, transfer or use of alcohol, illegal substances, or other intoxicants in the workplace.
- Fighting or threatening violence in the workplace.
- Boisterous or disruptive activity in the workplace.
- Spreading rumors.
- Negligence or improper conduct leading to damage of Town or citizen property.
- Insubordination or other disrespectful conduct.
- Violation of health and/or safety rules.
- Improper or unauthorized use of Town property, including tampering with records, (including falsifying timekeeping records), information, or equipment.
- Unauthorized disclosure of confidential information.
- Excess absenteeism or any unexcused absence.
- Violation of personnel and Handbook policies.
- Unsatisfactory performance or conduct.

5.1 Telephone/Cellphone Use

The Town of Wells telephones are intended for use in serving our customers and in conducting the Town's business.

Personal telephone usage during business hours is discouraged except for emergencies, including the employee's use of their own personal (non-town owned) telephone and devices for calls, texting and emailing. All personal telephone calls and cell phone usage should be kept brief to avoid disruption and distraction to self and others while working.

5.2 Gifts & Gratuities, Conflict of Interest

Employees are prohibited from accepting gifts, favors, or gratuities from the public and/or constituents they serve due to the appearance of impropriety and the potential to influence work judgments. Department Heads may authorize exceptions to this rule allowing for the acceptance of nominal gifts such as food or other refreshments (excluding alcohol and tobacco.) Employees must avoid situations where loyalties may be divided between Town interest and their own personal or financial interests. All employees should avoid any situation in which there may be even the appearance of a conflict of interest. All Town employees, appointees and elected officials are also required to comply with 30-A M.R.S.A. § 2605 (Conflicts of Interest).

5.3 Outside Employment

All employees should consider their employment with the Town as their primary employment. Full-time employees may not hold any outside employment unless they notify the Town in advance and receive prior written approval from the Town Manager or their designee. Part-time and all other employees may hold outside jobs in non-related businesses or professions if the employee notifies the Town in advance of such employment and meets (and continues to meet) the performance standards and required hours of their job description with the Town. Unless the Town has approved an alternative work schedule, employees will be subject to the Town's scheduling demands, regardless of any existing outside work assignments. Employees may not work for other employers while using accrued sick time, on or during any leave of absence, or while out of work on a qualified workers' compensation leave, without express prior written permission from the Town.

The Town of Wells office space, equipment, time and materials are not to be used for outside employment or non-Town business purposes.

5.4 Political Activity

No employee shall participate in any political activity which would be in conflict with the performance of their official functions and duties. Employees also must not promise favors as a reward for the political activity of others. Employees should be aware of the State & Federal Laws governing other political activities.

Employees may seek or accept nomination or election to any office in the Town government while employed by the Town, provided that no person may hold an incompatible elective office while employed by the Town. Therefore, any such employee elected to any incompatible Town Office shall resign from employment prior to taking office. This rule does not prevent Town employees who are not employed in a town school from running for school board.

During the course of their employment, employees shall refrain from using their influence as a town employee in any way for or against any candidate seeking elective office in the Town government.

Town employees shall not work on a political campaign during employment hours, or use Town facilities, equipment, or supplies, to circulate petitions or campaign literature or to solicit subscriptions, contributions, or political service from any person for any office or initiative. Town employees shall not reference or otherwise use their employment position with the Town in the furtherance of any such activity, whether during or outside of work hours and whether within or outside of the scope of their employment and shall not state any personal political viewpoint as if it is that of the Town of Wells or any office or department thereof. This rule is not to be construed to prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

5.5 Confidentiality

It is the Town's policy to maintain strict control over the unauthorized entrance or use of Town property, cash, or other items of monetary value, personnel or general assistance records, certain computer information, or other records or information considered to be confidential and not subject to the Freedom of Access Act (FOAA). Employees who are assigned keys, given special access or assigned job responsibilities in connection with safety, security, or confidentiality of such records, material, equipment, or items of monetary value will be required to use sound judgment and discretion in carrying out their duties and will be held accountable for any wrongdoing or acts of indiscretion.

During their duties, employees of the Town are often privy to sensitive and confidential information. Examples of this include, but are not limited to, employee relations, medical records, general assistance requests, and personnel actions. The Town expects any employee with access to such information to respect the confidential nature of the matter, not to share or provide access to such information with members of the public, including family members, and to take all reasonable measures to maintain confidential documents in a secure manner. Confidential information obtained because of employment with the Town is not to be used by an employee for furthering any private interest or a means of making personal gains.

The Town is subject to the Maine “Right to Know” law, MRSA Title 1 sections 401-414. Any employee who receives any request for information under the “right to know” statute must direct the request to the designated Freedom of Access Act (FOAA) Officer (Town Manager or designee) for the Town’s official response. Employees and other Town officials must coordinate with the Town Manager or designee to determine the proper response and involve the Town Attorney when necessary.

5.6 Off Duty Conduct

The Town of Wells respects its employees’ right to privacy regarding activities and conduct outside of the workplace and regular working hours. The Town does not prohibit employees from engaging in lawful activities while off-duty or discriminate against employees for the same.

However, such lawful off-duty conduct shall be subject to other applicable provisions of this policy or other Town regulations, including but not limited to the use of Town equipment, computers or vehicles, the use of social media and other electronic communications and the Town’s Safety and Harassment policies.

Off-duty conduct of employees that is illegal may be cause for discipline or termination if the illegal off-duty conduct or consequences of the illegal off-duty conduct directly impacts the employee’s ability to meet the essential functions and other requirements of their job. Similarly, an employee’s illegal off-duty conduct, or consequences of the illegal off-duty conduct that directly impact working conditions, required licenses, normal business operations, or the professional reputation of the Town may be cause of discipline or termination.

5.7 Personal Business While at Work

Employees shall curtail visits by friends and family, use of telephones or computers for personal business, and spending any substantial amount of time on personal business while on duty. In no event shall an employee’s conduct of personal business be permitted to interfere with their work performance. Use of technology during work hours shall be as specified in the Technology Use Policy, which is set forth in Appendix D and incorporated into this policy.

5.8 Expected Conduct

The purpose of this policy is to communicate to all employees, that the Town will not in any instance tolerate unacceptable behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

The Town prohibits repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

As in sexual harassment, it is the effect of the behavior on the individual that is important.

The Town considers the following types of behavior examples of unacceptable behavior:

- Slandering, ridiculing, or maligning a person or his or her family; persistent name calling that is hurtful, insulting, or humiliating; using a person as subject of jokes; abusive and offensive remarks.
- Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Nonverbal threatening gestures: glances that can convey threatening messages.

In addition, the following examples may constitute unacceptable behavior in the workplace:

- Shouting at in public or in private.
- Using obscene language or gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Public reprimands.
- Spreading rumors and gossip regarding individuals; or
- Encouraging others to disregard the supervisor's or designee's instructions.

Unacceptable behavior does not include the following:

- Expressing differences of opinions.
- Offering constructive feedback, guidance, or advice about work-related behavior; or
- Reasonable action taken by an employer or supervisor relating to the management and direction of employees or place of employment (i.e., managing an employee's performance, taking reasonable disciplinary actions, assigning work).

The Town is committed to preventing behavior prohibited by this policy through education and dissemination of information as well as employee accountability. Such harassment may be reported by any employee, regardless of whether that employee is the recipient of the bullying, a witness or otherwise becomes aware of behavior prohibited by this policy.

Complaints may be filed by contacting any of the following individuals:

- Supervisor
- Department Head
- Town Manager
- Labor and Employee Relations Manager

5.9 Policy for Prohibition of Discrimination and Harassment

Employees are entitled to work in an environment free of discrimination and/or harassment, whether it is based on race, color, sex, familial status, age, religion, ancestry, national origin, physical or mental disability, pregnancy, veteran status, sexual orientation, gender identity, gender expression, or any other protected class under federal and/or state law.

The Town is committed to ensuring this entitlement and achieving the dual goals of prompt notice of possible harassment and fair, impartial evaluation of any allegations.

Sexual harassment and other illegal harassment (collectively referred to as “Harassment”) of employees is prohibited and will not be tolerated by the Town. When such conduct affects work-related decisions or creates an offensive work environment, it is a violation of Town policy and the Maine Human Rights Act and Title VII of the federal Civil Rights Act of 1964.

The Town is committed to preventing and eliminating harassment of employees through education and by encouraging employees to report any concerns or complaints about harassment. Prompt corrective measures will be taken to stop harassment whenever and wherever it occurs. Each employee is personally responsible for compliance with this policy.

The U.S. Equal Employment Opportunity Commission and the Maine Human Rights Commission have defined harassment as deliberate or repeated unsolicited comments, gestures, or physical contact of an offensive or sexual nature that is unwelcome. Each employee must learn to recognize this form of discriminatory behavior and to distinguish it from purely social relationships that do not adversely affect the work environment. Behavior constitutes harassment when:

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

Examples of harassment may be a series of incidents or a single occurrence and include the following:

- Unwelcome sexual advances, gestures, comments, or contact.
- Threats.
- Offensive jokes.
- Subjecting employees to ridicule, slurs, or derogatory actions.
- Displaying offensive posters/pictures/publications.
- Basing employment decisions or practices on submission to harassment.
- Refusal to cooperate with employees in performing work assignments; or
- Inequitable disciplinary actions and work assignments.

Harassment, such as the examples above, can take place between members of the same sex as well as members of the opposite sex.

Supervisory Responsibilities

Supervisors have additional responsibilities to ensure that the work environment is free from harassment. Every supervisory employee acts as an agent of the Town and has an affirmative responsibility to promptly take all steps necessary within the scope of their job to prevent discrimination and harassment from occurring in the workplace. Lack of intervention and corrective action by supervisors may be perceived by both perpetrators and victims as condoning harassing behavior. Corrective action is required whether the victim makes a formal complaint. In accordance with policy, supervisors should process any observed or reported harassing behavior confidentially and expeditiously. Reports of harassing behavior must be thoroughly investigated to establish facts associated with the situation.

Reporting Procedure

Any supervisor or Department Head receiving a complaint of harassment will immediately report it to the Town Manager. If the complaint is against the Town Manager, it will be reported to the Chair of the Select Board.

It is the employee's responsibility to speak with their supervisor or Department Head at once if they believe they are being subjected to sexual harassment. Any employee who believes they are being harassed by a Department Head, supervisor, co-worker, employee, citizen, or vendor should consider taking the following actions:

- A. Confront the harasser and ask them to stop. If an employee feels uncomfortable confronting the harasser as outlined here, skip to Step B. below.
- B. Immediately contact the employee's immediate supervisor, Department Head, the Town Manager, or the Town's Labor and Employee Relations Manager.
- C. All complaints will be handled in a timely manner by the employee's immediate supervisor, Department Head, the Town Manager, or Labor and Employee Relations Manager. Information concerning the employee's complaint will be given on a need-to-know basis only. Management personnel needed for participation in the investigation, the alleged harasser and possible witnesses may be contacted and thereby learn of the complaint. Employees should not discuss the complaint or the resulting investigation except for discussions necessary to conduct the investigation and make a decision. The purpose of this provision is to encourage the filing of valid complaints by protecting the privacy of the complaining employee to the extent possible, as well as to protect the reputation of any employee who might wrongfully be charged with sexual harassment.
- D. The Town will investigate all complaints promptly. If valid, the Town will determine remedies to be given and the sanctions to be imposed. All employees are expected to cooperate with an investigation.

Employees may file a complaint of sexual harassment with the Maine Human Rights Commission at 19 Union Street, Augusta, Maine 04333, (207) 624-6290 and the EEOC – 1-800-669-3362.

It is not required that any of the above procedures be utilized first or in any particular sequence, nor is it required that any procedure be exhausted before the other is used. There will be no retaliation against any employee who files a complaint of discriminatory behavior or participates in any proceedings concerning harassment.

Retaliation Prohibited: Employees should feel free to report concerns about sexual harassment without any fear of reprisal. Any person who brings a sexual harassment complaint or concern will be protected from retaliation in any form and should report any retaliation immediately to any department head, the Labor and Employee Relations Department, the Town Manager or the Chairperson of the Select Board. All complaints of retaliation will be investigated, and prompt remedial action will be taken.

Any report of alleged harassment or discrimination that is made in a knowingly false or clearly frivolous manner is prohibited, will not be tolerated, and will also be appropriately addressed should it occur, including possible disciplinary action.

5.10 Whistleblower Protection

The Town follows federal law regarding whistleblower protection. As such, the Town will not retaliate against employees for reporting any actual or perceived violations of law, regulation, or policy on the part of the Town. Specifically, the Town will not retaliate against any employee who discloses or threatens to disclose information to an authoritative entity; provides information to or testifies before a public body conducting an investigation involving allegations against the Town; or refuses to participate in any activity, policy, or practice of the Town that the employee believes to be in violation of a law or policy. If you believe that a violation of law, regulation, or policy is occurring at the Town, please first report the alleged violation to your supervisor or the Town Manager.

5.11 Technology Use and Social Media Policy

The Town adopts the “Technology Use and Social Media Policy” set forth in Appendix D and all employees shall comply with the provisions of this policy.

SECTION 6 – DISCIPLINE AND GRIEVANCE PROCEDURE

The nature of the services provided by the various departments of the Town of Wells places a high degree of responsibility upon all employees of the Town. Employees' actions have a direct influence upon the quality of service provided. This section is intended to establish consistent guidelines to protect the interests of employees and the Town of Wells, should it become necessary to consider an employee for disciplinary action.

6.1 Discipline & Corrective Action (49-31-Personnel Code)

An employee may be reprimanded, suspended, demoted, or otherwise disciplined or dismissed for cause. An employee will be given written notice of the proposed discipline and the reasons for it prior to the effective date of such discipline. In the event of an unpaid suspension, demotion or dismissal, an employee will have the opportunity to meet with the Department Head or other supervisor on whose decision the discipline is based to discuss the proposed discipline before the effective date, except in circumstances warranting immediate action; in that case, an employee may first be placed on paid administrative leave. The authority to discipline, demote and discharge shall rest with the Town Manager. The Town Manager may delegate authority to take initial disciplinary action to Department Heads for employees under their supervision. The Town Manager shall report all dismissals to the Select Board.

The Town generally follows the principles of progressive discipline. However, the Department Head or designee has the right to determine the appropriate level of discipline, taking into consideration the particular incident and any local, state, and federal laws, rules and/or guidelines.

Disciplinary action may consist of the following:

- A. Verbal Warning – A verbal reprimand may be necessary to correct an employee's work performance, minor infractions of departmental rules or regulations, or minor instances of inappropriate employee conduct. The Department Head or designee shall document the verbal warning and forward the documentation to the Labor and Employee Relations Department for retention in the employee's personnel file.
- B. Written Warning – An employee may be given a written warning that will state the nature of the unsatisfactory performance and what improvement is expected. The Department Head or designee shall review the incident with the employee, have the employee sign the written warning, and forward the written warning to the Labor and Employee Relations Department for retention in the employee's personnel file. The employee's signature does not acknowledge agreement with the reprimand but only that the employee has reviewed it. The employee may, within five (5) workdays, prepare a written response, which will be attached to the written reprimand placed in the personnel file.
- C. Unpaid Suspension – An employee may be suspended without pay when the employee's work performance or misconduct warrants. A record of the suspension shall be included in the employee's personnel file.
- D. Demotion – An employee may be demoted when the employee's work performance or misconduct warrants.
- E. Dismissal – An employee may be dismissed when the employee's work performance or misconduct warrants.

Records of discipline less than suspension, including demotion, shall not be considered in subsequent disciplinary decisions if there is no other disciplinary action in the next 18 months. Records of suspension shall not be considered if there is no further disciplinary action for 36 months.

6.2 Grievance Procedure for Non-Union Employees (49-32 Personnel Code)

- A. An employee other than a department head who is aggrieved by the action of a department head under a specific section of this chapter, or the Employee Handbook may file a complaint with the Town Manager. The complaint shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the complaint. The written complaint shall contain a statement of the action about which the employee complains and the section of this chapter that the employee believes has been violated.
 - 1. The Town Manager shall conduct an informal hearing on the complaint within 15 calendar days of the date it was filed, unless the Town Manager or designee, or the aggrieved employee requests, and both parties agree to an extension of time. The aggrieved employee shall have an opportunity to present their complaint and to question the Department Head and any adverse witnesses. The Town Manager or designee shall render a decision in writing, giving reasons for their decision and making findings of fact, within 10 calendar days after the hearing concludes.
 - 2. An appeal of the Town Manager's decision can be made in writing to the Select Board within 20 calendar days from receipt of the decision. The Select Board shall hear the appeal at its next regularly scheduled meeting in executive session or as otherwise provided by the Maine Freedom of Access Law. The Select Board shall render a decision in writing giving reasons for their decision within 10 calendar days after the hearing concludes. The Select Board's decision is final.
- B. Department Head appeals. A Department Head who is aggrieved by the action of the Town Manager under a specific section of this chapter or the Employee Handbook may file an appeal with the Select Board. The appeal shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the appeal. The written appeal shall contain a statement of the action being appealed and the section of this chapter that they believe has been violated. The Select Board shall conduct a hearing within 15 calendar days of the date the grievance was filed, unless the Board requests and the Department Head agrees to an extension of time. The aggrieved Department Head shall have an opportunity to present their position, including the right to present witnesses, and to question the Town Manager and any adverse witnesses. The Board shall render a decision in writing, giving reasons for its decision and making findings of fact, within 10 calendar days after the hearing concludes.
- C. The final written decision in any disciplinary action shall be confidential except to the extent the Freedom of Access law, 1 M.R.S.A. § 401, et seq., requires the decision to be a public record.

SECTION 7 – LICENSING, TRAINING, EDUCATION

7.1 Licensing and Certifications

All Town employees whose job requires a professional license, or certification will have a copy of their current license and/or certification in their personnel file, and they will be responsible for keeping their license or certification current and active as a condition of continued employment during the entire course of their town employment, unless otherwise permitted or excused by the Town Manager. Employees must immediately notice the Town Manager of any change or potential threat of loss to their certifications and/or licensure, or of any notices or hearings regarding their certifications and/or licensure. Any failure to do so may result in disciplinary action, up to and including suspension, demotion and/or termination. Employees whose certifications and/or licensure is suspended or lost are not entitled to alternative town employment.

Expenses related to maintaining licenses and/or certificates required for employment with the Town of Wells shall be compensated by the Town with prior approval by the employee's supervisor.

7.2 Training and Professional Development

The Town of Wells recognizes and encourages professional development and personal growth for employees. The Town will attempt to make opportunities available to employees within the constraints of the municipal budget for the further development of specific skills and expertise that will be of mutual benefit to both the employee and the Town.

The Town will pay up front when possible or will reimburse employees for out-of-pocket expenses for attendance at Town-approved training sessions and seminars, as authorized by the Town Manager or a Department Head, including course fees and materials, reasonable costs for meals and lodging, and related costs, when substantiated by receipts.

7.3 Educational Benefits

To assist regular employees of the Town with improving and expanding their knowledge and skills, the Town will assist with the cost of tuition and books, within the limits of the Town's budget.

The Town of Wells will reimburse a full-time employee for 75% of tuition costs up to a maximum of \$5,250 per fiscal year for continuing education through an accredited program that either offers growth in an area related to their current position or that may lead to promotional opportunities with the Town of Wells. This education may include college credit courses, continuing education unit courses, seminars, and certification tests that are job-related. This reimbursement is only applicable to tuition costs.

Eligibility

Full-time, regular employees who have completed six months of employment and receive prior approval are eligible under this policy.

An employee must secure a passing grade of "C" or its equivalent or obtain a certification to receive any reimbursement. Expenses must be validated by receipts and a copy of the final grade or certification received.

Procedures

To receive reimbursement for educational expenses, employees should follow the procedures listed here:

- Prior to enrolling in an educational course, the employee must provide their Department Head and the Town Manager with information about the course for which they would like to receive reimbursement and discuss the job-relatedness of the continuing education.
- A tuition reimbursement request and loan form should be completed by the employee, and the appropriate signatures obtained.
- To ensure proper budgeting for tuition reimbursement, employees shall notify their Department Head, the Town Manager, and Finance Director by September 1st ahead of the upcoming fiscal year when possible, concerning anticipated course work or training.

Following Course Completion

- Once the course is successfully completed, the employee should resubmit the original tuition reimbursement request form with the reimbursement section filled out, including appropriate signatures, as well as receipts and evidence of a passing grade or certification attached to Accounts Payable
- If an employee commits to the course prior to receiving approval, then they are responsible for all costs.

If an employee leaves Town employment within two years of receipt of tuition assistance, 100% of the tuition assistance must be repaid.

Employees who receive tuition support or financial assistance from alternate sources must report such an amount and shall not be eligible to be reimbursed for any amount that they do not have to repay.

The Town reserves the right to deny courses deemed inappropriate due to course content or due to projected budgetary constraints. Employees who have been denied tuition reimbursement due to budgetary constraints will be given priority in the following year.

SECTION 8 – EMPLOYEE LEAVE

8.1 Paid Holidays

The following holidays shall be paid holidays for regular full-time and regular part-time Town employees:

- New Year’s Day
- Martin Luther King, Jr. Day
- Presidents’ Day
- Memorial Day
- Juneteenth Day
- Independence Day
- Labor Day
- Columbus Day/Indigenous People’s Day
- Veterans’ Day
- Thanksgiving Day
- Day after Thanksgiving
- ½ day of Christmas Eve
- Christmas Day

In general, if a regular holiday falls on a Sunday, the following Monday is considered a holiday; if on a Saturday, the preceding Friday will be considered a holiday. The Town Manager shall, prior to the start of a new calendar year, distribute a holiday schedule to all employees for the ensuing year.

Full-time employees shall be paid for one regular day at straight time rates whether or not the holiday falls on the employee's regularly scheduled day off. If such an employee is required by their Department Head to work during a scheduled holiday, the employee shall be paid at one- and one-half times their regular hourly rate for the actual hours worked in addition to the holiday pay.

Regular Part-time employees shall be paid for holidays when they fall on their regularly scheduled workday.

8.2 Vacations

Vacation privileges are available to regular full-time employees and regular part-time employees who work 20 or more hours per average work week. Regular part-time employees shall receive vacation time prorated based on the schedule below.

Full time – Non-exempt (hourly) employees:

Months from/to	Monthly hours accrued	Yearly accrued hours	Max Accrued
0 to 24 months	6.667	80	160
25 to 48 months	8.00	96	192
49 to 108 months	10.00	120	240
109 to 168 months	12.00	144	288
169 to 228 months	14.667	176	352
229 months +	16.667	200	400

Full-time – Exempt (salary) employees:

Months from/to	Monthly hours accrued	Yearly accrued hours	Max Accrued
0 to 24 months	10	120	240
25 to 48 months	12	144	288
49 to 108 months	13.3330	160	320
109 to 228 months	14.667	176	352
229 months +	16.667	200	400

Part-time - ¾ - time Non-exempt (hourly) employees:

Months from/to	Monthly hours accrued	Yearly accrued hours	Max Accrued
0 to 24 months	5.00	60	120
25 to 48 months	6.00	72	144
49 to 108 months	7.50	90	180
109 to 168 months	9.00	108	216
169 to 228 months	11.00	132	264
229 months +	12.50	150	300

Part-time ½ - time Non-exempt (hourly) employees:

Months from/to	Monthly hours accrued	Yearly accrued hours	Max Accrued
0 to 24 months	3.334	40	80
25 to 48 months	4.00	48	96
49 to 108 months	5.00	60	120
109 to 168 months	6.00	72	144
169 to 228 months	7.334	88	176
229 months +	8.334	100	200

Accrual: Vacation time shall be accrued at the rates set forth above, unless a different rate or method of accrual is set forth in a written agreement with the employee.

An employee's vacation accrued hours are based on their hire date. An employee hired before the 15th of the month (including the 15th), will accrue vacation hours for that month. An employee hired on the 16th or after, will accrue vacation hours the following month. Accrued time is posted at the end of the current month earned.

Scheduling: Because of varying schedules from department to department or from job to job, the specifics of vacation scheduling will be further explained by departmental policy. The fact that an employee has unused vacation time does not automatically entitle them to take vacation time requested.

Use: Any use of vacation time must be approved in advance by the employee's supervising Department Head, and the Department Head will consider the request based upon staffing, departmental and seasonal demands, and other scheduling considerations. Department Heads shall present vacation requests to the Town Manager, who shall apply the same considerations.

Cash out option: Employees who are approaching their maximum accruals and have used at least 80 hours of vacation time as of their anniversary date, may request a cash payout of no more than 40 hours with Town Manager or Department Head's approval.

Payment for Unused Vacation Time: Employees who have accrued but unused vacation time as of the date of separation from employment shall be entitled to be paid for that accrued time up to the maximum accruals per above.

Earned Paid Leave Law:

See Appendix J.

8.3 Personal Days

Regular full-time and regular part-time employees who work 20 hours per week or more shall be provided with two (2) personal days annually (according to the schedule below) on or about July 1st. The personal days shall have no cash out value, nor shall they be carried over into the following year.

For the first year of employment, if hired between July and December, employees will receive 2 personal days. If hired between January and June, employees will receive 1 personal day.

- 20-29 hours – 4 hours is considered 1 day
- 30-39 hours – 6 hours is considered 1 day
- 40 hours – 8 hours is considered 1 day

Use: Any use of personal time must be approved in advance by the employee's supervising Department Head, and the Department Head will consider the request based upon staffing, departmental and seasonal demands, and other scheduling considerations. Department Heads shall present personal day requests to the Town Manager, who shall apply the same considerations.

8.4 Sick Leave

Applicability: Paid sick time is available to regular full-time employees and regular part-time employees.

Rate of accrual: Regular full-time employees shall be entitled to accumulate one eight-hour day of sick leave per month, and regular part-time employees eligible for benefits shall be entitled to accumulate either six hours or four hours of sick leave per month per the chart below:

- 20-29 hours – 4 hours is considered 1 day
- 30-39 hours – 6 hours is considered 1 day
- 40 hours – 8 hours is considered 1 day

An employee's sick accrued hours are based on their hire date. An employee hired before the 15th of the month (including the 15th), will accrue sick hours for that month. An employee hired on the 16th or after, will accrue sick hours the following month. Accrued time is posted at the end of the month earned.

Use: An eligible employee shall be entitled to sick leave pay when:

- A. The employee is unable to perform any of the duties of their position due to a personal illness or disabling injury. Employees should not report to work with a fever or flu-like symptoms.
- B. Leave is needed for personal medical or dental appointment, which cannot be scheduled during non- working hours.

- C. Leave is needed for family illness. In accordance with Maine Family Sick Leave, Title 26, §636, for family medical needs, employees may use 40 hours of accrued sick leave in any 12-month period to attend to the employee's child, spouse, domestic partner, or parent who is ill and requires care by the employee, unless otherwise covered by Family Medical Leave, which shall be used first. Family illness includes accompanying a family member to a doctor or dental appointment that cannot be scheduled during non- working hours.

If an absence due to an employee's illness or injury exceeds three (3) working days, the Department Head or Town Manager reserves the right to request that the employee furnish a signed certificate from a physician stating the nature of the absence(s) and that the employee is fit to return to work and perform their regular duties. The employee must bear the expense of obtaining the certificate, except as otherwise provided by the Towns FML policy, or under workers' compensation leave. The Department Head shall promptly notify the Labor and Employee Relations Department of any absences from work that meet the definition of a serious medical condition pursuant to the Family Medical Leave Act (FMLA).

The Town also reserves the right to send an employee home if the Town has reason to believe that an employee is not fit or able to perform their regular duties or poses a threat to the safety of themselves or to others. Employees who are sent home from work under these circumstances will be charged sick time, or if the employee has no accrued sick time, such time off will be unpaid. Employees who are sent home from work and later are able to medically demonstrate that they were fit for duty when sent home will be credited back any sick time used during their absence.

A medical certificate may be required by the department head should the department head have reason to believe that sick leave is being abused, after consulting with the Labor and Employee Relations Department, if appropriate. When the certificate is required by the department head, it shall be at Town expense.

Requesting Sick Time

All employee absences must be reported to the Department Head or designee before the start of the workday, unless specific department policy requires otherwise. Notification from another employee or relative is not acceptable, except under emergency conditions.

Suspected Sick Time Abuse

Employees demonstrating clear patterns of sick leave use that suggest abuse, such as frequent unplanned absences before or after the end of the employee's scheduled work week, may be subject to discipline, up to and including termination. It is advised that the Department Head or designee discuss any suspected abuse of sick time with the employee as soon as possible.

Payment Upon Separation

On separation in good standing (defined as providing the town at least (2) weeks advance written notice and having returned all town-issued property before the employee's last day of work), an employee is entitled to be paid for 1/3 of the total unused sick leave, to a maximum of 40 days. The amount of payment shall be calculated based on the employee's straight-time hourly rate of pay on the date of separation.

Payment shall be subject to the following:

1. Non-exempt employees must provide a minimum of two calendar weeks' notice. Exempt employees must provide a minimum of four calendar weeks' notice and report to work during the notice period, except for holidays and sick days, unless vacation or other leave during the notice period is approved by the Town Manager.
2. Employees who are dismissed for cause shall not be eligible for payment of unused sick leave.
3. Employees who are on layoff and choose to receive the one-third payment shall have the option of restoring that sick leave by returning the one-third payment should they be recalled.

Upon an employee's death, 100% of the accrued time up to a maximum of 120 days shall be paid to the employee's designated beneficiary or estate.

8.5 Pandemic Policy

If there is a Federal or State pandemic and an employee is unable to work because the employee is quarantined (pursuant to Federal, State, or local government order or advice of a health care provider), and/or experiencing symptoms and seeking a medical diagnosis, the Town of Wells will pay them for their absence at the employee's regular rate of pay without requiring use of the employee's own paid time.

If an employee does not follow the prescribed guidelines following a pandemic, on their own time or while at work, and they are unable to work, they will be required to use their own paid time for their absence.

If the Federal or State government provide paid time off during an event, the employee shall not receive payment from the employer, unless it is less than the employee's regular hourly rate of pay. This includes Paid Family Medical Leave effective 5-1-2026.

The Town Manager shall oversee this policy and work with Department Heads should this situation arise.

8.6 Victims of Violence Leave

The Town will grant reasonable and necessary paid or unpaid leave from work for employees who are victims of domestic violence, stalking, or sexual assault as provided for in State law Title 26 M.R.S.A. Sec. 850 (Employment Leave for Victims of Violence):

Leave will be granted for an employee to:

- A. Prepare for and attend court proceedings.
- B. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent, or spouse; or
- C. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault, or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, Chapter 101.

Employees will accrue vacation and sick leave benefits during such leave. As soon as an employee becomes aware of the need of a leave of absence, they must make a written request for leave from his/her supervisor. This request shall be forwarded to the Town Manager or his/her designee for approval as soon as possible. The request must specify the length of leave requested, the reason for the leave, and estimated dates of departure and return. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave.

8.7 Non-Medical Leave of Absence

A regular full-time employee may request in writing and be granted a non-medical leave of absence without pay at the sole discretion of the Town Manager. Such leave of absence without pay shall not exceed thirty (30) working days in length and shall only be granted when it is in the best interest of the Town to grant the leave.

The employee must exhaust all paid benefits (including vacation, sick, and compensation time) prior to requesting such leave. All benefits, including accruals, and seniority for the purpose of figuring benefit allowances shall cease during such a leave of absence.

8.8 Emergency Closures

The Town of Wells values the safety of its employees. The Town Manager or designee may enact this Emergency Closures Policy due to emergency conditions for non-essential employees only.

During inclement weather or other emergencies, all Town facilities are expected to remain open during their respective hours and days of operation. In the event of extremely adverse weather conditions, or other emergencies, the Town Manager or designee shall determine if employees may be relieved of duty and when Town facilities are to be closed.

If the Town Manager closes the office, employees will be paid for the time the office is closed, and employees are not required to use their accruals, even if they had a pre-planned day off.

8.9 Bereavement Leave

In the event of the death of an employee's spouse, legally recognized partner, child, mother, or father, the employee shall be granted five days' leave of absence, with full pay, to make arrangements and arrange for and/or attend death services. In cases where travel arrangements or other unusual circumstances prevail, the Town Manager may, at their discretion, grant additional time, paid or unpaid, under this subsection in unusual or exceptional circumstances.

In the event of the death of an employee's sister, brother, stepparents, stepchildren, grandmother, grandfather, spouse's grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law or brother-in-law, the employee shall be granted up to three days' leave of absence, with full pay, to make household adjustments and arrange for or attend the death services. The employee may be required to furnish their immediate supervisor with proof of death. For relatives other than those mentioned above, such as aunt, uncle, niece, nephew or first cousin, one day's leave, with pay, to attend the funeral will be granted. The Town Manager may grant additional leave, paid or unpaid, under this subsection in unusual or exceptional circumstances.

8.10 Military Leave

Employees who are members of the organized military reserves and who are required to perform field service will be granted reserve service leave in addition to the vacation leave, but not to exceed fifteen [15] calendar days per calendar year. All other such military leave will be unpaid, but employees may choose to utilize any accrued leave time. If earned time is exhausted, then the leave will be without pay. The employee is expected to return to work upon expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the employer. If applicable, employees may choose to continue insurance benefits for the duration of leave by assuming the employer contribution. Vacation and sick leave will not continue to accrue during the leave unless the employee is using earned time. The Town will comply fully with the Uniformed Services Employment and Reemployment Rights Act, USERRA.

An employee who is a certified disaster service volunteer under state law (30-A MRSA §2705) may, upon the request of the American Red Cross, be granted leave to participate in specialized disaster relief services for the Red Cross, and with the approval of the Town Manager:

- Be granted leave not to exceed 15 days per year without loss of pay, vacation time, sick leave, or earned overtime accumulation.
- Be granted leave using the employee's compensated time off, with the employee's consent; or:
- Be granted leave using a combination of paid leave and compensated time off.

This provision applies only to relief services related to a disaster declared by the governor or the President of the United States.

8.11 Jury Duty

An employee called to serve on a jury shall be permitted to serve on that jury, and the Town shall pay the employee the balance between the employee's regular compensation and the compensation the employee receives as a Juror. An official document of jury compensation must be presented to receive commensurate pay. An employee who is serving on a jury shall report to his or her work location whenever they are not required to be at the courthouse during regular work hours.

8.12 Parental Leave

See Appendix H.

8.13 Family and Medical Leave

Disability or other medical leave may be designated as Family and Medical Leave and in such case shall entitle the employee to the guarantees mandated under federal or state law. Such leave shall be administered in accordance with the Town's FMLA Policy, which is attached to this Policy as Appendix C and is incorporated herein by reference.

8.14 Paid Family and Medical Leave

The Town of Wells agrees to comply with all provisions of the Maine Paid Family and Medical Leave law, as established under state statute and administered by the Maine Department of Labor or administered by an approved private plan. This includes, but is not limited to, the collection and remittance of required contributions, providing employees with notice of their rights under the law, and ensuring eligible employees are granted leave and benefits in accordance with the statute. Contributions begin January 1, 2025, and benefits begin May 1, 2026.

SECTION 9 – BENEFITS

The Town of Wells offers a benefits program for its regular full-time and regular part-time employees.

Regular full-time employees are eligible for benefits as provided in these policies. Regular part-time employees whose normal workweek consists of thirty (30) to thirty-nine (39) hours per week are eligible for 75% of the benefits available to regular full-time employees. Regular part-time employees whose normal workweek consists of twenty (20) to twenty-nine (29) hours per week are eligible for 50% of the benefits available to regular full-time employees.

Regular part-time employees whose normal workweek is less than twenty (20) hours per week are not eligible for benefits, unless otherwise provided by state and/or federal law.

Temporary and seasonal hires are not eligible for benefits, unless as otherwise provided by state and/or federal law.

Contract Employees are eligible for benefits only to the extent provided for in the employment agreement.

Note: Regular part-time employees whose hourly work week occasionally exceeds the parameters set forth above are not entitled to heightened or additional benefits, unless otherwise required by law.

9.1 Health Insurance

Eligible employees will be enrolled in the health insurance program on the first of the month following their date of hire.

REGULAR FULL TIME EMPLOYEE - The premium for individual and family plan subscription under the Maine Municipal Employee Health Trust Katahdin Plan option and the Moosehead Plan option or a similar program will be paid by the Town for regular full-time employees at 85% of the cost. The employee will pay any difference in premium cost for any coverage under the Maine Municipal Employee Health Trust Plan offered and elected.

The Town reserves the right to change health plans, employee and Town contributions and eligibility requirements.

REGULAR PART-TIME EMPLOYEES - The premium for individual and family plan subscription under the Maine Municipal Employee Health Trust Katahdin Plan option and the Moosehead Plan option or a similar program will be paid by the Town for regular part-time employees as follows:

Regular part-time employees whose normal workweek consists of thirty (30) to thirty-nine (39) hours per week are eligible for 75% of the benefits available to regular full-time employees.

Regular part-time employees whose normal work week consists of twenty (20) to twenty-nine (29) hours per week are eligible for 50% of the benefits available to regular full-time employees.

CASH-OUT OPTION- A regular full-time employee who has health insurance coverage from another source shall receive 60% of the premium cost for a single subscriber for the MMEHT Katahdin plan in cash on an annual basis in the first payroll in December. The cash-out option is prorated based upon their benefit eligibility date. To qualify for this option, the employee must provide satisfactory proof of health insurance coverage on an annual basis.

Note: This cash-out option is not available to any regular part-time employee.

The Town reserves the right to amend this benefit in full or in part. Employees will be promptly notified of any such amendments in advance.

9.2. Dental

The Town provides dental coverage for its regular full-time and regular part-time employees and eligible dependents at 100% employee cost.

9.3. Vision

The Town provides vision coverage for its regular full-time and regular part-time employees and eligible dependents at 100% employee cost.

9.4 COBRA

The right to COBRA continuation coverage was created by federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). COBRA continuation coverage can become available to you when you would otherwise lose your group health coverage. It can also become available to other members of your family who are covered under the Plan when they would otherwise lose their group health coverage. For additional information about your rights and obligations under the Plan and under federal law, you should review the Plan's Summary Plan Description or contact the Plan Administrator.

9.5 Retirement

Social Security. The Town will provide federally mandated Social Security contributions on behalf of employees, with employee share to be automatically deducted as a payroll tax.

Maine Public Employee Retirement System (MainePERS). The Town is a Participating Local District within the Maine Public Employee Retirement System and provides Plan AC for non-union employees. For Non-union Fire and Police, the Town provides Special Plan 1C. Participation is optional for all regular full-time and regular part-time (20 hours or more per week) Town employees and requires a contribution from both the employer and the employee. The employer and the employee contribution are determined annually based on MainePERS actuarial factors.

Mission Square Retirement (Formally ICMA-RC). If an employee chooses to participate in the Mission Square Retirement, the Town will match the employee contribution up to 7% for employees who choose not to join the MainePERS, which is subject to change by the Select Board. The Town's contribution will go into a 401A, and employee's contribution will go into a 457B. Employees may contribute to both the MainePERS plan and the 457B plan, but the Town will only contribute to MainePERS per the PLD plan.

9.6 Employee Assistance Program (EAP)

The Town will provide confidential and voluntary assistance through the Anthem Employee Assistance Program (EAP) offered through Maine Municipal Employee Health Trust to all employees and their family members who may be faced with challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, childcare problems, etc. For the welfare of employees as well as for effective business operations, the Town encourages its employees to take advantage of this valuable benefit.

The Anthem EAP covers all employees, even those who are not enrolled in the health plan. It also covers the household members of all employees.

Anthem EAP offers many great resources to deal with everyday problems and questions. Licensed mental health professionals are available 24/7 without an appointment and at no charge. Employees may speak with a professional counselor near their work or home, you get a referral for up to three in-person visits at no cost. The service is confidential, in accordance with federal and state law, and professional ethical standards.

EAP Contact Information:

1-800-647-9159

www.anthemeap.com- Choose login in the member box and enter “MMEHT”.

9.7 Education Incentives

Effective 7-1-2026, based on Town Manager review, employees whose jobs don't require a specific degree, educational stipends will be provided based on base annual wage as follows: 2% associate degree; 4% bachelor's degree, 6% master's degree in areas related to current job. Employees shall only receive one stipend.

9.8 Other Benefits

The Town may offer additional benefits to some or all classes of employees, eligibility, and basic details of which are subject to the discretion of the Select Board and may be changed on an annual basis.

SECTION 10 – COMPENSATION PLAN

10.1 Rate of Pay

It is the Town's intent that its employees will be paid on a basis that is commensurate with salaries and wages for comparable work in this geographical area, and that this plan will attract and retain well- qualified employees. The rate of pay will be predicated on the Town's approved budget.

10.2 Performance Evaluation

Employees may be evaluated on an annual basis by their Department Head. Performance evaluations will be shared with the employee and included in the employee's personnel file.

SECTION 11: SAFETY

The Town of Wells and its employees are committed to providing a safe working environment.

The Town of Wells provides information to employees about workplace safety and health issues through regular internal communication set forth by employees' Department Heads or designees and the Town's Safety and Wellness Committee.

Each employee is expected to obey safety rules and exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to their supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action including termination of employment. Employees are protected from reprisal or retaliation for reporting any safety issue.

Employees are required to immediately report any work-related injury or accident they have sustained, informing their supervisor or Department Head without delay (barring an emergency, in which case seek emergency care), so that appropriate care for the employee can be facilitated, first and foremost, and, secondarily, in accordance with the Town's expectations and requirements to provide timely reports of any workplace injuries that have been sustained. The employee may be directed by their supervisor or Department Head or Labor and Employee Relations Manager to complete a timely incident report, as appropriate.

11.1 Fitness for Duty Requirement

The Town Manager or a Department Head, in consultation with the Labor and Employee Relations Manager, may require a medical examination or other assessment if they have reason to believe the physical or mental condition of an employee is affecting the employee's ability to perform the duties of their position safely. Such examination will be with a medical provider designated by the Town at no cost to the employee. If the employee is currently working, the employee may be put on paid administrative leave pending the completion of the medical provider's report. An examination under this section is limited to whether the employee remains capable of performing the essential functions of their position, with or without reasonable accommodation, and without threatening the safety of the employee or the safety of others, and with regard to the job description. If, as a result of the examination and/or assessment, the Department Head or Town Manager concludes that the employee cannot perform the duties of the position, with or without reasonable accommodation, or cannot perform them safely, the Town shall take appropriate action, which may include meeting with the employee to discuss options, a transfer to another position or duties, if one is available, a leave of absence, termination or retirement. Other medical examinations or monitoring in conformity with state or federal mandates may be required.

11.2 Compliance with Safety Regulations

The Safety Committee shall develop, and amend as necessary, written safety regulations for Town employees, which are ultimately approved by the Town Manager and Department Heads. Such regulations shall be based on state and federal requirements, and all employees shall comply with such safety regulations. Failure to comply with these regulations or normal safety protocols shall be grounds for immediate disciplinary action, up to and including termination.

11.3 Workplace Violence Protection

The Town of Wells is committed to preventing violence and maintaining a safe working environment. Accordingly, the Town has adopted the following guidelines to deal with intimidation, harassment, or other threats or acts of violence that may occur while working, or on Town property.

Any type of workplace violence committed by or against employees is not permitted. Likewise, employees are not permitted to make threats or engage in violent activities. The following list of behaviors, while not inclusive, provides examples of conduct that is not permitted:

- Causing physical injury to another person.
- Making threatening remarks.
- Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional stress.
- Intentionally damaging employer property or property of another employee.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the Town will inform the reporting individual of the results of the investigation. To the extent possible, the Town will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, to law enforcement officials, in order to protect individual safety. The Town will not tolerate retaliation against any employee who reports workplace violence.

If the Town determines that workplace violence has occurred, the Town will take appropriate corrective action and will impose discipline on offending employees up to and including termination.

11.4 Drug Free Workplace Policy

The Town of Wells is committed to providing a safe and productive workplace for its employees. In keeping with this commitment, the following rules regarding alcohol and substances of abuse have been established for all staff members, regardless of status or position, including regular full time, regular part-time, contract employees, temporary employees, seasonal employees, and volunteers. The rules apply during working hours to all employees of the Town while they are on premises or elsewhere on the Town's business.

- The manufacture, distribution, possession, sale, or purchase of controlled substances of abuse on the Town's property or in Town's vehicles is prohibited.
- Being under the influence of illegal drugs, alcohol, or substances of abuse on the Town's property is prohibited.
- Working while under the influence of prescription drugs that impair performance is prohibited.

So that there is no question about what these rules signify, please note the following definitions:

Town of Wells property: All Town owned, or leased property used by employees, including Town vehicles and machinery.

Controlled substance of abuse: Any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act, as amended.

Drug: Any chemical substance that produces physical, mental, emotional, or behavioral change in the user.

Drug paraphernalia: Equipment, a product, or material that is used or intended for use in concealing an illegal drug or otherwise introducing into the human body an illegal drug or controlled substance.

Illegal drug:

- a) Any drug or derivative thereof whose use, possession, sale, transfer, attempted sale or transfer, manufacture, or storage is illegal or regulated under any federal, state, or local law or regulation.
- b) Any drug, including – but not limited to – a prescription drug, used for any reason other than that prescribed by a physician.
- c) Inhalants used illegally.

Under the influence: A state of not having the normal use of mental or physical faculties resulting from the voluntary introduction into the body of an alcoholic beverage, drug, or substance of abuse.

Consistent with the rules listed above, any of the following actions constitutes a violation of the Town’s policy on drugs and may subject an employee to disciplinary action, up to and including immediate termination.

Using, selling, purchasing, transferring, manufacturing, or storing an illegal drug or drug paraphernalia, or attempting to or assisting another to do so, while in the course of employment, whether or not on Town property.

Working or reporting to work, conducting the Town’s business or being on the Town’s property while under the influence of an illegal drug or alcohol, or in an impaired condition.

Drug and Alcohol Testing. All employees who are required by Federal and/or State law to have a Commercial Driver’s License to perform their job responsibilities for the Town of Wells are subject to and shall comply with the provisions of the adopted drug and alcohol testing provisions incorporated into the Drug and Alcohol Testing Policy (see Appendix I). The Policy also addresses drug and alcohol testing upon reasonable suspicion of impairment.

11.5 Tobacco Use

The use of tobacco products, including vaping is not permitted anywhere on the Town’s premises except in authorized and designated locations. Employees must follow all rules posted in designated smoking areas and adhere to aspects of this policy. Employees are prohibited from smoking or using tobacco products in Town-owned or leased vehicles.

11.6 Workers’ Compensation

The Town of Wells provides workers' compensation coverage to its employees in accordance with the State of Maine laws. If the employee needs immediate medical attention, the employee will be transported to the nearest clinic or hospital emergency room as applicable depending on the severity of the injury/illness. The employee will be referred to the Town's designated health care provider for a follow-up to any clinic or emergency room visit or for a medical evaluation for all workplace injuries/illnesses.

All staff injuries must be reported, regardless of how minor, to the supervisor as soon as possible and no more than 24 hours from the time of the injury.

In the event an employee is referred to the Town's designated health care provider, the Town will schedule the appointment(s) at no cost to the employee. An appointment with the Town's designated health care provider does not prevent the employee from making an appointment with their regular or other health care provider at their own cost, which may include the employee's health insurance coverage.

A Town Internal Report of Injury form will be completed by the injured employee and signed by the employee's supervisor. Names of employees that witnessed the incident must also be included on the report. The completed report shall be forwarded to the HR Generalist within 24 hours of the incident. Failure to give timely notification of an injury may jeopardize a valid claim.

Each visit to a physician/medical facility will require the employee to submit, to their supervisor, a M-1 Report completed by the health care physician.

FMLA - If eligible, workers' compensation absences will run concurrently with FMLA.

Benefit Premiums - An employee shall be entitled to maintain group health insurance coverage on the same basis as if they had continued to work at the Town. To maintain uninterrupted coverage, the employee will be required to continue paying their share of insurance premium payments. If an employee is receiving concurrent sick, vacation, or compensatory time, the premium will be deducted from the paycheck, as is normally the practice.

Accrual of Sick, Vacation, and Holidays - Sick, vacation, and holidays will not accrue during unpaid leave. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Waiting Period - Under Maine Workers' Compensation, the waiting period is seven (7) calendar days from the date of incapacity. The Town will pay employees for the seven (7) day waiting period for employees whose claim has been accepted. If the employee's claim is denied, the employee may use their earned accrued leave for the first week of absence (waiting period) due to an injury/accident.

Supplemental Pay - In cases of an injury covered under the Workers' Compensation Act, an employee receiving a workers' compensation check shall receive supplemental pay by the Town not to exceed the employee's base hourly rate of pay.

Participation in the Maine Public Employees Retirement System (MainePERS) - While receiving workers' compensation benefits, those employees who participate in MainePERS may request a bill from MainePERS to pay their MainePERS contributions based on the wages portion of the benefits received. If an employee does not pay the applicable contributions, the employee will not receive any service credits associated with the workers' compensation earnings for that period. However, if they are working reduced hours, employees will receive service credit associated with those earnings.

Disputed Workers' Compensation Claims - During the period that an employee is unable to work due to a workers' compensation claim that is in dispute, the employee may be eligible for Short Term Disability, after the applicable waiting/elimination period.

Return to Work - When possible and appropriate for the Town's staffing needs, modified, short-term, or early return-to-work assignments ("Modified- Duty") will be made available to an employee as a positive means of rehabilitation following a workers' compensation illness or injury. Any candidate for Modified-Duty must be approved by a medical provider.

As soon as Modified-Duty is appropriate, the employee's supervisor will evaluate any work restrictions and search for suitable Modified-Duty work within the employee's department. If none exists within the employee's department, then the Town Manager and supervisor may look elsewhere within the Town for such work assignments consistent with the skills and abilities of the employee. If there is no Modified-Duty available, the employee will be instructed to return to work on a date when such work exists, restrictions change, or when full-duty is possible, whichever comes first. The Town Manager (or designee) will notify an employee as to the availability of suitable work.

The duration of Modified-Duty is limited to thirty (30) working days but may be extended at the discretion of the Town Manager. Extensions may be considered based upon medical evidence and the employee's rehabilitative progress. Any extension will be re-evaluated by the Town Manager on a weekly basis.

All employees returning to full-duty (regular duty) work must present their supervisor with the appropriate medical documentation, clearly indicating any remaining restrictions or limitations or the lack thereof.

An employee injured at work who fails to promptly report back to work as soon as reasonably possible (in accordance with the work schedule in effect at that time) upon a "fitness for duty" medical release, or an employee found to be violating work restrictions of a doctor while on a Workers' Compensation or Short-Term Disability leave may be disciplined, up to and including termination.

11.7 Willful Injury

An employee who is injured, or who causes injury as a result of substance abuse, willful intent, violation by the employee of the Town Employee Safety and Accident Prevention Plan or other rules or regulations, shall be subject to disciplinary action under this Policy, regardless of any entitlement to Workers' Compensation benefits.

APPENDIX A –Years of Service Recognition Program

In appreciation for dedicated and continuous service, the Town of Wells employees shall receive a recognition award at the completion of one (1) year of service, five (5) years of service, and in five (5) year increments thereafter. Awards will be given annually at a recognition event.

The schedule of awards for years of services is as follows:

Years of Continuous Service	Recognition Award
1 Year	Certificate of Achievement signed by the Town Manager; Mention at Select Board meeting and in the Wells Newsletter
5 Years	Same as 1 Year; Recognition Event; \$ 50 Award
10 Years	Same as 1 Year; Recognition Event; \$100 Award
15 Years	Same as 1 Year; Recognition Event; \$150 Award
20 Years	Same as 1 Year; Recognition Event; \$200 Award
25 Years	Same as 1 Year; Recognition Event; \$250 Award
30 Years + every 5 years thereafter	Same as 1 Year; Recognition Event; \$300 Award

Recognition event will be held on an annual basis to distinguish those employees who have reached one of the above milestones.

APPENDIX B - Key Fundamentals to a High Performing Culture

Our goal is not to be good. It's to be extraordinary. Extraordinary performance comes from extraordinary people. The foundation for this comes from an extraordinary culture. The 22 fundamentals that follow describe the behaviors that define our unique culture. They are what set us apart, and what make us leaders in our respective areas of expertise.

1. **ACT WITH INTEGRITY.** Demonstrate an unwavering commitment to doing the right thing in every action you take and in every decision you make. Be honest in your conversations, even when it may be difficult for you to deliver the message, and for it to be received by the intended recipient.
2. **LEAD BY EXAMPLE.** The best way to influence others is through your own example. Don't wait for others to change. Take responsibility, both formally and informally, to coach, guide, teach, and mentor others. Share your knowledge regardless of your role in the organization.
3. **BE POSITIVE.** Your attitude is contagious. Work from the assumption that the intent of other's actions is positive. You have the power to choose to be optimistic and enthusiastic.
4. **"BRING IT" EVERY DAY.** Everyone is needed and everyone is important to the team. Show up and be fully engaged and committed to excellence. You usually get one chance to "get it right" so don't waste the opportunity. Be willing to do whatever it takes to accomplish the job . . . plus a little bit more. Make the most of each day by approaching every task with energy, focus, purpose, and enthusiasm.
5. **BUILD MEANINGFUL RELATIONSHIPS.** Everything we do is built on trust, and trust builds relationships. Make smart decisions that enhance long-term relationships. Strong relationships are the foundation of our team and what we do.
6. **SHOW PEOPLE YOU CARE.** Listen for, and pay attention to, the things that make people unique. Show people you care about them. Be empathetic and think from the citizen's (customer's) perspective. See every interaction as an opportunity to create an extraordinary experience.
7. **BE THE EXPERT.** The value we add for citizens (customers) is the knowledge and expertise we bring to every situation. Confidence comes from superior knowledge. Demonstrate a hunger for knowledge.
8. **DETAILS MATTER.** Take pride in everything you do. Double check your work for accuracy and precision. Everything you do, everything you touch, has your signature. Excellence starts with you.
9. **HONOR COMMITMENTS.** Do what you say you're going to do when you say you're going to do it. Be on time for all phone calls, appointments, and meetings. If a commitment can't be fulfilled, notify others early and agree on a new timeframe. Our citizens expect us to respond to their questions and concerns quickly. Rapid response is a definitive way to show our commitment to excellence.
10. **LISTEN GENEROUSLY.** Truly listening is more than simply not speaking. It gives your undivided attention to the needs and priorities of others. Set aside your own judgments and preconceived notions. Listen with care and with empathy. Most importantly, listen to understand.

11. **SPEAK STRAIGHT.** Speak honestly in a way that moves the action forward. Say what you mean and be willing to raise issues that may cause discomfort or conflict when it's necessary to reach our goals. Address issues directly with those who are involved or affected. Be open to giving and receiving feedback.
12. **STRIVE FOR CONTINUOUS IMPROVEMENT.** What got us here is not the same as what will get us to the next level. Be inspired and excited by the opportunities that change, and growth bring. Be flexible and open to implementing new approaches. Get smarter with every mistake.
13. **ASK WHY.** Be curious and inquire about what you don't understand. Healthy discussion creates better solutions. When the time is appropriate, there is no better question than "Why?"
14. **TAKE INTELLIGENT RISKS.** Be innovative. Use sound judgment to make smart decisions that align with our organizational values.
15. **THINK AND ACT LIKE YOU OWN THE ORGANIZATION.** Make decisions by asking yourself, "What would I do if I owned our organization? What would I do if this were my own money? Will this help the organization to succeed?" Represent the organization in the best way possible, and act in a way that brings honor to us all.
16. **COMMUNICATE TO BE UNDERSTOOD.** Know your audience. Write and speak in a way that they can understand. Use the simplest possible explanations. Be prepared and confident.
17. **WORK SMART.** Be organized. Plan your work for maximum efficiency and effectiveness. Know the priorities, and work on the most important first. Achieve balance between work and family for greater productivity and overall satisfaction.
18. **SHARE INFORMATION.** With appropriate respect for confidentiality, share information freely. Learn to ask yourself, "Who else needs to know this?" Sharing Information and collaborating helps us all to better understand our operations, improve our processes, and deliver results.
19. **TEAM FIRST.** Be there for each other and provide support, including offering honest and direct feedback. Don't let your personal agenda get in the way of doing what's best for the citizens or the team. Step into another role or help a coworker when our success requires it. Believe in and trust everyone's ability.
20. **SUPPORT ONE ANOTHER.** When a colleague is faced with conflict, be there for them. Help by de-escalating the situation, while ensuring you have their "back."
21. **CELEBRATE SUCCESS.** Catching people doing things well is more effective than catching them doing things poorly. Say "Thank You." Regularly give, receive, and ask for meaningful acknowledgement and appreciation — in all directions throughout our organization.
22. **KEEP THINGS FUN.** Keep perspective. Don't take yourself too seriously. Laugh every day and encourage others to laugh with you!

APPENDIX C – Family and Medical Leave

Family and Medical Leave will be provided consistent with the Federal Family Medical Leave Act or the Maine Family Medical Leave Act, whichever is applicable. FML will run concurrently with all other leave and leave benefits, including but not limited to Workers' Comp., and Short-Term Disability, and will while the employee is using their own accrued leave (such as sick, vacation, and compensatory time).

Federal FMLA (Family Medical Leave Act)

The Family and Medical Leave Act (FMLA) entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons.

Covered Employers

The FMLA only applies to employers that meet certain criteria. A **covered employer** is a:

- Private-sector employer, with 50 or more employees in 20 or more workweeks in the current or preceding calendar year
- Public agency, including a local, state, or Federal government agency, regardless of the number of employees it employs; or
- Public or private elementary or secondary school, regardless of the number of employees it employs.

Eligible Employees

Only eligible employees are entitled to take FMLA leave. An **eligible employee** is one who:

- Works for a *covered employer* (The Town of Wells).
- Has worked for the employer for at least 12 months.
- Has at least 1,250 hours of service for the employer during the 12-month period immediately preceding the leave; and
- Works at a location where the employer (Town) has at least 50 employees within 75 miles (in the Town of Wells all employees work within a 75-mile radius of the Town Hall)

The 12 months of employment do not have to be consecutive. That means any time previously worked for the same employer (including seasonal work) could, in most cases, be used to meet the 12-month requirement. If the employee has a break in service that lasted seven years or more, the time worked prior to the break will not count *unless* the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA), or there is a written agreement, including a collective bargaining agreement, outlining the employer's intention to rehire the employee after the break in service. See "FMLA Special Rules for Returning Reservists".

Leave Entitlement

An eligible employee shall be entitled to twelve (12) workweeks of unpaid leave during a twelve (12) month period for one or more of the following reasons:

- The birth or placement of a child for adoption or foster care.
- To care for a spouse, child, or parent who has a serious health condition.
- For a serious health condition* that causes the employee to be unable to perform the essential functions of his or her job; or
- For any qualifying exigency arising out of the fact that a spouse, child, or parent is a military member on covered active duty or call to covered active-duty status.
- A serious health condition, which shall be defined as an illness of a serious and long-term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at a hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

*A serious health condition means an accident, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

When both spouses are employed by the Town, they are each entitled to twelve (12) work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

An eligible employee may also take up to **26 workweeks** of leave during a "single 12-month period" to care for a covered servicemember with a serious injury or illness, when the employee is the spouse, child, parent, or next of kin of the servicemember. The "single 12-month period" for military caregiver leave is different from the 12-month period used for other FMLA leave reasons.

Intermittent Leave

Under some circumstances, employees may take FML on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time they work each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations.

The Town may, in its discretion, allow an employee to take intermittent leave or work a reduced schedule because of the birth, adoption, or placement of a child. The Town will review the individual circumstances involved, considering the needs of the Town, the employee's length of service, number of requests, duties, workload, and the employee's job performance.

Employee Accruals

The Town of Wells requires employees, to "substitute" (run concurrently) accrued sick, personal, compensatory, and then vacation time during FML. If an employee is receiving another benefit during this leave, such as workers' compensation or short-term disability, the employee may choose to use accrued sick, vacation, and compensatory time to bring them up to their regular weekly pay. At no time shall an employee receive double payment for any leave.

Notice

Employees generally must request leave 30 days in advance when the need for leave is foreseeable. When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances.

If the Town acquires knowledge that a leave may be for a FMLA-qualifying reason, the Town will provide the employee with notice concerning their eligibility for FML and their rights and responsibilities under the FMLA. The Town will also notify employees whether leave is designated as FML and the amount of leave that will be deducted from the employees' FML entitlement.

Certification

In the event an employee is requesting a leave, or the employer has acquired information the employee is going to be on leave, the Town may require certification in support of the leave from a health care provider. The employee must provide a copy of the certification to the Town in a timely manner (Fifteen calendar days will be allowed to provide the certification to the Town.)

When a medical leave is not foreseeable, employees must provide the required certification within 15 calendar days after the Town's request for certification unless it is not practical under the circumstances to do so. Failure to provide the required medical certification may result in the denial of foreseeable leaves until such certification is provided.

In the case of unforeseeable leaves, failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee's continued leave. Any request for an extension of the leave also must be supported by an updated medical certification.

Calculation of Leave

Eligible employees can use up to twelve (12) weeks of leave during any twelve (12) month period. The Town will use a rolling twelve (12) month period, measured backward from the date an employee uses any FML. Each time an employee uses leave, the Town computes the amount of leave the employee has taken under this policy, subtracts it from the twelve (12) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twelve (12) months, they could take an additional seven (7) weeks under this policy.

Maintenance of Benefits

An employee shall be entitled to maintain group health insurance coverage on the same basis as if they had continued to work at the Town. To maintain uninterrupted coverage, the employee will be required to continue paying their share of insurance premium payments. The payment arrangement shall be made with the Finance Director or designee. If an employee is receiving concurrent sick, vacation, personal, or compensatory time, the premium will be deducted from the paycheck, as is normally the practice. If an employee is not receiving concurrent sick, vacation, personal, or compensatory time, the employee will be required to pay for their share of benefits on a weekly or monthly basis.

If the employee informs the Town that they do not intend to return to work at the end of the leave period, the Town's obligation to provide health benefits ends, and employees will be provided with COBRA paperwork by either MMEHT or Allegiant.

Vacation, sick, personal, and holidays will not accrue once paid leave has been exhausted, consistent with the Town's paid leave policies. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined. Seniority of position is not affected.

Job Restoration

Upon return from FML leave, an employee shall be restored to their original job or to an equivalent job with equivalent pay, benefits, and other terms and conditions of employment.

Employees taking leave due to the employee's serious health condition are required to obtain medical certification that the employee is able to resume work prior to returning from leave.

Employees accepting employment elsewhere while on FML may be disciplined, up to and including discharge.

Maine Family Medical Leave (Maine FML)

Covered Employers

The Maine FML requirement applies to employer who meet the following criteria:

- Private employer that employs 15 or more employees at one location in the State of Maine.
- The State, including the executive, legislative and judicial branches, and any State department or agency that employs any employees.
- Any Town, Town or municipal agency that employs 25 or more employees.
- Any agent of an employer, the State, or a political subdivision of the State.

Eligible Employees

Only eligible employees are entitled to take Maine FML. Eligible employees are:

- Employees who have worked for the Town for 12 consecutive months. No minimum hours required.

Leave Entitlement

An eligible employee shall be entitled to ten (10) workweeks of unpaid leave during any two years for one of the following reasons: (The two-year period in which leave may be taken is determined by a twenty-four-month period measure from the date of an employee's first FML leave begins.)

- Employee's serious health condition
- Birth of the employee's child or the employee's domestic partner's child
- Placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner
- A child, domestic partner's child, parent, domestic partner, sibling, or spouse with a serious health condition
- The donation of an organ of that employee for a human organ transplant
- The death or serious health condition of the employee's spouse, domestic partner, parent, sibling, or child if the spouse, domestic partner, parent, sibling, or child is a member of the state military forces as defined in Title 37-B, §102, or the United States Armed Forces, including the National Guard and Reservices, dies or incurs a serious health condition while on active duty.

Intermittent Leave

Under some circumstances, employees may take Maine FML leave on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time they work each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operations.

The Town may, in its discretion, allow an employee to take intermittent leave or work a reduced schedule because of the birth, adoption, or placement of a child. The Town will review the individual circumstances involved, considering the needs of the Town, the employee's length of service, number of requests, duties, workload, and the employee's job performance.

Employee Accruals

The Town of Wells requires that employees utilize their accrued sick, personal, compensatory, and then vacation time to run concurrently with Maine FML. If an employee is receiving another benefit during this leave, such as workers' compensation or short-term disability, the employee may choose to use accrued sick, vacation, and compensatory time to bring them up to their regular weekly pay. At no time shall an employee receive double payment for any leave.

Notice

An employee may request the leave in writing with 30 days' notice, and complete an Application for Family and Medical Leave, except in the case of a medical emergency or sudden illness. The Town may also declare the leave.

For events that are unforeseeable 30 days in advance, but are not emergencies, the employee must notify the Town as soon as they learn of the need for the leave, ordinarily no later than one or two working days after the employee learns of the need for the leave. Maine FML request forms and medical certification forms can be obtained from the Labor and Employee Relations office.

Certification

An employee may also be required to provide medical certification during the leave, along with periodic updates on their status and intent to return to work. If their leave was requested because of their own serious health condition, the employee will be required to provide medical certification of their availability to return to work.

When a medical leave is not foreseeable, employees must provide the required certification within 15 calendar days after the Town's request for certification unless it is not practical under the circumstances to do so. Failure to provide the required medical certification may result in the denial of foreseeable leaves until such certification is provided. In the case of unforeseeable leaves, failure to provide the required medical certification within 15 days of being requested to do so may result in a denial of the employee's continued leave. Any request for an extension of the leave also must be supported by an updated medical certification.

Calculation of Leave

Eligible employees can use up to ten (10) weeks of leave during any twenty-four (24) month period. The Town will use a rolling twenty-four (24) month period, measured backward from the date an employee uses any FML leave. Each time an employee uses leave, the Town computes the amount of leave the employee has taken under this policy, subtracts it from the ten (10) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twenty-four (24) months, they could take an additional five (5) weeks under this policy.

Maintenance of Benefits

Employees taking leave under the Maine FML may continue their benefits during their leave at the employee's expense. Vacation, sick, and holidays will not accrue once paid leave has been exhausted, consistent with the Town's leave policies.

Job Restoration

When an employee returns from Maine FML, they will be restored to the same or an equivalent position unless:

- Employment with the Town would have terminated if no leave had been taken.
- Employee has given notice of their intent to terminate employment during their Maine FML; or
- Employee, with or without reasonable accommodations, cannot safely perform the essential functions of the job to which they may be restored.

Employees accepting employment elsewhere while on Maine FML may be disciplined, up to and including discharge.

APPENDIX D – Technology Use and Social Media

This policy governs the use of the Town's electronic communications and information systems by Town employees, elected officials, and appointees. All communication systems, computer equipment, mobile devices, software issued by the Town to employees, and all information transmitted by or stored in these systems are the property of the Town.

The Town retains control, custody and supervision of all computers and networks owned or leased by the Town. As such, users should have no expectation of privacy in connection with the use of said equipment and/or networks. The Town reserves the right to monitor and remove any hardware, software, data, e-mails, social media content, files or settings on computer systems or devices when deemed appropriate.

Users shall not access messages or information using another employee's password without permission of the Town Manager. Unauthorized duplication, dissemination, removal, installation, alteration of files, passwords, programs, or other property of the Town is prohibited.

1. Personal Use

The Town understands the occasional need for and will permit incidental use of Town equipment for personal use within the guidelines of this policy. The usage must not preempt Town business, must not take up an excessive amount of the employee's work time, and must not violate this or any other policy of the Town of Wells.

Users shall not use Town equipment for personal business interests, for profit or non-profit ventures, for political activities related to a Town office, or in any other way that violates a Town policy or directive of the Town Manager or the employee's Department Head. Questions about whether a use is appropriate should be forwarded in writing to the Town Manager for a determination.

2. Software, Hardware, and Games

All software and hardware required for employees to perform their job will be provided and installed by the Town. Requests for new hardware or software should be made to the employee's Department Head. Games are inappropriate in a business environment and may not be downloaded or played on Town equipment and are prohibited.

Downloads, software, or hardware which have not been approved by the Department Head or IT Administrator may compromise the integrity of the Town's systems and are therefore prohibited.

3. E-Mail

This section relates to both business and personal e-mail sent from and received by a Town computer. The Town provides users with an e-mail address for work-related use. Personal use of the Town's e-mail address is not permitted.

A user's personal e-mail shall not be used to conduct Town business. Any transaction of public business over private e-mail may still be subject to the Freedom of Access Act (FOAA). Never transmit an e-mail you would not want made public.

Users should not expect privacy in any activity conducted on a Town e-mail. Members of boards and committees should be careful to avoid any deliberation or substantive discussion of board or committee business by e-mail as it may violate Maine's Freedom of Access laws.

All e-mails must comply with Town policies. Notwithstanding the Town's right to retrieve and read any message or information sent through or stored on the Town's systems, such messages or information should be treated as confidential by other users and accessed only by the intended recipient. Users should not attempt to gain access to another employee's messages or information unless directed to do so by the Department Head or Town Manager.

4. Storing and Transferring Documents

Electronic documents, including e-mails, electronic communication and town-related materials should be stored on the Town's network in accordance with state record retention rules. Incidental communication, which is not an official record or transaction of Town business, should be deleted as soon as it is no longer needed.

Documents or electronic communications classified as protected or private information under data practices requirements should be stored separately from other files whenever possible or given a unique identifier to help ensure that no confidential communication is erroneously provided upon public request.

Any questions regarding whether an electronic communication or other document is a government record for purposes of records retention laws or is considered protected or private under data practices should be referred to the Department Head or Town Manager. Note that from time to time, the Town Manager or IT Administrator may direct employees to follow certain document storage protocols; these must be followed.

5. Internet

The following considerations apply to all uses of the Internet whether business or personal. The Town provides Internet access to users for Town business. Occasional personal use of the Internet is acceptable within the bounds of all Town policies.

Users may not at any time access inappropriate sites using Town equipment or systems. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, material advocating intolerance of other people, races or religions, gambling sites, and sites involving any illegal content or activity. This prohibition includes such information accessed through social media sites such as Facebook, X, and Instagram. If they are unsure whether a site may include inappropriate information, they should not visit it. No software or files may be downloaded from the Internet unless approved in advance by the Department Head or Town Manager.

6. Passwords and Physical Security of Equipment

The IT Administrator is responsible for assigning and maintaining computer passwords. Passwords should not be shared under any circumstances. If it is necessary to access an employee's computer when they are absent, contact the Department Head or Town Manager for permission.

Passwords should not be stored near an employee's computer. If possible, log out of their computer whenever they are out of their office, and do not leave Town equipment unattended at any off-site facility.

Social Media

The Town of Wells recognizes that social media can be a valuable way to communicate with members of the community and relay important information to the public. Social media includes websites such as Facebook, X, Bluesky, Instagram, LinkedIn, Snapchat; blogs, and/or any other website where one posts or communicates information in a public or quasi-public online forum (including web based and app based).

Official Town Representatives. The Town has its own social media presence and only certain, designated employees will be asked to create and/or maintain the Town's social media profiles. An employee may act on behalf of the Town in the social media context only with express authorization from the Town Manager. Any and all content created for or on the Town's social media accounts and systems, and the accounts themselves, are property of the Town. The Town has ultimate discretion over the content posted on its social media accounts and may remove or alter content at any time. This policy also applies to the Town's website and electronic systems.

Use during working hours. The Town understands that employees are free to create and maintain personal social media profiles during non-work hours and on non-work equipment. Employees generally may not access social media websites for personal use during work time regardless of whether it is on a Town device or a personal device (including but not limited to iPhones, cell phones, iPad, tablets, laptops, or equivalent devices), unless authorized to do so by a supervisor.

Social Media Presence outside of work. Employees should understand that even when they are engaging in off-duty conduct, including use of social media sites, their actions, words and behavior may reflect upon themselves and the Town. When and if an employee makes any Town-related comment on his/her personal social media, the employee should make it clear that the comment is made in his or her personal capacity and not as a representative of the Town, or on behalf of the Town.

All other policies apply. The Town expects employees to comply with all applicable employment policies, including the Town's harassment, discrimination, bullying, and confidentiality policies, when using social media. Employees should therefore refrain from making discriminatory, harassing, threatening, violent, abusive or obscene related comments in any way to their employment, or publicizing any confidential information which he/she may have access to due to employment with the Town.

Employees' Rights. This policy in no way restricts, or should be construed to restrict or inhibit, employees' rights to engage in protected concerted activity, such as discussing wages, hours, or other working conditions, through social media, or other forms of protected free speech, including political speech, as permitted by law.

APPENDIX E – Employee Expenses & Use of Town Credit Card

Employee Expenses

Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out official Town of Wells business. Prior approval of the Town Manager or Department Head is required. Such reimbursement shall not apply to travel between employee's home and work site. Mileage reimbursement will be provided at the current IRS rate for work related travel.

Employees shall be entitled to reimbursement for meals in a reasonable amount and reasonable expenses for lodging provided those expenses are necessitated directly by the performance of duties as a Town employee. Reimbursement applies to only Town employees. The maximum reimbursement for breakfast is \$15.00 per day; the maximum reimbursement for lunch is \$25.00 per day and the maximum reimbursement for dinner is \$30.00 per day, unless the meals are provided at training at a set fee. No reimbursements will be made without an itemized receipt substantiating the actual amount spent. No expenses for alcoholic beverages will be reimbursed. All reimbursement requests must receive approval from the employee's Department Head/supervisor.

Employee Use of Credit Card

PURPOSE:

To establish a set of procedures to be followed regarding the issuance, monitoring and oversight of the credit card use policy for the Town of Wells. By establishing these procedures, it is further intended to ensure appropriate internal controls are in place in each department using Town issued credit cards for the procurement of goods and services.

TERMS:

- a) **Purchasing Card:** A Credit Card, Store Issued Credit Card or any other credit type account in which goods are exchanged for payment.
- b) **Authorized User/Cardholder:** The employee of the Town of Wells that is established to make purchases at a store location that is held on account, or via the Town issued Credit Card.
- c) **Emergency Purchase:** A purchase that is prompted and necessitated by a threat to public health, safety or to property.

USAGE:

It is preferable to first ask if a vendor will bill the Town before necessitating the usage of the credit card for routine purchases. Each cardholder is responsible for the security of their issued credit card. All security measures are to be taken in maintaining the security of the cardholder's account number and expiration date of the credit card.

Cardholder shall make every effort to ensure that purchases do not include sales tax. Tax Exempt Certificates are available through the Finance Director's office. Sales tax may be paid in emergency situations or for food items purchased while out of Town for authorized business purposes.

The following purchases are strictly prohibited: alcoholic beverages, personal purchases (even if the intent is to repay the Town), cash advances, contracts or maintenance agreements or any other purchase not related to Town business.

DOCUMENTATION, RECONCILIATION AND PAYMENT PROCEDURES:

1. Documentation: Any time a purchase is made using a Town issued credit card, the cardholder shall obtain a customer copy of the receipt. It is important that the employee asks for the receipt if one is not automatically provided. The actual itemized receipt is used as the 'invoice'.
2. Missing Documentation: If the cardholder does not have a receipt or documentation to submit with the statement, a reconciliation statement that includes a description of the item, date of purchase, merchant's name, and an explanation for the lost or missing support documents must be submitted. Frequent instances of missing documentation will cause the cardholder's credit card privilege to be revoked.
3. Statements: All credit card statements are to be reviewed by each department and added to their department's warrants on a timely basis.

AUDITS:

The Finance Director reviews monthly statements on all cardholders and may perform an audit on any one cardholder at any time. At the end of the fiscal year, the contracted outside audit firm also conducts an audit on the credit cards to check that all card holders are using the credit card in compliance with the policy.

LOST OR STOLEN CARDS:

It is the responsibility of the cardholder to immediately notify the Finance Department of a lost or stolen credit card. The failure to notify the issuing bank timely will leave the Town liable for any fraudulent use.

VIOLATIONS:

Violations of the Town's Credit Card Policy may result in disciplinary action up to and including termination of card privileges and employment.

TERMINATION OR TRANSFER:

Upon termination or ending of employment for any reason, a cardholder must relinquish their credit card to the Finance Office. The Finance Director will notify the credit card issuer to have the cardholder's card immediately deactivated.

IMPLEMENTATION AND APPROVAL:

To facilitate compliance with the Credit Card Policy, a copy of this policy shall be made available to all employees and boards/committees upon hiring, appointment or at such other times as considered necessary.

Town of Wells Agreement To Accept Town Credit Card

I, hereby acknowledge receipt of a Town of Wells Credit card number

_____.

As a Cardholder, I agree to comply with the terms and conditions of this Agreement and the Credit Card Policy of the Town of Wells. I acknowledge receipt and review of the Credit Card Policy and understand its terms and conditions. I understand the Town of Wells is liable to the financial institution for all charges made by me.

As the Cardholder, I agree to accept responsibility for the protection and proper use of this card as outlined in the Credit Card Policy. I understand that I am responsible for retaining all receipts for purchases; I further understand that all documentation is to be turned into my Department Head or their designee for timely payments. I understand that I cannot use the credit card for personal use.

I further understand that violations and improper use of this credit card may result in revocation of use privileges. I understand that improper use of this credit card can lead to disciplinary actions, up to and including termination, and other civil or criminal proceedings against me. In addition, I agree to promptly reimburse the Town for any unauthorized charges, or charges not allowed by the Policy, including but not limited to, personal charges.

I understand that the Town may terminate my rights to use this credit card at any time for any reason. I agree to return the credit card to the Town of Wells immediately upon request or upon ending/termination of employment.

Cardholder

Date

Finance Director

Date

Town Manager

Date

APPENDIX F – Vehicle Use Policy

A. Driver Guidelines and Reporting Requirements

1. Town vehicles are to be driven by authorized employees only, except in the case of repair testing by a mechanic. Employees must have a valid and current driver's license to operate a Town vehicle, or a personal vehicle with current auto insurance while on Town business.
2. Employees are expected to drive in a safe and responsible manner, follow all State motor vehicle laws, and to maintain a good driving record.
3. Any employee who has a driver's license revoked or suspended shall immediately notify the Department Head by 9:00 a.m. eastern time the next business day and **immediately discontinue operation of the Town vehicle**. Failure to do so may result in disciplinary action, including termination of employment.
4. All accidents and/or damage in Town vehicles, regardless of severity, must be reported to the police and to the Department Head. Accidents and/or damage are to be reported immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible).
 - i. Accidents in personal vehicles while on Town business* **must** follow these same accident procedures. Accidents involving the employee's personal injury must be reported to the Department Head for a first report of injury, which will be sent to Labor and Employee Relations for Workers' Compensation purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination of employment.
5. Drivers must report all ticket violations received during the operation of a Town vehicle, or while driving a personal vehicle for Town business*, within 72 hours to their Department Head.
6. Motor Vehicle Records will be obtained on all drivers prior to employment and will be reviewed annually. A driving record that fails to meet the criteria stated in this policy or is considered to be in violation of the intent of this policy by the Town Manager, will result in a loss of the privilege of driving a Town vehicle until such time as the driver meets any required criteria.
7. Criteria that may indicate an unacceptable record includes but is not limited to: Three or more moving violations or chargeable accidents within a year or any combination of accidents and moving violations. Chargeable means that the driver is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration.

B. Authorized Use of Town Vehicles

Employee's privilege to operate a vehicle on official business extends only if the driver operates the vehicle in a safe manner. Proper care in the operation of the assigned vehicle, including the use of seat belts, hands free, obeying the speed limit and rules of the road, shall always be exercised.

Town-owned vehicles shall be driven for official use and work purposes only. Personal use of Town-owned vehicles is not permitted. Non-Town personnel are not permitted in Town vehicles under any circumstance, unless expressly authorized by their Department Head. Unauthorized use will result in disciplinary action.

Town Vehicles shall not be taken home overnight, except as authorized by the Town Manager.

C. Driver Safety Rules

1. Driving on Town business and/or driving a Town vehicle while under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for discipline, up to and including termination of employment.
2. No driver shall operate a Town vehicle when their ability to do so safely has been impaired by illness, fatigue, injury, or prescription medication.
3. State of Maine requires that all drivers and passengers operating or riding in a Town vehicle must wear seat belts.
4. Drivers are responsible for the security of the vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

D. Definitions

- **Town Business:** Town business is defined as driving at the direction, or for the benefit, of employer. It does not include normal commuting to and from work.
- **Personal Use:** Personal use includes but is not limited to doctors' appointments, personal errands, picking children up from school or daycare, etc. Personal use of a Town vehicle is prohibited unless expressly authorized by the Town Manager or the employee's Department Head.
- **Moving Violations:** A violation of the Maine motor vehicle statutes for which points may be assessed.

APPENDIX G – Remote Work Policy

Introduction

Wells will consider telecommuting when appropriate to maintain services during times of extended leaves, public emergencies, and other reasonable circumstances. Telecommuting is defined as work and transportation alternatives that substitute home-to-work commuting with the option of working at home. Telecommuting requires Town Manager approval on a case-by- case basis. The Town reserves the right to revoke remote work privileges for any employee if in the Town Manager’s discretion, the town’s needs are not served by the arrangement, or the employee has abused the privilege. The temporary telework agreement must be completed and approved prior to remote work occurring. This policy applies to the Town of Wells employees who work a regularly scheduled workday that meet certain criteria. To ensure an effective, productive telecommuting program, the Town of Wells establishes the following:

A. General

- Professionalism in terms of job responsibilities, work products, and customer or public contact will continue to follow the same high standards as are currently being met by Town of Wells employees at their onsite work locations.
- Telecommuters will be self-motivated and will demonstrate conscientiousness about work time and productivity.
- Employees are required to track hours worked on a daily basis and submit hours to supervisor on a weekly basis.
- The employee’s wages, benefits, workers’ compensation, and other employer insurance coverage will not change due to telecommuting. An employee who is telecommuting is not entitled to reimbursement for travel mileage to attend work meetings.
- The employee’s duties, obligations, and responsibilities remain unchanged during the telecommuting arrangement. The employee will meet or communicate with their supervisor to receive assignments, review work progress, and complete work as often as the supervisor believes is necessary.
- Telecommuting employees shall not perform personal business or activities during agreed-upon work hours.
- While telecommuting, the employee must be reachable via telephone, network access, or e-mail during agreed-upon work hours.

B. Work Site

- Since the employee’s home or satellite workspace is an extension of the Town of Wells workspace, employees should ensure that safe working conditions exist.
- The Town will not be responsible for operating costs, home maintenance, property or liability insurance, internet costs, or other incidental expenses (utilities, cleaning services, etc.) associated with the use of the employee’s residence.
- The Town will not be liable for damages to the employee’s property that may result from participating in the telecommuting program.
- A consistent schedule of telecommuting work hours and days is desirable to ensure regular and predictable contact with Town of Wells staff and others. Employees should confirm this with their supervisor.
- An FLSA non-exempt employee shall not work overtime unless they have received prior approval from their supervisor. If the employee works overtime that has been approved in advance, compensation or compensatory time off will be provided in accordance with eligibility guidelines and applicable laws and policies. The employee understands that failure to obtain prior approval for overtime work may result in appropriate disciplinary action.

C. Supplies, Equipment, and Software Usage

- Employees should request from their supervisor any supplies needed to maintain workflow at home. The Town will not reimburse employees for out-of-pocket expenses for supplies unless approved by their supervisor.
- The Town will not provide worksite furniture for telecommuters.
- The following conditions shall apply to use of computers, software, other Town of Wells equipment, and Internet access:
 1. Use of Town of Wells communications and software systems by telecommuting employees is subject to the Town of Wells policies.
 2. The employee agrees not to duplicate Town of Wells owned software. The employee also agrees to abide by the licensing regulations and restrictions for all software under license to the Town of Wells.
 3. A computer used for Town business must be plugged into a surge protector and have current virus protection maintained.
 4. The employee must ensure they have at least a 10/10 internet connection to ensure phone service will work properly (proof from speed test verified by IT against external IP address).
 5. IT will not troubleshoot external internet connections beyond ensuring the Town VPN is connected and operational.
 6. The Town does not assume liability for loss, damage, or wear of employee-owned equipment. The Town does not assume responsibility for any private property used, lost or damaged as a result of telecommuting.
 7. The employee shall promptly notify their supervisor when unable to perform work assignments due to equipment failure or other unforeseen circumstances.
 8. The Town may pursue recovery from the employee for Town property that is damaged, destroyed, or stolen while in the employee's care, custody, or control if such loss results from the employee's negligence.

D. Security

- The employee will protect the Town of Wells information from unauthorized disclosure or damage and will comply with federal, state, and Town rules, policies and procedures regarding disclosure of public and official records.
- Work done at the employee's telecommuting site is regarded as official Town of Wells business. All records, documents, and correspondence, either in paper or electronic form must be safeguarded for return to the Town worksite. Release or destruction of records should be done only in accordance with statute and Town policy and procedure, and with the knowledge of the employee's supervisor. Electronic/computer files are considered Town records and shall be protected as such.
- The employee shall surrender all Town-owned equipment and/or data documents immediately upon request. Telecommuters are expected to comply with all document retention policies in existence with the Town of Wells or in their specific department.

APPENDIX H – Parental Leave

A regular full-time employee who has completed at least one full year of employment with the Town will be granted an additional two (2) weeks of paid sick time upon the birth or adoption of their child to be used concurrently with Family Medical Leave and supplemental to short-term disability coverage, if applicable, approved for the same reason. Such time shall be in addition to the employee's current paid sick time balance.

Parental leave expires twelve (12) months after the date of birth or placement.

Effective May 1, 2026, the new State of Maine Paid Family Medical Leave law will supersede this section.

APPENDIX I – Alcohol and Controlled Substance Abuse Testing Procedure

The Town of Wells is committed to a drug and alcohol-free workplace. To ensure the safety and well-being of our drivers, employees and the general public, as well as be in compliance with the Federal Motor Carrier Safety Regulations, the Town of Wells has adopted this policy. All CDL employees subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Town of Wells. This will include all time spent operating commercial vehicles, as well as time spent maintaining or repairing these vehicles.

Program Administrator

The HR Generalist has been designated by the Town of Wells as the Town's Program Administrator. In this function, the Program Administrator will be responsible to answer any questions from drivers, employees or the public in general. The Program Administrator will handle all information on all tests as confidential. The Program Administrator may provide such information as necessary to enable the appropriate supervisor to take proper disciplinary action as warranted. The Program Administrator may also release test information to the Town's Substance Abuse Professional (SAP) to use to evaluate and recommend appropriate follow-up.

Drivers Subject to Testing

All drivers who must have a commercial driver's license to perform duties that are considered safety-sensitive will be subject to alcohol and/or drug testing as outlined in this policy and required by Title 49 Code of Federal Regulations Part 382.

Driver Compliance with Regulation

All drivers subject to alcohol and drug testing must always be compliant with the regulations and this policy while in a working status for this company. This will include all time spent driving a commercial vehicle as well as time spent performing safety-sensitive functions or just before or just after performing safety-sensitive functions. Safety-Sensitive Function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she/they are relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment as required by Part 392.7 and 392.8 of 49 C.F.R., and otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle in operation.
4. All time, other than driving time, in or upon any commercial motor vehicle except time resting in a sleeper berth (a berth conforming to the requirements of Part 393.76 of 49 C.F.R.).
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

Substances Tested (DOT 5-Panel Test and Alcohol) as specified in 49 CFR part 40:

The following substances will be tested to determine their presence:

1. Alcohol
2. Marijuana Metabolites
3. MDA-Analogues (MDA and MDMA)
4. Cocaine Metabolites
5. Amphetamines (Amphetamine and Methamphetamine)
6. Phencyclidine (PCP) and
7. Opiates (Morphine, Codeine, 6-Acetylmorphine, Hydromorphone, Hydrocodone, Oxycodone, Oxycodone)

Prohibited Conduct

During the time that the Town's CDL employees are performing their work, they shall not do any of the following:

1. Report to work and/or remain on duty with an alcohol concentration of 0.02 or greater.
2. Possess any alcohol.
3. Use any alcohol.
4. Use any alcohol within four hours prior to going on duty.
5. Use any alcohol within eight (8) hours after an accident which has required the CDL employee to be tested for alcohol concentration.
6. Refuse to submit to a required alcohol and/or controlled substance test.
7. Report to or remain on duty when using any controlled substance, except when used under a physician's orders and when the physician has informed the CDL employee in writing that the use will not affect the safe operations of a commercial vehicle.
8. Report to or remain on duty if the employee has tested positive for controlled substances.

Tests Required

All drivers who are required to be tested for alcohol and/or controlled substance use or misuse will be tested under the following circumstances:

1. Pre-employment or pre-use. All applicants for jobs requiring a commercial driver's license and/or current employees transferring to a job that requires a commercial driver's license will be required to be tested for the use of controlled substances.
2. Random. All CDL drivers are subject to random testing for alcohol and controlled substance at rates determined by the Federal Motor Carrier Safety Administrator. These random tests will be unannounced and will be spread throughout the calendar year. Except as provided in paragraphs (c) through (e) of Part 382.305, the minimum alcohol testing shall be ten (10) percent of the average number of driver positions. Except as provided in paragraphs (f) through (h) of Part 382.305, the minimum average percentage rate for random controlled substance testing shall be fifty (50) percent of the average number of driver positions. If the company has entered into a consortium pool the 10 and 50 percent levels will apply to the entire pool of drivers in the consortium.

3. Post-accident. Drivers will be alcohol and controlled substance tested following **all** accidents involving a fatality. If the accident is one where one or more vehicles were towed from the scene of the accident or involves somebody being injured to the degree that the injury must be treated immediately away from the scene of the accident, the driver must also be post-accident tested if the commercial vehicle driver receives a summons for a “moving traffic violation” as a result of the accident.
4. Reasonable suspicion. All drivers that exhibit signs and/or symptoms of alcohol and/or controlled substance use or misuse, which are observed by a trained, authorized employee, while performing safety sensitive functions or just before or just after performing safety sensitive functions will be required to submit to an alcohol and/or controlled substance test.
5. Return-to-duty. A driver who previously tested positive for alcohol and/or controlled substance must submit to a return to duty alcohol and/or controlled substance test. The results must be obtained by the Town of Wells and be negative before the employee may be allowed to perform a safety sensitive function.
6. Follow-up. A driver who previously tested positive and has returned to duty must submit to at least six (6) alcohol/and or controlled substance tests during the first 12 months after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work. Any follow-up tests will be at the direction of the Substance Abuse Professional (SAP).

Testing Procedures

The Town is contracted with Northern Light Drug Testing Services as the Certified Third-Party Administrator to do the Town’s alcohol and controlled substance testing. When a driver has been randomly selected, the employee will be notified by the Program Administrator named in this policy and will proceed directly to the testing area. The Program Administrator will call the collection facility to notify them that the employee is en route. All randomly selected drivers must comply with the lawful requests of the technician doing the alcohol and/or controlled substance test.

The selected driver will be required to provide a urine specimen for controlled substance testing and/or a breath or saliva sample for analysis of alcohol concentration.

The driver will be required to provide photo identification prior to testing. Privacy will be ensured at the facility by means of voiding in a private enclosure. A split sample will be procured and both samples will be sent to the lab.

Proper chain of custody procedures will be followed to ensure that the specimen submitted is indeed the specimen that belongs to the selected driver. The specimen will be sealed to prevent tampering during transport to the laboratory. Federal certified laboratories will be utilized for testing (drugs) and two separate methodologies will be performed to verify all specimens as positive prior to controlled substances reporting to the medical review office (MRO).

The MRO is a licensed physician that reviews all test results prior to reporting to the company. Should the specimen test positive, the MRO will contact the driver to discuss the test findings and afford the driver an opportunity to discuss his/her test results and any factors that could have attributed to the positive test. Should the driver question the test findings, the driver can request that the split sample be forwarded to another certified laboratory for re-analysis.

All test results are treated as confidential, and no results will be released to outside parties without the drivers express consent or when required by law, rule or regulation or expressly authorized.

All testing for alcohol use or misuse will be conducted only by devices that have been approved by the National Highway Traffic Administration and conducted by trained Breath Alcohol Technicians (BATs) or trained Screening Test Technicians.

Requirement that Drivers Must Submit to Tests

All drivers who are required by Federal Motor Carrier Safety Regulations and this policy to be subjected to alcohol and/or controlled substances testing must fulfill that requirement when so directed by the Alcohol/Drug Testing Program Administrator or a trained supervisor. Failure to comply with the regulations or this policy will be grounds for disciplinary action up to and including dismissal.

Refusal to Test

No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under §382.303, a random alcohol or controlled substances test required under §382.305, a reasonable suspicion alcohol or controlled substances test required under §382.307, or a follow-up alcohol or controlled substances test required under §382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Refuse to submit (to an alcohol or controlled substances test) means that a driver:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Town, consistent with applicable DOT agency regulations, after being directed to do so by the Town. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (Consortium Third Party Administrator) (see [§40.61\(a\)](#) of this title).
2. Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see [§40.63\(c\)](#) of this title) for a pre-employment test is not deemed to have refused to test.
3. Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see [§40.63\(c\)](#) of this title) for a pre-employment test is not deemed to have refused to test.
4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see [§§40.67\(l\)](#) and [40.69\(g\)](#) of this title).
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see [§40.193\(d\)\(2\)](#) of this title).
6. Fails or declines to take a second test the employer or collector has directed the driver to take.

7. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under [§40.193\(d\)](#) of this title. 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.
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
9. Is reported by the MRO as having a verified adulterated or substituted test result.

Disciplinary Action

Any driver who violates either the Federal Motor Carrier Safety Regulations or this policy may be subject to disciplinary action up to and including dismissal.

Any driver who has tested positive for either drugs or alcohol, has performed a prohibited act, or has refused to submit to a drug or alcohol test, will be removed from the safety sensitive position immediately, be reported to the FMCSA Clearinghouse, and directed to a Substance Abuse Professional (SAP). The Substance Abuse Professional (SAP) will:

- Provide a comprehensive face-to-face assessment and clinical evaluation of the driver; and
- Recommend a course of education and/or treatment with which the employee must demonstrate successful compliance prior to returning to a DOT safety sensitive function

Drivers who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be taken out-of-duty for a minimum of 24 hours.

Confidentiality of Information

Unless the employee or applicant consents, all information acquired by the Town in the testing process is confidential and may not be released to any person other than the employee or applicant who is tested, the Program Administrator, or designees as well as the SAP or Rehabilitation Provider. The foregoing shall not prevent the release of information that is required or permitted by State or Federal Law, or the use of information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of the test results. *Any employee who wishes to seek personal and confidential advice on alcohol and/or controlled substances should contact a supervisor.*

FMCSA Clearinghouse

As of January 6, 2020, the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse was established as a secure, online database for employers and authorized users to provide updated information about CDL and CLP drivers. Any CDL driver has the option to register to view their own Clearinghouse record electronically, or to provide electronic consent for a current or prospective employer to conduct a query or the driver's DOT record.

Drivers should be aware that the motor carrier/employer is required to run pre-employment and annual queries through the Clearinghouse, as well as to collect, maintain, and report certain information as required:

- A verified positive, adulterated, or substituted drug test result.
- An alcohol confirmation test with a concentration of 0.04 or higher.
- A refusal to submit to any test required by subpart C of this part.
- An employer's report of actual knowledge, as defined at §382.107:
- On duty alcohol use pursuant to §382.205.
- Pre-duty alcohol use pursuant to §382.207.
- Alcohol use following an accident pursuant to §382.209; and
- Controlled substance use pursuant to §382.213.
- A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process.
- A negative return-to-duty test; and
- An employer's report of completion of follow-up testing.

Information:

The Town will provide each driver subject to the Federal Motor Carrier Safety Regulations a copy of this policy. In addition, the Town will provide printed material which describes the effects of alcohol and/or controlled substance use or abuse on the individual's health, work and personal life, as well as information on the signs and symptoms of an alcohol or controlled substances problem.

ALCOHOL AND CONTROLLED SUBSTANCE ABUSE TESTING PROCEDURE
ACKNOWLEDGEMENT FORM:

I certify that I have received a copy of the Town of Wells policy, and written material concerning the effects of alcohol and controlled substance on an individual's work and personal life, signs and symptoms of a drug or alcohol problem including a co-worker, and the methods to deal with a substance abuse problem.

Date:

Employee Signature:

APPENDIX J – Town of Wells Earned Paid Leave (EPL) Policy

The Town of Wells provides Earned Paid Leave (EPL) to eligible employees in accordance with Maine law, 26 M.R.S. § 637.

The first forty (40) hours of vacation, sick, comp. time, and personal time used each year will be designated as Earned Paid Leave (EPL) for all regular full-time and regular part-time employees who are covered by the Town’s vacation, sick and personal leave policy. Any unused EPL shall be carried over. These hours shall comply with the Earned Paid Leave law.

Eligibility

Employees covered under this policy who are not otherwise covered by the Town’s vacation, sick, and personal leave policies are eligible to accrue EPL. A “covered employee” for the purposes of this policy includes temporary employees, per diem employees, and variable hour full-time and part-time employees.

Exceptions to Eligibility

The following categories are not eligible for EPL.

Election Workers: An Election Worker is not considered a covered employee if they are paid less than \$1,000 in a calendar year. See 26 M.R.S. §1043(11)(F)(17)(i). If an election worker is paid more than \$1,000 in a calendar year, then they are a covered employee and would be entitled to EPL. They would start accruing leave on their first date of employment as of January 1, 2021.

Seasonal Workers: Employees who work for the established seasonal recreational programs (according to Maine Department of Labor seasonal employment list) will be exempt from accruing time between June 15th and September 15th.

Elected Municipal Officers: If the Municipal Officers are elected, they would be exempt from the EPL law.

Board/Commission Members: If a board member meets the exemption in 26 M.R.S. 1043 (11)(F)(17)(i)(v) then EPL will not apply.

(v) In a position that, under or pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position or a policy-making or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week.

Accrual of Earned Paid Leave

Accrual of EPL begins on the start of employment. Employees are entitled to earn 1 hour of paid leave for every 40 hours worked, up to 40 hours in one year of employment. EPL will be paid at the employee’s regular rate of pay as established in the week immediately prior to taking EPL. This benefit will be classified as “EPL” in the payroll system and satisfy all requirements of Maine EPL.

Use of Leave

Employees are eligible to utilize accrued paid leave benefits after 120 days of employment. EPL may be utilized in 15-minute increments.

Reasons for Use of Earned Paid Leave

EPL can be used for any purpose.

Notice of Need for Leave

If EPL is for a scheduled purpose, the Town requires a two-week prior notice. The Town can deny a requested date of use if it significantly impacts departmental operations.

Carry over balance on Calendar Year

Covered employees are permitted to earn up to forty (40) hours of EPL in a current year as described above. In addition, covered employees are permitted to roll over accrued and unused hours of EPL into the following year. The rollover of unused and accrued EPL from the prior year shall not reduce the amount of EPL a covered employee is eligible to earn in the current year.

As an example, if an employee rolls over 8 hours of unused EPL from the prior year, the employee is eligible to have a total of 48 hours in their EPL bank during the current year, factoring the carryover amount and the 40 hours of earned leave they are eligible to accrue in the current year.

Separation of employment

Unused EPL will be paid out to per diem, variable hour full-time and part-time employees upon termination of employment.

Temporary employees who are covered under this policy have the option to request a payout of EPL accruals at the end of employment. In the event that a temporary employee does not request a payout of their accruals, the Town will continue to keep record of that individual's accruals for 12 months following the individual's end of employment. In the event that the individual returns to work for the Town within 12 months from separation, the employee may access their prior EPL accrual balance, provided that 120 days has passed from the temporary employee's first date of employment and the start of employment in a subsequent position.

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

You must return this form within two (2) weeks of receiving the Employee Handbook.

As an employee of the **Town of Wells**, I understand and agree that:

- I have reviewed the full Employee Handbook and all the appendices.
- I have asked my supervisor and/or Labor and Employee Relations Manager any questions I have about the policies and procedures contained therein, and I will comply with its policies and procedures to the best of my ability.
- I understand that the statements contained in the Handbook are intended to serve as general information concerning my employment with the **Town of Wells** and its existing policies, procedures, practices of employment and employee benefits.
- Nothing contained in this Handbook is intended to create (nor shall be construed as creating) a contract of employment (express or implied) or guarantee employment for a definite or indefinite term.
- From time to time, the **Town of Wells** may interpret, change, suspend or cancel all or any part of the policies, procedures, and benefits described in this Handbook.

Employee Name: _____

Dept: _____

Employee Signature: _____

Date: _____