Original Ordinance: March 21, 2009
Revision: March 20, 2010
Revision: March 22, 2011
Revision: March 21, 2015

TOWN OF ANDOVER
PERSONNEL POLICY ORDINANCE

ARTICLE I - TITLE

This ordinance shall be known and cited as the Town of Andover, Personnel Policy Ordinance.

ARTICLE II - PURPOSE

The purpose of this Ordinance is for utilization in the administration of the personnel activities of the employees and elected officials of the Town of Andover.

ACTICLE III - AUTHORITY AND APPLICABILITY

This Ordinance is hereby adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30-A MRSA Section 3001.

This Ordinance includes policies and procedures for employee hiring and advancement, fringe benefits, discipline and other related activities.

The provisions set forth are not contractual, but rather, are for the general guidance of the Town of Andover in its relationship with its employees.

ARTICLE IV - VALIDITY AND SEVERABILITY

If any section or provision of the Ordinance or the application hereof to any person or circumstance is held invalid this invalidity does not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and for this purpose, the provisions of this Ordinance are severable.

ARTICLE V - EMPLOYMENT

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

All applicants must submit a written application for employment.

All successful applicants are required to acknowledge acceptance of the Personnel Policy Ordinance, including Harassment Policy, on the attached form. A copy of the employee's acknowledgment shall be kept in their personal employee file.

All employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without right to file a grievance.

After six (6) months, the employee shall receive a formal written evaluation by his/her supervisor on a standardized evaluation form. A successful evaluation will result in being transferred to a regular status.

After successful completion of the probationary period and transfer to regular status, employees will be reviewed, at a minimum, by their supervisors annually. A copy of all employee reviews shall be kept in the employee's personnel file.

ARTICLE VI – EQUAL EMPLOYMENT OPPORTUNITY

The Town of Andover provides equal employment opportunity to all applicants and employees. The Town of Andover shall not discriminate in employment opportunities or practices against any individual with regard to race, color, ancestry, natural origin, religion, political affiliation, sex, marital status, age, sexual orientation, physical or mental disability, or any other status protected by law.

ARTICLE VII - TYPES OF CLASSIFICATIONS

Regular Full Time – A regular full time employee works at least thirty-five (35) hours per week, and on a continuing basis throughout the year.

Regular Part Time – A regular part time employee in this classification is scheduled to work on a continuing basis throughout the year. Regular part time employees ~~normally~~ scheduled to work ~~less than twenty~~ (20) hours or more per week (including salaried employees), are ~~not~~ eligible for vacation pay and sick leave.~~or health insurance~~. Regular part time employees scheduled to work less than twenty hours per week are not eligible for vacation pay or sick leave. Regular Part Time employees (including salaried employees) hire after March 1st, 2015 are not eligible for health insurance benefits. Regular Part Time employees hired before March 1st, 2015 shall be eligible to receive their currently benefits until termination of employment.

Temporary Employees - Temporary employees work on a non-permanent basis and may be terminated for any reason at any time. Temporary employees are not entitled to benefits including, but not limited to vacation leave, sick leave, holiday pay, and health, life or disability insurance.

On Call Employees – On call employees are paid on an hourly basis. On call employees are not entitled to benefits including, but not limited to vacation leave, sick leave, holiday pay, and health, life or disability insurance.

ARTICLE VIII - PUBLIC AND EMPLOYEE RELATIONS

The employees are prohibited from engaging in any conduct which could reflect unfavorably upon the Town or disrupt the efficient operation of the administration of the Town. Town employees must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting Town business.

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person, with or outside Town employment, whose interests may be affected by the employee's performance or non-performance of his/her official duties.

Acceptance or nominal gifts, such as food and refreshment in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc. is permitted.

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

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees are expected to respect the confidential nature of such information. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantage.

ARTICLE IX - WORK WEEK/OVERTIME

Work Week – The regular work week for payroll purposes begins on Sunday and ends Saturday midnight. The actual hours for Town employees shall be set by the Board of Selectmen.

Overtime – Employees shall receive overtime pay after forty (40) hours of actual work per week. All overtime shall be paid at the rate of one and one-half times the employee's normal rate of pay. At the discretion of the Board of Selectmen and with the concurrence of the employee(s) overtime may be compensated with compensatory time for hours worked beyond forty (40) hours in a work week. Such compensatory time shall be granted on a time and one-half basis for hours worked beyond forty (40) hours in a work week.

ARTICLE X – ATTENDANCE

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

ARTICLE XI - HOLIDAYS

Subject to these rules, the following ten (10) holidays shall be paid holidays for regular full time and regular part time Town employees on the days that these are Federally observed:

New Years Day
Martin Luther King, Jr. Day
President's Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veteran's Day
Thanksgiving Day
Christmas Day

A person on a leave of absence without pay shall not be entitled to holiday pay.

Holiday pay is to be paid in proportion to normally scheduled weekly hours. (i.e.: 40 hours would be paid 8 hours and 20 hours would be paid 4 hours.)

When occasion warrants, employees may be required to work whole or part of a holiday. Employees working a holiday shall receive straight time pay plus their applicable holiday pay.

ARTICLE XII - VACATION

Vacation pay is to be paid in proportion to normally scheduled weekly hours. (i.e.: 40 hours would be paid 8 hours and 20 hours would be paid 4 hours.) Regular full time and regular part time employees shall earn vacation with pay on the following basis:

After an employee has completed one year of continuous service, he/she is entitled to receive one week of vacation.

After an employee has completed three years of continuous service, he/she is entitled to receive two weeks of vacation.

After an employee has completed seven years of continuous service, he/she is entitled to receive three weeks of vacation.

Vacations will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Vacation leave will ordinarily be taken in blocks of one (1) or two (2) week periods, but vacation for a lesser or longer period may be permitted at the discretion of the Board of Selectmen for special reasons.

Employees will not be permitted to carry over vacation time from one year to the next. Vacation time not taken that year shall be compensated for if not used.

Vacation leave shall accrue from the date of hire; however, employees shall not receive vacation leave until they have completed their first year of employment with the Town.

ARTICLE XIII - SICK LEAVE

Regular full time employees will be given five (5) sick days per year. Employees will not be permitted to carry over sick days from one year to the next. Compensation will not be given for unused days.

Regular full time employees shall be eligible to use sick leave after six (6) months of service with the Town.

Absences for a part of a day that are chargeable to sick leave shall be charged proportionately in an amount not smaller than one-half (1/2) day.

Sick leave shall not be considered as an entitlement which a regular full time employee may use at his/her discretion, but shall be allowed for the necessity arising from actual sickness or disability of the employee. If requested, the employee shall furnish the Town with a certificate from his/her attending physician.
Sick leave shall be recorded regularly on payroll records. Abuse of the sick leave privilege shall be cause for discipline.

ARTICLE XIV - HEALTH INSURANCE / BENEFITS PACKAGE

Regular Full Time employees are eligible for health insurance coverage as provided through the Town's health insurance provider. The Town pays eighty percent (80%) of the cost of the premium for the single subscriber. The employee is responsible for the remainder of the cost. Participants in the health insurance plan will receive basic life insurance equal to one year's salary at no cost to the employee. The Town will also pay for the cost of the employee's income protection plan. Participants may purchase supplemental and dependent coverage at their own expense. In additional to health insurance, employees may elect to purchase dental insurance at their own expense. Insurance coverage begins the first day of the month after the employees has completed thirty (30) days of employment.

Regular Part Time employees normally scheduled to work twenty (20) hours or more per week who were employed before March 1st, 2015 are eligible to receive for health insurance coverage as provided through the Town's health insurance provider until termination of their employment. Regular Part Time Employees (including salaried employees) hired after March 1st, 2015 are not eligible for health insurance benefits. The Town pays seventy (70%) of the cost of the premium for the single subscriber. The employee is responsible for the remainder of the cost. Participants in the health insurance plan will receive basic life insurance equal to one year's salary at no cost to the employee. The Town will also pay for the cost of the employee's income protection plan. Participants may purchase supplemental and dependent coverage at their own expense. In addition to health insurance, employees in this classification may elect to purchase supplemental and dental insurance at their own expense. Insurance coverage begins the first day of the month after the employee has completed (30) days of employment.

Insurance coverage begins the first day of the month after the employee has completed 30 days of employment. The Board of Selectmen shall select the health insurance/benefits package to be provided to the employees. Those declining group insurance must show proof of other coverage and will not be eligible for cash in lieu.

ARTICLE XV - BEREAVEMENT LEAVE

An employee may be excused from work for up to three (3) work days because of a death in his/her immediate family, as outlined below, and shall be paid his/her regular rate of pay for the scheduled work hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral.

Immediate family means parent, spouse, domestic partner, brother, sister, child, stepchild, guardian, wards, grandmother, grandfather, and also includes the farther, mother, brothers and sisters of the spouse or domestic partner.

One (1) day of bereavement leave may be authorized when absence is caused by the death of an aunt, uncle, niece, or nephew. Special exceptions to this rule may be made by the Board of Selectmen.

ARTICLE XVI - LEAVE OF ABSENCE

An employee may be granted a leave of absence without pay by the Board of Selectmen when it is in the best interest of the Town to grant the leave, with such leave not to exceed thirty (30) days in length. The granting of the leave shall protect the employee's existing continuous service for the leave period, but vacation or sick leave may not accrue during the absence, nor will the employee receive pay for the holidays.

If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Andover will pay for the employer's share of the medical insurance premium for the period of the leave, said period not to exceed twelve (12) weeks. The employee's share of the medical insurance and any other benefits will continue during the period of unpaid leave at the cost of the employee.

ARTICLE XVII - MILITARY LEAVE

The Town of Andover complies with State and federal military leave law.

ARTICLE XVIII - JURY DUTY

An employee will be granted special leave, as required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. The employee shall be paid the difference (if any) in compensation between the amount received from the rendering of such service and his/her regular rate of pay if the service occurs during a work day. Time paid for jury service shall not be counted as time worked for purposes of overtime computation.

ARTICLE XIX - FAMILY MEDICAL LEAVE

An employee who has been employed by the Town of Andover for twelve (12) months (does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave is entitled to a family medical leave of up to twelve (12) weeks in any twelve (12) month period for the birth of a child, adoption of a child sixteen (16) years of age or less, or serious illness of the employee, child, spouse, or parent of the employee. Serious illness means an accident or disease or condition that: (1) poses imminent danger of death; (2) requires hospitalization involving an organ transplant, limb amputation or other procedure of similar severity; or (3) any mental or physical condition that requires constant in-home care.

To be eligible for a family medical leave, the employee must give at least thirty (30) days notice of the intended date upon which family medical leave will commence and terminate, unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a form available in the Town Office.

The Town may require certification from a physician to verify the amount of leave requested by the employee.

Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Andover will pay for the employer's share of the medical insurance premium for the period of the unpaid family medical leave, said period not to exceed twelve (12) weeks. The employee's share of the medical insurance and any other benefits will continue during the period of unpaid leave at the cost of the employee.

The employee may use accrued vacation, and sick leave in accordance with the policies concerning such leaves to cover absences related to family medical leave; however, the total amount of family medical leave may not exceed twelve (12) weeks. Vacation, sick leave and holidays do not accrue during an unpaid leave period. Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking a family medical leave which prevents the restoration to the same or equivalent position.

An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of their leave, his/her termination date will be the last day he/she was entitled to group coverage.

An employee may take leave on an intermittent basis or by working a reduced schedule with prior written approval by the Board of Selectmen.

ARTICLE XX - GRIEVANCE PROCEDURES

Should an employee feel aggrieved concerning the interpretation, meaning, or application by the Town of any provisions of the Town's Personnel Policy Ordinance regulations or the terms of employment, within five (5) working days from the incident, he/she shall submit the details of such grievance in writing to the Board of Selectmen.

Within thirty (30) calendar days thereafter, the Board of Selectmen shall meet with the employee for the purpose of discussing the grievance and the Board of Selectmen shall render their final written decision within thirty (30) working days after said meeting.

ARTICLE XXI - POLITICAL ACTIVITY

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

ARTICLE XXII - RESIGNATION

All employees resigning from service of the Town shall give a written two (2) week notice.

ARTICLE XXIII - HARASSMENT

It is the intent of the Town of Andover to provide a work environment that is free from discrimination or harassment. Therefore, it is the policy of the Town that sexual and verbal harassment is unacceptable conduct in the workplace and will not be tolerated from any source, including supervisors, co-workers and non-employees. Employees are encouraged to assist the Town with its goal of maintaining a workplace free of sexual and verbal harassment and with its commitment to deal seriously with allegations of sexual and verbal harassment when they arise.

It is illegal for any employee to sexually harass another employee, and for any supervisory employee to permit any act of sexual harassment in the workplace by anyone, whether or not an employee.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submision to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. 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.

Physical assaults of a sexual nature such as:

1. Rape, sexual battery, molestation or attempts to commit these assaults; and
2. Intentional physical conduct which is sexual in nature, such as touching, pinching, patting,grabbing, brushing against another's body, or poking another employee's body.

Unwanted sexual advances, propositions or other sexual comments, such as:

1. Sexually oriented gestures, noises, remarks, jokes or comments about a person's Sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome;

2. Preferential treatment or promise of preferential treatment to an employee for submitting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and

3. Subjecting or threatening to subject, an employee to unwelcome sexual attention or conduct or making performance of an employee's job more difficult because of that employee's sex.

Sexual or discriminatory displays or publications anywhere in the organization by employees such as:

1. Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work.

2. Reading or otherwise publicizing in the work environment material that is in any way sexually demeaning or pornographic; and

3. Displaying signs or other material purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).

Any employee who believes he or she has been harassed should take the following steps to resolve the problem:

1. If an employee finds someone's behavior offensive, they may attempt to resolve the behavior by calmly but firmly informing the individual that they find the behavior offensive and requesting that the behavior cease.

2. If the harassment continues and the employee does not feel comfortable discussing the behavior with the individual(s) involved, or if they believe some employment consequence may result from his/her confrontation with the individual whose behavior offends them, they should register a complaint, preferably in writing, with their supervisor or with the Board of Selectmen. All complaints will be investigated promptly, and to the extent possible, on a confidential basis. Confirmed instances of verbal or sexual harassment will be dealt with by utilizing whatever disciplinary action the Town deems appropriate, up to and including termination.

3. If what the employee considers to be a reasonable length of time has gone by and they believe inadequate corrective action has been taken by their supervisor, they should register their complaint in writing with the Board of Selectmen.

With regard to a sexual harassment complaint, if the employee does not want to make the report internally, the employee may make the complaint to the Maine Human Rights Commission which is located at the State House Station 51, Augusta, Maine, 04333, telephone number 289-2326. Any complaint must be filed with the Commission within six (6) months of the act of harassment. Once a signed charge form has been received by the Commission, an investigation will be conducted and a determination will be made by the commission of whether or not there are reasonable grounds to believe sexual harassment occurred.

If the commission determined that sexual harassment did occur, it will attempt to resolve the situation between you and your employer through informal means. If informal means of resolution are unsuccessful, the Commission counsel may file a civil action on your behalf in Superior Court seeking appropriate relief.

Under the law, no employee may be punished or penalized in any way for reporting, complaining about or filing a claim concerning sexual harassment, or for testifying in any procedure brought by anyone else.

ARTICLE XXIV - SMOKING / ALCOHOL / DRUG USE & ABUSE

In accordance with the provisions of any State and Federal Workplace Smoking Acts, the Town has adopted a no smoking policy. Pursuant to these Acts, smoking shall be prohibited within any municipal building or any Town owned vehicle. All employees shall cooperate with this policy or disciplinary action may be taken.

The possession, sale or the use of alcohol or illegal drugs on the employer's premises is strictly prohibited and is grounds for immediate dismissal. If an employee is unable to effectively perform his/her duties or causes disruptions in the workplace due to the influence of drugs or alcohol, disciplinary action may be taken.

This Revised Policy shall become effective March 22, 2011

Board of Selectmen:

_____ _____

Name (Please Print) Signature

_____ _____

Name (Please Print) Signature

_____ _____

Name (Please Print) Signature

Signed this _____day of _____, 2011.

ACKNOWLEDGMENT OF EMPLOYEE
PERSONNEL POLICY ORDINANCE
INCLUDING HARASSMENT POLICY

I have received the Town of Andover's Personnel Policy Ordinance and I understand and agree that it is my responsibility to comply with the rules and procedures outlined in it.

I also acknowledge receipt of the Town of Andover's Harassment Policy and I have carefully reviewed it. I understand that discrimination and harassment will not be tolerated. By signing this form, I acknowledge that I understand this policy and agree to comply with it.

_____ _____

Name (Please Print) Signature

_____

Date

Witness: _____

EMPLOYEE POLICY ORDINANCE

FOR THE

TOWN OF ANDOVER, MAINE

ENACTED: March 21, 2009
Date

EFFECTIVE: March 21, 2009
Date

CERTIFIED BY: Elaine Morton
Signature

CERTIFIED BY: Elaine Morton
Print Name

Town Clerk
Title

Affix Seal