

# **TOWN OF TAMWORTH, NEW HAMPSHIRE**

## **PERSONNEL POLICY**

ADOPTED JANUARY 11, 2007  
AMENDED DECEMBER 3, 2009  
AMENDED DECEMBER 16, 2010  
AMENDED SEPTEMBER 22, 2011  
AMENDED OCTOBER 18, 2012  
AMENDED DECEMBER 10, 2012  
AMENDED DECEMBER 19, 2013  
AMENDED AUGUST 24, 2017  
AMENDED APRIL 19, 2018  
AMENDED DECEMBER 2018  
AMENDED FEBRUARY 7, 2019

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**TOWN OF TAMWORTH  
PERSONNEL POLICY  
Adopted 2007**

**PART I – PURPOSES AND GOALS OF REGULATIONS**

The purpose and goals of these regulations are to centralize and standardize the personnel function, create orderly and consistent lines of communication and administration, and provide a clear, concise, fair, and uniform system for all Town Employees and prospective Town Employees.

This policy will be available to all employees of the town through their department head. Every employee will be required to acknowledge receipt of this policy in writing. A copy of that acknowledgement shall be kept on file in the employee's personnel file. Department heads and supervisors shall also be responsible for insuring that all employees under their direction are familiar with this policy.

**PART II – ADMINISTRATIVE STRUCTURE**

The Board of Selectmen ("Selectmen") (collectively "Board") shall oversee and maintain responsibility for the administration of these regulations. The Board shall coordinate procedures with the Department Heads and shall require such regular reports and information as The Board deems necessary for proper implementation of these regulations.

**PART III – DEFINITIONS**

**Anniversary Date** - The first day of work for which the employee receives a wage payment is the employee's Anniversary Date.

**Board** - The Board of Selectmen

**Department Head** – The recognized supervisor or head of a particular department. In the absence of an identifiable Department Head, or when use of the term "Department Head" in this Policy creates an inconsistency or a conflict of interest, then the Board of Selectmen shall fulfill the duties and responsibilities of the Department Head.

**Full-Time Employee** – Any employee who has successfully completed the probationary period and is scheduled to work thirty-five (35) or more hours per week.

**Holiday Pay** – The pay normally received for one day of work.

**Modified Part-Time Employee** – Any employee who successfully completed the probationary period and is scheduled less than full-time hours may be classified as modified part time to include certain benefits that will be prorate based on the number of hours worked.

**Part-Time Employee** – Any employee who has successfully completed the probationary period and is scheduled to work less than thirty-five (35) hours per week.

**Probationary Period** – All newly hired employees shall serve a probationary period of six (6) months from their “anniversary date.”

**Seasonal Employee** – Any employee who is regularly employed for thirty-five (35) hours per week or less in a position that will be terminated when the need for the position ends.

**Temporary Employee** – Any employee who is retained for only a specific job or jobs and a specified period.

**Town** – The Town of Tamworth

## **PART IV – PRE-EMPLOYMENT**

### **RECRUITMENT**

The Board, in conjunction with the Department Head, shall coordinate and direct all recruitment proceedings using the following guidelines:

1. Recruitment and selection will be conducted in accordance with RSA 354-A.
2. Town employees shall be given a reasonable opportunity for advancement and promotion. Present employees who are interested shall be given consideration in filling a vacancy. It is recognized, however, that it is in the best interests of the Town and its departments to fill some vacancies with non-employee personnel.
3. Available positions will be posted in the work place and advertised in the local media. Other publicity may be deemed necessary depending on the nature of the position. The Department Head shall determine the length of time for which applications will be received, but it shall be no less than ten (10) workdays.
4. The Town is an Equal Opportunity Employer and shall recruit and employ without discrimination as to race, religion, political affiliation, color, sex, age, national origin, or handicap unless based on a bona fide occupational qualification, the best qualified persons who are available at the salary levels established for Town employment.
5. All employees shall be subject to a criminal background check and, when applicable, motor vehicle licenses check, prior to working for the Town.

### **SELECTION**

The Selectmen shall be the final appointing or terminating authority for all positions within Town government unless otherwise established by statute, ordinance, or vote of Town Meeting. Appointments, however, may be made based on recommendations made and approved by the Department Head. As a matter of practice, the Selectmen shall not be

required to review all of the applicants for a position but may be presented with a slate of approved finalists.

In the event that two or more applicants are equally qualified for a position, preference shall be given to residents of the Town. Selection procedures may include application, written tests, on-the-job tests, submission of resume, physical examination, interview, reference check, criminal history check, and any other methods necessary to properly evaluate the candidate, provided that all candidates are evaluated upon the same criteria and evaluative process.

#### **NEPOTISM**

The Town will consider a member of an employee's immediate family for employment if the applicant possesses all the necessary qualifications for employment. An immediate family member may not be hired however, if the employment would:

1. Create either a direct or indirect supervisor/subordinate relationship with the family member or;
2. Create either an actual conflict of interest or the appearance of a conflict of interest.

These criteria will also be considered when assigning, transferring, or promoting an employee. For the purpose of this policy, "Immediate family" includes employee's spouse, brother, sister, parents, children, stepchildren, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, and any other member of the employee's household.

Employees who marry or become members of the same household may continue employment as long as such employment would not cause:

- (a) A direct or indirect supervisor/subordinate relationship between the employees or;
- (b) An actual conflict of interest or the appearance of a conflict of interest.

## **PART V – EMPLOYMENT, POLICIES, AND PROCEDURES**

### **GENERAL**

Employees promoted to a new position shall be subject to a six (6) month probationary period. The promoted employee shall retain all existing benefits.

As of the date of this policy all newly hired employees shall serve a full probationary period. During the probationary period, the Department Head, and Selectmen shall evaluate and review the performance of the employee. If the employee's performance has not been acceptable, the Selectmen can terminate the employee before the end of the six (6) month period (twelve (12) month period for police officers).

Evaluations of employees shall be retained in the employee's personnel file and reviewed with the employee at the end of the Probationary Period.

Part-time employees are not eligible for benefits as specified in Sections VII and VIII of the Personnel Policy, except for the following: Jury or Armed Forces Reserve Service, Worker's Compensation, and Overtime.

During an employee's Probationary Period all new hire full-time employees shall receive no benefits except paid holidays and health insurance as specified in Part VII.

### **CODE OF CONDUCT**

All Town employees shall strive to assist the public to the best of their ability. Employees are expected to present themselves in a professional manner, to be courteous to Town officials, the public, other Town employees, and provide prompt service. Employees are expected to be in work on time and if delayed, should contact their supervisor. Appropriate attire shall be worn each workday.

### **COMPENSATION**

Employees will be paid every two weeks and compensated for time actually worked. Direct deposit of paychecks is available through the Town and participating banks. Paychecks are distributed every other Thursday.

Full-Time Employees may, if carrying health insurance by a different health insurance provider and provide documentation of the same on an annual basis, receive a stipend equivalent to one half of the premium that the Town would pay for a single individual health insurance plan. Effective 7/1/2013, the stipend offered to employees under this policy will remain one half of the premium that the Town would pay for a single individual health insurance plan to a maximum capped amount of \$300 per month.

All employees shall fall within the Town's compensation structure. Newly hired employees will start at the entrance grade and pay level unless it is shown to the satisfaction of the Board that the employee's qualifications warrant a higher starting wage rate. Employees shall receive pay raises based on performance.

No automatic pay increases shall be granted other than an across the board percentage and cost of living increases as approved by the Selectmen, and Town Meeting voters.

Decisions to grant pay raises shall be made by the Department Head and approved by the Selectmen on an annual basis to be effective on April first. All reasons for or for not

granting an increase in pay shall be documented and placed in the employee's personnel file. Such reasons shall be reviewed with the employee. Employees shall be eligible for pay increases at the end of six (**6**) months "Probationary Period" and at twelve (**12**) months of continuous service. All employees that show exemplary performance in performing their job may receive a raise

The Selectmen may adopt a revised grade and pay schedule annually. New employees (either new to the Town or a particular position within the Town employment) generally start at the appropriate labor grade. Adjustments can be made if the experience or known merit warrant such an adjustment. In addition, promotions to a position of higher labor grade should not result in a pay decrease.

Each year, the Selectmen will consider cost of living adjustments (COLA) for the entire pay scale. Any increase or decrease will be considered at budget time, to be effective April first after budget approval at the Town Meeting. Cost of living adjustments are not tied to merit considerations.

#### RETIREMENT

As of November 2004 the Town of Tamworth became a participating member of the New Hampshire Retirement System, and all fulltime employees (who work 35/hrs a week or more) hired after this date are required to join the program upon employment.

#### EVALUATION

All employees shall receive an annual written evaluation from their Department Head, which is reviewed by the Selectmen. This evaluation shall directly relate to the employee's position and job description and the employee's performance of that position. The employee shall sign the evaluation as an acknowledgement of receipt and review. The signature shall not be construed to indicate the employee's agreement or disagreement with the evaluation. If the employee refuses to sign the evaluation, this fact shall be noted on the evaluation form. The evaluation shall be used as a basis for determining merit increases, promotions, and/or other applicable personnel decisions. This evaluation shall be kept in the employee's personnel file.

#### DISCIPLINARY ACTION

Disciplinary action shall usually, but not always, initiate with the Department Head. Contemplated disciplinary action will be reviewed with the Board of Selectmen.

Disciplinary action up to and including dismissal may be initiated for reasons which include, but are not limited to, the following:

- a. Unexcused or chronic absenteeism and/or tardiness; sleeping on the job.
- b. Insubordination.
- c. Unacceptable job performance.
- d. Use of alcohol and/or drugs during the workday or in any way which impairs the performance of the position.
- e. Willful destruction of public and/or private property.
- f. Falsification of documents concerning payroll or other departmental operations.
- g. Obscene language directed at supervisors, other employees, or the public.
- h. Failure to comply with safety regulations and requirements.
- i. Dishonesty of any kind or theft of Town, public or private property can result in immediate discharge and prosecution to the fullest extent of the law.

- j. Rude, obnoxious, or inappropriate behavior.

The disciplinary process may include but is not limited to the following procedures or progression:

**Verbal Warning** – Department Head verbally warns employee of the area that requires improvement. The date, time, and nature of the warning should be included in the employee's personnel file. Warning should be given within three (3) workdays of the Department Head's knowledge of the offense.

**Written Warning** – Department Head gives written warning to employee for repeat of offense or for an offense the seriousness of which dictates more than a verbal warning. Warning will include the nature of the offense, date and time of the offense and possibility of future disciplinary action.

Warning should be issued to employee within three (3) workdays of knowledge of offense. Copy of warning, signed by both the Department Head and the employee, will be placed in the employee's personnel file. In the event the employee refuses to sign the warning, the Department Head shall note this fact on the warning.

**Suspension** – A Department Head may suspend an employee after conferring with the Board, without pay for recurring offense or offenses, which merits suspension. Length of suspension one (1) to ten (10) workday(s) is based on the seriousness of the offense. Employee receives confirmation of suspension in writing with the date, time, and nature of the offense and date or dates of suspension period. The employee is warned of more serious disciplinary action or discharge in the event of further offenses. A copy of the letter of suspension signed by the Department Head and the employee and Board of Selectmen shall be placed in the employee's personnel file.

**Discharge** – After reviewing all pertinent facts and conferring with the Department Head, the Selectmen may discharge the employee and shall communicate its decision promptly, in writing, to the Department Head for final action. The Department Head will implement the final action immediately. The discharge notice to the employee shall state the time(s), date(s) and nature of offense(s) and will state effective date of the discharge. A copy will be placed in the employee's personnel file.

#### USE OF DRUGS OR ALCOHOL

Any employee found to be under the influence of drugs or alcohol while in the performance of their duties will be immediately suspended without pay pending an investigation by the Board.

All full time employees (and certain part time positions) are subject to random drug and alcohol tests at the expense of the Town. Any employee who tests positive for drugs or alcohol, or who refuses the test, will be immediately suspended without pay pending an investigation by the Board.

Any employee who is taking prescription medication due to a related medical condition shall inform their supervisor if the medication will affect the employee's ability to perform their work in any way.

## **SMOKING**

No employee of the Town may smoke or chew tobacco products in Town buildings or vehicles.

## **APPEAL PROCEDURE**

Any employee who believes that he/she has been disciplined unjustly may appeal the action in writing to his/her Department Head within five (5) workdays of notification of the action. The Department Head shall evaluate the complaint and render his/her decision as soon as possible but not later than five (5) workdays following receipt of the appeal.

If the decision of the Department Head is not satisfactory to the employee, he/she may appeal the decision to the Board within seven (7) workdays of receipt of the decision. The Selectmen shall investigate all of the facts upon which the appeal is based and shall render a decision thereon as soon as possible but not later than seven (7) workdays following their receipt of the appeal. The employee may appear or be required to appear before the Selectmen to explain the basis of his/her appeal. He/she may present evidence orally or in writing and may call witnesses to support his/her appeal. A record shall be maintained of such an appearance. In the case of discharge action, the employee is entitled to a full public hearing upon his/her written request. Decisions by the Selectmen shall be final and binding on the employee. All decisions rendered under this procedure shall be in writing.

## **PERSONNEL FILE**

The Board shall have the responsibility to keep and maintain a personnel file on each employee, which shall be open to inspection by the employee and his/her Department Head at any time. The file shall include, but not necessarily limited to, the employee's application, resume, a written acknowledgement of receipt of this personnel policy, a data sheet in such form as may be developed by the Town which shall include starting date, Anniversary Date, payroll records, all monthly accruals and all time used or compensated for, any and all written evaluations or documents of probation review or merit increase review, any and all letters or written comments from the public regarding the performance of the employee and records of any formal reprimands, commendations, warnings, disciplinary action, promotion or other action taken by the Town directly concerning the employee.

## **WHISTLEBLOWER PROTECTION**

No employee shall be subject to intimidation, retaliation, discharge, or be discriminated against or otherwise threatened regarding such employee's compensation, terms, and conditions of employment, or privileges of employment because the employee in good faith reports or causes to be reported, verbally or in writing, a situation which the employee has reasonable cause to believe is contrary to the best interest of the Town, its employees and/or citizens, or has reasonable cause to believe is a violation of any law or rule adopted under the laws of this state, or any ordinance, rule, or regulation adopted by the Town, or any rule or law adopted by the State of New Hampshire or the United States Government. Anyone employed by the Town who violates the above policy may be subject to disciplinary action, including but not limited to discharge.

## **TOWN REHIRE POLICY**

Former employees who were in good standing when their employment with the Town was terminated may be considered for re-employment.

Former employees who were not in good standing when their employment with the Town was terminated, either because they resigned without the appropriate written notice, dismissed for disciplinary reasons, or left or were terminated for any other reason or under such circumstances which were not in compliance with this personnel policy or otherwise which would cause the termination of employment to be other than satisfactory may be considered for re-employment. However, prior to considering any such former employee for re-employment the former employee shall be required to submit to the Town a written explanation and any supporting documentation to address the facts and circumstances of the former employee's previous termination from employment. If, in the sole discretion of the Board of Selectmen, the former employee's explanation of the facts and circumstances surrounding the prior termination appear to be an isolated incident, an emergency situation, or other unusual circumstance, the Board may, but is not required to, consider the former employee for rehire. It is noted, however, that rehire of former employees who fall under this paragraph will be the exception, rather than the rule.

A former employee who is reemployed will be considered a new employee from the date of reemployment unless the break in service is less than thirty days, in which case the employee may retain the same benefits as previously provided by the Town.

## **EMERGENCY CLOSINGS**

In the event that the Board of Selectmen determine that the Town services will be curtailed and/or limited due to storms, power outages or other foreseen or unforeseen circumstances, the affected employees so notified shall not be required to report to work, or employees who have reported for work shall be released without loss of pay. When an employee is unable to report to work due to weather conditions, and the Board has not curtailed and/or limited Town services, the employee may draw from vacation time or personal leave if eligible. Employees who are not working and who are out on leave when Town services are curtailed shall not be compensated for the emergency closing day. The provisions of this section shall apply to all employees.

## **PART VI – HARASSMENT POLICY**

### **HARASSMENT IS ABSOLUTELY PROHIBITED**

Harassment is a form of unlawful employment discrimination. The harassment of any employee, sexual or otherwise, by any employee or town representative is demeaning to the victim of the harassment, the harasser, and to the town. It can result in turnover, absenteeism, low morale, a hostile work environment, and liability to the Town and participants. Some forms of sexual harassment, including certain kinds of unwelcome physical contact, may also be criminal offenses. The Town will not tolerate the harassment of any of its employees, and will take immediate, positive steps to stop it when it occurs.

## **SEXUAL HARASSMENT IS ILLEGAL**

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and NH State Law RSA 554-A. In some cases, it has been found to be in violation of the victim's U.S. Constitutional rights.

It is not the purpose of this policy to outline the legal grounds for sexual harassment complaints and suits. However, violations of the law are outside the scope of employment and may be beyond the indemnity provided to employees by the town.

## **DEFINITION OF HARASSMENT**

Harassment is unwelcome behavior of a sexual or gender nature including but not limited to: touching, pinching, grabbing, patting, propositioning; making sexual/romantic flirtation, explicit or implied job threats or promises in return for submission to sexual favors; sexual vulgarity, making inappropriate sex-oriented comments on appearance, including dress or physical features; telling sex-oriented stories, making sexually oriented comments or jokes, sexually oriented leering, peering or looking; displaying sexually explicit material or cartoon, no matter how it is displayed; or sexual assaults on the job by supervisors, fellow employees, or when any of the foregoing unwelcome conduct affects employment decisions, makes the job environment hostile, distracting, or unreasonably interferes with work performance.

Federal Law and the N.H. Human Rights Commission both contain similar definitions of sexual harassment. Harassment on the basis of sex constitutes unlawful sex discrimination. Unwelcome sexual advances, requests for sexual favors, and other verbal, non-verbal and/or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

The above definition of harassment is specifically incorporated into Town Policy. The definition includes conduct directed by men toward women, conduct directed by men toward men, conduct directed by women toward men, and conduct directed by women toward women.

## **APPLICATION OF POLICY**

This harassment policy applies to all officers, members of boards and commissions and employees of the Town, including, but not limited to, full and part-time employees, elected officials, employees covered or exempted from personnel rules and regulations, and employees working under individual contract for the Town.

## **MAKING HARASSMENT COMPLAINTS**

Any employee who is subjected to harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

1. The employee's immediate supervisor.
2. The employee's Department Head.
3. The Board of Selectmen

Employees are encouraged to utilize the chain of command. However, employees have the right to circumvent the employee chain of command in selecting which person to whom to make a complaint of harassment. The fact that an employee chooses to file a complaint outside the chain of command of the department shall not be used against the employee in any evaluation or promotion process.

The employee making the complaint should provide the following information:

1. Employee's name, department, and position title.
2. The name of the person or persons allegedly committing the harassment, including their title(s), if known.
3. The date and specific nature of the harassment, how long it has gone on, and any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) taken against the employee as a result of the harassment, or any other threats made against the employee as a result of the harassment.
4. Witnesses to the harassment and documentation concerning the events.
5. Whether the employee has previously reported such harassment and, if so, when and to whom.

#### REPORTING AND INVESTIGATION OF HARASSMENT COMPLAINTS

##### *Against an Employee*

When any employee makes an allegation of harassment, the person to whom the complaint is made shall prepare a report of the complaint according to the preceding section within two (2) working days and submit it to the Board.

The Board is to be the investigator of complaints of harassment. The Board may delegate the investigation to a Town employee at the Board's discretion. In the event the complaint, or subsequent investigation, contains evidence of a criminal activity, the Board shall forward the complaint to the appropriate law enforcement agency.

The investigator shall make and keep a written record of the investigation, including notes of verbal responses made to the investigator by the person complaining of harassment, witnesses interviewed during the investigation, the person against whom the complaint of harassment was made, and any other person contacted by the investigator in connection with the investigation. The investigator shall issue a written investigation report to the Board within fifteen (15) days.

Based upon the report the Board shall, within fifteen (15) working days, determine whether the conduct of the person against whom a complaint of harassment has been made constitutes harassment. In making that determination, the Board shall look at the record as a whole and at the totality of circumstances, including the nature of the conduct in question, the context in which the conduct, if any, occurred and the conduct of the person complaining of harassment. The determination of whether harassment occurred will be made on a case-by-case basis.

If the Board determines that the complaint of harassment is founded, the Board will then determine if disciplinary action is appropriate against the employee who committed the harassment and that the action is consistent with the Board's authority under the ordinances, rules, or regulations pertaining to employee discipline.

The disciplinary action shall be consistent with the nature and severity of the offense and any other factors the Selectmen believe relates to fair and efficient administration of the Town. The disciplinary action may include warning or reprimand, suspension, demotion, dismissal. A determination of the level of disciplinary action shall also be made on a case-by-case basis.

A written record of disciplinary action taken shall be kept, including verbal reprimands.

In all events, an employee who commits harassment shall be warned not to retaliate in any way against the person making the complaint of harassment, witnesses, or any other person connected with the investigation of the complaint of harassment.

The Board may extend periods where it has been determined necessary to conduct a more thorough investigation.

*Against An Elected Official*

The Selectmen may discipline an elected official in whatever manner it deems appropriate, consistent with its authority under state law, ordinances, resolutions or other rules governing discipline of elected officials.

*Harassment Committed by Non-Employees*

In cases of harassment committed by a non-employee against a Town employee in the workplace, the Board shall take all lawful steps to insure that the harassment is brought to an immediate end.

**RESPONSIBILITIES OF EMPLOYEES**

Employees are not only encouraged to report instances of harassment; they have a responsibility to report instances of harassment. Harassment exposes the Town to liability, and a part of each employee's job is to reduce the Town's exposure to liability.

Employees have a responsibility to cooperate in every investigation of harassment. This may include but not necessarily be limited to, coming forward with evidence, both favorable and unfavorable to a person accused of harassment and by fully and truthfully making a written report or verbally answering questions when required to do so by an investigator during the course of an investigation of harassment.

Employees also have a responsibility to refrain from filing bad faith or false complaints of harassment. Any employee who knowingly brings a false claim against another employee shall be subject to disciplinary action.

Any employee who is found to have knowingly brought a false claim against another employee shall be subject to disciplinary action ranging from verbal reprimand to discharge, depending on the seriousness of the offense.

Disciplinary action may also be taken against any employee who observes or is aware of a situation and fails to report instances of harassment, who fails or refuses to cooperate in the investigation of a complaint of harassment, or who files a false complaint of harassment in bad faith.

## **CONFIDENTIALITY**

Complaints and reports of harassment, sexual or otherwise, including the investigative report, cannot be guaranteed to be kept confidential, perhaps not even during the investigation. The Town will attempt to limit access to information involving harassment complaints and investigations to those on a need to know basis. However, the value of written records in harassment cases, as in most other cases where an investigation occurs from which disciplinary action against an employee might arise requires that a written record of the investigation be kept to help insure justice and efficient municipal administration.

## **PART VII – BENEFITS**

### **VACATION** (12/16/10)

Employees hired PRIOR TO the adoption of this revised policy (12/16/2010) shall accrue their earned vacation time on January first of each year. Vacation time is calculated according to the number of years served as of December 31 of the previous year.

Vacation time shall be allotted according to the following:

- An employee, who has worked for one (1) full year proceeding January 1, will be granted five (5) days per year.
- An employee, who has worked for two (2) full years proceeding January 1, will be granted ten (10) days per year.
- An employee, who has worked for Seven (7) full years proceeding January 1, will be granted fifteen (15) days per year.
- An employee, who has worked for twelve (12) full years proceeding January 1, will be granted twenty (20) days per year.
- An employee, who has worked for eighteen (18) full years proceeding January 1, will be granted twenty-five (25) days per year.
- Employees, who have worked nineteen (19) or more full years proceeding January 1, will be granted twenty-five (25) days, plus (1) day for every additional year worked.

Employees hired AFTER the date of this policy is revised (12/16/2010) shall accrue earned vacation time on their anniversary date as follows:

- An employee who has worked for one (1) full year will be granted five (5) days per year.
- An employee who has worked for two (2) full years will be granted ten (10) days per year.
- An employee who has worked for Seven (7) full years will be granted fifteen (15) days per year.
- An employee who has worked for twelve (12) full years will be granted twenty (20) days per year.
- An employee who has worked for eighteen (18) full years will be granted twenty-five (25) days per year.

- Employees who have worked nineteen (19) or more full years will be granted twenty-five (25) days, plus (1) day for every additional year worked.

All vacation allotments must be utilized within one year of being earned. Employees hired prior to 12/16/2010 must use all their vacation allotment prior to December 31. Employees hired after 12/16/2010 must use their vacation allotment prior to their next anniversary date. Any unused vacation time will be lost. Any exception to this policy is at the discretion of the Board of Selectmen. All employees are encouraged to take the vacation allotments allowed.

In the event of termination of employment, an employee who has accumulated vacation time will be paid for vacation not previously taken to which he/she is entitled. An employee who fails to give two (2) weeks' notice of resignation in writing or who is discharged for dishonesty or theft shall not be paid for any vacation. If an employee transfers from one department to another, such transfer will not interrupt continuous service for the purpose of vacation allowances. Employees shall give their Department Heads adequate notice before the time they wish to take vacation time.

The Department Head shall grant or deny the request based on the requirements of the Department. Department wide seniority shall prevail in cases where requests are similar or overlapping. No vacation shall be granted if doing so affects the essential services of the Department. An employee eligible for a vacation may split his/her vacation into one (1) or more day intervals with the approval of the Department Head. Vacation days may be taken in half-day increments.

### HOLIDAYS

All full time employees shall be granted the following holidays with pay effective on the date of employment:

New Year's Day \* Civil Rights Day \* Presidents Day \* Memorial Day \* Independence Day \* Labor Day \* Columbus Day \* Veterans Day \* Thanksgiving Day (and the day after) \* Christmas Eve \* and Christmas Day

If an employee must work on one of the above-mentioned days, he/she shall receive time and a half (1½) their normal compensation rate for the hours worked in addition to holiday pay or, upon approval of the Department Head, may elect to take another day off within the same calendar year. If a holiday falls on a Saturday, it shall be observed on the preceding Friday. If a holiday falls on a Sunday, it shall be observed on the following Monday. Employees who are absent with Department Head approval on the day preceding or following the holiday shall receive pay for the holiday. Unauthorized absence adjacent to a holiday shall result in forfeiture of holiday pay.

### Police Department Holidays (1/19)

The Police Department holidays include 2 floating days and the 10 remaining holidays are paid in an annual stipend at straight time.

### SICK OR INJURY ABSENCES

All full time employees shall be privileged to earn sick leave for illness or injury at the rate of four (**4**) hours per month and may accrue to a maximum of fourteen (**14**) days. Sick leave may be taken in hourly increments.

Any time in excess of the accumulated days shall be considered lost time.

Illness for which sick leave may be granted is defined as actual personal illness or bodily injury. Sick leave, limited to one day at the discretion of the Department Head, may be granted to an employee because of illness of a member of the employee's immediate family. The Board of Selectmen may at any time, as a condition precedent to the continuance of sick leave pay, require a certificate of a qualified physician certifying the condition of the employee to be such as to justify the continued absences from employment. Employees are required to report any absence from work as far in advance of the scheduled starting time as possible. Failure to comply with this requirement will disqualify an employee from compensation unless the conditions were beyond the control of the employee. An employee who fails to give two (2) weeks notice of resignation in writing or who is discharged for dishonesty or theft shall not be paid upon termination for any accumulated sick time.

Upon approval by the Board of Selectmen, employees may donate sick time to another employee on a case-by-case basis.

### BEREAVEMENT LEAVE

Bereavement leave with pay shall be granted to full time employees by the Department Head as follows: Up to five (**5**) work days for absences caused by death of a spouse or child, and up to three (**3**) days for absences caused by the death of a member of the immediate family.

Immediate family shall be construed to mean (step) parents, mother-in-law, father-in-law, grandparent, (step) brother, or (step) sister.

### JURY OR ARMED FORCES RESERVE SERVICES

Any employee called for Jury Duty or Armed Forces reserve services shall be excused from work for the duration of the employee's service and shall receive the difference between his/her regular pay and his/her reservists pay provided the employee presents an official statement of pay received. All benefits shall continue to accrue during such absence except for reserve services of duration of longer than two (**2**) weeks, in instances other than National-Mobilization, which shall have a limit of thirty (**30**) days. Employees who are excused from jury service will be expected to return to work for their next scheduled half-day period.

### PERSONAL LEAVE

Full time employees who have completed their probationary period shall be allowed to use up the three (**3**) Personal days per calendar year as approved by their department head. Personal days are not to be used in lieu of vacation time, and may not be accrued from year to year.

## WORKER'S COMPENSATION

Claims for benefits under the Town's Workers' Compensation Program shall comply with the provisions of New Hampshire Revised Statutes Chapter 281-A entitled "Workers' Compensation law," as may be amended from time to time.

An employee making a claim for Workers' Compensation benefits shall immediately notice the Department Head and also file a 'Notice of Injury' form with the Town in accord with RSA 281-A:19 on such form or forms as may reasonably be required by the Town and/or the Town's Workers' Compensation carrier. The Town shall immediately provide such documentation to the Town's insurer who will process the paperwork in accord with the Workers' Compensation Law.

An employee who has submitted a claim for Workers' Compensation benefits and who is in financial need while awaiting a determination by the Town (or the Town's Workers' Compensation carrier) of the employee's entitlement to receive Workers' Compensation benefits may apply to the Town to continue all or part of the employee's pay pending receipt of such determination from the Town or the Town's Worker' Compensation carrier. The Town, in its sole discretion, may allow for payments to an employee during such period up to the lesser of the equivalent of three weeks salary for the employee, or the number of unused and accumulated vacation days and personal leave days combined. In the event the town or the Town's Workers' Compensation carrier determines that the employee is entitled to Workers' Compensation benefits, the amount of such voluntary payments to the employee shall, subject to the approval of the Commissioner of Labor, be deducted from the amount to be paid to the employee as Workers' Compensation benefits; provided that, in a case of disability, such deduction shall be made by shortening the period during which compensation shall be paid and not by reducing the amount of the weekly payments, in conformance with RSA 281-A:35 entitled 'Voluntary Payments'. In the event the Town or the Town's Workers' Compensation carrier denies the employee's claim for Workers' Compensation benefits, any amount voluntarily made by the Town to the employee pursuant hereto shall be applied first to reduce the number of unused and accumulated vacation days available to the employee, and next to reduce the number of accumulated and unused personal days available to the employee, up to an amount equivalent to the amount of such voluntary payments. Nothing herein shall prohibit the Town and the employee from establishing another satisfactory arrangement for reimbursement of the voluntary payments to the Town, provided such agreement is reduced to writing and further provided that it is not in contradiction to New Hampshire Law.

While receiving Workers' Compensation benefits, an employee may not receive compensation for sick leave, vacation pay, personal leave, bereavement leave, or any other paid leave as may now or at times hereafter be provided in this Personnel Policy.

## INSURANCE (12/18)

A full time employee may participate in the Town's Medical Insurance plan. Effective 1/1/2019 the medical insurance premium for Access Blue ABSOS 20/40 1KED is paid at 90% by the Town and 10% by the employee. For the Access Blue AB10 (01S) the Town will pay what is paid on the ABSOS 20/40 1KED and the difference in premium will be paid by the employee. For employees participating in the Access Blue ABSOS 20/40 1KED plan, the Town will contribute ½ of the deductible to a Flexible Spending Account

(FSA).  $\frac{1}{2}$  of the deductible is \$500 for a single plan, \$1,000 for a 2 person plan and \$1,500 for a family plan.

A modified full time employee may participate in the Town's Medical Insurance. Effective 1/1/2019 the medical insurance premium for the Access Blue ASBOB 20/40 1KED the Town will pay a prorated percentage of the cost paid by the Town for a modified full time employee and the employee will pay the difference. For employees participating in the ABSOS 20/40 1KED plan, the Town will contribute a  $\frac{1}{2}$  of a prorated deductible to a Flexible Spending Account (FSA).  $\frac{1}{2}$  of the prorated deductible is \$400 for a single plan, \$800 for a 2 person plan and \$1,200 for a family plan. For the AB10 (01S) the Town will contribute what is paid for the ABSOS 20/40 1KED and the employee will pay the difference.

Employees opting for the AB10 (01S) plan may elect to contribute to an FSA, with no contribution from the Town.

Specific information about medical plan, co-payments, and primary care physicians may be obtained through the Selectmen's Office.

A 2-person plan may include the following: a married couple, a parent and child or domestic partners (as defined by the insurance company, with the condition that they must have resided together for a minimum of 4 years).

Full-Time Employees may, if carrying health insurance by a different health insurance provider and provide documentation of the insurance on an annual basis to the Town Office; receive a stipend equivalent to one half of the premium that the Town would pay for a single individual health insurance plan and will be capped at the amount of \$300.00 per month.

Full time employees who have successfully completed their probationary period may participate in the Town's Dental Insurance Program. Employees have the option of including their spouse and/or dependents with dental insurance. Spouse and dependent dental coverage is borne by the employee and deducted from their paycheck each pay period. Cost information is available through the Selectmen's Office.

Upon separation according to RSA 415:VII (g), the employee shall have the opportunity to continue participating in the Town's group insurance plan for a maximum of 18 months at his/her own expense. Employees with 20 years of service to the Town shall be allowed to continue their health insurance coverage through the Town at the employees' expense as long as the employee meets eligibility. The Town may prescribe a monthly billing so that money is received from the former employee in a timely manner before the payment of the Town's monthly insurance bill. Failure to make these payments shall forfeit the individual's opportunity to participate and the Town is in no way responsible for any payment on behalf of said individual. The employee must sign a prescribed form where he/she clearly states his/her intention to participate in this program or not.

### OVERTIME

Employees on hourly wage shall be entitled to overtime at the rate of one and one half ( $1\frac{1}{2}$ ) times their normal rate after forty (**40**) hours of work to include vacation & personal time in one week upon verification and explanation by the Department Head.

A holiday worked will be considered in calculating overtime pay.

#### **EXPENSES**

When authorized in advance by the Board, employees of the Town, elected officials and appointed officials will be entitled to reimbursement for travel and incidental expenses incurred for activity directly connected with the operation of the Town or the employee's responsibility in employment with the Town or elected or appointed responsibilities for the Town. When requesting authorization for the reimbursement of expenses in advance, the employee or official must provide the Board with an estimate of the expenses to be incurred. A Selectman may incur business related expenses up to \$50 without prior approval. Actual expenses incurred must be reported to the Board within Thirty (30) calendar days of the payment of such expenses on a form prescribed by the Board. Such a form shall include space for the approval signature of the Board authorizing reimbursement of the requested expense. Receipts for expenses incurred must be attached to any expense form. Automobile expense will be reimbursed on a per mile basis with the amount to be fixed by the Selectmen and adjusted as necessary. Mileage expense claim will be accompanied by the statement listing starting point, destination, reason for trip, and actual miles traveled. The requesting employee or official shall sign the form.

#### **UNPAID LEAVE**

Leave without pay may be granted by the Board of Selectmen under special circumstances.

Unpaid leave will be handled on a case-by-case basis.

### **PART VIII-FAMILY AND MEDICAL LEAVE**

#### **ELIGIBILITY**

Employees who have worked for the Town a minimum of one year, and have worked 1,250 hours or more during the twelve months prior to requesting leave, are eligible for family and medical leave. Eligible employees may take up to 12 weeks of leave within a "rolling" twelve month period for the birth or adoption of a child, or to care for a child, parent or spouse with a serious health condition, or for their own serious health condition. Leave for the birth or placement of a child by adoption or foster care must conclude within twelve months of the event. Leave may begin prior to birth or placement, depending on the circumstances. To qualify for medical leave, the health condition or treatment must be such that it requires inpatient care, or ongoing treatment by a health care professional, or an absence of more than a few days for recovery and/or treatment. Employees must provide the Town with thirty (30) days advance written notice, or as soon as possible under emergency circumstances.

#### **INTERMITTENT OR REDUCED LEAVE**

Employees may take leave intermittently or on a reduced work schedule if medically necessary in the event of his/her own or a family member's serious health condition. Intermittent leave or a reduced work schedule may be taken for the birth or adoption of a child only with Selectmen approval. If leave is requested on an intermittent or reduced work schedule basis, the Employee may be required to schedule time off to cause the least disruption to the work flow and may also be required to transfer temporarily to an equivalent position that would more easily accommodate an intermittent leave.

## **CERTIFICATION**

Medical documentation will be required in order to take leave for personal serious illness or the serious illness of a family member. Certification from a health care provider must include the following:

- The date the serious health condition began.
- The expected duration of the condition.
- A statement that the employee is unable to perform the functions of the job.
- A statement that the employee is needed to care for an ill immediate family member.
- If applicable, the medical reasons for the need for an intermittent or reduced work schedule.

The Town may require a second opinion at the Town's expense. If a third opinion is required, the third physician must be agreed upon by the employee and the Town, and the Town will bear the expense. A release to return to work will be required for medical absences of one week or longer.

If leave is requested for the birth or adoption of a healthy child, or to care for a sick parent, a combined total of 12 weeks will be allowed. If leave is requested for an employee's own serious health condition, or to care for a sick child or spouse, the employee will be entitled to 12 weeks of leave.

## **USE OF PAID TIME - OFF BENEFITS**

Employees may elect to use paid accrued leave during their absence. If the employee does not elect to use accrued benefits, the leave will be without pay.

## **EMPLOYEE BENEFITS**

Health care benefits will be continued during this leave.

## **JOB RESTORATION**

In most cases, upon returning from leave, the employee will be restored to the same or an equivalent position with the equivalent pay, benefits, and other terms and conditions of employment. Certain key employees may be denied restoration if necessary to prevent substantial and grievous economic injury to the Town's operations. An employee will be notified if he/she is a key employee when requesting a leave.

## **PROBLEM RESOLUTION**

It is the Town's policy to comply fully with the Family and Medical Leave Act. Employees who have been denied leave inappropriately or otherwise treated unfairly should contact the Board.

## **PART IX – SAFETY POLICY**

The Town values the health, welfare, and safety of every employee and intends to provide a safe and healthful workplace. Accidents cause untold suffering and financial loss to our employees and their families. Good safety practices in the workplace are a condition of employment with the Town.

In pledging its full support of the safety process, the Selectmen recognize certain obligations:

1. Prevention of accidents and protection of all resources are guiding principals.
2. All operational decisions affecting safety must receive the same consideration as those affecting production or quality.
3. Safe working conditions and methods are of prime importance and take precedence over shortcuts and “quick-fixes.”
4. Feedback is welcome from all employees.
5. All employees will follow safety rules, take no unnecessary chances, use all safety guards, and equipment, and make safety an integral part of their work.
6. Any employee that refuses to participate in mandatory safety training may be terminated from their employment with the Town.

## **PART X – ELECTRONIC AND EQUIPMENT SECURITY POLICY**

The Town of Tamworth provides you with the necessary equipment to perform your job responsibilities. This equipment includes, but is not limited to: shop equipment and tools, desk and mobile phones, faxes, copy machines, computers and printers. These tools and equipment are designed to improve productivity and efficiency of communication. Town property, telephones, and email are not to be used for employees to engage in soliciting collections or donations; selling raffles, goods, or services; operating betting pools; or solicitations of any kind.

Employee use of town owned computers, printers, peripherals, and electronic equipment is for job-related or approved activities only. Inappropriate use of these computers, which may be defined from time to time at the discretion of the selectmen, may subject you to discipline, up to and including termination. The Harassment Policy also applies to electronic systems and employees may not access inappropriate websites, or use Town systems to harass other employees or individuals not employed by the town.

Inappropriate use includes, but is not limited, to the following:

- A. Use of town computers to send or receive messages, pictures, or computer files which are illegal, pornographic, sexist, racist, harassing, discriminatory, or offensive. If you receive such material, you should notify your supervisor or the selectmen immediately.
- B. Loading software that is not approved in advance by the selectmen.
- C. Making illegal copies of licensed software.
- D. Using software that would provide unauthorized access to the town’s computers or would disrupt the town’s equipment in any way.
- E. Using the town’s computers, printers, or email for personal and/or non-town related use, unless authorized by your immediate supervisor or selectmen.
- F. Employees are not permitted to load their own software.

- G. Upon separation of employment, an employee is required to deliver to the employer all passwords to access documents, diskettes, computer, electronic and voice messaging systems.
- H. Employees who utilize various software programs licensed to the Town of Tamworth which require security passwords in order to activate the program, or who shall have access to the Internet and/or e-mail service as part of their employment with the Town shall be required to sign a document with the Town which acknowledges the privileged use of these systems. This document shall be maintained as part of the employee's personnel file. Documentation of each individual's various passwords will be kept in an individual secure envelope, signed and witnessed, and may be accessed by at least two members of the Board of Selectmen or a member of the Board and the Town Administrator as appropriate. The employee will be notified as soon as possible in the event that his/her password envelope has been accessed.

Any message or file created or emailed using any town computer is the property of the town. You should have no expectations of privacy or confidentiality in any web site accessed, message or file that is created, stored, or sent using the computers or other communication equipment belonging to the town, and the selectmen reserves the right to review, monitor, access, audit, intercept, copy, print, read, disclose, modify, retrieve, and delete anything you do on a town computer, including email.

E-mail and the Internet are not entirely secure. Employees must notify the selectmen of any potential breaches of security, or any potential viruses.

Any unauthorized use of another person's computer may result in immediate discipline up to and including termination.

In order to minimize risk of any threats to the Town computers and maximize the overall utility of the Town's considerable investment in computer technology, the following policy applies to all users:

- A. No person, without authorization from the Board of Selectmen or assistance from the person in the Selectmen's Office designated to do so, shall install or upgrade software on a Town Computer or network server whether downloaded from the internet, received by email or purchased on some other device.
- B. No person is allowed to use portable media devices on Town computers. This includes but is not limited to flash, thumb, or external hard drives for the purpose of transporting files.
- C. Cloud drive usage is strictly prohibited on Town computers.

## **PART XI – TERMINATION OF EMPLOYMENT**

### **AT-WILL-EMPLOYMENT**

All town employees are at-will. In other words, the employer maintains its legal authority to terminate any employee, for cause or no cause, provided the termination of any employee is not for a reason or reasons which would violate public policy.

## **EMPLOYEE RESIGNATION NOTIFICATION**

When an employee decides to resign their position from the Town, an advance notice of at least two weeks is desired. Failure to give notice may reduce your benefits.

## **EXIT INTERVIEW**

All employees shall have an exit interview with the Board before their last day.

## **PART XII – DISCLAIMER**

**THIS PERSONNEL MANUAL AND ALL OF ITS TERMS CREATES NO CONTRACT, EXPRESS OR IMPLIED, BETWEEN THE TOWN AND ANY EMPLOYEE. RATHER, THIS PERSONNEL MANUAL IS MEANT TO BE AN OVERVIEW OF THE WORKING RULES AND BENEFITS, WHICH THE TOWN AND AN EMPLOYEE ARE TO OBSERVE DURING THE EMPLOYER-EMPLOYEE RELATIONSHIP. UPON THE TERMINATION OF THE EMPLOYEE-EMPLOYER RELATIONSHIP, THE TERMS OF THIS PERSONNEL MANUAL SHALL NOT HAVE ANY FORCE OR EFFECT EXCEPT AS TO PAYMENT OF BENEFITS, WHICH ARE SPECIFICALLY ADDRESSED HEREIN, SUCH AS ACCUMULATED AND UNUSED SICK LEAVE, FOR EXAMPLE.**

## **PART XIII – ADOPTION AND AMENDMENT**

This Policy was adopted on January 11, 2007.

Any amendment to this Policy shall be effective only after approval by the Board of Selectmen at a properly noticed selectmen's meeting. The selectmen may, but are not required to, post notice of the meeting in the newspaper, or solicit public comment thereon, prior to the adoption of any amendment.

Amended 12/3/09 by the Board of Selectmen  
Amended 12/16/10 by the Board of Selectmen  
Amended 9/22/11 by the Board of Selectmen  
Amended 10/18/12 by the Board of Selectmen  
Amended 12/10/12 by the Board of Selectmen  
Amended 12/19/13 by the Board of Selectmen  
Amended 8/24/17 by the Board of Selectmen  
Amended 4/19/2018 by the Board of Selectmen  
Amended 1/1/2019 by the Board of Selectmen