

# Chapter 2 – Administration

INTRODUCTION ..... 80

FORM OF GOVERNMENT ..... 80

AFFIRMATIVE ACTION..... 81

GENERAL LABOR POLICIES ..... 81

EQUAL EMPLOYMENT OPPORTUNITY..... 81

PROBATIONARY PERIOD..... 82

RE-EMPLOYMENT ..... 82

ANTI-NEPOTISM..... 83

EMPLOYEE CONDUCT ..... 83

CONFIDENTIALITY POLICY ..... 83

ABSENTEEISM AND TARDINESS ..... 83

EMPLOYMENT CLASSIFICATIONS ..... 83

EVALUATIONS ..... 84

CONFIDENTIAL PERSONNEL RECORDS..... 85

PROMOTION AND TRANSFERS..... 85

WAGES AND SALARIES..... 85

HOURS OF WORK..... 87

TERMINATION..... 87

DISCIPLINE AND DISCHARGE ..... 87

GRIEVANCE PROCEDURE..... 88

HEALTH INSURANCE..... 89

DENTAL INSURANCE..... 89

LIFE INSURANCE ..... 89

FLEXIBLE REIMBURSEMENT BENEFITS ACCOUNTS ..... 89

GRATUITIES ..... 89

REIMBURSEMENT OF EXPENSES ..... 90

USE OF CITY PROPERTY ..... 90

INTERNET AND ACCEPTABLE USE ..... 90

OUTSIDE EMPLOYMENT AND COMPENSATION..... 90

POLITICAL ACTIVITY ..... 91

RETIREMENT ..... 91

HOLIDAYS ..... 91

VACATIONS..... 92

SICK LEAVE ..... 93

DIRECT DEPOSIT..... 94

UNPAID FAMILY AND MEDICAL LEAVE (FAMILY MEDICAL LEAVE ACT OF 1993) .....	94
WORKER’S COMPENSATION .....	96
NON FMLA LEAVE OF ABSENCE .....	97
CATASTROPHIC LEAVE PROGRAM.....	98
A. Introduction .....	98
B. Authority and Responsibility.....	98
C. Definition.....	98
D. Eligibility.....	98
E. Procedures.....	98
F. Limitations .....	99
G. Frequently asked questions .....	99
JURY DUTY.....	99
MILITARY LEAVE .....	99
BEREAVEMENT LEAVE.....	100
PERSONAL BUSINESS .....	101
ACCIDENTS TO EMPLOYEES .....	101
HEALTH AND SAFETY .....	101
HEALTH AND WELLNESS PROGRAM .....	102
CHANGE OF PERSONAL STATUS .....	102
SOLICITATION.....	102
DRUG FREE WORKPLACE POLICY .....	102
WORKPLACE SMOKING POLICY.....	103
EMPLOYEE ASSISTANCE PROGRAM .....	103
SEXUAL HARASSMENT POLICY .....	105
INFECTIOUS DISEASE POLICY .....	108
WHISTLEBLOWER'S PROTECTION.....	111

## **INTRODUCTION**

The Caribou City Council believes that it is important to work together harmoniously in a spirit of friendliness and cooperation to maintain a comfortable working atmosphere. The City Council strives for excellence, and the best and most qualified persons seeking employment with the City will be selected to serve the City of Caribou.

The people of Caribou are the center of the City's activities. The reason for local government is to meet the needs of the people and its community. Municipal government's defining role in the success of the community is to provide the most cost efficient delivery of services while creating and maintaining the infrastructure necessary to facilitate the future economic and social well being of the community within the governmental structure so empowered by the will of the people. To provide this service, the most qualified City employees may be ultimately involved with health, safety, welfare, education and the convenience of the people.

This handbook is designed to inform the employee about the City's personnel policies and procedures and to help them understand their benefits and responsibilities as an employee of the City. Failure to follow this policy will result in disciplinary actions as outlined in this policy. It is the responsibility of the employee to become familiar with and gain an understanding of this handbook. Employees who may need any part of this handbook clarified should direct their questions to the Human Resources Director. All employees are required to sign a receipt of this handbook containing the City's policies and procedures. A copy of this receipt will be placed in the employees' personnel file.

While the City of Caribou has developed the plans, policies and procedures described in this handbook, the policies are provided for general information only and are not a statement of contractual obligation guaranteeing employment for any specific duration. The employee may end employment "at will", absent any contractual agreement, without cause or advance notice. The City of Caribou may end employment "at will"; absent any contractual agreement, for cause. Advanced notice of termination should be made in all possible situations. This Personnel Policy is not to be interpreted as creating contractual rights in any employment. Conflicting changes in state, or federal laws take precedents over this Personnel Policy.

The municipality specifically reserves the right to repeal, modify or deviate from these policies as necessary. These policies are intended as informational guidance and are not to be interpreted as promises of specific treatment or as creating contractual rights in any employee. In addition, conflicting changes in local, state or federal laws take precedence over the contents of personnel policies, whether or not those changes were incorporated into the policy.

## **FORM OF GOVERNMENT**

The City of Caribou operates under the Council-Manager form of government by a Charter so created in March of 1967. The Council is comprised of seven members elected at large who determine policies, make laws and ordinances, adopt budgets and determine the tax rate.

Councilors are elected each year on a rotating basis with 2 councilors one year, 2 the next

and 3 the following year on a nonpartisan ballot. Each year, the Council elects a Mayor from among its members.

The Council appoints the City Manager, who is responsible for all administrative matters, such as, enforcing the law in accordance with the City Charter and ordinances and policies adopted by the Council, and appointing department heads, except those positions appointed by the City Council as specified in the City Charter. Employment of all personnel is the responsibility of the City Manager.

### **AFFIRMATIVE ACTION**

The purpose for an affirmative action program is to continue to create an equitable environment among the employees. The City of Caribou's affirmative action program contains the following objectives:

- ✓ To examine all employment policies and procedures systematically to ensure that no employee or applicant is discriminated against on the basis of race, color, national origin, age, disability, sex, religion, sexual orientation or other protected class.
- ✓ To develop and implement affirmative action plans which will be followed in recruiting, employing and promoting qualified individuals without regard to race, color, national origin, age, disability, sex, religion, sexual orientation or other protected class.
- ✓ To foster a non-threatening environment in which employees are assured that discrimination is neither condoned nor tolerated.

### **GENERAL LABOR POLICIES**

Each employee is encouraged to seek information or advice from the Human Resources Director or Department Heads on any matter affecting his/her employment.

Rules and regulations adopted from time to time by Supervisory or Administrative Personnel within the chartered authority will be followed at all times.

### **EQUAL EMPLOYMENT OPPORTUNITY**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the City of Caribou will be based on merit, qualifications, and abilities. Except where required or permitted by law, employment practices will not be influenced or affected by an applicant's or employee's race, color, religion, sex, national origin, age, disability, or any other characteristic protected by the law.

The City of Caribou will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

In addition to a commitment to provide equal employment opportunities to all qualified individuals, the City of Caribou has established an affirmative action program to promote opportunities for individuals in certain employment classifications throughout the organization.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Human Resources Director. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

The City of Caribou is an Equal Opportunity Employer.. The City of Caribou will continue to recruit, hire, train, and promote into all job levels the most qualified persons without regard to race, color, religion, sex, national origin, handicap or any other protected class under state or federal law. With the same respect, all other personnel matters such as compensation, benefits, transfers, layoffs, City sponsored training, education, and social and recreational programs will continue to be administered in accordance with the equal opportunity policy of the City of Caribou.

The City of Caribou complies with the Immigration Reform and Control Act of 1986 and requires all employees to complete the Employment Eligibility Verification Form.

### **PROBATIONARY PERIOD**

In order to provide new employees and the City time in which to evaluate work performance newly hired employees will be subject to a probationary period of six (6) months. If the employee is deemed unable to be a successful employee during the probationary period, employment can be terminated without cause, notice or hearing. If the employee has transferred to a new position from another department, the hire date will default back to the original hire date for benefit purposes.

The probationary period is intended to give Department Heads an opportunity to review the ability of the new employee to perform all aspects of the position. If a concern/s should arise involving performance, attendance or conduct during the probationary period, the Department Head will meet with the new employee in a timely manner to discuss these concerns.

If a probationary employee continues to have problems after receiving feedback, the probationary period may be extended, or the employee may be released, depending upon the concern(s) at the discretion of the City Manager.

Time spent on leave without pay will not count toward completion of the probationary period. A probationary employee must complete the probationary period upon return from the leave without pay. Time spent, as a temporary employee is not counted toward the probationary period.

An employee may be released at any time without cause, hearing or notice during the probationary period. An employee who has successfully completed the probationary period may be terminated in accordance with the City policies.

### **RE-EMPLOYMENT**

Former employees who left the City with good records may be given preference over new applicants, providing their qualifications are equal to the other applicants. However, when

computing seniority and employment benefits they will be considered as new employees.

### **ANTI-NEPOTISM**

Relatives are defined as follows: spouses, parents, grandparents, children, grandchildren, brothers, sisters, brothers and sisters-in-law, fathers and mothers-in-law, stepparents, stepbrothers, stepsisters, stepchildren, sons and daughters-in-law.

Relatives of persons currently employed by the City may not be eligible for employment within the same department of the City. If the relative relationship is established after employment, the individuals concerned will meet with the City Manager. The Manager - may then make any reassignment or adjustments necessary so that the employees will not be working directly for or supervising a relative or will not be working directly above the relative's immediate superior or directly for the relatives immediate subordinate. In cases where a conflict or the potential conflict arises due to personal relationships, the parties may be separated by reassignment and/or be subject to corrective action or in some cases termination.

### **EMPLOYEE CONDUCT**

All employees are expected and required to treat the public and their coworkers with promptness, patience, courtesy, and respect. Employees are expected to conduct themselves at all times in a manner that will bring no discredit to their department or to the City of Caribou.

### **CONFIDENTIALITY POLICY**

During the course of their duties, employees of the City of Caribou often are privy to information about individuals which is sensitive and must be kept confidential. Employees are expected to respect the confidential nature of any information not subject to public knowledge.

### **ABSENTEEISM AND TARDINESS**

Employees shall be at their respective places of work in accordance with the general or departmental regulations. In the event of necessary absence because of illness or any other cause, it is the responsibility of the employee to see that his/her department head is advised of the reason for absence prior to the start of the work day and on each subsequent day so he/she may adjust the daily schedule of work as necessary. Similarly, if an employee is going to be unavoidably late for work for some reason, notification must be given to the respective department head within 2 hours of the employee's scheduled start time..

Excessive tardiness and/or unapproved absences may be cause for disciplinary action and/or termination.

### **EMPLOYMENT CLASSIFICATIONS**

It is the intent of this section to clarify the definitions of employment classifications so that

employees understand their employment status and benefit eligibility.

The following describes employment categories that classify employees according to their employment status and benefit eligibility.

REGULAR FULL-TIME (*Non-exempt*) employees are those who are paid hourly, not in a temporary or probationary period status and who are regularly scheduled to work at least 30 hours per week. They are eligible for the complete City benefit package, subject to the terms, conditions, and limitations of each benefit package.

REGULAR FULL-TIME (*Exempt*) employees are those who are paid with a salary based on a regular 40 hour week and are not eligible for overtime benefits as provided by Section 13(a)(1) of the Fair Labor Standards Act as defined by Regulations, 29 CFR Part 541. They are eligible for the complete City benefit package, subject to the terms, conditions, and limitations of each benefit package.

REGULAR PART-TIME employees are those who are not assigned to a temporary or probationary status and who are regularly scheduled to work less than the full-time work schedule, but at least 15 hours per week, but less than 30 hours per week and over a 52 week period. Regular part-time employees are eligible, on a pro rata basis, for vacation and retirement benefits, subject to the terms, conditions and limitations of each benefit program.

PART-TIME/SEASONAL employees are those who are not assigned to a temporary or orientation status and who are scheduled to work on an irregular basis. Part-time/seasonal employees are not eligible for City benefits.

PROBATIONARY employees are those whose performance is being evaluated to determine whether further employment in a specific position is appropriate. Employees who satisfactorily complete the probationary period will be notified at their six (6) month evaluation of their new employment classification.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until they are notified of a change. Temporary employees are ineligible for City benefits.(Amended 10/07)

## **EVALUATIONS**

All employees will be given a written performance evaluation annually. This evaluation will be reviewed by the employee with the evaluator. A new employee will be evaluated after six (6) months of employment. Department Heads shall complete evaluation reports on subordinates and return to the Human Resources Director. All evaluations will be kept in the employee's personnel file.

The City Manager (and appropriate board if applicable) will complete evaluation reports on Department Heads. The Council Personnel Committee jointly with the Mayor shall complete the evaluation on the City Manager. This evaluation shall be approved by the

City Council, with the final vote taken in public session. The evaluation report will be signed by the Mayor and/or Chairman of the Personnel Committee and maintained in a confidential file by the Human Resources Director for the Personnel Committee. All other personnel records will be confidential and filed with the Human Resources Director and available for review by the employee, the department head or the City Manager.

### **CONFIDENTIAL PERSONNEL RECORDS**

Personnel records are maintained for each employee of the City and are kept in a locked file cabinet. Any employee may review his/her files in the presence of the Human Resources Director or the City Manager between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday. So as not to cause disruption the employee shall set up an appointment with the Human Resources Director for such a review in advance.

### **PROMOTION AND TRANSFERS**

The City of Caribou may fill a vacancy internally through promotion of existing personnel at the discretion of the appropriate hiring authority with approval from the City Manager

Transfers are permissible between departments if the move is acceptable to the employee, both Department Heads concerned, and with the approval of the City Manager. Employees wishing to transfer departments must consult the Human Resources Director. Department heads wishing to transfer employees must consult the Human Resources Director and receive approval from the City Manager.

Transfers to a vacant position of the same classification or like classification, even if it is a different department, will not affect the employee's standing relative to City benefits accrued. However, the transferred employee will begin establishing seniority based on the transfer date, if the transfer is to a new department.

### **WAGES AND SALARIES**

The City of Caribou attempts to keep its wages and salaries comparable with other similar communities, agencies and firms. The City of Caribou maintains a salary schedule for all positions, if not covered by specific contract, in order to keep positional salaries at a comparable rate.

New employees are paid at a rate within the City's Wage and Classification for the position for which they were hired. Individual compensation concerns are to be discussed only with the respective Department Head, the Human Resources Director, or the City Manager.

The City of Caribou's Wage and Classification Program has been created to develop a clear understanding of each different position in the organization, to insure each position is measured on the same basis to determine its relative value, and to insure that each individual is equitably and competitively compensated for the type of work performed.

This program has been developed and adopted to serve as a guideline for the City of Caribou exclusively. The program utilizes eight factors as the basis of measurements:

- 1) **Knowledge/Education** – This factor measures the requirement for knowledge and skill in administration, professional, technical and human relations areas. This knowledge requirement may be specialized, diverse or broad in scope. Knowledge may be obtained through formal schooling, specialized training or self-education. Minimum knowledge requirement is considered for satisfactory performance of the job.
- 2) **Mental Activity/Complexity of Decisions** - The requirement for original and independent creation, analysis reasoning, evaluating, judgment, and choosing among alternatives.
- 3) **Job Experience** – This factor measures the minimum time necessary to acquire, through experience, the practical knowledge, skill, and technique to perform the work. It is the total of time necessary in related work on-the-job training in which the experiences are directly applicable.
- 4) **Responsibility/Accountability** – The requirement of independent responsibility for what happens. The exercise of judgment is mental activity, but the results of judgment are accountability. Accountability may be observable, or it may be remote, as in making long-range policy.
- 5) **Management Control** – This factor measures the responsibility for training, guiding or directing the effort of others, either personally or through subordinates. It measures to what extent the job requires organizing work, making plans and schedules, and leading others toward organization goals.
- 6) **Relationships** – This factor measures the effect of internal or external contacts upon costs or reputation and prestige of the organization. It is that factor which deals most importantly with human relations skills. The nature and level of such contacts, their frequency, whether information is furnished or obtained, or whether it is necessary to influence others are considered.
- 7) **Analysis and Research** – This factor measures the fact-finding and interpretation, investigation, research, and analysis required for the satisfactory performance of the position. Research may be required with respect to financial, economic and social trends, the effect of technological developments, new industries, and other matters.
- 8) **Working Conditions** – This factor measures the physical surroundings under which the job must be performed and includes the potential for occupational injury.

Each of these factors is scored to determine a classification number. Once a classification number has been determined for each individual, that individual is placed into a range. Once a classification number has been assigned to a position, the position will fall within one of the twelve ranges that are established.

## **HOURS OF WORK**

The City Manager and the Department Heads shall endeavor to establish schedules of working hours for department heads and subordinate employees, not in excess of those stipulated by general law of the business and industry for related positions. The City recognizes however, that there are some governmental jobs that require unique working schedules. It is the responsibility of the City Manager or Department Head to establish the work schedule that provides the necessary staffing to serve the needs of the citizens of Caribou. Over the course of a year, needs of different departments come to a peak resulting in overtime work. All persons on hourly wage rates required to work outside of their regular work schedule or over forty (40) hours, whichever is the greater, shall be paid time and one half. For example: If an employee is hourly non-exempt and the normal work schedule is Monday through Friday – 8:00 a.m. to 5:00 p.m. with one hour allowed daily for lunch; and the employee works beyond 5:00 p.m. or on Saturday or Sunday, then the employee qualifies for the time worked outside of the work schedule at time and one half. In lieu of overtime pay, compensating time may be allowed at a rate of time and one half by mutual agreement between the employee and his/her immediate Department Head. (Amended 10/07)

## **TERMINATION**

RESIGNATION - All hourly employees resigning from the service of the City are required to give a two (2) week notice. Failure to comply with this agreement or a termination not in good standing will result in loss of accumulated vacation or any other accumulated benefit.

Department Heads shall be required to give a minimum 30 days notice.

REFERENCES - The City Manager or Department Head may give letters of recommendation to individuals and furnish references on inquiry by prospective employers.

EMPLOYMENT VERIFICATIONS – All employment verifications should be submitted in writing by facsimile or mail to the Human Resources Director.

EXIT INTERVIEW - Each employee before completing severance of his/her employment will have an exit interview with the, Human Resources Director and/or the City Manager or his/her designated official. (Amended 08/07)

## **DISCIPLINE AND DISCHARGE**

DISCIPLINARY ACTION - Demotion and suspension may be used by a department head with the approval of the City Manager for inefficiency, insubordination, substance abuse on duty, absenteeism, tardiness, or continued poor performance after evaluation and any behavior which is not conducive for working conditions. Disciplinary action must be taken within one (1) week of the Department Head's notification of the incident. One week constitutes five (5) working days. Documentation of disciplinary action will be retained in the employee's personnel file indefinitely. (Amended 10/07)

Procedure for disciplinary action is as follows:

First Offense – Counseling/Verbal warning (to be documented in the employee file)

Second Offense - Written notice (to be documented in the employee personnel file)

Third Offense – Termination

The Department Head and/or the Human Resources Director in conjunction with the City Manager; has the authority to enter the disciplinary action procedure at any of the levels outlined in this section.

TERMINATION - If a regular employee is to be terminated from employment, the Human Resources Director will issue a notice to the employee on the day of discharge. In addition, the employee can request arrangements to be made for a hearing with the City Manager, the Department Head, the Human Resources Director and the employee to determine whether discharge is appropriate. If any employee is discharged for such reasons as listed under disciplinary action, he/she is not entitled to remuneration for accrued/banked sick leave but will be eligible for accrued/banked vacation pay upon separation. Should the result of a hearing be discharge, the employee will be provided with a written statement from the City within 24 hours of said hearing. Termination may be effective immediately should the seriousness of the violation warrant such action.

### **GRIEVANCE PROCEDURE**

The City of Caribou for the purposes of this Grievance Procedure will define a grievance as the following: A dispute between any employee and the City concerning the interpretation or application of the terms of these Personnel Rules and Regulations. Excluded are those matters pertaining to management's judgments of qualification and or performance relating to: hiring, promotions of personnel, work conditions, employment supervision, safety, compensation adjustments, etc.

The City Council shall serve as the Grievance Board for hearings. Employees must fulfill all steps of the process in sequence order prior to submitting in writing that the City Manager notify the Council of a potential hearing.

- (a) The grievance shall first be discussed with the immediate supervisor.
- (b) The grievance may then be submitted in writing to the Department Head who shall give a written reply within one (1) week. (One week constitutes five (5) working days).
- (c) The grievance may then be submitted in writing to the Human Resources Director who shall give a written reply within one (1) week. (One week constitutes five (5) working days).
- (d) The City Manager may be requested in writing to bring the matter before the Personnel Committee of the City Council; only after the completion of steps (a) through (c).

These steps shall be followed in sequence. However, the requirements of a written presentation and reply in steps (b) and (c) is not intended to preclude the use of frank and

informal conference as a means of reaching settlement.

## **BENEFITS**

### **HEALTH INSURANCE**

The City is engaged in a group hospital and surgical plan.

Group health insurance is available to all full-time employees and their families or dependents. The City Council annually determines the share of the premium that the City will pay.

This health insurance also includes major medical benefits. (Amended 08/07)

Included in this health insurance at no cost to the employee is a term life insurance valued at one (1) times the employee's annual salary.

Health Insurance Stipend – The City of Caribou offers an incentive/stipend to the employees to opt out of taking the standard offer of the health insurance plan of choice. This is an option for employees NOT TO TAKE the standard offer of insurance in which the employee must provide proof of other insurance plan. The incentive will be comprised of a cash incentive to be paid directly to the employee in each payroll period.

### **DENTAL INSURANCE**

Regular employees working 15 hours or more may purchase Dental Insurance coverage at employee expense from the Maine Municipal Employees Health Trust.

### **LIFE INSURANCE**

Regular employees working 15 hours or more may purchase Basic, Supplemental, and/or Dependent Life Insurance coverage at their expense from the Maine Municipal Employees Health Trust.

### **FLEXIBLE REIMBURSEMENT BENEFITS ACCOUNTS**

The City offers a flexible benefits program to regular full-time employees. Employees who voluntarily choose to participate may elect to make weekly deductions into their accounts to reimburse them for up to \$5,000 in annual Dependent Care expenses and for up to \$2,500 in annual medical expenses on a tax-free basis.

Employees who are interested should obtain more information and carefully evaluate the details before deciding whether to participate.

### **GRATUITIES**

A City employee is prohibited from soliciting or accepting any gift, gratuity, favor,

entertainment, loans, or any other item of monetary value from any person, within or outside City employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties.

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

### **REIMBURSEMENT OF EXPENSES**

Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out approved, official City business. Such reimbursement shall be made in accordance with current, approved rates upon submission of a standard expense sheet, signed by the employee's immediate supervisor. Such reimbursement shall not apply to travel between employee's home and the place of work, unless more than 1 trip is required per day. Requests for reimbursement of meals, parking fees, lodging and registration fees must be accompanied by receipts of same whenever possible. All reimbursements are to be submitted within 14 calendar days of the date the receipt for purchase is issued or the reimbursable cost is incurred, or within 14 calendar days of an employee's return to work after travel approved by the City Manager for City business.

### **USE OF CITY PROPERTY**

Employees may not, directly or indirectly, use or allow the use of City property of any kind for other than official activities.

### **INTERNET AND ACCEPTABLE USE**

The City of Caribou's internal network is connected to the Internet. Everyone with computer access to the internal network has the ability to access the Internet. While the Internet is a great resource for our organization, it is the responsibility of each employee to use this resource responsibly and respectfully. It is assumed that the predominant use of these resources will be for work use, and that any personal use of e-mail and the internet will be limited; never a priority over work matters. Employees shall not spend excessive amounts of time on personal uses of these resources.

Electronic mail sent from the City should be treated the same as any other communication that is sent. All communications represent the City of Caribou's name as a whole, and as such, should be written in a professional and appropriate manner. This also applies to any material that is published on the City of Caribou's Website.

### **OUTSIDE EMPLOYMENT AND COMPENSATION**

A City employee may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest. Employees must inform their Department Head of their outside employment. If the City Manager determines that such outside employment is disadvantageous to the City,

he shall notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside their regular working hours shall be subject to perform their regular duties first.

The City shall in no respect be liable or grant sick leave or disability leave in cases where an employee is injured or contracts an occupational illness or develops occupational disability while engaged in outside employment.

### **POLITICAL ACTIVITY**

While working for the City, all employees shall refrain from using their influence publicly in any way for or against any candidate for elective office in the City government. City employees shall not circulate petitions or campaign literature for elective City officials, or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service for any person for any political purpose pertaining to the City government.

This rule is not to be construed to prevent City employees from beginning, or continuing to be, members of any political organization, from attending political meetings, from expressing their views of political matters, from voting with complete freedom in any local state or national election, or exclude them from forming a union or joining one. City employees who accept any official position within the City's municipal organization are expected to resign from positions where there may be a conflict of interest or an incompatibility of offices.

### **RETIREMENT**

The City offers a qualified pension plan designed to supplement Social Security benefits that will help attain a measure of security and financial independence after you have left active employment with the City due to retirement.

ELIGIBILITY - In order to be eligible you must be a regular full-time or regular part-time employee and make a weekly contribution to the qualified plan. The City will make a weekly contribution after the completion of six (6) months of employment. The maximum amount that the City will contribute is \$1.00 on every \$1.00 up to 3 1/2% of the employee's gross weekly earnings. (Amended 10/07)

Fire and Police are eligible to join the Maine State Retirement System. The City of Caribou will only contribute to one qualified plan per employee. (Amended 2/96)

### **HOLIDAYS**

Eleven (11) holidays are observed throughout the calendar year. They are:

1. New Years Day
2. Martin Luther King Jr. Day
3. Presidents Day
4. Patriot's Day
5. Memorial Day
6. Independence Day
7. Labor Day

8. Columbus Day
9. Veteran's Day
10. Thanksgiving
11. Christmas

Since some governmental departments must be open every day due to the necessity of their operation, it is not possible for all employees to be scheduled off duty on the day the holiday occurs. When this happens and the employee is unable to take a day off to make up for it, he/she will receive pay at time and a half (1 ½ ) for the holiday worked.

Holidays falling on Saturday will be observed on Friday and all holidays falling on Sunday will be observed on Monday. Any employee not working the day prior and the day following a holiday when scheduled to do so, will relinquish eligibility for holiday pay unless there is a legitimate reason for the employees action. Paid holidays will be provided to regular part time employees on a pro-rata basis. (Amended 2/96 and 2/01)

### VACATIONS

An employee is eligible to take annual vacation time with pay after completing six (6) continuous months of service with the City. For employees completing six months of service, all vacations will be taken by January 1 or within three (3) months of their employment anniversary date.

All subsequent annual vacations are calculated by January 1. Vacations cannot be accumulated from year to year. All vacation time should be taken during the established vacation period for each department.

Vacation will be accumulated as follows:

- After six months of service the employee will receive 1 workweek.
  - After 1 year of service the employee will receive 1 additional workweek.
  - After 2 years of service the employee will receive 2 workweeks vacation.
  - After 5 years of service the employee will receive 3 workweeks.
  - After 15 years of service the employee will receive 4 workweeks.
  - After 20 years of service the employee will receive 5 workweeks.
- (Amended 10/07) (Amended 6/14)

Regular part time employees are eligible to accumulate vacation based on the average number of hours worked, holiday hours, and vacation hours per week in the past year. The average number of hours is then calculated at the number of years of service. Effective for the 2022 calendar year, based on hours from the 2021 calendar year.  
(Amended 8/07) (Amended 1/22)

Vacation pay is determined by the pay rate of the employee at the time they are actually on vacation. Employees may take vacations in any increments of their choosing, at the discretion of the Department Head. If payday falls during the annual vacation of any employees, he/she is entitled to his/her pay in the payroll prior to the start of their vacation.  
(Amended 10/07)

It is the City policy that each employee shall take at least one (1) week vacation a year. Department Heads are in charge of scheduling vacations. They will do their best to plan their schedules according to requests made by employees and employee's seniority.  
(Amended 2/96)

An employee is not allowed to work and be paid double his/her wage during his/her vacation period. (Amended 2/96 and 2/16)

The employer encourages employees to use all of their annual accrued vacation however; under some circumstances an employee may not be able to use their full allotted vacation. With the approval of the Department Head and the City Manager, an employee may bank unused vacation time up a maximum of what the employee has in their bank as of December 31, 2014, to be paid only upon separation or retirement. (Amended 2/01) Banked Vacation hours beyond 400 hours will not be paid out. (Amended 6/14)

An employee may request to receive the entire amount of banked vacation pay prior to their retirement or resignation from the City's employment. It shall be solely up to the discretion of the City Manager to allow the banked vacation time to be paid out after receiving the request. If the request is granted the employee shall not be eligible to bank hours. (Amended 2/16)

Each year an employee may roll over unused vacation to be used by the last day of February of the following year. (Amended 6/14)

Upon retirement or resignation from the City's employment, or upon death, the employee or his/her estate can collect unused vacation pay. (Amended 2/96)

### **SICK LEAVE**

If you are a full time employee, you will be eligible for paid sick leave after completing six (6) months of continuous service from date of employment, at which time you will have accumulated 48 hours. Sick leave is accumulated at the rate of eight hours per month up to 960 hours or its equivalent.

Should any employee become ill, he/she will make an attempt to contact their supervisor or Department Head prior to their regularly scheduled start time. Failure to do this may jeopardize eligibility for sick leave for the period.

Employees may be required to present a doctor's certificate to justify absence and to qualify for payment for time lost during sick leave. (Amended 2/01) Any sickness occurring during a regularly scheduled vacation may not be counted as sick leave.

For employees hired on or before December 31, 2013: Upon retiring and discontinuance from the City's employment or upon death, the employee or his/her estate shall be paid unused sick leave benefits up to the amount in the employees sick bank as of December 31, 2014. (Amended 2/01) Upon termination of employment in good standing with the City, the employee will be compensated for unused banked sick leave, up to the number of hours in their bank as of December 31, 2014, according to the following schedule:

After	5	years	-	25%
After	10	years	-	50%
After	15	years	-	75%
After	20	years	-	100%

(Amended 6/14)

For employees hired on or after January 1, 2014 there shall be no pay out of unused banked sick leave. (Amended 6/14)

For employees hired on or before December 31, 2013: The City wishes to encourage employees to build up their accrued sick leave to provide security for those instances when the employee is unable to perform duties because of sickness. Upon accruing the maximum number of hours, the employer will permit the employee to bank additional unused hours for additional security, to be used only when a long term illness of the employee occurs, which can be documented by the employee's physician. The employer will also permit the employee to cash in any accrued sick leave, beyond nine hundred sixty (960) hours at the rate of \$6.25 per hour. The determination to bank or cash in these sick leave hours will be done during the month of January each year and will be paid out to the employee or credited to the sick leave bank in February of each year.

For Employees hired on or after January 1, 2014 there shall be no payout of sick time accumulated beyond the nine hundred sixty (960) hours. (Amended 6/14)

### **DIRECT DEPOSIT**

All employees are required to enroll in the City's Direct Deposit Program.

### **UNPAID FAMILY AND MEDICAL LEAVE (FAMILY MEDICAL LEAVE ACT OF 1993)**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months

#### **Reasons For Taking Leave**

Unpaid leave must be granted for any of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care;
- To care for the employee's spouse, son or daughter or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform his or her job.

#### **Advance Notice and Medical Certification**

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

#### **Job Benefits and Protection**

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA.
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violation.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights.

In accordance with the Federal Family and Medical Leave Act of 1993 and the State of Maine Family and Medical Leave Act, the City provides medical and family leaves of absence without pay to an employee who has been employed by the City of Caribou for 12 consecutive months 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) consecutive months for the birth, adoption of a child 16 years of age or less, or serious illness of the employee, child, spouse, or parent. 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. Please refer to the Human Resource Director's office for further details or clarification.

A. To be eligible for a family medical leave, the employee must give 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 preprinted form available in the Human Resource Director's office.

B. The City will require certification from a physician to verify the amount of leave requested by the employee for medical leaves.

C. Family medical leave is without pay. The employee must use accrued 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. Sick leave runs concurrently with (12) weeks of family medical leave.

D. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the City of Caribou 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 medical insurance, life insurance, income protection, union dues, union insurance and retirement benefits will continue during the period of unpaid leave at the cost of the employee. When all sick leave has been utilized by an employee, salary payments to the employee shall cease immediately. The City will no longer pay any amount toward employees' benefits after twelve (12) weeks. The employee will then have the opportunity to continue the benefits by paying the cost themselves. In the event that the employee fails to return to work after the expiration of the leave, the employee will be expected to reimburse the City for its share of the Health Insurance premiums. The employee will not be required to reimburse the City if he/she is precluded from returning to work by a serious health condition. The employee will be required to provide the City with medical certification of the serious health condition provided by the Medical Doctor that originally certified the serious health condition.

E. Sick and vacation leave do not accrue during an unpaid leave period.

F. Upon the end of the family medical leave, and/or upon submission of a qualified return to work report, 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 of a family medical leave which prevent the restoration to the same or equivalent position.

G. An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave, unless statutes prevail.

H. An employee may take leave on an intermittent basis or by working a reduced schedule with prior written approval by a primary care physician and the City Manager.

### **WORKER'S COMPENSATION**

The City of Caribou provides Worker's Compensation Insurance coverage for all employees. When an on-the-job accident occurs the affected employee is to report it immediately to his or her direct supervisor or Department Head. The Department Head shall notify the Human Resources office within 24 hours of the injury or on the next following work day of the accident.

#### **A. Preferred Provider Program**

The City of Caribou encourages safety in our work environment. We are concerned about each employee's well being and take an active role to assist the employee with a proper recovery.

Because of our interest in employees, we have coordinated a preferred provider program for work-related medical services. For information on which the City's preferred provider is, please see either your Department Head or the Human Resource Director.

It is required that all employees, unless it is an emergency situation, seek medical treatment through the City's preferred provider. Initial medical treatment is to be obtained from the

City's preferred provider and is authorized by law under the Maine Workers' Compensation Act of 1992, Title 39-A, M.R.S.A., Section 206.

All initial medical treatment is to be obtained from the City's preferred provider and will be scheduled through the Department Head who in turn will notify the Human Resource Director.

The personal safety and health of each City Employee are of primary importance. The prevention of occupationally induced injuries and illnesses is of such consequence that it will be given precedence whenever necessary.

In the event that an occupational injury does occur, immediately notify your Department Head or direct supervisor. Each Department Head is responsible for completing a 1<sup>st</sup> Report of Injury form and turning it into the Human Resource Department.

**IF THE INJURY APPEARS TO BE LIFE-THREATENING...**

(Examples: unconsciousness, inability to move, potential spinal injuries, broken bones, uncontrollable bleeding, heart attack, stroke, inability to breathe, etc)

1. You or a sponsor on your behalf may call 911
2. You may report to a nearby emergency room.
3. Send someone to meet emergency personnel at building entrance and guide them to the emergency location.
4. Get names of witnesses and information necessary for an accident report

We look forward to working together to maintain a safe, healthy work environment, as well as provide opportunities for a proper recovery.

**B. Medical Bills**

Medical bills, when received either by the department or the employee, are to be forwarded immediately to the Human Resource Director's office. Medical bills are paid without any waiting period. For employee compensation there is a seven day waiting period. The City remains responsible for employee compensation for the first seven days of the absence, this will be charged to employee sick leave, between eight and thirteen days the insurance carrier provides compensation; fourteen days and over all compensation is retroactive to day one by the insurance carrier and the employee's sick leave shall be credited back to the City upon payment by the employee to the City for the seven days.

In some instances worker's compensation payments may be held up. If this occurs, the City will continue to pay the employee by charging his/her time to sick leave, of which the employee must buy back from the compensation paid by the insurance carrier.

If a worker is receiving worker's compensation he/she must continue to pay his/her share of life and medical insurances.

**NON FMLA LEAVE OF ABSENCE**

An employee of regular standing may be granted a leave of absence without pay by the City Manager on recommendation of the department head, with such leave not to exceed 90 days in length. The granting of the leave shall protect the employee's existing

continuous service for the leave period but shall not count as service time for Maine State Retirement, nor shall vacation or sick leave accrue during the absence, nor will the City continue to pay their portion of the Health insurance, nor will the employee receive pay for municipal holidays. (Amended 08/07)

## CATASTROPHIC LEAVE PROGRAM

### A. Introduction

The Catastrophic Leave Donation Program permits salary and benefits continuation for regular full-time employee's that work for the City of Caribou who have exhausted all paid leave due to their own serious illness or injury, or due to the need to care for a seriously ill member of the employee's family or household. Subject to the stated eligibility requirements, salary and benefits continuation is achieved through donation of vacation/sick hours from other City of Caribou employees.

### B. Authority and Responsibility

1. Administration of the program will be handled by the Human Resources Director
2. Human Resources will determine on a case-by-case basis whether a request to draw from the pool qualifies for Catastrophic Leave usage. An employee may appeal a Human Resources determination to the City Manager for a final decision.

### C. Definition

A catastrophic illness or injury is a serious, debilitating illness or injury that incapacitates the employee or a member of the employee's family or household, and creates a financial hardship because the employee has exhausted all eligible vacation/sick hours.

### D. Eligibility

Recipients must meet each of the following conditions to be eligible to receive donated leave hours:

1. A leave of absence is approved by the Department Head and then Human Resources in relation to a catastrophic illness or injury.
2. Recipient has exhausted all paid leave accruals and is not receiving short term disability or Workers' Compensation payments.

### E. Procedures

1. Donor and recipient requests are submitted in confidence to Human Resources using the **Request/Donation for Catastrophic Banked Leave** form.
2. Donors donate vacation/sick hours to a general pool without specifying a recipient.
3. A request to receive donated vacation/sick leave must be accompanied by a physician's written verification of the illness or injury.
4. All donations are processed anonymously.
5. Donations are not tax deductible.
6. Participation in the program, for donors and recipients, is entirely voluntary.

## F. Limitations

1. Prior to receiving donated leave through this program an employee must first exhaust all paid accruals, including sick leave and vacation leave.
2. A recipient is required to use any leave accrued during the previous pay period(s) prior to use of donated leave hours.
3. In any pay period, recipients may use donated hours only up to their regular weekly hours.
4. Donations must be a minimum of eight hours with any additional hours in whole-hour increments.

## G. Frequently asked questions

### **1. What is the effect of short-term disability benefits in relation to the program?**

Once time is donated to an eligible employee, that employee is placed on active pay status. When an employee is on pay status, they are not eligible for short-term disability. Donated time may be used during the employee's disability waiting period, but disability benefits will not be payable until the waiting period is over and the employee is no longer on active pay status.

### **2. May donations be made at any time?**

Yes.

### **3. Where do the donated hours go?**

When an employee donates vacation/sick hours, the hours go into a general leave bank for future use by eligible employees.

### **4. Must donations be made anonymously?**

Generally, it will be assumed that donations are being made anonymously. Anonymity prevents pressure from being placed on, or perceived by, employees who do not choose to donate hours, regardless of the reason for their decision. However, as a matter of personal discretion, donors may choose to inform recipients of their action.

### **5. What happens to left-over donated hours that are not needed by the recipient?**

Since donations are irrevocable, hours not needed by the recipient are transferred back to the bank.

## **JURY DUTY**

As a City employee, you are expected to carry out your citizen responsibilities. 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 or 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.

## **MILITARY LEAVE**

Any permanent employee in a regular full time position who is a member of the National Guard or any branch of the Armed Forces of the United States, and is required to undergo

field training or Active Duty, shall be allowed a leave of absence. Any City employee that is required to undergo this duty will be granted reserve service leave, in addition to normal vacation leave, per fiscal year. For any such period of reserve service leave, the City will pay the difference (if any) between service pay, and the employee's regular pay.

Any permanent employee in a regular full time position that returns to their position from active duty service and suffers post traumatic syndrome will have counseling provided to them per the Military Leave Act of 1994.

The main law governing the employment rights of employees on military duty is the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), found in Title 38 of the United States Code starting at Section 4301. The law does several things:

- Employers must hold open the jobs of employees on military duty and may not otherwise discriminate against them because of their military service.
- The law gives that protection to every type and variety of employee.
- Upon return from military duty, a veteran or employee who is still in the military is entitled to whatever position he or she would have attained with reasonable certainty if the military service had not occurred. In narrowly-defined situations, a veteran may be given a comparable position as long as the seniority, pay, and status remain the same.
- A veteran may not be discharged or subjected to adverse employment action for one year after the date of reinstatement, except for cause; the same rule applies to service in the Reserves or National Guard.
- Employers must provide up to eighteen months of health plan coverage to employees when they are absent on military leave. When the veteran returns, the employer must immediately cover the veteran under the employer's health plan, assuming the veteran was covered prior to the leave.
- Seniority under an employer's pension plan must continue to accrue while the employee is on military duty. To the extent that the employer funds the plan, the employer must continue to fund the employee's participation in the plan.
- In general, if a benefit having to do with length of service would have accrued with reasonable certainty, had the veteran been continuously employed by the employer, the employer must award the benefit as if the veteran had been continuously employed.

### **BEREAVEMENT LEAVE**

In the event of a death in the immediate family, absence from work with pay may be granted for a period not to exceed three (3) days. Other circumstances may be granted with special permission of the Department Head and or the City Manager.

For the purpose of this policy, immediate relatives are defined to include spouses, parents, grandparents, children, grandchildren, brothers, sisters, brothers and sisters in-law, fathers and mothers in-law, stepparents, stepbrothers, stepsisters, stepchildren, sons-in-law, daughters-in-law, and individuals residing with an employee. (Amended 2/96)

## **PERSONAL BUSINESS**

The City realizes that medical appointments and other necessary engagements may occur during regular scheduled working hours. When this happens, you must receive permission from your supervisor or Department Head for leave. Time lost will be deducted from sick time or vacation time for non salaried personnel. (Amended 10/07)

## **ACCIDENTS TO EMPLOYEES**

All injuries to personnel, no matter how minor, during the work schedule, must be reported immediately to the Department Head and a written report shall be made.

Employees suffering from an on the job injury may be sent to a doctor for examination. Time lost because of an injury incurred while on duty will not be deducted for any reason when computing length of service.

## **HEALTH AND SAFETY**

The personal safety and health of each City employee are of primary importance. The prevention of occupationally induced injuries and illnesses is of such consequence that it will be given precedence whenever necessary. To the greatest degree possible, the City will provide all facilities and equipment required for personal safety and health in keeping with highest standards.

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the City of Caribou has established a workplace safety program. This program is a top priority for the City. The Safety Officer has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The City provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. A safety advisory group has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or bring them to the attention of the Safety Officer.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their immediate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. Please see the City of Caribou Safety Handbook for complete details.

### **HEALTH AND WELLNESS PROGRAM**

In addition to the workplace safety program, the City has established a Health and Wellness program. This program has been established to evaluate the City's workforce. Group health needs and risks are presented through a Personal Wellness Profile that is administered confidentially and annually through the Human Resources office. Through this confidential profile, the City can evaluate the health needs and risks of employees. Recommendations for initiating risk reduction and health enhancement are a vital key to maintaining a healthy workforce. Not only does this program maintain a healthy workforce, but the program also helps with keeping healthcare costs at a minimum. For more information, contact the Human Resources Director.

### **CHANGE OF PERSONAL STATUS**

It is imperative that every employee report any change of information contained in their original application to the head of their department. Changes to be reported include change of address, telephone number, marital status change in number of dependents, etc. At that time, the Department Head will turn in all paperwork to Human Resources in order to make the change effective.

### **SOLICITATION**

As public employees, we are restricted from some activities which private organizations sometimes allow. We are not allowed to solicit for any political purpose on City property during working hours.

### **DRUG FREE WORKPLACE POLICY**

It is the desire of the City of Caribou to provide its employees with a drug-free, healthful and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on City owned property and while conducting business related activities off City owned property, no employee may use, possess, distribute, sell, or be under the influence of alcohol or engage in the unlawful manufacture, distribution, dispensation, possession, or use of illegal drugs. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

To inform employees about important provisions of this policy, the City has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor, the Human Resource Director or the City Manager to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action, may request approval to take time off to participate in a rehabilitation or treatment program. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all City employment policies, rules and prohibitions relating to conduct in the workplace; and if granting the leave will not cause the City department any undue hardship.

Employees with questions on the policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor, the Human Resource Director or the City Manager without fear of reprisal.

### **WORKPLACE SMOKING POLICY**

In accordance with the provisions of the Workplace Smoking Act of 1985, the City has adopted a smoking policy. Pursuant to this Act, smoking shall be prohibited within any municipal building. We ask employees who smoke to please cooperate with this policy and to only smoke at designated smoking areas.

### **EMPLOYEE ASSISTANCE PROGRAM**

A. The City of Caribou recognizes that alcohol and drug problems are problems for which there is effective treatment and rehabilitation in the majority of cases. Employee assistance is designed as a means of helping employees seek the necessary treatment to alleviate problems affecting job performance. Therefore, the City of Caribou has established an Employee Assistance Program (EAP) to service employees in dealing with drug or alcohol problems.

B. Employees may receive assistance from the EAP through self-referral or supervisory referral.

1. Self-referral is a referral in which an employee initiates contact with the EAP directly.

2. Supervisory referral is a referral in which the supervisor strongly suggests to the employee that he/she seek consultation with the EAP. Supervisors may refer employees to the EAP when deteriorating skills or job performances do not respond to normal supervisory action.

C. Employees who seek help through the EAP or who are referred to the EAP by a supervisor will be referred for diagnosis and/or evaluation by an Employee Assistance

Counselor. The Employee Assistance Counselor is a person who has a Master's Degree (or similar certification) in counseling, human services or social work that will provide counseling or refer the employee to appropriate diagnosis, evaluation and/or treatment. The Employee Assistance Counselor will be designated by the Human Resource Director.

D. An employee who refuses help or demonstrates little or no effort to perform satisfactorily is subject to normal disciplinary actions. Employees participating in the EAP are expected to meet existing job performance standards and established work rules.

E. All EAP records are confidential and maintained separately from other personnel records. These records will be protected from disclosure to the fullest extent possible and in accordance with existing State and Federal regulations.

F. In the case of a supervisory referral, the Employee Assistance Counselor will ask the employee to sign appropriate release forms so that the Counselor can have contact with the supervisor and the referral agent, if applicable.

G. The Counselor will be responsible for keeping a record of the diagnostic evaluation and the treatment recommendation which will be kept confidential.

H. The Counselor will inform the supervisor as to whether the employee kept the appointment with the Counselor and whether the employee was willing to follow through with the treatment plan. The Counselor will follow-up with the employee as treatment progresses.

I. If the employee's performance or attendance shows no improvement within a reasonable time frame (mutually agreed upon if possible), the employee will be subject to appropriate disciplinary action.

#### **RIGHTS OF EMPLOYEES UTILIZING THE EMPLOYEE ASSISTANCE PROGRAM**

A. Employees using the EAP have the right to confidential services. EAP records do not become part of any personnel records and release of EAP records can only be made with the written permission of the employee.

B. EAP information cannot be shared with supervisors without the employee's written consent.

C. If the employee is using the EAP as a result of a supervisory referral, the Counselor will only provide the following information to a supervisor, unless the employee signs a written consent agreeing to the release of additional information:

1. Whether the employee made and kept the appointment;
2. Whether the Counselor assesses there is a problem (specifics will not be discussed); and
3. Whether the employee is open to recommendations made by the Counselor.

D. Employees have the right to have access to their records, the right to review relevant information regarding their treatment and referrals, and the right to any and all information regarding benefits.

## **SEXUAL HARASSMENT POLICY**

It is the intent of the City of Caribou to provide a work environment that is free from discrimination or harassment. Therefore, it is the policy of the City that any form of sexual harassment, including both verbal and physical, 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 City with its goal of maintaining a workplace free of sexual harassment and with its commitment to deal seriously with allegations of sexual harassment when they arise.

### Sexual Harassment Is Illegal under State and Federal Law *Per State Law MRSA; Title 26.*

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.

### Definition of Sexual Harassment under State and Federal Law *Per State Law MRSA; Title 26.*

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

1. this conduct explicitly or implicitly affects 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 substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

### Description of Sexual Harassment<sup>1</sup>.

- A. 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.
- B. 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;

---

<sup>1</sup> The descriptions in this Section are not meant to be exhaustive.

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.
- C. 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 are 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.)
- D. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:
1. The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
  2. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
  3. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
  4. Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
  5. The harasser's conduct must be unwelcome.

#### Resolving Harassment.

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. However, an employee who believes he or she has been subjected to offensive behavior is not required to confront the offending individual before registering a complaint.

2. They may register a complaint, orally or in writing with any supervisor, the Equal Employment Opportunity Officer (EEO Officer), or with the City Manager.

Any supervisory or management level employee, including the City Manager, who receives an oral or written complaint of sexual harassment from an employee must report the complaint to the City's EEO Officer within five (5) business days of receiving such a complaint. Any supervisory employees who fail to meet this requirement may be subject to discipline.

Any supervisory or management level employee, including the City Manager, with actual knowledge of what he or she believes is conduct that has or may contribute to a sexually hostile work environment must report his or her knowledge of this conduct to the City's EEO Officer within five (5) business days of obtaining such knowledge. Any supervisory or management level employees who fail to meet this requirement will be subject to discipline.

Within twenty (20) days of the EEO Officer's receipt of a complaint of sexual harassment or receipt of information from a supervisor about sexual harassment, the EEO Officer shall inform the alleged victim of harassment that the allegations of sexual harassment will be promptly investigated.

An independent investigator who does not work for the City and who has expertise in investigating harassment complaints will investigate all complaints of sexual harassment promptly and objectively.

During the course of a sexual harassment investigation, the person who is the alleged victim of sexual harassment is not required to meet with the alleged sexual harasser, work with the alleged sexual harasser, or discuss the allegations of harassment in the presence of the alleged sexual harasser.

The City will provide the results of sexual harassment investigations to the alleged victim of harassment in writing as soon as possible, but in no event later than thirty (30) workdays after the commencement of the investigation, unless a written explanation is provided to the alleged victim as to the reason(s) that the investigation could not be completed within thirty (30) workdays.

Confirmed instances of sexual harassment will be dealt with by utilizing whatever disciplinary action the City deems appropriate, up to and including termination.

For this harassment policy "supervisory employee," "supervisor" and "management level employee" are defined to include: (a) any employee who possesses the authority to direct the work activities of at least one other employee and (b) any employee who has the authority to hire, fire, promote, transfer, or discipline another employee.

Legal Recourse through the Maine Human Rights Commission or the U.S. Equal Employment Opportunity Commission.

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 (MHRC) or the U.S. Equal Employment Opportunity Commission (EEOC). Contact information for the MHRC and EEOC is as follows:

Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333-0051  
Ph. 207-624-6290  
[www.maine.gov/mhrc](http://www.maine.gov/mhrc)

U.S. Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Ph. 1-800-669-4000  
[www.eeoc.gov](http://www.eeoc.gov)

Any complaint must be filed with the MHRC or EEOC within 300 days of the last act of harassment. Once a signed charge form has been received by the MHRC or EEOC, an investigation will be conducted and a determination will be made by the MHRC or EEOC of whether or not there are reasonable grounds to believe sexual harassment occurred.

If the MHRC or EEOC 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 MHRC or U.S. Department of Justice may file a civil action in court seeking appropriate relief for you. Regardless of whether the MHRC or EEOC determine that sexual harassment occurred, the employee who believes he or she was the victim of sexual harassment may file a civil action in court.

#### Maine Human Rights Act Protection against Retaliation for Complaining about Sexual Harassment.

Any employee who opposes conduct he or she believes in good faith violates Title VII of the Civil Rights Act of 1964, 42 U.S.C. §2000e, *et seq.*, as amended which includes but is not limited to reporting, complaining about or filing a claim concerning sexual harassment with the City, filing an EEOC or MHRC charge, and/or participating in any manner in an investigation or proceeding or hearing under Title VII, shall not be subjected to retaliation.

This notice is provided to all employees in compliance with 26 M.R.S.A. 807(2). If anyone has any questions regarding this notification, please ask your supervisor, the EEO Officer or contact the City Manager.

---

**Historical Note:** Sexual Harassment Policy was amended by City Council on May 11, 2015 and on June 22, 2015.

## **INFECTIOUS DISEASE POLICY**

### I. Purpose

This is to establish the policy of the City of Caribou for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations.

## II. Policy

1. It is the policy of the City to assure to the extent possible a safe and healthful work environment.
2. It is also the policy of the City to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
3. It is the obligation of all City employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.
4. The City of Caribou shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post exposure evaluation and follow-up.

## III. Procedures

1. The City will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.
2. Where allowed by law, the City retains the right to test employees for infectious diseases.
3. The City must maintain confidentiality regarding an employee's health status, and does not have a duty to inform other individual or organizations unless required by law.
4. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the City's Human Resources Director, and to carry out his or her assigned duties if reasonable accommodations can be made.
5. Upon notification by an employee that an infectious disease diagnosis has been confirmed and is a threat to the public health, the Human Resources Director will:
  - a. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
  - b. Assist in the identification of reasonable accommodations to be made, if any.
  - c. Assist individual departments, if necessary, in complying with this policy.
6. The City will treat all occupational infectious disease injuries or illnesses according to state law.
7. The City will provide appropriate educational opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.

8. Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.

9. An employee cannot refuse to carry out his or her assigned duties when dealing with a co-worker or the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

#### IV. Accidental Needle Stick Procedure

Police, fire, and rescue personnel have the highest risk of exposure to needles and syringes.

Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

1. Wash the puncture site thoroughly with soap/disinfectant and water.
2. Report the incident to your supervisor.
3. Police, fire or rescue personnel must notify the medical facility receiving the patient of the incident.
4. Complete Incident and/or Workers Compensation forms.
5. Establish your potential exposure risk to infectious diseases.
6. Notify your Department Head to establish your: (1) tetanus status, (2) Hepatitis B status, and (3) HIV exposure.
7. Seek further medical attention if necessary.

#### V. Procedure for Exposure to AIDS Infection

If a City employee is exposed to the blood or body-fluid of a known or highly suspected AIDS infected person:

1. Wash the exposed areas thoroughly with soap and water. Clean any spills with a one (1) part bleach to ten (10) parts water solution.
2. Report the incident to your supervisor.
3. Complete the Incident and Workers Compensation forms.
4. Notify your department head as soon as possible to schedule an appointment for a voluntary blood test.
5. The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results.
6. If all three specimens are negative, you are considered not to be infected.

7. Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
8. Emotional counseling is available through a counselor of the employee's choice and to be provided by the City of Caribou.
9. Strict confidence will be maintained in all incidences unless appropriate medical and/or information releases have been obtained.

---

**Historical Note:** As adopted by the City Council on June 23, 2014.

### **WHISTLEBLOWER'S PROTECTION**

This notice is provided to all employees in compliance with 26 M.R.S.A 839 and for the protection of employees who report or refuse to commit illegal acts.

**It is illegal for your boss to fire you, threaten you, retaliate against you or treat you differently because:**

1. You reported a violation of the law;
2. You are a healthcare worker and you reported a medical error;
3. You reported something that risks someone's health or safety;
4. You have refused to do something that will endanger your life or someone else's life and you have asked your employer to correct it; or
5. You have been involved in an investigation or hearing held by the government.

**You are protected by this law ONLY if:**

1. You tell your employer about the problem and allow a reasonable time for it to be corrected; or
2. You do not have to report to your employer if you have good reason to believe that your employer will not correct the problem.

If anyone has any questions regarding this notification, please ask your supervisor, the EEO Officer, or contact the City Manager.

For more information or to file a complaint under this law, the following should occur:

Resolving retaliation under the whistleblower's protection:

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

1. They may register a complaint orally or in writing with any supervisor, the Equal Employment Opportunity Officer (EEO Officer), or with the City Manager.
2. Any supervisory or management level employee, including the City Manager, who receives an oral or written complaint of retaliation from an employee must report the complaint to the City's EEO Officer within five (5) business days of receiving such a

complaint. Any supervisory employees who fail to meet this requirement may be subject to discipline.

3. Any supervisory or management level employee, including the City Manager, with actual knowledge of what he or she believes is conduct that has or may contribute to a hostile work environment must report his or her knowledge of this conduct to the City's EEO Officer within five (5) business days of obtaining such knowledge. Any supervisory or management level employees who fail to meet this requirement will be subject to discipline.

4. Within twenty (20) days of the EEO Officer's receipt of a complaint of retaliation or receipt of information from a supervisor about retaliation, the EEO Officer shall inform the alleged victim of retaliation that the allegations of retaliation will be promptly investigated.

5. An independent investigator who does not work for the City and who has expertise in investigating retaliation complaints will investigate all complaints of retaliation promptly and objectively.

During the course of a retaliation investigation, the person who is the alleged victim of retaliation is not required to meet with the alleged retaliator, work with the alleged retaliator, or discuss the allegations of retaliation in the presence of the alleged retaliator.

6. The City will provide the results of the retaliation investigations to the alleged victim of retaliation in writing as soon as possible, but in no event later than thirty (30) workdays after the commencement of the investigation, unless a written explanation is provided to the alleged victim as to the reason(s) that the investigation could not be completed within thirty (30) workdays.

7. Confirmed instances of retaliation will be dealt with by utilizing whatever disciplinary action the City deems appropriate, up to and including termination.

For this retaliation policy "supervisory employee," "supervisor" and "management level employee" are defined to include: (a) any employee who possesses the authority to direct the work activities of at least one other employee and (b) any employee who has the authority to hire, fire, promote, transfer, or discipline another employee.

Legal Recourse through the Maine Human Rights Commission or the U.S. Equal Employment Opportunity Commission.

With regard to a retaliation complaint, if the employee does not want to make the report internally, the employee may make the complaint to the Maine Human Rights Commission (MHRC) or the U.S. Equal Employment Opportunity Commission (EEOC). Contact information for the MHRC and EEOC is as follows:

The Maine Human Rights Commission  
51 State House Station  
Augusta, ME 04333  
[Tel:\(207\)624-6290](tel:(207)624-6290)  
TTY users call Maine Relay 711  
[www.Maine.gov/mhrc](http://www.Maine.gov/mhrc)

**The following agencies may provide useful information on workplace safety and labor laws:**

U.S. Department of Labor  
Wage and Hour Division  
P.O. Box 554  
Portland, ME 04112  
[Tel:\(207\)780-3344](tel:(207)780-3344)  
[www.dol.gov](http://www.dol.gov)

Maine Department of Labor  
Bureau of Labor Standards  
45 State House Station  
Augusta, Maine 04333-0045  
[Tel:\(207\)623-7900](tel:(207)623-7900)  
TTY users call Maine Relay 711  
[www.maine.gov/labor/bls](http://www.maine.gov/labor/bls)  
Email: [mdol@maine.gov](mailto:mdol@maine.gov)

U.S. Department of Labor/OSHA  
40 Western Avenue  
Augusta, ME 04330  
[Tel:\(207\)626-9160](tel:(207)626-9160)  
[www.osha.gov](http://www.osha.gov)

**Section II. Severability**

If any part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or the application thereof to other persons and circumstances, but shall be confined to its operation to the section, subdivision, sentence or part of the section and the persons and circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the City Council that this section would have been adopted if such invalid section, provisions, subdivision, sentence or part of a section or application had not been included.

---

**Historical Note:** Adopted by City Council November 12, 2019.