

TOWN OF DURHAM EMPLOYEE HANDBOOK

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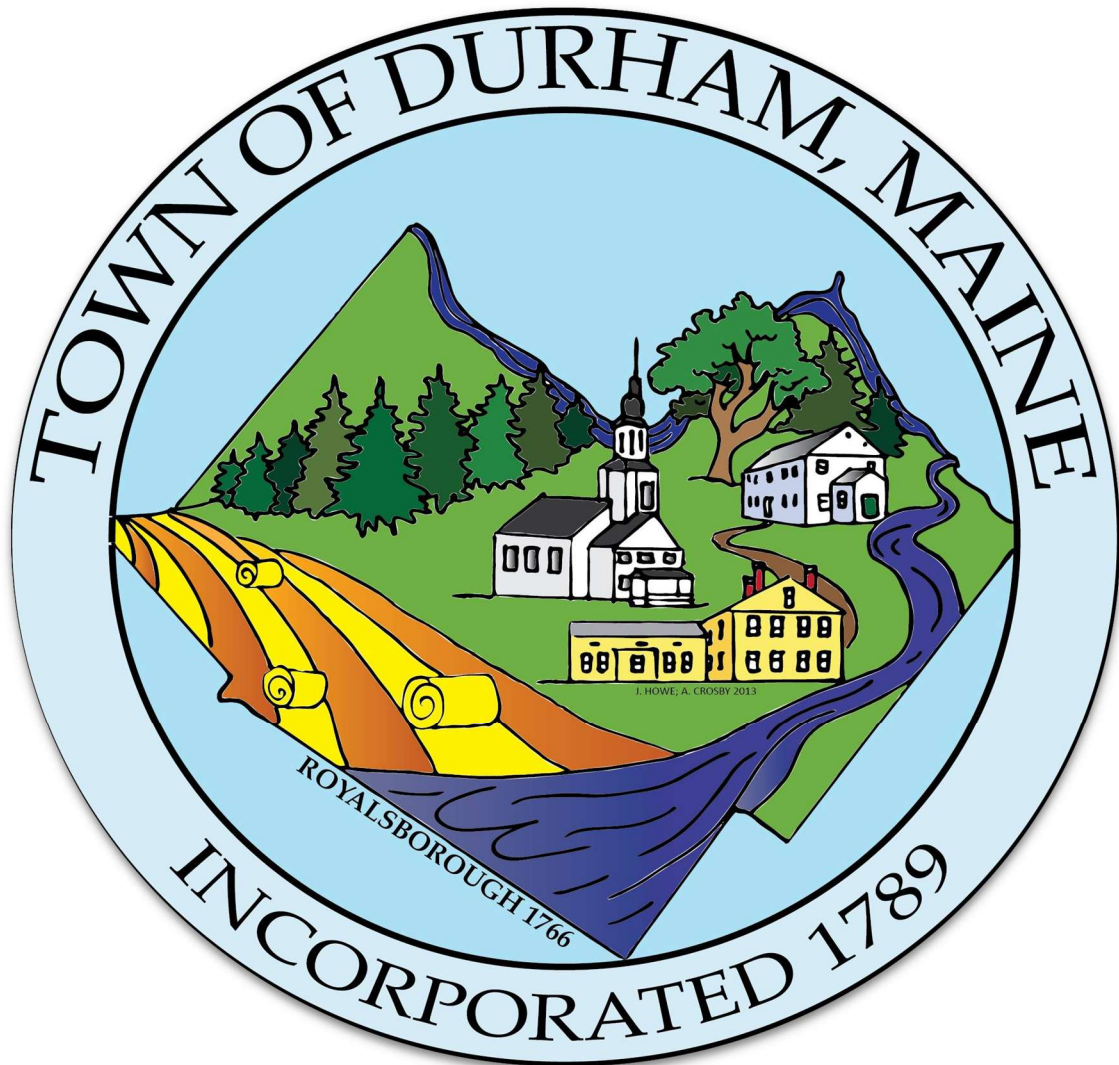


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EMPLOYEE HANDBOOK

Town of Durham, Maine

SECTION I: INTRODUCTION

1.1 Welcome

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

1.2 Mission Statement and Core Values

Mission Statement

The Town of Durham is committed to serving our residents with integrity, professionalism, and care. We strive to provide responsive, efficient, and high-quality services that support the well-being of our community. Working in partnership with our citizens, we seek to preserve Durham's rural character, protect our natural resources, and enhance the quality of life for all—today and for future generations.

Values Statement

As employees of the Town of Durham, we are guided by the following core values:

- **Service** – We take pride in delivering reliable and responsive public services that meet the needs of our community.
- **Integrity** – We act honestly, transparently, and ethically in all our responsibilities.
- **Stewardship** – We are committed to the responsible use of public resources and the protection of Durham's natural and cultural heritage.
- **Community** – We value collaboration, respect, and inclusivity in our relationships with residents, coworkers, and partners.
- **Excellence** – We strive for continuous improvement and innovation in all that we do.

1.3 Goals of Personnel Management

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

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

1.4 Purpose and Effect

The Town of Durham hereby adopts the following personnel policies and rules to establish a uniform, equitable and efficient system of personnel administration. The general purpose of this Handbook is to establish a system of personnel administration that meets the social, economic and program needs of the Town of Durham. This Handbook includes policies and procedures for employee hiring and advancement, benefits, retirement, employee leave policies, discipline and grievance processes, performance management, and other related policies. This Employee Handbook is not an employment contract and should not be construed as such, nor should it be interpreted as making any guarantee regarding any employee's continued employment, wages, or benefits. A copy of this Handbook shall be provided to all employees upon hire and upon any significant amendment.

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

The provisions of the handbook have been developed at the discretion of the Board and may be amended or canceled at any time, at the Board's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Board.

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

1.5 Town Manager's Role

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

SECTION 2: APPLICATION AND HIRING

2.1 Equal Employment Opportunity and Non-Discrimination

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

2.2 Disability Accommodation

The Americans with Disabilities Act (ADA), the Americans with Disabilities Amendments Act

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

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

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

Interactive process:

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

2.3 Eligibility

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

2.4 Immigration Law Compliance

The Town of Durham employs only United States citizens, and those non-United States citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Any employment who loses their legal ability to work in the United States must inform the Town immediately. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town within the past three years or if their previous I-9 is no longer retained or valid. If the State of Maine or the

federal government enacts any more stringent immigration requirements, the Town will immediately and without prior notice comply with such standards.

2.5 Announcement of Vacancies

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

2.6 Application for Employment

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

2.7 Employment of Relatives and Anti-Fraternization Policy

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

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

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

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

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

Anti-Fraternization Policy

The Town prohibits supervisors/managers from being romantically or physically involved with employees directly under their supervision. Supervision includes authority to assign and evaluate work, grant benefits such as vacation leave, hear grievances, discipline an employee, or review assignments, evaluations, and benefit determinations. In the event a supervisor/manager develops such a relationship with a subordinate in the course of employment at the Town, those employees are required to report it to the Town Manager, and every effort will be made to change the supervision for purposes of hiring, firing, promotions, and discipline. If restructuring or reassignment is not possible, one or both of the employees may be subject to termination.

2.8 New Employee Orientation and Onboarding

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

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

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

2.9 Probationary Period

All regular full-time and regular part-time employees shall serve an initial six-month probationary period. A review will be conducted prior to the completion of the applicable probationary period at 2 months and 4 months with a final review at 6 months. Probationary employees may be dismissed without cause. Dismissal of a probationary employee is not subject to appeal.

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

Promoted employees shall serve a probationary period of up to six (6) months in the new position. Promoted employees will have no rights to reinstatement to their former position should they be terminated from the new position.

2.10 Lateral Transfer

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

2.11 Pre-Employment Physical Examinations

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

2.12 Personnel Files

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

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

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

SECTION 3: EMPLOYEE CLASSIFICATION, STATUS, JOB DESCRIPTIONS

Employees Defined - An "employee" is a person who works for the Town of Durham on a wage or salary basis. "Employees" may include exempt, non-exempt, regular full-time, regular part-time, and temporary persons, and others employed with the Town who are subject to the control and direction of the Town of Durham in the performance of their duties. Volunteers are not considered Town employees, except under those circumstances defined under Maine law for specific benefits, taxes, immunities or other statutory requirements.

3.1 Employee Classifications

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

Fair Labor Standards Act Job Classifications

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

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

Exempt employees are generally executives, managers, professional, or administrative who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees

hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

Town Job Classifications

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

REGULAR FULL TIME: Year-round employees who are regularly scheduled to work thirty-two (32) hours or more per week on a continuing basis. Regular full-time employees shall be required to work the standard workweek of their respective department. Regular full-time employees are eligible for all benefits and rights as provided by this Handbook (subject to the terms, conditions, and limitations of each benefit program).

REGULAR PART TIME: Year-round employees who are regularly scheduled to work less than thirty-two (32) hours per week, are regular part-time employees. Part-time employees are not entitled to benefits, except those benefits mandated by law.

TEMPORARY: Temporary employees are those who have been hired for a particular project or a specified period of time. Temporary employee may work a full-time or part-time schedule and are not entitled to benefits, except those benefits mandated by law.

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

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

3.2 End of Employment

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

- Voluntary resignation initiated by the employee. Prior to departure, an exit interview may be conducted, including a checklist to ensure they receive all appropriate information, and that all property is accounted for. This checklist becomes part of their employee file. Employees are asked to provide at least fourteen (14) calendar days written notice prior to the separation date, and Department Head employees are asked to provide at least thirty (30) calendar days written notice. Vacation or other paid leave is not to be used as a period of notice, unless approved by the Department Head. The Town reserves the discretion in all instances to pay any separating employee in lieu of the applicable notice period and terminate employment immediately.
- Retirement initiated by the employee, who meets eligibility for the Town sponsored retirement plan and/or Social Security criteria. Prior to departure, an exit interview may be conducted and will include a checklist to ensure they receive all appropriate

information, and that all property is accounted for. This checklist becomes part of their employee file. Employees are asked to provide written notice of at least thirty (30) calendar days prior to the retirement date. Vacation or other paid leave is not to be used as a period of notice, unless approved by the Department Head

- Involuntary Termination initiated by the Town for reasons including, but not limited to, negligence of job responsibilities, substandard performance, insubordination, misconduct, inappropriate conduct, or other actions violating Town policy. Involuntary termination will only be administered by the Town Manager.

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

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

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

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

3.3 Job Descriptions

The Town Manager maintains job descriptions for all positions. Job descriptions are utilized in all postings and advertisements for job openings and are the basis for employee evaluations.

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

SECTION 4: STANDARD WORKWEEK / OVERTIME

4.1 Work Week

The standard work week for full-time employees is dependent upon departmental operations per as designated for each position. In the computation of various employee benefits, the employee work week is considered to begin on Sunday, starting at 12:01 a.m. through Sunday at 12:00 a.m.

4.2 Breaks

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

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

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

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

4.3 Pregnant Workers Fairness Act and Workplace Lactation Policy

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

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

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

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

- **Time to Express Milk or Breastfeed**

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

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

Employees will be provided with a clean room or other location, which is not a toilet stall or bathroom, where an employee may express breastmilk or breastfeed their child in privacy.

The Town shall work with mothers and their supervisors to determine a secure and private area for this purpose.

The Lactation Room will be:

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

- **Atmosphere of Tolerance**

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

- **Communication**

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

4.4 Time Keeping

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

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

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

4.5 Pay Checks

Paydays occur biweekly on Friday. Deductions from employees' pay will include all mandatory deductions (such as MainePERS), as well as deductions for elective fringe benefits employees have selected. Garnishments from weekly payroll will be made per directives from state and federal authorities. Payment is made by mandatory Direct Deposit for all employees.

4.6 Overtime

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

Hours worked (defined): "Hours worked" shall mean only hours actually worked. Sick leave, vacation time, holidays, jury duty, bereavement, and other personal time off from work shall not be considered hours worked for purposes of calculating overtime compensation.

All overtime work performed by a non-exempt employee must receive their immediate supervisor's prior authorization. Overtime worked without prior authorization from the supervisor may result in disciplinary action.

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

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

4.7 Attendance/Absences

The Town of Durham expects that every employee will be regular and punctual in attendance. This means being in the department, ready to work at the starting time each day.

Absenteeism and tardiness place a burden on other employees and on the Town citizens.

If employees are unable to report for work for any reason, they are to notify their immediate supervisor no later than two (2) hours before their regular starting time, or as soon as possible under the circumstances. Should undue absence/tardiness become apparent, corrective action may be required.

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

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

Employees with a record of excessive tardiness or absenteeism or with a pattern of absenteeism or failure to provide notice of absence will be subject to disciplinary action. Employees absent from work for three (3) or more consecutive days without notifying their immediate supervisor will be deemed to have voluntarily resigned.

4.8 Appearance

As each employee of the Town is a representative of the Town, all persons employed by the Town shall maintain an acceptable level of personal appearance, safety, and hygiene

appropriate to their position and according to the departmental standards set forth by each Department Head. Shoes are required at all times.

SECTION 5: STANDARDS OF CONDUCT

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

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

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

5.1 Telephone/Electronic Device Use

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

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

5.2 Gifts & Gratuities, Conflict of Interest

Employees are prohibited from accepting gifts, favors, or gratuities from the public and/or constituents they serve due to the appearance of impropriety and the potential to influence work judgments. Department Heads may authorize exceptions to this rule allowing for the

acceptance of nominal gifts such as food or other refreshments (excluding alcohol and tobacco.) Employees must avoid situations where loyalties may be divided between Town interest and their own personal or financial interests. All employees should avoid any situation in which there may be even the appearance of a conflict of interest. All Town employees, appointees and elected officials are also required to comply with 30-A M.R.S.A. § 2605 (Conflicts of Interest).

5.3 Outside Employment

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

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

5.4 Political Activity

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

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

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

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

meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

5.5 Confidentiality

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

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

The Town is subject to the Maine "Right to Know" law, MRSA Title 1 sections 401-414. Any employee who receives any request for information under the "right to know" statute must direct the request to the designated Freedom of Access Act (FOAA) Officer (Town Manager or designee) for the Town's official response. Employees and other Town officials must coordinate with the Town Manager or designee to determine the proper response and involve the Town Attorney when necessary. Employees may not destroy or dispose of any Town record except as specifically authorized by the Maine State Archives rules or with permission of the Town Manager.

5.6 Off Duty Conduct

The Town of Durham respects its employees' right to privacy regarding activities and conduct outside of the workplace and regular working hours. The Town does not prohibit employees from engaging in lawful activities while off duty, nor discriminate against employees for the same.

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

Off-duty conduct of employees that is illegal may be cause for discipline or termination if the illegal off-duty conduct or consequences of the illegal off-duty conduct directly impacts the employee's ability to meet the essential functions and other requirements of their job. Similarly, an employee's illegal off-duty conduct, or consequences of the illegal off-duty

conduct that directly impact working conditions, required licenses, normal business operations, or the professional reputation of the Town may be cause of discipline or termination.

5.7 Personal Business While at Work

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

5.8 Expected Conduct

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

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

As in sexual harassment, it is the effect of the behavior on the individual that is important. The Town considers the following types of unacceptable behavior:

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

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

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

Unacceptable behavior does not include the following:

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

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

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

- Supervisor
- Department Head
- Town Manager
- Human Resources Consultant

5.9 Policy for Prohibition of Discrimination and Harassment

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

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

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

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

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

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

- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

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

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

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

Supervisory Responsibilities

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

Reporting Procedure

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

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

- a) Confront the harasser and ask them to stop. If an employee feels uncomfortable confronting the harasser as outlined here, skip to Step b below.
- b) Immediately contact the employee's immediate supervisor, Department Head, the Town Manager, or the Town's Human Resources.
- c) All complaints will be handled in a timely manner by the employee's immediate

supervisor, Department Head, the Town Manager, or Human Resources. Information concerning the employee's complaint will be given on a need-to-know basis only. Management personnel needed for participation in the investigation; the alleged harasser and possible witnesses may be contacted and thereby learn of the complaint. Employees should not discuss the complaint or the resulting investigation except for discussions necessary to conduct the investigation and make a decision. The purpose of this provision is to encourage the filing of valid complaints by protecting the privacy of the complaining employee to the extent possible, as well as to protect the reputation of any employee who might wrongfully be charged with sexual harassment.

- d) The Town will investigate all complaints promptly. If valid, the Town will determine remedies to be given and the sanctions to be imposed. All employees are expected to cooperate with an investigation.

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

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

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

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

5.10 Whistleblower Protection

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

5.11 Technology Use, Social Media Policy, and AI Policy

The Town adopts the "Technology Use, Social Media Policy, and AI Policy" set forth in Appendix B and all employees shall comply with the provisions of this policy.

SECTION 6: Discipline and Grievance Procedure

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

6.1 Discipline & Corrective Action

An employee may be given a written reprimand, suspended, demoted, otherwise disciplined or dismissed for cause. Except where immediate action is required, an employee will be given written notice of the proposed discipline and the reasons for it prior to the effective date of such discipline. The authority to discipline and discharge shall rest with the Town Manager. The Town Manager may delegate authority to take initial disciplinary action to Department Heads for employees under their supervision. The Town Manager shall report all dismissals to the Select Board.

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

Disciplinary action may consist of the following:

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

6.2 Grievance Procedure

- A. An employee other than a department head who is aggrieved by the action of a department head under a specific section of this chapter, or the Employee Handbook may file a complaint with the Town Manager. The complaint shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the complaint. The written complaint shall contain a statement of the action about which the employee complains and the section of this chapter that the employee believes has been violated. Decision to demote or dismiss an employee shall not be subject to grievance.
 - (1) The Town Manager shall conduct an informal hearing on the complaint within 15 calendar days of the date it was filed, unless the Town Manager or designee, or the aggrieved employee requests, and both parties agree to an extension of time. The aggrieved employee shall have an opportunity to present their complaint and to question the Department Head and any adverse witnesses. The Town Manager or designee shall render a decision in writing, giving reasons for their decision and making findings of fact, within 10 calendar days after the hearing concludes. The Town Manager's decision is final and binding.
- B. Department Head appeals. A Department Head who is aggrieved by the action of the Town Manager under a specific section of this chapter or the Employee Handbook may file an appeal with the Select Board. The appeal shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the appeal. The written appeal shall contain a statement of the action being appealed and the section of this chapter that they believe has been violated. The Select Board shall conduct a hearing within 15 calendar days of the date the grievance was filed, unless the Board requests and the Department Head agrees to an extension of time. The aggrieved Department Head shall have an opportunity to present their position, including the right to present witnesses, and to question the Town Manager and any adverse witnesses. The Board shall render a decision in writing, giving reasons for its decision and making findings of fact, within 10 calendar days after the hearing concludes.
- C. The final written decision in any disciplinary action shall be confidential except to the extent the Freedom of Access law, 1 M.R.S.A. § 401, et seq., requires the decision to be a public record.

SECTION 7: Licensing, Training, Education

7.1 Licensing and Certifications

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

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

supervisor.

7.2 Training and Professional Development

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

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

SECTION 8: EMPLOYEE LEAVE

8.1 Paid Holidays

All regular full-time employees are entitled to the following paid holidays:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Patriot's Day
- Memorial Day
- Juneteenth Day
- Independence Day (4th of July)
- Labor Day
- Columbus Day/Indigenous People's Day
- Veterans' Day
- Thanksgiving Day
- Day after Thanksgiving
- Day before Christmas*
- Christmas Day

*When Christmas Day falls on a Tuesday through Saturday, the Town will be closed the preceding day as well.

If a holiday falls on a Friday or Saturday, employees will be provided with a floating holiday to be used within 60 days. There will be no cash out or carryover provision for floating holidays. Floating holidays must be approved prior to use by the supervisor.

Public Works Employees: The week of Thanksgiving will entail employees working eight (8) hour days on Monday, Tuesday, and Wednesday.

An employee on a leave of absence without pay shall not be entitled to holiday pay. Holiday pay is to be calculated based on the number of hours that employee would have worked had they worked on that day.

Whenever it is required by the Town that an employee work on a holiday, the employee shall be paid at the rate of one and one-half (1 ½) times their regular hourly rate of pay for actual time worked, plus holiday pay at their regular base rate of pay, with the exception of salaried

exempt employees.

If the holiday falls within a vacation period, it is not counted as part of the annual vacation allowance.

8.2 Vacations

Vacation time is available to regular full-time employees.

Full time employees regularly scheduled to work 40 hours:

Months from/to	Monthly hours accrued	Yearly accrued hours
0 through 4 years	6.6667	80
5 through 9 years	10.0	120
10th year	10.667	128
11 th year	11.333	136
12 th year	12.0	144
13 th year	12.6667	152
14 th year	13.333	160

Employees who are regularly scheduled to work less than 40 hours per week shall have their monthly accrual rate prorated accordingly, based on a standard 40-hour work week. To calculate the proration, take the monthly hours accrued and multiply by the employee's regularly scheduled hours they work and divide it by 40 hours.

Employees are encouraged to use vacation time for rest, relaxation, and personal pursuits. A maximum accrual rate of 160 hours will be set for all employees working full-time. There will be no pay in lieu of vacation time lost due to maximum accrual.

Accrual: Vacation time shall be accrued at the rates set forth above, unless a different rate or method of accrual is set forth in a written agreement with the employee. An employee's vacation accrued hours are based on their hire date.

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

Use: Any use of vacation time must be approved in advance by the employee's supervising Department Head, and the Department Head will consider the request based upon staffing, departmental and seasonal demands, relative timing of employees' requests, recent absences by the requesting employee, and other scheduling considerations. Department Heads shall present their own vacation requests to the Town Manager, who shall apply the same considerations. Vacation time may be used in lieu of sick time if the employee has no accrued sick time available. Employees may use vacation time in ½ hour increments.

Vacation Pay: Vacation time is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials. Employees will not be permitted to take "a paid working vacation".

Carry-Over: Employees may carry over a maximum of 120 hours of vacation time annually.

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

to the maximum accruals per above.

Earned Paid Leave Law: The first forty (40) hours of vacation, sick, and personal time used each year will be designated as Earned Paid Leave (EPL). Any unused EPL shall be carried over. These hours shall comply with the Earned Paid Leave law.

8.3 Personal Hours

Regular full-time employees who work thirty-two (32) hours per week or more shall be provided with twenty-four (24) personal hours annually (on or about July 1st. The personal hours shall have no cash out value, nor shall they be carried over into the following year.

For the first year of employment, if hired between July and December, employees will receive twenty-four (24) personal hours. If hired between January and June, employees will receive twelve (12) personal hours.

Use: Any use of personal time must be approved in advance by the employee's supervising Department Head, and the Department Head will consider the request based upon staffing, departmental and seasonal demands, and other scheduling considerations. Department Heads shall present personal hour requests to the Town Manager, who shall apply the same considerations. Employees may use personal hours in ½ hour increments.

8.4 Sick Leave

The purpose of sick leave for our employees is to enable them to protect against the financial burdens imposed by illness, injury or other health needs. For that reason, each regular full-time employee shall be entitled to sick leave accumulated at the rate of one (1) eight-hour day per month of employment.

Rate of accrual:

Regular full-time employees shall be entitled to accumulate one (1) eight-hour day of sick leave per month of employment. For purposes of this section, the first month of an employee's service shall be counted as a full month of service if employment begins on or before the 15th day of the month. The employee must work thirteen (13) or more full workdays in any month in order to earn sick leave for that month. Sick leave is accrued during the probationary period. Sick leave may be accumulated to a maximum of sixty (60) days or four hundred and eighty (480) hours.

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

- A. The employee is unable to perform any of the duties of their position due to a personal illness or disabling injury. Employees should not report to work with a fever or flu-like symptoms.
- B. Leave is needed for personal medical or dental appointment, which cannot be scheduled during non- working hours.
- C. Leave is needed for family illness. In accordance with Maine Family Medical Leave, Title 26, §636, for family medical needs, employees may use sick leave to attend to the employee's child, spouse, domestic partner, or parent who is ill and requires care by the employee, unless otherwise covered by Family Medical Leave, which shall be used first. Family illness includes accompanying a family member to a doctor or dental appointment that cannot be scheduled during non- working hours.

If an absence due to an employee's illness or injury exceeds three (3) working days, the Department Head or Town Manager reserves the right to request that the employee furnish a

signed note from a physician stating the nature of the absence(s) and that the employee is fit to return to work and perform their regular duties. The employee must bear the expense of obtaining the certificate, except as otherwise provided by the Town's FML policy, or under workers' compensation leave. The Department Head shall promptly notify Human Resources of any absences from work that meet the definition of a serious medical condition pursuant to the Family Medical Leave laws.

The Town also reserves the right to send an employee home if the Town has reason to believe that an employee is not fit or able to perform their regular duties or poses a threat to the safety of themselves or to others. Employees who are sent home from work under these circumstances will be charged sick time, or if the employee has no accrued sick time, such time off will be unpaid. Employees may use sick time in ½ hour increments.

Requesting Sick Time

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

Suspected Sick Time Abuse

Employees demonstrating clear patterns of sick leave use that suggest abuse, such as unplanned absences before or after the end of the employee's scheduled work week, or use of sick time when the employee is known to be healthy, may be subject to discipline, up to and including termination. It is advised that the Department Head or designee discuss any suspected abuse of sick time with the employee as soon as possible. A medical certificate may be required by the department head should the department head have reason to believe that sick leave is being abused, after consulting with Human Resources, if appropriate. When the certificate is required by the Department Head, it shall be at Town expense.

Payment Upon Separation

On separation, an employee who has accrued sick leave time to their credit and separate in "good standing" shall be paid the wages based on the following chart not to exceed sixty (60) days or four hundred and eighty (480) hours. The amount of payment shall be calculated based on the employee's straight-time hourly rate of pay on the date of separation. "Good standing" shall mean that the employee must submit a written notice of their intention to terminate ten (10) workdays in advance of their last day of actual work.

Years of Employment with the Town	Accrued Sick Leave Paid
1 or more, but less than 15	1/3
15 or more, but less than 20	1/2
20 or more, but less than 25	2/3
25 or more	All

Sick leave may be accumulated to a maximum of sixty (60) days or four hundred and eighty (480) hours.

In the event of an employee's death, the Town will pay out all accumulated sick leave benefits to the employee's designated beneficiary, subject to the maximum allowed.

8.5 Victims of Violence Leave

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

Leave will be granted for an employee to:

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

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17-A, chapter 11, stalking or any act that would support an order for protection under Title 19-A, chapter 101. Employees will accrue vacation and sick leave benefits during such leave. As soon as an employee becomes aware of the need of a leave of absence, they must make a written request for leave from his/her supervisor. This request shall be forwarded to the Town Manager or his/her designee for approval as soon as possible. The request must specify the length of leave requested, the reason for the leave, and estimated dates of departure and return. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave. This leave may be covered under the Paid Family Medical Leave effective 5-1-2026.

8.6 Non-Medical Leave of Absence

A regular full-time employee may request in writing and be granted a non-medical leave of absence without pay at the sole discretion of the Town Manager. Such leave of absence without pay shall not exceed thirty (30) working days in length and shall only be granted when it is in the best interest of the Town to grant the leave. The employee must exhaust all paid benefits (including vacation, sick, time) prior to requesting such leave. All benefits, including accruals and seniority for the purpose of figuring benefit allowances shall cease during such a leave of absence.

8.7 Public Works Operations

One of the primary functions of the Durham Public Works Department is Winter Maintenance and maintaining safe travel for the public and emergency vehicles. All Public Works Department employees are considered to be on call and shall be available whenever the possibility for inclement weather exists from November 1st through May 1st.

All Public Works employees are expected to be ready to report to the garage during all storm events unless the Road Commissioner has approved previous arrangements. The Road Commissioner reserves the right to designate on call personnel or develop a weekly on call rotation for periods when there is no inclement weather expected. If this option is initiated, the Road Commissioner will contact Durham Fire & Rescue and Androscoggin County

Sheriff's Office to inform them of the on-call employee.

In storm events and post storm, if situations so warrant, all personnel shall remain on duty until released by the Road Commissioner.

Bulky Waste Day

All DPW employees are required to work on the Saturday the Town designates as "Bulky Waste Day". Employees will receive time and ½ for hours worked on that day.

Failure to comply with this section of the policy may result in discipline up to and including termination.

Call-Back

Public Works Department personnel will be paid a minimum of three (3) hours at an employee's regular rate of pay for call-back for highway related work. Early call-back time within two (2) hours of the regularly scheduled start time shall not be considered a call-in.

Clothing and Boot Allowance

Public Works employees receive \$500.00 annually for safety authorized footwear, and for work pants.

Cell Phone Allowance

Public Works employees receive \$20.00 per month to compensate them for using their personal cell phones for work business.

8.8 Storm Policy (Town Office Staff)

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

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

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

8.9 Bereavement Leave

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

In the event of the death of an employee's sister, brother, stepparents, grandmother, grandfather, spouse's grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law or brother-in-law, the employee shall be granted up to three days' leave of absence, with full pay, to make household adjustments and arrange for or attend the death services. The employee may be required to furnish their immediate supervisor with proof of death. For relatives other than those mentioned above, such as aunt, uncle, niece, nephew or first

cousin, one day's leave, with pay, to attend the funeral will be granted. The Town Manager may grant additional leave, paid or unpaid, under this subsection in unusual or exceptional circumstances.

8.10 Military Leave

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

8.11 Jury Duty

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

In the case of fire department personnel subpoenaed to court due to their Town Fire/EMS duties, hours will be paid at the employee's normal fire department wages.

8.12 Family and Medical Leave

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

8.13 Paid Family and Medical Leave

The Maine Paid Family and Medical Leave (PFML) Law rules and contributions began on January 1, 2025. Benefits become available on May 1, 2026.

SECTION 9: BENEFITS

The Town of Durham offers a benefits program for its regular full-time employees.

9.1 Health Insurance

The Town provides health insurance benefits for its full-time employees. A summary of these benefits can be obtained from the Town Manager. Coverage begins on the first day of

the month following date of hire. Participating employees and the Town will share the cost of coverage at percentages and levels to be determined by the Select Board on an annual basis. The current Baxter plan is provided by Maine Municipal Employee Health Trust, and the Town pays 80% of the premium.

9.2 Health Insurance Buy-Out Option

If a full-time employee has eligible health insurance coverage outside of the Town of Durham, the Town shall pay be entitled to twelve-hundred dollars (\$1,200.00) per year payable to the employee at a rate of one-hundred dollars (\$100.00) per month. This buy-out will be considered income for tax purposes but not for base wage, retirement, or overtime pay calculations. The employee must show proof of said coverage a minimum of once per year and at other times as requested. Employees who lose outside coverage due to divorce, death of a spouse or spouse's termination will be allowed back into the Town's insurance plan based upon the plan's requirements and limitations. Employees covered by Medicare are not eligible for this buyout due to federal restrictions

9.3 Dental

The Town provides dental coverage for its regular full-time employees and eligible dependents on the first day of the month following the date of hire under the Maine Municipal Employee Health Trust group plan. The cost of this coverage shall be shared by the Town and the employee, and the respective cost share shall be determined annually.

9.4 Vision

The Town provides vision coverage for its regular full-time employees and eligible dependents on the first day of the month following the date of hire under the Maine Municipal Employee Health Trust group plan. The employee pays 100% of the premium.

9.5 Life Insurance

The Town provides life insurance to its regular full-time employees. Employees become eligible on the first day of the month following the date of hire. The Town pays 100% of the premium.

9.6 COBRA

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

9.7 Retirement

Maine Public Employee Retirement System (MainePERS). The Town is a Participating Local District within the Maine Public Employee Retirement System and provides Plan AC (effective 7-1-2026) for full-time employees and requires a contribution from both the

employer and the employee. The employer and the employee contribution are determined annually based on MainePERS actuarial factors. Participation is mandatory.

Mission Square – A 457(b) plan is a tax-deferred retirement savings plan. This is a voluntary plan provided to employees who wish to contribute with no employer match.

9.8 Employee Assistance Program (EAP)

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

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

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

EAP Contact Information:

1-800-647-9159

www.anthemead.com, choose login in the member box and enter “MMEHT”.

SECTION 10: COMPENSATION AND PERFORMANCE EVALUATIONS

10.1 Rate of Pay

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

10.2 Performance Evaluation

Employees will be evaluated on an annual basis by their Department Head. Additional periodic reviews may be conducted in the discretion of the Town Manager or Department Head.

SECTION 11: Safety

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

The Town of Durham provides information to employees about workplace safety and health

issues through regular internal communication set forth by Department Heads or designees.

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

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

11.1 Fitness for Duty Requirement

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

11.2 Workplace Violence Protection

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

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

- Causing physical injury to another person.
- Making threatening remarks.

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

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

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

11.3 Drug Free Workplace Policy

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

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

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

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

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

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

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

Illegal drug:

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

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

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

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

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

Drug and Alcohol Testing. All employees who are required by Federal and/or State law to have a Commercial Driver's License to perform their job responsibilities for the Town of Durham are subject to and shall comply with the provisions of the adopted drug and alcohol testing provisions incorporated into the Drug and Alcohol Testing Policy (see Appendix E). The Policy may also be extended to other employees in safety-sensitive positions, as specified in the applicable job description. The provision of the Drug and Alcohol Testing Policy addressing drug and alcohol testing upon reasonable suspicion of impairment, may be applied to any employee.

11.4 Tobacco Use

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

11.5 Workers' Compensation

The Town of Durham provides workers' compensation coverage to its employees in accordance with the State of Maine laws.

If the employee needs immediate medical attention, the employee will be transported to the nearest clinic or hospital emergency room as applicable depending on the severity of the injury/illness. The employee will be referred to the Town's designated health care provider for

a follow-up to any clinic or emergency room visit or for a medical evaluation for all workplace injuries/illnesses.

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

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

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

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

FML. If eligible, workers' compensation absences will run concurrently with FML Laws.

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

Accrual of Sick, Vacation, and Holidays. Sick, vacation, and holidays will not accrue during unpaid leave. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined. Once Maine Paid Family Medical leave becomes effective (5-1-2026), employees will be able to accrue sick, vacation, and holidays.

Waiting Period. Under Maine Workers' Compensation, the waiting period is seven (7) calendar days from the date of incapacity. The employee may use their sick time for the first seven days.

Supplemental Pay. In cases of an injury covered under the Workers' Compensation Act, an employee receiving a workers' compensation check may choose to receive supplemental pay using their sick leave not to exceed the employee's base hourly rate of pay. In no case will an employee receive double compensation for lost time due to a workers' compensation illness/injury.

Participation in the Maine Public Employees Retirement System (MainePERS). While receiving workers' compensation benefits, those employees who participate in MainePERS may request a bill from MainePERS to pay their MainePERS contributions based on the wages portion of the benefits received. If an employee does not pay the applicable

contributions, the employee will not receive any service credits associated with the workers' compensation earnings for that period. However, if they are working reduced hours, employees will receive service credit associated with those earnings.

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

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

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

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

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

11.6 Willful Injury

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

APPENDIX A - FAMILY AND MEDICAL LEAVE POLICIES

Family and Medical Leave Act (FML) policy is provided because the Town, as a public employer, is a “covered employer” under the Family and Medical Leave Act (“FMLA”). However, employees of the Town must also meet certain eligibility criteria to take leave under the FMLA. This criteria includes but is not limited to the requirement that an employee work at a location where the Town has at least 50 employees within a 75-mile radius. Currently, the Town employs less than 50 employees total. As a result, although the Town is a covered employer under the FMLA, no employees of the Town are currently eligible for FMLA leave. If/when the Town employs 50 or more employees, then any employees who meet all eligibility criteria may take unpaid leave under the FMLA and be restored to the same or an equivalent position upon their return-to-work following leave. See the Town Manager for the full policy.

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

Maine Family Medical Leave (Maine FML)

Covered Employers

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

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

Eligible Employees

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

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

Leave Entitlement

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

- Employee’s serious health condition
- Birth of the employee’s child or the employee’s domestic partner’s child
- Placement of a child 16 years of age or less with the employee or with the employee’s domestic partner in connection with the adoption of the child by the employee or the employee’s domestic partner
- A child, domestic partner’s child, parent, domestic partner, sibling, or spouse with a serious health condition
- The donation of an organ of that employee for a human organ transplant
- The death or serious health condition of the employee’s spouse, domestic partner,

parent, sibling, or child if the spouse, domestic partner, parent, sibling, or child is a member of the state military forces as defined in Title 37-B, §102, or the United States Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty.

Intermittent Leave

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

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

Employee Accruals

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

Notice

An employee may request the leave in writing with 30 days' notice, and complete an Application for Family and Medical Leave, except in the case of a medical emergency or sudden illness. The Town may also declare the leave. For events that are unforeseeable 30 days in advance, but are not emergencies, the employee must notify the Town as soon as they learn of the need for the leave, ordinarily no later than one or two working days after the employee learns of the need for the leave. Maine FML request forms and medical certification forms can be obtained from the Human Resources office.

Certification

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

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

Calculation of Leave

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

Maintenance of Benefits

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

Job Restoration

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

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

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

Paid Family and Medical Leave (PFML)

The Maine Paid Family and Medical Leave (PFML) Law rules and contributions began on January 1, 2025. Benefits are effective May 1, 2026.

Paid Family Medical Leave (PFML) will be provided consistent with the State of Maine law. PFML entitles eligible employees to take paid, job-protected leave for specified family, medical, military, and safe leave reasons. The State of Maine has engaged with Aflac who will be administering this leave, and for purposes of this policy is named the Administrator. Maine PFML will run concurrently with both the Maine unpaid FML law as well as the federal Family Medical Leave Act (FMLA), where applicable. It is important to note that the job protection for this type of leave begins after 120 days of employment with the Town of Durham.

Eligible Employees

All employees are eligible to request leave, and once leave has been requested through the Administrator, the Administrator will determine eligibility.

To receive benefits, a covered individual must:

1. Be a covered employee as defined by the State.

2. Have earned wages paid in the State at least 6 times the state average weekly wage during the first 4 of the last 5 completed calendar quarters immediately preceding the first day of an individual's benefit year. For the purposes of these calculations, the state average weekly wage is that which was published effective on the July 1 immediately preceding the date of application for benefits or of the start of the leave, whichever is earlier.
3. Submit an application for benefits no more than 60 days before the anticipated start date of family leave and medical leave and no more than 90 days after the start date of family leave and medical leave.
4. Be employed as of the date of application for benefits if applying in advance of leave or be employed as of the date of leave beginning if applying retroactively for leave.
5. Have not been declared ineligible by the State.
6. Satisfy one of the qualifying reasons under the PFML law.

The following provisions apply regarding the eligibility to take leave:

1. A covered individual may take family leave immediately following medical leave if the medical leave is taken during pregnancy or recovery from childbirth and supported by documentation by a health care provider. If the covered individual is eligible as of the start of the medical leave for pregnancy and recovery from childbirth, that eligibility status shall be retained for the purposes of family leave for bonding with a child immediately following the medical leave, regardless of the covered individual's eligibility data as of the first day of the family leave. The combined medical leave and family leave may not exceed the 12-week maximum of family and medical leave within a benefit year.
2. The 12 weeks of aggregate leave taken under this Act will be reduced by any leave taken under the Federal FMLA and the Maine FML law that was not taken concurrently with leave under this Act in the 12-month period preceding the start of leave.
3. When determining an employee's eligibility to obtain benefits, the number of days an employee has worked for an employer shall not be considered by the Administrator.

Reasons for Leave

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

- **Family leave:** To care for family with serious health condition or to bond with a new child. Family member means the employee's spouse or domestic partner, a person the employee has a significant personal bond with, or the employee's – or their spouse or domestic partner's – child, parent, grandchild, grandparent, or sibling.
- **Medical leave:** To care for one's own serious medical needs.
- **Safe leave:** To stay safe for to help a family member stay safe after abuse or violence. Family member means the employee's spouse or domestic partner, a person the employee has a significant personal bond with, or the employee's – or their spouse or domestic partner's – child, parent, grandchild, grandparent, or

sibling.

- **Military leave:** Time to prepare for a family member's impending military deployment. Family member means, employee's spouse, child or parent. Maine PFML is also available if an employee's spouse, domestic partner, parent, sibling, or child dies while on active duty in the military.

*A serious health condition means an illness, injury, impairment, pregnancy, recovery from childbirth or physical, mental or psychological condition that involved inpatient care in a hospital, hospice or residential medical care center or continuing treatment by a health care provider.

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

Use and Types of Leave

Continuous leave: Leave where you are out of work for days or weeks at a time.

Intermittent leave: Leave where you are still working, and you need to take time off, but it is not the same every day or every week.

Reduced leave: Leave where you are still working but you are consistently working fewer hours.

Use of Intermittent and Reduced Schedule leave

*Intermittent and reduced schedule leave may be taken by the covered individual in increments of not less than a scheduled workday. If a covered individual and their employer agree in writing, the covered individual may take intermittent or reduced schedule leave in smaller increments, except that the minimum increment is one hour.

A covered individual approved for intermittent leave is not required to file a separate application for each occurrence of intermittent leave but must report any leave taken to the Administrator within 15 days after each occurrence for the purposes of providing benefits. A covered individual must still inform their employer of any intermittent leave use according to the employer's reporting policies.

If an applicant applies to take intermittent or reduced schedule leave from two or more employers participating in the Fund, the applicant must provide, for each employer, a leave schedule agreed to by the applicant and the employer that provides information regarding the number of hours the applicant is scheduled or anticipated to work for a specific workweek and the number of hours the employee will use leave for on a reduced or intermittent basis for each workweek during leave for benefit proration. The Weekly Benefit Amount is prorated based on the number of hours of leave taken from any of the employers from whom the covered individual is on leave and the covered individual's scheduled hours for all of the employers from whom the covered individual is on leave. In the absence of such agreement, the Administrator will determine the applicant's scheduled hours.

Payroll Deduction

Premiums will be deducted from the employee's pay beginning with the first pay date after January 1, 2025.

For calendar years 2025 through 2027, the premium rate is .5% of employee wages. Town of Durham covers the .5% on behalf of their employees. (As of 1-1-2028, the premium rate may change due to actuarial data). The Town reserves the right to charge the employee portion of the premium, as permitted by law, in the future, but will provide employees with advance notice of any such changes.

Notice

Employees generally must provide reasonable advanced notice (30 days) to the employer of the employee's intent to use leave. When the need for leave is unforeseeable, employees must provide notice as soon as possible and practicable under the circumstances. If the employee is incapacitated, notice may be provided by a family member or health care provider on behalf of the employee. The employee's notice shall include the following information and **must be in writing**, which can include a standard form, letter, email, or text message provided to the employer:

1. The reason for the leave being requested (e.g. family, medical, safe leave, qualifying exigency);
2. The type of leave needed (e.g. continuous, reduced schedule, or intermittent leave);
3. Actual or anticipated timing and duration of leave;
4. Any other relevant information regarding the employee's need to take leave.

If the Employer acquires knowledge that a leave may be for a PFML-qualifying reason, the Employer can encourage the employee to file a claim. The Administrator will notify employees whether leave is designated as PFML leave and the amount of leave that will be deducted from the employees' PFML entitlement.

Certification

An employee may also be required to provide specific forms to the Administrator in order for them to determine eligibility.

Payment of Benefits

Approved benefits shall be paid by the Administrator to the covered individual by direct deposit into a checking or saving account in a financial institution in the United States, or in the form of a debit card, if requested. Medical leave benefits are not payable to a covered individual for the first seven (7) consecutive calendar days beginning with the first day of leave.

Employee Accruals

The Town of Durham encourages employees to utilize their individual leave accruals (sick, vacation, personal, comp. time, etc.) to cover the first seven (7) consecutive calendar days (if applicable), and the difference between the PFML benefit, and the employee's regular base weekly pay (full wage replacement) in order to ensure there is no disruption to the employee's deductions.

If an employee is receiving another employer benefit during this leave, such as workers' compensation, long-term disability, or unemployment, there will be a dollar for dollar offset. If the benefit is short-term disability, PFML pays first, and STD can augment PFML wages up to full wage replacement. (See Reduction of Benefits below).

Reduction of Benefits

For any week in which a covered individual is on family leave or medical leave, the covered individual's Weekly Benefit Amount must be reduced by the amount of wage replacement that the covered individual receives from a government program or law, including but not limited to unemployment insurance, workers' compensation (other than for compensation received under 39-A M.R.S. 213 for an injury that occurred prior to the family leave or medical leave claim), and other state or federal temporary or permanent disability benefits, or from an employer's permanent disability program or policy for the same week.

The covered individual's Weekly Benefit Amount is not subject to reduction by supplemental payments received from an employer's short term disability program or policy to the extent that the payments combined with the PFML benefits do not exceed the individual's typical weekly wage.

Calculation of Leave

Eligible employees can use up to twelve (12) weeks of leave during a twelve (12) month period. The Benefit Year begins on the Sunday prior to an employee taking leave and is established on a rolling basis. Each time an employee uses leave, the Administrator computes the amount of leave the employee has taken under this policy, subtracts it from the twelve (12) weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken five (5) weeks of leave in the past twelve (12) months, they could take an additional seven (7) weeks under this policy. (The Administrator will keep track of the 12-week period for purposes of PFML). The PFML 12 weeks are reduced by a one (1) year look back for any FMLA/Maine Unpaid FML (if applicable) use not taken concurrently with PFML.

Maintenance of Benefits

An employee shall be entitled to maintain all benefits provided or made available to employees by an employer, including, but not limited to, group life insurance, health insurance, disability insurance, sick leave, annual or vacation leave, educational benefits, and pensions on the same basis as if they had continued to work at the Employer. To maintain uninterrupted coverage, the employee will be required to continue paying their share of insurance premium payments. The payment arrangement shall be made with the Office Manager. If an employee is receiving concurrent sick, vacation, personal time, compensatory time, or other similar type leave, the premium may be deducted from the employee's paycheck, as is normally the practice. If an employee is not receiving concurrent leave time, the employee will be required to pay for their share of benefits on a monthly basis.

Sick, vacation, personal time, and holidays will not be earned or accrue **beyond** the twelve (12) week leave period, (unless otherwise required by law) consistent with the Employer's paid leave policies. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

Job Restoration

When an employee returns from PFML, they will be restored to the same or an equivalent position, with equivalent benefits, pay, and other terms and conditions of employment unless:

- Employee has not been employed with the Employer for at least 120 consecutive days.
- Employment with the Employer would have terminated if no leave had been taken.
- Employee has given notice of their intent to terminate employment during their PFML; or
- Employee, with or without reasonable accommodations, cannot safely perform the essential functions of the job to which they may be restored.

Undue Hardship

Except in a medical or other sudden emergencies an employer can claim an undue hardship in certain circumstances and request that the leave be scheduled at a mutually, agreeable time. If the employee and employer agree to a schedule of leave, the employer may waive the 10-day review of undue hardship on a form and manner provided by the department at the time of the employee's application of leave.

APPENDIX B - TECHNOLOGY USE, SOCIAL MEDIA, and AI POLICY

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

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

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

1. Personal Use

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

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

2. Software, Hardware, and Games

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

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

3. E-Mail

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

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

privacy in any activity conducted on a Town e-mail. Members of boards and committees should be careful to avoid any deliberation or substantive discussion of board or committee business by e-mail as it may violate Maine's Freedom of Access laws.

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

4. Storing and Transferring Documents

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

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

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

5. Internet

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

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

6. Passwords and Physical Security of Equipment

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

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

Social Media

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

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

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

Social Media Presence outside of work. Employees should understand that even when they are engaging in off-duty conduct, including use of social media sites, their actions, words and behavior may reflect upon themselves and the Town. When and if an employee makes any Town-related comment on his/her personal social media, the employee should make it clear that the comment is made in his or her personal capacity and not as a representative of the Town, or on behalf of the Town. Comments made on social media, even with the appropriate disclaimer, which disparage any named Town official or staff, or which seriously undermine the Town's mission, divulge confidential information, or otherwise relate to Town business in such a way that, if made within the workplace, would subject the employee to disciplinary action, may still subject the employee to disciplinary action.

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

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

Policy on Acceptable Use of Generative AI Tools

Purpose

Publicly available applications driven by generative artificial intelligence (GenAI), such as chatbots (ChatGPT, Google's Bard, Microsoft Bing) or image generators (DALL-E 2, Midjourney) are impressive and widely popular. But while these content-generating tools may offer attractive opportunities to streamline work functions and increase our efficiency, they come with serious security, accuracy, and intellectual property risks. This policy highlights the unique issues raised by GenAI, helps employees and all other municipal officials understand the guidelines for its acceptable use, and protects the Town's confidential or sensitive information, intellectual property, workplace culture, commitment to diversity, and brand.

Scope

This policy applies to the use of any third-party or publicly available GenAI tools, including ChatGPT, Google Bard, DALL-E, Midjourney, and other similar applications that mimic human intelligence to generate answers, work product, or perform certain tasks.

Policy Governance

This policy has been adopted by the Select Board on the date referenced below and shall apply to all municipal employees and all board and committee members. This policy shall be reviewed at least every two years and will remain in force until duly amended by the Select Board. The Town Manager has final authority regarding the enforcement of this policy for employees. The Select Board has final authority regarding the enforcement of this policy for board and committee members.

Policy Expectations

DO:

- Understand that GenAI tools may be useful but are **not a substitute** for human judgment and creativity.
- Understand that many GenAI tools are prone to "hallucinations," false answers or information, or information that is stale, and therefore **responses must always be carefully verified by a human.**
- Treat every bit of information you provide to a GenAI tool as if it will **go viral on the Internet**, attributed to you or the Town, regardless of the settings you have selected within the tool (or the assurances made by its creators).
- Inform your supervisor **when you have used a GenAI tool** to help perform a task, and disclose in writing on any documents containing any GenAI content that the document was developed with the assistance of GenAI.

- Verify that any response from a GenAI tool that you intend to rely on, or use is **accurate, appropriate, not biased, not a violation of any other individual or entity's intellectual property or privacy, and consistent** with Town policies and applicable laws.

DO NOT:

- Do not use GenAI tools to make or help you make employment decisions about applicants or employees, including recruitment, hiring, retention, promotions, transfers, performance monitoring, discipline, demotion, or terminations.
- Do not upload or input any confidential, proprietary, or sensitive Town information into any GenAI tool. Examples include passwords and other credentials, protected health information, personnel material, information from documents marked Confidential, Sensitive, or Proprietary, or any other nonpublic Town information that might be harmful to the Town if disclosed. This may breach your or the Town's obligations to keep certain information confidential and secure, risks widespread disclosure, and may cause the Town's rights to that information to be challenged.
- Do not upload or input any personal information (names, addresses, likenesses, etc.) about any person into any GenAI tool.
- Do not represent work generated by a GenAI tool as being your own original work.
- Do not integrate any GenAI tool with internal Town software without first receiving specific written permission from your supervisor, the Town Manager, and the IT company.
- Do not use AI as a substitute for medical or legal advice, which should be obtained only from qualified professionals.
- Do not use AI to create **misleading materials**, including but not limited to graphic materials or photographs that are generated with the intent or effect of altering viewers' perceptions.

Violations

Violating this policy may result in disciplinary action, up to and including immediate termination, and could result in legal action. If you are concerned that someone has violated this policy, report this behavior to your supervisor or the Town Manager.

Disclaimer

Nothing in this policy is designed or intended to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment or any other rights protected by the National Labor Relations Act.

APPENDIX C - EMPLOYEE EXPENSES AND USE OF TOWN CREDIT CARD

Employee Expenses

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

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

Employee Use of Credit Card

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

TERMS:

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

USAGE: Each cardholder is responsible for the security of their issued credit card. All security measures are to be taken in maintaining the security of the cardholder's account number and expiration date of the credit card.

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

The following purchases are strictly prohibited: alcoholic beverages, personal purchases (even if

the intent is to repay the Town), cash advances, contracts or maintenance agreements or any other purchase not related to Town business.

DOCUMENTATION, RECONCILIATION AND PAYMENT PROCEDURES:

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

AUDITS:

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

LOST OR STOLEN CARDS:

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

VIOLATIONS:

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

TERMINATION OR TRANSFER:

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

IMPLEMENTATION AND APPROVAL:

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

**A TOWN OF
DURHAM
AGREEMENT TO ACCEPT TOWN CREDIT CARD**

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

_____.

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

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

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

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

Cardholder

Date

Town Manager

Date

APPENDIX D – VEHICLE USE POLICY

A. Driver Guidelines and Reporting Requirements

1. Town vehicles are to be driven by authorized employees only, except in the case of repair testing by a mechanic. Employees must have a valid and current driver's license to operate a Town vehicle, or a personal vehicle with current auto insurance while on Town business.
2. Employees are expected to drive in a safe and responsible manner, follow all State motor vehicle laws, and to maintain a good driving record.
3. Any employee who has a driver's license revoked or suspended shall immediately notify the Department Head by 9:00 a.m. eastern time the next business day and **immediately discontinue operation of the Town vehicle**. Failure to do so may result in disciplinary action, including termination of employment.
4. All accidents and/or damage in Town vehicles, regardless of severity, must be reported to the police and to the Department Head. Accidents and/or damage are to be reported immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible).

Accidents in personal vehicles while on Town business* **must** follow these same accident procedures. Accidents involving the employee's personal injury must be reported to the Department Head for a first report of injury, which will be sent to Human Resources for Workers' Compensation purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination of employment.

5. Drivers must report all ticket violations received during the operation of a Town vehicle, or while driving a personal vehicle for Town business*, within 72 hours to their Department Head.
6. Motor Vehicle Records will be obtained on all drivers prior to employment and will be reviewed annually. A driving record that fails to meet the criteria stated in this policy or is considered to be in violation of the intent of this policy by the Town Manager, will result in a loss of the privilege of driving a Town vehicle until such time as the driver meets any required criteria.
7. Criteria that may indicate an unacceptable record includes but is not limited to: Three or more moving violations or chargeable accidents within a year or any combination of accidents and moving violations. Chargeable means that the driver is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration.

B. Authorized Use of Town Vehicles

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

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

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

C. Driver Safety Rules

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

D. Definitions

Town Business: Town business is defined as driving at the direction, or for the benefit, of employer. It does not include normal commuting to and from work.

Personal Use: Personal use includes but is not limited to doctors' appointments, personal errands, picking children up from school or daycare, etc. Personal use of a Town vehicle is prohibited unless expressly authorized by the Town Manager or the employee's Department Head.

Moving Violations: A violation of the Maine motor vehicle statutes for which points may be assessed.

APPENDIX E - ALCOHOL AND CONTROLLED SUBSTANCE ABUSE TESTING PROCEDURE

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

Program Administrator

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

Drivers Subject to Testing

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

Driver Compliance with Regulation

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

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

- giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

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

The following substances will be tested to determine their presence:

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

Prohibited Conduct

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

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

Tests Required

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

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

fifty (50) percent of the average number of driver positions. If the company has entered into a consortium pool the 10 and 50 percent levels will apply to the entire pool of drivers in the consortium.

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

Testing Procedures

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

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

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

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

the medical review office (MRO).

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

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

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

Requirement that Drivers Must Submit to Tests

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

Refusal to Test

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

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

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Town, consistent with applicable DOT agency regulations, after being directed to do so by the Town. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (Consortium Third Party Administrator) (see [§40.61\(a\)](#) of this title).
2. Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see [§40.63\(c\)](#) of this title) for a pre-employment test is not deemed to have refused to test.
3. Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see [§40.63\(c\)](#) of this title) for a pre-employment test is not deemed to have refused to

test.

4. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see [§§40.67\(l\)](#) and [40.69\(g\)](#) of this title).
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see [§40.193\(d\)\(2\)](#) of this title).
6. Fails or declines to take a second test the employer or collector has directed the driver to take.
7. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under [§40.193\(d\)](#) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
9. Is reported by the MRO as having a verified adulterated or substituted test result.

Disciplinary Action

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

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

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

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

Confidentiality of Information

Unless the employee or applicant consents, all information acquired by the Town in the testing process is confidential and may not be released to any person other than the employee or applicant who is tested, the Program Administrator, or designees as well as the SAP or Rehabilitation Provider. The foregoing shall not prevent the release of information

that is required or permitted by State or Federal Law, or the use of information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of the test results.

Any employee who wishes to seek personal and confidential advice on alcohol and/or controlled substances should contact a supervisor.

FMCSA Clearinghouse

As of January 6, 2020, the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse was established as a secure, online database for employers and authorized users to provide updated information about CDL and CLP drivers. Any CDL driver has the option to register to view their own Clearinghouse record electronically, or to provide electronic consent for a current or prospective employer to conduct a query or the driver's DOT record. Drivers should be aware that the motor carrier/employer is required to run pre-employment and annual queries through the Clearinghouse, as well as to collect, maintain, and report certain information as required:

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

Information:

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

ALCOHOL AND CONTROLLED SUBSTANCE ABUSE TESTING PROCEDURE ACKNOWLEDGEMENT FORM:

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

Date

Employee Signature

EMPLOYEE ACKNOWLEDGEMENT FORM

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

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

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

Employee Name: _____

Dept: _____

Employee Signature: _____

Date: _____

Adopted this 23rd of June 2026 by the Select Board:

Joe Roy – Select Board Chair Signature: _____

Josh Klein-Golden – Select Board Vice Chair Signature: _____

Deb Oliver, Select Board Member Signature: _____

Rebekah Polster, Select Board Member Signature: _____

John Talbot, Select Board Member Signature: _____