



DECEMBER 1, 2015

TOWN OF WESTBROOK  
HUMAN RESOURCES POLICY MANUAL



# TOWN OF WESTBROOK HUMAN RESOURCES POLICY MANUAL

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## SECTION 1: PURPOSE AND SCOPE

### 1.00 Purpose

The purpose of the Human Resources Policy Manual of the Town of Westbrook is to maintain a centralized and efficient system of Town human resources administration, and to provide for fair and equitable human resources policies applicable to all employees, **provided they are not in direct conflict with any collective bargaining agreements or individual contracts and with the exceptions as noted under "Scope"**.

### 1.10 Contract Disclaimer

In order to adapt to the Town's changing needs and to respond to specific situations as they may arise, these policies may change from time to time. As such, the Town, acting through the Board of Selectmen, reserves the right to revise, discontinue, suspend, or modify any part(s) of this manual at any time with or without prior notice. The Town's actions, from time to time, may also vary from the attached policies and procedures, or any subsequent policies and procedures that may be implemented. This manual replaces (supersedes) any and all other or previous Town employee manuals and/or human resources policies or practices, whether written or oral, which are contrary to the policies contained herein.

**The contents of the Human Resources Policy Manual are presented as a matter of information only and are not intended to create nor is it to be construed to constitute a contract between the Town and any or all of its employees, unless a collective bargaining agreement applies. The employment relationship between the Town and each of its employees not under a collective bargaining agreement or individual contract is employment at will. Under this relationship, neither the employee nor the Town is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time, for any reason, with or without notice.** Notwithstanding the foregoing, the Town expects its employees to provide a minimum of two (2) weeks advance written notice of resignation or retirement. With respect to insurance and other benefits, the terms of the insurance policy or benefit plan supersede any statements contained in this Handbook. All employment contracts (see Section 4.30) must be approved in writing by the Board of Selectmen.

### 1.20 Scope

The terms of these policies shall apply to all Town employees and elected officials and to all positions now or hereafter created in the Town of Westbrook **except the following:**

- A. Employees of the Town of Westbrook Board of Education**
- B. Volunteer personnel; and**
- C. Independent contractors**

While the above categories of personnel may not be eligible for any of the benefits set forth in these policies, they will be expected to comply with the Town's Human Resources policies and procedures regarding conduct while performing services for the Town, including but not limited

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to the Town's Equal Employment Opportunity policy and the policy prohibiting workplace harassment.

## 1.30 Application

These policies shall serve as a guide to the administration of a human resources system in keeping with basic merit principles. The policies are not all inclusive, and final discretion as to the interpretation or the appropriate course of action concerning a particular personnel matter shall be that of the Board of Selectmen. A violation of these policies may, at the determination of the First Selectman, result in disciplinary action up to and including dismissal.

The Human Resources Policy Manual is applicable to all Town departments including the Westbrook Public Library and Public Health Nursing Service.

Note: Various subjects described in this manual must conform to the provisions and requirements of the Freedom of Information Act.

## SECTION 2: EQUAL EMPLOYMENT OPPORTUNITY STATEMENT

The Town is an equal opportunity employer, dedicated to a policy of non-discrimination in employment on any basis prohibited by law. The Town considers applicants for all positions without regard to race, color, religion, gender, national origin, age, disability, marital status, citizen status, veteran status, sexual orientation, gender expression or identity, genetic information or any other legally protected status or characteristic under applicable law, and is committed to providing equal opportunities in terms of its recruiting and hiring practices. The Town is also committed to providing equal opportunities to its employees in all of its employment practices, including but not limited to recruitment, hiring, compensation, training, transfers, promotions, demotions or downgrading, layoff and recall, termination and in the provision of all of its employee benefit programs, and will not tolerate any type of discriminatory behavior. The Town is further committed to providing reasonable accommodations to qualified individuals with disabilities, absent undue hardship, whether they are applicants or employees, and to engage in an interactive process with such individuals to assess the availability of an appropriateness of various accommodations.

The Town further pledges its strong commitment to ensure that all contractors and subcontractors who do business with the Town provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability and merit.

The Town further pledges that all Town sponsored training and social and recreational programs will be administered without regard to any legally protected status.

As part of its commitment to equal opportunities, the Town also expects all of its employees to adhere to this policy of non-discrimination. The Town will take prompt action upon the receipt of a complaint of unlawful discrimination or harassment on a protected class basis and will take appropriate corrective action, including disciplinary measures if necessary, to remedy any acts or unlawful discrimination.

### 2.1 Americans with Disabilities Act (and As Amended)

The Town of Westbrook is an equal employment opportunity employer which prohibits discrimination against any and all qualified job applicants and employees including those who are or become disabled. The Town will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training.

The Americans with Disabilities Act (ADA) extends Federal civil rights protection in several areas to people who are considered "disabled." Not every disabled person is covered by the ADA. Certain standards must be met for a person to qualify for the Act's Title I protections.

"Disability": a physical or mental impairment that substantially limits one or more of the major life activities of an individual.

"Qualified": an individual with prerequisites for the job, who, with or without reasonable accommodations, can perform the essential job functions.

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Each job should be fully described indicating, in writing, the essential job factors, required knowledge, skills and abilities, required equipment operation, required physical effort and the required minimum qualifications.

Each request for reasonable accommodation will be determined on a case-by-case basis through the process of interactive dialogue with the employee or job applicant. Employees and applicants for employment are expected to engage in this process in a meaningful way in order for it to be effective.

## 2.2 Reasonable Accommodation

The interviewer should show the approved job description to the applicant and ask if he or she can perform the essential job functions. The employer is only required to consider an identified or requested reasonable accommodation. If the applicant refuses a reasonable accommodation, he or she is not considered qualified.

As the Americans with Disabilities Act impacts all areas of personnel administration and includes many new requirements, the appointing authority should confer directly with the First Selectman and/or Town Labor Counsel prior to taking any personnel action involving applicants or employees who are considered qualified individuals with a disability.

Further ADA information may be obtained from the Human Resource Specialist in the First Selectman's office.

## SECTION 3: ADMINISTRATION OF HUMAN RESOURCES POLICIES

### 3.00 Administration

The Town's human resources policies shall be administered by the First Selectman under the direction of the First Selectman on the behalf of the Board of Selectmen.

The First Selectman, will prepare and distribute copies of the Human Resources Policy Manual, the job description, position classification plan and other human resources documents used by the Town of Westbrook.

Changes and revisions may be suggested by interested parties and shall be submitted through the First Selectman for review and recommendation. Changes shall become effective upon approval by the Board of Selectmen.

The Board of Selectmen will review the Human Resources Policy Manual every 2 years or as necessary.

### 3.10 Board of Selectmen

The Board of Selectmen may establish, rescind or amend such administrative procedures as it may consider necessary for implementation of these human resources policies and procedures. Appropriate staff shall be consulted with and given opportunity to review and comment. Such rules and regulations, and any amendments thereto, shall become effective upon being approved by resolution of the Board of Selectmen, and then communicated to all as appropriate.

The Board of Selectmen and Department Heads shall be responsible for the proper administration of these human resources policies.

### 3.20 Department Heads

The title of Department Head is defined as the manager of a major Town department or function. Such manager is responsible for the efficient operation of the assigned department within an approved annual budget. Examples would include the following position titles:

- ◆ Public Works Director (appointed)
- ◆ Town Clerk (elected)
- ◆ Chairperson of a Town Board or Commission who supervises one or more Town employees

Department Heads shall have the responsibility to recommend the selection, retention, promotion of employees within their departments. Department Heads shall be responsible to train employees within their department and to properly administer all human resources policies and procedures of the Town of Westbrook. They are expected to effectively supervise their employees; to report upon their performance; to notify the First Selectman of changes in duties or status of their employees and to recommend salary increases. Among other duties, all Department Heads shall report directly to the First Selectman or immediate manager, shall be required to attend Department Head meetings and shall also represent the Town in the resolution of its employee grievances.

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## 3.30 Employees

It shall be the responsibility of all employees to acquaint themselves thoroughly with the material in this manual and any subsequent revisions hereto. Employees are encouraged to submit suggestions for changes in human resources policies and procedures for improvement of Town human resources administration as appropriate. If an employee has a question or complaint, the employee shall meet with their manager first. The question or complaint, if not resolved at this level, may be referred to the First Selectman to review and discuss the subject for resolution prior to the Board of Selectmen involvement.

## 3.40 Human Resources Records and Reports

The First Selectman maintains an adequate record of all official acts under these policies and the employment record of every employee. Human Resources records, the disclosure of which would constitute an invasion of personal privacy under the specific standard established under the Freedom of Information Act (FOIA), are not deemed public records and are considered confidential. However, employees should understand that the test for invasion of personal privacy under the FOIA is strict and difficult to meet, and in most instances a public employee's personnel file is *fully discloseable*, including such contents as attendance and disciplinary records. Further, the FOIA does *not* obligate the Town to provide notice of a request for disclosure of personnel file documents to the affected employee, or the opportunity to object to release, unless the Town reasonably concludes that disclosure will be an invasion of personal privacy under the FOIA test.<sup>1</sup>

Upon request, employees may examine their own personnel file during normal business hours in accordance with procedures established by the First Selectman. Employees are responsible for informing the Human Resource Specialist of any change in name, address, telephone numbers, marital status, number of dependents, beneficiary designations for any of the Town's benefit plans, and person to be notified in case of emergency.

Typically, an employee will be able to see their file within a reasonable period after requesting access. Former employees may access their personnel file without written request but with reasonable advance notice, and may receive a copy of their personnel file upon receipt of a written request.

All written warnings shall be removed from the employee record one year after said violation had occurred provided there have been no additional warnings or disciplinary actions.

Department Heads are to submit, promptly, requisitions to fill job openings, data on proposed appointments, status changes or separations in such form, and with such supporting information as prescribed, to the Human Resource Specialist.

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<sup>1</sup> To be exempt from disclosure under the FOIA test for invasion of personal privacy, a personnel file document must be **both** (1) not a matter of legitimate public concern; **and** (2) its release would be highly offensive to a reasonable person. Perkins v. Freedom of Information Commission, 228 Conn. 158, 175 (1993)

## 3.50 Job Duties and Responsibilities

The Department Head shall instruct employees about their job duties and responsibilities upon hire, usually through a documented job description and throughout their employment, and the Town reserves the right to change those duties as may be necessary for operational needs (which will then be recorded on the job description). Any changes in the duties and responsibilities of a union position must be negotiated with the Town Hall union (and then recorded on the appropriate job description). The Board of Selectmen may change the written job description from time to time to accommodate the needs of the Town. Employees are expected to devote their best efforts to the Town and to perform in good faith all duties that may be assigned.

## SECTION 4: RECRUITMENT, SELECTION AND APPOINTMENT OF EMPLOYEES

### 4.00 Recruitment of Employees

The First Selectman, or designee, is responsible for the administration of all employment policies and procedures including posting job openings, recruitment, advertising, collecting and retaining applications, interviewing, testing, screening, reference checking, overseeing pre-employment exams, referring qualified applicants, certifying candidates, orientation and induction, and oversight of the Town's good faith outreach efforts to attract women and minority candidates for employment

Announcements. The First Selectman or designee shall cause to be made known all vacancies for all positions that he/she intends to fill by posting announcements of such vacancies on a bulletin board in all general government buildings and report to Board of Selectmen at its regular meeting. At his or her discretion, the First Selectman or designee may publish job announcements, newspapers, journals or other media outlets and in such places as he or she deems advisable. Job announcements shall specify: the title of the position to be filled; an initial wage or salary range for the position; a general description of the nature of the work to be performed; minimum qualifications for the position; a closing date for receipt of applications; and any other information deemed appropriate for inclusion on the job announcement. When recruiting for positions that will have a responsibility for carrying out policies established by elected or appointed boards or commissions, the First Selectman, may seek the advice of such boards or commissions as to the qualifications of candidates for these positions and may form an interview committee upon Board of Selectmen approval.

Recruitment Area. Individuals shall be recruited from a geographic area as wide as is reasonably necessary to assure obtaining well-qualified candidates for the various types of positions. In cases where residents of Westbrook and non-residents are equally qualified, as determined by the First Selectman, for a particular vacant position, residents of Westbrook shall receive first consideration in filling such vacancy. Nothing shall prohibit the First Selectman, from contacting individuals and encouraging such individuals to apply for employment with the Town. All "encouraged individuals" will need to complete all of the same application materials required by other applicants from other channels.

Recruitment Expenses. While it is the policy of the Town to recruit local persons, it is recognized that various staff, professional and supervisory positions may require recruitment from outside the area to obtain well-qualified applicants. Accordingly, in recruiting for and filling positions of this type, the Board of Selectmen may authorize payment of reasonable expenses for an applicant's trip for a personal interview or reporting to duty upon appointment to Town service. Reimbursable expenses may include an allowance for transportation, meals, and lodging.

### 4.10 Selection of Employees

Application. Applications are accepted only when there is an opening and listed job vacancy which was previously approved by the Board of Selectmen; this includes temporary positions.

Each candidate for employment with the Town shall make application on the standard form prescribed and provided by the Human Resource Specialist in the First Selectman's office. Such

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information may be required as is deemed necessary in order to judge the applicant's qualifications for services in the Town. Each application shall be signed by the applicant. Applications shall not be returned to an applicant but will remain on file for one (1) year, after which time, such applications may be destroyed with appropriate approval of the Office of the Public Records Administrator of Connecticut. In cases where the First Selectman shall determine that prior service of a current Town employee properly qualifies for promotion to a vacant position, the First Selectman may make a direct promotional appointment with input from the Department Head and with the approval of the Board of Selectmen.

Disqualification. Failure to submit a signed and fully completed application on the proper form will result in disqualification of the applicant/candidate. Applications failing to reflect the minimum qualifications for the position may be disqualified. Application received after the announced closing date for the receipt of applications may result in disqualification of the application.

Competitive Examinations. The First Selectman shall have the discretion to administer competitive examinations to help determine the merit and fitness for duty of qualified applicants. Examinations shall relate to those matters that will test fairly the capacity and fitness of the qualified applicants to discharge efficiently the duties of the position. Examinations may include a rating of qualifications and experience, written, oral, physical or performance tests or any combination thereof. Such examinations may take into consideration reasonable factors such as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications that, in the judgment of the First Selectman, enter into the relative fitness of applicants. If the First Selectman determines that a recruiting campaign for a specific position requires any testing, all applicants with the minimal required qualifications must have the opportunity to take any such test.

References. As part of the pre-employment procedure, the First Selectman shall conduct references of former supervisors, employers and other references provided and not provided by candidates on the standard application form may also be contacted, as deemed necessary. Any references and other investigation shall be documented and made part of the applicant's file. Any reference checks shall be completed prior to an offer of employment and the information be made part of the applicant's file. All references and background investigations are to be handled as confidential information.

Pre-employment Physicals and Substance Abuse Testing. In the event that an applicant receives a job offer, he/she may also be required to submit to a medical examination and/or alcohol and drug testing that must be successfully completed before commencing work.

Direct Deposit. All employees are paid via direct deposit; therefore, a new employee must have a direct deposit account. Forms may be obtained in the Finance Office.

## 4.20 Appointment of Employees

All vacancies that the Town chooses to fill shall be filled by regular appointment, temporary appointment, promotion, demotion or transfer. Only qualified candidates shall be recommended for appointment. Appointment to a vacancy and any changes regarding appointments and wages shall be made by the Board of Selectmen from the qualified candidates.

All new employees will receive two original copies of a letter of hire from their Department Head, after approval by the First Selectman. This letter will state the new employee's terms of

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employment. All new hires will sign one original copy of the letter of hire to acknowledge that they understand and agree to the terms of employment. The signed letter will be kept in the employee's personnel file. This offer letter, stating conditions of employment will not act as an employment contract, and will not change the "at will" status of the employment relationship.

## 4.25 Employment of Relatives, Minors and Aliens

The Town neither prohibits nor favors the employment of relatives of an employee. For purposes of this policy, a "relative" includes a parent, spouse, child, brother, sister, aunt, uncle, niece, nephew, grandparent and step-parent. In-law relationships to the same degrees and other persons living in a household are also included in this policy. Employment of relatives in the same work unit or department is permitted provided that neither relative occupies a position which directs or controls the work of the other; reports to the other; or has any review or sign-off relationship with the other. The conditions of this policy also apply if two employees are dating or become related through marriage after they are employed.

Employment of Minors. In Connecticut, persons under the age of eighteen (18) are legally considered minors. As Town policy, no one will be hired under age 18 to perform work which may be dangerous or hazardous as stipulated by State Statute.

Employment of Aliens. Town policy does not permit the hiring of an alien who is not authorized to work in the United States. Verification of such individual's immigration status and authorization for employment is required.

Any exceptions to this policy must be authorized in writing by the First Selectman.

## 4.30 Categories of Employment

All positions, except those that are the responsibility of the Board of Education, are classified including regular full-time, regular part-time, part-time and temporary/seasonal positions, defined as follows:

- (1) Regular Full-Time: A full-time employee who has completed the probationary period and is employed for a minimum of 25 hours per week on a yearly basis, and is entitled to all the employee benefits offered by the Town or as stipulated in a collective bargaining agreement.
- (2) Regular Part-Time: A part-time employee who has completed the probationary period and is employed for less than 25 hours per week on a yearly basis and is eligible for certain employee benefits offered to the regular full-time employees or as stipulated in a collective bargaining agreement.
- (3) Part-Time: A part-time employee is one employed in a position as needed, normally less than 20 hours per week for 52 weeks or less per year. Such employees are not entitled to employee benefits.
- (4) Temporary/Seasonal: A temporary/seasonal employee is one employed in a position established for a specific period of time (ex. 6 months or less) or for the duration of a specific project or group of assignments, and is not entitled to employee benefits regardless

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of the number of hours they work each week. Temporary employees may, or may not be eligible for unemployment compensation.

- (5) Nonexempt Employees: Nonexempt employees are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act and the State Wage and Hour Law.
- (6) Exempt Employees: Exempt employees are exempt from the minimum wage and overtime provision of the Fair Labor Standards Act and the State Wage and Hour Law and are not legally entitled to overtime payments or as stipulated in a collective bargaining agreement. Exempt employees include personnel employed in executive, administrative and professional positions.
- (7) Paid Elected Officials: Full-time paid elected officials are elected by the citizens of Westbrook and should be guided by the Town's policies relating to benefits for regular full-time employees.

## 4.40 Probationary Period

Each new employee will serve a period of orientation to his or her position from his or her manager upon hire or transfer which is referred to as the employee's probationary period. The orientation process is designed to explain and review town municipal policies and procedures as necessary, including those that are contained in this manual, and to allow the employee an opportunity to gain a thorough understanding of what is expected in his or her job duties. While each period of orientation will be unique to the needs to the individual and the functions to which he or she has been assigned, this process will also ordinarily entail explaining to the employee what his or her department does, its role in relation to the total operation of the municipality, and how the employee's job fits in with these operations.

The probationary period for new employees will generally be six (6) months. Throughout the probationary period, an employee's performance will be closely reviewed to determine if performance expectations are being met. Should the Town determine that performance does not meet standards at any time during the probationary period (or at any time thereafter), at the Town's discretion, various measures may be implemented to improve performance or an employee may be terminated from employment. Nothing about the existence or implementation of the probationary period limits the Town's right to terminate the employment of employees for legitimate reasons as determined by the Town and nothing stated here alters the at-will employment status of the Town's at-will employees.

## SECTION 5: CLASSIFICATION AND PAY PLAN

### 5.00 Classification Plan

The determination and payment of wages and salaries shall be made in conformance with a classification and pay plan prepared and maintained by the First Selectman in accordance with annual budget appropriations. The First Selectman shall review the plan periodically and shall recommend to the Board of Selectmen necessary revisions in it to reflect changes in the area economic conditions and to attract and retain qualified personnel.

The classification plan contains a statement of the duties and responsibilities of each position in the classified service, the minimum qualifications necessary for appointment, and of the pay ranges for such positions. All positions in the classified service are grouped into pay grades. The wage classification plan is further developed and maintained in order that all positions substantially similar with respect to duties, responsibilities, authority and character of work are included within the same pay grade and that the same schedule of compensation applies to all positions in the same grade. In the preparation of the classification plan, the First Selectman allocates each position in the classified service to one of the pay grades established by the plan as approved by the Board of Selectmen. Individuals may vary in the same pay grade depending on job performance and evaluation. At the discretion of the First Selectman, recommended by the immediate manager and the First Selectman and approved by the Board of Selectmen, positions may be reclassified to a more appropriate pay grade, whether newly created or currently existing, at any time based upon changed circumstances relating to the position, and with bargaining unit approval for positions included in the collective bargaining agreement.

Individuals will be required to have annual evaluations. Such evaluations will be performed by their immediate managers and Department Head.

### 5.10 Pay Plan

The First Selectman and the Director of Finance prepare and submit to the Board of Selectmen a pay plan for each grade in the classified service, showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration is given to prevailing rates of pay for comparable work in the general labor market area, suggestions of Department Heads and the Town's financial condition and policies.

The First Selectman reviews the pay plan periodically with the Director of Finance and recommends to the Board of Selectmen necessary revisions so as to reflect changes in the area economic conditions and to attract and retain qualified personnel in the classified service. All salary increases will be approved by the Board of Selectmen.

### 5.20 Appointment Rates

When first appointed to a position, pay rates are established in accordance with the Town's classification and pay plan and the following guidelines:

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At Hiring: Normally, the starting rate of pay for a new employee upon appointment is the minimum rate for the position's pay grade. The Board of Selectmen may approve initial compensation at a rate higher than the minimum rate if, in the discretion of the Board, it is determined that:

- 1) The qualifications of the applicant are outstanding in relation to those of competing applicants or the applicant's qualifications are substantially in excess of the requirements of the job or
- 2) No qualified applicants will accept employment at the minimum rate of the range.

Promotion: Employees who are promoted are eligible for a promotional increase. The new pay rate for a promoted employee will be set within the pay range for the classification as deemed appropriate by the First Selectman.

Transfer: If an employee is transferred to a position within the same pay grade, the rate of pay will remain within the same pay range.

Demotion: In case of demotion, the employee will be given an appropriate rate of pay within the pay range for the classification of the new position and the circumstances necessitating the demotion.

Note: Employees must work a minimum of six (6) consecutive months (January 1st to June 30th) in the fiscal year to be eligible for a general wage increase effective July 1st.

**Note: All job descriptions, starting wages and salaries and salary increases for all employees (temporary, part time and full time) must be approved by the Board of Selectmen.**

## 5.30 Rates of Pay

- (1) Salaried Employees (Exempt): All salaried employees are paid their annual salary rate divided by the number of pay periods per year or as stipulated in a collective bargaining agreement.
- (2) Hourly Employees (Non-exempt): All hourly employees are paid for the actual number of hours worked during the pay period, including one and one-half times their regular rate of pay for any hours working in excess of forty (40) in a work week, or as stipulated in a collective bargaining agreement.
- (3) Rate of Pay for Promotion: When a regular full-time or regular part-time employee is promoted, his/her salary shall be advanced to the new pay range, or as stipulated in a collective bargaining agreement.
- (4) Reserve Duty: Advance payment of salary is allowed to an employee called for Reserve Duty with the understanding that the employee will reimburse the Town the amount paid to him/her for Reserve Duty. Such reimbursement amount is not to exceed the amount of advanced pay. The employee must sign an agreement to reimburse the Town the amount of his/her military pay if he/she wishes the Town to provide regular pay prior to the submission of a military pay voucher. Normal payroll deductions and Town contributions for insurance purposes are continued to cover such periods.

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## 5.40 Employee Performance Evaluation

Each employee's performance is evaluated on an annual basis, prior to the time an individual is normally considered for a salary review. The performance evaluation is in written form and will be completed and discussed with the employee by the immediate manager. The basis of the evaluation will be the specific responsibilities within the position description for the job the employee is doing and a review of the professional skills and ability factors required of the position. The purpose of this evaluation is twofold: performance improvement and the development of the employee's potential.

All evaluation factors are rated and a final overall weighted performance rating is determined. A development plan is prepared for the employee by his/her manager which outlines the employee's strengths and areas requiring improvement. The completed performance evaluation form is considered personal and confidential.

## 5.50 Salary Review (Non-Union)

Salaries are generally reviewed on an annual basis coinciding with an employee's performance review but may be reviewed at other times as circumstances warrant. Unless otherwise awarded by the Board of Selectmen on a general wage increase basis, salaries are typically adjusted, if at all, based on other factors such as salary ranges for the position, market conditions and operational needs. There is no guarantee of a salary increase for any employee at any time. Employees will have the opportunity to understand the basis for any salary adjustment in discussions with their manager.

## 5.60 Longevity Pay

Employees will be entitled to longevity payments in accordance with the following schedule:

Years of Service	Amount
Completion of 5 years	1%
Completion of 7 years	3%
Completion of 10 years	5%

Percentage amounts will be paid as a lump sum on the July 1st following the completion of the applicable years of service. Employees represented by a union should refer to the collective bargaining agreement.

## SECTION 6: HOURS OF WORK AND PAY PRACTICES

### 6.10 Hours of Work

Unless otherwise determined by the First Selectman, the normal workweek for full-time Town employees shall be between twenty-five (25) to forty (40) hours per week. Department Heads are expected to work as many hours as necessary to complete their jobs and to serve the public.

The Town reserves the right to adjust the hours of work for all employees as necessary to meet the needs of the Town. Furthermore, individual start and end times will be set by the First Selectman as necessary. The First Selectman may adopt individual hours of work policies that meet the needs of individual departments (e.g., where services to the public are required on a seasonal or 24 hour basis), subject to the approval of the Board of Selectmen and/or negotiated with the Union for employees covered under the bargaining agreement. Therefore, all employees are subject to work schedule changes as the needs of Town service require.

### 6.20 Meal Breaks

All full-time Town employees shall have an unpaid meal break at a time to be determined by the Town, which break shall generally be at least thirty minutes per day unless otherwise determined. All employees who leave their workstations for a meal break should notify their manager of their departure and return. Work schedules should be arranged to ensure that the office is covered at all times. All meal breaks should be during the shift (preferably between the hours of 11 AM and 2 PM) and not routinely taken before the beginning of the shift, or at the end of the shift.

### 6.30 Time Sheets

All non-exempt employees will be required to submit a time sheet showing their hours worked each day. Time sheets must be signed by the employee and his/her manager, and must be submitted bi-weekly to the Finance Department. Non-exempt employees must indicate on the time sheet when they start work, when they leave and return from lunch (or any other non-work time during the day), and when they leave for the day.

All exempt employees shall submit a timesheet showing time worked or taken off, in order to account for "compensatory time" (if covered by the union) and/or to properly account for their time off (vacation, sickness, leaves of absence, etc.).

All employees are responsible for ensuring that the time shown on their time sheets is accurate. Misrepresentation constitutes fraud.

### 6.40 Pay Period and Paychecks

Employees are paid bi-weekly. From each paycheck, the Town will deduct any and all withholdings required by law, including Federal and State income taxes, social security taxes, and wage garnishments. In addition, upon an employee's written authorization, the Town will make other lawful deductions from each paycheck, including insurance cost-share payments.

## 6.50 Absenteeism and Punctuality

Absenteeism detracts from service and causes an undue burden for those employees who must fill in for absent employees. As such, consistent attendance and punctuality is necessary to the operations of the Town and to each employee's own individual performance.

Being on time for each scheduled workday means more than being physically present. It means being ready to begin work at the assigned time. Accordingly, employees are expected to report to work and to be ready to work at the beginning of their regularly assigned shift.

The Town recognizes that there will be occasions when unscheduled time off due to illness or for other personal matters will be necessary. All employees are expected to notify their supervisor at least one hour prior to the start of their shift to explain the reason(s) for such unscheduled time off, and to provide an estimate of the number of hours or days before they are expected to return to work. **Employees must also notify the Human Resources Specialist.** Notification is necessary so that job duties can be reassigned.

When there is no notification, the absence will be considered unexcused and the employee will be subject to disciplinary actions. If an employee fails to report his or her absence for five (5) consecutive days or had three (3) instances of unreported absences in a twelve (12) month period, he or she may be considered to have resigned from employment.

Any deviation from this policy and/or repeated occurrences of unscheduled time off or unexcused absences could lead to disciplinary action, up to and including termination of employment.

## 6.60 Overtime

Personnel shortages, peak workloads and other emergency situations may make it necessary for an employee to work beyond his or her regularly scheduled workweek, as prescribed by the First Selectman or his/her designee. Hours of work over forty (40) hours in a regular work week by non-exempt employees shall be considered as overtime.

## 6.70 Administration of Overtime

Positions Exempt from Overtime: Because certain executive, professional and administrative personnel are considered exempt under applicable law, they are not eligible to be paid for overtime work, **or as stipulated in a collective bargaining agreement.**

Overtime Authorization: Except in emergency conditions as determined by the Department Head, all overtime must be authorized and approved by the immediate supervisor and the First Selectman in advance (if practicable). Failure to gain approval prior to working overtime may result in disciplinary action.

Overtime Compensation: When a non-exempt employee, who is eligible for overtime compensation, is required to work in excess of the normal workweek, he/she will be paid his/her regular rate for all hours worked up to 40 hours each work week and at the rate of one and one-half (1½) times the regular hourly rate for all hours worked over 40 hours in any such work week. Any work authorized by the First Selectman on Saturdays will be paid at a rate of one and

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one-half (1½) times the regular hourly rate (with a minimum of 4 hours paid); double time is paid for work on Sunday (with a minimum of 4 hours paid), and on a holiday or as stipulated in a collective bargaining agreement.

**Callback Time:** When an employee who is eligible for overtime compensation after departing from his/her regularly scheduled shift is officially ordered to return to work for emergency service, he/she shall be compensated from the time he/she receives his/her assignment and for all hours worked at the rates set forth above.

**Exempt Employees:** In the case of exempt personnel, attendance at meetings of Town agencies and other after hours work activities shall be considered part of the duties of the position and not ordinarily eligible for compensation in equivalent time or pay. The First Selectman may, at his or her discretion, grant compensatory time off to an exempt employee who has worked substantial extra hours. The First Selectman shall determine the appropriate amount of compensatory time to be taken and shall determine dates and duration of such leave to insure that there are no adverse effects on Town operations **or as stipulated in a collective bargaining agreement.**

## 6.80 Compensatory Time

Upon the First Selectman's advance approval, a non-exempt employee may take compensatory time off in lieu of overtime payment, provided the time off is equivalent to the overtime pay rate and is consistent with the operational needs of the Town. Such compensatory time shall not be accumulative and must be taken within four (4) weeks of the overtime period worked.

Exempt employees, managers, Department Heads and professionals are not eligible for overtime pay **unless stipulated in a collective bargaining agreement which represents the employee's position.** Exempt salaried employees work the necessary hours to complete their position responsibilities including night meetings. In specific instances, the First Selectman may grant compensatory time off consistent with operational needs of the Town. Compensatory time sheets must be submitted within the current pay period to the Human Resource Specialist. Failure to submit compensatory time sheets on a timely basis and obtain First Selectman approval may result in forfeiture of the compensatory time.

## 6.90 Emergency Closings

All offices and facilities of the Town will be open on schedule for the full workday unless employees are specifically notified otherwise via phone, television or radio news. The decision to delay opening or close, based upon local conditions, will be made by the First Selectman or a designated Town official. The closing will apply to all Town facilities unless an exception is approved by the First Selectman. The Superintendent of Schools will be responsible for school closings and delayed openings.

All employees will be paid for their regular hours of work on any day or portion of a day in which the Town facilities are closed due to emergency unless:

- (1) They are classified as "Emergency Essential Employees";
- (2) They did not report for work for any portion of the day in which the Town facilities were open; or

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(3) The employee was absent due to a pre-approved vacation or other paid or unpaid leave day. Employees who are classified as "Emergency Essential Employees" may be required to work during the emergency period: "Emergency Essential Employees" are Department Heads, public safety employees and managers; all employees in the Department of Public Works, except for the Administrative Assistant; and other employees as required by the First Selectman and Department Heads for specific emergency duties.

## SECTION 7: PERSONNEL CHANGE OF STATUS

### 7.10 Promotion

The Town encourages employees to develop new skills, expand knowledge of their work, assume greater responsibilities and make known their qualifications for promotion to more difficult and responsible positions. The Town may pay for all or partial job related training, conferences and professional activities with advance written approval of immediate manager or Department Head.

- (1) A regular employee may apply for a vacant position in any Town office or department that affords a promotional or new opportunity, if the employee has held his or her current position for a minimum of six (6) months, has performed his or her duties satisfactorily and otherwise meets the requirements of the position.
- (2) To assure that regular employees are afforded opportunities for promotion, vacancies will be advertised in all of the common areas of the Town offices. Current regular employees are encouraged to apply for any vacancy for which they meet the requirements of the position.
- (3) When the First Selectman determines that an insufficient number of well-qualified employees are available from within the classified service, the First Selectman will consider outside applicants along with Town employees in order to provide an adequate number of candidates for consideration.

### 7.20 Transfer

Transfer of a regular employee from one position to another, which does not constitute either a promotion or a demotion as defined herein, may occur when:

- (1) The employee meets the qualification requirements;
- (2) The transfer is in the best interests of the Town;
- (3) Further training and development of an employee in another position would be beneficial to the future potential of the Town; or
- (4) The transfer meets the personal needs of the employee and is consistent with the above.

### 7.30 Demotion

An employee may be demoted to a position in a lower grade, for which he or she is qualified, for any of the following reasons:

- (1) As an alternative to layoff when a position is eliminated;
- (2) The position is reclassified to a lower grade;
- (3) The program for which the position was created is terminated;
- (4) The employee requests the demotion;

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(5) The return to work from authorized leave of another employee to such position, or

(6) When unsatisfactory service is rendered or for disciplinary reasons (there may be a grievance from the union in this case, if the position is covered in the collective bargaining agreement).

## 7.40 Separation

Separation is the termination of an employee from employment by the Town through resignation, disability, death, retirement, involuntary dismissal or layoff.

Conditions of Separation: At the time of separation, all records, assets or other items of Town property in the employee's custody shall be returned by the employee to the First Selectman. An employee who voluntarily separates from Town service after giving at least two (2) weeks' notice and who has returned all records, assets, or other items of Town property will be considered to have resigned in good standing.

Payment upon Separation: Employees who separate from the Town service in good standing or who die while employed by the Town shall receive payment for all earned salary and vacation days accrued to date of the separation. An employee who does not separate from the Town service in good standing shall only receive payment for all earned salary (but not any compensation for accrued vacation days), subject to the lawful deduction for any unreturned Town property, records, or assets. Accrued vacation time may be required to be paid out in some circumstances.

Resignation: An employee resigns in good standing if a written statement of reasons for the resignation is received at least fourteen (14) days prior to the effective date of the resignation and if such employee returns all Town property, records, assets and other items before departure. The Department Head may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the First Selectman with a statement by the Department Head as to the resigned employee's service performance and pertinent information concerning the cause of resignation.

Disability: An employee may be terminated from his/her employment with the Town when he/she cannot perform the essential functions of his/her position with or without a reasonable accommodation because of physical or mental impairment.

The Town may require a medical examination at the Town's expense by a physician of its choice to determine an employees' fitness for duty as well as any reasonable accommodations that may be made to allow the employee to perform the essential job functions. The termination date shall be the last day the employee performed work for the Town. All accrued but unused vacation days shall be credited pursuant to these policies and paid upon termination for disability.

Death: Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Retirement: Retirement is the separation of an employee in accordance with the provisions of the Town retirement system under which the employee is eligible to receive benefits.

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**Dismissal:** Dismissal is an involuntary separation of an employee for any legitimate reason. An employee may be dismissed upon the recommendation of a Department Head or upon the initiative of the First Selectman with the approval of the Board of Selectmen, **and must be for just cause if the position is covered under the bargaining agreement.**

**Layoff:** Layoff is an involuntary separation of an employee resulting from a reduction in workforce due to lack of funds or work or because the employee's position has been eliminated or for other legitimate reasons. The Department Head shall submit a report to the First Selectman, together with a recommended list of the employee(s) to be laid off.

The Board of Selectmen shall determine the order of layoff of employees on the basis of the relative suitability for the jobs that remain and length of continuous service with the Town, except that no regular full-time or regular part-time employee shall be separated if there is an employee who has not completed his or her orientation/probation period in any job class in that department performing duties for which the regular employee is at least equally qualified and applies.

In the event of a layoff, the Town will use its best efforts to provide as much notice as is reasonably possible to all affected employees.

If certified as having rendered satisfactory service, the name of the employee laid off shall be placed on the appropriate re-employment list. Such employees shall be subject to recall to a vacant position for which they are qualified for a period of one (1) year from the date last worked for the Town. Employees on the re-employment list who decline re-employment or do not respond within one week to an offer of re-employment will be removed from the list. Time spent on the re-employment list does not constitute a break in continuous service, if the employee is rehired.

## 7.50 Exit Interviews

Whenever possible or feasible, separating regular full-time employees will be interviewed in an exit interview by the First Selectman. The exit interview should be conducted as near as possible to the close of the last day of work, prior to the issuance of the employee's final pay check by the Director of Finance.

The objectives of an exit interview are:

- (1) To identify problems.
- (2) To establish an orderly picture of the real reasons for the separation.
- (3) To obtain information which will improve screening of job applicants.
- (4) To determine the impact on employees of the Town's Human Resources policies and practices.
- (5) To ensure that the employee has returned all Town property and has no outstanding loans or expense advances.

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- (6) To ensure the greatest possible measure of goodwill toward the Town on the part of the separating employee.

## 7.60 References

All requests for references about current or former employees shall be referred to the First Selectman. Requests for information contained in a current or former employee's personnel file shall be handled in accordance with the requirements of the Freedom of Information Act. Please see Section 3.40 above for more information on personnel files and the FOIA.

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## SECTION 8: EMPLOYEE LEAVES OF ABSENCE

### 8.10 General Policy

Leave is any authorized absence during regularly scheduled work hours that is approved by the employee's supervisor and the First Selectman. Leave may be authorized with or without pay subject to these rules on the basis of the work requirements of the departments.

### 8.20 Holidays

The Town recognizes the following days as holidays for regular full-time and regular part-time employees, to be granted with pay, subject to change as published by the Board of Selectmen:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Eve at Noon
	Christmas Day

There will also be one (1) floating holiday to be used within the same calendar year. Employees may take the floating holiday at their discretion, on the condition that all town offices must be opened and staffed, and that the holiday may not be divided into periods less than a day.

In addition to the holidays enumerated in this section, holidays shall include any specially declared holidays such as religious holidays or days of mourning declared by the First Selectman. Arrangements for additional religious holidays must be requested in writing and receive pre-approval of the Department Head and First Selectman.

Holiday pay is the employee's regular rate of pay for the number of hours in the normal work day.

When a holiday falls on a Saturday, it shall be observed on the preceding Friday; when a holiday falls on a Sunday, the following Monday shall be observed.

Part-time employees, who work less than 20 hours per week, 52 weeks per year, are not eligible for paid holidays.

Absences before or after Holidays: Holiday pay is granted to any regular employee for established holidays on which the employee would normally have been scheduled to work and is available for such work. To be eligible to receive holiday pay, an employee is required to work his/her regularly scheduled hours on both the workday preceding and the workday following the holiday. Exceptions to this policy may be approved when an individual is on: (a) Military leave;

(b) Jury Duty; (c) Vacation leave; (d) Bereavement leave; (e) One day of illness either before or after the holiday but not both unless otherwise authorized by the First Selectman or immediate supervisor; (f) Previously approved personal days off either before or after the holiday but not both; (g) Other leave as approved by the First Selectman at his/her discretion. Regular

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employees who are off-duty on the holiday by reason of sick leave or vacation shall not be charged for a sick day or vacation but will be paid for the holiday.

Non-exempt employees called in to work on Town approved holidays shall receive double time pay or pay **as stipulated in an applicable collective bargaining agreement.**

## 8.30 Vacation Leave

Eligibility: Regular full-time and regular part-time employees, who have completed one year of continuous employment, are eligible for vacation leave as follows:

<u>Length of Continuous Service</u>	<u>Earned Vacation Leave (days)</u>
After 1 year	2 weeks per year (Earned at 5/6 days per month)
After 5 years	3 weeks per year (Earned at 1 day per month)
After 10 years	4 weeks per year
After 15 years	5 weeks per year

***Requests for vacation must be in writing to Department Heads and the Human Resource Specialist,*** and vacations should be scheduled with enough advance notice so as to provide adequate department coverage. Vacation schedules for regular employees are as follows:

Paid vacation leave shall begin to accumulate on the first day of the month of continuous employment if the starting date of employment is prior to the 16th of the month. Accumulation shall start on the first day of the second month for employees beginning employment on or after the 16th of the month.

No accumulation shall occur in the month of termination unless the final date of employment is the 16th of the month or later.

Employees may carry over five (5) unused vacation days if approved by the Department Head and the First Selectman.

Employees serving their probationary period for regular full-time and part-time positions shall earn vacation time in the same manner as though they have completed their probationary period.

All vacation leave must be approved by the Department Head.

An employee who retires, resigns in good standing or is laid off shall be paid for vacation pay accumulated in the year of retirement or termination. In the event of an employee's death, his accumulated vacation pay shall be paid to the employee's beneficiary.

No more than two consecutive weeks of vacation may be taken unless it has been approved by the Department Head and unless approved by the First Selectman who insures continual service to the public. No more than one person should be on vacation in each department. In the case of conflicting schedules, seniority shall prevail.

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Vacation pay will be paid at the same rate of pay based on the number of hours worked per day.

Vacation leave may not be borrowed in advance of accrual.

Personal time and sick days cannot be used for vacation.

## 8.40 Sick Leave

- (1) Regular full-time and part-time employees (working at least 25 hours per week as of July 1, 2013) are entitled to sick days after one (1) year of employment. Any employee normally working less than 25 hours and/or were hired after July 1, 2013, will accrue sick leave at a pro-rated rate, in accordance with federal or state regulations.
- (2) Each eligible employee shall accumulate sick days at the rate of 1¼ days for every month worked as a Town employee, provided, however, that no employee accumulates more than a total maximum of 110 days. Sick leave shall begin to accumulate on the first day of the month of continuous employment if the starting date of employment is prior to the 16th of the month. Accumulation shall start on the first day of the second month for all employees beginning employment on or after the 16th of the month.
  - a. ***No less than one hour- may be charged to sick leave.***
  - b. Sick leave earned in any month of service shall be available at any time during the subsequent month.
  - c. Employees will be paid for sick days at their same rate of pay.
- (3) Per Connecticut State Law, up to five (5) days a year may be charged to sick leave for illness in the immediate family, for emergency situations when an employee is needed at home, or for domestic violence situation.
- (4) Accumulated sick leave is not paid at termination or retirement.
- (5) ***Employees out sick must call the Human Resource Specialist that day prior to 9:00 AM.***
- (6) If an employee is out on sick leave for more than five (5) consecutive days, the employee may be required to present a doctor's verification of the illness and the employee's ability to return to work to the Human Resource Specialist.

## 8.50 Personal Days

Regular full-time and part-time employees may, from time to time, have certain personal obligations and demands that require time away from their jobs. In order for all regular employees to meet these normal obligations, the Town will provide three (3) personal days each year.

Personal leave must be requested at least 24 hours prior to its commencement, excepting acts of God and emergencies. No less than one-half (1/2) day may be charged to personal time for each instance. If additional personal days are needed, vacation days may be used.

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Personal days are non-cumulative.

## 8.60 Family and Medical Leave Act

- (1) In accordance with Federal Law, the Town will provide an eligible employee up to twelve (12) weeks in any one (1) calendar year of unpaid, job-protected leave to take care of a newborn or newly adopted child; to take care of a sick parent; spouse; or child'; because of the employee's own serious health condition if it makes him/her unable to perform his/her job functions'; a "qualified exigency leave" for the employee of a spouse, son, daughter, or parent being on covered active duty or having been notified of an impending call or order to covered active duty in the armed services (deployment to a foreign country), or up to 26 weeks in a 12 week period, to care for the spouse, son, daughter, parent, or next of kin of a covered service member (or certain veterans) with a serious injury or illness .
- (2) To be eligible for leave, an employee must have been employed by the Town for twelve (12) months and have worked for the Town for at least 1,250 hours during the twelve (12) months immediately preceding the start of leave (approximately twenty-five (25) hours per week). The twelve (12) Months of employment need not be consecutive. Only actual hours worked count toward the 1,250 hour eligibility requirement; no time away from work, whether paid or unpaid, shall count.
- (3) If the leave is foreseeable based on the planned medical treatment, the Town may require that the employee be transferred temporarily to a position that better accommodates the leave and such position must have equivalent pay and benefits. Any employee seeking to take such a leave, must attempt to schedule the leave so as not to disrupt the Town's operations. If an employee takes intermittent leave or a reduced schedule, his/her leave entitlement is reduced each week by a fraction of a week equal to the portion of the week he/she took off.
- (4) An employee must give thirty (30) days' notice, or as soon as practicable, for any planned medical treatment. Notice should be directed to the Department Head and Human Resources Specialist in writing. If an employee fails to give appropriate notice, without reasonable excuse, the Town may deny leave until at least thirty (30) days after the date notice is given.
- (5) If leave is requested for a serious health condition, the Town will require certification from a health care provider stating the appropriate medical facts regarding the condition, including the date of onset and probable duration. This certification shall also include a statement that the employee is unable to perform the functions of the job, that his/her leave will assist in a family member's recovery, or that there is a medical need for a reduced schedule. This certification requirement will not apply when leave is due to the birth or placement of a child. Employees will have fifteen (15) days to provide this certification to the Human Resources Specialist. An employee who fails to provide certification in the time allowed, or as soon as is practicable, may be denied leave until the certification is provided.
- (6) The Town can also have the option of requiring a second opinion, at its own expense. If the second opinion differs from the first, the Town may require, at its own expense, the opinion

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of a third provider, who will be chosen jointly by the Town and the employee. This third opinion will be binding.

- (7) The Town shall continue all insurance benefits during the leave period. All employee premium cost sharing obligations, co-pays, and similar requirements shall still apply.
- (8) The employee will continue to accrue vacation and sick leave during the leave period.
- (9) The employee shall have the option of substituting accrued paid leave for any part of the twelve (12) week period to which he/she is entitled. The employee must inform the Town at the time of giving notice of said leave of his/her desire to substitute this time.
- (10) The Town will require employees returning from leave to provide a certification from a health care provider that they are able to resume work. This certification should be provided to the Human Resources Specialist.
- (11) Upon the employee's return from leave, the Town will restore the employee to his/her former position, or to an equivalent position, with equivalent employment benefits, pay, and other terms and conditions of employment unless the Town can prove that the employee would not otherwise have been employed at the time reinstatement is requested.
- (12) The Family and Medical Leave Act allows an employer to recover from a non-returning employee the premiums paid in maintaining his/her group health plan coverage during his/her unpaid leave. If an employee fails to return to work for reasons other than his/her serious health condition or other circumstances beyond his/her control, the Town can recover from the non-returning employee the premiums paid in maintaining his/her group health plan coverage during his/her unpaid leave.

For additional information on FMLA leave please see the official Department of Labor poster on display at employee lounge in the Mulvey Center, or speak with the Human Resources Specialist.

### 8.70 Occupational Injury Leave

If an employee suffers an accident or injury that occurred while the employee was engaged in the performance of his or her duties and has made an approved Workers' Compensation claim, the Town shall supplement the payments of the compensation carrier so that the employee will receive his or her normal base pay during injury leave for as long as the employee remains employed or for twelve (12) months, whichever period is shorter. Lost time under injury leave shall not be charged to sick or vacation leave, but sick time and vacation time will not accrue while an employee is out on injury leave.

### 8.80 Military Leave

Military training leave, not to exceed thirty (30) days in a calendar year, shall be granted to regular employees when required to serve a period on active reserve or National Guard duty. During this period, the employee shall be paid the difference between his/her regular pay and his/her military pay. Upon activation for State or Federal emergency service, the Board of Selectmen may extend this period.

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Any regular employee who leaves the service of the Town to join the U.S. military force during the time of war or other national emergency or who is inducted by the Selective Service, shall be entitled to a leave of absence, accumulation of seniority and re-employment rights in accordance with applicable statutes.

For a period of time not to exceed two (2) years, regular full-time employees who have been called up for full-time active military reserve or National Guard duty, may be granted a pay differential, if one exists, between their regular full-time pay and military pay; medical insurance and pension contributions made by the Town to the regular full-time employee's account, would continue to be made.

*Reference: Uniformed Services Employment and Re-employment Rights Act (USERRA)*

## 8.85 Leave of Absence Without Pay

There may be occasions when regular employees need to take an unpaid leave of absence from their job which allows them to maintain their employment status. A request for unpaid leave of absence up to thirty (30) calendar days must be made in writing to the First Selectman at least thirty (30) days in advance and must be approved by the Department Head.

Such request may be denied at the sole discretion of the First Selectman. All employee benefits will be continued. Failure to return to work within five (5) days of the expiration of the unpaid leave of absence without an acceptable written explanation may result in termination.

## 8.90 Leave of Absence – Return to Work

Any regular Town employee who is unable to demonstrate an ability to return to an available job on a continued basis after an absence of six (6) consecutive months from the date any leave of absence began or for a period equal to the length of his/her service at the time that his/her leave of absence began, whichever occurs first, will be considered to have voluntarily resigned and his/her status as an employee will terminate. This policy applies to all personal, medical or disability leaves. The Town will fulfill any obligations under applicable law, such as the Americans with Disabilities Act in connection with this policy, and employees on approved Military Leave will be subject to the applicable requirements of Federal law.

## 8.91 Unauthorized Leave

An absence of an employee from duty, including any absence for a single day or part of a day, that is not authorized shall be deemed an absence without leave. Any such absence may be cause for disciplinary action by the Department Head or First Selectman. Any employee who shall absent himself/herself without leave in any month shall forfeit the accrual of sick leave and vacation time for that month.

## 8.92 Jury Duty

Time off shall be granted an employee who is summoned for jury duty, or as a required witness or party in a court action or other government hearing. If an employee is on jury call, but is not actually assigned to a jury and is excused during the day, it is expected that the employee shall return to work if there is enough time to perform at least three (3) hours of work. The Town will pay the employee's regular wage or salary rate minus what the employee receives from serving.

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A copy of the summons and or jury service notice must be given to the Human Resources Specialist. The employee must provide the Town with the earnings statement provided by the court.

## 8.93 Bereavement Leave

Regular employees who have completed six (6) months continuous employment are authorized up to three (3) days paid time off in the event of a death in the immediate family. Employees may be paid for time lost from a regularly scheduled work shift from the time of death through the day of the funeral, up to a maximum of three (3) days, in the event of the death of an immediate family member. Upon the approval of the First Selectman, employees also may be paid for time lost from a regularly scheduled assignment on the day employees attend the funeral of certain other relatives. Immediate family is defined as mother, father, spouse, son, daughter, brother, sister, grandmother, and grandfather, father-in-law, mother-in-law, grandchild, and all the above categories in step relationship.

## 8.94 Educational Seminars

The Town of Westbrook encourages attendance at relevant educational training seminars, conferences, seminars and professional activities by its employees. These seminars must be applicable to their jobs and must be approved in advance and in writing by a Department Head and/or First Selectman prior to attendance in order to receive reimbursement. Over-night expenses for a seminar will not be paid if the seminar is within a 60-mile radius of Westbrook. The cost of the approved seminars will be paid by the Town. Mileage will be paid from the location of regular work (Town Hall, Main Fire Station, etc.) to/from the location of the seminar. Hourly employees will be paid for the number of hours regularly worked. Travel time is not considered compensable time.

## 8.95 Victim of Domestic Violence Leave

“Family violence” is an incident resulting in physical harm, bodily injury or assault, or an act of threatened violence that constitutes fear of imminent physical harm, bodily injury or assault between family or household members. Verbal abuse or arguments generally will not constitute “family violence” unless there is a present danger and the likelihood that physically violence will occur.

A victim of family violence may take up to 12 days of [OPTIONAL policy can provide for use of e.g. accrued personal leave, vacation, etc. or Employer can decide to pay the 12 days as a separate benefit] leave during any calendar year in which the leave is reasonably necessary to:

- seek medical care or counseling for physical or psychological injury or disability,
- obtain services from a victim services organization,
- relocate due to the family violence, or
- participate in any civil or criminal proceeding related to or resulting from such family violence.

If the need for leave is foreseeable, the employee should give at least seven days’ notice to the Human Resource Specialist. If the need for leave is not foreseeable, the employee should provide notice to the Town as soon as practicable.

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An employee is required to provide a signed, written statement certifying that the leave is for a purpose authorized by this law. Further, the Town is entitled to request that an employee provide a police or court record related to the family violence or a signed written statement that the employee is a victim of family violence from an employee or agent of a victim services organization, an attorney, an employee of the office of the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, a licensed medical professional or other licensed professional from whom the employee has sought assistance with respect to the family violence.

Such documentation will be kept confidential and not further disclosed except as required by law or as necessary to protect the employee's safety in the workplace, but in these situations the employee will be given notice before the disclosure.

Victim of Domestic Violence Leave does not affect any other Leave provided under state or federal law.

## SECTION 9: EMPLOYEE BENEFITS

### 9.10 Introduction

This section contains a general description of the employee benefits currently offered by the Town to eligible employees and retirees. Because the exact provisions of these benefits, particularly insurance coverage, change from time to time, the detailed descriptions of each benefit and the conditions of enrollment and specific benefit plan terms are set forth in specific plan documents that are available upon request from the Human Resources Specialist. The Town reserves the right to change or discontinue any of its insurance benefits as well as the conditions for participation in such benefit plans at the sole discretion of the Board of Selectmen **unless specifically stated in the bargaining unit agreement, then those benefit levels, plans, requirements for participation, etc. will conform to the current bargaining unit contract**. Furthermore, where the terms of this manual are inconsistent with the terms of any benefit plans maintained by the Town, the terms of the more specific benefit plans shall control.

### 9.20 Group Insurances

The Town offers regular full-time and regular part-time employees medical, dental, life and accidental death and dismemberment insurance benefits subject to any applicable waiting periods that may apply. The following insurance benefits are offered to eligible employees who choose, at the time of their hire or during open enrollment periods, to participate in the plans, to fill out required paperwork and/or to pay the employee's share of any insurance premiums involved.

### 9.21 Medical and Dental Insurance

The Town provides a group health plan which covers basic and major medical costs (including prescription drugs) and dental costs for employees and their dependents. The Town and employee share the costs for each regular employee and his/her dependents in accordance with the eligibility criteria of the insurance carrier. Employees pay their share of the premium costs of all coverages by monthly payroll deductions or **as otherwise established in applicable collective bargaining agreements. The Board of Selectmen will establish the cost share for non-union and eligible elected officials.**

### 9.22 COBRA (Continuation of Health Insurance Benefits)

The Town of Westbrook will comply with all requirements of the Consolidated Omnibus Act (COBRA) of 1997. This act provides continuation of health and/or dental insurance coverage for employees and dependents in certain situations where medical and dental coverage would otherwise terminate. The employees of dependents must pay the required premiums if they elect continuation of coverage. Continuation coverage is effective for employees, surviving spouses and/or dependents for 18 months if coverage is lost due to:

- ◆ Employee's termination (except for gross misconduct);
- ◆ Employee layoff;
- ◆ Reduction in employee hours.

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Continuation coverage is provided for 36 months for:

- ◆ Surviving spouses and dependents of deceased employees;
- ◆ Dependent children of currently covered employees who's dependent coverage ceases under the plan;
- ◆ Spouses and dependents of employees who are eligible for Medicare but who, themselves, are not eligible for Medicare.
- ◆ Employees who retire between the ages of 62 and 65, who had medical benefits, and were employees or Westbrook for less than 15 years. They are eligible from the date of retirement until they are eligible for Medicare.

The Human Resources Specialist will notify an employee of the right to choose continuation coverage if employment is terminated or a reduction in work hours results in the loss of eligibility for health and dental insurance benefits and the employee will have a statutorily required period of time to elect coverage measured from the date of the qualifying event. The employee, or family member may not be covered under the COBRA insurance during their election period (if they haven't elected COBRA in writing), and will have to pay the premiums from the date of loss of coverage until the date of election, even if it was over a month, and they did not use the coverage. The employee or family member has the responsibility to inform the Human Resources Specialist of a divorce, legal separation or a child losing dependent status.

## 9.23 Group Life Insurance

The Town pays for group life insurance, which includes accidental death and dismemberment insurance, in an amount of \$70,000 for eligible regular full-time employees and regular part-time employees. The federal income tax exclusion for the taxability of the value of group life insurance is \$50,000. An employee may elect that level of coverage to avoid having the value of the premium between \$50,000 and \$70,000 subject to federal income tax. Details of all group insurances can be obtained from the Human Resources Specialist.

## 9.24 Retirement Insurance

Regular full-time and regular part-time employees who retire prior to being Medicare eligible, with fifteen (15) years of service, may continue all insurance benefits in effect until age 65, if available under current policy, provided such employee requests such coverage thirty (30) days prior to retirement and provided the group rate is not affected thereby. The employee shall reimburse the Town the group rate cost on a monthly basis.

Retirees over age 65 must transfer to the Medicare Supplement plan. The Town may subsidize the cost of participation in the Town's group health and dental plans.

All details of medical insurance are governed by the Plan documents filed with the Human Resources Specialist, **and/or as stated in the Bargaining Unit Agreement.**

## 9.30 Retirement Plan

All regular full-time employees and regular part-time employees must participate in the Town's Retirement Plan after one (1) year of continuous service. Participants contribute 4% of their annual compensation. Effective 1/1/92, employee contributions are made on a pre-tax basis. The amount of the employee's accumulated contribution is 100% vested (contribution plus interest).

Normal retirement date is the first day of the month after the employee turns sixty-five (65) years old or the employee completes five (5) years of credited service.

Early retirement date is age fifty-five (55) with at fifteen (15) years of credited service.

Employees can work past age 65 if they are able to perform their job.

For more detailed information outlined in the Summary Plan Description, contact the Assistant Director of Finance.

## 9.40 Deferred Compensation Plan

The Town offers a Deferred Compensation Plan pursuant to Section 457(b) of the Internal Revenue Code. It is a deferred income savings plan for regular full-time employees and regular part-time employees.

The purpose of the plan is to attract and retain certain individuals by permitting them to enter into agreements with the Town which will provide for the payment of deferred compensation at retirement or separation of service, as well as death benefits in the event of death before or after separation.

100% of the employee's annual compensation may be deferred up to limits set by the Internal Revenue Service each calendar year.

The Town of Westbrook is the plan administrator that appoints a third party who discharges the administrative responsibilities for the Town under the plan.

For more details, contact the Assistant Director of Finance.

## SECTION 10: EMPLOYEE CONDUCT

### 10.00 Objective

The Town expects all employees to conduct themselves professionally in providing a high standard of services. The Town requires employees to be honest, truthful and fair to all requiring service and to one another.

### 10.10 General Policy

Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon Town service. Town employees must avoid any action that might result in or create the impression of using public office for private gain or giving preferential treatment to any person.

### 10.15 Ethics Statement

The public judges its government by the way public officials and employees conduct themselves in the positions to which they are elected or appointed.

People have a fundamental right to expect that public officials and employees will conduct themselves in a manner that will preserve public confidence in, and respect for, the government they represent.

The proper operation of a democratic government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the government structure; and that public office not be used for personal gain by any Town Official or employee.

### 10.20 Outside Employment

With prior notification to the immediate supervisor, an employee may engage in outside employment. However, no full-time employee may engage in other full-time employment outside the Town service, and no employee's outside employment shall be in conflict of interest with Town employment. Conflicts will be resolved at the sole discretion of the First Selectman.

Any employee who engages in employment outside of his/her regular working hours shall be subject to call to perform his/her regular Town duties.

The Town shall not in any respect be liable or grant sick leave in case of any injury to an employee while he/she is engaged in outside employment nor for any occupational illness attributed to that outside employment.

### 10.25 Political Activity

All employees of the Town shall be free and encouraged to exercise their rights as citizens, to cast their votes and express their opinions on all political subjects. No employee of the Town shall solicit any person to vote at any political primary or election or challenge or in any manner attempt to influence any voter in a Town election while on duty.

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## 10.30 Conflict of Interest

Any appointed/elected Town officer or employee who has or may have a significant financial interest, direct or indirect, in any contract, transaction or decision or any agency, agent, officer, board or commission of the Town shall immediately disclose the nature and extent of that interest, in writing on a form provided by the Town, to the Town Clerk, who shall record such disclosure upon an official record filed in the office of the Town Clerk. The Town Clerk shall then send a copy of such disclosure to the agency, agent, officer, board or commission of the Town making such contract, transaction or decision.

Any such officer or employee shall be disqualified from any discussion, action or vote on any such matter coming before an agency, agent, officer, board or commission. Such officer or employee of the Town shall not in any way condone, promote, encourage, influence or otherwise attempt to affect action on matters which will or may result in a conflict of interest between his/her Town duties and responsibilities and his/her private affairs or which are incompatible with a the proper discharge of his/her other official duties and, to that end, no appointed Town officer or employee shall grant any special consideration, treatment or advantage to any person or entity beyond that which is available to every other person or entity.

Violation of the provisions of this section shall be grounds for the immediate dismissal of any such officer or employee. Any such violation shall render such contract, transaction or decision voidable by the agency, agent, officer, board or commission or employee making such contract, transaction or decision.

The Board of Selectmen shall establish any additional procedures for disclosure of possible conflicts of interest as needed, exercise determination of the facts, record in any situation where there is possible conflict of interest, and such provide for appropriate action.

## 10.35 Confidentiality

During the course of employment with the Town, employees will have access to certain confidential information. Such confidential information may include information pertaining to the lives of Town residents and the business interests in the community, as well as personnel, fiscal and legal matters pertaining to Town employees or operations.

Violating confidentiality as it pertains to the Town's internal affairs or the affairs of its residents and the business community, either during the course of employment or thereafter, except as may be required in connection with job duties, is strictly prohibited. All employees must hold in confidence and not directly or indirectly disclose, make public, use, or make copies of any confidential information, except as may be expressly authorized by the Town or other applicable laws, including but not limited to the Freedom of Information Act. Except as otherwise required by law, all original municipal records must be kept secured and confidential at Town Hall and not discussed with or released to anyone inside or outside the Town who does not have a business need to know such information. All employees must further agree to take all reasonable steps necessary to ensure that all confidential information will not become known to third parties, including other employees who do not need to know such information.

All records, files, documents, computer disks and other materials, or copies thereof, containing confidential information shall be and remain the sole property of the Town, shall not be removed

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from the Town's premises or otherwise used except for bona fide business purposes and shall be promptly returned to the Town upon request at any time during employment and immediately upon termination of employment with the Town, whether voluntary or involuntary. These non-disclosure obligations shall remain in effect during the entire period of employment with the Town and at all times after termination of employment, whether voluntary or involuntary.

## 10.40 Social Security Number Privacy Protection Policy

This Social Security Privacy Protection Policy applies to U.S. Social Security Numbers (SSNs) that The Town of Westbrook obtains in the course of service our people. Safeguarding the personally identifiable information that we collect from our employees, vendors, citizens, elected officials, and others is important to us. We use systems, policies, and procedures to protect personally identifiable information, including SSNs, from loss, misuse, or alteration. Specifically, our policies mandate the following with respect to protecting the confidentiality of sensitive personally identifiable information we have collected, including SSNs:

Such information should be collected only when necessary to conduct business effectively and its use limited to the stated or reasonably implied purposes for which it was collected. For example, we collect SSNs to support legal and regulatory requirements, to provide services to you, and to fulfill our human resources needs.

Access and/or disclosure of such information must be restricted to employees, agents, and authorized third parties who have a legitimate business need for access. We may disclose such information to other third parties as legally required.

Such information must be stored and transmitted in a safe and secure manner. To the extent SSN data is collected over the public internet, encryption is required.

All data containing such information, whether hard copy or electronic, must be destroyed securely in a manner that protects the confidentiality of the underlying data.

Unlawful or improper use or disclosure of SSN information is prohibited. Those who violate this Policy are subject to disciplinary action, up to and including discharge.

## 10.45 Workplace Privacy, Monitoring and Internet Use

The Town's primary mission is to effectively and efficiently conduct its business and meet or exceed service expectations. In order to do this, the Town must be able to: (a) access Town information at all times; (b) provide a safe, productive work environment; and (c) supervise its employees to be sure that they are acting consistently with Town objectives.

In order to prevent any misunderstanding, the Town believes that every employee should be aware of the following policies on privacy, monitoring and internet use in the workplace so that they can conduct themselves in a professional manner at all times and avoid any potentially illegal activity and therefore embarrassing situations.

- (1) The Town reserves the right, for reasonable cause, to inspect employees' work areas including, without limitation, Town provided employee lockers, desks, file cabinets, workstations, and Town business mail. Employees should not have an expectation of privacy in the use of Town provided equipment or property.
- (2) Employees using personal locks on Town property must provide the combination to their supervisor. The Town will also retain a copy of any company keys issued to employees.

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- (3) The Town provides telephones and computers and other forms of electronic communications to employees to facilitate efficient and effective Town operations. Electronic communications includes without limitation information that is transmitted, received, and/or stored via the telephone, the voice mail system, the electronic mail (e-mail) system, the facsimile machines and processes, the Internet and the World Wide Web, and video systems. These communication systems, as well as all electronic communications transmitted, received, and/or stored on these systems, are the property of the Town. As such, employees shall use these communications systems for Town business only.
- (4) The Town's policy prohibiting harassment and discrimination applies to the use of these systems. Therefore, the creation, transmission, receipt or downloading of inappropriate or offensive comments or other images or information, such as disparaging comments or pictures based on race, ethnicity, religion, age, gender, national origin, disability, sexual orientation or any other protected category, over any of the Town's systems, is prohibited.
- (5) Solicitation on Town premises is substantially disruptive to Town operations, may materially interfere with the working relationship between employees, and may affect the job performance of employees. Accordingly, solicitation by one employee of another is prohibited while either is on working time.
- (6) World Wide Web access and use of the internet is encouraged where such use is appropriate for Town business and professional objectives and is conducted lawfully. Web access or internet use through the Town's electronic communications systems should not be for purposes of personal gain, entertainment, solicitation of non-Town business or advancement of individual views. Nor should use of the internet disrupt the operation of the Town's electronic communications systems or the networks of other users. In addition, each employee is responsible for the content of all text, audio or images that he/she places, sends, downloads or receives over the internet.
- (7) Software programs and materials, other than those that have been properly licensed by the Town, may not be installed or downloaded on the Town's computers. In addition, theft of software is a crime, and is punishable by law. Users are not permitted to copy, transfer, rename, add or delete information on programs belonging or licensed to others unless given express permission to do so.
- (8) Intrusions of privacy by any employee into the Town's business affairs or the affairs of other employees or Town residents are strictly prohibited. Employees are prohibited from accessing information or files at another employee's work area unless expressly permitted to do so by authorized management personnel. The tape recording of any conversation in the workplace is strictly prohibited without written authorization from the First Selectman.
- (9) **The Town reserves the right to review, access, and intercept all messages created, received, or sent over its electronic communications systems at any time, without advance notice, for such reasons as, without limitation: ensuring that the systems are being used solely to conduct the Town's business; assisting in the evaluation of employee work performance; maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that the Town's operations continue**

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**appropriately. Therefore, employees should not have any expectation of privacy in their use of the Town's electronic communications systems.**

- (10) Employees are prohibited from gaining access to another employee's computer or other electronic communications and must not use unauthorized codes, passwords or other means to gain access to another employee's computer or other electronic communications systems, unless expressly permitted to do so by authorized management personnel. Employees are prohibited from accessing a file or retrieving any stored information on the Town's e-mail, and computer systems unless expressly permitted to do so by authorized management personnel. All written messages are considered public information and subject to Freedom of Information Laws.
- (11) Public records retention and Freedom of Information requirements must be satisfied in the use of written, (including electronic) communications systems in accordance with the Town's policies and applicable law.
- (12) Any employee who violates the Town's privacy, monitoring and internet use policy shall be subject to disciplinary action, up to and including termination of employment, In addition, criminal penalties and fines may apply where the employee's conduct violates applicable State or Federal laws.
- (13) Any complaints regarding potential violations of this policy, and/or any questions regarding an employee's use of all these communication systems in accordance with this policy, should be directed to the employee's Department Head or the First Selectman.

## 10.50 Social Media Policy

At the Town of Westbrook, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees/consultants, etc. who work for the Town. Managers should use the supplemental Social Media Management Guidelines for additional guidance in administering the policy.

### **Guidelines**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town of Westbrook, as well as any other form of electronic communication. The same principles and guidelines found in the Town's policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees (etc.) or otherwise adversely affects citizens, vendors, elected officials, or people who work on behalf of the Town of Westbrook may result in disciplinary action up to and including discharge. Notwithstanding the foregoing, the

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Town is committed to complying with all applicable laws and will not enforce any aspect of this policy that is contrary to such laws.

## **Know and follow the rules**

Carefully read these guidelines, the Town's Statement of Ethics Policy, the Town's Information Policy and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including discharge.

## **Be respectful**

Always be fair and courteous to fellow employees, citizens, vendors, elected officials, or people who work on behalf of the Town of Westbrook. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or your supervisors/department heads than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage fellow employees, citizens, vendors, elected officials, or people who work on behalf of the Town of Westbrook, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

## **Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the Town, fellow employees, citizens, vendors, elected officials, or people who work on behalf of the Town of Westbrook.

## **Post only appropriate and respectful content**

- Maintain the confidentiality of The Town's private or confidential information. Confidential information may include processes or technology. Do not post internal reports, policies, procedures or other internal confidential communications.
- Respect financial disclosure laws. Although there is a freedom of information act, and much of our financial information may be public record. However; if the information is not "public record", it is illegal to communicate it.
- Do not create a link from your blog, website or other social networking site to a Town website without identifying yourself as an employee of The Town of Westbrook.

Express only your personal opinions. Never represent yourself as a spokesperson for the Town. If the Town is a subject of the content you are creating, be clear and open about the fact that you are an employee (etc.) and make it clear that your views do not represent those of the Town, fellow employees, Townspeople, vendors, elected officials, or people who work on behalf of the Town of Westbrook.

If you do publish a blog or post online related to the work you do or subjects associated with the Town, make it clear that you are not speaking on behalf of the Town. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town of Westbrook."

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## **Using social media at work**

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager, department head or the Town's First Selectman. Do not use The Town email addresses to register on social networks, blogs or other online tools utilized for personal use.

## **Retaliation is prohibited**

The Town of Westbrook prohibits taking negative action against any employee (etc.) for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee, (etc.) who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including discharge.

## **Media contacts**

Associates should not speak to the media on the Town's behalf without express authority from the First Selectman or his/her designee. All media inquiries should be directed to them.

## **For more information**

If you have questions or need further guidance, please contact the Human Resource Specialist.

## **10.55 Workplace Harassment and Discrimination**

The Town will not tolerate verbal or physical conduct by any employee that is inappropriate, offensive and discriminates against any co-workers, visitors, or others associated with the Town, on the basis of any legally protected status, or which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile working environment.

Discrimination or harassment can take many forms. It may be, but is not limited to: words, conduct, adverse job action, signs, jokes, pranks, intimidation, physical contact, or violence. While all forms of discrimination and harassment based on an employee's legally protected status are prohibited, including but not limited to any adverse job action or intimidation based on race, color, age, religion, gender, national origin, disability status, marital status, veteran's status or sexual orientation, it is the Town's policy to emphasize that sexual harassment is illegal and prohibited by both State and Federal law.

In order to maintain a work organization that is free from any form of sexual harassment, the Town puts all employees including Town officials, Department Heads and managers on notice that sexual harassment of employees is prohibited. Specifically, it is contrary to the Town's policies for any employee to sexually harass another employee by, including but not limited to:

- (1) Unwelcome sexual advances, propositions or flirtations;
- (2) Unwelcome attention of a sexual nature such as degrading comments, suggestive or lewd remarks, propositions, jokes, tricks or noises;
- (3) Unwanted hugs, touches, kisses or requests for sexual favors;
- (4) The threat or suggestion that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;

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- (5) Retaliation for complaining about sexual harassment.
- (6) Creating a work environment in which conduct of a sexual nature substantially interferes with an individual's work performance or creates an atmosphere intimidating, hostile or offensive to employees.

All employees are further advised that sexually explicit or sexually offensive material has no place within the Town's facilities. Such material may not be posted, displayed, or even possessed within the facility. Possession of such material, even if it is not posted or publicly displayed, will be considered a violation of Town policy and will subject the individual to disciplinary action, including discharge and criminal prosecution. Please be advised that any type of harassment, sexual or otherwise, will carry the same treatment as stated for Sexual Harassment.

Any employee who believes that the actions or words of a manager, fellow employee or any outside party in the workplace constitute unwelcome harassment or unlawful discrimination has a responsibility to report such conduct or immediately complain to his or her immediate supervisor should his/her direct requests that the conduct cease be ignored. If an employee is uncomfortable raising his or her complaint with someone to whom he/she reports, or if the complaint involves someone in his or her direct line of command, then that employee should bring a complaint to the Department Head and the First Selectman. As this can be a very disturbing situation, any complainant may request to bring a trusted friend, or Union Representative with them to report the complaint if they choose to, no matter who they report the complaint to.

Confidentiality at the time of reporting the incident will be preserved to the maximum extent possible. However, all allegations of unlawful harassment and discrimination must be investigated promptly. In this regard, the reporting employee, the alleged harasser or discriminator and any other employees aware of the incident are required to treat this information in a confidential manner.

The Town will take prompt action upon the receipt of a complaint of unlawful harassment or discrimination. Any employee determined to have committed unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including discharge. Moreover, any individual who makes unwelcome advances, threatens or in any way discriminates or harasses another employee based on a legally protected status may be personally liable for monetary damages for such actions and their consequences, in addition to disciplinary action and/or discharge.

The Town will not tolerate the taking of any reprisal against an employee who files a complaint of unlawful harassment or discrimination and such reprisal could result in disciplinary action or discharge.

Similarly, The Town will not tolerate any false complaints of harassment or discrimination, and that conduct could also result in disciplinary action or discharge.

## 10.60 Weapons Free Workplace

Except for sworn law enforcement officers, employees are forbidden to carry a gun or any other dangerous weapon on Town property regardless of any license or permit for possession elsewhere. Violators will be subject to disciplinary action up to and including dismissal. Outside visitors, including vendors and citizens are also forbidden to carry a gun or dangerous weapon on Town property. In such cases the Resident State Trooper's office should be notified immediately.

## 10.65 Drug and Alcohol Free Workplace

To promote safe and efficient operation of the workplace and to comply with applicable State and Federal laws, it is the policy of the Town to maintain a work force that is free from the effects of illegal drugs and abuse of alcohol or all substances including prescription drugs. The health and safety of the Town's employees is of serious concern. Employees have the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs. Employees who abuse alcohol or drugs are a danger to themselves, to other employees, and to the Town's business interests.

It is a standard of conduct for employees of the Town not to use any substance not advised or prescribed by their physician or illegal drugs, and not to abuse alcohol or prescription drugs, either on or off the job. No employees may use, sell, manufacture, receive, distribute, dispense, possess or be under the influence of alcohol or any illegal drug, or abuse prescription or over the counter drugs, while on Town property; while operating Town or personal vehicles on Town business; or while off-premises where such behavior compromises the Town's business interests; or undermines the public confidence in or harms the reputation of the Town or adversely effects the employee's job performance, job safety and/or ability to fulfill Town responsibilities.

It is against Town policy to report to work under the influence of any substance not advised or prescribed by their physician including alcohol or drugs. Being under the influence of alcohol, an illegal drug, or abuse of any prescribed or over the counter drugs on Town premises or Town business, in Town supplied vehicles or during working hours is absolutely prohibited.

Employees must notify the First Selectman of any criminal drug statute conviction no later than five (5) days after such conviction.

In compliance with applicable State and federal law and regulations, any employee who operates a commercial motor vehicle requiring a Commercial Driver's License (CDL) or is an applicant for a driver position will be subject to random alcohol and drug testing as further described in a separate policy for all such affected individuals.

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The Town reserves the right to conduct regular random drug testing of all employees including volunteers who operate Town vehicles. All results will be filed in personnel files. Failure or refusal of an employee or applicant to cooperate fully with any portion of this policy, or to submit to any drug testing as may be lawfully required, will be grounds for disciplinary action up to and including discharge or denial of employment.

## **10.70 Employee Assistance Program (EAP)**

Although we do not currently have an EAP program, any Town employee or immediate family member may receive confidential, outside professional assistance for problems that affect their work and/or personal lives by calling "211" Information Line from the United Way. For more detailed information, contact the Human Resources Specialist in the First Selectman's Office. The employee could contact the 211 operator directly in a private and confidential matter.

## **10.75 Smoking Policy**

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking in Town Hall offices and facilities is not allowed. Employees wishing to smoke may only do so in outside designated areas. Smokers are expected to keep smoking areas clean and to use appropriate receptacles to dispose of smoking materials. Employees may be subject to disciplinary action for violating this policy.

## **10.80 Personal Appearance and Work Habits**

All employees are representatives of the Town and are expected to project a positive image of the Town to the public and to anyone associated with the Town. As such, employees are expected to wear appropriate business attire when at work. The wearing of revealing or sexually provocative clothing will not be permitted. Moreover, the following, without limitation, are examples of clothing which do not present a business-like appearance for those who have contact with the public, and which, therefore, will not be permitted: tank-tops, shirts which expose the midriff, shorts/skirts which do not extend below the mid-thigh, off the shoulder dresses/shirts/blouses/sweaters, sweats and exercise clothing, and all types of dirty or ripped/ragged clothes. Adjustments to above noted clothing may be made based on position and as approved by the immediate manager.

If an employee reports for work improperly dressed, his or her supervisor will instruct the employee to return home to change clothes or will take other appropriate corrective action. Non-exempt employees will not be compensated during such time they are away from work. Repeated violations of this policy will be cause for disciplinary action, up to and including dismissal.

## 10.85 Work Habits

Employees are expected to maintain good work habits at all times. All work areas are to be kept neat and orderly at all times, to assure ease in retrieval of necessary information. Employees should also maintain professional posture at all times, and for example should not put their feet up on any furniture while at work. In addition, telephone and front counter courtesy is essential at all times. An employee answering the telephone and providing service at a counter should greet the individual calling, state both the department's name and then his or her own name, and request how they can be of help. Town employees should not inquire why an individual requires service as to do so is prohibited by Freedom of Information Laws; rather they should be professional in dealing with all individuals, and responsive to their needs.

When an employee is confronted by a discourteous or disorderly taxpayer, outside vendor or visitor, the employee should always remain professional and courteous at all times. If the problem continues, the employee should follow the chain of command and notify his/her supervisor. If the supervisor is unavailable, the employee should utilize the alarm button or call the Police Department; otherwise the discourteous or disorderly person should be sent to the First Selectman's Office. An incident report should be filed in each case. The Town believes in good customer service but will not tolerate any abuse or harassment of Town employees.

## 10.86 Personal Telephone Calls and Personal Mail

The Town recognizes the need for occasional personal calls to be made or received during business hours for situations such as checking on family members' health or safety, childcare, eldercare, emergency transportation, etc. The Town expects employees to keep the number of personal phone calls to a minimum, to make and receive them during personal time (e.g., breaks or lunch, preferably using their personal cell phone), and to limit the duration of such phone calls. In addition, when a long distance phone call must be made, the call must be billed to the caller's home phone number. Employees should not use the Town as a personal mailing address and personal mail should not be put through the Town's postage meter.

## 10.90 Employee Safety

The Town seeks to promote a safe and healthy physical environment for all employees. These guidelines are designed with employee safety in mind. In addition to complying with these guidelines and any directives from managers, each employee should insure that no action he or she takes endangers himself or herself, a fellow employee or the public, or results in the destruction of property.

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Every employee needs to be aware of and adhere to the following safety precautions:

- ◆ If you feel threatened by another employee or a member of the public; notify your supervisor. This constitutes an emergency situation.
- ◆ If you are injured or become sick at work, no matter how slight, inform your manager immediately. Do not go into the lavatory and hide.
- ◆ If you have an accident at work or emergency situation (with another employee or the public), immediately report it to your manager and the Human Resource Specialist, or Director of Finance in the absence of the Human Resource Specialist, who will assist you in completing an incident report. This incident report must be submitted to the Human Resource Specialist within 24 hours or sooner, of any accident so that it can be filed with our Worker's Compensation carrier, if necessary.
- ◆ Learn how to lift properly. Bend your knees and keep your back erect. Get help when necessary.
- ◆ Keep work areas neat and arrange workstations so there are no hidden safety or health hazards.
- ◆ Keep passageways clear at all times.
- ◆ Report unsafe working conditions immediately to your supervisor and file an incident report.
- ◆ Report damages or broken machines and equipment to your supervisor and file an incident report.
- ◆ Know the locations, contents and use of first aid kit, defibrillator (AED) and fire-fighting equipment.

## 10.91 Workplace Violence Prevention

The safety and security of its employees and residents is important to the Town. Acts of intimidation, threats, threatening behavior, or acts of violence against employees, visitors or others associated with the Town by anyone on Town property or otherwise in the course of their relationship with the Town will not be tolerated. Violations of this policy will lead to appropriate action that may include discipline up to dismissal, arrest and prosecution.

The Town has a ZERO TOLERANCE policy against any form of intimidation, threats or violence in the workplace. Any form of intimidation, threat or violent act is STRICTLY PROHIBITED. Violations of this policy include but are not limited to: participating in, provoking or otherwise contributing to any threat or violent act in the workplace; abuse, assault, battery, oral or written threats, intimidation, and harassment; and possession of any firearm(s) or any other type of weapon on any Town property or work location(s) by anyone other than a sworn law enforcement officer, regardless of any license or permit to carry elsewhere.

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Because it is often difficult to distinguish between a real threat and one made in jest, all threats will be treated as real and therefore even threats of violence spoken only in a joking manner are strictly prohibited by this policy. Any employee who makes a threat, whether express or implicit, exhibits threatening behavior, or engages in any violent act or other violation of this policy on Town property or otherwise in the course of their employment with us, shall be removed from the premises as quickly as safety permits, and shall remain off Town property pending the outcome of an investigation. Depending on the circumstances involved, the Town's response may include, but is not limited to, reassignment of job duties, discipline up to and including suspension and termination of employment, and/or criminal prosecution of the person(s) involved.

All Town personnel are responsible for notifying their supervisors and/or the First Selectman of any violation of this policy, including but not limited to, any threats they have witnessed, received, or have been told that another person witnessed or received. All reports will be investigated fully and promptly. Any intentionally false or misleading report will be grounds for disciplinary action.

The Town's premises are restricted to individuals with a legitimate business purpose. Any employee who observes any individual (including current or former employees) loitering, or present on the premises without an apparent business need to be there or otherwise interfering with operations should contact their supervisors immediately to report the individual and circumstance.

## 10.92 Unauthorized Use of Town Property

Personal use of Town equipment and supplies is theft and when used during Town time fraud, and individuals will be prosecuted. Unauthorized employee use of any Town equipment and supplies for non-work related purposes is strictly prohibited. Examples of equipment and supplies that employees may not use without authorization include the following: Town vehicles, maintenance equipment, materials, buildings, grounds, office equipment, computers/printers, and work supplies. Unauthorized use or negligence in the care and use of Town property shall subject an employee to disciplinary action, up to and including discharge. Unauthorized persons are also prohibited from entering Town premises or using Town property. Town employees are required to use their assigned security pass card only, and not a key. Employees must not allow any unauthorized passengers to ride in Town vehicles. Employees who lose their building access card may be charged for a replacement card.

## 10.93 Use of Personal Vehicles

No employee shall use a personal vehicle on official Town business unless approved in advance and a certificate of insurance is first submitted. Such use must be authorized by the First

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Selectman and shall be compensated at the approved mileage rate established by the Internal Revenue Service or otherwise as approved by the First Selectman.

## 10.94 Return of Town Property

All records, files, documents, equipment and other materials, or copies thereof, relating to the Town's business, shall be and remain the sole property of the Town. These materials shall not be removed from the Town's premises except when required in connection with the performance of an employee's duties for the Town, and shall be promptly returned to the Town and not retained by any employee upon request at any time and upon termination of employment with the Town. Employees must return all Town property in their possession by their last day of employment.

## 10.95 Employee Communications

Town recognizes that communication is a two-way street. Employees are encouraged to share comments and suggestions. This two-way communication requires the employee to listen well and make every effort to understand the actions of the Department Head. The Department Head will take time to listen to ideas and explain the reasons for their actions. The best communication is face-to-face communications and the best source of information should be your

Department Head.

Some of the key elements of our communication process include:

- ◆ Departmental Communication Meetings
- ◆ Bulletin Board Postings
- ◆ Westbrook Town News
- ◆ Employee Memos
- ◆ Department procedures, job descriptions and correspondence outlining best practices

When an employee is having difficulty communicating with a Department Head, it is advisable to include the First Selectman in communications to provide aid in discussion, negotiation and resolution.

## SECTION 11: DISCIPLINARY ACTIONS

### 11.10 Responsibility for Discipline

It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the Town's departments.

Department Head Responsibilities: Department Heads are responsible for the proper and efficient operation of their departments and for enforcing Town policies and regulations. Department Heads are authorized to apply such disciplinary measures as may be necessary to enforce Town personnel policies up to and including recommending dismissal to the Board of Selectmen.

Types of Disciplinary Action: The type of disciplinary action taken will vary with the severity of the situation and may include the following measures: oral or written reprimand, demotion, suspension, dismissal, denial of pay increases or other discipline of employees for such reasons as, but not limited to, those stated herein. The Town reserves the right to determine the appropriate disciplinary action based on individual circumstances.

Reasons for Disciplinary Action: All employees are expected to comply with the Town's standards of behavior and performance. Disciplinary action, up to and including dismissal may be imposed upon an employee for conduct or actions that interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public.

The following shall be sufficient cause for disciplinary action; however, the list is meant to be illustrative only and should not be considered to include all reasons for disciplinary action:

- ◆ Engaging in activities prohibited by or in violation of Town ordinances or Town policies and procedures;
- ◆ Falsification of Town statements, correspondence or employment records, including time sheets;
- ◆ Substandard or unsatisfactory job performance;
- ◆ Incompetence, inefficiency or negligence in the performance of duties;
- ◆ Theft or misappropriation of funds;
- ◆ Fraud or dishonesty;
- ◆ Misuse of or causing damage or harm to the property of the Town, co-employees, visitors, or others associated with the Town;
- ◆ Insubordination, disobedience or refusal to comply with supervisor's instructions;
- ◆ Sleeping or otherwise wasting time during working hours or excessive personal communication;

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- ◆ Physical or verbal abuse of co-employees, visitors or others associated with the Town;
- ◆ Threatening or intimidating co-employees, visitors, or others associated with the Town, including sexual harassment or harassment or discrimination based on other protected categories;
- ◆ Acts of violence, including bringing a weapon of any kind, licensed or otherwise on Town property, or on Town business, unless otherwise authorized to do so as part of job responsibilities;
- ◆ Disorderly conduct or disruptive behavior, including provocations or fighting with other employees, visitors, or others associated with the Town on the premises or during Town business;
- ◆ Use of profane or vulgar language while on Town premises or during Town business;
- ◆ Use or possession of alcohol or being under the influence of alcohol while at work;
- ◆ Use, sale, purchase, or possession of illegal drugs at work;
- ◆ Abuse of prescription and over-the-counter drugs at work;
- ◆ Unauthorized disclosure or use of privileged, proprietary or confidential information;
- ◆ Unauthorized absence from work;
- ◆ Abuse of paid or unpaid time off;
- ◆ Excessive absenteeism or tardiness;
- ◆ Unauthorized use or destruction of Town property, equipment or supplies;
- ◆ Conviction of a criminal offense while employed by the Town;
- ◆ Performing services other than work-related, personal or for others during working hours;
- ◆ Action or conduct affecting or impairing the efficiency of the Town service or that may bring the Town into disrepute;
- ◆ Any other conduct that the Town deems is adverse to the best interests of the Town.

The foregoing list is non-exhaustive and is only intended to be representative of the types of conduct for which discipline up to and including dismissal may be imposed.

**This policy should be construed as a guide for employees and supervisory personnel to illustrate the Town's general philosophy on rules of conduct and discipline.**

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## 11.20 Discipline Procedure

The Town reserves the right to determine what form of discipline, if any, is appropriate for specific employee behaviors, given the particular facts and circumstances present in each instance, and what outcome would be in the best interests of the Town.

Whenever possible, if employee performance, attitude, work habits or personal conduct falls below a desirable level, supervisors shall inform the employee of the problem and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating a second disciplinary action. In some instances, a specific incident may justify severe disciplinary action up to and including dismissal; however, the action to be taken generally depends on the seriousness of the incident and often the whole pattern of the employee's past performance and conduct. All issues involved with disciplinary measures will be fully documented, including dates and times, names of employee(s) involved, actions taken by the manager and instructions or directions given to the employee(s) related to their conduct.

The following are examples of the types of discipline the Town may impose against employees at its discretion, and in accordance with all Due Process requirements:

Written Reprimand: In situations where an oral warning has not resulted in expected improvements or where more severe initial action is warranted, a written reprimand shall be given to an employee, and a copy shall be placed in the employee's personnel file.

Suspension: An employee may be suspended by the First Selectman subject to review by the Board of Selectmen with or without pay for such reasons as misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence or other lawful reasons.

Demotion: An employee may be demoted to a position of a lower grade for which he/she is qualified as a form of discipline.

Dismissal: an employee may be dismissed upon the recommendation of the First Selectman with the approval of the Board of Selectman. Prior to dismissal, an employee shall be provided with the opportunity to challenge the action at a hearing before his/her supervisor and the First Selectman. It is the policy of the Town not to rehire former employees who have been dismissed, or who resigned while charges were pending.

## 11.30 Hearing

Prior to dismissal or demotion, an employee shall attend a hearing before his/her manager and the First Selectman. Upon such written request, the Department Head and/or First Selectman will schedule a hearing. (Refer to Section 12 – Employee complaint and Hearing Procedure.)

**The Board of Selectman/Managers/First Selectman, shall follow the guidelines for Discipline in the Bargaining Unit Contract, for all employees in the collective bargaining unit (please refer to the Agreement for the specifics in this process).**

## SECTION 12: EMPLOYEE COMPLAINT AND HEARING PROCEDURE

### 12.00 Employee Complaint and Hearing Procedure

A complaint shall mean a claim by an employee alleging a violation of the Town's Human Resource policies, charges of prohibited discrimination, interpretation of Town or department policies, discharge, suspension or other disciplinary action.

Complaint Procedure: (for Regular Full-time and Part-time Employees)

- 1) Verbal Claim: The complaining employee first notifies his/her Department Head within five (5) business days of the event that led to the complaint, in an effort to informally resolve the problem.
- 2) Written Complaint: If a satisfactory solution is not reached with the Department Head within five (5) business days of the informal discussion, the employee may submit the nature and facts of the complaint in writing to the First Selectman. After the First Selectman receives the complaint, he will call a meeting within five (5) business days to discuss the matter with the concerned parties. The First Selectman shall notify the employee of their decision in writing within five (5) business days of the meeting date.
- 3) Complaints Not Settled at The First Selectman's Level: or which a reply is not given in the specified time, may be appealed in writing. Upon receipt of the written request to appeal, the First Selectman shall immediately refer the appeal to the Board of Selectmen.
- 4) Appeal to the Board of Selectmen: The Board of Selectmen shall call a meeting no later than ten (10) business days after receipt of the appeal notice for the purpose of meeting with the First Selectman and the employee filing the appeal. The Board of Selectmen shall, within five (5) business days following the meeting, render its decision and reasons therefore, in writing, to the First Selectman and the employee filing the appeal.

The hearing shall be open to the public unless the employee elects to have it conducted in closed session, provided the subject matter of the hearing is such as permits an executive session under the provisions of the Freedom of Information Act.

At such hearing, the employee may be represented by counsel, may present any witnesses or evidence relevant to the appeal, and shall have the right to cross-examine all witnesses against him/her.

The Board of Selectmen shall decide such appeal and render its written decision within thirty (30) days after the close of the hearing.

**Note: An aggrieved employee who is represented by a labor organization must follow the grievance procedure outlined in his/her collective bargaining agreement.**

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## SECTION 13: Acknowledgement

I acknowledge that I have received, read and understand the Town of Westbrook's Human Resources Policy Manual and agree to abide by its contents. I understand that this Policy Manual is intended to provide information regarding Westbrook's employment practices and policies, and that this Manual, and the policies and practices it contains, are subject to change at any time, with or without prior notice, at The Town's sole discretion.

All changes will be communicated through official communication processes, and I understand that revised information may supersede, modify, or eliminate existing policies. Only Westbrook's Board of Selectman, through the First Selectman, has the ability to adopt revisions to the policies in this Manual.

I understand that this Manual does not constitute an express or implied contract or obligation on the part of The Town of Westbrook, and does not guarantee my employment for any specific duration.

I acknowledge that this Manual is not a legal document. I also acknowledge that, to the extent that my employment with The Town of Westbrook is at will, both The Town and I remain free to end our employment relationship at any time, for any lawful reason, with or without notice **(subject to conditions of the collective bargaining agreement for any employees that are union members, or any other person that has a current, active, signed, contract)**, and subject to applicable law.

I understand that no employee, manager, or other representative of The Town of Westbrook, other than the Board of Selectman, has the authority to make any promise or other commitment contrary to the forgoing, or to enter into any agreement with me for employment of a specified duration, and that any agreement entered into the Board must be in writing.

Employee Name: (Please Print) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Witness Name: (Please Print) \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

A signed copy of this acknowledgement is to be retained in the employee's personnel file.