



TOWN OF CHEBEAGUE ISLAND EMPLOYEE HANDBOOK

Adopted January 19, 2011/Amended January 19, 2022

192 NORTH RD. CHEBEAGUE ISLAND, ME 04017
207-846-3148

ARTICLE I – PREAMBLE

- A. Following a Town Meeting vote the Board of Selectmen shall adopt the following policy for utilization by the Town of Chebeague Island in the administration of the personnel activities of the employees of the Town. Such a vote occurred at a meeting on July 1, 2007.
- B. Following the initial adoption of the Policy the Board of Selectmen may delete, amend, modify, or change any or all of the provisions contained in this Policy at a regularly scheduled Board of Selectmen’s meeting. The provisions set forth are not contractual, but rather, are for the general guidance of the Town in its relationship with its employees.

ARTICLE II – EMPLOYMENT

- A. The Board of Selectmen shall have the exclusive authority to appoint the Town Administrator. The terms of employment of the Town Administrator shall be set forth in a written contract between the Town and the Town Administrator. The Board of Selectmen shall approve that written contract.
- B. All applicants must submit a written application for employment.
- C. All municipal employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without right to file a grievance.
- D. The Board of Selectmen may unilaterally change or revoke any provisions of this personnel policy at any time. There is no intent on the part of the Town, or in this policy, to make binding commitments to an individual employee regarding length of an employee’s service of employment, or about the continuation of an employee’s employment.
- E. Wages and salaries for all employees of the Town shall be developed and recommended by the Town Administrator. No action shall be taken until approved by the Board of Selectmen.

ARTICLE III – EQUAL OPPORTUNITY EMPLOYER

The Town shall employ, without discrimination as to race, religion, age, sex, sexual orientation, national origin, genetic characteristics, political affiliation or physical or mental disability the best qualified persons who are available at the salary level established for Town employment, with first preference being given to citizens of the Town, all factors being equal.

ARTICLE IV – TYPES OF EMPLOYMENT

Employees of the Town of Chebeague Island are municipal employees at will except any employee who has a written employment contract for a specified term. The Town reserves the right to terminate a municipal employee at any time for any reason, with or without cause.

The following types of appointments may be made to the Town’s service in conformity with the rules established:

- A. **FULL TIME:** A full time municipal employee works at least 37 (thirty-seven) hours per week. He/she is subject to all personnel rules and regulations, receives all benefits and rights as provided by these rules.

B. PART-TIME: A municipal part-time employee in this classification works less than 37 (thirty-seven) hour per week, but no less than an annual average of 18.50 (eighteen and one half) hours per week. He/she is subject to all personnel rules and regulations and receives all benefits pro-rated in proportion to the hours worked.

Employees that work less than an annual average of 18.50 hours per week are also part time employees. He/she is subject to all personnel rules and regulations however is not eligible to receive benefits.

C. STIPEND EMPLOYEE: A municipal stipend employee in this classification works on a fee for service basis. This type of municipal employee is paid quarterly at an agreed amount. There shall be no health insurance, retirement, vacation, sick leave, and holiday benefits, or seniority. Municipal stipend employees may be terminated for any reason at any time.

D. TEMPORARY/SEASONAL EMPLOYEES: A municipal temporary or seasonal employee works for a limited time frame. There shall be no health insurance, retirement, vacation, sick leave, and holiday benefits, or seniority for this category of municipal employee. Temporary and seasonal employees may be terminated for any reason at any time.

ARTICLE V – PUBLIC AND EMPLOYEE RELATIONS:

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

ARTICLE V – PUBLIC AND EMPLOYEE RELATIONS CONTINUED:

B. Cooperation of all employees is essential to efficiency. Our taxpayers are entitled to the best service we can give them. Cooperation, courtesy, and responsibility are the key elements of good service.

C. These policies and regulations are provided to assist the employees and Town administration in functioning at peak efficiency with minimal cost to the taxpayers.

1. Receipt of gifts.

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

2. Business Activities and Solicitations.

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

3. Confidentiality.

Many municipal employees have access to confidential information pertaining to persons or property in the Town. Employees must maintain the confidentiality of this information and must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information that is public under the "right to know" law, 1 MRSA § 401-410.

ARTICLE VI – WORK WEEK/OVERTIME

- A. Work Week. The regular workweek for payroll purposes begins on Sunday at 12:01am and ends the following Saturday at midnight. The Board of Selectmen shall set the actual hours for Town employees {this may be revised as necessary}.
- B. Overtime will be compensated with overtime pay at a time and one-half rate for hours worked (excluding vacation, sick, and holiday time) beyond forty hours in a workweek for non-exempt municipal employees.

ARTICLE VII – ATTENDANCE

Employees shall be at their place of work at the appointed starting time. It is the responsibility of employees who may be absent from scheduled work to notify the Town Office of the reason for such absence within one (1) hour of the appointed starting time.

ARTICLE VIII – HOLIDAYS

- A. Subject to these rules, the following holidays shall be paid holidays for full time Municipal employees:

- New Year’s Day
- Martin Luther King Day
- Presidents Day
- Patriot’s Day
- Memorial Day
- Juneteenth Day
- Independence Day
- Labor Day
- Columbus Day
- Veterans’ Day
- Thanksgiving
- Day after Thanksgiving
- Christmas

- B. If a regular holiday falls on a Sunday the following Monday is a holiday; if on a Saturday, the preceding Friday, unless otherwise regulated by law.
- C. A person on a leave of absence without pay shall not be entitled to holiday pay.
 - D. Holiday pay is at the regular rate and is paid based on the regular scheduled hours of the employee.
- E. Employees may be required to work on a holiday. Employees working a holiday shall receive straight time pay plus their applicable holiday pay.
- F. For part-time employees, if any of the above holidays should fall on a day that the employee is scheduled to work, the employee will be entitled to the paid holiday at the regular rate and paid based on the scheduled hours.

ARTICLE IX - VACATION

- A. All employees, part time and full time, begin accruing vacation time immediately after entry on the job.

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Vacation time may not be taken during a new employee's six (6) months probationary period.

B. Vacation privileges are available to full-time employees, and will be pro-rated for part-time employees, subject to conditions. Each full-time employee shall earn vacation with pay on the following basis:

1. Vacation time will accrue at the rate of one (1) day per month worked. After employee has completed six (6) months' probation period he/she will be entitled to begin using any accrued vacation time. The employee will be entitled to receive twelve (12) days of vacation annually.

ARTICLE IX – VACATION CONTINUED:

2. After an employee has completed seven (7) years of continuous service, vacation time will accrue at the rate of one and a half (1.5) days for every month worked. He/she is entitled to receive eighteen (18) days of vacation annually.

C. Vacations will be scheduled at such times as shall be mutually agreeable to the employees and their Supervisors. Due consideration will be given to an employee's seniority in regard to scheduling vacations. Vacation leave can be taken by the half day, full day or in blocks of one week or more.

D. Employees should take the vacation due them within twelve (12) months after the vacation time is accrued. Employees may carry over no greater than five (5) days from one year to the next, that year being the town's fiscal year, July 1 – June 30. The total number of unused accumulated vacation days shall not exceed five (5) days.

E. Vacation usage shall be recorded regularly by the Town Treasurer.

F. When an employee leaves employment with the Town, he/she shall receive payment for accrued and unused vacation days.

ARTICLE X – SICK LEAVE

A. Sick leave may be used for personal illness or incapacity of such a degree as to render the employee unable to perform the duties of his/her position unless the employee is capable of performing other assigned work; or for personal medical or dental appointments; or to care for members of his/her immediate family affected by serious illness; or dependents who are sick. If requested, the employee shall furnish the Town with a certificate from his/her (or dependent) attending medical provider after four (4) days of continuous absence.

B. Sick leave accrual for full-time employees shall accrue and be pro-rated for part-time employees, at a rate of one (1) day for each full calendar month of service to a maximum of forty (40) days.

C. Full time and part-time employees shall be eligible to use sick leave after the first month of employment.

D. Sick leave usage shall be recorded regularly by the Town Treasurer. The Town Treasurer shall monitor the use of sick leave and shall investigate any cases that suggest abuse of the benefit. Abuse of the sick leave benefit shall be cause for discipline. The Board of Selectmen shall be notified of any abuse of this benefit or discipline administered.

E. Accrued sick leave shall not be paid upon separation from service.

ARTICLE XI – HEALTH INSURANCE

Health Insurance is for all municipal full-time employees averaging at least thirty-seven (37) hours per week or a municipal part-time employee averaging eighteen and one-half (18.50) hours per week for fifty-two (52) weeks of the year. The Town will pay eighty percent (80%) of family subscriber and ninety (90%) of single health insurance coverage, pro-rated for municipal part-time employees. The Board of Selectmen shall select the health insurance plan to be provided to employees, with approval at Town Meeting.

ARTICLE XII – LEAVES OF ABSENCE

- A. Bereavement Leave. A municipal full-time or municipal part-time employee may be excused from work for up to five (5) work days because of death in his/her immediate family as defined below and shall be paid his/her regular rate of pay for the scheduled work hours missed.
For purposes of this article only, immediate family is defined to mean partner spouse, parents, children, brothers, sisters, mother-in-law, father-in-law, grandfather, grandmother, and grandchildren.
Up to eight (8) hours may be granted to employees for attendance at funerals of persons not covered under the above definition.
- B. Leave Without Pay. A municipal full-time or municipal part-time employee may be granted a personal leave of absence without pay at the sole discretion of the Board of Selectmen for no more than sixty (60) calendar days. A request will be made to the Town Administrator and he/she will send a recommendation to the Board of Selectmen for final approval. The employee is expected to return to work upon the expiration of a granted leave and continued absence without having arranged for an extension of leave will be deemed a resignation from employment. Employees may choose to continue insurance benefits for the duration of the leave by assuming the employer contribution. Vacation and sick leave will not continue to accrue during the leave.
- C. Medical Leave. Municipal full time and municipal part-time employees who require a medical leave of absence shall notify the Town Administrator. The Town Administrator will send a recommendation to the Board of Selectmen, and a decision on granting a leave, and the terms and conditions, shall be made on an individual basis, taking into account the needs of the employees and the Town. Medical information will be required to support the necessity for a medical leave of absence.

ARTICLE XIII – JURY DUTY AND RESERVE SERVICE TRAINING LEAVE

- A. The Town shall pay to a municipal full-time and municipal part-time employee called for jury duty the difference between his/her regular pay and juror's pay provided the employee presents an official statement of jury pay received. Time paid for Jury Service shall not be counted as time worked for purposes of overtime computation. These provisions shall apply only to employees who have completed their probationary period and who give adequate notice of such absence to the Town Administrator.
- B. Employees who are members of a United States military reserve unit or National Guard unit and who are required to perform duty or called to active duty shall be granted military leave status for the period of active duty in accordance with federal and state law.

ARTICLE XIV – GRIEVANCE PROCEDURES

If any employee has been impacted negatively by the interpretation or application by the Town of these personnel policies, he/she shall submit the details of such grievance within five (5) working days from the incident in writing to the Town Administrator. If the situation cannot be resolved it shall be submitted to the Board of Selectmen. If the grievance is with the Town Administrator the employee will submit in writing details of such grievance directly to the Board of Selectmen. If the Town Administrator is submitting a grievance, he/she shall submit in writing detail of such grievance directly to the Board of Selectmen. Grievance

procedures set forth in this Article shall not be available to an aggrieved employee in connection with termination of employment or removal from office, as set forth in Article XVI, or in connection with a suspension from work which is related to an intent to discharge from employment.

Within thirty (30) calendar days after receipt of the grievance, the Board of Selectmen shall meet with the employee for the purpose of discussing the grievance and the Board of Selectmen shall render their final written decision within thirty (30) working days after said meeting. Such meetings will be held in Executive Session unless requested to be held in public by the employee.

ARTICLE XV – POLITICAL ACTIVITY

While performing their normal work duties, all employees shall refrain from using their influence publicly in any way for or against any candidate for elective office in the Town government. Town employees shall not circulate petitions or campaign literature for elective Town officials, or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service for any person for any political purpose pertaining to the Town government. This rule is not to be construed to prevent Town employees from beginning, or continuing to be, members of any political organization, from attending political meetings, from expressing their views of political matters, from voting with complete freedom in any local state, or national election, or exclude them from forming a union or joining one. Town employees who accept any official position with the Town’s municipal organization are expected to resign from positions where there may be a conflict of interest or an incompatibility of offices.

ARTICLE XVI – EMPLOYEE PERFORMANCE AND TERMINATION

Except for probationary employees or as otherwise stated herein, termination of employment and removal from office of municipal employees shall be for cause, after notice to the employee, and an opportunity for a hearing with the Board of Selectmen.

After the initiation of disciplinary action for the purpose of termination of the employee or removal from office, the Board of Selectmen shall provide the employee with written notice of the grounds for termination of employment. The Board of Selectmen shall also advise within five (5) days the employee of his/her right to request a hearing before the Board of Selectmen. Such notice to the employee shall be in writing and the date of delivery of the notice shall be documented in the employee’s personnel file. The Board of Selectmen may designate the Town Administrator as Town official who provides notice of intent to discharge any Town employee whom the Board has authority to discharge from employment.

In the event that the employee receiving such a notice of intent to discharge does not inform the Board of Selectmen of his/her request, in writing, for a hearing concerning termination of employment within five

ARTICLE XVI – EMPLOYEE PERFORMANCE AND TERMINATION CONTINUED

(5) days of the date of receipt of the notice of intent to discharge, then the employee shall be conclusively considered to have waived and relinquished any right to a hearing. Such written request for a hearing shall state whether or not the employee requests a hearing be held in executive session. Any such request for a hearing in executive session shall be governed by the provisions of Title 1 M.R.S.A. §405(6)(A)(1).

In the event that the employee does not request a hearing in writing within the time period set forth above, the employee shall be considered to be terminated from employment and removed from office as of the day after the expiration of the time period in which the employee could have requested such a hearing.

At the same time as the delivery to the employee of the notice of intent to discharge, the Town Administrator or the Board of Selectmen may suspend the employee from his/her job duties with or

without pay, at the sole discretion of the Selectmen.

After a hearing before the Board of Selectmen, the employee receiving the notice of intent to discharge can be removed from office and terminated from employment on a finding of cause for such action. This requirement for cause applies only to those municipal officials and an employee required by general law or ordinance, and does not apply to probationary employees. In evaluating whether there is "cause" for termination, the Board of Selectmen shall evaluate whether the employees conduct and/or performance has affected his/her ability and fitness to perform effectively his/her duties.

The terminated employee shall receive a written decision of the Board of Selectmen containing findings of fact and conclusions of law in connection with the termination decision. The notice of decision shall be mailed or delivered to the terminated employee within ten (10) days of the date of the decision.

ARTICLE XVII – POLICY ON HARASSMENT

It is the policy of the Town that all our employees should be able to work in an environment free from all forms of harassment. All forms of harassment are prohibited. This policy refers not only to supervisor subordinate actions, but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination, or retaliation against any employee who makes a report of harassment.

The Town adopts the Town of Chebeague Island Harassment Policy set forth in attached Appendix A and all employees shall comply with the provisions of that policy.

ARTICLE XVIII – POSITION VACANCIES

Vacancies in any position may be filled internally by posting, or from outside through advertising. Vacancies may be filled by promotion or on recommendation from the Town Administrator to the Board of Selectmen.

ARTICLE XIX – APPLICATIONS

Applications for employment must be filed on forms prescribed by the Town and available at the Town Office.

ARTICLE XX – PHYSICAL EXAM/DRUG & ALCOHOL TESTING

After a conditional offer of employment is made, the prospective employee must successfully complete a pre-employment physical exam, when required by law.

Prospective employees whose future position requires them to undergo drug and/or alcohol testing under Federal law, such as holders of Commercial Driver's License (CDL), must submit to and successfully complete a pre-employment drug screening. Random drug and alcohol testing of covered employees will occur in accordance with Federal Law. For more information on drug and alcohol testing, refer to the Town of Chebeague Island Drug and Alcohol Policy and Testing Procedures set forth in Appendix B.

ARTICLE XXI – LIFE INSURANCE

All municipal full-time and municipal part-time (eighteen- and one-half hours) employees will receive one times their annual salary in life insurance at no cost.

ARTICLE XXII – RETIREMENT

A. Social Security. In addition to other retirement plans offered by the Town, the Town also participates jointly

with employees in the Social Security System.

- B. **Deferred Compensation Plan.** The Town offers a 457 deferred compensation plan through the International City Manager's Association (ICMA). In this retirement program, the Town will match a municipal full-time employee's contribution up to 3.5% of their annual salary. Municipal full and part time employees may participate (after completing the six-month probation period) in this plan with a match by the Town based on the number of hours the employee works. The employee is responsible for the payment of any fees assessed to the employee's account, and the employee is also responsible for making their own investment decisions.

ARTICLE XXIII – DISABILITY INSURANCE

All municipal full-time or municipal part-time employees shall receive long-term disability coverage. The Town contribution to the plan shall not exceed 1% of the annual base salary of the employee. The employee shall pay any balance due through payroll deductions.

In addition, a short term (52 week maximum) disability plan called "Income Protection" is made available to Town employees. Municipal full-time and municipal part time employees who meet the Plan's eligibility requirements may select one of three (3) protection levels, each with a different premium and benefit rate. The cost for this benefit is paid on a 100% basis by the employee.

ARTICLE XXIV – DENTAL INSURANCE

The Town shall make available a dental insurance plan to municipal full-time and municipal part-time employees who meet the eligibility requirements of the plan. The premium for the plan selected shall be solely the responsibility of the employee.

ARTICLE XXV – EMPLOYEE PROFESSIONAL DEVELOPMENT

- A. **Education and Training:** The Town Administrator may submit requests for funding for training and development of employees as part of their annual budget proposal. The use of training funds will be determined by the Town Administrator.
- B. **Education and Reimbursement Policy:** Municipal full-time employees who are enrolled in an accredited work-related degree program shall receive a reimbursement for tuition costs at the rate of 75% of the University of Southern Maine credit hour rate for a maximum of six (6) credit hours per fiscal year. The credit hour rate will be based on either undergraduate or graduate tuition rates. Employees must submit an official record within ninety (90) days of completion of the class for reimbursement. If the employee leaves before the completion of one (1) year they must reimburse the Town for all tuition incurred in the previous year.
- C. **Records:** A record of each in-service, employer approved training program, conference, and course completed by any employee will be kept as part of the employee's personnel record.

ARTICLE XXVI – WORK PERFORMANCE EVALUATION

- A. **Annual Evaluation:** The Town Administrator shall annually evaluate each municipal full-time and part time employee to provide feedback regarding an employee's job performance. A copy of his/her evaluation shall be given to, and reviewed with the employee, after which a copy shall be placed in the employee's personnel file; signed by both the employee and supervisor.
- B. **Town Administrator's Responsibility:** It will be the responsibility of the Town Administrator to design the personnel evaluation forms and distribute the forms to the employees. It will also be the Town

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Administrator's responsibility to complete annual evaluations of employees under the Town Administrator's direct supervision. A copy of employee evaluations shall be submitted to the Board of Selectmen for review.

- C. Purpose of Evaluations: The personnel evaluation forms will be considered by the Town Administrator when salary increases, promotions, disciplinary action, or any other related personnel action is proposed.

ARTICLE XXVII – CONFLICT OF INTEREST

No Town employee who is authorized to make purchases shall have any interest either directly or indirectly in any contract with the Town. No Town employee shall sell materials to the Town unless such material is awarded under sealed bid and in accordance with Maine law regarding conflicts of interest.

ARTICLE XXVIII – SMOKING POLICY

In accordance with state law, the Town has adopted a no smoking policy. Smoking is prohibited within any municipal building within fifty (50) feet of any municipal building and/or within fifty (50) feet of any Town owned vehicle. The Town restricts smoking to areas outside Town buildings where an ashtray is located.

ARTICLE XXIX – LOSS OF JOB AS A RESULT OF LOSS OF LICENSE OR CERTIFICATION

If it is a requirement for an employee in a specific position to possess a valid license and/or class of license or certification, then it shall be a condition of employment for that employee to maintain such license and/or certification. Failure to do so may result in job loss or re-assignment to an alternative position.

ARTICLE XXX – INCLEMENT WEATHER

There are days in winter when road conditions are hazardous. A procedure is in place for Public Works to communicate with the Town Administrator when it is advisable for the Town Office to delay opening so that roads can be cleared and sanded.

1. Public Works will communicate with Town Administrator.
2. Town Administrator will advise Town Clerk.
3. Town Clerk will advise all employees.
4. Town Administrator to put information on web site, television and office phone system.

The decision to open later will be made only on road conditions on Chebeague Island. Road conditions in the town in which you live, or in towns that you need to travel through, may be worse. You should make your decision about whether you wish to travel or not. If you chose not to come in, you will be charged with vacation time, or you may opt to take the time without pay.

ARTICLE XXXI – PERSONNEL FILES

The Town shall maintain a personnel record for each employee in the service of the Town of Chebeague Island. It may contain the following types of information: employee's name, address, phone number, the title of the position held, the department to which the employee is assigned, salary, changes in employment status, employee performance reviews and other performance related information, and such other information as may be considered pertinent by the Town Administrator and Board of Selectmen. Medical information shall be maintained in a separate, locked file, cabinet or drawer.

The employee may have access to such records during normal work hours of the Town Administrator. He/she

shall provide one copy of any record upon request. All personnel records shall be considered confidential to the extent permitted by law. All personnel records of each employee shall be retained by the Town following termination as required by law.

The employee is responsible for notifying the Town of all changes of address, telephone numbers or family status (births, deaths, adoptions, marriage, death, divorce, or legal separation) in order to provide for accurate record keeping and appropriate benefit information.

Any requests for a former or current employee's work history and salary shall be referred to and completed by the Town Administrator. For written requests, information will be provided on the form provided only when it is accompanied by a former or current employee's signed authorization to release information. Reference requests will be limited to confirming information stated by the requesting party, and/or verifying dates of employment and position(s).

ARTICLE XXXII – WORKERS COMPENSATION

Reporting: All injuries sustained in the course of employment shall be immediately reported to the Town Administrator as a requirement for leave or compensation. The Town Administrator must complete a First Report of Occupational Injury or Illness. Employees must submit the completed First Report of Occupational Injury or Illness to the Town Administrator within forty-eight (48) hours from the date of injury.

Light Duty: Due to work-related injury or illness, an employee, upon recommendation from the treating physician, may be given light duty for the period of time the condition exists provided that light duty is available. Light duty assignments must be approved by the Town Administrator. The employee must provide a medical request from the treating physician explaining the need for light duty, the estimated duration of the need for light duty, and what restrictions on working assignments apply.

ARTICLE XXXIII – DISCIPLINARY PROCEDURE

A. Progressive Discipline :

Employees who have poor job performance or engage in misconduct will be subject to progressive discipline, which may include first warnings (or coaching), written warnings, suspension with pay, suspension without pay, demotion, and termination.

All disciplinary action shall be documented in writing, and the written record of disciplinary action shall be maintained in that individual's personnel file.

The disciplinary response to unsatisfactory job performance or misconduct will depend upon the seriousness of the unsatisfactory performance or misconduct. Serious job performance problems or misconduct such as dishonesty, violence, breach of public trust, or theft, may result in the most severe disciplinary sanctions, including dismissal, even on the first occurrence.

B. Discipline of Employees:

When in the judgment of the Town Administrator, the work performance or conduct of an employee justifies disciplinary action, he/she may take disciplinary action against that employee. Prior to imposing any discipline, the Town Administrator shall give consideration and advise the Board of Selectmen to the severity of the performance problem or misconduct and prior disciplinary sanctions, if any, against the employee in question. Repeated misconduct or continuing

ARTICLE XXXIII – DISCIPLINARY PROCEDURE – CONTINUED:

performance problems may be considered cumulatively and will be subject to progressively more severe disciplinary sanctions.

Notice of disciplinary action will be given by the Town Administrator in writing to the disciplined employee, with a copy to the Board of Selectmen. Such notice will specify the action taken, the reason or reasons for the action taken and the extent and duration of the discipline imposed. This notice will be given to the employee at the time that discipline is imposed.

Any employee who disputes disciplinary action may appeal within five (5) working days to the Town Administrator. The Town Administrator may require the appeal to be submitted in writing. The Town Administrator shall reply in writing to the appeal within five (5) days with a copy to the Board of Selectmen. The decision of the Town Administrator shall be final except where the disciplinary action taken involves suspension without pay for more than five (5) days or termination.

In cases involving suspension without pay for more than five (5) days or termination, an aggrieved employee may appeal the decision of the Town Administrator to the Board of Selectmen.

ARTICLE XXXIV – LAYOFFS AND REINSTATEMENTS:

A. Notice of Layoff and Reinstatement:

A notice shall be given to each employee scheduled to be laid off seven (7) calendar days prior to the effective layoff date.

B. A notice of return to work shall be sent to each employee by Certified Mail at least seven (7) calendar days before the date of the re-employment. An employee must return at the required time. Failure by the employee to report for work shall be considered as a resignation from employment.

ARTICLE XXXV – UNIFORMS AND PROTECTIVE CLOTHING:

A. If an employee is required to wear uniform, protective clothing or any type of protective device as a condition of employment, such uniform, protective clothing or protective device shall be furnished by the Town to the employee. Any equipment required by the Town for its employees to perform their duties shall be paid for by the Town. The Town may require the return of all items of equipment and clothing paid for by the Town.

ARTICLE XXXVI – TRAVEL:

A. Employees required to travel on official business for the Town will be reimbursed for reasonable expenses such as food, lodging and transportation which are incurred while on Town business. Reimbursements for use of a personal vehicle shall be made at the prevailing IRS mileage rate. The Town shall prepare expense reimbursement guidelines.

ARTICLE XXXVII – ANTI-NEPOTISM:

A. Unless the Board of Selectmen shall, following the recommendations of the Town Administrator, determine that the best interests of the Town shall be served, the following relatives of any elected or appointed part time position are disqualified from being in a supervisory relationship with any of the following relatives; son, daughter, spouse, parent, grandchild, grandparent, brother, sister, half or step sister/brother, or spouse of any of the above. All relationships shall also include those arising from adoption.

ARTICLE XXXVIII – FLEXIBLE BENEFIT PROGRAM:

- A. The Town may provide a flexible benefit program and fund the administrative fee for premium conversion and spending accounts.

ARTICLE XXXIX – EMPLOYEE ASSISTANCE PROGRAM (EAP):

- A. The Town offers its full and part time employees an Employee Assistance Program (EAP) which provides confidential counseling assistance.

ARTICLE XL – E-MAIL AND ELECTRONIC COMMUNICATIONS POLICY:

- A. All Town employees shall comply with the Town of Chebeague Island E-Mail and Electronic Communications Policy contained in Appendix C.

ARTICLE XLI – EMPLOYEE HEALTH INSURANCE INCENTIVE PLAN:

- A. In an effort to control the rising cost of health insurance for the Town, and with the understanding that benefits constitute a significant portion of an employee’s total compensation package, the Town of Chebeague Island has adopted the following policy. This policy provides for an incentive payment to employees who are eligible for, but who do not utilize, the Town’s health insurance plan. The incentive will be paid as follows:

1. For a full-time employee the Town will pay the employee \$1,500. (Fifteen-hundred dollars) per fiscal year (\$125.00/month) for not participating in the Town’s health insurance plan.
2. For a part-time employee the amount of the incentive will be pro-rated based on the hours normally worked.

ARTICLE XLI – EMPLOYEE HEALTH INSURANCE INCENTIVE PLAN – CONTINUED: 3. Any such

payment will be made on a monthly basis.

4. The incentive payment is subject to taxation as per IRS rules.
5. The employee must provide evidence of insurance for self and dependents before the Town will permit the employee to participate in this incentive program.

ARTICLE XLII – RESIGNATIONS:

Any employee may resign from Town service in “good standing”. “Good standing” shall mean the submission of a written notice fourteen (14) days in advance of the last day of actual work. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the Town. The resignation should include pertinent information concerning the cause of resignation. Employees are offered the opportunity for a voluntary exit interview in which he/she may discuss working conditions and the reasons for their resignation. The effective date of the employee’s termination with the Town is considered to be the last day actually worked.

Upon separation from service in “good standing” the Town shall pay all wages owed on the next regular payday.

Employee Handbook

I acknowledge that I have received the Employee Handbook of the Town of Chebeague Island.

I understand that it is my responsibility to review and familiarize myself with these policies and any revisions made to them.

I am also aware that I may refer any questions on procedures or policies to the Town Administrator.

Signature _____

Print _____

Date _____

APPENDIX A

TOWN OF CHEBEAGUE ISLAND HARRASSMENT POLICY

It is the intent of the Town of Chebeague Island to provide a work environment that is free from discrimination or harassment. Therefore, it is the policy of the Town that any form of harassment is unacceptable conduct in the workplace and will not be tolerated. Employees are encouraged to assist the Town with its goal of maintaining a workplace free of harassment and with its commitment to deal seriously, promptly and effectively with allegations of harassment.

SEXUAL HARASSMENT

It is illegal for any employee to sexually harass another employee. Sexual harassment is a form of sex discrimination.

Sexual harassment is defined by State and federal law as follows:

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

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- c) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

DESCRIPTION OF SEXUAL HARASSMENT

The following type of conduct is sexual harassment and is not permitted:

A. Physical assaults of a sexual nature such as:

(1) Any form of sexual assault, molestation or attempts to commit these assaults;
and

(2) Intentional physical conduct which is sexual in nature or based on the victim's gender, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.

B. Sexual advances, propositions or other sexual comments, such as:

- (1) Sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome;
- (2) Preferential treatment or promise of preferential treatment to an employee for submitting to sexual conduct; and
- (3) Subjecting, or threatening to subject, an employee to unwelcome sexual attention or conduct.

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

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

It is also illegal, and prohibited by this policy, to engage in harassment of an employee based upon an employee's gender, even though the conduct may not be sexual in nature or intent.

HARASSMENT

Harassment is also prohibited by the Town of Chebeague Island that is based on a person's sex, religion, age, ethnic origins, disability, race, and physical appearance.

ANY EMPLOYEE WHO BELIEVES HE OR SHE HAS BEEN HARASSED SHOULD TAKE THE FOLLOWING STEPS TO RESOLVE THE PROBLEM:

1. If you find someone's behavior harassing or discriminatory, you may want to attempt to resolve the behavior by informing the individual that you find the behavior inappropriate and requesting that the behavior cease.
2. If you do not feel comfortable discussing the behavior with the individual(s) involved, you must report the conduct to the Town Administrator. If your complaint is about the Town Administrator, or if you do not feel comfortable bringing it to the Town Administrator's attention, you must inform a Selectman. All complaints will be investigated promptly, and, to the extent possible, on a confidential basis. When necessary, corrective measures will be taken to address the inappropriate behavior.
3. An employee may file a complaint with the Maine Human Rights Commission (MHRC). The MHRC is located in Hallowell and the address is State House Station 51, Augusta, ME 04333-0051.
4. Retaliation for making a complaint or participating in an investigation is strictly prohibited. If you believe that you are being retaliated against you must report your concerns either to the Town Administrator or a Selectman.

Employee Acknowledgement Form for
Receipt of Harassment Policy

I, _____, acknowledge that I have received and reviewed a copy of the Town of Chebeague Island Policy. I understand that the Town will not tolerate harassment in the workplace. I understand that it is my responsibility to report any harassment or discrimination that I experience, or witness, to either the Town Administrator or a Selectman.

_____ Date

_____ Employee Signature

APPENDIX B

TOWN OF CHEBEAGUE ISLAND DRUG AND ALCOHOL POLICY AND TESTING PROCEDURES

1. INTRODUCTION

The Town of Chebeague Island is committed to a drug and alcohol-free workplace. In order to ensure the safety of its employees and the general public, as well as compliance with Federal Regulations, the Town has adopted this policy. The specific regulation which mandates alcohol and drug testing is Title 49 of the Code of Federal Regulations (CFR), Parts 40 and 382.

The Town of Chebeague Island takes pride in its employees who perform critical duties in a truly effective manner with safety foremost in their minds. This policy strengthens our commitment to a safe workplace.

2. PROGRAM ADMINISTRATOR

The Town Administrator has been designated by the Town as the Alcohol/Drug Testing Program Administrator. In this function, the Town Administrator will be responsible to answer any questions from drivers, employees or the public in general.

The Program Administrator will handle all information on all tests as confidential to the extent permitted by State and Federal law. The Program Administrator may provide such information as necessary to enable the Town Administrator to take the proper actions as warranted. The Program Administrator may also release test information to the Town's Employee Assistance Professional to use to evaluate and recommend appropriate follow-up.

3. PROGRAM OBJECTIVES

1. To provide employees with access to confidential counseling and/or rehabilitation programs and to detect illegal and unauthorized substance abuse and contraband in the workplace.
2. To reduce the opportunities for accidents and injuries and prevent damage to property.
3. To improve productivity, ensure quality and to minimize employee absenteeism and tardiness.

4. SCOPE OF PROGRAM

This policy will apply to all probationary full-time, part-time and temporary employees who are required to hold a Commercial Driver's License (CDL) for their position. Compliance with this policy will also be required of successful job applicants who will be hired contingent on passing drug tests.

NOTE: All covered employees shall receive a copy of this policy, as well as a copy of the educational materials covered in the employee education session on substance abuse.

5. DRUGS TESTED

The following substances will be tested to determine their presence:

1. Alcohol
2. Marijuana
3. Cocaine
4. Amphetamines
5. Phencyclidine (PCP)
6. Opiates

6. COMPLIANCE WITH REGULATIONS

All CDL employees subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Town. This will include all time spent operating commercial vehicles as defined in 49 CFR, Part 382.107, as well as time spent maintaining or repairing these vehicles.

7. PRESCRIPTION DRUG USE

Employees covered by this policy may use prescription drugs and “over the counter” medications provided:

1. The prescription drugs or their generic equivalent have been prescribed to the employee within the past 12 months by an authorized medical practitioner.
2. Employees do not consume prescribed drugs more often than as prescribed by the employee’s physician, and do not allow any other person to consume the prescribed drug.
3. Any employee who has been informed that the medication could cause adverse side effects while working shall inform his/her supervisor prior to using these substances. The Town at all times reserves the right to have a licensed physician determine if use of a prescription drug or medication by an employee produces an adverse effect. If such a finding is made, the Town may notify the employee’s doctor (with permission) to determine if other medications are available which would not seriously affect the employee’s ability to work safely. If an appropriate substitute medicine is not available, the Town may suspend the employee or limit work activities to non-safety sensitive duties.

8. NOTICE

The Town will provide each employee subject to this policy a copy of the written policy. The Town will also provide printed material, which describes the effects of alcohol and/or controlled substances on the individual's health, work and personal life, as well as information on the signs and symptoms of the use of alcohol or controlled substances. In addition, the Town will provide annual training for employees covered under this policy on substance abuse awareness.

Any employee who wishes to seek personal and confidential advice on alcohol and/or drugs may contact the Town's Employee Assistance Provider.

Before a drug and/or alcohol test is administered, employees and job applicants will be notified that testing is required by 49 CFR Part 382.

All recruitment announcements for any CDL position, including in-house recruitment and promotion will disclose that a chemical, and drug-screening test will be required of the applicants.

The Town shall provide or shall contract for training, as required by Title 49 of the CFR, to assist supervisory personnel in identifying indicators of drug and alcohol use among employees. This shall consist of a minimum of one hour each for drug and alcohol use and misuse.

9. TESTS REQUIRED

All CDL employees who come under this policy shall be tested for alcohol and/or drugs under the following circumstances:

1. Pre-employment. Drug tests will be conducted when an offer is made to hire an employee for a CDL position. The offer for employment will be contingent on the applicant passing these tests. This includes existing employees currently in non-CDL positions who are applying for CDL positions.
2. Random testing will be conducted on a random unannounced basis. The number of annual drug tests shall equal 50% of the number of CDL required positions while the number of annual alcohol tests shall equal 25% of the CDL required positions. The Town of Chebeague Island has entered into an agreement with a third-party administrator (TPA) to randomly select the CDL employees for testing and then notify the Program Administrator of the person or persons chosen, who shall proceed to the test site immediately.
3. post-accident. Employees will be alcohol and drug tested in all accidents involving a fatality. The employee will also be tested if s/he receives a summons for a "moving traffic violation". Alcohol tests should be administered within two hours after the accident and shall be administered within eight hours of the accident. Drug tests shall be administered within 32 hours after the accident.
4. Reasonable Suspicion Testing. The Town will require drug and/or alcohol testing whenever it has reasonable suspicion to believe that a driver has engaged in conduct prohibited by Section 11 of this Policy, except possession of alcohol while on duty. Reasonable suspicion shall be based (with respect to alcohol) upon specific contemporaneous, articulable observations concerning the appearance, behavior,

speech or body odors of the driver and may include indications of the chronic use and withdrawal effects of drugs. The observations must be made by a supervisor or town official who has received training in the identification of alcohol misuse or drug use and, with respect to controlled substances, a written, signed record of the observations must be prepared by the observer within 24 hours of the observed behavior or before the results of the controlled substance test are available, whichever is earlier.

5. Return-to-work. An employee who has previously tested positive must submit to an alcohol test and/or drug test to return to duty. Alcohol test results must show an alcohol concentration of less than .02; a drug test must provide a verified negative.
6. Follow-up testing. An employee who previously tested positive and returns to work shall be subject to unannounced follow up alcohol and/or drug testing as specified by a substance abuse professional if the professional has determined that the driver needs assistance in resolving problems with alcohol misuse and/or drug use as per 49 CFR 382.605. The testing program shall consist of at least 6 tests during the first 12 months of the driver's return to work and shall not last for more than 60 months.

*Random alcohol testing must be conducted just before, during or just after a driver's performance of safety-sensitive duties. Random drug testing does not have to be conducted in immediate time proximity to performing safety-sensitive functions.

10. TESTING PROCEDURES

The Town of Chebeague Island is contracting with a third-party administrator (TPA) to conduct the Town's alcohol and drug testing. When an employee has been randomly selected, s/he will be notified by his/her appropriate supervisor and both will proceed directly to the testing area. All randomly selected individuals must comply with the testing.

Sampling for drug testing shall only be conducted in a medical facility supervised by a licensed physician or nurse. Employees and job applicants for CDL positions shall not be required to provide a urine sample while being observed, directly or indirectly, by another individual. People shall leave any personal belongings including any unnecessary clothing, coat, jacket, or similar outer garment outside the collection area.

All specimen samples shall be collected, sealed and stored in compliance with the National Institute on Drug Abuse (NIDA) guidelines as required by Federal Law, and transported to a licensed and certified laboratory for actual testing. Additionally, the chain of custody requirements for these samples shall also be in accordance with NIDA guidelines and Federal Law in order to protect the same from being tampered and to verify the identity of each sample and test result. When the sample is first collected, a portion of the sample shall be segregated according to federal regulations. In the event there is a positive test with the first sample, the segregated sample may be requested by the employee for testing within seventy-two (72) hours after the employee is notified by the MRO of the positive test to confirm the accuracy of the results. This request should be made to the MRO. If the employee is aware of a situation that may have led to the positive test, such as taking of prescription or other medicines, s/he should make the fact known to the MRO within the required time after notification of a positive test.

The Town shall utilize the services of a Medical Review Officer (MRO) to interpret any confirmed

positive test. An MRO is a licensed physician who is responsible for receiving the laboratory results. The MRO has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's medical history and any other medical information.

The MRO shall provide the employee an opportunity to discuss an employee's test result with the employee prior to notifying the Town. Once the employee has been notified and the MRO is satisfied with the accuracy of the test results, the Town shall be notified. The Town shall notify the employee of the positive result and which substances were positive.

All alcohol testing will be conducted with an Evidential Breath Testing Device (EBT), which will be administered by the same medical facility as the drug testing. Two (2) breath tests are required to determine if a person has an unacceptable alcohol concentration. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a negative test.

If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted within thirty (30) minutes. The employee and the individual conducting the breath test shall complete the alcohol testing form to ensure that the results are properly recorded. Any individual who conducts the testing must be trained to operate the EBT and be proficient in the breath testing procedures.

11. PROHIBITED CONDUCT

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

1. Report to work and/or remain on duty with an alcohol concentration of 0.04 or greater; 2. Possess any alcohol;
3. Use any alcohol;
4. Use any alcohol within four (4) hours before going on duty;
5. Use any alcohol within eight (8) hours after an accident which has required the CDL employee to be tested for alcohol concentration or until post-accident alcohol testing is completed, whichever occurs first.
6. Refuse to submit to a required alcohol and/or drug test;
7. Report to or remain on duty when using any drug, except when used under a physician's orders and the physician has informed the CDL employee in writing that the use will not affect the safe operation of a commercial vehicle. The employee shall report therapeutic drug use to his/her supervisor immediately;
8. Report to or remain on duty if the employee has tested positive for drugs.

Failure to comply with these rules is a violation of this policy and will result in disciplinary action and/or referral to a certified rehabilitation program.

12. REFUSAL TO TEST

Failure to submit to testing will automatically be considered a verified positive test and s/he will be subject to disciplinary action as outlined in this policy. Specifically, the following circumstances will be considered a refusal to test:

1. Failure to report to the designated testing area within thirty (30) minutes of being notified to submit to a required test.
2. Failure to accurately provide a sufficient sample to be tested, either breath or urine as the case may be, unless medically determined impossible to do so.

13. DISCIPLINARY ACTION

Any employee who violates this policy may be subject to disciplinary action up to and including dismissal. Factors to be considered in determining the appropriate disciplinary response includes, but are not limited to the following: employee's work history, length of employment, current job performance and existence of past disciplinary actions.

Specific actions which may be subject to dismissal include, but are not limited to the following:

1. Refusal to submit to a rehabilitation program after testing positive.
2. Failure to successfully complete a rehabilitation program after receiving a positive test.
3. The employee has substituted, adulterated, diluted or otherwise tampered with his/her urine sample.
4. While on Town premises, the employee was caught using, manufacturing, distributing, dispensing, selling or possessing any illegal or unlawfully obtained drugs.
5. The consumption of alcohol while on Town premises or operating a town owned vehicle. This includes a conviction for driving while intoxicated (OUI) during work hours.
6. Failure to contact the Town's approved substance abuse clinician (EAP Provider) within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the use of unauthorized drug or alcohol.

Any regular employee who tests positive the first time for either alcohol or drug misuse will be offered an opportunity to participate in a rehabilitation program. Except to the extent that rehabilitation costs are covered by an employee's group health insurance plan or otherwise provided by contract, the costs of rehabilitation shall be borne by the employee. The offer of rehabilitation does not apply to job

applicants, temporary or probationary employees.

Employees who test positive a second time for either alcohol or drugs will be suspended without pay immediately and terminated after test results are confirmed.

Employees who have an alcohol concentration of 0.02 or greater but less than 0.04 will be immediately removed from safety-sensitive functions and cannot return to those duties until their next shift but not less than 24 hours from the administration of the test. No other action will be taken on the basis of a test result showing concentration of less than 0.04 under this Policy; however, other municipal regulations or policies or a collective bargaining agreement may provide an independent basis for disciplinary action.

Employees who have violated this policy shall not be permitted to perform safety-sensitive functions, including driving a commercial motor vehicle, until the employee has passed a return-to-work test and followed any required rehabilitation program, including follow-up testing.

NOTE: During the period the Town is awaiting an employee's test result due to a post-accident or reasonable suspicion circumstance, the Town may transfer the employee to another position with no reduction in pay or benefits. The Town also reserves the right to place an employee on paid or unpaid suspension. A determination as to whether an employee is placed in another position or placed on paid or unpaid suspension may be based on variety of factors including, but not limited to, who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the employee's work history; length of employment; current job performance and the existence of past disciplinary actions.

14. EMPLOYEE/APPLICANT RIGHTS AND RESPONSIBILITIES

It is the responsibility of each employee to seek help before alcohol and drug problems lead to disciplinary action.

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples. An applicant may waive the right to privacy and provide the urine sample in the presence of a witness (of the same gender) and not be required to disrobe and wear a hospital gown.

Applicants shall be informed of the results of a pre-employment-controlled drug test if the applicant requests the results within 60 days after being notified of the decision on his/her application. In the event of a positive test result, employees and job applicants shall have the opportunity to present an alternative explanation for the test result by contacting the Medical Review Officer (MRO). This shall be done no later than five (5) days after notification of the result. No further action will be taken if there is a justified explanation, or if there is a reasonable doubt as to the accuracy of the result or chain of custody of the sample.

Any employee or job applicant with a positive test result may also, upon written request within five (5) working days, have the right to any information relating to the test result and procedures. Any first offense referral may require an indefinite suspension of regular employment or the transfer of the employee to a non-safety sensitive position with an appropriate reduction in pay. If the position is in a lower pay classification, then the employee will remain in his/her current step, but with a reduction in classification which would result in a reduced pay until the admission and completion of an approved

drug/alcohol treatment program and the satisfactory passing of a return-to-work drug test. A determination as to whether an employee is placed in another position or placed on unpaid suspension may be based on a variety of factors including, but not limited to, who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable; the level of the test result; the employee's work history; length of employment; current job performance and the existence of past disciplinary actions. The employee may use Family Medical Leave, accumulated sick or vacation time, or personal time during an in-patient rehabilitation. Upon successfully completing the rehabilitation program, as determined by the rehabilitation or treatment provider in consultation with the Town, the employee is entitled to return to his/her previous job with full pay and benefits. The exception would be if conditions unrelated to the employee's previous test make the employee's return impossible.

15. CONFIDENTIALITY OF INFORMATION

Unless the employee or applicant consents, all information acquired by the Town in the testing process is confidential to the extent permitted by State and Federal law and may not be released to any person other than the employee or applicant who is tested, the Program Administrator, Town Administrator or designees as well as the EAP or Rehabilitation Provider. The foregoing shall not prevent the release of information that is required or permitted by state or federal law, or the use of information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of the test results.

Positions Included for Testing

Public Works Department

General Foreman
Working Foreman
Garage Foreman
Heavy Equipment Operators
Light Equipment Operators
Truck Drivers
Landfill Equipment Operator
One Man Truck Operators
Light Equipment Operators
Mechanics

EMPLOYEE ACKNOWLEDGMENT

(Detach and Place in Employee's Personnel File)

I certify that I have received a copy of the Town of Chebeague Island Drug and Alcohol Policy, testing procedures, and other printed material explaining the effects of using alcohol and/or drugs.

Date (Employee's Signature)

Date (Supervisor's Signature)

APPENDIX C

TOWN OF CHEBEAGUE ISLAND E-MAIL AND ELECTRONIC COMMUNICATIONS POLICY

The Town of Chebeague Island has established the following policy that governs the use of electronic mail systems at the workplace, including the telephone communication systems. The Town reserves the right to amend these policies. An employee's use of the Town's telephone and E-mail systems constitutes the employee's agreement to abide by the Town's policies governing the Town's communication systems as set forth below, or as modified in the future.

Business use. All electronic and telephone communication systems are to be used primarily for business purposes, meaning that use of such equipment and systems must be job-related. Limited, occasional or incidental use of these systems for personal purposes is acceptable, if done in a professional manner that does not interfere with business use.

Business form. E-mail and voice mail messages must reflect the Town's image. They should be composed in a professional manner that is similar to messages sent on Town letterhead. Employees should keep in mind that electronic files are sometimes shared with unintended recipients, and every employee should use good judgment and discretion when preparing electronic records.

File management. In order to keep the electronic communication systems and computer systems running efficiently, employees should delete unnecessary electronic messages stored in the system, as well as computer files that are no longer needed. Employees should also run a virus check on attachments sent through E-mail before opening such files.

Company property. In addition to the system hardware and software, all electronic files and electronic messages are the property of the Town, whether composed, received or sent by the employee. E-mail messages and other electronic files, including any personal use of the system, constitute business records belonging to the Town.

Privacy and passwords. Because all messages are the property of the Town, employees should not expect that messages are private. In addition, employees should be aware that deleted files may be retrieved and read by the Town. The Town reserves the right to retrieve, monitor, or view any messages, files, or records in the Town system, and may disclose such messages for any purpose without notice to the employee and without seeking permission of the employee. Passwords must be disclosed to the appropriate Town officer upon request.

Solicitation prohibited. Employees may not use E-mail or voice mail systems to solicit for charitable or commercial ventures. Employees may not use the systems to proselytize for religious, political or other causes.

Proprietary information restrictions. Receiving or downloading, or sending or uploading of proprietary or confidential information is prohibited without prior authorization. Such information includes copyrighted materials, trade secrets, proprietary financial information or similar materials.

Anti-harassment policies applicable. Town policies prohibiting harassment are applicable to E-mail and voice mail systems. Messages that contain inappropriate or offensive language are prohibited.

Confidentiality. Employees are expected to respect the confidentiality of messages sent to others. Employees may not access or review E-mail or voice mail messages that are not distributed to them.

Internet postings. Employees must receive permission from their supervisor before posting messages to electronic bulletin boards, list servers or similar public posting forums on the Internet.

Internet use: Employees have access to the internet for business purposes. Any personal use must be occasional and not interfere with business use. Access to inappropriate websites (e.g., pornography) is prohibited.

Notice of violations. Employees who observe violations of these electronic communication policies shall notify the Town Administrator.

Discipline. Employees who violate this policy are subject to discipline, up to and including termination of employment.

Policy charges. The Town reserves the right to modify or change the policies set forth above to comply with applicable law, to meet changing circumstances or for any reason.

EMPLOYEE ACKNOWLEDGMENT

(Detach and Place in Employee's Personnel File)

As an employee of the Town of Chebeague Island, I acknowledge that I have read the Town E-mail and electronic communication policy and I agree to abide by the terms of that policy. I also acknowledge that the Town has reserved the right to change the policy and I agree that my continued use of the communication system constitutes my acceptance of any changes in policy. I understand that all messages, including any personal messages, may be retrieved and read by the Town.

EMPLOYEE SIGNATURE

DATE