

TOWN OF HAMPTON

PERSONNEL POLICY

**100 Winnacunnet Road
Hampton, NH 03842**

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Personnel Policies and Procedures

These regulations are set forth as the Town's official declaration of personnel policies, adopted by the Board of Selectmen as a resource for carrying out these responsibilities and directing all departments and personnel.

All personnel actions will be filed with the Human Resources Director for review to ensure that the action complies with State and Federal Laws and Regulations, Town Ordinances and Personnel regulations. Some examples of these actions are hiring, promotions, wage increases, discipline, and terminations. This preliminary approval or disapproval from the Human Resource Director should take place before they are submitted to the Town Manager for authorization to proceed with the action requested, whenever practical. All such submissions will be accompanied by a written explanation from the Department Head seeking the personnel action that shall explain the request in detail sufficient to justify the action requested.

Life in Hampton – A Secret Worth Sharing

INTRODUCTION

The Town of Hampton is committed to creating and supporting a staff devoted to providing the best services available with the best interests of the Town's residents as the priority.

The personnel policy is intended to be responsive to both the Town and employees' needs. As changes take place, new or revised policies will be issued to meet the changing needs. All such changes will be promulgated by the Board of Selectmen. The policies and procedures described herein are subject to change by the Board of Selectmen without prior notice to employees. The latest revision date supersedes all other policies, statements, or representations.

This personnel policy manual has been prepared to provide policies, procedures, and information concerning the Town of Hampton's policies for all employees but shall not apply in those areas that are found to conflict with collective bargaining agreements, individual employee contracts, or State and/or Federal statutes. Non-union positions are listed in Appendix 1. The contents of this policy are not to be construed as part of any employment agreement and do not alter any contracts or labor agreement provisions.

The Town of Hampton's employees are employees at-will. Employment at-will status enables both the Town of Hampton and the employee to terminate the employment relationship with or without cause or notice, at any time, for any lawful reason. Neither the policies contained in this manual, nor any other written or verbal communication by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

Chapter 1

ADMINISTRATION

A. Town Manager

It shall be the duty of the Town Manager to see that the policies and procedures set forth herein are carried out and updated. The Town Manager will participate in the development and implementation of these policies.

B. Department Heads

Department Heads are expected to supervise the employees and maintain proper working conditions and relations. Departmental policies and procedures shall be consistent with this policy.

Department Heads are expected to promulgate Department policies and procedures which shall include, but not be limited to standard operating procedures, detailed job descriptions, seniority lists and the responsibilities of each department member. Copies of all such Policies and Procedures, including updates and revisions, must be filed promptly with the Town Manager's Office.

C. Employment Practices

1. Equal Opportunity

The Town of Hampton is an equal opportunity employer. In accordance with anti-discrimination law, it is the purpose of this policy to effectuate those principles and mandates. The Town prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard to race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other status or characteristic protected by law. The Town conforms to the spirit as well as to the letter of all applicable laws and regulations.

2. Accommodations for Individuals with Disabilities

In accordance with the Americans with Disabilities Act of 1990 ("ADA") the Americans with Disabilities Amendments Act (ADAAA) and RSA 354-A, the Town of Hampton does not discriminate against applicants and individuals with disabilities or against an employee or applicant because of a known relationship or association with a person with a disability.

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

Please notify your Department Head or the HR Director if, because of a disability, you require an accommodation to perform the essential functions of your job. You may be asked to provide medical information regarding your disability and possible accommodations, and we expect that you will engage in an interactive process in good faith so that we may determine your eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with the ADA. The Town may decline to provide accommodations to individuals who are not qualified within the meaning of the law and may also decline to provide accommodations that are not reasonable or that cause an undue hardship or cause a direct threat to workplace safety.

3. Harassment

It is the policy of the Town of Hampton to treat all employees with dignity and respect. Harassment of employees on account of race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other status or characteristic protected by law will not be tolerated. All employees have the right to be free from racial or ethnic slurs, unwelcome sexual advances, or any other verbal or physical conduct which constitutes harassment. Such harassment of employees will not be permitted. All members of management and supervisory personnel have the explicit responsibility and duty to take immediate corrective action to prevent such harassment of employees. Any complaints or instances of such harassment must be reported immediately to the HR Director. The complete policy in this regard, along with complaint procedures, is contained in Appendix 2 of this policy.

4. Drug-Free Workplace

All Town of Hampton employees are subject to the provisions of the Drug-Free Workplace Act of 1988. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace. An employee who is convicted of any criminal drug statute for a violation occurring in the workplace shall notify their Department Head no later than five days after such conviction. In turn, the Department Head shall immediately notify the Town Manager who shall, within 10 calendar days of learning of such a conviction, give written notification to any federal agency from which the Town receives grant funds on whose grant activity the convicted employee was working.

See Appendix 6 for the Town's complete Drug & Alcohol Policy.

5. Workplace Violence Policy

It is the goal of the Town of Hampton to provide a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees shall review and understand all provisions of the Town's workplace violence policy. It is the Town of Hampton's policy that employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees, and is free from all forms of harassment and violence.

The entire Workplace Violence Policy can be found in Appendix 8

6. Cell Phones

Employees who are required to have a cell phone for the benefit of communications on behalf of the Town and in furtherance of their job responsibilities as authorized by the Department Head and Town Manager shall be provided with one. Generally, a cell phone will be provided if the job function of the employee requires considerable time outside of their assigned office or work area and it is important to the Town that they are accessible during those times.

However, this does not authorize non-exempt employees from utilizing a cell phone for Town business after regular business hours to the extent that it will create an overtime pay situation. Non-exempt employees are to be contacted via cell phone only for a bona-fide emergency and/or urgent Town-related business that cannot wait until the next business day.

Under no circumstance shall an employee use a device while operating a motor vehicle or equipment while on Town related business.

Employees should be aware that communications related to Town business are subject to RSA 91-A (New Hampshire Right to Know law). Requests for Town records may include disclosure of telephone records, including but not limited to call logs, email or voice messages, and texts. It is anticipated that by providing a Town work phone, personal phones will not be used to conduct Town business. An employee's use of their personal phone to conduct Town business may subject the records on a personal phone to review or disclosure if required to comply with RSA 91-A.

The complete Cell Phone Policy can be found in Appendix 9

7. Personal Dress

The Town requires employees to maintain a neat and clean appearance that is appropriate for the workplace setting and for the work being performed. To that end, Department Heads may determine and enforce guidelines for workplace-appropriate attire and grooming for their areas; guidelines may limit natural or artificial scents that could be distracting or annoying to others.

Certain employees may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms or protective clothing, depending on the nature of their job. Uniforms and protective clothing may be required for certain positions and will be provided to employees by the Town.

Exceptions to the personal dress policy may be made for inclement weather. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, frayed, or disheveled clothing or athletic wear. Likewise, revealing or otherwise workplace-inappropriate dress is not permitted.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law.

8. Smoking Policy

The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, we have declared a no smoking/vaping/dip policy within our buildings and in Town vehicles. Smoking/Vaping is only allowed in the designated smoking/Vaping areas. Smoking is defined as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind." Vaping refers to the use of electronic nicotine delivery systems or electronic smoking devices such as e-cigarettes, e-pipes, e-hookahs, and e-cigars. Dip is smokeless tobacco that isn't burned or inhaled by the user. It's also known as chewing tobacco, chew, dipping tobacco, oral tobacco, spit, spitting tobacco, and snuff. If you have a concern or complaint with respect to any employee, visitor, or vendor violating this policy, please report such concern or complaint to your Department Head or the HR Director.

If an employee fails to comply with these rules, the employee will be subject to disciplinary action, up to and including termination.

9. Blogging and Social Media Sites

With the advent of social media websites including blogs, social networks, virtual worlds, wikis, and other forms of social media, employees are reminded that all Town policies apply to an employee's work-related use of those items, as applicable.

If your job does not involve the use of blogs or social media on behalf of the Town, blogging or use of social media sites is prohibited during working time.

If your job with the Town involves the use of blogs or social media on behalf of the Town, postings and communications through or using those sites must only be undertaken with the approval of your supervisor. Carefully consider each posting or communication before proposing it to your supervisor or, if you are the supervisor, approving it. Other general rules for the posting or communicating of information on social media sites follow on behalf of the Town:

1. Photographs and other visual material are allowed with the permission of the individual providing the visual material and approval of the Town Manager.
2. All content must be reviewed and approved by your department head or supervisor before posting. Should there be any question at the department head or supervisor level, the Town Manager retains the authority to grant final approval of content.
3. Content must not breach confidentiality, privacy, or legal guidelines.

Regardless of whether you are posting as part of your job duties or personally outside of work, all Town employees are prohibited from disclosing information deemed confidential under RSA 91-A, the Health Insurance Portability and Accountability Act of 1996 (HIPAA), the Family

Educational Rights and Privacy Act (FERPA), or any other confidential or privileged records or communications as defined by RSA 98-E:3.

D. Administrative Procedures

1. Personnel Records

The Town of Hampton maintains certain records containing job-related information on all employees to ensure compliance with state and federal law and to keep a record of your progress as an employee. Your personnel file is our record of information relative to your employment. You may inspect your own personnel file during regular office hours, upon reasonable request. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement or if the information requested is related to a government security investigation. File inspection must be done on your own time and must be arranged through the HR Director. You may read your personnel file, but you may not remove any portion of the file. Upon request, you will be provided with a copy of all or part of your personnel file.

If upon inspection of your personnel file, you disagree with any of the information contained in such file and you and the HR Director cannot agree upon removal or correction of such information, you may submit a written statement explaining your version of the information together with evidence supporting such version. The Town will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Please notify the Finance Department as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

2. Expense Reimbursement

Other than local travel that does not involve an overnight stay or expenses other than mileage, requests for reimbursement require approval of the Department Head and Town Manager prior to incurring the expense. Reimbursable expenses are not to include social activities that are not an integral aspect of the training curricula or those which are paid for separately and as an adjunct to training or work-related programs.

a. Travel: Travel by personal vehicle will be reimbursed at the current U.S. Internal Revenue Service rate per mile, round trip, by the most direct route, portal to portal. Travel by air will be authorized when appropriate. Payment will be made directly to the agency handling the travel or to the employee as a reimbursement. Travel will be by the most efficient method of travel unless otherwise authorized by the Town Manager.

b. Lodging: Receipts must be presented to verify rates, duration of stay and other charges. It is expected that all Town employees will exercise prudent judgment in choosing lodging and room rates.

c. Meals: Reimbursement for meals away from Town, when on over-night Town business, or if previously approved, will be reimbursed upon submittal of itemized receipts, not to exceed the posted per diem allowance listed on the US General Services Administration website for the area you are traveling to. Alcoholic beverages are not reimbursable. Exceptions to the above may be authorized by the Town Manager.

d. Training: Other than training that is provided at no cost, requests to attend training, seminars, conferences, etc. must be approved in advance by the Department Head.

E. Hiring

1. Appointments

No appointments by Department Heads or Deputies shall be effective until approved by the Town Manager or their designee.

2. Recruitment

It is the policy of the Town of Hampton to meet its workforce needs through systematic recruitment, selection and career support programs that identify, attract, and select from the most qualified applicants for Town employment. The employment of individuals for Town positions shall be carried out with forethought for the balance of skills needed to sustain growth and assure future leadership. The Town shall endeavor to foster internal advancement opportunities for current employees whenever possible.

When a position is to be filled, a search for the best qualified candidate shall be conducted. The character of the search will vary from position to position, but may include direct recruitment, advertising, open competitive examination, contact with the State and other employment offices, and contact with special sources of information. In each case it shall be the responsibility of the Department Head and HR Director to seek out the most desirable employee for the Town. Employment shall be offered based upon the job-related qualifications and interviews of applicants for employment using fair and valid selection criteria and not on political affiliation or political influence.

Preference shall be given to citizens of the state who have served in the armed forces of the United States not less than 90 days on active service in the armed forces of the United States and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service, if equally qualified for said employment. Veterans, in order to be entitled to preference under this provision, shall furnish proof of such entitlement to the HR Director when applying for employment. This preference is extended to include any un-remarried widow as described in N.H. RSA 283:5.

3. Vacancy Announcements

Vacant positions to be filled may be described in an announcement which includes the position title, salary range, essential duties, job description, minimum application qualifications, and closing date of applications.

4. Advertising

Department Heads shall submit recommended advertising and media contact information to the HR Director, who may advertise vacancies in the appropriate media. All open positions may be posted on the Town web site for a minimum of one week prior to closing the acceptance of applications. Positions that are advertised shall also be posted by the HR Director on employee bulletin boards, or as required by the Collective Bargaining Agreements, and the public bulletin board at the Town Office for a minimum of five working days. Applications for advertised positions shall be received at least one week after the date of any advertisement.

5. Career Advancement

Current employees can apply for positions for which they are qualified. Employees wishing to be considered should make an application for the position as required in the posting. Filling positions will be by selection from among the qualified candidates based on capacity for the position, experience, ability to perform job tasks and other criteria appropriate for the position to be filled.

6. Temporary/Seasonal Positions

Temporary/seasonal employees are persons hired for a specific purpose during a specified period to perform the duties in the appropriate job description. Temporary/seasonal positions are intended to be short in duration to fill seasonal, unforeseen, or extraordinary needs and shall include a start date and end date, typically not to exceed six months. Department Heads may request extensions to temporary positions no later than thirty (30) days prior to expiration from the Town Manager. Temporary/seasonal employees are covered by liability and workers compensation insurance but are not eligible for other benefits. All temporary/seasonal employees are considered employees "at-will" and may be terminated with or without cause.

7. Layoffs

When it is necessary to reduce the number of employees because of lack of work or funds, layoffs will be made within each Department by classification on the basis of job performance, ratings, and merit records. Decisions concerning which employees will be laid off will be made by the Department Head and the Town Manager. Employees laid off through no fault of their own will be first to be considered for re-employment based on seniority within each department by classification.

F. Employment of Relatives

The Town of Hampton has established this provision to assure reliability, accountability, fairness in fact and appearance, and to avoid conflicts of interest.

An employee who is related to, or involved in a personal relationship with, another employee may not work directly for or supervise said employee. A personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. The Town Manager may waive this restriction on a case-by-case basis if it is deemed to be in the best interests of the Town to do so.

The Town Manager reserves the right to take prompt action if a conflict of interest arises concerning individuals who occupy positions at any level (higher or lower) in the same line of authority that may affect employment decisions. Supervisors are prohibited from dating subordinates and may be disciplined for such actions, up to and including termination.

When a conflict arises because of a personal relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. If such a personal relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the Department Head or the HR Director.

Chapter 2

CONDITIONS OF EMPLOYMENT

A. Introductory Period

All duly authorized appointments are made for an introductory period of one year. During such time, the employee's performance will be subject to close review and evaluation to determine their competence to perform the assignments of the position. Regular status will be given to any employee who satisfactorily completes the introductory period. All employees are considered employees at-will and may be terminated with or without cause, at any time, for any lawful reason.

B. Performance Appraisals

Performance appraisals are periodic evaluations of an employee's job performance against a set of expectations and goals that can influence salaries, promotions, and transfers. The performance appraisal process provides a means for discussing, planning, and reviewing the performance of each employee. Supervisors should set goals and performance standards with each of their employees, and check-in regularly to provide feedback and solicit the employee's opinion of their own performance and job satisfaction. Goals should be:

- Specific, clear, and understandable.
- Measurable, verifiable and results oriented.
- Attainable, yet sufficiently challenging.
- Relevant to the mission of the department.
- Time-bound with a schedule and specific milestones.

Employees who are regularly falling short of meeting performance expectations may necessitate the beginning of a progressive discipline process regarding their performance level. Any performance issues should be discussed with the employee as they arise and be documented in a timely fashion.

C. Work Hours

The minimum workweek for all full-time employees may vary according to the department in which they are employed but shall be no less than forty (40) hours. All work schedules shall meet the approval of the Town Manager, with the intent to provide the services necessary to meet the needs of the residents of Hampton. As the need arises Department Heads may schedule workdays and hours that differ from the standard established and are responsible for scheduling work hours that will provide the maximum coverage of the department during the workday. At the same time, the needs of the employee should be given consideration. Flexibility of the hours worked will be at the discretion of the Department Head. Employees may receive disciplinary action for abuse of the work schedule.

1. Attendance: Employees are expected to be in regular attendance at work during the designated hours as scheduled by the Department Head or in accordance with department regulations. **Employees shall conform to their regular work schedule unless their Department Head has specifically authorized additional hours of work.** This means that employees should not arrive at work earlier than scheduled, work through any portion of their regularly scheduled meal break or stay at work later than scheduled without the prior authorization of their Department Head.

- a. Employees must account for any absences during their regular workday by using the appropriate leave time, as approved by their Department Head. An employee who fails to report to work for three consecutive workdays without proper notice shall be considered to have quit voluntarily.
- b. Employees who are absent or late for work must contact their immediate supervisor as soon as reasonably possible. An employee who fails to call in on the day of an absence or does not have a valid reason for calling in late, may be subject to discipline. If absent from work for more than one day, an employee is required to call in for each subsequent absence, unless they have submitted a doctor's note in advance.
- c. Excessive absenteeism and/or tardiness may result in disciplinary action, up to and including termination.

2. Time Sheets: All non-exempt Town employees are required to complete a time sheet of the hours worked each week, as well as to record any time off. Time sheets may be in electronic form.

a. Pursuant to NH RSA 279:27 and RSA 275:49:

- All entries that are altered on an employee's time sheet/card must be legible and are required to be initialed by the employee.
- Each employee must record the actual time work began and ended, including any meal periods. It is not sufficient to simply indicate the total number of hours worked each day.

3. Administration of Overtime: A Department Head may assign overtime work to meet operational requirements. Such overtime work shall be reported on payroll records and justified by the Department Head if required by the Town Manager.

Town employees not exempted from the provisions of the Federal Fair Labor Standards Act shall be paid 1 ½ times their regular hourly rate for hours worked beyond forty (40) hours in a workweek. Exempt employees are not paid for overtime.

All paid hours are included when calculating overtime.

D. Resignations

Employees resigning from a position should provide a minimum of two weeks' notice of their intentions for the Town to make proper provisions for filling the position. Department Heads are requested to provide a minimum of four weeks' notice of an impending resignation/retirement. Employees must return all Town property including keys and cell phones on their last day of employment.

All employees who terminate their employment will be asked to participate in an exit interview with the HR Director. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback on ways in which the Town can improve operations and retention of employees.

E. Disciplinary Process

It is the policy of the Town of Hampton to exercise fair discipline to ensure the development of its employees and/or to correct inappropriate behavior or work habits. All employees are employees at will.

From time to time, it may be necessary for the Town to invoke disciplinary action in instances of inappropriate conduct or conduct which interferes with or threatens to obstruct the effective and efficient performance of job duties and acceptable relations with the public. Although it would be impossible to forecast and list all those situations in which disciplinary action may be imposed, the following is an illustrative and not inclusive list of examples:

1. Types of Infractions

- a) Conviction of a crime under any statute, law, or ordinance.
- b) Disobedience or violation of any Town or department regulation, rule, order, instruction, or memorandum.
- c) Violation of the Town's harassment policy.
- d) Insubordination.
- e) Disobedience of a lawful order.
- f) Neglect of duty.
- g) Incompetence.
- h) Inefficiency.
- i) Arrogance, oppression, or tyranny in discharge of duty.
- j) Unnecessary violence or indignity to a citizen.
- k) Indecent, profane, or unnecessary harsh language.
- l) Evidence of possession or consumption of alcohol or drugs while on duty or when reporting for duty.
- m) Conduct prejudicial to the public peace or welfare.
- n) Conduct tending to cause ill repute on the Town.
- o) Conflict of interest or failure to disclose a conflict of interest.

- p) Failure to be at appointed workplace and ready to work at the expected starting time.
- q) Abuse of the work and leave schedule.
- r) Failure to report for overtime work without just cause after being scheduled for same.
- s) Falsifying any Town record, application for employment, or report.
- t) Threatening, intimidating, or interfering with any fellow employee on Town premises or during working hours.
- u) Unauthorized use of public property.
- v) Engaging in physical combat or dangerous horse play.
- w) Disregard of safety rules and/or specific instructions.
- x) Any act or omission that jeopardizes the work of the Town.
- y) Violation of computer usage policy.

2. Types of Discipline

The specific types of discipline listed here are illustrative. The nature and sequence of the discipline will depend on the type and severity of the infraction.

- a. Counseling and Training – This disciplinary action is generally taken when an employee has difficulty adjusting to the work environment or job requirements. A written memo documenting the need for counseling or training and what counseling or training was given may be made and may be removed from the employee’s personnel file after one year.
- b. Oral Warning - This disciplinary action is given verbally to any employee by a supervisor. This action is generally taken to correct an error or the potential for error or infraction. A written notice documenting such action should be created and may be removed from the employee’s personnel file after one year if no other disciplinary action has been imposed.
- c. Written Reprimand – This disciplinary action is a written notice of error. The notice may contain a directive to correct the deficiency and a deadline for corrective action, if appropriate. Depending on the nature and severity of the infraction, the notice may contain a provision for purging the record after no less than one year if no other disciplinary action is imposed during said period.
- d. Demotion – Department Heads, with the approval of the Town Manager, may reduce an employee to the next or lower rank in the employee classification plan for just cause. If the employee is moved to a lower paying position as a result of a demotion, the pay for the employee shall be reduced to the lower classification at the step which is consistent with the length of service for the employee involved.
- e. Suspension – Suspension may be invoked without pay for any of the infractions set forth in this personnel policy. Suspension action shall be documented by a detailed report, and a due process hearing will be granted if requested by the employee. Such due process hearing shall be conducted by the Department Head.

F. Authority to Relieve from Duty

Department supervisors may relieve an employee from duty for the balance of the workday, when in the supervisor's judgment there is sufficient cause to do so. Such relief is for an act or omission which jeopardizes the work, is a gross violation of the rules and procedures of the department or violates special or general orders. Such relief shall be of a temporary nature, pending the report of the incident to the Department Head. Whenever such authority is exercised, notification of such relief shall be made to the Department Head or their designee as soon as practicable. In the absence of the Department Head, the report shall be forwarded immediately to the HR Director, who will advise the Town Manager. The Department Head may then determine if further action is necessary.

G. Authority to Suspend

1. Department Heads may relieve from duty and/or suspend an employee for a period of not more than seven work (7) days for any violation of department or Town rules, regulations, procedures, or ordinances. The HR Director shall be notified as soon as practical.
2. The Town Manager or the Board of Selectmen, whichever is appropriate in accordance with the Organizational Chart, may suspend an employee with or without pay for a period not to exceed thirty (30) calendar days in any twelve (12) month period for violation of any law, rule, or regulation, including but not limited to Federal, State, or local laws or rules, and the provisions of this policy.
3. Notification of such suspension action taken shall be in writing and a copy shall be placed in the employee's personnel file. The employee's personal copy shall be sent certified mail to the last known address of the employee, if it is not hand delivered.

H. Dismissal

A Department Head shall send their recommendation for dismissal, and the reasons therefore, to the Town Manager in writing, with a copy to the employee.

The Town Manager may dismiss an employee as warranted and appropriate.

Chapter 3

A. Compensation

The Town's pay period is a weekly pay period that runs from Monday through Sunday each week. An accurate and signed time sheet must be submitted to the Finance Department by Tuesday at 9:00 a.m. for all non-exempt employees. Paychecks are distributed either directly to employees or to their department, who will then route it to the employee. Direct deposit is also available. Please contact the Finance Department if there is a problem with your paycheck.

Non-union employee annual merit/COLA raises will have the effective date of April 1st in each year, to assure budgetary and payroll consistency. No retroactive raises will be allowed without the specific consent of the Town Manager. The Town Manager shall approve all compensation, consistent with NH RSA 37:6.

To assure public transparency, any non-budgeted expenditures, including non-budgeted employee wage increases, and other contractual commitments that carry forward to future years impacting the Default Budget, shall be brought to the Board of Selectmen by the Town Manager for review and approval in a public meeting, prior to implementation. The Town Manager will alert the Board of Selectmen to commitments that fall under the authority of another appointed or elected body or official, in order to provide the Selectmen and the public with advance notification as the Selectmen will be asked to incorporate the associated spending increases into the Default Budget. (adopted by Board of Selectmen February 24, 2014)

B. Payroll Deductions

There are two categories of payroll deductions, those required by state or federal law and those authorized by the employee. Payroll deductions required by state and federal law include federal withholding, income tax, social security tax, and wage garnishments as required by law (i.e. child support payments, court-ordered payments, IRS garnishments.) If authorized by an eligible employee, the Town of Hampton will also make payroll deductions for health insurance, savings plans, and voluntary contributions to a retirement plan. These deductions will be itemized on your check stub.

Under New Hampshire law, the Town may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except, with appropriate authorization for such things as: union dues; health, welfare pension, and apprenticeship fund contributions; medical, surgical, hospital and other group insurance benefits without financial advantage to the employer; voluntary contributions to charities; etc. The full list can be found in NH RSA 275:58.

C. Payroll Deductions for Exempt Employees

The Town complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, exempt employees receive a predetermined salary which is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by the Town or due to the operating requirements of the Town. The Town recognizes that under federal and state law there are only limited times when a salaried employee's salary can be subject to deductions.

The Town prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Exempt employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities change, and at other appropriate times. Exempt employees should also note that it is permissible for the Town to apply annual leave, personal leave, and other forms of paid time off to half or full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

D. Questions Regarding Paychecks and Deductions

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Department as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the HR Director.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. The Town will not tolerate retaliation against employees who have expressed concerns using this procedure.

E. Breaks and Meal Periods

Generally, all Town of Hampton employees will be provided with a thirty (30) minute meal period/break after five consecutive hours of working, unless it is feasible to eat while working and the employee and their supervisor have agreed to do so. Fire protection and law enforcement personnel will receive meal breaks as established by their respective Departments. One or two paid break periods of fifteen (15) minutes will be granted during the workday, if possible, but these breaks are not guaranteed.

Break Time for Nursing Mothers: Non-exempt employees will be provided with a reasonable break time for the employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk. A private area will be provided. Employees may utilize their two, 15-minute breaks for this purpose.

F. Holidays

All full-time employees (regular or introductory) shall be entitled to the following paid holidays:

New Year's Day	Columbus Day
Presidents' Day	Veterans Day
Martin Luther King Day	Thanksgiving
Memorial Day	Friday after Thanksgiving
Independence Day	Christmas
Labor Day	

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

To be eligible for holiday pay, the employee must work on the scheduled workday before and after the holiday, unless on approved leave. New employees will be eligible for holiday pay immediately upon hire. Non-exempt employees who are required to work on a holiday will receive 1.5 times their regular hourly rate for the hours worked on the holiday, in addition to their holiday pay.

Full time regular or introductory employees shall receive two non-cumulative Personal Days that shall lapse if not used during that calendar year. Personal Days are to be used as full workdays only for exempt employees. Non-exempt employees may use them in quarter-hour increments. There is no pay for unused personal days upon termination, resignation, or retirement.

Part-time employees shall receive their regular rate of pay for their regular number of hours for any holiday that falls on a day for which they are normally scheduled to work.

G. Annual Leave

All regular or introductory full-time, non-union employees will be granted annual leave based on length of service as detailed below. Annual leave may be used for any purpose and replaces traditional sick leave and vacation leave. Part-time employees who work a minimum of 20 hours per week shall receive annual leave on a prorated basis, based on their regularly scheduled hours. Temporary and seasonal employees shall not be eligible for annual leave.

Note: Any non-union employee that has a workweek that is less than 20 hours and is earning leave as of January 9, 2023, will continue to accrue pro-rated leave.

1. Leave Accrual

Leave time is accrued monthly, credited on the first of each month, and may not be used until accrued. Emergency exceptions may only be granted with the prior written approval of the Town Manager or his designee.

Employees hired on or before the 15th of the month will receive credit for their initial month. Employees hired after the 15th of the month will not be credited with annual leave for that initial month.

Full-time, Non-union employees classified as 40 hours per week

<u>Years of Employment</u>	<u>Monthly Accrual</u> <u>Hours</u>	<u>Total Annual</u> <u>Hours</u>
Start to the completion of five years	14.66	176
Six to the completion of ten years	18.00	216
Eleven to the completion of fifteen years	21.32	256
Sixteen to the completion of eighteen years	24.65	296
Nineteen to the completion of twenty years	26.32	316
Twenty-one years to the completion of twenty-five	28.00	336

Department Heads will accrue an additional 3.33 hours per month.

Any non-union part-time employee with a minimum 20-hour work week will continue to receive pro-rated leave time.

2. Leave Use

- a. A standard leave request form must be completed and approved by your supervisor, and in the case of Department Heads, by the Town Manager, for any leave taken in advance of the requested time. Specific departmental policies may be established to set notice requirements. Supervisors should approve leave in such a manner as to have adequate coverage available for their department. In the case of leave used for illness, family medical leave, care for a family member, or other unanticipated need, a leave form must be submitted with the payroll of that current week.
- b. Exempt employees are not required to use leave for absences of less than four hours; however, they are expected to work the hours necessary to perform their job, which may include working outside of normal working hours and/or working more than 40 hours per week. Non-exempt employees may use leave in quarter-hour increments.
- c. Employees shall notify their Department Head at the start of the work period if they are not reporting to work due to illness. The Department Head shall check on the employee after the third day of illness and may require the employee to present a doctor’s note upon return to work. Non-exempt employees should note the hours missed due to illness on their timesheet; all employees must submit a leave slip for hours taken due to illness.
- d. Annual Leave shall accrue from year to year but in no event shall accrual exceed 1,500 hours on December 31st of any year for employees hired before August 8, 2011, or 500 hours for employees hired after August 8, 2011. The Town of Hampton recognizes the importance of annual leave, while at the same time recognizes the difficulty of those in management positions to utilize earned leave. In that regard, employees shall be allowed

to sell back to the Town unused leave hours, provided they have used a minimum of ten (10) workdays of leave during that calendar year. If an employee desiring to sell back annual time has not used the required leave during the year, they shall not be allowed to sell back any of their annual leave accrual.

- e. Upon voluntary resignation (but not in the event of involuntary termination) the Town will pay employees for unused, accrued leave as follows:

Start to completion of 3 years of employment 25%
Start of year 4 through completion of 5 years of employment 50%
Anything over 5 years of employment 100%

To be eligible for this leave payout, employees must provide a minimum of two weeks' notice.

3. Leave Sell-Back

Employees covered by this agreement can sell back to the Town unused annual leave on an annual basis, according to the following:

- a. An Employee shall have a balance greater than 240 hours as of September 1st of each year. After accumulation of two hundred forty (240) hours, the employee can, at the employee's option, sell back to the Town any unused annual hours over the minimum balance, accumulated during that year up to a maximum of 500 per year.
- b. Employees wishing to take advantage of the sell back program must declare their intentions to sell back time. The total number of hours available to be sold back shall be indicated to each employee in writing by September 15th of each year by the Finance Department. By October 1st of that year the employee shall notify the Finance Department through the completion of the election distribution form the number of hours they wish to sell back. Each employee must state the number of hours they are selling back and list in writing which distribution option is being selected. Each employee shall have seven (7) calendar days to revise an election form that may be returned by the Finance Department due to an error. The Town shall buy back time at the employee's rate of pay as of January 1st.
- c. The value of the hours sold back to the Town can be used in any of the following combinations:
 - i. Purchase the employee's annual contributions to Health Insurance, Dental Insurance, Short-Term, Long-Term Disability Insurance
 - ii. Make contributions to the employee's Individual Retirement Plan that are available through payroll deduction. If an employee has borrowed money from their individual 457 retirement plan to purchase a primary residence, sold back hours can be used to repay this loan.
 - iii. The employee will be allowed to convert hours into a cash payment, which would be a taxable event for the employee withdrawing the funds.

- d. In the case of employees who have reached their Annual Leave cap, if no response is made by October 1st, then the hours over the employee's cap shall be deemed to have lapsed as of December 31st and the employee's annual leave balance shall revert to their cap amount.

H. Workers' Compensation Benefits

1. Employees with an injury arising within the scope of their employment with the Town of Hampton are eligible for Workers' Compensation benefits. The Town will make up the difference between the weekly disability benefits received by such employee under Workers' Compensation and the employee's base salary with the Town, for up to one (1) year from the date of injury or illness, subject to the following condition: the employee shall return to work when medically approved or when required by the Department of Labor.
2. The Town will pay the employee his or her regular wages by utilizing accrued annual leave until such time as the employee receives his or her first insurance check concerning such disability. An employee who does not have enough time accrued to cover the period of disability will be allowed to accrue a negative leave balance until a determination is made on their claim. The employee shall reimburse the Town for the weekly Workers' Compensation benefits paid for the period the employee received full wages from the Town of Hampton. Payments by the Town for a claim ultimately found not to be eligible for Workers' Compensation benefits shall be repaid by the employee in cash or unused leave.
3. Employees are responsible for immediately reporting all accidents, illness, or injuries occurring during employment, regardless of how minor, to their supervisor. The employee or their supervisor must complete a First Report of Injury form, which shall be forwarded to the Payroll Supervisor, who will then be responsible for filing the required insurance reports.
4. A Workers' Compensation claim which results in lost time must be supported by a doctor's statement outlining the nature of the disability, prognosis for recovery and probable length of disability. The Town reserves the right to get a second opinion, if deemed appropriate by the Human Resource Director. Prior to returning to work, the employee shall provide a doctor's statement clearing the employee to return to their regular duties.
5. Employees who are out of work due to a work-related injury, which is compensable as set forth above, may not engage in any outside work without reporting it to the Human Resource Director and the insurance carrier.
6. If the employee is also eligible for Family Medical Leave Act leave ("FMLA"), the terms and conditions under that policy will also apply if the employee is unable to report to work due to a work-related injury or illness. See Appendix 3 for the full FMLA policy.

7. If an employee is unable to work for more than one (1) year and has exhausted FMLA and all their annual leave, their medical and dental benefits will be terminated. If they are eligible to receive coverage through The Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”), they will be notified of such by the Town's insurance provider and will be responsible for paying the full cost.

I. Leaves of Absence

1. Bereavement Leave

Special leave up to three (3) working days with pay shall be granted an employee in the event of the death of an immediate family member, other close relative, or a significant other domiciled in the employee's household.

Two (2) additional days with pay may be granted with the written approval of the Town Manager. Should additional time be needed, and approval is granted by the supervisor, the employee may utilize accrued leave for that purpose. Granting or denying such additional bereavement leave shall not be subject to the grievance procedure.

2. Maternity Leave (NH RSA 354-A:7, VI)

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when she is medically able to return to work. Employees will be required to take FMLA leave, if they are eligible for such leave, concurrently with maternity leave, as described in our FMLA policy.

Employees must use their accrued leave/personal time before taking unpaid leave under this policy. An employee out on maternity leave does not accrue additional leave time while out on un-paid leave.

Employees on maternity leave who are not eligible for FMLA leave or who have exhausted their FMLA available leave will be allowed to continue to participate in our health insurance benefits for the calendar month during which the leave begins. When that calendar month expires, the employee may continue medical insurance coverage by making arrangements with the Finance Department to pay the entire amount of the appropriate monthly premium in advance each month.

When the employee is physically able to return to work, her original job or an equivalent position will be made available to her unless business necessity makes this impossible or unreasonable. An employee who cannot be returned to her original or an equivalent position will remain eligible to apply for any available position within the Town.

3. Military Leave

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as “uniformed services”) will be provided with leaves of absence

for such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

Uniformed service absences include:

- Active duty
- Active duty for training
- Active duty for special work
- Weekend or weekday drill
- Funeral honors
- Fitness for duty or other required examination

The Town will pay the difference between an employee’s military pay and their regular base wages for up to one year of total military service. If the military service is for more than 30 consecutive days; the employee must provide the Finance Department with a copy of their military orders within thirty (30) days of their date of deployment in order to be paid, unless otherwise required by law. You may elect to use some or all your accrued annual leave during an unpaid military leave of absence, but you are not required to do so. No leave is accrued while an employee is on unpaid status.

Notice of Leave Request: An employee needing time away from work for service or training in the uniformed services should make their Department Head and the HR Director aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins when it is at all possible to do so.

An employee’s request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time-off will be decided by the Department Head, or the Town Manager based on a case-by-case basis.

Health Coverage: If a military leave lasts less than 31 days, the employee’s health insurance will be continued, and the employee will pay their regular contribution for the cost of health insurance. Payment for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions.

If a military leave lasts 31 days or more, then the employee’s health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage at his or her own expense for up to 24 months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a 2% administrative fee may also be charged.

When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

Pension: Upon reemployment the employee is treated as if there was no break in service for participating, vesting, and accrual purposes. If applicable, the employee may elect to make up any missed contributions or elective deferrals but is not required to do so.

Reinstatement: Employees wishing to be reinstated following military leave should promptly notify their Department Head and the HR Director of their desire to be reinstated. If the leave is for service of less than 31 days, then the employee should return to work on the first full regularly

scheduled workday following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify their Department Head or the HR Director of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify their Department Head or the HR Director of the desire for reinstatement within 90 days of completing service.

The Town of Hampton will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying.

Employees cannot waive their reemployment rights in advance of being released from uniformed service.

Disabled Service Members: If a returning employee was disabled or a disability was aggravated during uniformed service, the Town will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

Statement Against Discrimination and Retaliation: The Town will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. The Town also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

4. Leave of Absence for Victims of Crime

Pursuant to NH RSA 275:61- 65, the Town of Hampton will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim.

An employee is eligible for a leave of absence if the employee:

- is a crime victim; or
- is an immediate family member of a homicide victim; or
- is an immediate family member of a child under the age of eighteen (18) years old who is a crime victim; or
- is an immediate family member of an incompetent adult who is a crime victim.

“Victim” is defined as “any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or the attempted commission of a crime.” “Immediate family” includes the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim and “any person involved in an intimate relationship and residing in the same household with the victim.”

An employee needing time off under this policy should notify their Department Head or the Human Resource Director as far in advance as possible. Before an employee may leave work under this policy, he or she shall provide the HR Director with a copy of the notice of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency responsible for providing notice to the employee. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town will maintain any such notices or records in confidence and will disclose them only on a need-to-know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence causes an undue hardship on the Town. An “undue hardship” for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee’s position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused annual leave, or personal days.

The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

5. Authorized Leave

Leave Without Pay - Town employees may, with the approval of the Town Manager, be granted a temporary leave of absence without compensation for a valid reason. When unpaid personal leave is granted, annual leave benefits do not accrue. Such leave shall not adversely affect the employee’s continuous service. Such leave will be considered only if the employee has exhausted all paid, accrued leave and/or FMLA. Employees on such leave are required to pay the full amount of any medical benefits

Administrative Leave – The Town Manager may place an employee on administrative suspension for an extended period, with pay, when determined to be in the best interest of the Town.

Jury Duty - The Town considers jury service to be one of the most important civic duties you can perform. In recognition of this and NH RSA 500-A:14, an employee shall be excused from employment for the day or days required in serving as a juror or witness in any court of the United States or the employee’s state of residence. Employees summoned for jury duty or subpoenaed as a witness will be paid the difference between their base rate of pay and the pay provided by the government for jury or witness service. For temporary employees, jury or witness duty will be considered an excused unpaid absence.

Family Medical Leave Act (FMLA) The Town of Hampton is subject to the Family and Medical Leave Act of 1993, as amended, by providing up to twelve (12) workweeks of unpaid leave in a twelve (12) month period with the guarantee of the same or an equivalent job upon return to work. Eligible employees may take such leave to care for a newborn or newly adopted child, for the employee’s own serious health condition, or to care for an immediate family member who has a

serious health condition, or for any qualifying exigency arising out of the fact that an immediate family member is a military member on covered active duty or called to active-duty status. An eligible employee may also take up to 26 workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness who is a member of their immediate family. To be eligible, the employee must be employed for twelve (12) months prior to the need for such leave and have provided at least 1,250 hours of service during the twelve months prior to the leave requested. Family Medical Leave should be requested in writing and approved in advance. The Town will pay its portion of the employee's medical benefits while on an approved FMLA leave and the employee is responsible for providing their percentage in lieu of the payroll withdrawal prior to the due date of the premium.

The Town may also place an employee on FMLA leave for a qualifying reason, such as when an employee is out of work and being compensated by Worker's Compensation.

See the Town of Hampton's FMLA Policy which is attached hereto as Appendix 3

J. Life and Disability Insurance

1. **Life Insurance** - The Town shall provide all full-time, regular, or introductory employees (effective the first of the month after the first date of employment) with term life insurance at no cost to the employee in an amount equal to at least one year's salary (rounded to the nearest thousand.) Employees may purchase additional insurance at their own expense through the Town's vendor.
2. **Disability Insurance** - The Town provides Short-Term and Long-Term Disability Insurance for all non-union employees that work a regular schedule of at least 20 hours per week, which provides payments that partially offset the loss of income resulting from non-work related illness and injuries.
 - a. Employees must notify the Human Resource Director of the need for disability leave as soon as possible and provide a physician's certification of the need for disability leave and the expected duration.
 - b. If an employee is eligible for short-term and/or long-term disability payments from the Town's insurance carrier, the Human Resource Director will provide the forms necessary for the employee to apply and will coordinate disability leave requirements with the Payroll Supervisor.
 - c. If the employee is also eligible for Family Medical Leave Act leave ("FMLA"), the terms and conditions under that policy will also apply. Employees who are not eligible are required to either use sick and/or vacation leave, or, if none is available, request "Discretionary Leave of Absence Without Pay" from the Town Manager.
 - d. To maintain coverage under the Town's medical and dental insurance, the employee must be covered under the FMLA or be receiving compensation from the Town through the use of accrued leave. The employee must continue to contribute the

same portion of their premiums for all benefits. Payment must be received by the first of each month or coverage may be terminated.

- i. Employees may supplement their disability payments by using annual leave, except that in no case shall the total amount received exceed their regular pay.
- e. If an employee has exhausted all FMLA and annual leave, and is still unable to return to work, their medical and dental benefits will be terminated, effective on the first of the month following the issuance of his last paycheck. If they are eligible to receive coverage through The Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”), they will be notified of such by the Town's insurance provider and will be responsible for paying the full cost of the premiums.

K. Health and Dental Insurance

All eligible, full-time employees and their dependents may be included on the Town’s Health and/or Dental Insurance Plans. The Town may, in its sole discretion, obtain such insurance from any insurance carrier. Each employee will be required to secure health insurance for themselves unless they can provide proof of coverage elsewhere.

1. Employee contribution rates are shown on Appendix 7 and the specific plan summaries are available from the Human Resource Director or can be found on the Town’s HR webpage.
2. Employees who are not eligible to have the Town pay a percentage of their medical insurance premiums may purchase medical insurance through the Town at 100% employee cost.
3. Any employee who provides evidence of current, comparable insurance coverage may opt out of the Town’s coverage. The employee shall receive a pro-rated yearly payment if the employee is eligible for single coverage, two-person coverage or family coverage. Payment shall be made during the first week of December for the current year. The amount of such annual payment is shown on Appendix 7. Employees who are ineligible for insurance are not entitled to this payment.
4. Employees shall pay their percentage of the premium through payroll deduction for each pay period; such amount may be deducted in accordance with Section 125 of the IRS Code. Employees may elect to have their cost deducted from accrued leave time in accordance with the accrued buy-back program.

In cases where both spouses are employed by the Town, the Town shall only pay a two-person or family plan for one of the spouses. Any employee who is covered by the Town’s medical insurance plan shall not be eligible for the yearly payment referenced in Section 3 above.

Upon employment, the employee shall make an election regarding the health insurance plan in which they wish to participate. The employee’s premium contribution will begin as of the date the insurance is in place. Changes to that election may be made annually during the month of December through the Finance Department. The employee has the responsibility to inform the payroll office via an enrollment change form of a divorce, legal separation, death of a spouse or dependent, or a child losing dependent status under the Town’s insurance plan within 30 days of

such an event or the date on which coverage would end under the Plan. Failure to report an event that would result in a policy reduction will result in the employee being responsible to reimburse the Town for the amount of the higher premium that would not otherwise have been incurred.

If the event causing the loss of coverage is a termination of employment or a reduction in work hours, each qualified beneficiary will have the opportunity under COBRA to continue coverage for eighteen months from the date of the qualifying event.

L. Tuition Reimbursement

Full time regular employees will be eligible to apply for tuition reimbursement following the end of their introductory period. College courses, not to exceed two per semester, must have been approved by the Department Head and the Town Manager and be considered job-related. Incentives shall include full or partial (50%) tuition, books, and course related fees, for the purpose of furthering the job-related skills and abilities of the employee. In cases of economic hardship as determined by the Town Manager, tuition payments may be made in advance of course completion. In all cases tuition benefits shall only be provided for attainment of course grades of “B” or better and if budgeted funds are available. A certified copy of the college transcript must be produced when the application for reimbursement is made. These incentives are not automatic and shall be negotiated with the Town Manager. A written agreement outlining the terms of reimbursement – including possible pay-back by the employee in the event of subsequent voluntary resignation by the employee – will be required.

All employees are encouraged to develop their skills and knowledge in their respective areas of responsibility. The Department Head may direct an employee to take certain courses, or the employee may request to take courses related to their job duties. Courses or instructive seminars taken at the direction of the Department Head will be paid for by the Town.

M. Safety

Employee safety is a concern of the Town of Hampton, and every reasonable effort is made to provide a safe place in which to work. If an accident occurs on the job, the supervisor must be notified immediately and the supervisor must file a First Report of Injury form with the Finance Department within 48 hours. Unsafe conditions or employee conduct which jeopardizes safety must be reported immediately to a supervisor or other management personnel. Such reports will be investigated, and appropriate action will be taken, including disciplinary action, where appropriate.

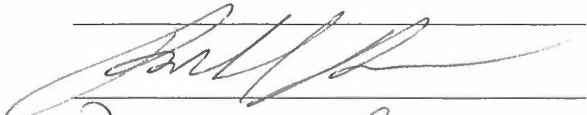
The Town of Hampton requires the use of seatbelts in all Town vehicles and in personal vehicles when being used for Town business.

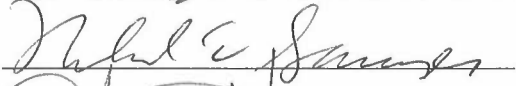
All employees shall abide by all safety procedures as set forth in the Town’s safety policies and applicable departmental policies.

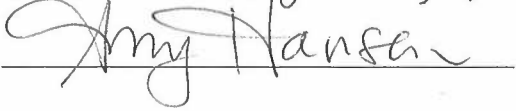
All employees report to the Town Manager. The Town Manager reports directly to the Board of Selectmen. Where the union contracts are silent, this Personnel Policy governs.

HAMPTON BOARD OF SELECTMEN









Jan. 17, 2023
Date

HAMPTON TOWN MANAGER



APPENDIX 1

The non-union personnel plan includes the following positions:

Town Manager
Administrative Assistant to the Town Manager
Legal Assistant – Part-time
Building Inspector
Building and Rental Housing Inspector – Part-time
Building Secretary – Part-time
Finance Director
Network Systems Engineer
System Administrator
IT Technician
Fire Chief
Police Chief
Police Captain
Deputy Chief of Police
Police Department Administrative Assistant
Police Lieutenant
Police P/T Communication Specialist
Public Works Director
Public Works Deputy Director
Wastewater Operations Manager
Engineering/Environmental Technician
Recreation and Parks Director
Program Coordinator
Parks Supervisor
Parks Laborer – Part-time
Human Resource/Administrative Services Director
Town Planner
Planning Office Manager
Conservation Coordinator
File Clerk – Part-time
Cemetery Superintendent – Part-time
Seasonal and temporary employees
Ch. 22 Part-time employees

APPENDIX 2

HARASSMENT POLICY

1. Introduction

The Town of Hampton is an equal opportunity employer. In accordance with anti-discrimination law, it is the purpose of this policy to effectuate these principles and mandates. The Town prohibits discrimination and harassment of any type and affords equal employment opportunities to employees and applicants without regard to race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other status or characteristic protected by law.

All employees of the Town should be able to work in an environment free from all forms of discrimination, intimidation, and harassment, including sexual harassment. All employees must treat each other with courtesy, consideration, and professionalism.

To achieve the Town's goal of providing a workplace free from sexual and other illegal harassment or discrimination, the conduct that is described in this policy will not be tolerated. Where inappropriate conduct is found, the Town will act promptly to eliminate the conduct and impose such corrective actions as are necessary, including disciplinary action or termination where appropriate.

Please note that while this policy sets forth the Town's goals of promoting a workplace that is free of sexual or other illegal harassment, or other forms of illegal discrimination, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

This policy applies to all employees of the Town of Hampton. All employees, at every level, will be subject to discipline, up to and including discharge, for any violation of this policy.

2. Definition of Sexual and Other Illegal Harassment:

Illegal Discrimination may include, but is not limited to, jokes, offensive behavior, inequitable treatment, retaliation, or unfair employment practices (e.g. hiring, advancement, discipline, or firing) on the basis of the employee's or applicant's race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other status or characteristic protected by law.

Harassment refers to unreasonable conduct or behavior which is personally offensive or threatening, impairs morale or interferes with the work effectiveness of employees. Examples of harassment include conduct or comments that threaten physical violence; offensive, unsolicited remarks; unwelcome gestures or physical contact; display or circulation of written materials, items or pictures degrading to any gender, racial, ethnic, religious, age, handicap or other group listed

above; and verbal abuse or insults about or directed at any employee or group of employees because of their relationship in any of the groups listed above.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- b. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to employees of any gender may also constitute sexual harassment. Sexual harassment can be physical and psychological in nature. An aggregation of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

Verbal: sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds.

Visual/Non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering or obscene gestures.

Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and

Retaliation: making or threatening reprisals as a result of a negative response to harassment.

Each employee must exercise their good judgment to avoid engaging in conduct that may be perceived by others as harassment.

Harassment can come from supervisors, fellow employees, clients, visitors, or vendors. Men as well as women can be victims of sexual or other harassment. **It cannot be stressed enough that the Town of Hampton will not tolerate any form of illegal discrimination or harassment. Violations of this policy, whether intended or not, will not be permitted.**

All employees should take special note that retaliation against an individual who has complained about sexual or other harassment, and retaliation against individuals for cooperating with an investigation of a sexual or other harassment complaint, or other discrimination complaint, is unlawful and will not be tolerated by the Town.

Harassment also includes unwelcome conduct that is based on race, color, religion, sex, sexual orientation, gender identity or expression, pregnancy, age, national origin, disability status, genetic information, protected veteran status, or any other characteristic protected by law. Harassment becomes unlawful where:

- Enduring the offensive conduct becomes a condition of continued employment, or
- The conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

The making of a deliberate, untruthful accusation of harassment is very damaging and is likewise considered a serious offense. Any person who files a false accusation of harassment will be subject to serious disciplinary action up to and/or including termination.

3. Harassment Complaint Procedure

If an employee feels they are being harassed, or an employee observes harassment, or has been the victim of or observed other forms of illegal discrimination, the following guidelines should be followed to help remedy the problem:

- a. Harassment and/or discrimination by other employees or by residents or vendors should immediately be brought to the attention of the Human Resource Director.
- b. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the problem. No employee of the Town is exempt from this policy.
- c. If, at any point in the process, a complaining employee is dissatisfied with the investigation being conducted, the employee should bring it to the attention of the Town Manager.

4. Harassment Investigation

When a complaint of harassment or discrimination is received, an investigation will promptly begin. Complaints will be kept confidential to the extent consistent with our obligation to investigate and remedy any harassment or discrimination. For most matters, the investigation will include an interview with the person filing the complaint, an interview with the person alleged to have committed the harassment or other alleged challenged conduct, and to the extent necessary, interviews with co-employees or other witnesses. All employees are expected to be truthful, forthcoming, and cooperative in connection with a complaint investigation.

Once the investigation is complete, the Town will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the

investigation. If it is determined that inappropriate conduct occurred, the Town will act promptly to eliminate the offending conduct and, where it is appropriate, the Town will impose disciplinary action.

There may be instances when, depending upon the nature of the allegations of harassment or discrimination, the alleged harasser, or person charged with bad conduct, will be placed on administrative leave pending investigation. Administrative leave pending investigation should not be considered as a conclusion of wrongdoing.

5. Disciplinary Action

The Town of Hampton will not condone, permit, or tolerate harassment of employees or illegal employment discrimination in any manner whatsoever. Any employee who is found to have engaged in harassment or discrimination contrary to this policy will be subject to disciplinary action, up to and including suspension or termination, depending, among other things, on the nature of the conduct. As stated previously, this anti-harassment policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment, or discrimination.

6. Retaliation

The Town of Hampton also prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation. Anyone found to have engaged in such retaliation against a person who has registered a complaint under this policy or to have retaliated against anyone for assisting in the investigation of a complaint, will be subject to disciplinary action up to and including suspension or termination. Any employee who believes they are being retaliated against should bring it to the attention of the Human Resource Director, so appropriate action may be taken.

7. Public Notice

All employees of the Town should be able to work in an environment free from all forms of discrimination, intimidation, and harassment. All employees are expected to treat each other with courtesy, consideration, and professionalism. The Town of Hampton expects all vendors, patrons, residents, and others who have dealing with our employees to abide by this anti-harassment policy. Failure by such persons to honor this policy will not be tolerated. The Board of Selectmen will take appropriate action against any such conduct to ensure its prompt termination and to obtain other appropriate sanctions and/or penalty(ies).

APPENDIX 3

FAMILY AND MEDICAL LEAVE POLICY

STATEMENT OF POLICY

In accordance with the Family Leave Act, effective August 5, 1993, as amended, the Town of Hampton will grant job protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12 month period (or up to 26 weeks of military caregiver leave.)

The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns, or disputes with this policy, please contact the Human Resource Director.

To be eligible for leave under this policy, employees must meet **both** of the following requirements:

- Have worked at least twelve (12) months for the Town of Hampton
- Have worked at least 1,250 hours over the twelve (12) months preceding the date the leave would commence.

The 12 months of employment do not have to be consecutive. All periods of absence from work due to or necessitated by service in the uniformed services are counted as hours worked in determining eligibility.

Eligible employees are entitled to take leave for:

- A. The birth of a child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
- B. In order to care for a spouse, child or parent who has a serious health condition; or
- C. The employee's own serious health condition that makes the employee unable to perform the essential functions of their position.
- D. For any qualifying exigency arising out of the fact that a spouse, child or parent is a military member on covered active duty or on call to covered active-duty status.
- E. To care for a covered service member with a serious injury or illness.

DEFINITIONS

12-Month Period- means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken. Each time an employee takes leave, the Town will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time. An eligible employee can take up to 26 weeks for the FMLA military caregiver leave during a single 12-month period. For this military caregiver leave, the company will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

Spouse- means a husband or wife as defined or recognized in the state where the individual was married and includes individuals in a common law or same-sex marriage. Spouse also includes a husband or wife in a marriage that was validly entered into outside of the United States if the marriage could have been entered into in at least one state. If both spouses work for the Town of Hampton, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent. Both may only take a combined total of 26 weeks of leave to care for a covered injured or ill service member (if each spouse is a parent, spouse, child or next of kin of the service member).

Child- means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

Parent means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a child. This term does not include parents “in law.”

Serious Health Condition- means an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. This can include conditions with short-term, chronic, long-term, or permanent periods of incapacity.

Qualifying Exigency includes short-notice deployment, military events and activities, childcare and school activities, financial and legal arrangements, counseling, rest and recuperation, post-deployment activities, and additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

Covered active duty for members of a regular component of the Armed Forces, means duty during deployment of the member with the Armed Forces to a foreign country. For a member of the Reserve components of the Armed Forces, means duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty in support of a contingency operation, in accordance with 29 CR 825.102.

The next of kin of a covered service member is the nearest blood relative, other than the covered service member's spouse, parent or child in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

Covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is receiving medical treatment, recuperation, or therapy, or is in outpatient status or on the temporary disability retired list for a serious injury or illness.

Serious injury or illness is one that is incurred by a service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of his or her office, grade, rank, or rating. A serious injury or illness also includes injuries or illnesses that existed before the service member's active duty and that were aggravated by service in the line of duty on active duty.

INTERMITTENT OR REDUCED LEAVE

- A. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when "medically necessary." In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) in a 12-month period.
 - 1. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.
 - 2. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment, including recovery from a serious health condition or to care for a child after birth or placement for adoption or foster care.
- B. An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child only with their Department Head's consent.
- C. For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro-rated basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave should be used for calculating the employee's normal workweek.
- D. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the company's operations.

SUBSTITUTION OF PAID ANNUAL TIME

- A. An employee will be required to substitute accrued paid annual leave for any part of a family/medical leave taken for any reason, unless the employee is receiving disability pay, such as Worker's Compensation. In this instance, the employee may choose to use accrued leave but is not required to do so.
- B. When an employee has used accrued paid annual leave for a portion of family/medical leave, the employee may request an additional period of unpaid leave so that the total of paid and unpaid leave provided equals 12 weeks (or 26 workweeks to care for an injured or ill service member).

NOTICE REQUIREMENT

- A. All employees requesting FMLA leave must provide verbal or written notice of the need for leave to their Department Head or Human Resource Director.
An employee is required to give 30 days' notice in the event of a foreseeable leave. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known. When the need for FMLA leave is not foreseeable, the employee must comply with the Town's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.
- B. If an employee fails to give 30 days' notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides notice.

Designation of FMLA Leave

Within five business days after the employee has submitted the required certification or other documentation, the Human Resource Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the FMLA Designation Notice.

MEDICAL CERTIFICATION

- A. For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form and return the certification to the Human Resource Director. Medical certification must be provided by the employee within 15 days after the leave request or as soon as is reasonably possible.
- B. The Town of Hampton may require a second or third medical opinion (at Town expense), periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report upon return to work.

- C. All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's separate medical records file.

EFFECT ON BENEFITS

- A. An employee granted a leave under this policy will continue to be covered under the Town of Hampton's benefit package applicable to the position in question under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
- B. Required employee contributions to such programs will continue and must be made through payroll deductions or to the Town of Hampton directly. Employee contribution amounts are subject to any changes in rates that may occur while the employee is on leave.
- C. If an employee's contribution is more than 30 days late, the Town may terminate employee's relevant benefit(s).
- D. If the employee contributes to a life insurance or disability plan, the Town will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums. If the employee does not continue these payments, the Town will discontinue coverage during the leave.
- E. An employee is not entitled to seniority accrual or other benefit accrual during periods of unpaid leave but will not lose anything accrued prior to the leave.

JOB PROTECTION

- A. If the employee returns to work within 12 workweeks (or up to 26 weeks of military caregiver leave) following a family/medical leave, they will be reinstated to their former position or a position with equivalent pay, benefits, status, and authority.
- B. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for leave, the employee would not have the right to be reinstated upon return from leave.
- C. If the employee fails to return within 12 weeks (or up to 26 weeks of military caregiver leave) following family/medical leave, the employee will be reinstated to their same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.
- D. The Town may choose to exempt certain key employees from this requirement and not return them to the same or similar position when doing so will cause substantial and grievous economic injury to business operations. Key employees will be given written notice at the time FMLA leave is requested of his or her status as a key employee.

Intent to Return to Work from FMLA Leave

On a basis that does not discriminate against employees on FMLA leave, the Town may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

APPENDIX 4

TUITION REIMBURSEMENT APPLICATION

Name: _____ Department: _____

Date of Hire: _____ Date of Application: _____

I request approval to take the following course(s) under the Tuition Reimbursement program.

Course name: _____ School: _____

Reason for taking course: _____

Beginning Date of Course: _____ Ending Date: _____

Schedule: _____

Cost: _____

I understand that I must pay the cost of tuition and fees in advance, and upon successful completion of the course(s) with a grade of B or better, the Town of Hampton will reimburse me at the appropriate rate as outlined in the policy. I understand that I must furnish a grade report and receipts of expenses before reimbursement will be made. I also understand that if I voluntarily leave my employment with the Town of Hampton within 6 months of reimbursement, I will be required to repay any amount received on the following terms:

The entire amount of the tuition reimbursement paid to me shall be deducted from my final wages. If the amount of the reimbursement exceeds my final wages, including all leave time that may be due to me at termination, I agree to reimburse the Town in full via personal check within 30 days of my last day of employment.

If any action is brought to enforce any provision of this agreement by the Town of Hampton, I agree to pay all costs associated with the action as well as any costs of litigation, including all reasonable attorney fees.

Employee signature: _____ Date: _____

Department Head Recommendation: _____ Date: _____

Town Manager Approval: _____ Date: _____

Tuition Reimbursement Application

I have completed the course(s) and submit my expenses and grade report for reimbursement (receipts attached).

Course _____ Expenses _____ Grade _____

Employee signature: _____ Date: _____

Department Head Recommendation: _____ Date: _____

Town Manager Approval: _____ Date: _____

Reimbursement Rate Approved: _____%

APPENDIX 5

INFORMATION TECHNOLOGY USE POLICY

PURPOSE

The Town of Hampton has established a policy regarding general computer and local area network use, access and disclosure of electronic mail and text messages created, sent, or received by employees using the Town of Hampton's software, systems and/or equipment. The Town of Hampton strives to be progressive in its use of technology to streamline Town operations, improve service to our citizens, and manage information across all departments and functions. This policy applies to all computer systems, printers, peripherals, electronic mail, phones, iPad, tablets, software, CH22, and any other form of technology owned or authorized by the Town. The following policy establishes guidelines on acceptable use.

POLICY

General:

Access to the Town's IT equipment and electronic mail system is provided to employees for the purpose of advancing the work of the Town and for communication with business contacts solely for job related purposes. Employees' personal information and computer software programs should not be stored on the Town's equipment. All work generated on, and information stored in the Town's equipment is deemed to be the Town's property, which the Town may examine at any time. The Town Manager or his designee reserves the right to monitor, review, audit, intercept, access and disclose all messages sent and received, except for confidential information under State/Federal law. There is no right of privacy in material generated on and stored in the Town's equipment.

No computer software (including software programs and drivers downloaded from the Internet), computer hardware, peripheral devices, or changes to individual desktop computer configurations shall be installed and/or performed on the Town's computers by Town employees without the prior consent of the Town Manager or his designee. Only the Town Manager's designee shall perform work and/or maintenance of any type on the Town's computer equipment. This is to ensure compliance with overall system architecture, applicable copyright law, and to minimize support requests. Any violations of this policy will be dealt with in accordance with the discipline procedures for the Town of Hampton.

Internet Access:

While Internet access is important to advancing the mission and goals of the Town, use of it is a privilege, which may be revoked. Town employees should be aware that a transaction log is maintained of every Internet site each employee visits. This log may be reviewed to identify inappropriate use of the Internet. The Town Manager or his designee reserves the right to restrict access to certain Web sites.

ACCEPTABLE USES

The Town of Hampton believes that the use of information technology resources makes jobs more fulfilling by allowing users to deliver better services to the community. Employees are encouraged to use this technology to the fullest in pursuit of completing their missions. Acceptable uses:

- Announcing or sharing news laws/ rules or regulations.
- Applying for or administering grants or contracts for Town research or programs.
- Communicating and exchanging information directly related to the goals of the Town of Hampton.

NON-ACCEPTABLE USES

The electronic mail communication system may not be used to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations nor is it to be used to create or perpetuate any offensive or disruptive messages. Among those that are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability. Non-acceptable uses:

- Activities unrelated to the Town's mission.
- Activities unrelated to official assignments or job responsibilities.
- Any illegal purpose, including, but not limited to fraudulent, harassing, or obscene messages.
- Unauthorized distribution of Town of Hampton data and information.
- Interfering with or disrupting of network users, services, or equipment.
- Unauthorized not for profit business activities.
- Revealing or publicizing proprietary or confidential information.
- Installing personal software on Town computers.
- Uploading or downloading copyrighted materials, proprietary information, or similar materials without prior authorization of the Town Manager or his designee; and
- Playing computer games.

This list is not all-inclusive, and the Town Manager or designee may restrict other uses, or with approval, certain exceptions on usage can be allowed.

COPYRIGHTS

Infringement of copyrighted information is prohibited. Staff using the Internet may not transmit or publish copyrighted materials. Users are not permitted to copy, transfer, rename, and/or delete information on programs belonging to other users unless given express permission by the owner. Failure to observe copyright and license agreements may result in disciplinary action by the Town and by the copyright owner. Nothing in this policy protects the user from prosecution for prohibited uses from the copyright owner.

SECURITY

- Passwords should be kept confidential. No staff member should give out their password to others.
- Passwords should not be so obvious that others could easily guess them, and shall be changed on a regular basis to be determined by the individual department's security requirements.
- Using the login and/or passwords of others is strictly prohibited.
- Never leave your computer workstation unattended while logged onto the network. Any electronic files/information obtained from outside the Town (i.e., information on flash drive, external hard drives, etc.) must be checked for viruses prior to use.

FUTURE TECHNOLOGY

The Town is aware that technological advancements are fast paced. In an attempt to keep pace with these advancements the Town realizes that changes in this use policy may need to be made on a frequent basis. Revisions to this policy can and will be made on an as needed basis.

EMPLOYEE ACKNOWLEDGEMENT OF
INFORMATION TECHNOLOGY USE POLICY

I acknowledge that I have read the Town's Information Technology Use Policy and agree to the terms therein. I understand that:

- The Town's computer equipment and communication systems are for Town business use only; personal use is prohibited.
- My activity on the Internet may be monitored and that my Internet access may be revoked at the discretion of my Department Head, Town Manager, or his designee; and
- Any information transmitted by, received from, or stored in the Town's computer equipment is the property of the Town.

Employee Signature

Printed Name

Date _____

Password _____

Password must have one number, one special character, one upper and lower case letter, and a minimum of 10 characters. Password cannot be a dictionary word or proper name.

This password information shall be given only to the Information Technology Department.

New employee or new technology use application. This section to be completed by the Department Head:

Employee Name and Job Title: _____

Start date of new employee: _____

Does this employee need email? Yes _____ No _____

If YES, do they need access to any calendars being used by the Department? If so, please list: _____

Does this Employee need to log onto a computer on the Town's network?

Yes _____ No _____

If YES, which Directories and corresponding mapped drives does this employee need access to? _____

And what level of rights should they be assigned? _____

Please provide the drive path you are referring to: _____

Which printers, scanners, and copiers does this employee need access to?

Please list any copiers to add their email addresses to for scanning to email.

If this employee will be responsible for voicemail messages, please list the phone number(s) they will be using.

Does this employee need VPN Access to work off network?

Please provide employee cell phone number and Carrier if they want to be a part of the employee notification system for Town Hall, Cemetery and Recreation Departments.

Does this employee need a Town issued cell phone? Yes _____ No _____

PLEASE SCHEDULE TIME WITH IT for a new hire orientation program to go through basic technology use. Phones, Email, Computers, Copiers, etc. This will provide a more seamless transition.

Department Head Signature

Date

APPENDIX 6

DRUG AND ALCOHOL POLICY

Purpose

In compliance with the Drug-Free Workplace Act of 1988, the Town of Hampton has a longstanding commitment to provide a safe, quality-oriented, and productive work environment. Alcohol and drug misuse poses a threat to the health and safety of Hampton's employees and to the security of the Town's equipment and facilities. For these reasons, the Town is committed to the elimination of drug and alcohol use and misuse in the workplace.

Scope

This policy applies to all employees and all applicants for employment of the Town of Hampton. The Human Resource Director is responsible for policy administration.

Employee Assistance

The Town of Hampton will assist and support employees who voluntarily seek help for drug or alcohol addiction before becoming subject to discipline or termination under this or other Town policies. Such employees will be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety-sensitive, or if they have violated this policy previously. Once a drug test has been initiated under this policy, unless otherwise required by the Family and Medical Leave Act or the Americans with Disabilities Act, the employee will have forfeited the opportunity to be granted a leave of absence for treatment, and will face possible discipline, up to and including discharge.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely, and they must promptly disclose any work restrictions to their supervisor.

Work Rules

1. Whenever employees are working, are operating any Town vehicle, are present on Town premises or are conducting town-related work offsite, they are prohibited from:
 - a. Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
 - b. Being under the influence of alcohol or an illegal drug as defined in this policy.
 - c. Possessing or consuming alcohol.

2. The presence of any detectable amount of any illegal drug, illegal controlled substance, or alcohol in an employee's body system, while performing Town business or while in a Town facility, is prohibited.
3. The Town will also not allow employees to perform their duties while taking prescribed drugs that are adversely affecting their ability to perform their job duties safely and effectively. Employees taking a prescribed medication must carry it in a container labeled by a licensed pharmacist or be prepared to produce the container if asked.
4. Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

Required Testing

Pre-employment

Applicants being considered for hire for a safety-sensitive position must pass a drug test before beginning work or receiving a final offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.

Reasonable suspicion

Employees are subject to testing based on, but not limited to, observations of apparent workplace use, possession, or impairment by at least two members of management. The Human Resource Director or Town Manager should be consulted before sending an employee for testing. Management must use the reasonable suspicion observation checklist to document specific observations and behaviors that create a reasonable suspicion that an employee is under the influence of illegal drugs or alcohol. Examples include:

- Odors (smell of alcohol, body odor or urine).
- Movements (unsteady, fidgety, dizzy).
- Eyes (dilated, constricted or watery eyes, or involuntary eye movements).
- Face (flushed, sweating, confused or blank look).
- Speech (slurred, slow, distracted mid-thought, inability to verbalize thoughts).
- Emotions (argumentative, agitated, irritable, drowsy).
- Actions (yawning, twitching).
- Inactions (sleeping, unconscious, no reaction to questions).

When reasonable suspicion testing is warranted, both management and HR will meet with the employee to explain the observations and the requirement to undergo a drug and/or alcohol test within two hours. Refusal by an employee will be treated as a positive test result and will result in immediate termination of employment.

Under no circumstances will the employee be allowed to drive himself or herself to the testing facility. A member of management must transport the employee or arrange for a ride and arrange for the employee to be transported home.

Collection and Testing Procedures

Employees subject to alcohol testing will be driven to a Town-designated testing facility and directed to provide breath specimens. Breath specimens will be tested by trained technicians using federally approved breath alcohol testing devices capable of producing printed results that identify the employee. If an employee's breath alcohol concentration is .04 or more, a second breath specimen will be tested approximately 20 minutes later. The results of the second test will be determinative. For purposes of this policy, positive test results generated by law enforcement or medical providers may be considered by the Town as work rule violations.

Applicants and employees subject to drug testing, other than reasonable suspicion, will be directed to a Town-designated testing facility and directed to provide urine specimens. If an employee is suspected of being under the influence of drugs or alcohol, a supervisor will provide a ride to the testing facility. Applicants and employees may provide specimens in private unless they appear to be submitting altered, adulterated or substitute specimens. Collected specimens will be sent to a federally certified laboratory and tested for evidence of marijuana, cocaine, opioids, amphetamines, and PCP. (Where indicated, specimens may be tested for other illegal drugs.) The laboratory will screen all specimens and confirm all positive screens. There must be a chain of custody from the time specimens are collected through testing and storage.

The laboratory will transmit all positive drug test results to a medical review officer (MRO) retained by the Town, who will offer individuals with positive results a reasonable opportunity to rebut or explain the results. Individuals with positive test results may also ask the MRO to have their split specimen sent to another federally certified laboratory to be tested at the applicant's or employee's own expense. Such requests must be made within 72 hours of notice of test results. If the second facility fails to find any evidence of drug use in the split specimen, the employee or applicant will be treated as passing the test. In no event should a positive test result be communicated to the Human Resource Director or Town Manager until such time that the MRO has confirmed the test to be positive.

Consequences

An applicant who has a controlled substance positive test result shall have his/her hiring process terminated and his/her conditional offer of employment withdrawn.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated. If the employee refuses to be tested, yet the supervisor believes he or she is impaired, under no circumstances will the employee be allowed to drive himself or herself home.

Any employee who tests positive for drugs or alcohol (BAC at or above 0.04) will suffer the following consequences:

1. Upon a first offense the employee shall not return to work until they have undergone evaluation by a Substance Abuse Professional (SAP), commenced treatment if determined necessary by the SAP, and has successfully undergone return-to-duty testing. The employee must use all their available, accrued leave first and may then apply for a leave of absence without pay for the remainder of the time, if necessary. If the employee either does

not complete the rehabilitation program or tests positive after completing the rehabilitation program, the employee will be immediately discharged from employment.

2. A second offense will result in immediate termination.
3. Employees are responsible for paying for all rehabilitation services.
- a) An employee's failure to adhere to the obligations and requirements under this Policy shall be considered just and sufficient cause for disciplinary action, including but not limited to termination.

Confidentiality

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided to the MRO will be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files. Such records and information may be disclosed among managers and supervisors on a need-to-know basis and may also be disclosed when relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee or applicant.

Inspections

The Town of Hampton reserves the right to inspect all portions of its premises for drugs, alcohol, or other contraband; affected employees may have union representation involved in this process. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline, up to and including discharge.

Definitions

1. "Town premises" includes all buildings, offices, facilities, grounds, parking lots, lockers, places, and vehicles owned, leased or managed by the Town of Hampton or any site on which the Town is performing work.
2. "Illegal drug" means a substance whose use or possession is controlled by federal law but that is not being used or possessed under the supervision of a licensed health care professional. (Controlled substances are listed in Schedules I-V of 21 C.F.R. Part 1308.)
3. "Refuse to cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or to fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure.
Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate and will automatically be subject to discharge.
4. "Under the influence of alcohol" means an alcohol concentration equal to or greater than .04, or actions, appearance, speech, or bodily odors that reasonably cause a supervisor to conclude that an employee is impaired because of alcohol use.
5. "Under the influence of drugs" means a confirmed positive test result for illegal drug use per this policy. In addition, it means the misuse of legal drugs (prescription and possibly OTC) when there is not a valid prescription from a physician for the lawful use of a drug in the course of medical treatment (containers must include the patient's name, the name of the substance, quantity/amount to be taken and the period of authorization).

Enforcement

The HR Director and Town Manager are responsible for policy interpretation, administration, and enforcement.

APPENDIX 7

HEALTH AND DENTAL INSURANCE COST SHARE

	AB15IPDED- R\$10/20/45/3K	BC3T5RDR- R\$10/20/45/3K	Buyout
Non-Union	90 % Town/10% Empl	85% Town/15% Empl	\$2K Single Plan \$3K 2-Person Plan \$4K Family Plan
Non-Union employees contribute 10% towards the Delta Dental Option 1 Plan			

APPENDIX 8

WORKPLACE VIOLENCE POLICY

It is the goal of the Town of Hampton to provide a safe workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees shall review and understand all provisions of this workplace violence policy. It is the Town of Hampton's policy that employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from all forms of harassment and violence.

Prohibited Conduct

The Town of Hampton does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities. The list of behaviors, while not inclusive, provides examples of conduct that are prohibited.

- Assaults.
- Threats of physical assaults, bullying or other verbal or nonverbal threatening behavior, that have the effect of threatening the safety of other persons or property; whether made in person or by other means (including, but not limited to, telephone, text, fax, email, social media, or written correspondence.)
- Verbal abuse or harassment by any means or medium (including but not limited to using intimidation tactics making malicious, false, and harmful statements about others, making threats, sabotaging another's work, stalking others, etc.)
- Aggressive or hostile behavior, aggressive outbursts, excessive display of anger or comments that create a reasonable fear of harm to another person or subjects another individual to emotional distress.
- Intentionally damaging employer property or property of another employee.
- Committing acts motivated by, or related to, sexual or another form of harassment or domestic violence (including but not limited to making malicious, false and harmful statements about others; publicly disclosing another's private information; failing to hire or promote; issuing poor performance reports, etc. as a form of retaliation.)
- Any behavior or collection of behaviors that instill fear or generate a concern that a person might act out violently (including but not limited to harsh words or insults; excessive profanity; arguing loudly; overt displays of anger; e.g. slamming doors, punching walls, etc.)

Reporting Procedures

Any potentially dangerous situation must be reported immediately to a supervisor or department head who shall report it to the Human Resources Director or designee as soon as possible for further evaluation. Reports can be made confidentially, and all reported incidents shall be investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others on a need-to-know basis.

All parties involved in a situation will be counseled and the results of the investigation will be discussed with them. The Department head and/or Human Resources Director or designee will actively intervene at any indication of a possible hostile or violent situation.

An employee who obtains a protective or restraining order that includes their work location as a restricted area shall provide their supervisor and Human Resources Director or designee:

- A copy of the petition and declarations used to seek the order.
- A copy of any granted temporary protective or restraining order.
- A copy of any protective or restraining order which is made permanent.

Protective or restraining orders, reports, and incidents will be handled appropriately and information will be disclosed on a need-to-know basis.

While we do not expect employees to be skilled at identifying potentially dangerous persons, employees are expected to exercise good judgement and to inform their supervisor or department head or Human Resources Director or designee if any employee exhibits behavior, which could be a sign of a potentially dangerous situation. Such behavior includes:

- Displaying overt signs of extreme stress, resentment, hostility, or anger.
- Making threatening remarks.
- Sudden or significant deterioration of performance.
- Displaying irrational or inappropriate behavior.
- Inappropriate use of alcohol or illegal substances in the workplace.

If the information is provided to a supervisor, the Department Head will be notified who shall notify the Human Resources Director as soon as possible for further evaluation.

Enforcement

Any employee determined to have violated this policy shall be subject to disciplinary action up to and including termination. Non-employees engaged in violent acts on Town premises shall be reported to the proper authorities.

APPENDIX 9
CELL PHONE POLICY

I. Policy Statement:

The Town of Hampton recognizes that mobile phone/device use for business purposes is necessary for many employees, and that it is a benefit to both the Town and to the employee to have communication equipment accessible to them. It shall be the policy of the Town of Hampton to provide employees with Town-issued mobile phones if it is deemed necessary by the Town Manager and appropriate to perform the essential functions of their jobs.

II. Scope:

This policy applies to all employees who are assigned a Town-issued mobile phone or device for the performance of official Town duties. This policy does not attempt to articulate all required and prohibited behavior by telephone users. Non-exempt employees are prohibited from checking emails, texting and/or handling work calls, etc. outside normal working hours unless explicitly given permission to do so by their supervisor.

III. Definition:

Any reference to “mobile phone”, “cellular phone,” “cell phone,” or “mobile device” herein will be inclusive of any wireless two-way conversation system, including but not limited to: standard cellular devices both analog and digital, Smartphones, tablets, Personal Digital Assistants (PDA) with telephone service, or other future products that operate as a similar communications device.

IV. Use:

- Recommendations for the issuance of a mobile phone must be approved by the Town Manager. Each case for a phone will be reviewed individually and evaluated for appropriateness.
- Generally, when reviewing a request for the issuance of a mobile phone, the Town Manager will approve the same when at least one (1) of the following criteria are met:
 - The job function of the employee requires considerable time outside of their assigned office or work area and it is important to the efficient operation of the Town that he/she is accessible during those times; or
 - The job function of the employee frequently requires him/her to be accessible outside of scheduled or normal working hours where time sensitive decisions/ notifications are required.
- Mobile phones issued by the Town of Hampton are property of the Town. Upon resignation or termination of employment or at any time upon request, the employee will immediately produce the device.
- The use of a Town-issued mobile phone is to be considered a privilege and may be revoked at any time without notice.
- Any mobile phone issued by the Town of Hampton shall have as its primary function Town business-related uses.
- Mobile phones shall be used in compliance with all Town policies, including but not limited to all policies prohibiting harassment or threatening behavior.

- All usage and phone content are subject to random auditing and shall not be deemed private. Management or their designee reserves the right to monitor, review, audit, intercept, access and disclose all data generated, sent, and received including but not limited to phone logs, texts messages, and internet usage. There is no right to privacy of any material generated on and stored in the Town's equipment, as it is subject to discovery under RSA Chapter 91-A (the "Right to Know" law.)
- Any mobile phone usage which conflicts with the best interest of the Town of Hampton, creates an ethical breach, or conflict of interest is prohibited.
- Each mobile telephone number, except for telephones that are rotated among personnel, must be assigned to a specific department and individual user. The individual user will be identified to the Finance Department for accountability prior to issuance. Any changes to that assignment must be approved by the Town Manager and submitted to Finance.
- No expenses will be approved or reimbursed for extra features or downloads including but not limited to: internet usage (with the exception of pre-approved email connection,) games, ringtones, GPS navigation, text messaging, or video messaging.
- Every Town-issued mobile phone will be included and procured through the Town's overall wireless service plan.
- Any request for service plan upgrades must be approved by the Town Manager.
- Employees shall confer with their Department Head for service or equipment issues, rather than dealing directly with the vendor themselves.
- It is prohibited to allow any unauthorized or undesignated person use of your Town-owned mobile phone, including friends or family.
- Employees are prohibited from using their phone/communication device while driving. For the safety of our employees and others it is imperative that you pull over and stop at a safe location to use a mobile phone.
- Employees should be aware that communications related to Town business are subject to RSA 91-A (New Hampshire Right to Know law). Requests for Town records may include disclosure of telephone records, including but not limited to call logs, email or voice messages, and texts. It is anticipated that by providing a Town work phone, personal phones will not be used to conduct Town business. An employee's use of their personal phone to conduct Town business may subject the records on a personal phone to review or disclosure if required to comply with RSA 91-A.

V. Personal Use:

- Incidental and occasional use is permitted if such calls and/or texts are kept to a minimum and of a short duration while not interfering with the employee's duties. In addition, personal use is permitted only if it complies with the following:
 - It does not consume more than a trivial number of resources and time
 - It does not interfere with worker productivity
 - It does not preempt any Town business activity
 - It does not constitute private business activity
 - It does not create an ethical breach or conflict of interest

- Individual employees are subject to paying for additional costs attributed to charges over and above the plan assigned to them or for those charges occurring from excessive personal use.

VI. Employee Responsibilities:

- The employee assumes all responsibility for the equipment assigned to them and shall treat it in an appropriate manner.
- Employees shall immediately report lost or stolen phones to their Department Head.
- As Town-issued mobile telephones are decommissioned, the employee shall turn in the equipment issued to them including all attachments, cases, and peripherals to their Department Head.

VII. Department Head Responsibilities:

- The Department Head is responsible for annual budgeting of mobile phone usage for their department.
- The Department Head is responsible for ensuring that mobile phone use is consistent with this policy.
- The Department Head is responsible for notifying the IT Department for cancellation of service for any department employee.

VIII. Discipline:

Violation of this policy will result in disciplinary action consistent with the seriousness of the violation. Disciplinary action will be taken by the appropriate Department Head, in accordance with the Town of Hampton's policies and appropriate discipline procedures. Department Heads and/or supervisors are responsible for strictly enforcing adherence to this policy.

APPENDIX 10
**RECEIPT AND ACKNOWLEDGMENT
OF PERSONNEL POLICY**

This Policy will serve as a guide and is not the final word in all cases. This policy shall not apply in those areas that are found to conflict with collective bargaining agreements, individual employment contracts, or State and Federal statutes.

1. I understand that it is my obligation to read the Personnel Policy. I understand that the policies described herein are subject to change at the Town's sole discretion at any time.
2. I acknowledge that I have the right to terminate my employment with the Town at any time without notice. In turn, I acknowledge that the Town has the right to terminate my employment in its sole discretion, subject to any statutory or federal or state constitutional requirements.
3. I am aware that the descriptions of benefits in this Policy are not contractual in nature and do not guarantee any continuance of said benefits.
4. I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Town premises or with non-Town employees, except as required by law.
5. I understand that my signature below indicates that I have read and understand the above statements.

I have been provided access to the Personnel Policy, adopted by the Board of Selectmen on January 9, 2023 (*please indicate latest revision date*) on the Town's website. I may request a printed copy from the Human Resources Director.

Employee Name (**please print**)

Employee Signature

Date_____