



PERSONNEL PLAN

For Employees of the Town of Plaistow, NH

Mark Pearson, Town Manager

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SECTION A
INTRODUCTION AND PURPOSE

INTRODUCTION:

The Town of Plaistow is a full service community, governed under the Town Meeting, Selectmen, Town Manager form of government. (RSA 37) A member of the New Hampshire Municipal Association and recognized by the International City Manager's Association (ICMA), the Town operates various departments to fulfill its governmental functions as required by law, ordinance and good practical community assessment.

PURPOSE OF THE PERSONNEL PLAN:

The policies outlined in this Plan should be regarded as guidelines only, and may change from time to time within the discretion of the Town Manager. The Town of Plaistow reserves the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. This Personnel Plan supersedes and replaces any and all prior manuals, handbooks, personnel plans, policies, procedures, and practices of the Town, except department level standard operating procedures or guidelines not inconsistent with this Personnel Plan.

This Plan also summarizes the current benefit plans maintained by the Town for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Personnel Plan. The Personnel Plan (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

Many Town employees are covered by collective bargaining agreements or individual employment contracts. This Plan is intended to be read together with those agreements and contracts. If there are conflicts, employees should seek guidance from Human Resources or their Union representation for clarification.

Town employees who are not covered by a collective bargaining agreement or an individual employment contract are considered to be "at-will" employees. This Plan is not, and should not be construed as an express or implied contract and does not modify any existing at-will status of any Town employee. It is not intended to create any due process protections or requirements in excess of federal or state constitutional or statutory requirements, nor does it guarantee any fixed terms and conditions of employment and/or benefits. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the Town has similar rights and can terminate the employment relationship at any time, with or without cause or notice, except as provided by law.

Please also be aware that the Town reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Plan at any time, in its sole discretion. Generally, prior to any additions or modifications being made to the Personnel Plan, the Town Manager will post the proposed change(s) and will give notice to the Human Resources, who will inform other employees. Although affected personnel will have an opportunity to discuss additions/modifications to the Personnel Plan, the Town Manager has the final authority over revisions to the Plan. If and when provisions are changed, you will be given replacement pages for those that have become outdated. A copy of this Plan and any changes will also be placed on our bulletin boards and in Human Resources.

It shall be the responsibility of each employee to acquaint himself or herself thoroughly with the provisions of the Plan. Employees are encouraged to submit suggestions for changes and improvements in the Plan to the Personnel Plan Committee.

Where a conflict exists between a particular personnel rule or approved departmental procedure and Town, State or Federal Law, then the law shall prevail. Personal third person pronouns (he, him, her, she, etc.) shall apply equally to either gender when used in this Plan.

SECTION B
DEFINITIONS

DEFINITIONS:

- A. Appointment: The filling of any job or position by the placing, hiring, assigning, or transferring of a person to a particular position.
- B. Department Head: An individual responsible by statute or by grant of authority of the Town Manager for the overall operation of a department of the Town of Plaistow. That individual may also have the authority to adopt, subject to the approval of Town Manager, departmental procedures for regulations for the operation of his department.
- C. Job Description: An outline of the duties, responsibilities, knowledge, skills and abilities required for a particular position with the Town.
- D. Seniority: The length of an employee's continuous service with the Town of Plaistow from the date of hire. Seniority will be calculated based on years, months, and days of service.
- E. Supervisor Position: Any individual with responsibility for directing, evaluating and coordinating the activities of another employee.
- F. Town: As it applies to this Personnel Plan, the Town is defined as the government entity and the authorities who oversee the operation of the Town of Plaistow.
- G. Transfer: The appointment of an employee from the position he/she holds to another position within the Town.

SECTION C
GENERAL PROVISIONS

OUR WORKPLACE

As you review this Personnel Plan, you will notice that terms such as “workplace” and “premises” appear in many of the Town’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this Plan, please understand that we are discussing not only Town buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle you may be traveling in or using for Town related business.

NEW HIRE ORIENTATION

All new employees will meet with a Human Resources representative for a New Hire Orientation. The purpose of the orientation is to explain the Town’s policies, procedures, and benefits; sign paperwork; and, answer any questions the employee may have. A copy of this Personnel Plan and the Conflict of Interest Ordinance will be delivered to new employees during their New Hire Orientation. Employees are requested to sign an acknowledgement of receipt and understanding of the Plan and Ordinance within one (1) week of being provided with a copy of the Plan and Ordinance.

It shall be the responsibility of each employee to acquaint himself or herself thoroughly with the provisions of the Plan.

EQUAL EMPLOYMENT OPPORTUNITY:

It is the policy of the Town of Plaistow to provide equal opportunity for employment to all persons. The Town will not discriminate against any person in recruitment/hiring, examination, appointment, training, promotion, retention, personnel action, layoff, recall, leave of absence, compensation, or any benefit or privilege of employment because of race, creed, religion, color, national origin or ancestry, age, sex, sexual orientation, veteran or military status, marital status, pregnancy, genetic information, physical or mental disability, or any other legally-protected status, except where such factor is a bona fide occupational requirement (The qualification should relate to an essential job duty and is considered necessary for operation of the particular business).

DISABILITY ACCOMMODATION:

In accordance with the Americans with Disabilities Act of 1990 (“ADA”), as amended, and RSA 354-A, the Town prohibits any form of discrimination in hiring, as well as in all terms and conditions of employment, against individuals with physical or mental disabilities. We will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process and in performing essential job functions, so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Please notify Human Resources 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 this interactive process in good faith so that we may determine eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with the ADA, and will provide reasonable accommodations as required by law. The Town may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

SECTION D
EMPLOYEE CLASSIFICATIONS

EMPLOYMENT AT WILL:

Unless otherwise provided in a written contract, collective bargaining agreement, or applicable statute, Town employees are considered to be employees at-will. Employment at-will status enables both the Town and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not prohibited by law. Neither the policies contained in this Plan, nor any other written or verbal communication by a supervisor or official other than the Town Manager, are intended to change the at-will relationship or create a contract of employment.

EMPLOYMENT CLASSIFICATIONS:

At the time that you are hired, you are classified as full-time, part-time, or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in this Plan or as required by law, the benefits described in this Plan apply only to full-time and certain part-time employees. All other policies described in this Manual apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of the job classification into which your position fits, please ask Human Resources.

Regular Full-Time Employees: Non-elected individuals who are regularly scheduled to work forty (40) or more hours per week on a year-round basis.

Regular Part-Time Employees: Non-elected individuals who are regularly scheduled to work less than forty (40) hours per week on a year-round basis. Certain part-time employees are eligible for benefits under this Plan.

On-Call Employees: Non-elected individuals who are called or assigned to duty year-round on an irregular basis, such as, without limitation, call firefighters. On-call employees are not eligible for benefits under this Plan, except as required by law.

Seasonal Employees: Non-elected individuals who are employed for temporary work of a seasonal nature, such as, without limitation, snow plow operators and lifeguards. Seasonal employees are not eligible for benefits under this Plan, except as required by law.

Per Diem Employees: Individuals who are hired for specific periods of time or for the completion of a specific project are classified as per diem employees regardless of how many hours of work they perform each week. Per diem employees are not eligible for benefits described in this Plan except to the extent required by state or federal law.

Non-Exempt and Exempt Employees: All employees will be classified as either "exempt" or "non-exempt." Exempt employees are paid on a salary basis and their duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA").

Therefore, these employees are not eligible to receive overtime pay regardless of how many hours they work in a workweek. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA and Town policy.

Upon hiring, employees are told whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If you have questions about whether you are classified as exempt or non-exempt under the FLSA, please contact Human Resources.

ELECTED OFFICIALS:

The Town's elected and appointed officials including, but not limited to Town Clerk, Tax Collector, Treasurer, Board of Selectmen, Budget Committee, Zoning and Planning Board members are governed by the laws and rules governing their offices. Such elected officials are not employees of the Town and are not eligible for benefits described in this Plan, unless otherwise specifically authorized by the Town. Nonetheless, these elected and appointed officials are subject to the Town's anti-harassment and discrimination policies, and are expected to adhere to the policies outlined in this Plan.

PROBATIONARY PERIOD:

New Hires: To assist new employee's adjustment to employment with the Town, as well as to determine that an employee's work meets the Town's expectations, all appointments shall be made for a minimum probationary period of six (6) months. A Department Head/Supervisor may recommend extension of a new hire's probationary period up to a total of twelve (12) months. Such recommendations should be based on the Department Head's or Supervisor's judgment that the employee has not met the Town's expectations during the probationary period, but shows the potential for improvement given additional training, guidance, and the opportunity to improve. Whether to extend an employee's probationary period shall be within the sole discretion of the Town Manager.

The Department Head, Supervisor or Town Manager will give probationary employees a written evaluation before the end of the fifth (5th) month of the probationary period. This written evaluation will include the Department Head's/Supervisor's recommendation as to the probationary employee's continued employment. The Department Head/Supervisor shall consult with the Town Manager prior to meeting with the employee under review. An employee may be terminated at any time during the probationary period without recourse under the Grievance Procedure set forth herein in Section H.

Promotion: To assist promoted employee's adjustment to their new position, as well as to determine that the promoted employee's work in the new position meets the Town's expectations, all promotions shall be made for an initial probationary period of six (6) months, unless the probationary period is waived in writing by the Town Manager. A Department Head may recommend extension of a promoted employee's probationary period up to a total of (12) months. Whether to extend a promoted employee's probationary period shall be within the sole discretion of the Town Manager.

During the probationary period, the Department Head shall informally evaluate the performance of the promoted employee periodically. The Department Head shall discuss with the employee the area(s) in which the employee needs improvement and assist the promoted employee in correcting any deficiencies. A formal evaluation is to be prepared and submitted before the end of the last month of the probationary period. The Department Head shall consider comments from appropriate staff and consult with the Town Manager prior to meeting with the employee who is under review.

If, at the completion of the probationary period, the employee has met the Town's expectations, the Department Head may recommend that the promotion become the employee's permanent position. Alternatively, if, at the completion of the probationary period, the employee does not demonstrate the competence required to carry out the responsibilities of the position, the Department Head may recommend that the employee be reverted to his or her former position and pay, be moved to an alternate position, or be separated from employment. Whether to accept the Department Head's recommendation(s) is within the sole discretion of the Town Manager.

Adjusted Date of Hire: In the event that a former employee returns to employment with the Town, after their resignation and a period of separation, Town Manager may give an adjusted date of hire to the employee. This adjusted date of hire will not be granted until completion of the employee's designated probationary period.

SECTION E
COMPENSATION AND HOURS OF WORK

REPORTING OF TIME WORKED:

It is important that your time be accurately reported so that you are compensated for all of the hours that you work. You may be required to complete time sheets. No one is authorized to complete your time sheet on your behalf, and falsification of time records could lead to disciplinary action, up to and including immediate termination from employment. If there are any changes needed to your weekly time sheet, then you must initial the change, indicating that you agree to the change and the accuracy of the change. Your Supervisor will provide you with details concerning your obligation to report all time you have worked.

WORK WEEK/HOURS OF WORK:

The Town's work week begins on Sunday at 12:00 AM (midnight) and ends on Saturday at 11:59 PM. Because of the nature of our business, your work schedule may vary depending on your job and department. When hired, Town will inform you of your hours of work. The Town reserves the right to alter or amend any employee's work schedule at its own discretion and in accordance with the needs of the Town.

PAY PERIOD:

Employees are paid on a **WEEKLY** basis on Thursday for all hours worked during the preceding pay period. Please review your paycheck for errors. If you find a mistake, report it to your Department Head or the Finance Office immediately. Paychecks will be distributed only to you. Paychecks are distributed either by your Supervisor or a representative from the Finance Office. Employees may have pay directly deposited into their bank accounts at no charge if they provide advance written authorization to the Town.

PAYROLL DEDUCTIONS:

A. Payroll Deductions for All Employees

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 and Medicare taxes), and wage garnishments as required by law (i.e. child support payments, court ordered payments, IRS garnishments). If authorized in writing by an eligible employee, the Town will also make additional deductions for health insurance, direct deposit, and other purposes that are for your benefit. Arrangement for these voluntary deductions may be made with the Finance Office. Deductions will be itemized on your check stub.

The New Hampshire Department of Labor permits these payroll deductions and requires that we provide you with notice of other circumstances under which payroll deductions are permitted by law.

With your written consent, payroll deductions are also permitted for: voluntary installment payments of legitimate loans made by the employer to the employee; voluntary repayment of accidental overpayments made to the employee; repayment of advances on vacation or other paid time off; voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; voluntary payments by the employee for child care fees by a licensed child care provider and/or parking fees; required clothing not considered to be uniforms; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; medical, surgical, hospital, and other group insurance benefits having no financial advantage for the employer; payments into savings funds held by someone other than the employer; housing and utilities; strictly voluntary contributions to charities; union dues; health, welfare pension; legal plans and identity theft plans without financial advantage to the employer; voluntary recovery of tuition for non-required educational costs; voluntary payments of the employee's use of a qualifying health or fitness facility; contributions to a political action committee; and/or, for any purpose on which the employer and employee mutually agree and that does not grant financial advantage to the employer if agreement is in writing and the withholding is not used to offset payments intended for purchasing items required in the performance of the employee's job in the ordinary course of the operation of the business.

B. Payroll Deductions for Salaried Exempt Employees

The Town complies with all federal and state laws regarding deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried 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, other than those stated above.

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 an employer to apply vacation, sick, personal, and other forms of paid time off to partial or full-day absences for personal reasons, sickness, or disability, and that applying paid time off is not considered a deduction from salary.

C. Questions Regarding Paychecks and Deductions

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Human Resources as soon as possible. Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

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.

OVERTIME COMPENSATION:

From time to time, it may be necessary for you to perform work in addition to your regularly scheduled hours. All overtime must be approved by your Department Head or the Town Manager.

All non-exempt employees working in excess of forty (40) hours in a scheduled workweek shall be paid one and one half of their regular rate of pay for all hours worked over forty (40) hours, except as otherwise permitted by law. You will be informed when you are hired whether you are entitled to be paid overtime compensation. All hours paid during the workweek shall be counted as hours worked for the purpose of determining forty (40) straight time hours. The Department Head and/or Town Manager has the authority to schedule overtime when it is deemed necessary.

CALL BACK:

If a non-exempt employee finishes a regular shift or work day and is subsequently called back to work (as opposed to working longer on a shift or above their regularly scheduled daily hours), the employee will be paid 2-hour minimum pay for the call-back. If a non-exempt employee is called-back and works over two hours, but less than four hours, on the call, she will be paid a four-hour minimum for the call-back. Otherwise, non-exempt employees who respond to a call back will be paid for all hours worked on the call.

However, if a non-exempt employee is called-back as the result of his failure to fulfill all of his assigned duties during his regularly scheduled shift, the employee will be paid only for the hours actually worked in response to the call, regardless of the minimums set forth above.

Only a direct supervisor, his/her Department Head, the Town Manager, or their designee can call an employee back to work under this policy.

REIMBURSABLE EXPENSES:

With prior approval by your Department Head, legitimate expenses will be reimbursed by the Town to the employee. The employee must submit receipts in order to be reimbursed through a standard Town Reimbursement Form. Reimbursement may be in the form of petty cash or a separate check. See Human Resources or the Finance Office with any questions as to whether and what expenses may be reimbursed.

BREAKS AND MEAL PERIODS:

Breaks and meal periods differ by Department. Please see your Department Head/Supervisor for your schedule. Any questions should be directed to Human Resources.

Break Time for Nursing Mothers: Non-exempt employees will be provided with a reasonable break time to express breast milk for her nursing child, for up to one (1) year after the child's birth, each time such employee has need to express the milk. A private area will be provided on-site for expression of milk. Employees are expected to stay on-site during these breaks unless approved by a supervisor, department head or the Town Manager. Generally, these breaks are unpaid.

SECTION F
INSURANCE AND OTHER EMPLOYMENT BENEFITS

HEALTH AND DENTAL INSURANCE:

All full-time and certain part-time employees are eligible to enroll in health and dental insurance coverage through the Town the first day of the month following one month of full time employment. Employees may enroll in either a single, two-person, or family plan after meeting the eligibility criteria stated in our plan documents. Further information concerning this benefit can be found in the Summary Plan Description available from Human Resources. Enrollment forms may also be obtained through Human Resources. To assist you with the cost of this insurance, the Town currently pays a portion of the premium for single, two-person, or family coverage.

For regular full-time employees the Town will pay 85% of the premium for health and dental insurance coverage. The balance is paid by the employee through an authorized payroll deduction. For part-time employees who work between 32 and 40 hours per week the Town will pay 80% of the premium for health and dental insurance coverage. The balance will be paid by the employee through an authorized payroll deduction.

Regular full-time (40 hour) employees who have health insurance coverage under an alternative employer-sponsored insurance plan and who opt not to enroll in health insurance coverage through the Town's plan will be \$3,800 annually through weekly payroll in lieu of health insurance.

Changes to selected policy coverage and status after initial enrollment can be made annually during open enrollment only. The exception to any change would be a qualifying life changing event including marriage, divorce, birth or death.

The Town may adjust these contribution amounts periodically at its discretion. The Town reserves the right to change the insurance carrier stated above within its sole discretion.

Please see Human Resources for more details.

LIFE INSURANCE:

The Town currently provides group life insurance to all eligible regular full-time employees. The amount of coverage is currently equal to one and one half (1 ½) of an employee's base salary, up to \$185,000, and is subject to change. There is no shared cost with eligible employees at this time. Please see Human Resources for more details.

SHORT-TERM AND LONG-TERM DISABILITY INSURANCE:

Regular full-time employees are automatically enrolled in our short-term and long-term disability insurance coverage. The Town covers 100% of the cost for this coverage. This insurance is designed to provide some income for you in the event that you suffer a non-occupational illness or injury. There may be waiting periods that apply before the benefits will begin.

Our disability benefits are governed by detailed plan documents that are available from Human Resources. If you are enrolled in the Town's disability benefits and you suffer an illness or injury, please notify Human Resources immediately, who will tell you which forms must be completed and the medical information that must be supplied to apply for the benefits.

LONGEVITY:

Full-time employees (excluding the Town Manager) shall earn longevity in accordance with the following schedule:

After 5 continuous years:	\$250
After 10 continuous years:	\$500
After 15 continuous years:	\$750
After 20 continuous years:	\$1,000

Part-time employees between 15-39 hours per week shall earn longevity in accordance with the following schedule:

After 5 continuous years:	\$175
After 10 continuous years:	\$350
After 15 continuous years:	\$500
After 20 continuous years:	\$700

Longevity shall be based upon time of service as of September 1 each year and will be paid annually in a lump sum on the first pay period in September after it has been earned. Department Heads are responsible to approve and submit longevity payment requests to the Town Manager to meet the September disbursements.

EDUCATIONAL COURSEWORK:

The Town shall provide a fund (amount to be determined by the BOS and/or Town Manager) for continuing education for full-time employees. Reimbursement of 50% of the cost will be paid for tuition college courses that are directly related to their current job function for the Town. Reimbursement of 25% will also be paid for general college education tuition that the Town Manager believes will have value for the employee and the Town.

All requests for reimbursement must be submitted to the Town Manager and approved prior to registration in the course. The college must be accredited by a recognized accrediting agency. No more than one course per employee at a time will receive reimbursement. If there are more requests than funds available, the Town Manager can prorate or deny reimbursement within his discretion.

Time spent taking such courses shall not be considered "hours worked" for the Town, unless otherwise authorized by the Town Manager in advance or as required by law. Reimbursement will be made upon

receipt of evidence of successful completion of the course with a grade of C or better for undergraduate courses and B or better and graduate courses.

Prior to reimbursement for courses completed, employees will be required to sign a 2-year training agreement.

RETIREMENT:

All qualifying Town employees will be enrolled in the New Hampshire Retirement System as required by state statute. Upon retirement under the provisions of RSA 100-A: 5 and RSA 100-A: 6, qualifying employee shall be given the option of continuing life and dental insurance at the employee's expense.

COBRA:

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") provides eligible employees and their eligible dependents with the opportunity to continue medical and dental insurance for a period of time, at their own expense, if they would otherwise lose coverage due to certain qualifying reasons. Please see Human Resources for more information about COBRA.

UNEMPLOYMENT COMPENSATION:

The Town pays into the unemployment compensation fund established by the State of New Hampshire. Individuals may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security upon discharge from employment pursuant to applicable laws and regulations.

WORKERS COMPENSATION:

The Town of Plaistow provides Workers' Compensation Insurance to cover all employees. Any employee who sustains a personal injury or compensable illness arising out of and in the course of employment will receive benefits as prescribed by the Workers' Compensation system, which includes payments to offset lost wages and the cost of medical care and rehabilitation.

Reports of workplace injuries or illnesses should be made immediately, or as soon as practicable (within 1 business day of learning of the injury or illness), to the employee's direct Supervisor in order to allow the Town to file a work place injury report and initiate a workers' compensation claim. Failure to do so may jeopardize your workers' compensation benefits. Employees must complete the necessary workers' compensation forms following any injury. The Workers' Compensation carrier should be contacted prior to seeking medical attention (unless it is an emergency).

If the employee is unable to come to work while the claim is being processed, the employee may use accrued sick leave or will permitted to take an unpaid leave of absence. If an employee uses sick leave during this period, upon receipt of worker's compensation payments, the employee may, if he or she

chooses, reimburse the Town and the Town will credit the employee with the sick time used to cover the work-related disability.

If an employee is unable to come to work as a result of a job-related injury or illness, the employee may, at any time, request that his or her accrued vacation, sick, or personal time be used to supplement his or her workers' compensation payments, up to the employee's regular base pay. In no case shall the combination of accrued leave benefits and the compensation received from the Workers' Compensation insurer equal more than one hundred percent (100%) of the employee's base pay. In the case of part-time employees, in no case shall the combination of accrued leave benefits and the workers' compensation benefits equal more than one hundred percent (100%) of the employee's average pay for the twelve (12) weeks prior to the injury or illness.

Under Workers' Compensation Law, NH RSA 281-A: 25, with some exceptions, an employee is entitled to reinstatement for up to eighteen (18) months following a compensable injury. An employee's reinstatement rights may be terminated before the eighteen (18) months has elapsed if he or she accepts a job with another employer at any time after the date of injury, or if there is a medical determination that the employee cannot return to his or her former position.

A full-time employee who has sustained an on-the-job injury shall be reinstated to the employee's former position of employment upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of such position with reasonable accommodations for the employee's limitations. For the purpose of reinstatement under this section, an employee's former position is available even if that position has been filled by a replacement while the injured employee was absent. If the former position has been eliminated, the employee shall be reinstated in any other existing position, which is vacant and suitable with reasonable accommodations for employee's limitations. Reinstatement rights are not available for seasonal employees, part-time employees and employees targeted for reduction in force or layoff under provisions of this personnel plan.

A certificate by the employee's attending physician stating that the employee is fit to return to work with or without reasonable accommodations for the employee's limitation may be required by the Town prior to the employee's return to work.

Other circumstances concerning reinstatement will be governed by the New Hampshire Workers' Compensation Statute and/or the New Hampshire Department of Labor requirements.

During the period a person is disabled, as a result of a job related injury, all benefits continue and accumulate if applicable. The employee is responsible for their share of the benefit premium. Should the period of disability continue into the next calendar year, and the employee has been unable to take accumulated vacation time, such time may be carried over to the next year. In the event the employee becomes permanently disabled or leaves the employ if the Town, the employee will be paid for such vacation at a rate consistent with the pay during the period the vacation would have been normally taken.

The Town may provide temporary alternate work opportunities for injured employees. Provisions of this procedure are covered in Appendix A, "Temporary Alternative Duty Policy Statement and Procedures."

UNIFORMS AND EQUIPMENT:

The Town shall provide equipment and materials to perform any required work duty, or will rent or pay for on a prorated basis such material without any expense to any employee. Uniforms shall be provided in accordance with the provisions of departmental requirements.

SECTION G
TIME AWAY FROM WORK AND LEAVE BENEFITS

HOLIDAYS:

Full-time employees are entitled to the paid holidays listed below. Part-time and seasonal employees are entitled to the paid holidays listed below if they would have been regularly scheduled to work on the day on which the holiday is observed. For hourly employees, holiday pay will be paid at the straight time hourly rate and will be pro-rated for employees that regularly work fewer than eight (8) hours on that day. On-call and per diem employees are not entitled to paid holidays.

The following paid holidays are observed by the Town of Plaistow:

New Year's Day

Presidents Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans Day

Thanksgiving Day and the day following

Christmas Day and the day following or the day prior to Christmas Day (depending upon the day of the week on which Christmas Day falls each year - announcement of the day will be made by the Town Manager on or before November 15 to allow employees time to make holiday plans in advance)

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

Employees who are absent for unauthorized reasons (a reason not acceptable to employee's supervisor or the Town Manager) on the day directly preceding or directly following the holiday, will forfeit pay for the holiday.

EMERGENCY CLOSURES:

In case of bad weather, power failure or other unforeseen problems, the Town Manager may shut down the Town offices and send non-essential employees home. In those cases, such employees shall be paid for the day's work. Extended periods of shutdown may be treated as a layoff within the discretion of the Town Manager. If you have questions regarding whether your position is considered essential, please contact Human Resources. The Town does have an Emergency Management Plan that does identify who essential personnel would be during an emergency.

When the Town Manager does not shut down the place of employment, but employees are concerned about similar problems, they may take unscheduled vacation days upon authorization of the Town Manager.

VACATION:

Vacations may be scheduled throughout the year but must be approved in advance by the employee's Department Head. Department heads' vacation requests must be approved in advance by the Town Manager. Such approvals shall not be withheld unreasonably. Vacation requests should be with enough advance notice for coverage and within reason. Annual accrued vacation entitlement will be granted on the anniversary date of hire in accordance with the following schedule for full-time and part-time employees.

Full-Time employees will be entitled to receive vacation time in accordance with the following schedule:

<u>YEARS OF SERVICE:</u>	<u>VACATION ACCRUAL:</u>
6 months	5 days (40 hours)
1 year	5 days (40 hours)
2 to 5 years	10 days (80 hours)
6 to 10 years	15 days (120 hours)
11 to 20 years	20 days (160 hours)
21 years +	25 days (200 hours)

Part-time employees receive vacation benefits in a direct ratio of 40 hours to their current average weekly hours worked and budgeted for the year and as approved by the Town Manager. For example, a part-time employee who is budgeted and regularly scheduled to work 20 hours per week will be entitled to vacation time in accordance with the following schedule:

<u>YEARS OF SERVICE:</u>	<u>VACATION ACCRUAL:</u>
6 months	20 hours
1 year	20 hours
2 to 5 years	40 hours
6 to 10 years	60 hours
11 to 20 years	80 hours
21 years +	100 hours

Vacation request forms are available from an employee's Department Heads and must filled out by the employee. Time available must be verified by Human Resources and be approved by the Department Head prior to the taking of vacation time.

An employee may carry over up to ten (10) vacation days (80 hours) into a subsequent accrual year. Any unused accrued vacation days in excess of the permitted carryover amount must be used prior to the next anniversary date of hire or be forfeited.

Employees are encouraged to take vacation time in one-week increments so that they serve the intended purpose of rest and relaxation and time away from work.

Employees who have been employed by the Town for a least one (1) year shall be paid for unused accrued vacation time (including the pro rata accrual of unused vacation time to the date of termination) on separation from employment, provided he/she gives at least two (2) week's notice (four (4) weeks for Department Heads). The pro rata vacation accrual shall be computed from the employment anniversary date.

PERSONAL LEAVE:

All full-time town employees shall be allowed 16 hours of leave in each calendar year for his personal use. Part-time employees who work at least 15 hours per week will be allowed 0.4 hours of personal leave per hour regularly scheduled to work in an average week. (For example: a part-time employee regularly scheduled to work 20 hours would receive 8 hours per year.) Personal leave (for part time employees) must fall upon a day when the part-time employee is scheduled to work. From hire to 6 months of service with the Town, personal leave time will accrue but cannot be used.

Personal leave pay will not exceed the normal scheduled hours. Employees may use personal leave with the approval of their Department Head. Personal leave is not intended to be used as extension of a holiday or vacation period. Rather it is intended for use during unexpected events or matters outside the scope of vacation, sick, or holiday leave. Unused personal days are not paid to employee on separation from employment.

SICK LEAVE:

Sick leave is considered to be an emergency fringe benefit used only as needed. Employees who need to be absent from work must report their absence to their direct Supervisor and state the reason for their absence within one-half hour of the time they are scheduled to report to work, unless physically unable to. Failure to do so will result in the forfeiture of sick leave pay and/or may result in disciplinary action. The Town reserves the right to request a statement from a qualified doctor for any time missed due to illness and/or to request a return to work certificate. Failure to provide satisfactory medical documentation on request may result in forfeiture of sick leave pay and/or, if sick leave abuse is detected, in disciplinary action.

Chronic cases of absenteeism due to illness shall be reviewed periodically and a determination regarding continued payment and/or, when appropriate, disciplinary action will be made by the Town Manager. Three (3) absences in a 90-day period, or a consistent pattern of absence, may be considered chronic, under this policy.

Provided the employee has accrued sick leave available, paid sick leave may be granted for the following:

- The employee's own bodily injury, disease or illness.
- Illness in the employee's immediate family. The immediate family shall include spouse, children, mother, father, mother-in-law and father-in-law.
- Exposure to contagious disease/quarantine.

After six months of service to the Town, full-time employees shall receive six sick days (8 hours per day). All full-time employees who have worked more than six months for the Town will receive twelve sick days (8 hours per day) on December 1st of each year. All unused sick leave expires on November 30th of each year.

Part-time employees, who are regularly scheduled for at least 15 hours on average per week will receive sick time, on the same terms set forth above for full-time employees, at a rate of 2.4 hours per year for every hour the employee is regularly scheduled to work in an average week. For example, a part-time employee who has been employed by the Town for more than six months who is regularly scheduled to work 20 hours per week would receive 48 hours per year in sick time each December 1st, while a part-time employee who has been employed by the Town for more than six months who is regularly scheduled to work only 15 hours per year would get 36 hours per year in sick time each December 1st.

An employee must pool at least six (6) of these (8 hour) days and may buy back the remainder of the unused portion to be paid in the first pay period of the following December. The following is an example for a new employee:

EXAMPLE (Using 8 hour days)

<u>Yearly Allowance</u>		<u>+</u>	<u>Accumulation</u>		<u>-</u>	<u>Minus Buy Back</u>	<u>=</u>	<u>Pool</u>
Dec. 2000	12	+	0	-	6		=	6
Dec. 2001	12	+	6	-	6		=	12
Dec. 2002	12	+	12	-	6		=	18

There will be a minimum of twenty (20) sick days in the sick pool for all employees in this plan after a period of four years. To obtain this minimum, an employee must take only the minimum allowed sick days for a period of four (4) consecutive years. After the four years, an employee may buy back the amount of unused sick days, leaving the minimum amount of twenty (20) days in the pool.

An employee may accumulate up to, but no more than a maximum of ninety (90) days in the pool. Upon the employee leaving employment with the Town of Plaistow, they will be paid for the remaining half of her accumulated amount of sick days over the minimum amount of twenty (20).

If an employee wishes to buy back more than twelve (12) sick days, he must notify the Town Manager in writing, two months in advance. The Town Manager has the right to refuse an amount over twelve (12) days.

Unused sick is not payable to employees on separation from employment.

SICK LEAVE POOL:

Time accumulated in the sick leave pool can be used when an employee is out of work on short or long-term disability. The pool days can be used to cover the waiting period and/or in conjunction with the disability payments in order for the employee to receive their full weekly pay while out on disability. In no case will the sick pool time in combination with disability payments equal more than 100% of the employee's regular net weekly pay.

From hire to 6 months of service to the Town, any employee qualifying for sick leave time will accrue it but cannot be used. For example, a new full time employee will build up six days of leave to which they will be entitled after six months and another six days during the following six months.

BEREAVEMENT LEAVE:

Employees shall be granted up to five (5) consecutive days of paid working days of leave upon the death of a spouse and up to three (3) consecutive paid working days of leave upon the death in her immediate family. For the purpose of this section, immediate family shall include the following: (step)mother, (step)father, (step)son, (step)daughter, (step)brother, (step)sister, grandmother, grandfather, grandchild, ward or relative residing in the employee's home. Special leave of up to one (1) working day with pay shall be granted to an employee for the purpose of attending the funeral in the event of death of his sister-in-law, brother-in-law, mother-in-law, father-in-law, aunt or uncle. Exceptions may be made by the Town Manager or his designee in special circumstances.

Bereavement Leave will be granted to part-time employees as set forth above when they are scheduled to work on days during which such leave is needed.

LEAVE OF ABSENCE:

Unpaid leaves of absence may be granted at the Town Manager's sole discretion for a specified length of time for personal reasons. Requests must be made to the Department Head or Town Manager. Such leave of absence without pay generally shall not exceed six (6) months in length and shall only be granted when it appears, because of the past records of the employee, or because of the purpose for which the leave is requested, that it is in the best interest of the Town to grant the leave. In no case shall a leave of absence be approved for the employee to look for or perform another job, or to start another business.

During approved unpaid leaves of absence, employees will forfeit all fringe benefits including health and dental insurance, Workmen's Compensation insurance, Disability and Life Insurance and shall accrue neither vacation nor sick leave. Employees enrolled in health and dental insurance through the Town prior to their unpaid leave of absence shall receive a COBRA notice.

An employee appearing for work on the designated date of return shall be restored to the pay status and benefit level she was at prior to the leave of absence. If an employee does not return to work on the designated date or receive an extension of leave, he will be considered to have voluntarily left employment with the Town.

Depending upon the nature of the position and upon request of the Town Manager, a seasonal or temporary employee may be hired for the duration of the leave of absence. This temporary employee will not be extended any fringe benefits offered by the Town other than Workman's Compensation and Disability Insurance or other Federal/State mandated items.

MILITARY LEAVE:

To foster and encourage service in the United States Military Reserve and National Guard, the Town will allow any full-time employee who is a member of the United States Military Reserve and the National Guard to use accrued paid leave up to the difference between his or her military pay and the employee's regular base pay when called for normal or annual training sessions. Payment of the above stated differentials shall not apply to regular monthly meetings or when the employee enters full time active duty.

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard will be provided with leaves of absence for such services or training in connection with such service as required by the Federal Uniformed Services Employment and Reemployment Rights Act ("USERRA") and any other applicable state or federal laws.

Employees seeking to utilize military leave under this section must receive approval from Human Resources and the Town Manager, and may be asked to provide supporting documentation. Requests for leave should be made as soon as practicable after receiving written or verbal orders. Employees who wish to be reinstated following military leave shall promptly notify Human Resources of their desire to be reinstated. Reinstatement shall be made in accordance with the requirements of USERRA.

JURY DUTY/WITNESS LEAVE:

The Town of Plaistow agrees to pay any full-time or part-time employee who serves as a juror in a legally constituted court the difference between earnings as a juror and the employee's average straight time hourly earnings that the employee would have received if he or she had worked her normal shift(s). For seasonal employees, jury duty shall be considered an excused unpaid absence.

In addition to jury duty, full-time or part-time employees who are subpoenaed to testify in court or before boards/commissions in legal proceedings related to their employment with the Town shall be

paid for time spent testifying based on the employee's regular rate of pay. For seasonal employees, witness leave shall be considered an excused unpaid absence.

All employees are expected to report for duty when released from Jury Duty or Witness Duty.

The employee must notify their Department Head within a reasonable time after the receipt of notice of selection for jury duty in order to be eligible for payment or approved leave. He must also produce a written statement from the appropriate public officials showing the date and time served and the amount of pay received.

FAMILY & MEDICAL LEAVE ACT of 1993 (FMLA):

Introduction

Town Employees are entitled to family and medical leave under the federal Family and Medical Leave Act of 1993 ("FMLA") when they meet all of the eligibility requirements of the law. This policy is intended to summarize the statute and set forth rules that will be applied uniformly to all eligible Town employees. This policy is not intended to expand the Town's obligations beyond the requirements of the FMLA.

Employee Eligibility:

Employees are eligible for FMLA leave if they have worked for the Town for at least twelve (12) months, have worked at least 1250 hours over the twelve (12) month period immediately preceding the commencement of the requested leave, and are employed at a worksite where at least 50 employees are employed by the Town within a 75-mile radius of worksite. Leave may be granted after the Town Manager's receipt of the proper written application and his subsequent approval of the terms of the leave.

There are two types of eligibility periods for FMLA leave.

a. 12-Month Period for Birth, Adoption or Foster Care, Serious Health Condition, or Qualifying Exigencies

Eligible employees may use up to twelve (12) weeks of unpaid FMLA leave during a 12-month period for the following qualifying reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son/daughter or parent who has a serious health condition;
- for a serious health condition that makes the employee unable to perform the employee's job;
- qualifying exigency leave for an employee whose spouse, child, or parent is a regular member of the Armed Forces on covered active duty deployed to a foreign country or a

reserve member of the Armed Forces (including National Guard) on covered active duty deployed to a foreign country under a call or order to active duty in a contingency operation.

The 12-month period used to determine employee eligibility for FMLA for the purposes described above shall be a rolling 12-month period measured backward from the date of the employee's request for leave.

b. 12-Month Period for Military Caregiver Leave

Eligible employees may use up to 26 weeks during a single 12-month period of unpaid FMLA leave to care for a spouse, child, parent, or next of kin of an eligible service member or veteran with a serious injury or illness. The 12-month period for military caregiver leave under the FMLA is calculated separately from the 12-month period for FMLA taken for other qualifying reasons. The 12-month period for military caregiver FMLA leave is calculated from the first day that the leave is taken for this purpose. Any military caregiver leave that is not taken within this specific 12-month period is forfeited.

The military caregiver 12-month leave period may overlap with the Town's regularly designated FMLA leave period and, in certain circumstances, may impact the employee's eligibility to take FMLA leave for other qualifying reasons.

Limitations on FMLA Leave:

Leave may be taken for childbirth, adoption or foster care placement of a child only within twelve (12) months of that childbirth, adoption or placement. The Town may require that such FMLA leave be taken on a full-time basis. However, leave may be taken on an intermittent or reduced basis if another arrangement is agreed to by the Town Manager.

Leave for serious health conditions, either of a family member or the employee, may be taken intermittently or a reduced schedule if medically necessary. The preferred minimum time for FMLA leave taken on an intermittent basis is two (2) hours per work day.

Notice by Employee:

In the event of foreseeable leave, the Town may require thirty (30) days' notice for either full-time or intermittent FMLA leave. If the employee is unable to provide thirty (30) days notice, then she must provide such notice as is practicable. If an employee's request for intermittent leave is foreseeable, based on planned medical treatment, the Town may require the employee to transfer temporarily to an alternate position with equivalent pay and benefits, that better accommodates recurring periods of leave than the employee's regular position. Employees are required to make a reasonable effort to schedule treatment so as not to unduly disrupt the operation of the Town of Plaistow.

Employees returning from extended leaves of absence must notify the Town at least ten (10) working days in advance of their projected return or the end of the approved leave period, whichever comes first.

Coordination with Other Leave:

When leave is taken that qualifies both under the FMLA and as permitted leave under any employment contract, collective bargaining agreement, or other Town policy, the employee may be required, or the employee may elect, to use FMLA and the paid/unpaid leave benefit concurrently, provided the employee meets all eligibility requirements for each type of leave. The Town is not required to provide paid sick leave or medical leave in any situation where the Town does not already do so pursuant to a separate policy.

Certifications:

The Town Manager may require that an employee provide certification of her own serious health condition or that of a family member. If requested, the employee must provide a copy of such certification to the Town Manager within 15 days or an adequate explanation for not meeting this time frame must be given. The Town Manager may periodically require subsequent recertification.

The Town Manager may require that a second or third opinion be obtained, by a physician at the Town's own expense, if there is a question about the certification provided by the employee's healthcare provider. The second and third opinion may be provided by a physician or practitioner of the same specialty, board certified and currently practicing, as selected by the Town Manager.

Before an employee returns to work from FMLA leave for the employee's own serious health condition, the employee may be required to submit a fitness for duty certification from the employee's health care provider indicating that the employee is able to return to work and perform all of the essential functions of his or her position.

Employment and Benefits Protection:

At the end of an authorized FMLA leave, an employee will be reinstated to their former position or to a position equivalent in pay, benefits, and other terms and conditions of employment.

Employees who take protected FMLA leave will not lose any previously accrued seniority or employment benefits. However, such benefits will not continue to accrue during the employee's FMLA leave.

During FMLA leave, the Town will maintain the employee's health insurance benefits under the same terms and conditions applicable to employees not on leave. If FMLA leave is paid through the use of accrued leave time, the Town will deduct the employee's portion of the health plan premium as a regular payroll deduction. If FMLA leave is unpaid or paid through benefits not provided through the Town's payroll system (e.g., workers' compensation or disability benefits), the employee must contact the Finance Office to make arrangements to pay his or her portion of the health plan premium. Failure

to make such arrangements and pay the employee-portion of the premium costs during FMLA leave may jeopardize an employee's entitlement to continuation of coverage.

Key Employee Exception:

FMLA provides a limited exception from the restoration requirement to those employees who are salaried and in the highest paid ten (10%) percent of the Town's work force within a 75-mile radius of the employee's work-site, i.e., "key employees." The Town Manager may deny restoration of employment to a "key employee" following FMLA leave if reinstatement would substantially impact the daily operations or management of the Town.

A key employee who takes leave is still eligible for continuation of health benefits, even if the employee has been notified that reinstatement will be denied.

The Town Manager must notify key employees of his or her intent not to restore the employee at the time when the determination is made. If the leave has begun, the employee must have the option of deciding whether or not to return after receiving the notice. A key employee who is not returning is still considered to be on leave for the duration of her leave period.

Interpretations:

The terms of this policy are intended to comply with the Family and Medical Leave Act of 1993. Any terms used from the FMLA will be defined as in the Act and the U.S. Department of Labor regulations. To the extent that this policy is ambiguous or contradicts the Act or the regulations, the Act or the regulations shall prevail.

LEAVE OF ABSENCE FOR VICTIMS OF CRIME:

The Town 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. For purposes of this policy, a "victim" is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy only, "immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify Human Resources as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the

prosecution of the crime. 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 would impose 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 vacation time, sick 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.

MATERNITY LEAVE:

All female employees may take an approved unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. A maternity leave begins when the 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 and any applicable accrued paid leave, if they are eligible for such leave, concurrently with maternity leave.

Employees on maternity leave who are not eligible for FMLA leave or who have exhausted their FMLA and paid time off will be allowed to continue to participate in our health insurance benefit 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 Office 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 a comparable 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 a comparable position will remain eligible to apply for any available position within the Town.

SECTION H
ON THE JOB EXPECTATIONS AND WORKPLACE CONDUCT

GENERAL STANDARDS OF CONDUCT:

As public employees, action and behavior reflect directly upon the Town. Unprofessional attitudes and conduct cannot be tolerated. All employees are required to comply with our standards of conduct, which are intended to promote consistency and harmony in the workplace, and to support the missions and objectives of the Town, as well as all state and local laws, and department-specific policies. We recognize that no list of rules can be all inclusive. Incidents may arise that are not covered by the standards of conduct listed herein, but which nonetheless may lead to discipline, up to and including termination. The seriousness of an offense will vary with the circumstances prevailing at the time it occurred and the behavior, which prompted it and the employee's past record. All factors are considered when determining the appropriate action to take in a particular situation.

The following areas are intended to guide you in recognizing certain behaviors which are clearly prohibited and which are considered by the Town to constitute cause for disciplinary action, up to and including discharge.

- Commission of a crime or a misdemeanor under any Statute, law, or ordinance that impacts the employee's continued ability to perform his or her position;
- Disobedience or violation of any reasonable Department regulation, rule, official order, or directions given by the employee's direct Supervisor or any other act of insubordination;
- Inability, inefficiency, unwillingness, neglect, or tardiness in completing assignments, projects, or following directions within an employee's job responsibility and/or description;
- Disrespect, uncooperativeness, abusive language, or discourteous service to the public and/or other employees;
- Indecent, profane, or unnecessarily harsh language;
- Intoxication by or use of alcoholic beverages, narcotics, drugs, or other controlled substances during work hours, or possession, sale, or purchasing of illegal drugs during work hours or while on Town premises;
- Absence from work without approval, failure to comply with call-out expectations, leaving work early without permission, and abuse of leave benefits;
- Negligence in the care of public property, example: abuse, misuse, waste, or willful destruction;
- Failure to immediately report to a direct Supervisor any damage to Town property;

- Falsifying any Town record or report, or dishonesty to other Town employees, resident, visitor, or Town representative;

Unauthorized removal of Town documents or records;

- Threatening, intimidating, coercing, or interfering with any fellow employees;
- Discrimination or harassment in violation of Town policy, or retaliation against any person who has complained of alleged harassment or discrimination or who has participated in an investigation of a complaint;
- Engaging in physical combat or dangerous horseplay on Town premises or during work hours;
- Failure to report occupational injury within twenty-four (24) hours;
- Disregard of safety rules and/or specific instructions;
- Acts or omissions that a reasonable person, guided by common sense or standard business practices, would know or should have known are contrary to the best interests of the Town; and/or
- Any other conduct or action of such seriousness that disciplinary action is considered warranted.

DISCIPLINE:

- It is the policy of Town to take corrective action against employees who violate rules, regulations, or standards of conduct, or who endanger the safety of others, or perform their duties in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town, as set forth below. While the Town will apply the concept of progressive discipline when appropriate, it reserves the right to determine the appropriate level of discipline in any circumstance. In addition, nothing in this policy or Personnel Plan undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under federal and state law.

Disciplinary action will normally be imposed in the following order:

- 1. Documented Verbal Warning
- 2. Written Warning
- 3. Administrative Leave/Suspension Without Pay
- 4. Termination

- Verbal and Written Warnings will be given by the Supervisor, Department Head or Town Manager and shall include the nature of the offense, including the date and time of its occurrence and remedial suggestions. If practicable, Warnings will be issued within ten (10) working days of knowledge of the offense.
- Administrative Leave /Suspension without Pay may be imposed by the Town Manager and shall be between 1 and 60 working days, depending on the severity of the offense. The Department Head shall notify the Town Manager immediately upon offence and suggestion of the administrative leave with or without pay. Administrative leave without pay may be imposed within ten (10) days of knowledge of offense, unless the investigation takes longer. The employee may receive a written notice of suspension administrative without pay, which includes the date, time and nature of the offense and remedial suggestion as appropriate.
- Termination of an employee is within the discretion of the Town Manager. Termination of an employee by the Town Manager may also be imposed upon the recommendation of the Department Head. Upon receipt of such recommendation, the Town Manager shall review the circumstances surrounding the events causing such recommendation and the employee's personnel file. If the Town Manager agrees with the Department Head's recommendation, he may confirm the termination in writing to the employee within ten (10) working days of the date of receipt of the Department Head's recommendation.

ATTENDANCE:

Attendance and punctuality are important factors for your success in the Town. However, the Town is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise.

If an employee is unable to report to work, or if an employee will arrive late, the employee must contact his or her Supervisor or Department Head. If a Department Head is unable to report to work or will arrive late, the Department Head must contact the Town Manager and the Town Manager's administrative staff. Additionally, Department Heads should inform impacted staff. The Town should be given as much time as possible to arrange for someone else to cover the position until the employee arrives. If the employee knows in advance that he or she will need to be late or absent, the employee is required to request, in writing, this time off directly from his or her Supervisor or Department Head. If a Department Head knows in advance that he or she will need to be late or absent, the Department Head is required to request, in writing, this time off directly from the Town Manager. Failure to provide at least 30 minutes notice of an absence or late arrival in advance of an employee's scheduled shift or work day may result in disciplinary action.

For late arrivals, the employee should indicate when he or she expects to arrive for work. If the employee is unable to call in because of an illness, emergency or for some other reason, the employee should arrange to have someone call on his or her behalf.

Absence from work for two (2) consecutive days without notifying your Supervisor, Department Head, or Town Manager will be considered a voluntary resignation. Furthermore, three (3) absences in a 90-day period, or a consistent pattern of absence, may be considered excessive, and the reasons for the absences may come under question.

Tardiness or leaving early is often as detrimental to the Town as an absence. Three (3) such incidents in a 90-day period will be considered a "tardiness pattern" and may be considered excessive, and the reasons for tardiness or leaving early may come under question. Other factors, like the degree of lateness, may be considered.

All employees should be aware that excessive absenteeism, lateness, or leaving early may lead to disciplinary action, up to and including dismissal from employment.

Attendance records will be considered when evaluating requests for promotions, transfers, leaves of absence, and approved time off, as well as disciplinary, termination, and layoff decisions.

CONFIDENTIALITY:

The Town's information and records relating to Town business, operations, plans, projects, strategies, employees, or citizens may be confidential. Therefore, employees must treat all matters accordingly.

No Town information, including, without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town) may be removed from the Town's premises without permission from Town Manager or designee.

Additionally, the contents of the Town's records may not be disclosed to anyone, except as required by law.

Employees unsure about the confidential nature of specific information are expected to seek clarification from Town Manager or Assistant Town Manager. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

The Town provides communication tools including computers, fax machines, telephones, voice mail, e-mail, and access to the Internet to help you do your job. This policy is designed to help you understand our expectations for the use of these resources and to help you use these resources wisely.

All employees should be aware that the Town has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail, and Internet use of all employees. ***For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems.*** The Town reserves the right to suspend individual

user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy.

The following guidelines apply to all employees:

- Employees should be aware that in addition to having the ability to monitor e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), the Town has the ability and the right to monitor such things as Internet web site visits, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created or stored on them are the property of the Town and may be monitored by the Town at any time.
- Our computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Town resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any resulting law enforcement investigation.
- The Town reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document by e-mail or through any other means using the Town's system is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, genetic information, religion, national origin, disability, veteran status, marital status or other protected status in a manner that may be viewed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
- Transmission of any religious or political messages using Town equipment is strictly prohibited.
- Accessing non-work related obscene or offensive web sites is strictly prohibited.
- Using Town equipment to create or transmit any communications in violation of Town's discrimination and harassment policies, or any other Town policy, is prohibited.
- Any personal use of our computers or other communications equipment for any commercial activity (other than Town business) is strictly prohibited, as is the use of our computers and communications equipment for anything that may not be in the best interest of the Town including, but not limited to, activities that disclose any confidential or proprietary information of the Town.
- Town computers and other communications equipment are to be for Town use only by authorized users. Non-employees may not use the Town's computers, network, or other communications equipment for any reason.

- Use of another employee's account, user name, or password, or access to their personal files without their consent (by anyone other than authorized representatives of the Information Technology Contractor) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.
- All pass codes and passwords are the property of the Town. No employee may use a pass code, password, or voice mail access code that has not been issued to that employee by the Town or that is unknown to the Town. Users of the Town's computers, network, and other communications equipment must take reasonable precautions to prevent unauthorized access to our systems. Passwords should not be divulged to unauthorized persons.
- Destruction, theft, alteration, or any other form of sabotage of the Town's computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.
- The breaking into and/or corrupting of any of the Town's computers, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Town's technology is also prohibited, and will be reported to the authorities.
- Any vulnerability in the Town's computers, network, or other communications equipment or resources should be reported immediately the Town Manager.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the Town Manager.
- Accessing the Town's files or any other files on the network or the system that you did not create is prohibited unless you have prior authorization from the Town Manager.
- Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, or hacking, or introducing malware or spyware is strictly prohibited.
- Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All Town data and information is considered confidential unless the Town has granted permission for an employee to disclose that information or unless required by law. Accessing or attempting to access confidential data without authorization to do so is strictly prohibited. Confidential information should be used only for its intended purpose. Employees' responsibility for confidentiality continues outside of work. Employees may not work on Town documents, data, or other business on home computers or other portable technology without the express prior approval of the Town Manager.
- All employees are responsible for taking precautions to safeguard the physical security of the Town's network, Internet, computers, and other communications equipment. Disks, CDs, USB portable drives, Zip drives, and other removable drive devices containing sensitive, confidential,

or proprietary information should be stored in a locked drawer, whenever possible. Computers should be turned off when not in use for an extended period of time or when an employee is out of his or her office.

- Employees are not allowed to introduce to our network, Intranet, computers, or other communications equipment media from any external sources, including, but not limited to, CDs, disks, Zip drives, personal digital assistants (including, but not limited to, iPods, iPads, iPhones, BlackBerries, and palm pilots), USB portable drives, and other removable drive devices.
- Employees also may not copy, transmit, or otherwise remove any information from our network, Intranet, computers, or other communications equipment to CDs, disks, Zip drives, personal digital assistants, USB portable drives, or other removable drive devices without prior authorization from the Town Manager.
- Employees may not intentionally download anything from the Internet or other device without prior authorization. This includes, but is not limited to, screensavers, music, E-mail stationary, and other images.
- All downloaded files or applications are to be scanned for viruses by IT Department or Vendor before being saved on the Town's network. The Town's IT Department or Vendor must review all downloaded applications before being installed on the network.
- The Town retains the copyright to any Town-related material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his/her duties.
- All information on the network, Intranet, computers, and other communications equipment is the property of the Town. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have received prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town to continue using its equipment.
- All employees are required to report any violations, or suspected violations, of this policy.

SOCIAL MEDIA POLICY:

The Town understands that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities, especially when social media use intersects with the workplace. The Town neither encourages nor discourages any of its employees from posting on social networking sites or blogging on their own time, using their own equipment. However, employees should be aware that these postings are public. Even if access to them is restricted, they may be forwarded out of the restricted group by those who have rightful access, and live on virtually forever. And, even if a posting is taken down it never truly disappears but rather continues to exist somewhere in cyberspace. As a result, employees need to be mindful that online activity, including social networking postings (whether images or comments), even though done on personal time and using personal equipment, can cause damage to not only their own reputation and interests but also the reputation and interests of the Town, co-workers, and the public we serve.

In order to ensure that all employees understand Town's expectations regarding social media use, we have established the guidelines below.

This policy applies to all Town employees.

Social media includes all means of communicating or posting information or content of any sort on the Internet, including to an employee's own or someone else's web log (or "blog"), journal or diary, personal web site, social or professional networking or affinity web site, web bulletin or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.

The same principles and guidelines found throughout this Personnel Plan apply to activities online. Ultimately, employees are responsible for what they post online. Before creating online content, employees should consider some of the risks and rewards that are involved. Any conduct that adversely affects job performance, the performance of fellow employees or otherwise adversely affects the Town or its residents may result in disciplinary action up to and including termination.

Please ensure that your postings are consistent with Town policies and state/federal law. Postings that include discriminatory remarks, harassment, and threats of violence or which are otherwise inappropriate or unlawful, such as a post that releases confidential resident information, will not be tolerated and may subject you to disciplinary action up to and including termination. Should you reference the Town in any way you must state that the views, opinions, ideas or information belong to you personally and are not in any way attributable to the Town.

Always be fair and courteous to fellow employees, residents, vendors and people who work on behalf of Town. Employees should keep in mind that work-related complaints are often best resolved by speaking directly with co-workers or by utilizing our reporting procedures and open door policy rather than by posting complaints to a social media outlet. Nevertheless, employees who decide to post complaints or

criticism, must avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening, or intimidating, that disparage residents, vendors, employees, or that might constitute harassment. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, sexual orientation, veteran status, genetic information or any other status protected by law.

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Never post any information or rumors that you know to be false about the Town, its employees, officials or residents.

The Town prohibits employees from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor or consistent with Town's computer policy. Do not use a Town email addresses to register on social networks, blogs or other online tools for personal use. The Town internet resources are only to be used in accordance with the Town rules and policies on confidentiality, harassment, use of the internet and use of office equipment.

Employees should report violations of this policy to Human Resources. It is the responsibility of all employees to help the Town ensure compliance with the policy. The Town prohibits retaliation against any co-employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee in violation of this policy will be subject to disciplinary action up to and including termination.

If you have any questions or need further guidance, please contact Human Resources.

Violation of any aspect of this policy is subject to disciplinary action, up to and including termination of employment, regardless of whether such conduct occurred away from work or on non-work time.

MEDIA MANAGEMENT POLICY:

This policy applies to all Town employees who are employed by the Town when they are acting in their official capacities. This policy is intended to ensure all media releases and statements by the Town, as well as responses to media representatives' inquiries by the Town, are handled consistently, professionally and appropriately, and to facilitate prompt and accurate statements or responses by the Town on matters of public interest, policy, right to know and public relations.

Staff members acting within their official capacities should have prior authority from the Town Manager before speaking with the media on Town business or to discuss a specific issue. The Town Manager retains sole authority to speak on behalf of the Town, unless he or she specifically directs a staff member, at the Town Manager's discretion, to discuss facts and answer inquiries. In such circumstances, all such answers should be confined to the facts and adhere to the requirements of New Hampshire's Right-to-Know Law, RSA 91:A.

The goal is to maintain a positive public image through interviews, speeches and other communications.

This policy is not intended to interfere with public employees' rights to freedom of expression under NH RSA 98-E.

DRESS CODE:

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Footwear such as flip flops or other beach type sandals are not acceptable. Torn jeans or clothing, tight-fitting clothing, low riding pants, tank tops, bare midriff (half) shirts, shirts with bare backs, shorts, and short skirts or dresses are not considered workplace appropriate clothing.

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.

Any questions concerning dress should be directed to your Supervisor or Department Head.

SOLICITATION AND DISTRIBUTION:

Except as otherwise expressly provided by applicable collective bargaining agreement, no solicitation of any kind is permitted during working time, unless first approved by the Town Manager or designee. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, and time before and after work hours. This rule applies to solicitations of both charitable and non-charitable causes.

Except as otherwise provided by applicable collective bargaining agreement, no distribution of any non-work related written materials is permitted in any work area of any kind, unless first approved by Town Manager or designee. "Work areas" are defined as any Town office or facility, other than designated break areas.

Employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on the Town's premises at any time, unless authorized by Town Manager or designee.

TOWN VEHICLES:

Plaistow Town Vehicles are assigned to certain staff and employees for the purpose of immediate, effective and coordinated emergency response to situations in the Town. Vehicles assigned should be kept in a ready state, and should not be operated at any time in an unsafe or unprofessional manner. Town employees operating Town vehicles shall comply with all applicable traffic laws, rules, regulations, and safe operating standards. Town vehicles shall only be operated by properly-trained and authorized Town employees who possess an appropriate State driver's license for the vehicle they are operating.

Unless specifically authorized by the Town Manager, Town vehicles are for business use only. Improper or unauthorized use of a Town vehicle will result in disciplinary action, up to and including termination.

All Plaistow vehicles shall prominently bear the seal of the Town of Plaistow with the exception of unmarked police cars used for surveillance. Additional seals may include the official Town seal, police and fire department seals and other seals.

Any accident occurring in or involving a Town vehicle must be immediately reported, whether or not property damage or personal injury results from the incident.

All employees who operate Town vehicles may be required to provide an official copy of their driving record annually at the Town's expense.

USE OF PERSONAL VEHICLES FOR TOWN BUSINESS:

All Town employees, who use private vehicles for official Town business, are entitled to reimbursement for mileage. The reimbursement rate for non-represented employees shall be established by the Town on an annual basis.

MOTOR VEHICLE VIOLATIONS:

All employees who operate Town vehicles are required within seventy-two (72) hours to notify Human Resources if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicles is suspended, revoked, or otherwise restricted in any way, the employee must notify Human Resources within one working day of learning of the suspension, revocation, or restriction. An annual license driving record will be completed. No employee is authorized to operate any vehicle on Town business while his or her license is under revocation or suspension. Employees who are required to, but who are unable to, drive, and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

TOWN SECURITY:

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of Town Manager and the Town of Plaistow Police Department.

INTEGRITY/CONFLICTS OF INTEREST:

No employee will use his or her position for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain. No employee will seek any personal favor, personal or personal profit, including any personal advantage secured by use of confidential information or misuse of public time. However, this policy is not intended to prevent any employee from seeking salary and employee benefits paid by the Town through established channels.

An employee's work product for the Town, paid by the Town and/or done on Town time belongs to the Town, including licensing rights for that product. All employees shall affirm the dignity and worth of the services rendered by government and maintain a constructive, creative and practical attitude toward local government affairs and deep sense of social responsibility as trusted public servants.

No employee shall engage in campaigning during scheduled work hours. All employees will be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the employees may merit the respect and confidence of the elected officials, of other officials and employees, and the public. All employees will recognize that a very important function of town government is to serve the best interest of all of the people. Each employee will handle problems without discrimination in accordance with Town policy based on fairness and merit.

Employees with any questions regarding these guidelines are required to discuss them with Town Manager, prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination.

NEPOTISM:

The Town will not allow any part-time or full-time employee to work under the direct supervision of a member of their immediate family (defined for this section as grandparent, parent, sibling, child, grandchild or spouses of same) or to work under the direct supervision of member of his or her household. The Town will not allow either a household member or a member of the immediate family to work in a position where the two employees are responsible for handling the same group of Town funds. This prohibition of nepotism applies to seasonal employees and on-call employees (e.g. Firefighters) only as it relates to handling of the same group of Town funds, not to direct supervision. It will apply to those directly supervised by elected officials if the elected official is from the same immediate family or is a member of the employee's household. It does not apply to employees from the immediate family of, or who are household members with, members of Boards and Commissions if the

position is supervised by the Town Manager or by Department Heads under the Town Manager's authority.

SUGGESTIONS AND IDEAS:

We are always interested in your constructive ideas and suggestions for improving our operations. We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement. Please submit suggestions to Human Resources or the Town Manager's office. Employees may also submit suggestions to their Supervisor or Department Head.

PERSONNEL RECORDS:

An employee shall be allowed access to his personnel file by requesting to view the file in writing to the Town Manager. The file shall be made available in a timely manner and will only be viewed in the presence of the Town Manager or her designee. Personnel file reviews must be completed during an employee's own time. 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. The Town will not charge a fee for copying your personnel file.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, 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 Human Resources as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

EMPLOYEE EVALUATION:

Except as otherwise set forth in an applicable collective bargaining agreement, all employees will be given a written evaluation at least once a year by June 1st. It is the purpose of the evaluation to keep the employee advised of the acceptability of her performance, set performance related goals and to offer remedial suggestion where needed. The evaluation will be discussed with the employee and signed by both the employee and the evaluator to demonstrate that the meeting took place and that the evaluation was provided to the employee. The employee will have the right to comment on the evaluation. The evaluation and comments will then be forwarded to the Town Manager and placed in the employee's personnel file.

An evaluation is not a contract or a commitment to provide a compensation adjustment, a promotion, a bonus, or continued employment. Evaluations are only one of several factors that the Town uses in connection with compensation, promotion, and retention decisions. Employee performance evaluations

are also not considered to be disciplinary in nature, and, as such, performance evaluations are not subject to the Grievance Procedure contained within this Personnel Plan.

Performance Improvement Plans (PIP) may be utilized as a tool for improvement and success.

PROMOTIONS AND TRANSFERS:

All Town employees shall be eligible for promotion or transfer within the Town. Employees desiring consideration for promotions or transfers should complete an application when a position becomes available. Filling of positions will be made by the Town Manager or her designee(s). Selection will be made from among the qualified candidates on the basis of capacity for the position, experience, ability to perform job tasks and other criteria appropriate for the position to be filled. The Town may also recruit individuals from outside of the Town, depending upon the circumstances. Upon hiring, the employee will receive a written job description, a copy of the Personnel Plan and the Joint Loss Management Program.

Employees may obtain additional information about open positions and request consideration for any opening by contacting Human Resources. The Town Manager will have final approval over all transfers and promotions.

DEMOTION:

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

- When an employee would otherwise be laid off because a position is being abolished, a position is being reclassified to higher grade, lack of work, lack of funds, or because of the return to work from authorized leave of another employee to such a position in accordance with applicable rules contained herein.
- When an employee does not possess the necessary qualifications or skills to render satisfactory service in the position held, or when removed during probation.
- When an employee documented performance fails to meet the expectations of the position.
- Upon the employees request.

All demotions must receive the approval of the Town Manager. An appeal may be filed as specified herein.

VOLUNTARY DISPUTE RESOLUTION PROCEDURE:

If you feel you have a work-related problem, issue or concern, you should present the situation to your supervisor so that the problem can be settled by examination and discussion of the facts. We hope that the supervisor will be able to satisfactorily resolve most matters.

An employee who is not satisfied with the supervisor's response (or the problem involves your supervisor) is urged to go to the Department Head and again try to resolve the issue. If the matter is not resolved by the Department Head within fifteen (15) business days, the Town Manager is available to discuss the issue. We urge every employee to follow through rather than be dissatisfied. Any complaint will be investigated and the findings and determination reported back to the employee.

Your suggestions and comments on any subject are important to us so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure.

D. Grievance Procedure:

It shall be the right of the employee to present and process grievances. A grievance shall be defined as an alleged violation, misinterpretation, or misapplication of any provision of this policy.

To be considered under this grievance procedure, a grievance must be reported in writing by an employee to his or her Department Head within 10 calendar days of its occurrence or within 10 calendar days from the date that they knew, or should have known, of its occurrence.

The following matters shall be excluded from this grievance procedure:

- a) Any matter for which a specific method of review is prescribed by law.
- b) Any matter which, according to law, is beyond the scope of the Town's authority or is limited to the unilateral action of the Town alone.
- c) Any grievance for which an available right to a review by another administrative or judicial tribunal has not been waived by the grievant.

Any and all time limits specified in this grievance procedure may be waived by written mutual agreement of the Town Manager (or Board of Selectmen for step 3) and the grievant. Failure by the grievant to submit the grievance in accordance with these time limits without such waiver shall constitute an abandonment of the grievance. Failure by the Department Head or the Town Manager to reply within the specified time limits shall allow the applicant to move to the next step.

No reprisals of any kind will be taken by the Town or employees against any party to, or participant in, the grievance procedure.

Step 1. A grievance shall be submitted in writing to the Department Head (not to his designee) within 10 calendar days, in an attempt to resolve the matter. The grievance must specify: the person that has taken the action being grieved; the time and place of the action being grieved; the nature of the grievance; the provision of this manual which has been violated, misinterpreted, or misapplied; the injury or loss that has resulted from such violation, misinterpretation, or misapplication; and the remedy being sought by the grievant. The Department Head shall hold a hearing within ten calendar days after receipt of the grievance and shall render a written decision no later than seven calendar days after the

hearing. For purposes of this and other paragraphs in this section, a submission by the grievant to the Town will be considered to have been made and received only when it is presented personally to the named Town representative (i.e. department head, Town Manager, Chairman of the Board of Selectmen). A reply by the Town to the grievant will be considered to have been made and received when it is delivered to the grievant or three days after it is mailed if the grievant is not available. If the grievance is by a Department Head, it shall start at step 2.

Step 2. If the grievance has been not resolved to the grievant's satisfaction in Step 1, a written appeal to the Town Manager (not to his designee) may be filed by the grievant within ten calendar days after receipt of the Department Head's Step 1 decision. Copies of all documentation relating to the Step 1 procedure (grievance and decision) shall accompany said appeal. The Town Manager shall hold a hearing within thirty calendar days after the receipt of the appeal and shall render a written decision within fifteen calendar days after the hearing.

Step 3. If the grievance has not been resolved to the grievant's satisfaction in Step 2, a written appeal to the Board of Selectmen through its chairman may be filed by the grievant within ten calendar days after receipt of the Town Manager's Step 2 decision. Copies of all documentation relating to the Step 1 and Step 2 procedures (grievance and decisions) shall accompany said appeal. The Board of Selectmen shall hold a hearing within thirty calendar days after the receipt of the appeal and shall render a written decision within fifteen calendar days after the hearing. The Board of Selectmen shall be a final decision resolving the grievance.

E. Notification and Recordkeeping:

The Department Head will bring all such violations to the attention of the employee through either counseling, a documented oral reprimand, or other written documentation as outlined in this section. The employee will be notified of the nature of the problem, the remedial action suggested, and/or if any disciplinary action will be taken.

If an employee is placed on administrative leave, reprimanded, or dismissed, she must be notified, in writing, of the effective date and duration.

SECTION I
ANTI-HARASSMENT AND ANTI-DISCRIMINATION POLICIES

POLICY AGAINST UNLAWFUL DISCRIMINATION, HARASSMENT, AND/OR RETALIATION:

The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees or applicants for employment based on any legally-protected status, including, but not limited to: veteran or military status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, genetic information or ancestry. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, benefits and training.

In support of our commitment to equal employment opportunities, the Town prohibits any and all discrimination or harassment on any of the bases discussed above. This policy prohibits all of the activities discussed herein, whether engaged in by a supervisor, employee, co-worker, agent or non-employee who is on Town premises or who comes into contact with Town employees.

Any employee who harasses or discriminates against another employee, citizen, or visitor on any of the bases discussed above will be subject to discipline, up to and including discharge. The Town defines harassment as follows:

Harassment is severe or pervasive verbal and/or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, sex, pregnancy, national origin, age, religion, disability, marital status, sexual orientation or , veteran status, or any other protected classification, or that of his or her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of Town policy. However, the following are examples of some conduct that may constitute harassment in violation of this policy:

- epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that are based on or that relate to race, color, religion, gender, national origin, genetic information, ancestry, pregnancy, age, disability, sexual orientation, marital status, or veteran status;
- written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, genetic information, ancestry, age, disability, sexual orientation or veteran status; and/or,

- offensive comments, jokes, innuendos, and other statements or conduct based on an individual's membership in any of the legally protected categories listed above.
- posting quotes, jokes, innuendos or other statements on town notice boards, windows, doors, bathroom interiors, desk space, walls or any other place observable by another employee or member of the public within a town building, property or vehicle.

The Town prohibits all of the activities discussed above, whether engaged in by a supervisor, agent, employee, co-worker, or non-employee (such as a vendor) who is on our premises or who comes in contact with our employees. Any supervisor or employee who harasses or discriminates against another employee or non-employee on any basis discussed above will be subject to discipline, up to and including termination of employment.

If you experience or witness what you believe may be harassment and/or discrimination in violation of this policy, you should immediately report the incident. All reports must be made in accordance with the Reporting Procedure contained in this Personnel Plan. The matter will be promptly investigated and appropriate action will be taken, depending on the nature and severity of any proven incident.

Retaliation against an employee who complains in good faith about harassment and/or discrimination or who participates in good faith in an investigation of a complaint is a violation of this policy. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. If you believe that you have been subjected to retaliation, you must report the incident in accordance with the Reporting Procedure contained in this Personnel Plan.

SEXUAL HARASSMENT POLICY:

Introduction:

The Town's goal is to provide a workplace that is free of sexual harassment. Sexual harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by our Town. Further, any retaliation against an individual who has complained about sexual harassment and/or retaliation against an individual who has cooperated in an investigation of sexual harassment is unlawful and will not be tolerated.

Because the Town takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment. Where it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the conduct and implement any necessary remedial or corrective action, including disciplinary action where appropriate.

Sexual Harassment:

Sexual harassment is defined to include repeated or deliberate unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes harassment when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive work place.

Sexual harassment is not limited to requests for sexual favors in return for job benefits, but encompasses a wide range of behaviors from actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendos, or other sexual or gender-related statements. Accordingly, sexual harassment may take the form of verbal abuse, leering, salacious gestures, inappropriate language, jokes of a sexual nature, or any undesired touching or patting. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

This policy prohibits all of the activities discussed above, whether engaged in by a supervisor, employee, co-worker, agent or non-employee who is on Town premises or who comes into contact with Town employees.

While it is not possible to list all of the additional circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct that will not be tolerated, the following are some examples of prohibited conduct:

- Unwelcome sexual advances, whether or not they involve physical touching;
- Sexual epithets; sexual jokes; written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body; sexual gestures;
- Suggestive or insulting comments;
- Inquiries into an individual's sexual experiences; and
- Discussion of one's sexual activities.

Complaints of Sexual Harassment:

Experience has shown that a clear statement to the person engaging in the offensive behavior is sometimes all that is necessary to stop the conduct. If you believe you are being harassed, we encourage you to let the person engaging in the conduct know how you feel. However, if you do not

feel comfortable taking this step, you are not required to do so. If you believe that you have been subjected to sexual harassment, you should report the incident immediately. All reports must be made in accordance with the Reporting Procedure contained in this Personnel Plan. The matter will be promptly investigated and if it is determined that such inappropriate conduct has occurred, then steps will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including immediate termination of employment.

Retaliation:

Retaliation against an employee who complains in good faith about sexual harassment or who participates in good faith in an investigation of a complaint is a violation of this policy and is prohibited by law. If you believe that you have been subjected to retaliation, you must report the incident in accordance with the Reporting Procedure contained in this Personnel Plan.

REPORTING PROCEDURE FOR SEXUAL AND OTHER UNLAWFUL HARASSMENT, DISCRIMINATION, AND/OR RETALIATION:

Supervisors and managers who become aware of discriminatory or harassing conduct, a complaint of discrimination or harassment, or retaliation must report the conduct and/or complaint immediately to their Department Head or Human Resources.

Any employee who feels that he or she has experienced sexual or other unlawful harassment and discrimination or retaliation should immediately report such actions. All reports must be made in accordance with the following procedure. All complaints will be promptly and appropriately investigated. Such investigation will be conducted in a discrete manner consistent with a need to conduct a prompt and thorough investigation.

A. Informal Complaint Resolution:

1. Anyone may seek advice, information or counseling on matters related to sexual harassment without having to lodge a formal complaint.
2. Persons who feel they are being harassed or who are uncertain if what they are experiencing is sexual harassment are encouraged to talk with an advocate such as the Department Head, the Town Manager or an EAP representative.
3. At this stage of the informal resolution process, the person seeking information and advice will be counseled as to the options for action under these guidelines. A complainant may, at any time during the informal resolution process, decide to cease the process and file a formal complaint.
4. To the extent possible, information disclosed through this advising process will be held in confidence, unless and until the initiating individual agrees that additional people must be informed in order to facilitate a solution.

5. The aim of informal complaint resolution is not to determine whether there was intent to harass but to ensure that the alleged offending behavior ceases and that the matter is resolved promptly at the appropriate level.
6. If agreed to by complainant and the accused, mediation by an internal or external third party may be offered in an effort to resolve the complainant's concerns.

B. Formal Complaint Resolution:

1. Any Individual who believes that she has been sexually harassed may file a written complaint of the incident to a Department Head or Town Manager.
2. In so far as possible, the Town Manager shall conduct or cause to be conducted an investigation of the complaint and report the findings within 30 days. The Town Manager may extend the applicable time period within his discretion. If the complaint is against the Town Manager, the investigation shall be conducted by the Board of Selectmen or their designee.
3. The Town will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.
4. The Town Manager shall notify the reporting employee of the findings of the investigation and whether remedial action is being undertaken by the Town.
5. Any corrective or disciplinary action taken shall be consistent with current Town policy.

C. In no case, shall an employee who made a good faith formal or informal report under this policy or who cooperated in an investigation in good faith be subject to adverse employment action.

D. In all cases, aggrieved employees have the right to report any complaint to the State of New Hampshire Human Rights Commission, 2 Industrial Park, Concord, New Hampshire, 03301. (603) 271-2767.

SECTION J
EMPLOYEE HEALTH AND SAFETY

HEALTH AND SAFETY PROGRAM:

Safety is of great concern to the Town. It is important that we all keep safety foremost in our minds to ensure that our work environment is as safe as possible. Safety can only be achieved through teamwork. Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately. Please observe the following precautions:

- a. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- b. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs (including marijuana) on Town property is prohibited.
- c. The use, adjustment, and/or repair of machines or equipment is to be performed by you only if you are trained and qualified.
- d. Get help when lifting or pushing heavy objects.
- e. Understand your job fully and follow instructions. If you are not sure of a safe procedure for performing work, ask your supervisor.
- f. Know locations, contents, and intended use of all first aid and fire fighting equipment.
- g. Wear personal protective equipment as directed in accordance with the job you are performing.
- h. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- i. All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.

Violations of safety precautions may lead to disciplinary action, up to and including termination.

JOINT LOSS SAFETY COMMITTEE:

The Town maintains an active Safety Committee comprised equally of Management and Employee Representatives, which meets quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see Human Resources for details.

EMPLOYEE ASSISTANCE PROGRAM:

Purpose: The Town of Plaistow recognizes that unresolved personal problems can damage an employee's self-esteem and therefore interfere with expected job performance. The Town-sponsored Employee Assistance Program (EAP) is designed to enhance the health and emotional well-being of employees by providing assessment, short-term counseling, referral, and follow-up services to those employees and their household members who may be experiencing family, substance abuse, financial and other related problems.

Procedures: Full and part-time employees of the Town of Plaistow can seek assistance from the Town-sponsored EAP through (1) self referral; (2) direct or indirect Supervisor referral; and (3) management consultation. Employees' household members are also eligible to self-refer. Participation is confidential and entirely voluntary.

1. Employees and household members are encouraged to self-refer to the EAP when assistance is needed. A call to the Health Watch EAP office will facilitate a private assessment in a timely manner. For EAP contact information, please see Human Resources.
2. A direct or indirect Supervisor can make a formal supervisory referral to the EAP after observing and documenting work performance deterioration in an employee with prior review by the Town Manager or designee. All Supervisors are expected to participate in training sessions taught by the EAP Manager to learn how and when to make such a referral.
3. Any direct or indirect Supervisor can contact the EAP for consultation obtaining advice/assistance in dealing with a difficult employee or work situation.
4. Any direct or indirect Supervisor may informally refer any employee to the EAP by suggesting or recommending that an appointment be scheduled.

Confidentiality: The use of the Employee Assistance Program is intended to be confidential. Any written records or notes pertaining to an employee's use of the EAP are maintained in the EAP office and are not a part of any other employee record (personnel, medical) held by the Town. Release of any information by the EAP counselor can only occur after a written request/release is signed by the employee.

The Town of Plaistow assures every employee who uses the Employee Assistance Program that her job status, compensation level, future promotions and reputation will not be harmed or jeopardized as a result of that utilization. However, employees who utilize the EAP nonetheless remain subject to all Town policies, job standards, and/or contractual agreements regarding expectations of job performance.

WORKPLACE VIOLENCE POLICY:

It is the Town of Plaistow's policy to promote a safe environment for its employees. The Town is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, or other disruptive behavior.

Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace, including parking lots, will not be tolerated; that is; all reports of incidents will be taken seriously and will be dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

Cooperation is needed to implement this policy effectively and maintain a safe working environment. Do not ignore violent, threatening, harassing, intimidating, or other disruptive behavior. If you observe or experience such behavior by anyone on Town premises, whether he is an employee or not, report it immediately to your Supervisor, Department Head or Town Manager. Supervisors and Department Heads who receive such reports should seek advice from the Town Manager immediately regarding investigating the incident and initiating appropriate action.

PLEASE NOTE: Employees are encouraged to call 911 for threats or assaults that require immediate attention by police.

ALCOHOL & DRUG-FREE WORKPLACE POLICY:

The Town is committed to providing a safe work environment that is free from the effects of drugs and alcohol.

Drug and alcohol use in the workplace can create health, safety, and security issues for our employees, citizens and visitors. The Town is committed to providing a safe work environment that is free from the effects of drugs and alcohol. In support of our commitment, the Town prohibits the following conduct and other conduct which, in our determination, is inconsistent with our commitment:

- the manufacture, distribution, sale, dispensation, possession, storage, or use of a controlled substance, unauthorized prescription drug, or drug paraphernalia at any time on Town premises (including parking lots), on Town business, or during working hours;
- use, possession, storage, manufacture, distribution, dispensation, or sale of alcohol at any time while on Town premises (including parking lots), on Town business, or during work hours;
- reporting to work or otherwise working under the influence of or impaired by illegal drugs or alcohol, or under the influence of legal drugs that may impair your ability to safely perform your job functions;

- reporting to work in a condition that is not fit for work. In addition to being under the influence as mentioned above, other indications of a lack of fitness for duty are smelling of alcohol/drugs, appearing to be hung over, or otherwise appearing or being unable to effectively interact with citizens, visitors and co-workers and work safely and properly without impairment;
- failing to submit to a required fitness for duty exam;
- Failing to report as soon as practicable, but not later than five (5) days following, any conviction of any drug offense.

The Town also maintains the following reporting requirements:

- Any employee who is taking medication that may impair his or her ability to safely perform job functions must inform his or her supervisor immediately, and must not perform any work until authorized to do so by Town.
- If any employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized prescription drugs) on Town premises or while working for the Town, Town reserves the right to report the incident to law enforcement authorities;
- If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, he or she should immediately report the behavior to Town Manager

Investigations and Searches:

When the Town determines that there is reasonable cause to suspect that an employee has violated this policy, the Town reserves the right to inspect, without prior notice, lockers, work areas, desks, cabinets, purses, bags, briefcases and other belongings brought on Town premises or at locations where work-related activities are being conducted. Cause to suspect shall be solely in the judgment and discretion of the Town Manager or designee.

Violations of this Policy:

Employees must, as a condition of employment, abide by the terms of this policy. Violations of this policy will result in disciplinary action, up to and including termination, and may also have legal consequences.

Fitness for Duty Exams:

The Town reserves the right to require any employee to submit to a fitness for duty exam when there is a reasonable basis for the Town to believe that the employee may be under the influence of alcohol or drugs or may be otherwise unfit for duty. Fitness for duty exams may include, but not be limited to, tests for the presence of drugs or alcohol. Employees must consent to fitness for duty exams as a condition

of employment. The cost of any such fitness for duty exams will be covered by the Town. Within the Town's discretion, an employee may be placed on paid or unpaid administrative leave or suspension pending the results of a fitness for duty exam.

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 policy within all Town buildings or facilities, including Town vehicles.

Anyone wishing to smoke must do so only during authorized breaks in the designated area outside the Town buildings or facilities. 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 Human Resources.

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

SECTION K
SEPARATION FROM EMPLOYMENT

LAYOFFS:

Any person in the employment of the Town may be laid off or have a reduction in hours of work whenever it is necessary to reduce the number of employees in any department, because of the shortage of work or funds, abolition of a position, or a change in the department functions and organizations. Consideration will be given by the Town Manager to job classification, experience, performance history and seniority when making decisions regarding which employees will be affected. The Town will endeavor to provide affected employees with at least ten (10) working days' notice.

RESIGNATIONS:

Employees may resign at any time. They are expected to give at least two (2) week's notice of their intention to resign. Department Heads are expected to give at least four (4) week's notice. All resignations should be given in writing to an employee's direct Supervisor, Department Head, or the Town Manager. All resignations will promptly be reported to the Town Manager. Your thoughtfulness will be appreciated, and will allow the Town to maintain work schedules and provide important services to the public.

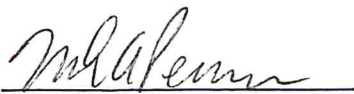
EXIT INTERVIEWS:

In most instances, employees who terminate their employment will be asked to participate in an exit interview with Human Resources. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback from you on ways in which our Town can improve our operations and retention of employees.

FINAL PAYCHECKS:

Town employees who are involuntarily terminated will receive their final paychecks within 72 hours of termination. Employees who voluntarily resign or retire will receive their final paycheck in the first regular pay cycle following their last day of employment, unless they provide at least one pay period's notice. If an employee voluntarily resigns or retires and provides at least one pay period's notice, he will receive his final paycheck within 72 hours of his separation.

APPROVED AND ADOPTED BY:



Mark A. Pearson, Town Manager

October 16, 2017

Date

ADOPTED: 01/01/1980
AMENDED: 08/12/1980
08/20/1980
11/09/1982
05/29/1984
01/20/1986
11/05/1987
12/14/1989
04/08/1991
03/15/2006
01/10/2008
10/16/2017

REVISED: 11/03/1993
2nd REVISION: 03/09/1998
3rd REVISION: 7/28, 12/01, 12/08/2004
REVISED: 2/04
Extensive Revisions & Re adoption 02/06/06
Vacation Revised and voted on 2/27/2006

Adopted by BOS

Adopted by BOS

New policy approved and adopted by BOS and TM

APPENDIX A
TEMPORARY ALTERNATIVE DUTY POLICY STATEMENT AND PROCEDURE

Policy:

In compliance with NH State Law, the Town of Plaistow will consider temporary alternative work opportunities for all employees disabled by a work related injury or illness. Temporary alternate duty is intended to provide meaningful transitional work opportunities to Town employees who are temporarily unable to perform their regular duty as the result of a work-related injury or illness. Once an employee's treating physician has released the employee to lighter duties than the employee's current position requires, the employee may be called upon to return to employment in a temporary alternative position. Employees whose medical condition would permit the use of FMLA may use that leave rather than take the temporary alternative position offered. Such reassignment may include assignment to a different department or position within the Town.

When practicable, employees will be returned to their regular duties with modifications consistent with a healthcare provider's stipulated work restrictions. In the event that such restrictions make it impracticable for an employee to perform his or her normal job duties, even with modification, the employee may be reassigned to different duties or a different work schedule and may include assignment to a different department with the Town.

The specific assignment of duties shall be determined on a case-by-case basis pursuant to the healthcare provider's restrictions and the work available at the time of the injury or illness.

The temporary alternate duty under this policy will generally be available for a period of time extending as long as the circumstances of the illness/injury requires, but not longer than twelve (12) weeks as dictated by the treating physician and as such duties are available. The TAD program is not intended to address those situations wherein the employee has been deemed to be permanently disabled from resuming their previous position.

Procedure:

1. At the time an employee reports an at-work injury or illness the employee will pick up a New Hampshire Workers' Compensation Medical Form and a copy of their current job description from Human Resources. If the nature of the injury is such that emergency care precludes stopping to pick up these forms, the employee shall as soon as possible call the Department Head or Town Manager to request that a certificate and position description be mailed to the treating physician.
2. The employee will have the physician complete the New Hampshire Workers' Compensation Medical Form based on the findings during the initial examination.
3. The employee may return the completed form to the Human Resources immediately after seeking medical care.

4. Human Resources will work with the employee, representative and the Department Head to facilitate a safe return to work program.
5. Human Resources may contact the treating physician if additional information is necessary.
6. After each subsequent office visit, the employee will bring updated information from the treating physician to Human Resources. A note will be sufficient in most cases.
7. Additional modifications will be made to the return to work program as required. The Department Head or Town Manager will review the appropriateness of continuing the program or duty assignment.
8. Step 4 through 7 may be repeated until such time as the employee is able to return to their normal position or has been deemed to be permanently disabled.