

TOWN OF EAST HAMPTON AGENDA REPORT

AGENDA ITEM: 5A

Town Manager Approval: RGD (els)

Item to be presented by: Robert Drewry

DATE: March 3, 2011
SUBJECT: Employee Handbook Recommendations
DEPARTMENT: Town Manager/Human Resources

RECOMMENDED ACTION

That Council review and approve the attached changes/additions suggested by the Town's current labor and employment attorney, Shel Myers, of Kainen Escalera and McHale.

BACKGROUND

The Employee Handbook that was approved by the Council on 12/14/2010 was forwarded to Attorney Myers upon appointment of Kainen Escalera and McHale, PC.

Attorney Myers recommended revisions are attached.

ALTERNATIVE ACTIONS

Other direction as determined by Council.

FISCAL IMPACT

None at this time.

Town of East Hampton, CT

Employee Handbook

www.easthamptonct.gov



Compensatory Time

Exempt department heads may be given compensatory time off upon authorization of the Town Manager in cases where they are required to work substantially beyond what is reasonably associated with their positions.

Approval of the Town Manager is required prior to earning or using compensatory time. Prior approval for earning compensatory time may be broad general approval for specific types of work or may be specific for each occasion, depending upon the type of work involved.

Work during the normally scheduled hours of work, or up to sixty (60) minutes before the workday, or up to sixty (60) minutes after the end of the scheduled workday is not eligible for compensatory time. However, if a department head works more than sixty (60) minutes either before or after the workday, ~~any such additional time worked may be considered by the Town Manager in determining whether to award compensatory time to a department head, and if awarded, the amount of any such compensatory awarded.~~

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All compensatory time shall be reported on an "Advance Request for Authorization of Overtime / Compensatory Time" form when it is earned and when it is used. (See Appendix A-2).

All compensatory time must be taken during the fiscal year in which it is earned, or within three (3) months thereafter. However, not more than the equivalent of fifteen (15) days of compensatory time may be used during any fiscal year, regardless of the amount of compensatory time earned, and not more than five (5) days of compensatory time may be used in any calendar month.

Compensatory time need not necessarily be taken in the same increment of time in which it is earned.

In no event will compensatory time be used as the basis for additional compensation, and no compensatory time will be paid or used upon separation from the Town service for any reason, regardless of when it was earned.

Computers

Computer Systems and Equipment

Computer systems and equipment, including laptop computers, printers, networks, software, electronic mail, and Internet access, are provided for business-related use. It is the responsibility of all employees to see that these information systems are used in an efficient, ethical, and lawful manner.

All computers are considered to be Town property and are to be used for business purposes. Violations of this policy may result in disciplinary action, up to and including termination.

Employees are responsible for protecting their own passwords. Sharing user identifications, passwords and access codes is prohibited, unless there is a specific business need to do so. Employees may be held responsible for misuse that occurs through such unauthorized access.

In order to provide the Town with access to all computer information and data, no employee is permitted to use encryption devices on a Town computer without express written authorization. Any employee authorized to use encryption coding devices and other security protecting devices must provide the applicable keys and codes in a sealed envelope to their immediate supervisors.

Introducing or using software designed to destroy or corrupt the Town's computer system with viruses or cause other harmful effects is prohibited. Employees are required to use the Town-provided anti-virus software.

Fraudulent, harassing, threatening, discriminatory, sexually explicit or obscene messages and/or materials are not to be transmitted, printed or stored on the Town computer system. Chain letters, solicitations and other forms of mass mailings via Town of East Hampton's computer equipment are prohibited.

To ensure that the use of computer systems and equipment is consistent with the Town's legitimate business interests, authorized representatives of the Town may monitor the use of such equipment from time to time. Use of Town electronic communications systems, including Internet access and e-mail, is not guaranteed to be private. As such, the user does not have an expectation of privacy in his/her use of such systems and

The Town may conduct random, periodic audits of employees' use of Town-owned portable electronic devices to make sure that they are using the encryption tools with which they have been provided. Employees found violating the Town's Confidential Information Policy regarding portable electronic devices will be subject to discipline, up to and including discharge.

The Town prohibits employees from using personal portable digital assistants, such as Palm Pilots and BlackBerrys, on Town-owned computers without permission. Such devices may lack encryption and therefore, pose a security threat since they can be used to take confidential information.

Violations of this policy are grounds for immediate dismissal from employment with the Town and may also provide basis for legal action against the employee.

Crime Victim and Witness Leave

Employees who are crime victims will be permitted reasonable time off to attend a court proceeding or participate in a police investigation relating to their criminal cases. Crime victim and witness leave will be unpaid, unless the employee chooses to use any available paid time off for such leave or the law otherwise requires payment for any such leave taken. A crime victim is defined as an employee who: (a) suffers direct or threatened physical, emotional or financial harm as a result of a crime; or (b) is an immediate family member or guardian of a homicide victim or a minor, physically disabled or incompetent person who suffers such harm. In addition, the Town will not take adverse actions against any employee for having a restraining order issued on the employee's behalf in a domestic violence case or having a protective order issued on the employee's behalf by a court of any state. Further, the Town will not take any adverse action against any employee because he/she obeys a legal subpoena to appear in court as a witness in any criminal proceeding or because such employee is a crime victim, provided that the employee gives the Town reasonable notice of the need to appear in court.

Any leave time allotted under this policy runs concurrently with any leave time afforded under any of the Town's other policies for which the employee may be eligible.

Customer Relations

One of the goals of the Town of East Hampton is to provide outstanding customer service. Customers deserve the most courteous and attentive treatment. Therefore, employees who deal directly with customers are expected to be professional and responsive to the needs of customers at all times.

As representatives of the Town, employees must be prepared to handle difficult customers and respond to customer complaints. The Town believes that every customer who registers a complaint deserves to be given prompt consideration. If repeated complaints are made concerning the same problem, you should report it immediately to your supervisor or the Town Manager, regardless of whether you normally handle such complaints. Our goal is to satisfy our citizens.

Dating

The Town discourages employees from becoming romantically involved with one another. Office romances create a distraction that often adversely impacts productivity and performance.

The Town prohibits supervisors from becoming romantically involved with subordinates. These situations can lead to charges of sexual harassment or retaliation by subordinates and favoritism by other employees. If a supervisor and subordinate are having a romantic relationship, it is the responsibility of the senior-ranking employee to disclose the relationship to the Town Manager or be in violation of the policy. The Town reserves the right to take whatever action may be necessary to address this situation, including transferring or terminating one or both of the individuals. Factors such as work experience, seniority and Town needs will influence the decision. In all such cases, the business needs of the Town will be the determining factor.

Employees who become personally involved with co-workers should be aware that serious risks and consequences can develop as a result of the relationship's effect on business matters.

The Town prohibits sexual harassment. Employees can report any unwanted sexual conduct or unwelcome sexual innuendos to their supervisor, Human Resources or the Town Manager. With regard to such

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The Town will not deny job benefits or other programs to employees based solely on one being the victim of domestic violence. When employees confide that a job performance or conduct problem is related to domestic violence, in addition to appropriate corrective or disciplinary action consistent with Town policy and procedure, the Town will provide the appropriate assistance.

Employees who are victims of family violence will be permitted to take up to twelve (12) days of leave during any calendar year in which the leave is reasonably needed for one or more of the following reasons: (1) to seek medical care or counseling for physical or psychological injury or disability; (2) to obtain services from a victim services organization; (3) to relocate due to the family violence; or (4) to participate in any civil or criminal proceeding related to or resulting from such family violence. Such leave will be unpaid, unless the employee chooses to use any available paid time off for such leave or the law otherwise requires payment for any such leave taken.

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Employees who seek such leave will need to provide at least seven (7) days notice of the need for such leave if foreseeable, or notice as soon as practicable if the need for such leave is not foreseeable. The Town may require certification from the employee, and/or an agent of a victim services organization, and/or the Judicial Branch's Office of Victim Services or the Office of the Victim Advocate, and/or a licensed medical professional or other licensed professional from whom the employee has sought assistance with respect to the family violence certifying that the employee is a victim of family violence. Any such certification provided will be maintained in a confidential manner and will be only disclosed as required by law or to protect the employee's safety in the workplace, provided that the employee is given notice prior to any such disclosure. The Town will further not discriminate or take adverse actions against any employee for being a victim of family violence or for having to attend or participate in a court proceeding related to a civil case in which the employee is a family violence victim.

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Dress Code

Department supervisors and managers are responsible for monitoring and enforcing the dress code policy. Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the image the Town presents to its residents, visitors and others. A neat professional appearance is a requirement of the Town of East Hampton. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. These are the factors that they should take into consideration when determining appropriate dress:

- o The nature of their work;
- o Safety considerations, such as necessary precautions when working near machinery or hazardous work areas (employees will be required to wear proper safety equipment at all times, without exception for any reason);
- o The nature of their public contact, if any, and the normal expectations of outside parties with whom they will work;
- o The prevailing dress practices of other workers in similar jobs.

For instance, office workers are required to dress no less formal than "business casual" (e.g. collared shirts, sweaters, khaki or dress slacks, dresses, skirts, suits or jackets). Fieldwork may necessitate jeans and work boots and other work, such as that performed by Police or Public Works employees, may require uniforms. The following are examples of unacceptable clothing in our workplace at all times: clothing conveying vulgarity, obscenity, hate or violence; cropped, tube, halter or spaghetti strap tops; and light or sheer low-cut clothing.

When an employee's dress does not comply with established standards, the normal response should be to discuss the matter with the employee. If continued counseling fails to bring the desired response, the supervisor may initiate disciplinary action.

If an employee's attire is questionable, the supervisor/manager will hold a private discussion with the employee regarding the inappropriateness of the attire. If an obvious policy violation occurs, the employee will be sent home immediately, instructed to return dressed in more appropriate clothing, and placed on authorized leave without pay for the period absent from work, depending on their exempt/non-exempt status.

Office workers may wear denim jeans, in decent condition only, on Friday pending scheduled meetings.

apply to exempt employees. Exempt employees do not receive overtime pay because their salaries reflect compensation for all work performed in a pay period. An employees' exempt/non-exempt status depends upon the employee's job duties.

Full-time/Part-time Status

Full-time employees are those who are regularly scheduled to work twenty (20) or more hours per week for a full calendar year. Part-time employees are those who are regularly scheduled to work less than twenty (20) hours per week for a full calendar year.

Regular, Temporary and Seasonal Employees

Regular employees are those whose employment is for an indefinite term on a year-round basis. Regular employees may work full-time or part-time. Substitute or temporary employees are those whose services are intended to be of limited duration for a specific reason such as filling in for an absent employee or completing a particular project. Substitute or temporary employees who assist seasonally, such as those who staff summer programs are seasonal employees. Substitute, temporary and seasonal employees may work full or part time during their temporary employment. When they work full time, they are still considered substitutes or temporary and not full time employees for the purposes of benefits described in this handbook.

Changing Classifications: From time to time, the Town may change an employee's classification. An employee cannot change his own status simply by working more or less hours. Only the Town may change an employee's status. If you are uncertain as to your status as an employee, ask the Town Manager.

Entertainment

It is Town policy that when employees are entertaining potential or existing visitors, customers, colleagues or potential or current employees — whether such entertainment is reimbursed by the Town or not — that nothing occurs that is adverse to the interests of the Town.

To avoid embarrassment for employees and the Town, as well as potential litigation, employees are **required** to comply with all Town policies when entertaining visitors, customers, colleagues or potential or current employees.

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When entertaining **any** such **individuals**, employees are **further required** to avoid all unlawful activities.

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Colleagues or clients and employees are not to be entertained at locations which violate any law, which provide any entertainment that may be viewed as sexual harassment or which are inaccessible to persons with disabilities.

Employees violating these guidelines are subject to discipline, up to and including discharge.

The Town's discrimination and harassment policies are to be followed.

The Town will reimburse entertainment expenses that are reasonable and necessary, are for a business purpose of the Town and are conducted within applicable laws. If an employee has any question about the appropriateness of an entertainment expense, he/she should consult with a supervisor before incurring the expense. However, the Town does realize that not every entertainment situation can be anticipated.

An original itemized receipt, a brief statement describing the justification for the entertainment expense and a list of the attendees must accompany all reimbursement requests and must be submitted within sixty (60) days of the expenditure to be reviewed for reimbursement.

Family and Medical Leave Act

Municipal employees are covered under the Federal Family and Medical Leave Act (FMLA). In accordance with the Federal Family and Medical Leave Act, eligible employees are entitled to the following:

Basic Leave Entitlement

It is the policy of the Town of East Hampton to abide by both the letter and spirit of the Freedom of Information Act (FOIA). The Freedom of Information Act, as amended, represents the implementation of freedom of information legislations in the United States. The act allows for the full or partial disclosure of information and documents. The Act defines agency records subject to disclosure, outlines mandatory disclosure procedures and grants exemptions to the statute. It mandates that all meetings of public bodies be open to the public. (Connecticut General Statutes § 1-200- The Freedom of Information Act). For additional information and/or contact information see Appendix B.

Gifts

To avoid even the appearance of a conflict of interest and to demonstrate the Town's commitment to the highest ethical standards, employees are prohibited from accepting gifts or gratuities from individuals and firms with which the Town does business. We feel the acceptance of such gifts is unprofessional and places employees in compromising positions that aren't in the best interest of the Town.

Employees are also prohibited from giving gifts to clients and customers who do business with us. No employee will give or accept any cash, gifts, special accommodations, favors, or use of property or facilities to or from suppliers, vendors, or customers.

Similarly, employees and members of their immediate families may not accept any discount on personal purchases of products from a Town supplier if it can be perceived as a strategy to influence the business relationship. Discounts from suppliers that are made available to all Town employees are acceptable.

Employees are allowed to participate in business-related functions and activities that occur in conjunction with exhibits, meetings, seminars, and presentations involving lunches, dinners and entertainment.

Employees are not allowed to accept invitations to hunting, fishing, golfing, etc., trips or other sporting events from current or prospective Town suppliers or contractors that may create feelings of Town obligation. If employees can show that such activities will serve a useful business purpose, such invitations may be approved by management.

Employees should select and deal with those who are doing or seeking to do business with the Town in a completely impartial manner without any considerations other than the best interests of the Town. Any appearance of possible impropriety must be avoided.

If there is any question as to the propriety of any gift or activity, it should be rejected as contrary to Town policy. Employees receiving gifts that are prohibited by this policy should return them to the donor immediately with an explanation.

If it is not possible to return the gift, it should be given to a charitable organization. Management and the donor should be informed of this action as soon as possible.

Employees are allowed to accept gifts of nominal value (under \$25.00) or that bear a supplier logo.

Grievances

An employee grievance procedure is available to employees as an appropriate and effective means to resolve work-related complaints and problems.

Employees can use the procedure when they feel a work-related decision is not consistent with established Town policies and practices, including those outlined in our Employee Handbook.

To initiate the grievance procedure, the employee shall, within ten (10) calendar days of the occurrence of the grievance, submit it in writing to the employee's immediate supervisor. Absent extenuating circumstances, the immediate supervisor shall meet with the employee within five (5) working days of the receipt of such grievance and use his/her best efforts to settle the dispute and shall issue a written decision within (5) working days of such meeting. If the employee is not satisfied with the decision rendered by the immediate supervisor and elects further processing, the employee may, within ten (10) working days of receipt of the immediate supervisor's decision, submit the grievance in writing to the Town Manager. Absent extenuating circumstances, the Town Manager shall meet with the employee within five (5)

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working days of receipt of such grievance and use his/her best efforts to settle the dispute. Absent extenuating circumstances, the Town Manager's decision shall be submitted in writing to the employee within five (5) business days of such meeting.

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Where employees believe it would be inappropriate to discuss their grievances with their immediate supervisor, they may bypass the supervisor and seek assistance from the next level of management, the Town Manager or the Human Resources department.

Grievances may include, but are not limited to, such issues as discipline, transfer, job posting, selection, unfair assignment of vacation or holiday time, a personal request that was denied, etc. Where there is an applicable collective bargaining agreement, the grievance procedures provided therein shall control for those employees covered by said agreement.

Employees cannot use the procedure to appeal decisions related to the Town's responsibility to determine direction or strategy, or operating decisions such as the number and assignment of employees, establishment of rules of conduct, determination of the hours and days of work, starting and quitting times, wages and benefits, etc.

The Town will not permit any supervisor, manager, or employee to engage in any form of retaliation against any employee availing himself/herself of the grievance procedures.

Harassment

The Town of East Hampton is committed to providing its employees with a professional and productive working environment where co-workers are treated with courtesy and respect. Therefore, it is the Town's goal to promote a workplace that is free from harassment. The Town prohibits all forms of illegal harassment of employees by supervisors, co-workers, clients, vendors, and visitors.

Harassment consists of verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, disability, age, national origin, marital, military, or union status, or any other characteristic protected by law that has the purpose or effect of creating an intimidating, hostile, or offensive work environment, has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and the display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group.

Sexual harassment is also strictly prohibited under this policy. It is against Town policy for any employee to sexually harass another employee by:

- making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of the employee's employment;
- making submission to or rejection of such conduct the basis for employment decisions affecting the employee; or
- creating an intimidating, hostile, or offensive working environment by such conduct.

Sexual harassment refers to behavior which is not welcome, which is personally offensive, which fails to respect the rights of others, and which interferes with an employee's work performance. Sexual harassment may take many forms including, but not limited to, the following:

- *Verbal*: sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, and threats.
- *Non-verbal*: sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, or obscene gestures.
- *Physical*: unwanted physical contact, including touching, pinching, brushing against the body, coerced sexual contact, and assault.

A complaint procedure is available to employees to report all types of harassment. If an employee feels that he/she is being harassed by a supervisor, co-worker, client, vendor or visitor because of his/her race,

color, religion, sex, sexual orientation, disability, age, national origin, marital, military, status or any other characteristic protected by law, he/she should report it immediately to his/her supervisor. If the supervisor is the person who is harassing the employee, the employee should file the complaint directly with the Town Manager or Human Resources Department. With regard to such complaints involving the Town Manager, the complainant shall contact the Human Resource Manager, who will contact any member of the Town Council OR the complainant may contact any member of the Town Council, who will then be responsible for immediately scheduling a duly noticed meeting. The Town Council will then determine what further actions (including but not limited to contacting legal counsel, employing an investigator, etc.) are appropriate and consistent with Town policies and the law.

The Town Manager, Human Resources Department or an outside investigator will investigate all allegations of harassment in a timely and confidential manner. Information regarding the complaint will not be released, to the extent consistent with the law, to third parties or persons within the Town who are not involved with the investigation. This is to protect the confidentiality of the employee who complains to encourage the reporting of incidents of harassment and to protect the reputation of any employee wrongfully charged with harassment to the extent of the law.

An investigation of the complaint will normally include an interview with the persons involved, named or apparent witnesses, or any other co-workers or employees who may have knowledge of the situation.

The investigation will include a thorough review of files and other tangible evidence. The investigator will make every reasonable attempt to rationally and objectively resolve any questions of credibility between the complaining and the accused employees.

If the investigation reveals harassment, prompt and appropriate disciplinary action up to and including discharge that is designed to stop the harassment and prevent its reoccurrence will be taken.

Information obtained during the course of an investigation will be maintained in confidence, consistent with the law. It will be released only to individuals who have a need to know, e.g., individuals who will enable the Town to investigate the charges thoroughly.

Individuals who knowingly make false statements during the course of a harassment investigation may be subject to discipline, which may include discharge. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline, which may include discharge. However, the mere fact that a claim of discrimination is not substantiated (or is withdrawn) must not lead to any adverse employment action, and the Town understands its obligation to avoid unlawful retaliation.

Retaliation against an individual for reporting harassment or for participating in an investigation of a claim of harassment is a serious violation of this policy and, like harassment itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. For additional information and/or contact information see Appendix B.

Hiring

The Town of East Hampton is an equal opportunity employer and will not discriminate in the hiring process on the basis of sex, religion, race, color, age, disability, sexual orientation, marital or veteran status, national origin, genetic information or any other legally protected status.

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The Town will always try to hire the best qualified applicant. New positions for which the Town advertises will be posted for all current employees to see. Files of applicants will be maintained, as required, in the Human Resources department.

The Town will conduct its employee selection policies and procedures so as to achieve the best possible match between applicants for jobs and open positions. In no way will any Town employee or manager exert personal or professional prejudice against any applicant because of sex, sexual orientation, color, race, religion, age, disability, marital or veteran status, national origin, genetic information or any other legally protected status. Job applicants will be assessed on the basis of their ability to perform the job for which they are interviewing, without regard to non-job-related criteria.

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Reference checking is an important part of our hiring process. In some cases, we ask an outside firm for a consumer report. In such instances, applicants will be notified before the report is requested and asked for written authorization to obtain the report. If the Town intends to rely on the report for not hiring the applicant, we will give the applicant a pre-adverse action disclosure that includes a copy of the individual's report and a statement of his/her rights under the Fair Credit Reporting Act before taking the adverse action.

After taking the adverse action, we will give the applicant notice orally, in writing, or electronically, that the action has been taken in an adverse action notice, which will include:

- a. the name, address, and phone number of the consumer reporting agency that supplied the credit report;
- b. a statement that the agency that supplied the report did not make the decision to take the adverse action and cannot give specific reasons for it; and
- c. a notice of the individual's right to dispute the accuracy or completeness of any information the agency furnished, and his/her right to an additional free report from the agency upon request within 60 days.

Applicants who falsify their job applications or who furnish misleading information are subject to immediate termination at the time that the falsification is uncovered, or shall be barred from further consideration of their application.

Both solicited and unsolicited employment applications for a specific position will be kept in an active file for 90 days from the date that the application is completed. Once an application reaches the "expiration" date, it will be removed from the active file and stored or destroyed as required by law.

It is our policy to comply with the immigration laws of the United States and to employ only those persons who are authorized to work in the United States. Accordingly, all employees are required to complete Form I-9, Employment Eligibility Verification, and establish their legal right to work in this country.

All offers of employment are conditioned on the individual establishing the right to work in this country. Within three (3) days of the first day of work, all individuals will be required to produce documents acceptable under government regulations to establish that right. All job candidates will be required to provide proof of work eligibility and identification and complete the employee portion of the I-9 Form. This rule applies to former employees, but not those who return from leaves of absence or who are transferred within the Town.

The first 180 days of a new hire's employment is an introductory or probationary period established to benefit both the employee and the Town. It is a period of adjustment and adaptation in terms of learning job requirements and work rules. If at any time during this period the employee is unable to adapt successfully to the job, the department, or the Town, employment can be terminated immediately. Upon successful completion of the introductory period, employees can be discharged at any time for any reason in accordance with the "At-Will Employment" policy in this Handbook.

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Holidays

The holiday schedule will be determined and publicized several weeks before the start of the New Year.

The Town observes the following holidays:

- New Year's Day
- Martin Luther King Day
- President's Day
- Good Friday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day

Employees may, but are not required to; substitute accrued paid time (e.g., personal days, vacation days) for any unpaid military leave of absence.

On return from military leave of absence, the employee will be reinstated to the position he/she would have attained if not for the military service, his/her pre-service position, or a comparable position, as required by law.

To be entitled to reinstatement to the same job, the individual must still be qualified to perform it. If the individual needs to acquire or practice job skills, a reasonable time will be granted for this purpose.

If the employee is not qualified for his/her former position because job skills have changed or the individual has a disability, then the employee will be allowed to attempt to qualify for a similar job.

The Town reserves the right to deny reinstatement in accordance with applicable law, including under the following circumstances:

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- The Town's circumstances have changed so much that reemployment is impossible or unreasonable.
- Helping the service member to become qualified for reemployment would pose an undue hardship.
- The service member held a "brief, non-recurrent job" prior to being called to military service.
- The service member fails to provide legally acceptable reemployment documentation.

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The Town will provide continued health care coverage for up to 24 months to any employee who has been called to active military duty. For military service of less than 31 days, the individual is only required to pay the usual employee share of the premium. If military service is longer than 31 days, the individual is required to pay 100% of the full premium.

If the employee fails to provide advance notice of his/her need for military leave and does not elect continuation coverage, the Town may cancel the employee's health insurance. However, if the employee's failure to give advance notice was excused because it was impossible, unreasonable, or precluded by military necessity, the Town must reinstate the employee's health coverage retroactively upon his/her election to continue coverage and payment of all unpaid premiums.

If an employee leaves employment for uniformed service in excess of 30 days after having given advance notice but without electing continuation coverage, the Town may cancel the employee's health insurance. However, it must retroactively reinstate uninterrupted coverage to the date of departure if the employee elects continuation coverage and pays all unpaid premiums within the periods established by the plan.

Similarly, the Town may cancel health insurance coverage if the employee elects, but does not pay for, continuation coverage.

Employees who are on leave for military service are entitled to accrue seniority-based rights or benefits they would have attained had they remained continuously employed. When veterans are available to return to work, they are entitled to all seniority-based benefits held prior to being ordered to active duty, as well as any pay increases, promotions, or other benefits that became effective while they were on military leave retroactive to the date they would have been effective had the employee not been required to report to active duty. Military leave will also be treated as service with the Town for pension vesting and benefit accrual purposes.

The Town will treat the accrual of non-seniority-based benefits during military leave no different than for comparable leaves of absence. If the non-seniority benefits to which employees on a leave of absence are entitled vary according to the type of leave, employees on military leave will be given the most favorable treatment accorded to any comparable form of leave.

The service member is responsible for any benefits costs that he/she would have normally paid while employed or to the extent that other employees on a leave of absence are responsible for such costs.

- If direct communication of the concern or issue does not resolve the matter or if direct communication is not possible for some reason, (e.g., in a harassment situation, an employee doesn't feel comfortable talking to his/her alleged harasser) the employee should discuss the matter in a timely manner with his/her supervisor.
- If the supervisor is the one with whom the employee has the issue or if the concern remains unresolved, the employee should next raise the issue with the Human Resources Department and/or Town Manager who shall investigate and mete out discipline, if appropriate.

Overtime

All non-exempt employees are subject to the overtime pay provisions of the Fair Labor Standards Act (FLSA) and must be compensated for all hours worked.

The Town will make every reasonable effort to distribute overtime as equitably as possible among employees qualified to do the work; however, the Town cannot guarantee such "equity." Employees are expected to work overtime as required. Every effort will be made to find a replacement for an employee who has a previous commitment or emergency situation.

No employee will work overtime without direct authorization from his/her immediate supervisor.

Employees who take their meal breaks at their desks are required to refrain from working during that time. The Town encourages employees to leave their work area during mealtime. Anyone who works during meal breaks will be compensated for the time worked. However, if the work was not authorized by their supervisor, the employee will be subject to discipline.

Part-time

Part-time employees work the days and the hours assigned by their supervisor with approval of the Town Manager. All part-time employees shall receive an hourly wage only. Part-time employees shall not be entitled to fringe benefits such as holidays with pay, sick leave with pay, vacation time off with pay, or medical coverage.

Pay

The Town will ~~pay employees in accordance with~~ the ~~applicable~~ federal and state ~~wage and hour~~ laws.

~~The workweek begins on Sunday and ends on Saturday; unless specified in your union contract.~~

Employees will be paid on a bi-weekly basis and will be paid on Thursday. Paychecks will be released to employees after 12:00 noon. If the designated wage payment date falls on a holiday, employees will be paid on Wednesday. Direct deposit of paychecks shall be available at the option of the employee.

The Town expressly prohibits any employee from filling in, changing, or damaging any other employee's time record. It is a violation of Town policy to change or falsify a time record. Any employees who do so may be suspended or terminated at the discretion of the supervisor and department head.

~~Deductions from each paycheck, including for applicable federal, state, and local income taxes, federal Social Security taxes, and wage garnishments will be made in accordance with applicable state and federal law or with an employee's written authorization when required.~~

~~It is the Town's policy not to make any improper deductions from the salaries of its exempt employees. Accordingly, any exempt employee who believes that improper deductions have been made to his or her salary should report the same to Human Resources Coordinator for investigation and reimbursement, as warranted.~~

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- Deleted: We make every effort to track the latest laws and regulations and abide by their guidelines, including legislation that periodically raises the minimum wage, sets training rates and increases overtime rates. If state law is more generous than the applicable federal rates, we will apply that rate to our pay practices.¶
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- Deleted: are withheld from each paycheck. The Town reserves the right to obey all laws that pertain to payroll, including garnishments.
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Upon the voluntary or involuntary termination of employment, no employee will be paid for any unused personal time.

Personnel Files

The Town keeps certain records relating to an employee's employment in a personnel file. The documents contained within that file are the property of the Town and must be maintained for government and Town record-keeping purposes.

The following items may be included in employees' personnel files:

- employment application and résumé;
- reference checks;
- job descriptions;
- records related to hiring, promotion, demotion, transfer, layoff, compensation, training, etc.;
- letters of recognition;
- performance evaluations;
- exit interviews;
- termination records;
- training records.

The following records will be maintained in files separate from employees' personnel files:

- medical records;
- equal employment opportunity documents identifying an individual's race and sex;
- immigration forms.

All files connected with an employee are considered strictly confidential, and access will be limited only to Human Resources employees, upper management, and the direct supervisor or manager of an individual employee with a job-related need to know the information and who has been authorized to see the file.

Information contained in employee personnel files will not be made available to non-employees, unless written authorization is obtained from the employee, or a lawful summons, subpoena, or judicial order has been properly served. In general, and where and when appropriate, the Town will notify the employee of such a request when it is received. However, the Town need not inform an employee that personal information has been disclosed to law enforcement agencies if it concerns an investigation into the employee's on-the-job conduct, especially when an employee's actions endanger other employees or Town security and property. However, the Town may also be required to disclose certain personnel records to members of the public, pursuant to requests made under the Freedom of Information Act.

Current and former employees may review their personnel file in accordance with applicable state law. Any employee who wishes to review his/her personnel file should contact the Human Resources Department in writing to arrange for a mutually convenient time to review appropriate material. The Town requires that employees view their personnel files in the office of the Human Resources Department and in the presence of a Human Resources staff member.

Items in the personnel file may be copied at the expense of the employee.

Any employee who does not agree with the information in his/her personnel file has the right to challenge or appeal the information. Employees may have a statement of disagreement placed within the file. However, records may not be removed.

In the event of pending litigation, managers and supervisors are expected to suspend standard data destruction procedures and to maintain all personnel file documents and records relevant to the complaint.

Pregnancy Leave

The Town will provide any pregnant employee with a reasonable leave of absence during any period of time when she has been certified by her health care provider as being disabled from the pregnancy. Any

Deleted: It is our policy to treat pregnancy, childbirth, and related medical conditions according to the leave requirements outlined in the Family and Medical Leave Act (FMLA) and the Pregnancy Discrimination Act (PDA). The Town also complies with all applicable local and state laws, in spirit as well as in specific detail.

Deleted: Should any provision of this policy be found to be inconsistent with an applicable legal requirement, the law shall prevail. All other provisions of this policy that are consistent with the law will remain in effect.¶

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~~leave time allotted under this policy runs concurrently with any leave time afforded under any of the Town's other policies for which the employee may be eligible, including the Town's FMLA policy.~~

~~A Pregnancy disability leaves of absence will be without pay except that employees may be required to use any accrued paid sick leave or vacation time during this leave. While on a leave of absence, employees will not accrue additional paid time off. Other employee benefits cease during the leave, except that an employee may elect to continue participation in the Town's medical insurance plan in accordance with the requirements for active employees. If the employee chooses not to continue participation in the group plan or fails to make payment on a timely basis, coverage may be terminated.~~

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~~Pregnant employees are expected to review this policy with the Human Resources Manager soon after they become aware of their pregnancy.~~

We ask that employees make a written request for pregnancy leave to their supervisors within the first three months of the pregnancy. Their personal physician's certification of their condition, plus the expected date of delivery, must be included in the written request.

~~Deleted: Employees who are granted a leave of absence under the FMLA will be entitled to all appropriate benefits, including twelve (12) weeks of unpaid leave, use of sick leave where necessary due to pregnancy-related illness (including recovery from pregnancy/child birth), continued payment of medical benefits, etc.~~

An employee requesting pregnancy leave may also ask for a transfer to another less strenuous or less hazardous position. The request must be in writing and must state the reason for the transfer. The Town will treat transfers due to pregnancy no differently than other leave requests for temporary medical reasons.

With the doctor's approval, employees may continue to work up to their expected delivery date, depending upon their medical circumstances and the nature of their jobs.

~~Deleted: The amount of time granted for pregnancy leave will be no less than other leaves of absences.~~

~~At no time will a leave of absence due to pregnancy be required of an employee provided she is able to perform the regular duties of her job.~~

~~Deleted: In case an employee is physically unable to perform her regular job duties at any time during her pregnancy, and has exhausted all available paid leave, she may request that she be placed on a leave of absence under the guidelines of that policy.~~

During any leave taken, employees are expected to inform their supervisors of their intentions, including any changes in their expected date of return to work, as soon as the employee becomes aware of the need for such a change.

The Town will return the employee who meets stated conditions in conjunction with federal and state law to the same or equivalent job she had prior to her pregnancy. We cannot guarantee the exact same job; however, the employee will suffer no loss in employment status.

Probationary Period

All new hires are hired under a six (6) month introductory period. This period is established to benefit both the employee and the Town. The employee should use this time to determine whether or not the position meets his/her expectations. Similarly, the Town will use the introductory period to determine whether or not the employee has the knowledge and skills necessary to perform the job satisfactorily.

The introductory period is a time for new hires to learn about their co-workers, supervisors, and managers, as well as the job requirements involved in their new position. The Town expects that new hires will also use the time to become familiar with other relevant information about the Town and its rules or regulations.

During the introductory period, the employee's supervisor/manager will work closely with him/her on all aspects of their training and responsibilities. The employee's supervisor may offer advice and counseling when a problem becomes apparent, but is not required to do so. If an employee and supervisor cannot resolve some area of dissatisfaction during the introductory period, either party may terminate the employment relationship without prior notice.

During and after the successful completion of the introductory period, employment with the Town is considered to be at-will. Nothing contained in this manual is intended to create, nor shall be construed as creating an expressed or implied contract of employment or guarantee of employment for any term. In case of a conflict, any applicable union contract/collective bargaining agreement, ordinance, statute or charter shall control; however, in the absence of such a provision, employment is at-will and may be terminated by the Town or the employee at any time with or without cause.

Promotion

Our Town policy on promotions encompasses the same equal employment opportunity philosophy as our hiring, discipline, and all other decision-making processes.

We will use objective, job-related criteria to make selections; apply the same standards to everyone; and won't raise or lower them for individual employees, consistent with any obligation to provide a reasonable accommodation in certain circumstances.

Factors to be considered in promotions include education, experience in present and previous jobs, performance record, ability, work ethic, and skill.

Property

All employees are expected to exercise care in the use of Town property. Negligence in the care and use of Town property, or unauthorized removal or personal use of Town property, may be cause for discipline. Town property issued to employees, including software, manuals, and proprietary information, must be returned when employment with the Town is terminated, either voluntarily or involuntarily. If Town property is not returned, employees will be responsible for the value of the property.

No employee will remove Town property from the premises without written permission from the supervisor or department head that is responsible for the property in question. Examples of the kind of property subject to this policy are:

- books, office supplies, and equipment;
- confidential literature including contracts, manuscripts, outlines, and reports;
- computer disks, tapes, and other storage media;
- information identified as confidential.

Employees are advised not to bring personal property of value to work. The Town will not be responsible for the loss or theft of personal items on the premises.

Indeed, employees are discouraging from storing personal property in desks, closets, cabinets, vehicles, or other Town property or equipment. Town employees do not have a reasonable expectation of privacy in such Town property or equipment.

In addition, random searches of Town property, including desks and employee vehicles parked on Town premises, can be conducted at any time when there is reasonable cause to suspect or believe that property has been taken, that an employee is guilty of work-related misconduct, that the search is necessary for a non-investigatory work-related purpose such as to retrieve a needed file, or a need to inspect the interior condition of desks and other property for proper maintenance, health, safety and other administrative purposes. Employees' refusal to submit to such a search may be grounds for termination.

To further protect the property and safety of our employees, the Town has the authority to request that an employee open for inspection any personal property (including, but not limited to, briefcases, backpacks, and purses) brought onto, or taken from, Town premises.

If an employee is found to be in possession of Town or other employees' property without authorization or in possession of prohibited items or substances, or the employee refuses to comply with a search request, the employee may be subject to discipline, up to and including termination.

If an employee is found to be carrying Town property without authorization, supervisors may hold the property and ~~direct the employee to obtain a sign-out slip. If the employee fails to obtain such a slip, the supervisor should return the property to the responsible department head along with a report of the incident.~~

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Reduction-in-Force

The Town will attempt to provide appropriate employment for all employees. It is our policy to retain, to the extent consistent with Town requirements, the services of all employees who perform their duties efficiently and effectively. If a layoff is necessary to protect the Town's financial or operational status, it reserves the

action which may include, but is not limited to, a verbal or written reprimand, reassignment, transfer, suspension or termination.

Information obtained during the course of an investigation will be maintained in confidence, consistent with the law, including but not limited to the Freedom of Information Act (FOIA). It will be released only to individuals who have a need to know, e.g. individuals who will enable the Town to investigate the charges thoroughly. However, complainants should be aware that complaints and other information obtained during the course of the investigation may be subject to disclosure (with appropriate redactions) under the FOIA.

Individuals who knowingly make false statements during the course of a harassment investigation may be subject to discipline, which may include discharge. All employees are expected to cooperate fully with such investigations. Failure to cooperate fully may lead to discipline, which may include discharge. However, the mere fact that a claim of discrimination is not substantiated (or is withdrawn) must not lead to any adverse employment action, and the Town understands its obligation to avoid unlawful retaliation.

Once the investigation is complete and the Town determines that harassment has occurred, it will take immediate and appropriate corrective action to discipline the harasser and prevent sexually harassing conduct from occurring in the future. Sexual harassment is a form of misconduct, and discipline will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to occur.

In some situations, the behavior may not be severe or pervasive enough to rise to the level of illegal sexual harassment, but it can still create an uncomfortable work environment for others. Thus, the Town retains the right to discipline behavior that it deems inappropriate and unprofessional, regardless of whether it is illegal.

The Town will inform the complaining employee of the outcome of the investigation and of the internal remedies available. The complaint procedure will provide for follow-up to determine if the sexual harassment has been effectively stopped.

The Town will not tolerate unlawful retaliation against any employee who files a complaint, supports a co-worker in a complaint, or speaks as a witness in the investigation of a complaint. It is also prohibited to discharge or in any manner discriminate against an employee who gives information about an alleged employer violation, causes a proceeding to be instituted against an employer, or testifies in a proceeding concerning an employer violation.

Employees who experience retaliation in the workplace are encouraged to report it immediately to Town management. All allegations of retaliation will be investigated. When the investigation is completed, anyone found guilty of retaliatory conduct will be subject to discipline, up to and including discharge.

The Town will provide all its employees, supervisors, and managers with comprehensive sexual harassment training, which explains prohibited conduct, outlines the Town's complaint procedures, and details disciplinary and corrective actions. For additional information and/or contact information see Appendix B.

Sick Leave

Sick leave is a benefit to be used only in the case of actual illness or injury which prohibits employees from performing their duties.

Authorized sick leave shall be considered to be absent from duty, with pay, for the following reasons:

- A. Personal illness, physical quarantine, physical incapacity, or non-compensable bodily injury, except where directly traceable to employment by an employer other than the Town.
- B. When the employee is required to undergo medical, optical, or dental treatments, only when this cannot be accomplished on off-duty hours, and provided their supervisor and/or the Town Manager is given as much advance notice as possible, and in any event, notified at least one (1) day in advance of the day on which the absence is to occur.

Deleted: Chief Administrative Officer

- C. When the serious illness, as defined under the Federal Family & Medical Leave Act, of a member of the employee's immediate family requires his personal attendance, when supported by a doctor's certificate.

The Town may require proof of illness or injury for any absence for which sick leave is requested or taken. In the judgment of the Town Manager, proof of sick leave may include a doctor's certificate, or other proof of illness or injury from the employee's physician, indicating the nature and duration of the illness.

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In order to have an absence counted as sick leave, the employee, on the first day of absence due to illness or injury, shall notify either the employee's department head or his designated representative, of his illness or injury at least thirty (30) minutes subsequent to his normal time for reporting to work, except where sufficiently limiting circumstances exist, in which case he shall report as soon as practicable.

Deleted: Proof of illness or injury will not normally be required for sick leave of less than three (3) consecutive working days or less than eight (8) frequencies per calendar year. If the frequency rate rises to eight (8) times, a doctor's certificate will be required for all illnesses unless waived by the Town Manager. The Town may investigate and require proof of illness or injury for any absence for which sick leave is requested.

To the extent allowed by the Americans with Disabilities Act and other applicable laws, the Town reserves the right to require any employee to submit to a physical examination by a doctor of the Town's choice, the cost of the physical examination to be at the Town's expense.

Sick leave shall be earned by each regular, full-time employee at the rate of one and one-fourth (1-1/4) working days for each complete calendar month of continuous service, the total of which shall not exceed fifteen (15) sick leave days in any twelve (12) months. Sick leave earned in any month of service shall be available during any subsequent month.

The following shall apply to sick leave accumulation:

- A. All unused sick leave of any regular, full-time employee during continuous employment may be accumulated up to a maximum of one hundred twenty (120) days.
- B. The amount of each employee's accumulated sick leave on the day prior to the effective date of this Agreement shall be credited toward his accumulated sick leave under this Agreement.
- C. No credit toward accumulated sick leave shall be granted for time worked in excess of his normal workweek.
- D. Sick leave shall continue to accumulate during authorized leaves of absence with pay.

The following shall apply to sick leave redemption:

- A. An employee who has successfully completed the probationary period, upon resignation in good standing, shall receive, on the basis of his base rate of pay, compensation for fifty (50%) percent of his unused, accumulated sick leave, as severance pay, up to sixty (60) days maximum.
- B. An employee who is discharged for any reason other than a layoff, or resigns at the direction of the Town or due to potential or impending adverse action by the Town, shall receive no compensation for any of his unused, accumulated sick leave.
- C. Upon retirement or death of a regular, full-time employee, eighty (80%) percent of his unused, accrued sick leave shall be remitted on the basis of his current base rate of pay to the employee, or his estate, up to a maximum of ninety (90) days.
- D. An employee, who is subject to a layoff without prejudice, may elect to receive, on the basis of his base rate of pay, compensation for fifty (50%) percent of his unused, accumulated sick leave, as severance pay, up to sixty (60) days maximum. If an employee elects the above, he will forfeit all unused sick leave accumulated as of the date of layoff, if recalled at a later date, regardless of the amount for which he received compensation at the time of layoff.

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Sick leave shall be used in at least two (2) hour increments. Any abuse of the sick leave policy may result in disciplinary action, up to and including discharge.

Smoking

Effective January 1, 1991, smoking was prohibited throughout all town (public) buildings. This policy was adopted by the Town Council in November 1989 in light of the negative health effects particularly those of second hand smoke to occupants in Town (public) buildings, as well as the protection of public records and fire safety.

review each application. Those that do not meet the Town's intended goals and objectives may be removed at any time.

All Town of East Hampton social media sites must adhere to all applicable federal, state and local laws, regulations and policies. Therefore, employees representing the Town via social media outlets must conduct themselves at all times in a professional manner as a representative of Town and in accordance with all applicable state, federal and local laws, regulations and Town policies.

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The Town reserves the right to restrict or remove any content that is deemed in violation of this policy or any applicable laws.

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Examples of content that shall not be allowed to be posted by anyone (including Town employees and members of the public) on any Town-sponsored/created social media sites are (without limitation) as follows:

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- a. Comments or material not topically related to the site or article being commented upon;
- b. Profane language or sexual or obscene content (or links to sexual content);
- c. Content that promotes, fosters or perpetuates discrimination or harassment on the basis of any legally protected status including race, color, age, religion, gender, marital status, status with regard to public assistance, national origin, disability, or sexual orientation;
- d. Personal attacks, insults or threatening language;
- e. Plagiarized material; private, personal material published without consent; or potentially libelous material;
- f. Conduct demonstrating participation in or encouragement of any illegal activity;
- g. Information that may tend to compromise the safety or security of the public or public systems;
- h. Commercial promotions or spam;
- i. Organized political activity; or
- j. Content that may compromise the safety or security of the Town or the public;

Deleted: Social Networking content or comments containing any of the ¶ following will not be allowed for posting:

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All Town of East Hampton blog authors and public commentators shall be clearly _____ identified. Anonymous blog postings shall not be allowed. Enrollment of public commentators shall be accompanied by valid contact information, including a name, address, and email address.

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(See Social Media Networking Agreement Form attached; Appendix A-1).

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Employee Use of Non-Town Related Social Media Sites:

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The Town recognizes that its employees have the right to speak out as citizens on matters of public concern through any and all media, including social media sites. The Town further recognizes that its policies may not prohibit employees from engaging in lawful activities, including exercising any rights they may have to engage in protected concerted activity or political activities on non-Town related social media sites. However, the Town also recognizes that employees may not engage in any conduct on any social media site (or otherwise) that violates the law or Town policies or standards of appropriate and professional behavior, or that interferes with the employee's job performance or the working relationship between the Town and the employee. Therefore, any Town employee who chooses to use social media tools and sites - regardless of whether the sites are Town-sponsored/created or other non-Town related sites -- may only do so in accordance with the following policies:

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- a. Each employee is held responsible for his or her own content published on any social media site and will be expected to communicate in a professional and lawful manner at all times.
- b. The personal use of blogging and/or other social networking sites is not allowed during working time, regardless of the equipment used (e.g., either using personal phones or computers or Town phones or computers). Employees may further not use Town equipment at any time for personal reasons in accordance with applicable Town policies.
- c. Employees who participate in any social media site shall not post any private, confidential or proprietary Town data, documents or photographs or any information which would

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violate any privacy laws applicable to the Town (such as HIPAA or FOIA or copyright laws), regardless of whether the posting is done during working or non-working time. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog or social networking site.

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d. Employees should not publish on any social media site any personally identifiable information (including pictures) of vendors, suppliers, citizens, co-workers or others associated with the Town without their permission.

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e. Any conduct, which under the law or Town policy is impermissible if expressed in any other form, is impermissible if expressed through a blog or social networking site.

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f. While communicating on any social media site, if an employee posts any content that has something to do with the work they perform for the Town or subjects associated with the business of the Town, employees must make clear that they are speaking for themselves and not on behalf of Town by accompanying their posts with a disclaimer such as: "The postings on this site are my own and do not necessarily represent the Town's positions or opinions."

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g. Employees should be careful in sending or accepting "friend" requests from supervisors or others affiliated with the Town which could result in violations of any applicable Town policies, including with limitation policies pertaining to conflicts of interest and harassment.

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When an employee's use of any social media site violates the law or Town policies or standards of appropriate and professional behavior, or interferes with the employee's job performance or the working relationship between the Town and the employee, appropriate discipline up to and including termination of employment will be imposed, regardless of whether the information was posted or sent during or outside of work and regardless of the tools or site used to post or send such information.

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Solicitation

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The Town does not allow solicitation on its property. Anyone who comes onto Town Hall or its annexes to solicit its employees for any reason will be asked to leave and if necessary, escorted off the premises.

The same rule applies to persons who come onto Town property to distribute flyers or other literature. Any employee who is approached by someone wanting to sell something or hand something out is asked to call Human Resources immediately.

During work time, employees are expected to devote their time to work activities. Social solicitation activities are to take place only during non-work time in areas where the employees will not disturb other people who are working. In addition, distribution of flyers and literature must be done on non-work time and only with the express written permission of Human Resources.

All requests for such activities will be in accordance with these standards:

- whether the activity would interfere with work performance or be offensive to other employees;
- whether the activity is governed or prohibited by law;
- the relevance of the activity to the workforce as a whole (e.g., a recreational program for employees would normally be approved; an announcement by an outside organization, such as a professional team, might not);
- whether the activity would affect the customers or visitors' impression.

The decision by management as to whether literature will be allowed to be distributed will be final and binding. Employees who violate this policy will be subject to discipline, up to and including discharge.

Employees are prohibited from using Town fax machines, computers, and other electronic communications systems for soliciting information that is not related to Town business. Also, Town equipment or supplies may not be used to reproduce or distribute literature.

Substance Abuse

This policy reflects our commitment to our employees and our belief that drug or alcohol abuse poses a serious risk, not only to the individual but to other employees and the Town's future as well. In addition to emphasizing the Town's belief that safety and health are essential, the policy also underscores our firm commitment to a drug-free workplace.

The possession, use, or sale of alcohol, unauthorized or illegal drugs, or the misuse of any legal drugs on Town premises or while on Town business is prohibited and will constitute grounds for termination.

The term "Town premises" includes Town offices, work locations, desks, parking lots, and any vehicle engaged in Town operation.

Employees who come to work under the influence of alcohol or any illegal drug will be subject to discipline, up to and including termination.

The Town will establish procedures as it finds necessary to effectively enforce its drug policy. That includes a requirement that employees cooperate in personal or facility searches when there is reason to believe (consistent with the law) that drugs or alcohol are present, when their performance is impaired, or when their behavior is erratic. Refusing to cooperate with these procedures may be cause for disciplinary action, including termination.

Prohibited items will be confiscated and turned over to law enforcement officials when appropriate.

Employees are responsible for promptly reporting to Human Resources any use of prescribed drugs which may affect their judgment, performance, or behavior.

Telephone

The Town maintains its telephone equipment for business purposes. It is recognized that some personal telephone calls are necessary. Employees are allowed to make/receive a reasonable number of personal calls. However, they should be as brief as possible to avoid interfering with employees' normal work or with business use of the telephones.

If a supervisor believes an employee is abusing his/her telephone privileges, the matter will be handled under the Town's progressive discipline system.

Cellular telephones issued by the Town are the property of the Town and must be returned upon the employee's termination or resignation. Town-owned cellular phones are to be used for Town business purposes only.

The Town's voice-mail system is for business use only. The Town maintains the right to monitor all messages to ensure compliance with this policy.

When using the voice-mail system, it is expected that all employees treat customers, co-workers, and others with courtesy. Foul, inappropriate, or offensive messages, such as racial, sexual, or religious slurs, are prohibited.

Termination

In the event, it may become necessary for the Town to terminate an employee's employment, a recommendation to terminate will typically be made to The Town Manager by the employee's supervisor or manager, unless applicable law or the Town's Charter or Ordinances require otherwise or unless circumstances warrant otherwise. Prior to making any such recommendation, the supervisor or manager should ensure that all the requirements of any applicable Town's processes have been satisfied. When submitting the recommendation, the supervisor or manager should further provide the Town Manager with any applicable documentation in support of termination.

Nothing contained in this Handbook is intended to create, nor shall be construed as creating, an express or implied contract of employment or guarantee of employment for any term. In case of a conflict, any applicable union contract/collective bargaining agreement, ordinance, statute or charter shall control;

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however, in the absence of such a provision, employment is at-will, and may be terminated by the Town or the employee at any time without or without cause.

Employees who decide to leave the Town through resignation are expected to give at least two (2) weeks' notice and more if possible. Failure to give proper notice will become part of the employment record and will be noted in any reference requests, and will serve to deny the employee any right to any post-termination benefits.

Upon both voluntary and involuntary termination, Human Resources may conduct an exit interview with the terminated employee.

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Time Clock / Time Sheets

Non-exempt employees are required to "clock in" or "sign in" at the beginning of their workday and "clock out" or "sign out" at the end of their assigned workday.

Any time an employee leaves the workplace during the workday, on other than work-related business; the employee must clock out or sign out. Upon returning to work, the employee must clock in or sign in.

Employees must have previous supervisory approval to work overtime. This includes pre-approval to clock in early or clock out late or sign in early or sign out late or work through lunch. Employees who repeatedly clock in or sign in early or clock out or sign out late or work through lunch without supervisory permission will be subject to discipline.

No employee may clock in or out for another employee. Any employee found clocking in or out for another employee or having another employee clock in or out for them will be subject to disciplinary action.

It is the responsibility of each employee to monitor their time and to advise their supervisor immediately of any problems. If the supervisor determines there are problems, the supervisor should note the employee's time worked and inform the Payroll Department of any changes. Only authorized supervisors may alter information on a time report. Falsification of time records may be grounds for discipline, up to and including termination.

Time records must be received by the Payroll Department no later than 10:00 am on the Monday preceding a pay date.

Tuition Reimbursement

The Town shall provide for reimbursement for all tuition and books needed by a full-time employee attending an accredited school on job related courses, approved by a supervisor and the Town Manager and with documentation of a C or better grade once they have completed one year of service.

Reimbursement of all tuition, books and other costs are up to a maximum of \$1,000 per calendar year for undergraduate or work-related courses and up to \$1,500 per calendar year for graduate-level courses.

Seminars and conferences are to be approved by supervisor and the Town Manager. Any books purchased will remain the property of the Town.

Vacation

It is the practice of the Town to provide full-time employees with an annual paid period for rest and relaxation. The objective of vacations is the maintenance of employee health and morale.

The Town reserves the right to determine vacation schedules, to rearrange vacation schedules at any time. Further, the Town may alter its Vacation Policy at any time. The Town will attempt to grant all employees vacation at the time they desire to take it. However, the Town must maintain adequate staffing at all

times. Therefore, vacations must be scheduled in advance and with prior written approval of the employee's supervisor. Where conflicts develop, they will be resolved as fairly as possible.

Regular, full-time employees shall be eligible for annual vacation leave paid at (i) thirty-five (35) hours times employee's straight time hourly rate at said employee's normal weekly salary and (ii) forty (40) hours times employee's straight time hourly rate at said employee's normal weekly salary, exclusive of overtime for each week, in accordance with the following schedule:

<u>Length of Continuous Service</u>	<u>Vacation Leave Earned</u>
Less than one (1) year	zero (0) days*
Upon completion of one (1) year	ten (10) days
Upon completion of five (5) years	fifteen (15) days
Upon completion of ten (10) years	twenty (20) days
Upon completion of fifteen (15) years	twenty-five (25) days

*After six (6) months, an employee in good standing may be permitted to take five (5) days of vacation from the ten (10) days he/she will earn upon the completion of one (1) year of service.

Department heads or supervisors will earn fifteen (15) days of vacation per year beginning after completion of one (1) year of service.

Years of service for determining vacation eligibility hereunder shall be based upon full years of employment and the employee's anniversary date of employment shall be used.

Requests for vacation time shall be made in advance and shall be granted where practicable to employees in accordance with seniority rights within classification. Vacation requests made without notice will be considered in light of operating needs and vacation schedules. There will be no mass shutdown for vacation purposes. The minimum vacation period that may be taken at any time is two (2) hour increments.

Employees shall be allowed to accumulate unused vacation leave from year to year up to a maximum of thirty (30) vacation days. When a holiday occurs during a regular vacation, such holiday shall not be charged to the employee's earned vacation time.

Deleted: The Town has the option to purchase excess accumulated vacation time from employees who have maintained same under this Section.¶

Normally, vacation days are forfeited upon any separation from employment, including but not limited to termination or resignation. However, if the employee leaves the Town in good standing, and provides at least two (2) weeks advance written notice of his/her separation, the Town may pay to such employee all remaining earned vacation.

Retiring employees may not utilize vacation time to extend the retirement date.

In the event of the death of an employee, the employee's accrued vacation time shall be paid to the employee's estate up to the maximum days permitted.

In case of a conflict, any applicable union contract/collective bargaining agreement, employment agreement, ordinance, statute or charter shall control.

Vehicle-Town Use

The Town Manager or his agents when required to conduct Town business shall assign Town vehicles to employees. Those employees to whom they are assigned in a manner, which is safe and conducive to the preservation and good operating order of the vehicles, shall use Town vehicles. No employee shall operate a Town vehicle while under the influence of alcohol or drugs. Subject to the interpretations noted herein under Guidelines, Town vehicles shall only be used for matters relating to Town business. All Town employees utilizing Town vehicles shall maintain a valid Connecticut driver's license, or any special licenses needed to operate the vehicle in use. At the conclusion of each business day, tour of duty, or overtime work assignment, Town vehicles shall be returned to their assigned parking locations. The following types of employees may take vehicles assigned to them home with the special permission of the Town Manager.

Anyone in violation of this policy will be asked to leave the premises immediately. The Town may make a report of the incident to local law enforcement personnel concerning a violation of our weapons policy.

Whistle blowing

The Town will protect employees who report in good faith what they reasonably believe to be a violation of state or federal law or conditions or practices that would put the health or safety of employees at risk.

We ask that employees first report the alleged violation, condition or practice to their supervisor or the Human Resources Department and give the Town time to remedy the situation. No employees will be discharged, threatened or discriminated against in any manner for reporting in good-faith what they perceive to be wrongdoing.

These are some of the activities which all employees have a right to participate in without being subject to disciplinary action or harassment:

- o filing discrimination charges with the Equal Employment Opportunity Commission or a state human rights agency;
- o filing unfair labor practice charges with the National Labor Relations Board or a state agency;
- o filing a Workers' Compensation claim;
- o filing a complaint with Occupational Safety and Health Administration about safety hazards or refusing an assignment because of fear that it might be dangerous;
- o engaging in lawful union activities;
- o claiming an equal pay or wage/hour law violation;
- o opposing or publicizing policies that violate laws;
- o reporting fraud, corruption, or other forms of lawbreaking covered by the American Recovery and Reinvestment Act, the Racketeer Influenced and Corrupt Organizations Act, the Sarbanes-Oxley Act, the Whistleblower Protection Act of 1989, or state whistleblower statutes.

For additional information and/or contact information see Appendix B.

Work Assignments

As far as practical, every employee will be assigned a regular job. However, illness, absence, vacation or other circumstances, may make it necessary, at times, to be reassigned to another job within a division.

Workers' Compensation

Workers' Compensation Insurance provides benefits for job-related injuries. All employees are covered and the entire cost of this insurance is paid by the Town.

Each employee shall be eligible to receive benefits, under the terms of the Worker's Compensation Act for injuries which occur while the employee is engaged in the performance of his duties. Employees are covered by Worker's Compensation Insurance and are paid stated amounts due to injuries received on duty. The Town, in case of injury incurred in the line of duty, shall supplement the payments of the insurance company so the employee will receive his full base rate of pay during any absence which the Town, in its sole discretion, may authorize in accordance with applicable law. Any supplemental payments provided by the Town in this regard shall only be made, if at all, for the duration of any legally required absence necessitated by the injury, and in any event, shall only be made, for a period not to exceed one hundred eighty (180) days. Any employees who are eligible for light duty assignments are not eligible for any supplemental payments by the Town.

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One way to keep our Workers' Compensation costs under control is to work safely and follow all rules and regulations. The Town will enforce all safety rules, and employees who violate them will be disciplined, up to and including termination.

Employees should report injuries immediately so that they can receive fast and effective treatment. Forms for reporting injuries may be obtained in the Human Resources office. If the employee is unable to fill out

CERTIFIED RESOLUTION

I, Sandra M. Wieleba, Town Clerk of the Municipality of East Hampton, do hereby certify that the following is a true and correct copy of a resolution duly adopted at a meeting of the Town Council duly held and convened on Tuesday, March 8, 2011, at which a constituted quorum of the Town Council was present and acting throughout.

RESOLVED, that Robert G. Drewry, Interim Town Manager, is empowered to execute and deliver in the name and on behalf of this municipality an agreement between the Town of East Haddam and the Town of East Hampton for the Detention and Care of Impounded Dogs.

IN WITNESS THEREOF, I have hereunto set my hand and affixed the corporate seal of the Town of East Hampton this 9th day of March, 2011.

Sandra M. Wieleba, Town Clerk

**Nancy Hasselman, CCMC
Collector of Revenue
Town of East Hampton**

March 8, 2011

To: The East Hampton Town Council

Please find copies of tax refunds for your review. The total refunds equal \$205.52.

Thank you for your assistance.

Nancy Hasselman, CCMC

Nancy Hasselman, CCMC
Collector of Revenue

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