

Personnel Policies



Updated 2025 (9/8/2025)

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WELCOME

Welcome to the Town of Lincoln. It is our pleasure to welcome you to the team of employees and volunteers who work together to make it all happen. As you will soon understand, it takes great effort and coordination to keep a municipality functioning at a level that meets the community's expectations. Your reward and satisfaction will come from the results that you help produce while meeting these expectations. It is incredibly rewarding to know that you are part of something important, like providing public services, and that you're a part of the Town's permanent history. Things you do, things you achieve, and things you produce all have a public impact. Within a short period of time, you will see what this means and you will feel proud to serve.

The purpose of these Personnel Policies is to help guide you toward meeting expectations. It provides the answers to those employment questions like; how long is the probationary period? When might you expect an evaluation? What benefits will I receive? These questions, and more, are answered within these policies. For those questions you have that is not answered inside, please refer to your department handbook of policies, or to your immediate supervisor.

The Town Manager has the liberty of creating an overall Mission Statement for all departments, employees and volunteers of the town. A mission statement explains what our purpose is, why we exist as an organization, and even what direction we all should be headed. The Mission Statement is: *"To create value for our citizens for the taxes they pay by being compassionate, helpful, understanding and by providing our service as efficiently as possible"*. More simply put, we aim to provide *value*. Like yourself, you want value from what you purchase. Without feeling value from the purchases you've made, it's difficult to be satisfied. If our residents feel value from those services we provide, they will be satisfied with the expense of paying taxes. More importantly, to you, they will be satisfied with the wages you earn.

Again, welcome to the Town of Lincoln. Public service can be a rewarding career in which you should feel proud to be of service. Read these policies and reflect upon them often as you consider the responsibility of your position, and the expectations you must meet.

PURPOSE

The purpose of these policies is to define the employment policies of the Town of Lincoln (hereinafter referred to as “the Town”) and the expectations the Town has of its employees who are retained to serve in the best interest of the public. The Town reserves the right to repeal, modify, amend and interpret these policies. These policies are intended as informational guidance. These policies are not to be interpreted as promises of specific treatment or as creating contractual rights in to or for any employee. In addition, changes in state and federal laws take precedence over the contents of these policies, whether or not those changes were incorporated into these policies. These policies supersede all previous personnel policies, rules, regulations, resolutions, and amendments, which have previously been adopted by the Town.

PERSONS COVERED

These Personnel Policies shall be applicable to all persons employed full-time and part-time in the service of the Town as outlined in Section 7 under this title. Where applicable, these policies shall be applicable to unpaid volunteers of the Town. In the event any provision of these policies conflict with a union contract, it is expressly understood that the union contract shall supersede these policies.

The Town is an equal opportunity employer. We consider applicants without regard to race, color, sex or sexual orientation, physical or mental disability, religion, age, ancestry, national origin, veteran status, or any other status protected by law.

This policy applies to all areas of employment, including recruitment, hiring, training, promotion, demotion, transfer, termination, layoff, compensation, benefits, and all other conditions and privileges of employment in accordance with applicable federal and state laws.

It is the policy of the Town to comply with the relevant and applicable provisions of state and federal laws. We will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability. We will make reasonable accommodation wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the duties and assignments connected with the job.

The Town Manager is primarily responsible for seeing that the Town’s equal employment opportunity policies are implemented, but all employees share in the responsibility for assuring that by their personal actions the policies are effective and apply to everyone. All references in this personnel handbook designate both genders. Where the male gender is used, it is intended to include both male and female employees.

ADMINISTRATION

The personnel program established by these policies shall be administered by the Town Manager, who shall also be referred to as the Personnel Director, and through the various department heads or managers.

RECRUITMENT

The Personnel Director or a department head may post an announcement of vacancies for all municipal positions in one or more of the following ways: local newspaper, Town website, Town departments, Town bulletin board, or other publication(s), or in such other places as deemed appropriate.

When the Town elects to fill a vacant position, it may first make an internal announcement of available position(s). After posting the vacancy for five (5) days in each department, the Town may select an internal candidate without external advertising. Applications for Town positions shall be made to the Personnel Director through the submission of resumes and/or on forms required by the Personnel Director. Failure to complete forms fully and truthfully shall be cause for rejection of the application and/or termination of employment.

Announcements may specify position, title, salary range of the position, nature of the work to be performed, desired qualifications of applicants, indicate whether Town-provided applications or resumes are required, closing date for receiving applications, and any other information as may be required or is pertinent. Applicants for the position may be solicited from persons outside the Town, when, in the opinion of the Personnel Director, the interests of the community will be best served. When experience, skills, and qualifications necessary to perform the duties of the job are equal, applicants who are residents of the Town shall be given preference.

As part of the pre-employment procedure, former supervisors, employers, and references provided by applicants may be checked as a means to verify information and to evaluate prior performance. Reference checks made by personal or telephone contact shall be documented and made part of the applicant's file. These reference checks shall be completed prior to making an offer of employment and the information shall be made part of the employee's permanent file should he/she be hired. All personnel information may be made available to the employee upon request as provided by state law.

EMPLOYEE SELECTION

All appointments to positions in the service of the Town shall be made according to merit and fitness, to be ascertained as near as possible by open competitive examinations, which may be written, oral, physical, performance, or any combination of these. Education, experience, aptitude, knowledge, character and physical fitness shall be considered, as may be deemed proper by the Personnel Director. Finalists who have received a conditional offer of employment may be required to pass a pre-employment physical and/or psychological evaluation that evaluate the person's physical and mental abilities in relation to the position to be filled.

EMPLOYEE APPOINTMENT¹

The following types of appointments may be made to Town service in conformance with the rules established: regular full-time, regular part-time, emergency, special, limited term, student, probationary, workfare, temporary, and seasonal.

To be appointed to any permanent job with the Town of Lincoln all new employees will be required to conform to certain and various vaccination requirements as determined by the Town or the department they would be employed within.

Regular Full-time Employees

A regular employee works full time, forty (40) hours per workweek. A regular employee is subject to all department rules, guidelines, and regulations and receives all benefits as provided by these Personnel Policies .

Regular Part-Time Employees

Regular part-time employees are employees who work less than thirty (30) hours per workweek, but on a regular, continuing basis. This position shall be eligible for only limited benefits required by state and federal laws and as further outlined in this policy. Benefits for regular part-time employees must be approved by the Town Council.

Emergency Appointments

In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized by the Town Manager in accordance with this rule for a period not to exceed fourteen (14) days at a time but may be re-appointed up to a maximum of three (3) times. This position shall be eligible for only those benefits required by state and federal law.

Special Employees

Special employees are employees who serve in a paid capacity (whether per diem, by the hour or on a project basis) to fill special duties with an irregular part-time schedule, and for a limited time period. Such positions shall be eligible for only those benefits required by state and federal law, unless otherwise approved on an individual basis by the Town Council.

Limited Term Appointments

Limited term appointments are made when a special project requires the addition of employees for a special time or to fill a position of an employee on a leave of absence. This position shall be eligible for only those benefits required by state and federal law, unless otherwise, on a case-by-case basis, approved by the Town Council.

Student Appointments

Student appointments have the purpose of affording students of public administration or

¹ July 22, 2022 Personnel Director added 2nd paragraph.

other professional areas an opportunity to gain actual work experience. Such appointments are for a definite period of time, not to exceed twelve (12) months, and require the approval of the Town Manager. These positions shall receive only those benefits required by state and federal law, unless otherwise approved, on a case-by-case basis, by the Town Council.

Probationary Employees

Probationary employees are hired for regular positions (full-time or part-time) serving an initial evaluation period of six (6) calendar months.

Seasonal Employees

Seasonal Employees are employees who are hired for a specific project of short duration for a season. This position shall be eligible for only those benefits required by state and federal law, unless otherwise approved by the Town Council.

Workfare

Workfare personnel includes individuals required to perform work for the Town under state law and the Town's General Assistance Ordinance and are not deemed to be Town employees for any purpose and are not entitled to pay and/or benefits or other conditions or considerations contained within these Personnel Policies.

Temporary

Temporary employees include those positions considered part-time, occasional, project or other limited time of employment. Temporary employees do not receive benefits. Stipend and employment agreements are to be in writing.

Appointment Authority

The Personnel Director shall appoint and, when necessary for the good of the service, suspend or remove any volunteer, appointee, or employee of the Town, except as otherwise provided in the town charter, or by state law.

Anti-Nepotism²

No department head or manager may hire any of their immediate family to any permanent job with the Town.

Conflict of Interest ³

To avoid potential conflicts of interest and to avoid any appearance of conflict of interest, no town employee or any immediate family member of or household member of any town employee may be appointed to the town Budget Committee, TIF Committee or Planning Board.

² July 22, 2022 Personnel Director added this paragraph.

³ Approved by the Town Council April 8, 2024

On-Call Firefighters

The Personnel Director shall confirm appointments made by the Fire Chief or Public Safety Director of On-Call firefighters. The Personnel Director may also delegate his/her authority to the Public Safety Director, Fire Chief or Deputy Public Safety Director to suspend or remove call firefighters of the department, except as otherwise provided in the town charter, or by state law. Call firefighters shall meet the expectations set forth by the Public Safety Director, Fire Chief and Deputy Public Safety Director and the Public Safety Director, Fire Chief or Deputy Public Safety Director may remove those Firefighters from duty who do not meet appropriate expectations. Persons appointed to this position are temporary employees and are not entitled to benefits other than what the Town Council may approve from time to time, workers compensation, and social security.

PROBATIONARY PERIOD⁴

New Hires

For securing the most effective adjustment of the new employee and determining that an employee's work meets the required standards of the department in which they become employed, all appointments shall be made for a probationary period of six (6) months or more where allowed in union contracts. At the end of sixty (60) days and one hundred twenty (120) days after beginning work, the supervisor or department manager shall prepare and submit an evaluation to be copied to the Personnel Director. During the probationary period, the department manager may recommend the removal of any probationary employee who does not perform the duties of the position satisfactorily or whose habits or dependability do not merit continuance of employment. The department manager shall immediately report such recommendation to the Personnel Director and shall state reasons for the recommendation. Any employee may be discharged with or without cause at any time during their probationary period.

In a limited number of cases a probationary employee may be offered an extension of the probationary period of up to an additional six (6) months if at the end of the initial six months the probationary employee is found to not be ready to become a permanent employee. This added probation can be offered to allow the probationary employee to further grow into the job as opposed to simply be removed from the job.

New employees in the police department will continue to be on probation for 12 (twelve) months after successful completion of the Maine Criminal Justice Academy, for a total of up to 30 (thirty) months.

Once an employee has successfully completed his/her probationary period, the employee's length of service shall be measured from the last date of hire or promotion and becomes eligible for additional benefits as provided in this policy.

⁴ July 22, 2022 Personnel Director added second paragraph.

Promotion

For securing the most effective adjustment of a newly promoted employee and determining that an employee's work meets the standards required of the new position, all promotions shall be made for a trial period of six (6) months. A department manager may extend the trial period with the approval of the Personnel Director except that the total trial period shall not exceed twelve (12) months.

During the promotion probationary period, the department manager shall informally, in communication with the employee, evaluate the performance of the promoted employee on a monthly basis. The department manager shall discuss with the employee the area(s) in which the employee needs or could make improvement and assist the employee in correcting any deficiencies. A formal evaluation is to be prepared and submitted at the end of one hundred twenty (120) days but no later than one hundred and eighty (180) days after the promotion.

If, at the completion of the promotion probationary period, the employee does not demonstrate the competence and skills required to carry out the responsibilities of the position, the department manager may, with the approval of the Personnel Director, upon the submission of written justification, cause the employee to be returned to their former classification and pay, as long as that or a similar position is open and available.

Any time during the promotion probationary period, the employee may request to be returned to his/her former classification and pay, as long as that position is still available. Upon return to the former position, the employee shall not be reconsidered for promotion to any position for a period of one year.

Performance Evaluations

All Employees: Following the probationary period, a performance evaluation will be done for each full-time and part-time employee annually. The purpose of the review is to: (1) advise the employee about the strengths and weaknesses of performance over the past year and how performance can be improved; (2) call to the attention of employees any training or education needs, or special needs to improve their work performance; (3) ascertain employee recommendations as to methods for greater efficiency and productivity in the performance of assigned duties, set goals and objectives, and to determine if the employee qualifies for a merit pay raise in accordance with these policies.

Before any evaluation is completed, the results shall be discussed directly with the employee and, where applicable, a recommendation will be made as to whether a pay raise should be granted in accordance with the Town's pay plan and/or available funding.

EMPLOYMENT BENEFITS

Salary alone cannot be used to measure the total value of employment. The term “employment benefits” refers to those added employment incentives that are provided by the Town to cause employment to be more attractive. Paid holidays, annual vacation, sick leave, emergency leave, group hospital and medical plan, life insurance, social security, and retirement are examples of such benefits. These benefits may be altered only at the discretion of the Personnel Director with Town Council approval, where required.

At the discretion of the Personnel Director and with Town Council approval, certain employment benefits may be extended to part-time employees. These include holiday pay, annual vacation, sick leave, military leave, group hospital and medical plan, life insurance, major medical insurance, and retirement and shall be offered to part-time employees on a pro-rata basis and may require a contribution from the employee at the discretion of the Personnel Director. Nothing in this section shall be construed as to obligate the Town to provide any or all benefits to part-time employees. It is the intent of this section to allow the provision of benefits to part-time employees when it is both convenient, financially feasible or required by state or federal law.

No benefits will accrue during any leave of absence without pay unless otherwise specified.

Holidays^{5 67}

For full-time employees, the Town shall recognize thirteen (13) paid holidays each calendar year for which they shall receive one-fifth of a week’s base pay at their regular rate. For regular part-time employees this benefit will apply for all holidays paid at the rate of their normal day of pay (pro-rata when compared to a full-time employees). The authorized holidays shall be as follows:

- | | |
|---------------------------|----------------------------|
| 1. New Year’s Day | 7. Independence Day |
| 2. Martin Luther King Day | 8. Labor Day |
| 3. President’s Day | 9. Columbus Day |
| 4. Patriots Day | 10. Veterans Day |
| 5. Memorial Day | 11. Thanksgiving Day |
| 6. Juneteenth | 12. Day After Thanksgiving |
| | 13. *Christmas Day |

⁵ Amended October 21, 2019, effective immediately. Added limited regular part time benefits.

⁶ Amended February 23, 2022 by the Personnel Director aligning Washington’s Birthday with the nationally recognized holiday of President’s Day which combines Washington and Lincolns’ birthdays together.

⁷ Amended September 8, 2025, effective January 1, 2026 added Martin Luther King Day and Juneteenth, eliminated personal day.

If a full-time employee is required to work an authorized holiday, in lieu of holiday pay, the Personnel Director shall choose one of the following where this situation is not controlled by a union contract:

1. Receive one (1) day off regular work schedule with pay for each full holiday worked;
2. Receive payment for having actually worked on the holiday under regulations as specified in the sections pertaining to overtime compensation in these Personnel Policies; or
3. Receive credit for one (1) additional vacation day for each holiday worked. The additional vacation shall be taken during the calendar year in which it was earned, provided that all vacations shall be approved by the department manager.
4. When an authorized holiday falls on an employee's day off, the holiday shall be treated as though it had fallen on his next workday.
5. An employee on vacation or sick leave shall have his or her sick leave increased one (1) day for each authorized holiday falling within the period of time.
6. When an authorized holiday falls on Sunday, the following Monday shall be observed as the official holiday.
7. When an authorized holiday falls on Saturday, the preceding Friday shall be observed as the official holiday.
8. *On the last working day before Christmas, all Town employees except those in necessary service operations shall be permitted to leave at twelve (12) noon at the discretion of the department manager. Time worked after twelve (12) noon on this day is not considered overtime.
9. Department managers will use discretion in authorizing holiday leave for all employees in the department. Sufficient personnel should be on duty in those departments requiring full time operation to maintain adequate service.

Vacation⁸

Vacation time is a paid benefit for full-time employees, and employees are encouraged to take vacations commensurate with the time accrued from the previous year. No more than one-week vacation time may be carried over into the next anniversary year without the prior written approval of department manager and Personnel Director. Any additional accrued vacation time beyond one week will be forfeited on the employee's anniversary date. Any time that is approved to be carried forward must be used within 90 days of the employee's anniversary date or will also be forfeited. Vacation time is allotted as follows:

⁸ Amended March 9, 2009, effective April 9, 2009. Amended October 21, 2019, effective immediately. Added regular part time benefits.

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1. All eligible full-time employees who have more than one (1) year and less than five (5) years of continuous full-time employment shall be entitled to a vacation of two (2) weeks during each anniversary year.
 2. All employees who have completed five (5) years of consecutive full-time employment to fifteen (15) years of consecutive full-time employment shall be entitled to a vacation of three (3) weeks during each anniversary year.
 3. All employees who have completed fifteen (15) years or more of consecutive full-time employment shall be entitled to a vacation of four (4) weeks during each anniversary year.
 4. All employees who have completed twenty-five (25) years or more of consecutive full-time employment shall be entitled to a vacation of five (5) weeks during each anniversary year.
 5. An employee shall begin to earn vacation leave from the date of appointment; however, probationary employees may not take the vacation until the employee has successfully concluded their probationary status. Only the Personnel Director may make exceptions, but in no case shall the Personnel Director grant more vacation time than what the employee has earned, unless it is unpaid.
 6. Vacations will be scheduled so as to meet the operating requirements of the Town, and insofar as possible, the preference of the employees.
 7. It shall be the responsibility of each department manager to verify records of vacation leave used by each employee with the town Finance Office. Such records shall be turned in to the Personnel Director at the end of each year, or immediately upon the employee's termination, to be placed in the employee's permanent personnel record.
 8. Length of Service: Any conflicts of scheduling employees' vacations within a department will be decided by the Personnel Director or Department Manager, based on seniority of service.
 9. A few senior town staff may receive vacation earnings other than outlined above when the Town Council has agreed to an alternative plan in a negotiated employment contract with the employee involved.

Sick/ Earned Paid Leave⁹

Paid leave may be granted for any reason (in accordance with applicable State law, 26 MRSA subsection 637) such as an emergency, illness, or a sudden necessity. No more than four weeks of notice is required for a planned absence. The employee may take leave with only the amount of notice feasible under the circumstances in the event of an emergency, illness, inclement weather, or sudden necessity. Up to 40 hours can be used for ANY reason in a calendar year as paid leave. Sickness and accidents caused by employment are covered by the State Workers' Compensation Act. All employees shall notify his/her department manager prior to taking any sick leave.

Miscellaneous Sick/ Earned Paid Leave Benefit Guidelines

1. An eligible employee who is absent and requests sick leave to cover such absence may be required, at the department manager's discretion or Personnel Director's request, to furnish a doctor's certificate or signed employee statement, as a condition of granting paid sick leave attesting the fact that the employee's absence has been due to personal sickness or injury or for necessary care and attendance of a member of the employee's immediate family. Available sick leave shall be used in conjunction with Family and Medical Leave for qualifying circumstances.
2. Full time employees shall accrue sick leave at the rate of one (1) eight (8) hour working day for each full month of service to the Town.
3. Paid Leave may be used in increments of one-half (1/2) hour.
4. Unused sick leave shall be cumulative and available for an employee's use to a maximum of one hundred (100) working days (for this purpose a work day consists of eight (8) hours). Upon separation in good standing, the equivalent of one-third (1/3) pay for each day of accumulated and unused sick leave shall be paid to the employee, his/her beneficiaries or his/her estate, as circumstances warrant; not to exceed thirty-three (33) day's total compensation. Separation in good standing includes, but is not limited to, requiring giving at least 2 weeks termination notice by the employee; subject to the discretion of the Town Manager.
5. Upon dismissal of an employee for a violation of these personnel policies, no sick time accrued shall be paid.
6. Sick leave shall accrue from the date of appointment for all probationary and full-time employees. Abuse of sick leave privilege may result in the suspension of sick leave benefits and/or disciplinary action possibly including termination.

⁹ Amended May 18, 2021, retroactive to 1/1/2021.

Earned Paid Leave¹⁰

The Town of Lincoln shall provide Earned Paid Leave, effective January 1, 2021, in accordance with applicable Maine state law, 26 MRSA §637.

A. Eligibility

1. Accrual of Earned Paid Leave (EPL) begins on January 1, 2021, or at the start of employment if on or after January 1, 2021, as applicable for all “covered employees” as defined by the Employment Security Act, 26 MRS §1043(11).

2. Any employee currently covered by a collective bargaining agreement during the period between January 1, 2021 and the expiration of the agreement will not receive EPL under this policy until the collective bargaining agreement term ends. New contracts negotiated after January 1, 2021 must account for Earned Paid Leave as required by Maine state law, 26 MRSA §637.

3. Exceptions to eligibility: The following categories are not eligible for EPL.

a. Call Fire Fighters: If the amounts paid to the firefighters qualify under the exemptions available, then they would not be reported as wages and the Call Firefighters and Volunteers would not be entitled to Earned Paid Leave. The exemptions can be found under 26 M.R.S. 1043 (11)(F)(17)(i)(iv):

(iv)As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

This exemption does not include every fire, storm, snow, earthquake, or flood. This applies to specific unforeseen emergencies. Snowstorms in Maine are not considered unforeseen emergencies. Likewise, controlled fires or training events are not considered emergencies.

b. Certain volunteers are also exempt under 26 M.R.S. 1043 (11)(F)(35):
“Service performed by an individual who volunteers for an employer or governmental entity if the volunteer:

Performs hours of service for the employer or governmental entity for civic, charitable, or humanitarian reasons, without promise, expectation, or receipt of compensation for services rendered. Although a volunteer may receive no compensation, a volunteer maybe paid expenses, reasonable benefits, or a nominal fee to perform such services;

Offers services freely and without pressure or coercion, direct or implied, from an employer; and is not otherwise employed by the same employer or governmental entity to perform the same type of services as those for which the individual proposes to volunteer.

¹⁰Amended May 18, 2021, retroactive to 1/1/2021

c. Election Workers: An Election Worker is not considered a covered employee if they are paid less than \$1,000 in a calendar year. See 26 M.R.S. §1043(11)(F)(17)(i). If an election worker is paid more than \$1,000 in a calendar year, then they are a covered employee and would be entitled to EPL. They would start accruing leave on their first date of employment as of January 1, 2021.

d. Seasonal Workers: Please reference Maine Department of Labor seasonal employment list.

e. Elected Municipal Officers: If the Municipal Officers are elected, they would be exempt from the Earned Paid Leave law.

f. Board/Commission Members: If a board member meets the exemption in 26 M.R.S. 1043 (11)(F)(17)(i)(v) then Earned Paid Leave will not apply.

(v) In a position that, under or pursuant to the laws of this State, is designated as a major nontenured policymaking or advisory position or a policy-making or advisory position the performance of the duties of which ordinarily does not require more than 8 hours per week.

B. Accrual of EPL

1. Accrual of EPL begins on 1/1/2021 and will be used in conjunction with sick leave accruals for all full-time employees.

2. Earned paid leave (EPL) shall accrue for all covered Town employees, as defined by the Employment Security Act, 26 MRS §1043(11), at a rate of one (1) hour earned for every forty hours worked in one year of employment. A “covered employee” may include a person who is employed by the Town in a full time, part time or per diem capacity.

3. No more than 40 hours of earned paid leave will be accrued during any one-year period of Town employment. The one-year “EPL eligibility period” shall be defined as follows:

- For existing Town employees hired prior to 1/1/2021: Accrual of EPL for existing employees will begin on 01/01/2021; such existing employees shall thereafter accrue and use EPL on a calendar year basis (January 1st through December 31st annually).
- For employees hired after 01/01/2021: Employees hired on or after 1/1/2021 will accrue EPL on a calendar year basis, commencing on their date of hire for the remainder of the calendar year; such employees shall thereafter accrue and use EPL on a calendar year basis (January 1st through December 31st annually).

4. EPL does not entitle any employee who is eligible to accrue sick leave hours under Town policies to any additional hours than are already allocated in sick accruals.

C. Use of Accruals

1. Existing employees who have been employed more than 120 days as of 1/1/2021 may begin using EPL as of 1/1/2021. All other employees, including employees hired on or after 1/1/2021, may not use EPL until after 120 days of Town employment.

2. EPL can be used in increments of one half (1/2) hour. The Town may require that EPL be used if the employee takes a planned absence, or if the employee is out due to an emergency, illness, or sudden necessity.

3. All EPL used will be paid at the employee's regular rate of pay as established in the week immediately prior to taking the earned leave.

4. EPL can be used for any purpose. An employee taking EPL leave, absent an emergency, illness or other sudden necessity, shall give reasonable notice to their supervisor of the employee's intent to use EPL. Use of EPL must be scheduled to prevent undue hardship as determined by the Town. The Town may request a medical note or other documentation if the leave is for more than 3 consecutive days, unplanned. An emergency or sudden necessity under the EPL is anything within reason that is unforeseen and requires the employee to interrupt their work schedule. Written documentation may not be required unless over three consecutive days, but does require a general description, i.e., illness of a child; illness of a day-care provider; transportation issue.

5. The Town may deny a requested date of use if it significantly impacts departmental operations. Department hardship may be dependent upon department staffing, events, disaster, or weather emergencies (not an all-inclusive list). An undue hardship is a significant impact on the operation of the town or significant expenses, considering the financial resources of the town, the size of the workforce, and the nature of the department.

D. Carryover of Accruals

1. Covered employees with accrued and unused hours of EPL from the previous year of EPL eligibility (as defined above) will have those unused EPL hours available for use in their next year of EPL eligibility, up to a maximum of forty (40) hours.

2. EPL will thereafter continue to accrue up to forty (40) hours in their next EPL eligibility period; however, at no time in any given EPL eligibility period may any employee (i) have more than 40 hours of EPL in their EPL bank; (ii) continue to accrue EPL so that their EPL bank exceeds 40 hours; or (iii) use more than 40 hours of EPL in any given EPL eligibility period.

Example: An employee rolls over 8 hours of unused accrued Earned Paid leave from the previous year. In the present year, the employee is only entitled to accrue up to 32 additional hours of Earned Paid Leave, regardless of how much leave the employee uses in the current year (up to a maximum of 40 hours).

E. Separation of Employment

1. EPL does not have a cash value and will not be paid out at termination of employment. Any employee who returns to work for the Town within a one-year period of the last day of previous employment will have any unused balance reinstated.

Medical Leave¹¹

The Town provides Family Medical Leave to eligible employees as mandated under the federal Family Medical Leave Act (FMLA) as well as the Maine Family and Medical Leave Act (MFMLA) and the National Defense Authorization Act (NDAA).

1. **Eligibility.** If you have (1) been employed for twelve (12) consecutive months or more; and (2) have worked at least 1,250 hours during the twelve (12) months prior to the commencement of the leave; and (3) have not already used twelve (12) weeks of Family and Medical Leave during the twelve (12) months prior to the commencement of the leave, then you may be entitled to up to twelve (12) weeks of family medical leave. This leave may be taken to care for an employee's child after birth, adoption or foster care placement of a child, for your own serious health condition (including a work-related accident or injury) or to care for the employee's spouse, child, or parent with a serious health condition. The twelve (12) month period which leave may be taken is determined by a "rolling" twelve (12) month period measured backward from the date an employee uses any FMLA leave. FMLA leave may be taken consecutively, intermittently and/or on a reduced schedule basis.
2. **Serious Health Conditions.** A serious health condition means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care in a hospital, hospice, or residential medical care facility; or (2) continuing treatment by a health care provider. In dealing with the serious health condition of an employee or family member, family and medical leave does not apply to brief illnesses, such as absences of three or fewer calendar days and where it does not involve ongoing treatment by a physician or health care provider.
3. **Notice and Medical Certification Requirements.** The employee must request the leave in writing with thirty days' notice, and complete an Application for Family and Medical Leave, except in the case of a medical emergency, and provide medical certification to support your leave request. FMLA leave request forms and medical certification forms can be obtained from the Town Manager. The

¹¹ Amended March 9, 2009, effective April 9, 2009.

employee may also be required to provide medical recertification during the leave, along with periodic updates on your status and intent to return to work. If the employee's leave was requested because of the employee's own serious health condition, the employee will be required to provide medical certification of the employee's ability to resume work.

4 Substitution of Paid Leave. FMLA leave is generally unpaid; however, you may be required, at the Town's discretion, to substitute any paid leave available to you under another Town policy (such as sick leave, extended illness, or vacation).

Employee Benefits. Employees retain all accrued benefits while on leave.

However, employees do not accrue any paid vacation, holiday, sick, or personal time while on FMLA, or any leave without pay. Employees requesting leave are responsible for paying that portion of the health insurance premium that they paid before requesting leave. In the event that an employee fails to return from leave, consistent with the terms of this policy, the employee will be liable for premiums paid by the Town to maintain insurance coverage unless (1) the employee's failure to return to work stems from the continuation, recurrence, or onset of a serious health condition that would entitle the employee to leave; or (2) the failure to return stems from circumstances beyond the control of the employee.

5. Reinstatement. When the employee returns from FMLA leave, the employee will be restored to the same or an equivalent position, unless, (a) the employee's employment with the Town would have terminated if no leave had been taken, (b) the employee has given notice of his or her intent to terminate his or her employment during his or her FMLA leave, or (c) with or without reasonable accommodations, the employee cannot safely perform the essential functions of the job to which you may be restored. Certain "key employees" may not enjoy these reinstatement rights. Employees ineligible for leave under this policy may be entitled to leave under other State or Federal mandates. Further details about Family Medical Leaves may be obtained from the Personnel Director.

Paid Parental Leave¹²

The Town of Lincoln offers Paid Parental Leave to qualifying employees for the addition of a new family member during the important period immediately following the birth or adoption of a child. The Town will provide but not exceed four (4) consecutive scheduled shifts of 100% paid paternal leave to the eligible employee to be used within the first 12 weeks of the birth or placement for adoption of his or her child. The leave cannot be used on an intermittent basis. The amount of the benefit will be determined based on the employee's regular rate of pay. The payment will be made based on the employee's regular payroll dates.

The employee is responsible for submitting a request to the Department Head. The leave should be requested as soon as the date is known and with as much notice as possible. This leave is in addition to other forms of leave detailed in this personnel policy and in the employee's benefits package. An employee is not required to use Earned Paid Leave or FMLA for this leave period.

Bereavement Leave

In the event of death in an employee's immediate family, the Personnel Director may grant to full time and regular part time employees, bereavement leave not to exceed three (3) working days. Regular part time employees on a pro-rata basis, paid for only the amount they would normally earn on the day (s) taken for bereavement. "Immediate family" shall be defined as follows: wife, husband, child, brother, sister, parents, step-children, father-in-law, mother-in-law, grandparents, or another relative living in the same household not listed in this definition. Bereavement leave shall be leave with pay, in addition to sick leave or vacation leave. The Personnel Director may grant one (1) day of bereavement for sister-in-law, brother-in-law, niece, nephew, aunt, or uncle.

Leave of Absence

With Council approval, the Personnel Director may grant a regular employee or part-time employee a leave of absence (unrelated to an employee's own health) without pay or other benefits. Said leave of absence shall be for a period not to exceed sixty (60) days. Such leave shall only be granted if the absence does not adversely affect the department's ability to fulfill its purpose and services. The Personnel Director shall determine whether or not the absence would adversely affect the department. Failure of an employee to return to work at the expiration of the leave of absence without having arranged for an extension will be deemed a resignation from employment.

Jury Duty ¹³

All full time and regular part time employees shall be granted a leave of absence for any time he/she is required to report for jury duty with full payment; meaning an equal amount to what would have been paid by the town for those days served which keep them from working on their normal schedule. The employee would be paid equal to the time they would normally be on duty but cannot be because of serving on jury duty. When the

¹² As approved by the Council May 8, 2023.

¹³ Amended October 21, 2019, effective immediately. Added regular part time benefits.

employee receives the jury duty pay from the courts the employee will need to sign that small amount over to the town so that they are not double paid. Any travel money received from the court remains with the employee.

Employees are expected to return to work during that period of jury duty whenever they are dismissed and there remains at least two hours in their normal work day with the Town. Verification from the Court Clerk may be requested.

Occupational Injury - Workers' Compensation

All eligible employees of the Town shall be covered by the provisions of the Workers' Compensation Act during the performance of their duties. The department manager shall inform the Finance Department and Personnel Director of any and all injuries to any employee under their supervision.

An employee injured while performing his or her assigned duties shall immediately notify his or her supervisor, and make application for benefits, to be eligible for benefits under the provisions of the Workers' Compensation Act.

Military Leave

Military leave shall be granted to full-time employees in accordance with the law. Employees granted military leave of absence may count service as time spent on the job for computing seniority in the event of a lay-off.

Any employee appointed to a vacancy created by the granting of military leave shall have his appointment designated as "military replacement" and the length of such appointment shall be limited to the length of military leave granted the incumbent.

Return to Work¹⁴

The Town of Lincoln is concerned about the health and well-being of its employees. We are committed to working with our employees and their healthcare providers to find work designed to assist injured workers in transitioning back to the workplace by performing meaningful work within their capabilities.

At any time, the Town of Lincoln may require written documentation from a licensed Occupational Health Provider describing the limitations, progress, and physical abilities of the employee.

Providing there is a reasonable expectation that the employee will be able to resume full duties, as determined by the Occupational Health Provider and the Town of Lincoln, subject to available work that will be beneficial to the employer, work consistent with temporary work restrictions may be assigned to the employee until the employee is capable of returning to full duty.

¹⁴ Approved July 20, 2020

In the event that a modified duty assignment becomes available, the employee is expected to accept the assignment. The employee is expected to be an active participant in this process by providing M-1 Practitioners' Reports following medical appointments and communicating changes in their restrictions.

The employee and employer commit to following restrictions as outlined in the M-1 Practitioners' Report or otherwise agreed upon.

Summary

This policy recognizes the Family Medical Leave Act, the Town of Lincoln Personnel Policy, along with Standard Operating Procedures (SOPs) that the department may have. It is intended to work in conjunction with them.

Modified work is not intended to be used as permanent reasonable accommodation under the American with Disabilities Act.

NO TEMPORARY WORK ASSIGNMENT DESCRIBED OR COVERED UNDER THIS GUIDELINE IS INTENDED OR OFFERED AS A PERMANENT ASSIGNMENT.

Group Hospital and Medical Plan

The Town shall offer to all full time probationary and full-time non-union employees a group health insurance plan to include major medical, life, prescription, and income protection.

Health Insurance Opt-Out¹⁵

If an employee chooses not to enroll in the Town's Health Insurance they can collect from an Opt-Out feature which is equal to ½ of the Town's share of the single payer plan cost after they provide proof of comparable insurance other than the Town of Lincoln insurance coverage. If two full-time, permanent Town employees are living as one household only one can collect from this Opt-Out feature.

Group, Life, Major Medical Benefits and Income Protection

The Town offers a life insurance plan equal to the employee's annual salary. The Town also carries an income protection policy of 70% of salary, for the employee only in the event of an illness or accident that occurs while the employee is not engaged in work or business for the Town. Employees should refer to the insurance policy for further specific

¹⁵ July 22, 2022 Personnel Director added this section.

information concerning current coverage.

Social Security O.A.S.I

All paid employees of the Town contribute to the O.A.S.I. or Social Security Program, as administered by the Federal Government.

Retirement System - M.S.R.S.

All eligible employees of the Town may elect to enroll in the Maine State Retirement System (M.S.R.S.). The employee electing the M.S.R.S. contributes to the System at the rate determined by the M.S.R.S., a certain percentage of gross wages. The Town shall contribute as actuarially required by the State. Employees in the M.S.R.S. may not participate in the I.C.M.A. Retirement Corporation 457 Deferred Compensation Plan. Employees should refer to M.S.R.S. literature for more details.

I.C.M.A. Retirement Corporation 457 Deferred Compensation Plan

A full-time employee not enrolled in M.S.R.S. may elect to participate in the I.C.M.A. federally qualified 457 Deferred Compensation Plan.

Plan Requirements:

1. New employees are eligible for enrollment on the first of the month following six (6) months of employment (probationary period) unless otherwise provided for in an employment contract.
2. Employee contributions are through payroll deduction and are pre-tax in accordance with federal law.
3. Town will match employee contributions up to 6% of gross wages in 1% increments.
4. Employee may make additional unmatched contributions through payroll deduction to the maximum dollar level allowed by federal law.
5. Employees should refer to current I.C.M.A. literature for more details.

Rest Periods – Breaks

Employees may be offered a break during each half of their working day. Each break is not to exceed fifteen (15) minutes maximum duration. Supervisors may schedule and grant breaks according to work demands, and shall determine where and how refreshments may be obtained. Employees in a part-time capacity may receive a fifteen (15) minute break during each consecutive four (4) hour period worked.

All employees shall be given at least thirty (30) minutes of uninterrupted, unpaid time at or prior to the completion of six hours of work as required by law. This break is typically taken as the lunch break.

Requested Paid Leave for Training and other Similar Purposes¹⁶

The Town of Lincoln encourages employees to attend and participate in training seminars and events which can help the employee to learn more about their job and to become better employees. To that end, within certain limitations, the town will allow paid time away from normal work duty stations to attend such useful seminars, classes and training events.

Work Related Leave is a short-term leave of absence from the work place to accommodate the attendance or participation by a town employee at some work-related training, class or event.

All applications for paid or other time away must be in writing initially to the department head.

For various reasons not all applications to attend such classes and events can be approved. To allow an employee to attend such classes, trainings and seminars the following conditions must be met:

- 1) Sufficient other staff must be available and willing to work to keep the department fully open and staffed while the attending employee is not at their work station.
- 2) The attending employee must make application to their immediate supervisor to take the time away and the supervisor, after seeing how the absence from the work station will affect the department's operations will either approve the requested paid time away or may deny the request, as may be needed.
- 3) Valid reasons to deny requested paid time away can include lack of staff levels who will be able to serve within the department while the requester is away, insufficient remaining budget to make the payments while leaving sufficient budgeted funds to allow other department members to attend such similar classes or events.
- 4) The Department Head will take into consideration which requests would be best to approve but, also which requests are needed to get an employee certified to

¹⁶ March 2, 2023 Personnel Director added this section.

do certain tasks or to maintain certification or license for those tasks to serve the town.

- 5) During approved time away the town will pay for reasonable travel expenses as per other policies herein.
- 6) Written application for paid leave should be provided as early as possible to the department head involved. All employees will seek approval from their department head and all department heads will seek approval from the town manager.
- 7) In situations where the applying employee is a member of a union and the effective union contract has agreed provisions on this topic, the contract will prevail followed by this policy.

If budget limitation will cause a denial of approval for paid time away, the employee can volunteer to attend unpaid or without travel reimbursement. If denied for budget reasons, if all other conditions here are met, the employee could under some circumstances, apply for and receive a scholarship to the training in question, and then attend without affecting the town budget.

If the employee's time away is being reimbursed by an association or school, then even with permission for time away, the employee will not be paid in duplicate for that time by the town.

Reimbursement for Travel Expense¹⁷

The Town will reimburse travel expense on duly authorized trips out of Lincoln on Town business for attendance at conventions, conferences, trainings or meetings. Advance approval is required from the Town Manager for in-state travel where reimbursement exceeds One Hundred Fifty (\$150) dollars and for all out-of-state travel.

The following expenses will be considered for reimbursement upon completion of the required expense form and accompanied by the required receipts as listed section below.

Transportation Costs

1. If an airline is used, the least expensive tourist or economy fare must be requested and used if available. Class upgrades will be allowed only on the basis that lower cost space was not available between specific points.
2. If railway or bus is used, first class fare, plus necessary lower berth or roomette is allowable. However, coach facilities, when considered reasonable and satisfactory accommodations, should be used whenever possible.

¹⁷ March 2, 2023 Personnel Director increased the amount for advanced approval.

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3. Personal cars may be used if adjudged economical or advantageous to the Town. When a personal car is used for long trips, the Town's reimbursement for the use of the car, plus meals and lodging required en route, shall not exceed the cost of tourist class air fare. Reimbursement for personal car shall be at the rate of sixty-five cents (.65) per mile¹⁸¹⁹, plus toll charges, and storage charges. Mileage reimbursement rates will be reviewed by the Town Council periodically and necessary or reasonable adjustments may be made.

Subsistence Costs

Lodging is limited to actual costs. The Town is exempt from room tax. **Meals are limited to \$45 per diem for a full day.** When meals are included in the seminar, meeting or event, the above stipulated dollar amounts will be respectively disallowed. A completed expense form with receipts as appropriate must be submitted to the Finance Department. Alcoholic beverages are not reimbursable.

Other costs

Road toll charges and parking charges and like items may be reimbursed with receipt. Charges for a rent-a-car or similar services shall not be reimbursed unless advance approval is obtained from the Town Manager. Reasonable taxi charges, for the conduct of business, are allowable and receipts are required. Conference registration fees and extraordinary expenses, such as purchase of incidental supplies or publications, shall be reimbursed when accompanied by a receipt.

Reimbursement for any expense not provided herein shall require the advance approval of the Town Manager.

Use of Town Vehicles

Town vehicles are for official use only and are never to be used for personal reasons. Town vehicles may be driven home at night only upon approval of the Town Manager. Only employees are allowed to drive town owned vehicles.

No Town employee is immune to the Town's traffic ordinances or state and federal law. In the case of an accident involving Town-owned vehicles, immediately notify the police department and your supervisor. Do not leave the scene of the accident until a police officer authorizes it. Obtain the name and address of parties involved and of all the witnesses, but do not discuss the circumstances of the accident with anyone except authorized town personnel.

No Town vehicle is to be used for out-of-town travel without the advance approval from the Town Manager.

¹⁸ Amended April 10, 2023, effective July 1, 2023

¹⁹ Amended May 14, 2012, effective June 14, 2012.

In some cases, a department manager may be offered a dedicated Town vehicle in which case that vehicle may be used for in-town personal purposes, in such situation, the employee must be available to respond to an emergency at any time if using the Town vehicle. It is understood that any time the vehicle is being used the employee will have the necessary equipment and clothing to respond to work related needs immediately. Out-of-town uses are limited to attending training or other professional functions.

All personnel who drive Town equipment shall be Town employees and hold a valid driver's license, as is required by Maine State Law and Federal Law. Employees are required to immediately notify the Town of any license suspensions or revocations that may occur and prohibit the employee from driving legally.

PUBLIC RELATIONS

A measure of Town government is based on the effect and personal contact of its employees. Sometimes the Town employee is the only contact the private citizen has with our municipal government. Although citizens may not always be right, they do have a vested interest in the Town and its government. Therefore, it is essential that the attitudes and actions of the employees, both on and off the job, credit the Town. Good public relations can best be created by the simple process of being helpful and courteous.

To maintain integrity in municipal service, a Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or other items of monetary value from any person, firm or corporation which has or is seeking to obtain business with the Town or from any person, within or outside Town employment, whose interests may be affected by the employee's performance or non-performance of his/her official duties.

Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars and the like, is permitted. Solicitation by Town employees while on duty or in uniform for non-profit organizations where representation as a Town employee may be implied is expressly controlled by State law and further requires the Town Manager's prior approval.

No employee shall engage in any business other than his/her regular duties during work hours (See OUTSIDE EMPLOYMENT).

Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the "right to know" law. The absence of an intention to harm or embarrass will be no defense in a violation of confidence.

WORK HOURS AND WORK WEEK

All departments shall observe and keep office and working hours necessary for the efficient transaction of services as generally determined by the Town Council. Because

the variation of work requirements and schedules of the departments of the Town, the daily hours and work week of the several departments are generally as follows:

<u>DEPARTMENT</u>	<u>WORK WEEK</u>	<u>WORK HOURS</u>
Town Office	40 hours	8:00 am - 5:00 pm (Monday - Friday)
Recreation	40 hours	Irregular
Library	40 hours	See Municipal Code #316 - Mem. Library
Transfer Station	40 hours	See Municipal Code

CHANGE OF ADDRESS

Employees are required to notify the Personnel Director promptly of any change of address or telephone number so that the employee may be contacted at all times by either telephone or mail. The department manager shall notify the Personnel Director of any changes.

OUTSIDE EMPLOYMENT

Employees of the Town may take occasional or part-time jobs provided:

1. There is not a conflict of interest or perceived conflict. In some cases, a conflict of interest or perception could develop if a Lincoln employee does the same work as in Lincoln for another town,
2. There is no conflict with working hours,
3. The employee's efficiency is maintained,
4. Employees shall not engage in outside business activities during working hours,
5. The outside employment does not reflect adversely on the Town.

ATTENDANCE OF CLASSES

Full-time and some part time employees, with the approval of their department manager and/or the Personnel Director, may enroll in classes or training courses or sessions at approved schools during regular working hours. Employees attending classes or training courses will be paid only for their normal work day. Schools shall be approved by the Personnel Director.

When deemed necessary by the Personnel Director, in-service training programs may be held for all or some Town employees, both during work hours and outside of work hours.

It is the desire of the Town that full-time employees continue their professional development. To this end, outside training sessions approved by the Personnel Director may be compensated according to the following rules:

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- A. Training during normal working hours may be allowed without a loss of compensation and tuition/registration will be paid by the Town.
 - B. Training at night or other times not during the normal work hours will not be compensated either by pay or by compensatory time off. However, tuition/registration will be paid by the Town.
 - C. Class reimbursements are subject to money being appropriated in the budget.
 - D. University or community college courses must be work-related and a passing grade of a B is required for reimbursement. Reimbursement shall not be available monitoring, or observing classes. Reimbursement from the Town shall be limited to registration and tuition fees, and shall be paid upon the conclusion of the course and presentation of the course grade. Course enrollment may be limited to one course per year.
 - E. The Personnel Director may promulgate further rules and restrictions as individual cases may warrant.

Continued on next page

OVERTIME COMPENSATION

Overtime

Employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) shall be paid at the rate of one and one-half (1½) times for all hours worked in excess of forty (40) in any work week. For the purposes of computing “hours worked,” hours paid but not worked for paid holidays, paid vacation, paid sick leave, and any other hours paid shall not be counted.

Salaried Employees

For employees who are paid on a salaried basis, such as supervisors and department managers, and are exempt by law from the payment of overtime, work beyond the normal work schedule occasionally may be necessary for proper performance of work duties and responsibilities. Such occasional overtime is considered part of the job and ordinarily no additional pay above the weekly salary will be authorized.

Compensatory Time Off - Non-exempt Employees Only

An employee who earns overtime may elect to convert the overtime into compensatory time off (“comp time”) at the rate of one and one-half (1½) hours of comp time for each hour worked in excess of forty (40) hours in a work week. An employee may accumulate up to fifty (50) hours of comp time, after which all overtime shall be paid as wages. Comp time may not be carried forward from one year to the next, and upon termination, the outstanding balance of comp time shall be paid to an employee at his/her current hourly rate.

In order to take comp time, an employee must make a request at least one day in advance and must receive permission from the Town Manager and or employee’s supervisor.

Working at Home²⁰

Under no circumstances are non-exempt employees permitted to work at home. Any non-exempt employee attempting to work at home will be subject to corrective action up to and including the termination of employment. For the purpose of this policy, “home” shall mean any off-site setting during off-schedule hours.

²⁰ Amended March 9, 2009, effective April 9, 2009.

Overtime Approval

The Town reserves the right to decide when overtime will be performed and to whom it may be assigned. All overtime worked must be approved in advance by the employee's department manager and every effort shall be made to keep overtime costs to a minimum.

Public Works Director²¹

The salary of the Public Works Director may or may not be adjusted annually to compensate for the extended hours of overtime the Public Works Director works throughout the winter months or upon agreement with the Town Manager the annualized rate of pay for the Public Works Director may be averaged to create level pay throughout the year.

Town Clerk/Office Manager²²

The Town Clerk has the responsibility of Office Manager. At times the Town Clerk will also work more than 40 hours in a week due to elections and some other functions. The Town Clerk will be ineligible for overtime but will receive compensatory time.

POSITION CLASSIFICATION, PAY PLAN & PERFORMANCE EVALUATION

- A. Purpose and Responsibility:** The Town Manager shall maintain a Position Classification and Pay Plan covering all Town employees not covered by collective bargaining agreements, as called for in the Town Charter.
- B. Job Descriptions:** Job descriptions state the nature of the position, its responsibilities, minimum qualifications, and working relationships within the chain of command for the purpose of providing the employee with working guidelines for good short- and long-range performance. The job descriptions are representative of the types of functions to be performed and are not intended to be all-inclusive.
- C. Job Classifications:** Job classifications may be deleted or new ones added as the Town Council acts to create or discontinue employment positions.
- D. Pay Plan:** A pay plan providing a schedule of minimum/maximum and actual salary-wage ranges for each job classifications shall be prepared and periodically revised in the light of labor market realities, cost of living factors, and the financial capabilities of the Town. The Personnel Director will provide copies of the pay plan and revisions to Department Managers.

^{21/6} Sections originally added June 12, and effective July 12, 2006.

1) New employees shall be compensated at a rate no higher than the minimum rate applicable for the position classification for which they are hired. At the request of the department manager, exceptions may be made based on education, experience, and skill level qualifications. Exceptions may be made by the Personnel Director/Town Manager subject to Town Council approval.

2) The Classification and Pay Plan, which shall become a permanent appendix to these policies when approved by the Town Council, shall apply to non-union employees of the Town.

E. Classification: The creation of a new position or reclassification of a position shall occur only with express consent of the Lincoln Town Council and shall be based on the job description as written or revised.

F. Work Outside of Classification: Regardless of job classification, all employees are required to perform all job assignments made by their supervisors or the Personnel Director.

G. Employee Performance Evaluation: The Town shall establish and maintain a Performance Evaluation and Review Plan applicable to all positions.

H. Pay Adjustments: Full-time Employees: Annually, during the budget process, the Town Council may vote to establish a percentage pay raise eligibility. Award to an employee of the raise is subject to the employee receiving a satisfactory performance evaluation by the Department Manager and concurrence by the Town Manager. If the employee does not receive an increase based upon satisfactory performance, the specific reasons must be stated with constructive conditions for improvements given. In such cases, the employee will be re-evaluated in six (6) months and may be eligible for reconsideration for the raise if performance so merits and if funding is available. Any re-evaluation increase shall be effective at the end of the six (6) months. In no case will unrewarded pay raises carry over into the next annual performance-rating period. The Personnel Director may authorize a lesser pay increase, no increase, or a pay reduction where an employee's performance evaluation is not satisfactory.

Part-time, Seasonal, Student, Limited Term, Special Workforce and Temporary Employees: Based upon available funding, a percentage pay raise may be granted to employees of these classes.

SALARY BASIS

The FLSA is a federal law which provides an exemption from both minimum wage and overtime pay for executive, administrative, professional, outside sales and certain computer employees. To qualify for exemption, employees must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week.

Being paid on a “salary basis” means an employee regularly receives a predetermined amount of compensation each pay period. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee’s work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work.

The following deductions are permissible: absence for one or more full days for personal reasons other than sickness or disability; absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan providing for compensation; to offset amounts employees receive as jury or witness fees or military pay; for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions; the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance; or for leave under the FMLA.

It is the Town’s policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all managers from making any improper deductions from the salaries of exempt employees. If you believe that an improper deduction has been made, you should immediately report this information to the Town Manager or Council Chair. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction.

DAYS OF PAY

Employees will be paid by check or electronic deposit once each week. Checks or electronic deposits will be available to all personnel on Thursday or Friday. Call firefighters will be paid twice per year.

TERMINATION PAY POLICY

Employees leaving the Town service after the completion of their probationary period and who have accrued unused vacation time, shall be paid for the amount of vacation leave accumulated. Employees who leave the Town’s service in good standing shall also receive a portion of accumulated sick leave in accordance with Section 11(D). The Personnel Director, after consulting with the department manager and after he or she has

checked the employee's records, shall notify the Treasurer relative to the amount of terminal leave pay due any terminating employee in good standing and will cause such terminal leave pay to be included in the final check of the employee which will be due and payable on the next regular pay period following the employee's termination.

REVISION AND AMENDMENT

These rules, benefits, and provisions may be deleted, added to, revised, interpreted, or amended at any time by the Personnel Director needing approval of a simple majority of the Town Council only in those sections which so indicate.

REGULAR COUNCIL MEETINGS

All department managers are required to attend the monthly regular Town Council meeting unless excused prior to the meeting by the Town Manager. This requirement to attend the regular Town Council meetings monthly is considered a part of their duties and responsibilities. Non-exempt department managers shall adjust their schedules for the week so as to not exceed the forty (40) hour workweek. Department managers may be dismissed after monthly reports unless requested to stay by the Town Manager.

COMPUTER USE / ELECTRONIC COMMUNICATIONS POLICY²³

While the Town intends to promote maximum creativity and flexibility for legitimate business use of our computer system, we must also be concerned with maintaining network security and limiting its exposure to damage from external sources. Uses that have no legitimate business purpose must be limited. Illegal or unethical use is prohibited and can be grounds for disciplinary action, including termination and legal sanctions under federal, state, or local laws.

Computer users should understand that e-mail and Internet activities on our network are not private. All messages on the e-mail system are considered the property of the Town. We reserve the right to monitor e-mail, including those on personal e-mail accounts and Internet use on workplace computers, and disclose them to others.

Although the computer network is intended for business use, incidental personal use of e-mail and the Internet while at work is permissible so long as:

1. It does not involve more than a trivial amount of time and system resources.
2. It does not interfere with your job performance or the productivity of other employees.

²³ Approved by Town Council on 9/10/2012.

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3. It does not interfere with or interrupt the services provided to the Town /or its citizens.
 4. It does not involve personal business activities.
 5. It does not involve amusement, entertainment or political activities.

Uses or practices that are strictly forbidden include:

1. Using the Internet, or e-mail for any illegal or unethical purpose, or in violation of our harassment policy.
2. Visiting Internet sites that contain illegal, obscene, pornographic or hateful content.
3. Sending obscene, defamatory or harassing e-mails or other electronic communications.
4. Initiating or forwarding chain letters of any kind.
5. Participating in "Chat Groups" not related to work.
6. Making or posting indecent remarks, proposals, or materials on the Internet in e-mail or by way of other electronic communication.
7. Uploading, downloading, copying or otherwise transmitting commercial software or any copyrighted materials without the approval of the system administrator.
8. Downloading software from the Internet without prior approval of the system administrator.

This policy is applicable to pagers, cell phones, PDAs, tablets and other electronic devices capable of relaying instant communication or electronic messages during work time.

All access to our computers and PC systems is controlled by user IDs and passwords. Passwords are to be regularly changed, must be kept strictly confidential, and not shared with others except the computer administrator /or as authorized.

The Department Manager may restrict cell phone usage for private use if in the opinion of the Department Manager the usage is adversely affecting the employee's performance of conducting his or her job.

SOCIAL MEDIA POLICY & GUIDELINES

The Town of Lincoln strives to provide its departments and the public with accurate and timely information, communicated in a professional manner and in accordance with the laws regarding public access. THE TOWN OF LINCOLN has several objectives when

doing so:

- To effectively inform municipal officials and citizens about the TOWN OF LINCOLN.
- To demonstrate, underscore and clarify the role of the Municipality Administrators, Key Officials and sub-committees and their roles within the inter-governmental system known as the Town of Lincoln.
- To demonstrate the vital services that each Department provides.

This policy provides guidelines for all external communications from the TOWN OF LINCOLN using various media including:

- Printed materials such as the Annual Report, Weekly News, newsletters, Newspaper articles, brochures and documents that are produced under the authority of the TOWN OF LINCOLN.
- Electronic information tools such as the TOWN OF LINCOLN website, email, and postings to municipally related web sites and / or social media sites like Facebook.
- Media relations such as requests for interviews, news releases and media inquiries.
- Direct contact with the TOWN OF LINCOLN Administration, Municipal Officials and Employees.

GENERAL GUIDELINES FOR ALL COMMUNICATION (OFFICIAL AND PERSONAL)

The TOWN OF LINCOLN employees have a responsibility to help communicate accurate and timely information to residents and to the public in a professional manner. Any employee who identifies a mistake in reporting should bring the error first to their Department Manager /or Town Manager. Regardless of whether the communication is in the employee's official role or in a personal capacity, employees must comply with all laws related to trademark, copyright, software use, etc.

ADDITIONAL GUIDELINES FOR THE TOWN OF LINCOLN COMMUNICATION

Handling General Requests: Staff is responsible for communicating basic and routine information to the public and customers in relation to their specific job duties. Requests for private data or information outside of the scope of an individual's job duties should be routed to the appropriate department /or to the employee's supervisor. All Freedom of Access requests received regardless of department shall be forwarded to attention the FOAA Officer in the Clerk's Office, who will work with the Department Manager for compliancy.

Handling Media Requests: With the exception of routine events and basic information that is readily available to the public, requests for interviews /or information requests from the media are to be routed first through the Department Manager, then to the Town Manager /or Designee.

Media requests *may include* direct contact from people who say they represent: print publications, such as weekly and daily newspapers and magazines; electronic media such as television and radio stations; and, informational websites. Department Managers are allowed to facilitate their own Department media releases and once reviewed by the Town Manager forward to the person's making the request.

Electronic and Social Media Communication on Behalf of the TOWN OF LINCOLN:

The TOWN OF LINCOLN communicates to residents and the public via its website (www.lincolnmaine.org). The TOWN OF LINCOLN website is the primary internet presence and is the electronic "face" of the TOWN OF LINCOLN.

Social media include sites such as Facebook, Twitter, YouTube and others. The TOWN OF LINCOLN recognizes that residents and the public increasingly gather information through these and other electronic sites, sometimes to the exclusion of traditional media. It may become necessary to use these tools to communicate effectively and fully.

The best, most appropriate uses of social media generally fall into three categories:

- To disseminate time-sensitive material quickly.
- To enhance the TOWN OF LINCOLN's ability to put its messages before the widest audience possible.
- And, to initiate transparent conversations among THE TOWN OF LINCOLN Administration, employees, media and residents.

The TOWN OF LINCOLN recognizes that the instantaneous, yet potentially permanent, nature of these electronic tools can pose risk without effective controls. A starting point for discussion is that information and statements posted on websites and through social media reflect directly on the TOWN OF LINCOLN and municipal government. Great care should be used when doing so. The TOWN OF LINCOLN will post its Facebook page as a non-interactive, business friendly/non-profit page on which we can limit, decline /or largely control outside posts.

Communication via electronic and social media on behalf of the TOWN OF LINCOLN can be done only by the following employees: Town Manager; and Department Managers /or designated staff.

‘Personal’ Communication That Can Become ‘Public’:

It is important for employees to remember that some personal communication of employees may reflect on the TOWN OF LINCOLN, especially if employees are commenting on: anything political in nature; federal, state or local government activities; or, the TOWN OF LINCOLN business. The following guidelines apply to personal communication including various forms of social media (Facebook, Twitter, blogs, YouTube, etc.), letters to the editor of newspapers and personal endorsements.

Remember that what you write is public and may be so for a long time. It may be spread to large audiences. Use common sense when using email or social media sites. It is a good idea to refrain from sending or posting information that you would not want your supervisor or other employees to read, or that you would be embarrassed to see in a newspaper or on a prominent website. The TOWN OF LINCOLN expects its employees to be truthful, courteous and respectful toward supervisors, coworkers, residents, citizens, customers and other persons associated with The TOWN OF LINCOLN. Do not engage in name-calling or personal attacks.

- In the workplace, The TOWN OF LINCOLN employees should always identify themselves *as such* during official communication.
- The TOWN OF LINCOLN resources and working time should not be used for personal profit or business interests, or to participate in personal political activity.
- Personal social media account names or email names should not be tied to or refer to the town in any way or name association.

QUESTIONS

Employee questions related to this policy should be directed to your immediate supervisor.

REMOTE PARTICIPATION POLICY²⁴

Purpose

To authorize the remote participation of a member of a voting body and to the public only when physical presence is not practical or allowed, which may include an emergency, work assignment, illness, or other physical condition or temporary absence from the jurisdiction making it significantly difficult for the member to travel to attend in person or when geographic conditions impede travel or slow travel. A member participating remotely is considered present for the purpose of establishing a quorum and for voting.

Requirements

- 1) Provide the public with an opportunity to participate remotely when a member of the body is authorized to do so.
- 2) Provide an effective means of communication between the body and the public, when allowed.
- 3) Include in the notice of the meeting the information on how the members of the public can participate in-person and remotely.
- 4) Require all material to be made available prior to a remote meeting on the Town of Lincoln website or if requested, by email from the Town Clerk.
- 5) Votes must be taken by roll call.
- 6) No member attending remotely will be included in any executive sessions.

²⁴ Approved by the Town Council on 11/8/2021

PRIVACY

The following sets forth the Town of Lincoln's policy regarding access to Town-owned workplace facilities and equipment, which may contain employee's private and/or personal items or information. Town property and equipment includes Town-owned office space, workstations, desks, file cabinets, lockers, computers and their directories, disks and files, and other equipment or facilities. The taxpayers of the Town have legitimate expectations for the most efficient and proper use of Town premises and equipment. Although Town employees may choose to place personal items or private or personal information on or within Town equipment or facilities, Town employees should be aware that there will be times when the Town Manager or other persons may examine, search or inspect Town property. Because the Town reserves the right to examine and inspect Town-owned property, and because examining such property may result in looking at employees' personal items or information, Town employees should be careful in deciding which personal or private items and information they wish to retain at their desks, workstations, computers or other Town facilities or equipment. Accordingly, Town employees should remove items or information they wish to remain private and/or personal. Also, Town employees who are found to be using Town equipment for unreasonable personal use, without authorization, will be subject to Corrective Action, or even discipline, as written within these policies.

EXPECTATIONS, CORRECTIVE ACTION, AND TERMINATIONS

It shall be the responsibility of each Town employee to maintain a high standard of conduct, productivity, cooperation, efficiency, economy, and safety in his/her work for the Town. Whenever work habits, attitude, production or personal conduct of an employee falls below an expected standard, the employee is expected to take the necessary steps to bring about improvement.

Expectations

As a provider of municipal services to the citizens of the Town of Lincoln, we must be a customer-oriented organization. Employees are required to have a positive attitude toward citizens, and to maintain a positive, productive relationship with other employees, co-workers and supervisors. Failure to maintain such a relationship may be grounds for disciplinary measures. Attitude problems include, but are not limited to, eye-rolling, muttered comments, big audible sighs, sarcasm, standoffishness, negativity, failure to accept change, undermining authority, and failure to communicate. The Town expects its employees to treat one another and the citizens whom they serve with consideration and respect, and to complete tasks assigned by supervisory personnel or management. Employees are expected to follow basic rules of conduct to ensure efficient and safe operations. Although the Town does not believe it is necessary to include a list of all unacceptable behavior while at work, the following are examples of the Town's expectations of its employees:

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1. Give to the Town, in exchange for the pay and benefits received, a fair day's work.
 2. Be honest and careful with handling money, in reporting hours of work, and in all dealings with the Town and fellow employees.
 3. Arrive at work on time and stay at work until the end of the workday.
 4. Arrive at work fit for duty and ready for the day's assignments.
 5. Follow instructions and procedures.
 6. Use best efforts in performing work so that it is accurate, done on time, and in a skillful and professional manner.
 7. Work overtime when requested.
 8. Work without the influence of liquor, unprescribed, or illegal drugs.
 9. Exercise care in handling property belonging to the Town and to fellow employees.
 10. Work safely and follow the Town's safety policies.
 11. Deal courteously with the public, employees, co-workers, and supervisors.
 12. Maintain any licenses as required of the position.

Violations Subject to Disciplinary Action

The disciplinary action which is taken will vary with the seriousness of the offense, the circumstances at the time it occurred, the motives 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 conduct and activities shall result in corrective action up to and including discharge (this list is not intended to exclude other situations, which may result in corrective action up to and including discharge):

1. Dishonesty;
2. Recklessness on the job;
3. Habitual tardiness;
4. Misconduct;
5. Poor attitude, which constitutes unwholesome influence on other employees (see section above);
6. The failure to obey a reasonable order either verbal or written;
7. Abusive or foul language toward a superior, co-worker, or the general public;
8. Fraudulently obtaining any form of leave, whether sick or vacation;
9. Obtaining materials on fraudulent orders, stealing, accepting bribes in the course of work;
10. Unauthorized absence from work;
11. Falsification of employment application;
12. Incompetence or inefficiency in the performance of assigned duties;
13. Conviction of a crime, which as a result impairs the employee's ability to fulfill the essential job functions of that position or reflects poorly on the Town;
14. Negligent or willful misconduct that results in damage to Town property or equipment or the waste of Town supplies and inventories;
15. Hindering the regular operation of the department because of absenteeism;
16. The possession of, being under the influence of, or the use of alcohol or any illegal substance while on duty, or violating the Town's Drug and Alcohol Abuse Policy, or

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- the Drug-Free Workplace Policy;
17. Falsification of a time record, or sick request or a false claim or the failure to report an absence from duty to the supervisor or other designated individual;
 18. Excessive accidents in the performance of duties;
 19. Operating a motor vehicle with disregard for the safety of others, either in the service of the Town or on Town property;
 20. The suspension or revocation of a license if the employee's position requires the operation of a motor vehicle in the performance of his/her duties;
 21. Engaging in employment activities or an enterprise that is incompatible or in conflict with duties, functions, and responsibilities of an employee of the Town during off duty hours;
 22. Violating a safety rule or safety practice required under any lawful regulation or these Personnel Policies;
 23. Engaging in physical violence, or threatening violence against any fellow employee, supervisor or member of the public while on duty or on the work site;
 24. Failing to maintain a cooperative attitude or working relationship with co-workers, supervisors or the public;
 25. Transportation or possession of a firearm, switchblade knife, or other weapon in the employee's workplace, or Town-owned public building. This provision does not apply to a weapon assigned to a police officer;²⁵
 26. Action or conduct that affects or impairs the efficiency of the municipal service or that brings the community into public disrepute.

Corrective Action

When a supervisor believes that corrective action is needed, the nature of the problem and the employee's past record shall be considered in selecting the appropriate action, which may include, but not be limited to:

1. Verbal reprimand and/or counseling (even though "verbal," its delivery is documented in writing);
2. Written reprimand and/or counseling;
3. Suspension with or without pay (as permitted by law);
4. Termination of employment.

Discipline notices shall include what the employee did wrong, how the employee should have handled the situation or performed the job, the logical consequences in the event of subsequent events, and an acknowledgement of receipt by the employee be included.

In instances where the supervisor believes progressive corrective action should be taken, the sequence of actions listed above may be followed. However, the Town reserves the right to forego progressive discipline based on the facts of any particular situation.

²⁵ Amended May 8, 2006, effective June 8, 2006.

Discharge

When discharge is being considered, an employee may be suspended with or without pay (as permitted by law) pending investigation. Before being discharged, the Town Manager will conduct a pre-termination meeting to afford due process to the affected employee(s) in accordance with the following procedures:

1. The employee shall be given seventy-two (72) hours advance written notice of the meeting and the reasons for the proposed action.
2. At the meeting, the employee shall have the opportunity to present his/her side as to why the proposed action should not be taken.
3. If discharged, or otherwise disciplined, the employee will receive a written statement of the reasons.
4. If the employee is dissatisfied with action taken, a grievance may be filed according to the grievance procedures in this policy.

Recording Corrective Procedures

Department managers shall document all corrective actions and place a copy in the employee's personnel file. Corrective action records will not be used for determining action beyond the limit stated below:

1. Verbal reprimands and/or counseling for events occurring after twelve (12) months from date of record of last verbal reprimand and/or counseling;
2. Written reprimands and/or counseling for events occurring after eighteen (18) months from date of record of the last written or verbal reprimand and/or counseling;
3. Corrective action suspension (as opposed to investigatory suspensions) from work for events occurring after three (3) years from date of record; and
4. Termination will be retained until the employee's entire personnel file is destroyed.

Grievance Procedure

A grievance, for purpose of these policies, shall be defined as any controversy, complaint, misunderstanding or dispute which an employee has as to the meaning or application of the specific parts of these policies. Only those employees who have satisfactorily completed their probationary period are eligible to file a grievance under this section.

Every reasonable effort shall be made by the parties involved to arrive at a fair and equitable resolution of every grievance prior to resorting to this grievance procedure. If this is found to be impossible, the matter may be submitted to the grievance procedure in accordance with the following steps:

- Step 1: Within ten (10) calendar days after the occurrence of such a grievance, the aggrieved employee shall write up and sign the grievance and submit it to his/her department manager. The department manager shall submit a written answer to the grievance within ten calendar days after receipt of the written grievance.
- Step 2: If the answer of the department manager does not satisfactorily resolve the grievance, the employee may, within seven calendar days from receipt of such answer, submit the grievance to the Town Manager. The Town Manager will submit a written answer to the grievance within fourteen (14) calendar days from receipt of the written grievance.
- Step 3: If the answer of the Town Manager does not satisfactorily resolve the grievance, the employee may, within thirty (30) calendar days from the receipt of such answer of the Town Manager, submit an appeal to the Lincoln Board of Appeals under the authority of Article III of the Town Charter.

REINSTATEMENT

An employee, who resigns with a good record, may be rehired, if a vacancy exists, to the same or similar position by the same department from which the employee resigned. Hiring such employee shall be subject to qualifications by competitive examinations as if they were a new employee. Such action originates only from departmental manager request. Request for approval of the action must be submitted to the Personnel Director in letter form giving name, title, salary, date of separation, date of proposed reinstatement, and cause of vacancy which the reinstatement would fill.

Employees restored to duty after military leave will be reinstated in accordance with federal law.

DEMOTION

A qualified employee may be demoted to a position of lower grade for any of the following reasons:

1. 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.
2. Demotion for Inability: An employee may be demoted to a position with lower pay than the pay grade assigned to his/her current position because of his/her inability to satisfactorily perform the duties and responsibilities of his/her position, or when an employee does not possess the necessary qualifications to render satisfactory service in the position. The Personnel Director may authorize a pay reduction where an employee's performance evaluation is not satisfactory (see also Section 24. POSITION CLASSIFICATION AND PAY PLAN/PERFORMANCE EVALUATION, Section G. Pay Adjustments).
3. When an employee voluntarily requests such demotion.
4. All demotions must receive the approval of the Personnel Director and if the employee is demoted unwillingly, an appeal may be filed as specified in Section 10(H) of these policies. The employee shall also receive notice of the appeal procedure provided by these policies.
5. An employee may be demoted for disciplinary reasons by his/her Department Manager with approval of the Personnel Director for cause. Such demotion may be accompanied by a reduction in the pay of the employee's present pay grade.

DRUG FREE WORKPLACE

To ensure the safety and well-being of the employees and the public, it is the Town's policy to maintain a drug-free workplace and prohibits employees from working under the influence of any illegal drug or controlled substance. The Town further prohibits the unlawful manufacture, distribution, dispensing, possession, or the use of such illegal drug on any property or place owned or under the control of the Town; violation of this policy is cause for discharge of the employee(s).

SMOKING AND VAPING POLICY²⁶

Tobacco-free Proclamation for Town of Lincoln

A RESOLUTION TO PROMOTE THE HEALTH AND SAFETY OF THE TOWN OF LINCOLN RESIDENTS, VISITORS AND EMPLOYEES BY ESTABLISHING ALL TOWN-OWNED PROPERTIES AS A TOBACCO-FREE ZONE.

Whereas the Town of Lincoln, Maine, advocates and promotes the good health and quality of life for its citizens, visitors, employees; and

Whereas tobacco use is the single most preventable cause of death and disease in the United States, as well as in the State of Maine, leading to more deaths than most other leading causes combined (including AIDS, alcohol, illegal drugs, motor vehicle accidents, firearms, murders, suicides, and fires); and

Whereas secondhand smoke contains many harmful chemicals and cancer-causing agents, and is a serious health risk to humans, especially infants, children, and pregnant women; and increases a nonsmoker's risk of asthma, heart disease, and lung cancer; and

Whereas smokeless tobacco products are tobacco products containing many harmful chemicals and cancer-causing agents, and their use is associated with cancers of the mouth, gums, tongue, and throat; and

Whereas the town of Lincoln runs many recreational programs on properties owned or leased to the town of Lincoln; and

Whereas tobacco use in and around these recreational facilities creates the peculiar circumstances of young people being encouraged and coached by adults to do things beneficial to their health, while at the same time they observe adults and older youth using tobacco products and/or are adversely effected as a result of exposure to secondhand smoke and spit saliva; and

Whereas staff and coaches are important role models for the youth that participate in community recreation activities, and whereas what coaches promote is respected and imitated by youth; and

Whereas the Town of Lincoln employs several people who are protected under Maine law (22 M.R.S.A. § 1580-A),

Whereas the mission of the town of Lincoln is to provide healthy activities, it has an obligation to prohibit those activities which it deems contrary to this mission; and

Whereas tobacco use, exposure to secondhand smoke, and exposure to tobacco saliva

²⁶ Adopted by Town Council on June 10, 2013

are contrary to enhancing the quality of life and providing safe environment for these experiences; and

Whereas good communication informs the public and aids compliance with policies; and

Whereas the intent of this policy is to create a tobacco-free environment for residents, visitors, employees and not alienate adults who choose to use tobacco products;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL of the TOWN OF LINCOLN does hereby declare that it's properties are tobacco-free and specifically restricts the use of any tobacco product, including but not limited to cigarettes, cigars, smokeless tobacco products, vaping²⁷ and any new tobacco products of any and all types, on, in, or at the Town of Lincoln Cemeteries, Parks and Recreation grounds/facilities (athletic fields, playgrounds, as well as all grounds within town-owned property lines) and any municipal grounds/buildings except for designated employee smoking areas, as specified per building.

The following guidelines shall direct the reasonable accommodations to be observed under this resolution's adoption:

- Sidewalks / parking lots / streets / state highways adjacent to Town owned property shall be exempt from this proclamation.
- Tobacco use on all school grounds being used by the Town of Lincoln departments shall be prohibited by State law.
- Designated smoking areas shall be at least 20 ft. from any entrance, window, vent or doorway which would allow secondhand smoke to circulate back into the building, as is prohibited, by Maine state law. (22 M.S.R.A. §1580-A)
- Employees are permitted to smoke in any designated smoking area, an employee's personal vehicle, and any portion of grounds that is outside the limitations of this resolution.
- Per personnel rules, employees are prohibited from smoking in any Town-owned equipment or Town vehicle. Further, employees are prohibited from smoking at any worksite in which the general public may access or view.

HARASSMENT

Harassment in the workplace is not only against the policies of the Town but it is also against the law. All of us should be able to work in an environment free of illegal harassment and unlawful discrimination. While harassment affecting employment is most commonly thought of as sexual, it can also relate to an employee's age, race, color, national origin, ancestry, religion, physical or mental disability, sexual orientation, or other protected status.

Examples of sexual harassment include:

²⁷ Per Personnel Director change headings to include the word vaping; for clarification. Vaping was already included in the original proclamation dated June 10, 2013.

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- A. Abusing the dignity of an employee through insulting or degrading sexual remarks or conduct.
 - B. Threats, demands, or suggestions that an employee's work status is contingent upon the employee's toleration of or acquiescence to sexual advances.
 - C. Other sexually harassing conduct in the workplace, whether committed by a supervisor, co-worker, vendor, or other person. This may include:
 - offensive sexual flirtations, advances, or propositions;
 - verbal abuse of a sexual nature;
 - graphic, verbal comments about an individual's body;
 - sexually degrading words used to describe an individual;
 - the display of sexually suggestive objects or pictures;
 - unwanted hugs, touches or kisses;
 - foul language.

The Town prohibits the illegal harassment of our employees in any form. Such conduct may result in disciplinary action up to and including suspension or dismissal.

Supervisors and managers are responsible for monitoring behavior that can be construed to be harassment or discrimination and for initiating necessary action to eliminate such behavior. Any employee who believes that he or she has been the victim of sexual harassment, or any other kind of illegal harassment or discrimination, or who has knowledge of that kind of behavior, is urged to report such conduct immediately to his/her supervisor or to the Town Manager or Council Chair.

We are committed to promptly investigating each complaint and determining its merits and the appropriate action to be taken. In the event it is determined that harassment or discrimination has occurred, appropriate disciplinary action will be taken which may include suspension, demotion, or termination of employment. Confidentiality will be maintained to the extent practical and appropriate under the circumstances. Upon completion of the investigation, the investigator will communicate the findings to the complainant and alleged harasser.

No employee will be subject to any form of retaliation or discipline for pursuing in good faith a complaint of harassment or discrimination or for participating in the investigation of any such complaint.

Pet Policy²⁸

The Town of Lincoln is responsible for assuring the health and safety of all employees. In keeping with this objective, The Town has formulated a policy balancing these concerns with the desire to promote a positive employment experience by allowing appropriate pets in the office and/or workplace. A pet may be allowed in the office and/or workplace if its health and behavior are acceptable within an office setting, and if it does not adversely affect office operations. The pet shall be allowed to visit occasionally and for short durations of time.

Any decision to exclude a pet from the office and/or workplace will be made by the Town Manager. Any request for a pet to remain at the office and/or workplace for a prolonged duration of time must be made to the Town Manager. All decisions will be final, except in cases involving certified service animals (not emotional support animals).

An animal will be excluded from the office if it: causes any person to experience allergic reactions, fear, or any other physical or psychological discomfort; distracts any employee from their work or reduces any employee's productivity or quality of work. Any individual with a grievance regarding an animal at the office should bring the matter to the attention of the Town Manager.

In addition, the following animals may not be brought to the workplace:

- reptiles;
- rodents;
- birds;
- sick animals;
- animals with fleas, ticks or any disease that is communicable to other animals in the office or to humans;
- animals that have not been properly vaccinated, or that have internal or external parasites;
- dogs that bark or behave aggressively;
- or animals that foul the inside or outside of the building.

All animals must be in the continuous full control of their owners. All pets should be in the physical presence of the owner, in the owner's office, or in the space around the owner's desk at all times. Owners are expected to clean, completely and immediately, after their animals. An employee who brings an animal to the office is completely and solely liable for any injuries or any damage to personal property or Town property caused by the animal. Any repair or cleaning/maintenance costs incurred due to an animal will be charged in full to the owner. The Town of Lincoln shall not be liable for loss of, or injury to, any animal brought to the office.

²⁸ Adopted by Council April 10, 2023

SAFETY POLICY MISSION STATEMENT

“To identify and ensure the safety and well-being for those using town facilities.”

The Town of Lincoln is extremely conscious of the safety of our employees and the citizens of our community and of the importance of our physical assets. As an employer, the Town Council recognizes the obligation to ensure the safest possible work place for employees. As a governmental entity, we recognize our responsibility to protect the **Town of Lincoln’s** physical assets from damage or loss and to provide a safe environment for the public we serve. Our ultimate goal is to achieve an accident free, loss free environment for our employees and public.

To help meet these goals, the **Town** has allocated resources to administer a Safety program. Some of the program components include a safety committee, written safety policies and procedures, employee training, safety inspections and additional administrative controls. The overall program is the responsibility of the **Town Manager**.

Administrative responsibility is assigned to the **Safety Committee Chair**. The Safety Chair, however, **is not directly responsible for departmental safety or operations**, which is the responsibility of department heads and designated supervisors. It is expected that department heads will complement the efforts of the Safety Committee Chair to reduce losses and provide for the safety of employees and the public. These loss control responsibilities are continuous and equal in importance with all other operational considerations. The committee’s primary function is to do the following:

Safety Committee Core Responsibilities:

- Strive to achieve the goal of zero accidents and injuries.
- Provide mechanical and physical safeguards wherever they are necessary.
- Conduct routine safety-and-health inspections to find and eliminate unsafe working conditions, control health hazards, and comply with all applicable Safety-and-Health requirements.
- Assist in training and provide materials to help train all employees in safe work practices and procedures.
- Provide employees with necessary personal protective equipment and train them to use and care for it properly.
- Enforce town safety-and-health rules and require employees to follow the rules as a condition of employment.
- Investigate accidents to determine the cause and prevent similar accidents.

It is the responsibility of each employee to follow all safety work rules and procedures and to cooperate with and support loss control program activities and objectives. Each employee is expected to report any unsafe conditions and to ask for instruction from a supervisor if they are unsure how to conduct a specific task safely. It is the responsibility of each supervisor to monitor and assist employees in the safe performance of their duties. Safe work behaviors and attitudes are an expected part of every employee’s job performance. Loss control is every employee’s responsibility. This

mission statement will be reviewed annually to allow the Town of Lincoln to accomplish needed work while meeting the mutually beneficial goal of maintaining a safe, loss free environment for both our employees and the citizens we serve.

PROCLAMATION and DELEGATION OF POWER

Whereas, the Lincoln Town Council has the power and authority to issue a proclamation that an emergency exists in any or all sections of the Town of Lincoln under the conditions specified in Title 37-B M.R.S.A. sec. 742; and

Whereas, the Town Council is charged with the responsibility for the well-being of citizens and employees within the Town of Lincoln; **let it be known that workplace safety is a priority and the Council expects its employees to support that priority.**

Whereas, the Town Council is in session only once a month or at special times and is not always readily available to address specific safety concerns which could result in a substantial delay in an effective response in alleviating or preventing an accident, emergency or disaster; which threatens the life, safety, and property of the residents or visitors of Lincoln or destruction of the environment, now therefore.

Notwithstanding the above authority and through that authority of the Town Council the Council authorizes the Town Manager or his designee(s) and Department Heads to take whatever actions necessary to identify, address and prepare a safe work environment in the Town of Lincoln and to respond to and mitigate disasters or potential disasters in the community.

To assist in this purpose a Safety Committee led by a compliance officer shall be appointed by the Town Manager and act through such officer's direction to establish safety policy guidelines.

Should the Town Manager or his designee(s) not be readily available, the Town Council hereby charges the Safety Committee to act within the confines of the mission statement (*this attachment A*), as set forth: ***“To identify and ensure the safety and well-being for those using town facilities.”***

Dated at Lincoln, Maine this 21st day of October, 2013.

Signed by: Stephen Clay
Curt Ring
Samuel Clay
David Whalen

Closure of Municipal Departments Policy²⁹

Purpose

The purpose of this policy is to establish guidelines by which decisions will be made to close the municipal offices or town sponsored activities in the event of unforeseen events.

The Town of Lincoln is committed to the safety of its management team, employees, and customers. As such, the decision of *whether or not* to close municipal offices is based on the overall concern for the Lincoln community and employees, as well as its direct relationship with State Agencies or public service organizations that opt to close during times of inclement weather or environmental disasters.

In general, however, the Town of Lincoln's practice will be to remain open and to conduct business as usual during periods of inclement weather, except as noted in this policy statement. Therefore, unless otherwise directed, all employees are expected to report to work at their regular time and to remain at work throughout the course of their regularly scheduled workday.

If an employee believes they cannot commute safely between their home and place of work during periods of severe weather, the employee is required to notify their direct supervisor and request use of approved annual, personal or documented comp time/vacation/sick time.

Policy Responsibilities

The Town Manager (*or their designee*) is ultimately responsible for making the decision to close Town of Lincoln departments during periods of inclement weather or emergencies. The responsibilities of the Department Managers and employees with regard to town closure shall be designated per individual department policy.

The Public Safety Departments (*Police/Fire/Public Works/Emergency Medical Services-EMS*) are charged with recognizing inclement weather or other environmental factors that have the potential of disrupting the normal course of business along with recommendations for action, as necessary, to the attention of the Town Manager or his/her designee.

The Safety Committee shall review this policy on an annual basis in October for revisions. Once completed by the Safety Committee, the Town Manager (*or their designee*) will issue an Inclement Weather/Environmental Factors Reminder to all employees via e-mail or paycheck distribution. This Inclement Weather Policy and Procedure will be provided to new employees during the new employee orientation training.

Closure of Municipal Offices / Departments

In the event of natural disasters or environmental conditions that occur without warning, the Town Manager will contact the Public Safety Department and Town Council Chair as soon as possible following the occurrence to make a recommendation for action.

The Town Manager will prepare a recommendation for action based on the best information available regarding the potential inclement weather or other factors as noted

²⁹ Presented to the Town Council on May 12, 2014 and approved on June 9, 2014.

above. Recommendations will be based on the overall concern for safety and security of the Town's employees, residents and its building facilities.

Should adverse weather conditions arise or be anticipated that would make it inadvisable to operate Town Departments on a given day, the Town Manager may at his/her discretion, close municipal offices and departments. (*i.e., cancel all activities for all departments and release all department managers and non-essential administrative employees from their normal duties*). Only employees, designated by their Department Managers as *Essential Employees*, will be required to report to work. Essential Employees, so designated, will be listed on a roster maintained by the Safety Committee prior to the winter season each year.

[Note: The designation of "essential" vs. "non-essential" functions and personnel are made by each Department Manager for their respective functional area. [Employees in essential operations](#) such as Public Safety/Public Works will be advised of the critical and essential nature of their job function, and how this policy applies to them per individual department policy.]

Reopening of Town Departments

Municipal offices will reopen at the beginning of the workday immediately following the day of closure, unless the Town Manager deems that a second day is required.

Cancellation of Recreation Activities or Community Events

Should adverse weather conditions arise or be anticipated that would make it inadvisable to conduct a recreation sponsored activity or community event on a date when the Town of Lincoln otherwise remains open, the Town Manager or sponsoring department has the option to cancel or postpone the function to a later date. Should RSU No. 67 close for its normal school day and after-school activities, all town sponsored activities would automatically be cancelled unless waived by an agreement of the Superintendent and Town Manager. If a decision is made to cancel, postpone or continue the activity or event, the Department Manager of the sponsoring activity will assume full responsibility for notifying participants of the activity's status in an appropriate and timely manner.

Definitions

Essential function: A function that has been designated as essential to the continued and safe operation for the greater population of the Town of Lincoln community.

(Essential functions may vary depending upon the circumstances of the emergency.)

Essential employee: An employee who works in an essential operation and is required to work during a partial or full-day closing. Examples include: Public Safety and Public Works Department

Liberal leave: Applies to the time period employees are unable to get to work.

Employees must utilize approved annual, personal, or documented compensatory time/sick time. The intent to use such leave must be reported and called in to the department manager in accordance with the department's call-in procedures. Under conditions of liberal leave, all department managers will approve submitted leaves, assuming the leave is available for the employee.

Mandatory Closure: Should the Town Council or Town Manager choose to close business due to an unforeseen event, they shall pay employee wages, as time previously scheduled, without making employees use their accrued time. Employees

who have already scheduled vacation/PTO/sick or comp time during this mandatory closure will not be allowed to reverse the time and carry benefits. Part-time Employees will only be entitled to actual hours scheduled.

Closure Communication Plan³⁰

Once the Town Manager has made a cancellation decision, the following communication plan will be activated:

The Town Manager will contact the Town Clerk / Office Manager to inform of the plan. The Clerk's office will contact all Department Managers to alert them of the decision. Immediately following, the Department Manager will send a message via phone / e-mail to all their employees. The message will encourage employees to use their best judgment in traveling. Also, the Communications Director will contact the following media with the specific cancellation information once notified by the Town Manager or his/her designee:

Television:

WVII – ABC Channel 7 Bangor

WABI – CBS Channel 5 Bangor

WLBZ – NBC Channel 2 Bangor

Other Media Posting:

Bulletin posted on all entries to the municipal buildings

Facebook Page

Town of Lincoln website: www.lincolnmaine.org

³⁰ 12/29/21 amended so that the Communications Director contacts the media.

Pandemic Policy³¹

In the event of a public health emergency declared by the State of Maine or federal government or the Lincoln Town Council the Town's policy will be to follow, as closely as possible, the issued directives including travel restrictions and other protective orders. This policy will not uniformly affect all Town departments since some emergency and Public Works Department employees must continue to operate to keep the town open and safe. At times when, due to public health issues, people are directed to be tested and / or self-quarantine before returning to work then that directive must be followed. When Town employees have travelled away from Maine if they are directed by State of Maine or federal regulations to quarantine for a period of time or until proper test results can be confirmed after returning to Maine they must stay out of work until the required quarantine period or test has successfully been completed. Employees shall document their quarantine efforts and, where required, provide test results to the Human Resources Director of the Town before returning to work.

When employees miss normal work schedules due to being quarantined or while awaiting health test results, they may use earned sick, medical, vacation and compensatory time to avoid any loss of income due to this policy up to the total of such time they have earned.

If the needed quarantine or test delay causes the employee to be out of work longer than the total of their earned time can cover the employee will then be on unpaid leave. However, the Town will not cause employees who contracted a pandemic type illness to suffer a loss of pay if the illness involved was contracted while carrying out their duties for the Town and the employee reports the conditions surrounding their illness to their direct supervisor within 24 hours of knowing they are affected so that the Town can submit a Workers' Compensation claim to cover the cost of maintaining the employee's normal pay.

Temporary virus/illness specific policies and/or guidelines will not be included within this manual. Those specific guidelines, that may change frequently, will be given to all Department Managers. The Department Managers will be responsible for informing their employees of the latest information published by the Centers for Disease Control (Federal and/or Maine).

³¹ 1/12/2022 per Town Manager; specific pandemic guidelines were removed and replaced with a generic paragraph at the end on how this would be handled.

COVID continuing pay agreement with addendum³²

The Town of Lincoln is willing to provide continuing weekly payment to town staff members who test positive for COVID and have symptoms to a degree whereby they cannot or should not attend their weekly work schedule who do not yet have sufficient earned time to otherwise receive full pay.

To receive this normal full week of pay the employee must agree to the terms set here.

- 1) Test positive for COVID.
- 2) Completely use any and all earned time, vacation, sick, personal days, comp time etc. prior to taking time from this program / policy.
- 3) Have and document to the Town that they have had two COVID vaccine inoculations and at least one booster inoculation.
- 4) Sign this agreement such that while the Town will make payments to the affected employee, they will receive a full week of pay without fully attending their normal work schedule due to COVID: and they do agree that any use of earned time that has not yet actually been earned will create a deficit in their earned time record, and that going forward all new earned time will be used to replenish their earned time bank until fully replenished.
- 5) In using this agreement, the employee agrees that if they leave Town employment before the advanced earned time has been fully repaid that they will allow any balance owed to be deducted from their final pay.
- 6) Fire and EMS only addendum. Effective May 20, 2022 any personnel / employees in the Fire or EMS departments who have been COVID exposed, as they will be by doing their work, and yet are asymptomatic are not required to stay out of work like other Town employees because of that exposure unless or until they COVID test positive. Assuming they do not test positive they are expected to report to work as per their normal schedule in their department.

Date: May 19, 2022

³² Contract approved by the Personnel Director 5/19/2022

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ACKNOWLEDGEMENT-To Remain Attached to Policies

I have received and read a copy of the Town of Lincoln Personnel Policies. I understand it is my responsibility to raise any questions to my supervisor that I may have regarding the contents of this policy manual.

I understand that the Town may interpret, change, modify, amend, delete, and/or add to these policies at any time.

(Signature of Employee)

(Date of Signature)

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ACKNOWLEDGEMENT-To Be Filed in Personnel File

I have received and read a copy of the Town of Lincoln Personnel Policies. I understand it is my responsibility to raise any questions to my supervisor that I may have regarding the contents of this policy manual.

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(Signature of Employee)

(Date of Signature)