PERSONNEL POLICY
FOR THE
TOWN OF BRISTOL

Adopted Date: November 21, 2017
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THE TOWN OF BRISTOL
EMPLOYEE POLICY

Welcome to the Town of Bristol. We welcome you and wish you every success here. This Personnel Policy ("Manual") has been established as a guide to the policies of the Town of Bristol for its employees and their supervisors in their relationship to each other and the Town of Bristol. This Manual generally describes the policies and practices that the Town follows and the benefits that currently are provided or made available to employees. We hope that you find this information helpful regarding our policies and procedures. The Manual is available to guide and assist you in performing to the best of your abilities and developing and realizing your potential as one of the Town's valued employees.

These policies are intended as guidelines only and are subject to change at the discretion of the Town. This Manual should not be construed as and does not constitute a contract guaranteeing employment for any specified duration. **To the extent permitted by law, employment at the Town is on an at-will basis.** This means that employment at the Town is for no set period of time and can be ended by either the employee or the Town, at any time and for any reason or no reason and with or without notice, so long as there is no violation of applicable Federal or State law. All employee benefit programs, salaries, policies, classifications and pay plans are subject to change and should not be construed as contractual. When specific benefit plans conflict with this Manual, the benefit document will prevail.

This Manual supersedes any handbook or policy statements whether written or oral issued prior to the effective date of this version of the Manual. All employment-related policies, whether written or oral, that existed prior to the issuance of this Manual are null and void. Policies set forth in this document can be modified, revoked, or added to at any time at the sole discretion of the Select Board. Any revisions will substitute and replace prior policy or procedure statements and become a part of this Manual. To the extent a conflict exists between a particular policy in this Manual and the Police or Fire Department's standard operating procedures (SOP), the Department's SOP shall control. This Manual shall apply to Minot-Sleeper Library employees only to the extent determined by the Minot-Sleeper Library Board of Trustees.

Please read this Manual carefully and keep it for reference in the future. If you have questions about any of these policies, you are encouraged to ask your Department Head or call the Human Resources at 603-744-3354.

**Administrative Responsibility:**
By majority vote, the Select Board is the sole authority for amending this Manual or Town policies. No Supervisor, Administrator or representative of the Town has the authority to make any promises, commitments, or changes which supersedes the policies in this document unless agreed to by the employee and approved by the Select Board or appropriate commission.

*Nothing in this Manual is intended to supersede explicit provisions of the N.H. Revised Statutes Annotated pertaining to specific employees or specific departments, for example the Police and Fire Departments. However, this Manual shall apply to the extent that it is not inconsistent with any such statute, or policy properly adopted under such statute.*
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1. **General Provisions**

The purpose of this Manual is to establish goals and procedures, to guide administrative actions relating to personnel and to inform employees by providing notice of information about some of the conditions and policies affecting their employment. Questions regarding any policy should be directed to your supervisor, department head, or the Human Resource Department.

1.1. **Employment at Will**

Unless otherwise provided in a written contract signed by the Select Board, all employees are employed at will, unless otherwise provided by RSA. Either the Select Board or the employee may end the employment relationship at any time, for any reason, according to the notice policies outlined in this Policy unless otherwise provided by law or contract.

1.2. **Equal Employment Opportunity Policy**

The Town of Bristol is committed to the principle of equal opportunity for all its employees, and applicants for employment. Therefore, the Town of Bristol does not discriminate on the basis of age, sex, race, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic status, veteran status or other legally protected status, except where such factor is a bona fide occupational requirement. This Policy applies to decisions including, but not limited to, an employee’s compensation, benefits, training and development. The Town does not tolerate harassment in the workplace on the basis of the above mentioned factors.

1.3. **Disabilities/Accommodations**

The Town is committed to providing equal employment opportunities to qualified individuals with physical or mental disabilities as required by State and Federal law. It is the Town’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual’s physical or mental disability or perceived disability so long as the employee can perform the essential functions of the job with or without a reasonable accommodation, in accordance with applicable law.

Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the applicable State and Federal law, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town.
The Town encourages individuals with disabilities to come forward and request reasonable accommodations. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should approach the Human Resource Department or the Town Administrator to make appropriate arrangements. When appropriate, the Town may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals to document that you have a disability and to assist us in assessing any functional limitations for which a reasonable accommodation may be needed. The Town will maintain all medical information in a confidential manner in accordance with applicable law.

1.4. **Job Descriptions**

The Town will make every effort to maintain current job descriptions for each employment position, and to utilize them for determining the essential functions of each position and the bona fide qualifications for that position. Employees and applicants for any job may request copies of the relevant job descriptions. Employees who believe that their own or another person's job description no longer accurately reflects the nature of the position are encouraged to raise the issue with their supervisors. Supervisors will provide the Town Administrator with copies of requests for job information.

The Town will endeavor to review job descriptions and update as necessary. It will be the combined responsibility of the Town Administrator, the Department Heads and Human Resources to complete this task.

1.5. **Personnel Files**

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

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written statement explaining your version of the information together with evidence supporting such version. The Town will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

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

The Town of Bristol offices are open to the public and therefore, it is important that work areas be neat and clean and an employee’s attire and appearance be appropriate for a business setting during normal office hours, while at work. Footwear must be worn at all times. Employees should consider their audience and activities when determining appropriate attire, including attendance at workshops, seminars, meetings, etc. external to the Town; questions regarding appropriate attire/appearance should be directed to the employee’s supervisor. In departments where the Town provides uniforms, they are required to be worn. Individual departments and supervisors may establish more specific policies on dress and appearance appropriate for particular positions, with the approval of the Select Board.

1.8  Nepotism

While the Town is committed to hiring the most qualified and capable individuals available for every position, it recognizes the importance of maintaining a collegial and positive work environment. Therefore, no relative may work in the same department as regular employee if the employment relationship is such that the relative is directly supervised by the employee or where the employment relationship may cause a potential conflict of interest, unless specifically approved by the Select Board. A relative is defined to include spouse, children, parents, step-parents, step-children, brothers, sisters, immediate in-laws, grandparents, grandchildren, or other person living in the employee’s household.

1.9  Conflict of Interest

The Town’s reputation for integrity and excellence requires careful observance by all officers and employees of the principles of fair dealing and ethical conduct, observance of the spirit and letter of all applicable laws and regulations, and a scrupulous regard for the highest standards of conduct and personal integrity. The continued success of the Town is dependent upon citizens’ trust, and all employees are expected to follow and comply with the Town’s Code of Ethics, applicable.

1.10  Licenses and Certifications

Certain positions require the possession and maintenance of licenses and certifications including, but not limited to, motor vehicle operators’ licenses and professional certification. Whether or not attainment and/or maintenance of a particular license or certification are required for a particular position will be specified in the job description. Attainment within the time frame specified and/or maintenance will be considered a condition of employment and/or continued employment.

All employees who operate Town vehicles are required to notify their supervisor of
license revocation or suspension the next working day following receipt of the notice of revocation or suspension. Such notification shall be in writing and shall include a copy of the notice of revocation or suspension. Employees who fail to notify as described may be subject to termination of employment.

1.11 Attendance and Punctuality/Call-in

The work our employees perform is essential to the success of the Town. Your supervisor and/or Department Head and fellow employees depend on you to attend work regularly and on time so that we as a Town can be successful. When you do not work your scheduled hours other employees must handle your workload. If you are going to be late for work or absent we expect you to do the following:

- Notify your supervisor directly by phone specifying how long you believe you will be away from work;
- Provide reasonable advance notice if you are going to be late or absent from work;
- If you are away from work for more than three (3) days due to illness, you may be required to provide medical evidence of your illness and/or medical certification of your fitness to return to work.

Repeated absences (excused or not), and/or failures to inform your supervisor that you will be late or absent may result in disciplinary action up to and including termination. If you do not report to work and have not notified the Town and your absence continues for a period of three consecutive (3) days, the Town will consider that you have abandoned your job and have decided to terminate your employment.

Call-In Procedure

If you are going to be late or absent please contact your supervisor no later than 30 minutes before your scheduled shift. In the event that you are unable to reach your supervisor or Department Head, you may leave a message on voice mail, but you are required to continue to call until you have spoken with him/her personally.

- If you are unable to call due to sickness or incapacitation, it is expected that someone close to you will take care of this on your behalf;
- An unauthorized absence of three consecutive workdays with no notification will be considered to be job abandonment and a voluntary termination.

2. Employment Status / Classification

Full-Time: Employees who are regularly employed on a continuous work schedule that averages 35 or more hours per week. Exception: Fire Department full time employees have a regularly scheduled work week of forty-eight (48) hours. For purposes of health insurance benefits, Full-Time employee shall be defined in accordance with applicable law.

Part-Time: Employees, who are regularly employed on a continuous work schedule of less than 35 hours per week. Occasional workweeks of 35 hours or more due to unusual
circumstances shall not be a basis for conversion of a part time position to a full time position. Part-time employees are not eligible for benefits, except as otherwise specified in this Manual.

Temporary: Individuals who are hired for specific periods of time or for the completion of a specific project. Temporary employees are not eligible for benefits described in this Manual except to the extent required by state or federal law.

On-Call: Individuals who are employed on an ad hoc, on-call, seasonal, or irregular basis for any number of hours in a workweek. On-call employees are not eligible for benefits described in this Manual except to the extent required by state or federal law.

Exempt: Exempt employees are paid on a salary basis and their duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA"). Therefore, these employees are not eligible to receive overtime pay or compensation time in lieu of overtime. However, it is understood that specific salaried positions are paid on the basis of job responsibility to accomplish the work assigned to the position regardless of the hours required to do the work.

Non-exempt: Non-exempt employees are paid on an hourly basis and do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay.

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

Probationary Period: A working test period, following initial appointment or promotion during which an employee is required to demonstrate by conduct and actual performance of the duties his fitness for the position to which he is approved.

3. Recruitment and Selection/ Pre-employment and Probationary Requirements

All candidates applying for employment must complete and file an official application. Each applicant shall sign the form, and the signature shall certify the accuracy of all statements. The Town relies upon the accuracy of information contained in the application, as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data will be grounds for rejecting an applicant, or for termination of an employee who has already been hired.

Depending on the job requirements, applicants may be required to agree to a criminal records check and/or license review. Pre-employment testing may also be required prior to the date of hire including employment physicals or other testing related to the position. Failure to agree to these checks will make an employment offer null and void.
All new employees will have a twelve (12) month probationary period. The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period to systematically evaluate employee capabilities, work habits and overall performance. At the end of the probationary period a decision will normally be made whether the employee meets the requirements of the position. New employee performance shall be evaluated during the first six months and the supervisor shall discuss unsatisfactory work with the employee prior to the end of six months. This will allow the employee a chance to correct their work level before the probationary period ends. Either the Town or the employee may end the employment relationship at any time during or after the probationary period, with or without cause. In the cases where cause or just cause is required by contract or statute, the probationary period will act as a trial period where cause is not required to terminate the employment relationship.

4. **Compensation, Time Sheets and Payroll**

It is important that your time be accurately reported so that you are compensated for the hours that you work. You may be required to complete time sheets or punch a time clock. No one is authorized to punch a time clock on your behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment. Your supervisor will provide you with details concerning your obligation to report all time you have worked.

The payroll records will serve to record absences, types of leave, and all hours worked. Any and all variations from the employees regularly scheduled work period shall be noted on a personnel action form submitted by the employee prior to the requested time off.

Employees are paid on a bi-weekly basis on Thursday’s for all hours worked during the preceding pay period. Please review your paycheck for errors. If you find a mistake, report it to the Department Head immediately. Paychecks will be distributed only to the employee unless written permission is provided.

5. **Salary Setting for New Hires**

Department Heads are responsible for recommending hiring pay rates to the Select Board within the pay range for the position. Final authority to set pay rates rests with the Select Board, subject to Town Meeting appropriation.

Entry-level rates of pay and raises will be established using criteria such as job responsibilities, job performance, prior experience and training, rates paid comparable to positions in the area, and level of available funds.

5.1 **Annual Salary Review**

Adjustments in compensation may be made annually in the first full pay period following April 1, upon recommendation to the Select Board, within pay ranges adopted in the pay
plan and within the constraints of the Town’s budget. No pay increase will be effective until it is submitted on a properly approved PAF that is completed and signed by the employee, Department Head and Select Board.

6. **Time worked and Overtime**

   a. **Time Worked**

   “Time Worked” is defined to mean all time actually worked while acting directly in the scope of employment. Call back pay for all employees shall be paid at a minimum of two (2) hours per day when showing up for work. For purposes of this document, a day shall be defined as follows:

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<th>Fire Department a day equals:</th>
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<td>For all other employees a day equals:</td>
<td>8 hours</td>
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   b. **Overtime**

   From time to time, it may be necessary for a Non-exempt employee to perform overtime work. All overtime must be approved in advance by the employee’s Department Head. Except in the event of an emergency, the Town will attempt to provide the employee with advance notice of the necessity for overtime work. Most non-exempt employees, with the exception of certain fire protection employees are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) hours per week. Town employees engaged in fire protection activities will be entitled to overtime pay at the rate of one and one-half times their regular rates of pay for all hours worked in excess of forty-eight (48) hours in the 7 day work period. The Fire Department has elected the partial overtime pay exemption provided for under section 7(k) of the FLSA, but at a threshold of 48 hours.

   Except as specified below, sick days, holidays, bonus, personal leave, compensatory time, vacation time, leaves of absences, and other time off benefits are not counted as time worked for overtime purposes.

   If overtime is unplanned (i.e., an unexpected need for overtime has arose), paid holiday, vacation, bonus, compensatory time, and personal leave used in the same pay period as the overtime shall be treated as “Time Worked” for overtime purposes (even though it is time not actually worked) in calculating overtime in such an unplanned overtime event.

   The Department Head must authorize the use of overtime in advance of its use. Failure of any employee to seek prior approval for overtime work may result in disciplinary action.
c. Compensatory Time

Non-exempt employees, excluding employees engaged in fire protection activities, may receive compensatory time for time worked above 40 hours at their overtime rates in lieu of overtime pay upon mutual agreement between the employer and the employee. Such agreement shall be in writing. An employee may not accumulate more than 20 hours of compensatory time. In certain circumstances involving Public Safety personnel the Town Administrator may grant a written waiver to exceed the 20 hour maximum. All compensatory time earned and used must be documented on time sheets and provided to the Finance Office each payroll. The Finance Officer shall be responsible for ensuring for the tracking of compensatory time. Exempt employees are not eligible for compensatory time and therefore cannot accrue. Compensatory time shall be approved by the Supervisor and will be calculated at time and one half for each overtime hour worked after 40 working hours. The use of Compensatory time in lieu of overtime is subject to final review and approval by the Town Administrator.

6.1 Payroll Deductions

A. Payroll Deductions for All Employees
The Town is required by law to make certain deductions from your paycheck, including Federal income taxes and your contribution to social security. The Town may also be required to make deductions from your paycheck pursuant to a Federal or State agency or court order, such as for child support. These deductions will be itemized on your check stub. The Town may make additional deductions for insurance and other purposes to benefit the employee as permitted under State and Federal law. Arrangements for these voluntary deductions can be made with the Finance Office.

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

The following deductions are permissible under law:

- For absences from work for a full day or more (in daily increments) for personal reasons, other than sickness or disability;

- For absences of a full day or more (in daily increments) occasioned by sickness or disability in accordance with the Town’s policy which provides wage replacement benefits in the event of sickness or disability;

- To offset jury or witness fees or military pay received by the employees;
- For penalties imposed in good faith for infractions of "safety rules of major significance";

- Salary may be prorated to a daily basis when a salaried employee is hired after the beginning of a pay period, terminates of his own accord before the end of a pay period, or is terminated for cause;

- For hours taken as unpaid leave under FMLA; and

- For unpaid disciplinary suspensions of one or more full days imposed for infractions of workplace conduct rules.

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

C. Questions Regarding Paychecks and Deductions
If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Office as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the Town Administrator.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

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

6.2 Town Office Closures

In the event that conditions occur that would endanger staff or citizens, the Town Administrator, in consultation with the appropriate Department Head(s) and the Select Board, shall order a temporary closing of the Town Offices. Non-essential staff either on duty or prior to reporting to duty may be advised to stay at home. Essential staff shall report to their regularly assigned locations, unless otherwise notified. The Town Administrator shall make every effort to advise the Select Board and appropriate Commission of the decision as soon as is reasonably possible.

Conditions for closure:
  > Weather,
➢ Fire,
➢ Flood, or
➢ Other natural or manmade disaster that would endanger the health and safety of the employees or citizens of Bristol.

Non-essential staff sent home or notified not to report for work shall receive their normal rate of pay for scheduled hours of work.

For purposes of this section non-essential staff shall consist of clerical, Tax Collector, Assistant Tax Collector, Human Resources, Assessing or Finance.

Essential staff shall refer to staff, who by their very function, would be needed to aid in the emergency situation and include Police, Fire, Water/Sewer, or Highway.

7. Vacation Pay Advance

If an employee is planning to be on vacation and would like advance vacation pay, the Finance Officer must receive a signed PAF (Personnel Action Form), indicating the vacation dates at least one work week in advance of the regular payday immediately preceding the vacation period. Advance vacation paychecks will be distributed on the regular payday immediately preceding the vacation period. These forms must be submitted with the timesheets for the preceding pay period. If the vacation should include two different calendar years, it will not be possible to advance vacation pay for the week in the new calendar year.

8. Hours of Work

The Town determines daily and weekly work schedules based on the requirements of each department. The Department Heads establish employee schedules and are responsible for scheduling staff coverage adequate to serve the public, in accordance with policies determined by the Select Board. Such schedules may be changed at the discretion of the Town Administrator and the Select Board to suit varying conditions.

8.1 Scheduled Breaks

Non-exempt employees will have a thirty (30) minute unpaid meal period and two fifteen (15) minute paid rest periods during which they are relieved of their job duties and with the approval of their Department Head or Supervisor are permitted to leave their work locations. Within regulatory guidelines, meals and rest periods will be scheduled at the discretion of the Department Head or Supervisor. Meal periods are to be taken within five hours after the beginning of the workday or shift.

9. Paid Time Off

Full-time employees are eligible for all paid time off policies described below.
Any employee requesting paid or unpaid time off or extended training (two days or more) out of town must submit a Personnel Action Form (PAF) to the Department Head, for approval with a copy to the Town Administrator for informational purposes. The Department Head should act on the request in a timely fashion and return the form to the employee. Approved forms must be submitted with the employee’s timesheet covering the period of leave granted.

The Finance Officer maintains leave records from information provided on employee timesheet(s) and PAF’s. Once a month, employees will receive a detailed accounting of leave status. Should an employee have questions regarding this information, s/he should contact the Finance Office.

9.1 Holidays

All full time employees shall receive their regular compensation for the following holidays, or any other day proclaimed by the Select Board as a day of holiday observance. All regularly scheduled year-round part-time employees shall receive prorated holiday pay (ex: a 20 hour per week employee that works for the Town year round would be eligible for four (4) hours holiday pay or 50%, a part-time employee who works year round 10 hours per week is eligible for 25% or two (2) hours of holiday pay. These calculations shall be rounded to the nearest hour. This does not apply to seasonal, on-call, or other employees scheduled on an as needed basis. To qualify, the employee must be scheduled to work every week year round. Any employee shall forfeit their right to payment for any holiday if they have an unapproved absence on the last regular workday preceding the holiday or on the next regular work day following the holiday.

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<tr>
<th>New Year’s Day</th>
<th>Civil Rights Day</th>
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<td>Memorial Day</td>
<td>Fourth of July</td>
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<td>Columbus Day</td>
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<td>Thanksgiving</td>
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<td>Christmas Day</td>
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Non-exempt employees shall be compensated at a rate equal to time and a half of their regular pay, in lieu of holiday pay, if required by their supervisor to work on any holiday. Holidays that occur on Saturday will be observed on the preceding Friday. Holidays that occur on Sunday will be observed on the following Monday. Should a holiday occur during an employee’s scheduled vacation, the employee may either receive a paid holiday absence for the day or extend the vacation period by the number of holidays occurring during the scheduled vacation period.

Section 9.1 shall not apply to Police and Firefighters whose work schedule conflicts with the above holidays. Police and Firefighters will be paid holiday pay twice a year in lieu of actual time off.

9.2 Vacation Leave

It is the intent of the Town to strongly encourage employees to utilize vacation time in
such a manner as to enable them to take five consecutive days of leave annually. Vacation time may be taken with prior approval by the employee’s supervisor. Department Heads may take staffing needs into consideration when approving leave requests. Employees should clear vacation schedules with their supervisors before making any final plans, paying deposits, purchasing non-refundable tickets, etc. Requests for vacation time must be submitted at least two weeks in advance unless there is a viable emergency situation that precludes the employee from contacting his/her supervisor within that time period. Vacation time may be taken, by mutual agreement, in one-hour segments for doctor’s appointments, etc.

Vacation time shall be accrued on a monthly basis, as described below, for all full time employees based on the employee’s length of service.

All regularly scheduled, year round part time employees shall receive vacation pay in the same manner as full time employees but on a prorated basis. (ex: a 20 hour per week employee that works for the Town year round would be eligible for 50% of the vacation pay as accrued for full time employees. A part time employee who works year round 10 hours per week is eligible for 25% of vacation pay as accrued for full time employees). These calculations shall be rounded to the nearest hour. This does not apply to seasonal, on call, or other employees scheduled on an as needed basis. To qualify the employee must be scheduled to work every week year round.

Full-time employees who are newly hired will begin to accrue vacation immediately upon hire but will not be eligible to utilize vacation time until they have been employed for six (6) months.

- Full time employees who have worked less than six (6) consecutive years shall be eligible for 10 days of vacation leave per year, which shall be accrued at the rate of 5/6 day per month.

- Full time employees who have worked six (6) consecutive years but less than ten (10) consecutive years shall be eligible for 12 days of vacation leave per year, which shall be accrued at the rate of one (1) day per month.

- Full time employees who have worked ten (10) years consecutive but less than fifteen (15) consecutive shall be eligible for 15 days of vacation leave per year, which shall be accrued at the rate of 1 1/4 days per month.

- Full time employees who have worked fifteen (15) consecutive years but less than twenty (20) consecutive shall be eligible for 18 days of vacation leave per year, which shall accrue at the rate of 1 1/2 days per month.

- Full time employees who have worked twenty (20) consecutive years but less than twenty-five (25) consecutive shall be eligible for 20 days of vacation leave per year, which shall accrue at the rate of 1 2/3 days per month.
Full time employees who have worked twenty-five (25) consecutive years or more shall be eligible for 25 days of vacation leave per year which shall accrue at the rate of 2-1/12 days per month. *

*After 25 consecutive years of service an employee cannot earn more than 25 days of vacation. This amount is the maximum allowed.

An employee may accumulate a maximum of thirty days (30) of vacation time that may be carried over to the next fiscal year. Time accumulated above 30 days will be forfeited. Employees shall not be compensated for time not taken, except in the case of termination of employment when employees are eligible for their accrued time, which shall not exceed 30 days.

In the event that a paid holiday falls during an employee’s vacation, said holiday will be charged as a paid holiday and not as a vacation day.

9.3 Sick Leave

The Town recognizes that employees will need days off from work from time to time to address their health needs. For this purpose, sick time shall accrue for all full time employees and shall be earned on a quarterly calendar basis. Sick time may be taken in one-hour segments as mutually agreeable. Full time employees shall be eligible for 60 hours of sick leave per year, which shall accrue on a prorated basis as described above. The maximum sick leave that may be accrued by an employee is 400 hours (50 days). The only exception to this maximum is if an employee has accrued more than 400 hours as of October 1, 2007; any accrued sick time above 400 hours but equal or less than 480 hours as of October 1, 2007 shall be considered grandfathered and such time shall not be forfeited. This time shall be held in a grandfathered sick time account for the employee. This grandfathered sick time shall be treated in the same manner as sick time in all other respects. After October 1, 2007, however, such employees will be limited to the maximum sick leave limit of 400 hours (50 days) in addition to his or her separate grandfathered sick time account.

Notification must be immediately made to the employee’s Department Head or Supervisor indicating the length of time the employee expects to be absent. This prompt notification is required and may be given by the employee or through a family member. The Town reserves the right to require employees to provide a note from a physician verifying that an absence was caused by a medical situation. The Town also reserves the right to require documentation from the treating physician authorizing the employee to return to work.

When possible, employees are expected to schedule planned medical appointments in a manner that minimizes disruption of workflow. Further, employees must use sick leave for its intended purpose. Misuse of paid sick leave will result in disciplinary action up to and including termination.
Employees who are on FMLA leave must use sick leave concurrently with FMLA leave until all sick leave is exhausted. For more information on this, employees should consult the Town’s FMLA policy.

In the event that all accumulated sick leave has been used, the employee may take any accumulated vacation days, bonus days, and personal days with prior approval of the Town Administrator. The Town Administrator may grant extended, non-paid leaves of absence.

Employees may, at the option of the Town Administrator, be allowed to use sick and or other accumulated time to offset the loss of pay during a Workers’ Compensation claim. Workers’ Compensation normally pays 66.66% of an employee’s normal salary. The employee with permission of the Town Administrator, may choose to use their own accumulated sick time or other time after sick time has been exhausted to make up the 33.33% of their normal salary.

Upon retirement (with a minimum of 20 years of continuous service), any full time employee shall receive payment in a sum equal to 1/3 the number of accumulated sick time. The amount of sick time eligible for payment shall not exceed twenty days. With all other terminations of employment, employees shall not be paid for accrued sick time.

9.4 Extended Sick Leave

The Town is authorized to provide additional sick leave to an employee under the following conditions:

- A request for additional sick leave shall be forwarded to Human Resources by the employee or the Department Head stating the reason(s) for the request and the amount of additional sick leave requested;
- Human Resources shall request a recommendation from the Department Head of the requesting employee;
- Human Resources and the Town Administrator shall approve or deny the request in whole or in part;
- The response to the request shall be transmitted to the requestor by Human Resources;
- If the request is approved, the Department Supervisor and/or the Finance Officer may solicit donations from employees who wish to contribute unused sick leave up to the amount of the authorization. Contributed sick leave shall not be counted against time accumulations as provided in article 9.3. If the request is not approved, no further action shall be taken.
- The employees contributing sick time must complete a PAF indicating the amount of their accumulated sick time they wish to donate, with a statement that the employee understands that they have forfeited all claims to the sick time donated if used in this manner; and
- Sick leave granted under this section will not exceed the amount contributed.
No request shall be approved for more than ninety (90) days, although nothing shall prohibit additional requests.

9.5 Bonus Leave

All full time employees shall receive one day of bonus leave for each three-month period during which time the employee does not utilize any sick leave. Bonus leave may be accrued up to a maximum of 20 days and shall be administered according to the provisions of the vacation leave policy. Use of sick time related to an on the job injury shall not count against the accumulation of sick time. An employee who is out of work due to a Workers’ Compensation injury, shall be eligible for only the next accumulated bonus day. Upon return to duty the bonus time shall accumulate as normal.

9.6 Paid Personal Leave

All full time employees shall earn five (5) personal days of leave per year. Personal days may not be taken before they are earned. Personal days are earned on the following dates: February 1, April 1, June 1, August 1, and October 1. Personal days are non-cumulative, and must be used by January 31 of the following year. Requests to take personal leave are subject to supervisor approval, in the same manner as vacation time.

9.7 Military Leave

The Town is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the Town’s policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the Department Head or the Town Administrator if the Department Head is unavailable or unable to be of assistance.

Military leaves of absence will be unpaid, unless otherwise required by law.

The specific details and procedures for military leave are set forth in Appendix A.

Eligibility

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, periods of active military service, and funeral honors duty, as well as time spent being examined.
to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

Questions regarding this policy should be directed to the Human Resource Department.

9.8 Jury Duty

Any full time employee called for jury duty shall be excused from work for the duration of the employee’s service and shall receive the difference between regular pay and jury pay, provided the employee presents an official statement of pay received. All benefits shall continue to accrue during such absence. If released from jury duty on any day, the employee is expected to return to work.

9.9 Short-Term Disability

1. Application

There is no waiting period to be eligible for a benefit under Short-Term Disability. An employee must be disabled for eight (8) consecutive calendar days due to an illness and the first day due to an accident.

To request Short-Term Disability benefits, an employee must submit a completed application to the Human Resources. An employee must also submit with the application a physician's statement defining the date of onset of the disability, the nature of the disability, how the disability prevents the employee from performing regularly assigned essential duties, and the expected recovery date. Application forms are available in the Human Resources.

The Town maintains the right to request additional medical statements from the healthcare provider and/or to direct the employee to a second medical evaluation with a healthcare provider selected and paid for by the Town.

2. Summary of Benefits

To be eligible to receive Short-Term Disability payments, the disability must occur while the employee is insured under the policy. An eligible employee is paid a weekly income benefit based on days missed if the employee is disabled by an injury or illness that is not sustained in the course of employment with the Town and the employee is prevented from performing his or her duties pertaining to the Town employment because of the disability. The amount of the Short-Term Disability benefit is sixty percent (60%) of salary up to a maximum of $750 per week for a maximum of 26 weeks. Employees may, at the option of the Town Administrator, be allowed to use sick and or other accumulated time to offset the loss of pay during a Short-Term Disability claim.
3. Other Provisions

Other eligibility requirements may be applicable which are more fully described in the benefit plan. Group health benefits will continue on the same basis as prior to the onset of Short-Term Disability benefits. Short-Term Disability benefits will be subject to all payroll withholding elections of the employee which were in effect prior to the Short-Term disability. When the benefit plan conflicts with the above policy, the benefit plan document will prevail.

10. Life Insurance

Full-time employees are provided with a $25,000 life insurance policy with the premium paid 100% by the Town. Enrollment and benefit plan information is available in the Human Resources Department upon request.

11. Unpaid Leaves of Absence

11.1 Family & Medical Leave Act of 1993 (FMLA):

Under the Family and Medical Leave Act ("FMLA"), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:

(1) The birth of the employee’s child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child);

(2) The placement of a child with the employee for adoption or foster care, and in order to care for the placed child (leave must be taken within twelve (12) months of adoption or placement of the child);

(3) The serious health condition of a spouse (the term “spouse” shall include same sex spouse), parent, minor child, or adult child when the adult child is incapable of self-care and the employee is needed for such care ("covered family members");

(4) The employee’s own serious health condition that renders the employee unable to perform his or her job;

(5) A “qualifying exigency” (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty or has been notified of an impending call or order to active duty in the United States Armed Forces in support of a contingency operation as a member of the National Guard or Reserves;

(6) The employee is a spouse, son, daughter, parent, or next of kin of a “covered service member” (as defined in the Department of Labor Regulations, which includes National
Guard, Reserves and Regular Armed Forces) who has a serious injury or illness and the employee is needed to care for such person.

Eligibility Requirements:

To be eligible for FMLA leave, an employee must satisfy both of the following conditions: The employee must have worked for the Town for at least twelve (12) months, and must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request.

Leave Entitlement:

If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5), above, the employee is entitled to up to twelve (12) work weeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2015, four weeks beginning June 1, 2015, and four weeks beginning December 1, 2015, the employee would not be entitled to any additional leave until February 1, 2016. Beginning on February 1, 2016, the employee would be entitled to four weeks of leave; on June 1, 2016, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph (6), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph (6), above, will be limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph (6) above is to be applied on a per-covered-service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 work weeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness of injury, except that no more than 26 work weeks of leave may be taken within any single 12-month period.

Qualifying Exigency: A Qualifying Exigency under paragraph (5) above must be one of the following:

a. short-notice deployment;

b. military events and activities;

c. child care and school activities;
d. financial and legal arrangements;

e. counseling;

f. rest and recuperation;

g. post-deployment activities; or

h. additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

a) A “son or daughter of a covered service member” means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.

b) A “parent of a covered service member” means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents “in law.”

c) Under the FMLA, a “spouse” means a husband or wife, including those in same-sex marriages, which were made legal in all 50 United States as of June 26, 2015.

d) The “next of kin of a covered service member” is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin. Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(k).
Tracking FMLA Leave:

When an eligible employee requests any leave of absence that qualifies under the FMLA, the Town has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work-related injury that qualifies as a serious health condition, the Town has the right to designate any time away from work as FMLA leave. In such circumstances, the Town will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

Intermittent and Reduced Schedule Leave:

Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (3), (4), and (6), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph (5), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (1) and (2), above, use of intermittent leave is subject to the Town’s approval. When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee’s FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers’ compensation, short-term disability, or other benefits. If an employee is a salaried/exempt employee, the Town will adjust the employee’s salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Town may temporarily transfer the employee to an available alternate position that better accommodates the employee’s recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a “reasonable effort” to schedule the treatment so as not to disrupt unduly the Town’s operations.

Status Of Employee Benefits:

Employees are required to use any accrued, unused sick and vacation time during FMLA leave unless the FMLA leave is otherwise paid through workers’ compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period. Also, the employee’s FMLA leave may run concurrently with other types of leave.
During an approved FMLA leave, the Town will maintain the employee’s health benefits under the same terms and conditions applicable to employees not on leave.

If paid leave is substituted for unpaid FMLA leave, the Town will deduct the employee’s portion of the health plan premium as a regular payroll deduction.

If an employee’s leave is unpaid, or is paid through workers’ compensation, short-term disability benefits, or other benefits not provided through the Town’s payroll system, the employee must pay his or her portion of the premium by making arrangements with the Town Administrator.

Health and other benefit coverage may be canceled if the employee’s premium payment is more than (thirty) 30 days late.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town for the cost of the premiums paid by the Town for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee’s control. If the FMLA leave is for a condition that is covered under the Town’s short or long term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave, but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

Requesting Leave:

Employees must complete the appropriate FMLA leave request forms. These forms are available from the Town Administrator.

If an employee’s need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give the Department Head thirty (30) days’ prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Town’s operations.

If the need for leave is not foreseeable, the employee must give notice to their supervisor as soon as practicable (generally, either the same day or the next business day of learning the employee’s need for leave) and the employee must comply with all the Town’s policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify the Department Head of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.
Medical Certifications:

If an employee is requesting leave because of the employee’s serious health condition, a covered family member’s serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee’s responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Town Administrator or Department Head for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee’s leave may be delayed. If you do not provide the certification at all, the Town will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The Town reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee’s own serious health condition, or that of a family member’s serious health condition, the Town at its expense, may require an examination by a second health care provider designated by the Town. If the second health care provider’s opinion conflicts with the original medical certification, the Town, at its expense, may require a third health care provider agreed upon by the employee and the Town to conduct an examination and provide a final and binding opinion.

The Town may also require subsequent medical recertification. Failure to provide requested re-certifications within fifteen (15) days may result in delay of further leave.

Certifications for a Qualifying Exigency:

Employees who request a leave for a “qualifying exigency” arising from an immediate family member’s call to active duty or impending call or order to active duty will be required to provide a copy of the family member’s active duty orders or other documentation issued by the military indicating the member is on active duty or call to active duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

Confirmation of Familial Relationship:

Employees requesting a leave of absence based on a familial relationship (e.g. leaves under paragraphs (3), (5) and (6)), may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child’s birth certificate, a court document, etc.

Reporting While On Leave:

If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member
with a serious illness or injury, or for a qualifying exigency, the employee must contact the Department Head on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee’s intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

No Work While On Leave:

The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

Returning To Work:

At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or “key employees” may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Town. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the worksite. If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from the Town Administrator or Department Head. The Town reserves the right to clarify and authenticate such certification.

Coordination With Pregnancy Related (Maternity) Leave:

As stated in the Disability & Pregnancy Related Leave policy, the Town provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee’s FMLA leave and Disability & Pregnancy Related Leave will run concurrently. Please refer to the Town’s Disability & Pregnancy Related Leave policy for more information. For purposes of coordinating FMLA and pregnancy related leaves (aka maternity leaves), maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the Disability & Pregnancy Related Leave policy.
Coordination With Other Town Policies; Reference To FMLA And Federal Regulations:

The FMLA and the FMLA Federal regulations issued by the U.S. Department of Labor contain many limitations and qualifications for entitlement and governance of FMLA leave not stated herein. The terms of the FMLA and the FMLA federal regulations are incorporated herein and will be applied in all instances of requested or designated FMLA leave. Should a conflict arise between this policy and the FMLA and/or the FMLA Federal regulations, the FMLA and/or FMLA federal regulations shall govern. Any questions relative to FMLA leaves, including eligibility requirements, should be directed to the Town Administrator or Human Resources.

11.2 Disability & Pregnancy Related Leave policy

The Town recognizes that during pregnancy and after, some pregnant women may have special needs. With this in mind the Town will accommodate these needs as defined below.

Eligibility
Female employees, either full time or part time, who are temporarily physically “disabled” resulting from pregnancy, childbirth or related medical conditions are eligible for the benefits provided under this policy. The term “disability” or “disabled” in this circumstance means the employee cannot perform the essential functions of her job due to pregnancy. In order to be classified as “disabled”, the employee must be classified as “disabled” by her healthcare provider. Medical verification of the disability is required to receive eligibility under this policy.

Duration of Leave
Should your physician deem you temporarily disabled due to pregnancy, childbirth or related medical condition your leave will extend until your physician states that such disability has ended and you are able to return to work. The Town complies with all Federal and State laws governing pregnancy leave. Because this policy covers medical disability leave only, it is not available for the care of newborn, adoptive or foster child, or for child rearing although you may have rights under FMLA (see Family & Medical Leave Policy for details).

Compensation During Pregnancy Disability Leave
Pregnancy Disability Leave will be unpaid except for the following vehicle by which eligible employees may receive compensation during leave:
• Sick Time
• Vacation time
• Disability Insurance, if applicable.

Health Benefits During Leave
Your health benefits will continue while you are on pregnancy disability leave for the period of time that you are receiving compensation from the Town and the Town is able to deduct your standard benefits contributions. Should you move to an unpaid status you
will continue to have the same health benefits available to you while on pregnancy-related disability leave. However in order to maintain those benefits you must write a monthly check to the Town for your portion of the benefit contributions. Monthly checks should be directed to the attention of the Town Administrator.

Transfer Rights
If you are pregnant and request a transfer, you may be eligible to transfer from your current position to a less strenuous or duties if such transfer is due to your pregnancy; and you provide a certification from your health care provider that such transfer is medically advisable; and the Town can reasonably accommodate such a transfer without undue hardship.

If it is foreseeable that it would be medically advisable for you to take intermittent leave or leave on a reduced schedule based on your medical needs, the Town may require you to transfer temporarily to an available alternative position that has equivalent pay and benefits, so long as you are qualified for the position, and the position better accommodates recurring periods of leave.

You will be reinstated to your regular job or comparable position when your health care provider certified that there is no further need for such transfer, intermittent leave or leave on a reduced work schedule due to your pregnancy.

Returning From Pregnancy Disability Leave
You will return to the Town with no less seniority then when your leave began. If you return to work at the end of a pregnancy disability leave you will be reinstated to your former position, unless the position no longer exists due to legitimate business reasons, such as a reduction in force or job abolition. If your former position does not exist, you will be reinstated to an equivalent position if you are able to perform the essential functions of the job, unless such position is unavailable.

You will be required to provide the Town with a “fitness for duty” certification from your doctor stating that you are released to return to work and indicating any work restrictions you may have. You will not be permitted to return to work until you have provided this certification to the Department Head.

If you do not return to work after your leave has ended, and have not contacted your supervisor at the end of your leave, the Town will assume that you have resigned and your employment may be subject to termination unless you are eligible for some other legally mandated leave. In addition, your employment will be subject to termination after a pregnancy disability leave if you accept other employment during your leave, or you perform services for another employer during your leave without the Town’s express written permission.

11.3 Accrual of Paid Leave Benefits During Paid Leave
All employees who are actively at work or on paid leave—such as vacation leave, sick leave or personal days—will continue to accrue paid leave benefits provided by the
11.4 Accrual of Paid Leave Benefits During Unpaid Leaves

Generally, employees on unpaid leave are not entitled to continue accruing paid leave benefits. This includes employees who are receiving income replacement benefits such as short-term disability, long-term disability or workers’ compensation. However, employees on eligible military leave may be entitled to reinstatement upon returning from military leave with all benefits that would have been obtained but for being absent on military leave. This right is provided for by the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and is known as the “escalator principle.”

When an employee is out on leave that is protected by the Family and Medical Leave Act (FMLA), that employee will continue accruing paid leave as long as the employee is using paid leave benefits such as the items listed above. If an employee on FMLA leave uses all paid leave in accordance with the company’s FMLA policy and remains unable to return to work, then the remainder of the FMLA leave will be unpaid. During the period of unpaid FMLA leave, the employee will not continue to accrue paid leave, consistent with the company’s policy for all types of unpaid leave.

11.5 Leave of Absence for Victims of Crime:

In accordance with New Hampshire law, the Town will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a “victim” is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

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

An employee needing time off under this policy should notify the Department Head as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence.

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

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation time, sick leave, or personal days. The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

12. **Employee Expenses**

All travel must have prior approval and expenses must be itemized, with receipts attached on the Town’s reimbursement expense form, and submitted for approval by the Department Head and the Town Administrator prior to reimbursement.

All employees traveling on Town of Bristol business or using personal funds to make purchases for Town of Bristol, shall be entitled to reimbursement of their expenses according to the following schedule:

- Automobile expenses (only if Town vehicle is not available) State of NH rate/mile;
- Meals - up to $40 per day (not to include alcoholic beverages) this can be exceeded with receipt;
- Purchases – all verified approved expenses;
- Lodging – where pre-approved;
- All travel and purchases must be pre-approved, failure to do so may result in non-payment.

13. **Use of Town Assets**

All employees are expected to exercise due care when operating Town of Bristol machinery hardware, software, and equipment and to exercise reasonable restraint when using Town materials and supplies. Any employee misusing machinery, property, hardware, software and/or equipment or expropriating materials and supplies, funds, or other assets may be liable to disciplinary action, financial restitution, suspension and/or termination upon the recommendation of the Department Head with approval of the Town Administrator or appropriate commission, and subject to a proceeding at law to recover Town losses.

14. **Health/ Dental Insurance**

The Town of Bristol offers medical insurance for full time employees. Employees who work a minimum of thirty (30) hours per week (This threshold is subject to changed, based upon applicable law.) or domestic partners of full-time employees (as defined by the health insurance administrator) may have access to the Town’s health insurance. However part-time employees or employee’s with domestic partners will be responsible for 100% of the eligible health insurance plan cost which must be paid through payroll deductions unless another arrangement has been approved by the Select Board. The Town cost shares with
full-time employees on health benefits. Benefit coverage, vendor, features, costs and Town contributions are reviewed annually by Human Resources, the Town Administrator and the Select Board and are subject to change at the Town’s discretion.

All benefits begin the first of the month following your date of hire. Additional detailed information on benefits are listed elsewhere in the Personnel Policy and are available in Human Resources. Employees must select health and dental plans, authorize payroll deductions and complete all necessary forms prior to enrollment.

The Town of Bristol reserves the right to purchase Medicare Coverage Options for employees and retirees who are entitled to this benefit, equivalent to standard insurance coverage in lieu of such coverage.

Employees eligible for medical plan coverage who are also enrolled in a comparable group medical plan sponsored by another employer, or are covered by a spouse, domestic partner, or parent who is also employed with the Town may, consistent with the Town’s Section 125 Plan, elect to discontinue their Town-sponsored medical plan coverage by opting out or waiving their coverage. An employee may only opt-out during annual Open Enrollment, or mid-year, following a change in Status Event. A Change in Status Event is an event that causes either gain or loss of other employer’s comparable group medical coverage. With proof of alternative medical insurance coverage, a full time employee may request, in lieu of Town health insurance coverage, an annual payment of no greater than $1,000 to be payable December 1st of each qualifying year, providing the employee has not used employer provided insurance during the calendar year. To be eligible the employee must have been employed on or before June 30th. Stipends for contracted employees are not subject to the $1,000 limit and are specified within those contracts.

Dental insurance is offered to employees at their expense. Benefit coverage, vendor, features and costs are subject to change. Employees are responsible for 100% of the cost with no contribution by the Town. Rates are reviewed and posted annually by the carrier through Human Resources.

15. **Retirement - NHRS**

Upon employment with the Town, employees are enrolled in New Hampshire Retirement System (NHRS). The NHRS is a public employee pension plan that provides retirement, disability, and death benefits to its members and their beneficiaries. NHRS is a defined benefit plan, which offers eligible members a lifetime pension. The amount of the pension is based on a formula of salary, average final compensation, and creditable service, not on the contributions paid into the plan. A percentage of the employee’s gross earnings are deducted bi-weekly from the employee’s paycheck and are submitted monthly to the NHRS by the Town. The Town submits, at the same time, a percentage towards each employee’s retirement fund. The current percentages are designated by the NHRS. NHRS is made up of two groups. Group I is for employees of School Districts, Counties, Municipalities and other political subdivisions. Group II is for Police Officers and Firefighters. NHRS administers a post-retirement medical insurance subsidy for eligible Police Officers,
Firefighters, retired employees and teachers. The NHRS is governed by RSA 100-A. Because the laws regulating the NHRS change regularly, contact the NH Retirement System for more information on the specifics of the system. The law and regulations governing the NHRS contains many limitations and qualifications for entitlement and governance that are not stated in this policy. In the event of any conflicts between this policy governing NHRS and applicable law, the law will govern.

16. Worker’s Compensation Insurance and Reporting Workplace Injuries

On-the-job injuries are covered by the Workers’ Compensation Insurance Policy provided at no cost to the employee. The Town follows all State of NH Labor Department policies with claims.

**Reporting Injuries**

If you are injured on the job, no matter how slightly, you must report the incident immediately to the Department Head. We ask for your assistance in alerting the Town to any condition that could lead or contribute to an employee accident. Employees must complete the necessary Workers' Compensation forms following any injury and submit immediately to Human Resources. Department Head’s must provide the report to the Human Resource Department upon receipt of the completed forms. A claim will be filed with the insurance carrier and Human Resources will follow up with the employee for medical updates. All medical documentation must be submitted to Human Resources.

**Weekly Income Benefits**

The amount of the weekly Worker’s Compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee’s average weekly wages. These benefits are paid by the Town’s Workers’ Compensation carrier to eligible employees.

**Temporary Alternative Duty**

In accordance with the provisions of RSA 281-A: 23-b, the Town will provide temporary alternative work opportunities for employees who suffer a work-related injury or illness.

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

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

The Temporary Alternative Work Program will be available to employees for a period of
time extending as long as the circumstances of the illness/injury requires, but not longer than four (4) months as dictated by the treating physician and as such duties are available.

The treating healthcare provider and the ill/injured employee share the responsibility of providing the Town with the NH Workers’ Compensation Medical Form. This form provides information relating to the employee’s capabilities necessary to structure a temporary duty program. The Supervisor or Department Head will work with the employee to facilitate a safe return to work program within limitations listed by the treating physician. If necessary, the Town may contact the treating physician for additional information.

After each subsequent visit, the ill/injured employee will be responsible for providing an updated medical form completed by the treating healthcare provider and returned to the Supervisor or Department Head. Additional modifications will be made to the return to work program as required.

Upon release by the healthcare professional, the employee will assume normal duties of his or her regular position.

Reinstatement

A full time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A fitness-for-duty release will be required before an employee is permitted to return to work.

Under New Hampshire law, an employee’s reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if he/she has accepted a job with another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to his/her former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

17. Tuition Reimbursement Policy/ Education & Training

The Town of Bristol encourages its full time employees to further their education, which is applicable to their current position or to a position towards which they hope to advance, or enhances the employee’s job skills. Each employee must obtain approval from his/her Department Head, and the Town Administrator for any such training or educational program before the employee registers. While tuition reimbursement is expected to enhance employees’ performance and professional abilities, the Town cannot guarantee that participation in formal education will provide the employee with automatic advancement, a different job assignment, or pay increases.

The Policy below should be carefully followed to be eligible for reimbursement:
Applications will not be approved for elective courses.
Applications will not be approved for course work that is not reasonably related to the employee's present position or prospective position.
Reimbursement shall be made only for course work completed at accredited public, business, trade schools, colleges or universities.
Reimbursement will be made as determined by the funds available in the budget for this purpose for this budget year (determined by the concluding date of instruction), but will not exceed 75% of the cost of tuition and 50% of the cost of books for up to four credit hours per semester.
The employee must present an official school receipt indicating the cost(s) for which the reimbursement application is being made.
Reimbursement shall be made only for course work in which a grade of "C" or better or Satisfactory is received. Employees must present an official school transcript showing the final grade received.
If employment ceases prior to the completion of the approved course work, reimbursement will not be made.
An employee will not be compensated for missed hours while using the tuition reimbursement policy during regularly scheduled work periods.
Employees must sign an agreement to remain with the Town for a period to be agreed on by the employee and the Town.
It is the responsibility of the employee to provide the employer with as much advance notice as possible to properly budget for any tuition assistance.

18. Performance Evaluations

Performance evaluations are considered an important method of gathering job-related performance indicators. Both the employee and the supervisor are important members of the performance evaluation team. While this provides a good mechanism for structured communication and feedback, it is not a substitute for ongoing communication and feedback. Problems should be addressed as they occur and should not be saved to be listed on the Performance Evaluation. However, performance problems of an ongoing nature should be included in the Performance Evaluation and specific goals and measurement criteria for improvement should be given to the employee. Follow up dates should be established and adhered to by the Supervisor.

Effective April 1, 2015, merit based evaluations will be used to evaluate employees annually. These evaluations will be reviewed with the employee and Department Head to assess overall performance, set goals and coordinate training if appropriate.

After review of the evaluation, merit increases will be assigned using the merit scoring system. All rate or salary changes must be submitted on completed PAF's and signed by the employee by April 30th.

If an employee has received a written warning or suspension in the last 12 months for behaviors or performance issues which have not been corrected, the employee, at the discretion of the Department Head, shall not be eligible for an increase that year. Appeals
can be made to the Town Administrator for review on an individual basis.

It is the goal of the Town for every employee to receive an evaluation annually. It shall be the responsibility of the Town Administrator or Human Resources to remind Department Heads of the need to complete the evaluation each year. All evaluations shall be completed by the Department Head, reviewed and discussed with the employee and include a review of the employee’s job description. The supervisor shall recommend any job description changes to the Town Administrator or appropriate commission for approval. The evaluation forms shall be filed in the employee’s personnel file.

19. **Employee Conduct and Discipline**

19.1 Any group of people who have come together for a common purpose must have rules that promote consistency, harmony, and support the objectives and missions of the Town.

There are certain standards of common honesty and decent behavior that all employees are expected to follow. We believe that the following rules, which are not set out in any particular order, are necessary and reasonable for the proper conduct of our business.

We all know that no list of rules can be all inclusive. The following areas, however, are expressly described to guide you in the recognition of certain behaviors which are clearly prohibited and which can result in disciplinary action, up to and including discharge.

- Repeated performance problems;
- Willful neglect in the performance of duties required by or assigned to the position held;
- Refusal or inability to perform duties by or assigned to the position held;
- Disregard for, or willful violations of State or Federal laws, or Town policies or regulations;
- Misuse, misappropriation, negligence or destruction of Town property, or conversion of Town property, credit or good will, to the employee’s personal use or gain;
- Violation of reasonable or official orders, refusal to carry out lawful and reasonable directions of a supervisor, or other acts of insubordination;
- Dishonesty or other unsuitable conduct adversely affecting the Town’s services or effective job performance;
- Repeated tardiness or absence from duty without proper approval;
- Criminal conduct on or off the job;
- For positions whose duties involve the use of vehicles, the loss of a driver’s license;
- Use of intoxicating beverages or other controlled substances are prohibited;
- Use of illegal prescription drugs, either while on duty, or otherwise so as to interfere with effective job performance are prohibited;
- Persons on call back who have used alcohol or controlled drugs shall refuse the call back, if it will interfere with effective job performance;
- Uncivil or discourteous attitude or conduct, or the use of indecent or slanderous
language toward the public or fellow employees;
- Discrimination, sexual or other unlawful harassment, and inappropriate conduct in violation of Town policies;
- Fighting or creating a threat of violence in the workplace, possession of any kind of unauthorized weapons on Town property;
- Violation of safety regulations or endangering the health or safety of other persons;
- Repetition of avoidable mistakes to a point that the mistakes demonstrate disregard for the Town’s interest;
- Negligence in the performance of duties which conflict with the Town’s interest;
- Excessive use or other improper use of a Town telephone, facsimile, computer, e-mail, and copier for personal purposes;
- Any other conduct for which discipline or termination is warranted.

19.2 It is the policy of the Town to take corrective action against employees who violate rules, regulations, and standards of conduct, endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town: Documented verbal warning, written warning, suspension, and dismissal. While the Town will apply the concept of progressive discipline when it deems it appropriate, it reserves the right to determine, in its sole discretion, the appropriate level of discipline in any circumstance including immediate termination. In addition, nothing in this Personnel Policy undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under Federal and State law.

20. Dispute Resolution Procedure

If you feel you have a problem, you should present the situation to your Supervisor or Department Head so that the problem can be settled by examination and discussion of the facts. We hope that the Supervisor or Department Head will be able to satisfactorily resolve most matters.

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

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

The Town is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual’s age, sex, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic status, veteran status or any other legally protected status will not be tolerated.

Further, retaliation against an individual who has complained about sexual or other unlawful harassment and/or retaliation against any individual who has participated in an investigation of harassment or is a witness are unlawful and will not be tolerated.

a. Purpose
The Town believes that employees are more effective and get greater satisfaction from their jobs if they are provided with a business like work environment free from all forms of unlawful harassment.

Unlawful harassment includes harassment based on a person’s age, sex, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic status, veteran status or any other legally protected status. Such harassment by any Town employee, officer, official, board member, volunteer, personnel, supervisor or other third parties is not allowed and will not be tolerated. Employees who take part in unlawful harassment will be disciplined, up to and including termination. All employees, officers, officials, board members, volunteers, personnel, supervisors and other third parties are expected to follow this policy.

b. Definition
Although all forms of unlawful harassment are prohibited, the Town wants to give you information specific to one type of illegal harassment, sexual harassment. Sexual harassment refers to behavior of a sexual nature, whether done on purpose or not, that is unwelcome and personally offensive to the receiver. Sexual harassment is a form of behavior that is disrespectful and demeaning to another person and breaks down the employment relationship. Sexual harassment is defined as any repeated or deliberate unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when: (1) submission to such conduct is made either implicitly or explicitly a term or condition of employment; (2) admission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creates an intimidating, hostile, or offensive work environment. Sexual harassment is not limited to requests for sexual favors in return for job benefits. Sexual harassment may take the form of verbal abuse, leering, salacious jesters, inappropriate language, jokes of a sexual nature, or any undesired touching or patting.
c. Responsibility
All Town employees, officers, officials, board members, volunteers, personnel and supervisors have a responsibility for keeping our work environment free of harassment. Any employee, officer, official, personnel, or supervisor, who becomes aware of an incident of harassment, whether by witnessing the incident or being told of it, must report it as soon as possible in accordance with Section e. below so that steps may be taken to protect the employee from further harassment and appropriate investigative and disciplinary measures may be initiated. When management becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the Town to do so.

The Town accepts no liability for harassment of one employee by another employee. The individual who makes unwelcome advances, threatens or in any way harasses another employee is personally liable for such actions and their consequences.

d. Statement of Policy
It is the policy of the Town that all employees shall enjoy a working environment free from all forms of unlawful harassment and discrimination, including sexual harassment. Sexual harassment shall be treated as employee misconduct and will not be tolerated. Racial harassment is also prohibited. Unlawful racial harassment includes, but is not limited to, foul language of an offensive and racial nature, racial jokes or remarks, the display of racially offensive pictures, cartoons, screen savers or other materials.

All employees, officers, officials, board members, volunteers, personnel and supervisors should understand that the use of the Town’s equipment to harass others or even to communicate offensive jokes or remarks that may be considered offensive to another employee is not allowed.

e. How to Report
Any employee who believes that he/she has been harassed, must report the incident immediately to his or her supervisor. Where it is not practical to report the incident(s) to the immediate supervisor (such as when the supervisor is unavailable or when the allegation of misconduct involves the supervisor) the employee shall instead report the incident(s) to another supervisor, or the Town Administrator. If the allegation involves the Town Administrator, the complainant should present the allegation without delay to the Select Board. All complaints of unlawful harassment and retaliation will be investigated as carefully and confidentially as possible. However, absolute confidentiality cannot be guaranteed since the investigation necessarily requires the disclosure of the nature of the alleged behavior and complaint. Identities of those involved will be revealed only on a need-to-know basis. An immediate investigation will be organized by the Town Administrator, or his/her designee, as may be required (should the Town Administrator be the subject of the Complaint, the Select Board or its designee shall organize the investigation.) and appropriate action will be taken where it is needed. Any person found to have violated the Town’s policy against harassment will be subject to disciplinary action, including possible termination of employment.
In no case shall an employee reporting an incident of harassment be subject to adverse employment action unless it is determined the employee is found to have made a false statement of harassment. The Town does not tolerate unlawful retaliation. Any person found to have engaged in such conduct will be subject to disciplinary action, including possible termination of employment. The Town recognizes that false statements of harassment may have serious effects on innocent people. Employees found to have made false statements of harassment will be subject to disciplinary action, including possible termination of employment.

22. Work Place Violence

The Town is committed to preventing workplace violence and to maintaining a safe work environment. Employees shall refrain from fighting, “horseplay,” or other conduct that may be dangerous to others. Employees are encouraged to bring their disputes or differences with other employees or the public to their Department Head, Town Administrator or the Human Resources Department before the situation escalates. The Town prohibits employees from bringing weapons on our premises, including parking lots.

Conduct that threatens, intimidates, or coerces another employee or member of the public at any time, including off-duty periods, will not be tolerated. This includes all acts of harassment, including harassment based on age, sex, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic status, veteran status or any other legally protected status.

Any threat of or actual violence, by an employee, official, or member of the public, or any suspicious individual or activity, shall be reported as soon as possible to the employee’s Department Head or the Town Administrator. The report should be as specific and detailed as possible. The Town will promptly and thoroughly investigate all reports.

In order to maintain workplace safety and the integrity of an investigation, the Town may suspend employees, with or without pay, pending the investigation. Anyone determined to be responsible for threats or actual violence, or other conduct that violates this policy, will be subject to prompt disciplinary action, up to and including termination of employment.

23. Computer Use and Communications Equipment Policy

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

All employees should be aware that the Town has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail, and Internet use of all employees. For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems. The Town
reserves the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy.

The following guidelines apply to all employees:

- Employees should be aware that in addition to monitoring e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), we have the ability and the right to monitor such things as each Internet web site visit, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created on them are the property of the Town and may be monitored by the Town at any time.

- Our computers and other communications equipment may not be used to violate any Federal, State, or local laws or regulations. Use of any Town resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any legitimate law enforcement investigation.

- The Town reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.

- The display or transmission of any sexually explicit image or document on any Town system is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, sex, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation, gender identity or expression, pregnancy, childbirth or related medical condition, genetic status, veteran status or any other legally protected status, or anything else that may be construed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.

- Transmission of any religious or political messages is strictly prohibited.

- Access to non-Town related, obscene or offensive web sites is strictly prohibited.

- Any personal use of our computers or other communications equipment for any commercial activity (other than Town business) is strictly prohibited, as is the use of our computers and communications equipment for anything that may not be in the best interest of the Town including, but not limited to, activities that disclose any confidential or proprietary information of the Town.
Town computers and other communications equipment are to be for Town use only by authorized users. Non-employees may not use the Town’s computers, network, or other communications equipment for any reason.

Use of another employee’s account, user name, or password, or access to their personal files without their consent (by anyone other than authorized individuals) is strictly prohibited. Obtaining, or trying to obtain, other users’ passwords, or using programs that compromise security in any way is prohibited.

All pass-codes and passwords are the property of the Town. No employee may use a pass-code, password, or voice mail access code that has not been issued to that employee by the Town or that is unknown to the Town. Users of the Town’s computers, network, and other communications equipment must take reasonable precautions to prevent unauthorized access to our systems. Passwords should not be divulged to unauthorized persons.

Destruction, theft, alteration, or any other form of sabotage of the Town’s computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.

The breaking into and/or corrupting of any of the Town’s computer, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Town’s technology is also prohibited, and will be reported to the authorities.

Any vulnerability in the Town’s computers, network, or other communications equipment or resources should be reported immediately to the Department Head.

The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the Department Head.

Accessing the Town’s files or any other files on the network or the system that you did not create is prohibited unless you have prior authorization from the Department Head.

Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, or hacking, or introducing malware or spyware is strictly prohibited.

Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All Town data and information is considered confidential unless the Town has granted permission for an employee to disclose that information or unless required by law or judicial process. Accessing or attempting to access confidential data without authorization is strictly prohibited. Confidential information should be used only for its intended purpose. Employees’ responsibility for confidentiality continues outside of work. Employees may not work on Town documents,
data, or other business on home computers or other portable technology without the express prior approval of the Department Head.

- Employees are responsible for taking precautions to safeguard the physical security of the Town’s network, Internet, computers, and other communications equipment. Disks, CDs, USB portable drives, Zip drives, and other removable drive devices containing sensitive, confidential, or proprietary information should be stored in a secured location, whenever possible. Computers should be turned off when not in use for an extended period of time or when an employee is out of his or her office.

- Employees are not allowed to introduce to our network, Internet, computers, or other communications equipment media from any external sources, including, but not limited to, CDs, disks, Zip drives, personal digital assistants (including, but not limited to, Blackberry and palm pilots), USB portable drives, and other removable drive devices without prior authorization from the Department Head.

- Employees also may not copy, transmit, or otherwise remove any information from our network, Internet, computers, or other communications equipment to CDs, disks, Zip drives, personal digital assistants, USB portable drives, or other removable drive devices without prior authorization from the Department Head.

- Employees may not intentionally download anything from the Internet without prior authorization. This includes, but is not limited to, screensavers, music, E-mail stationary, and other images.

- All downloaded files or applications are to be scanned for viruses before being saved on the Town’s network.

- The Town retains the copyright to any Town-related material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his/her duties.

- All information on the network, Internet, computers, and other communications equipment is the property of the Town. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town to continue using its equipment.

- All employees are required to report any violations, or suspected violations, of this policy.

24. Cellular Phones

Cellular (cell) phones are an important part of our world today. Because many of our employees own personal cell phones we feel it necessary to provide guidance about use of
personal cell phones in the workplace. Additionally, some employees may receive cell phones due to the nature of their position. This policy also outlines the appropriate and safe use of Town-provided cell phones.

**Personal cellular phones**
While at work, employees are to exercise the same discretion in using personal cellular phones as they do for Town phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. The Town encourages a reasonable standard of limiting personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the Town’s policy. Flexibility will be provided in circumstances demanding immediate attention. The Town will not be liable for the loss of personal cellular phones brought into the workplace.

**Personal use of Town-provided cellular phones**
Where job or business needs demand immediate access to an employee, the Town may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

**Safety issues for cellular phone use**
Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees must either pull off to the side of the road and safely stop the vehicle, stopping operation of the vehicle, before placing or accepting a call, or if acceptance of a call is unavoidable and pulling over is not an option, employees must use a hands-free device and are expected to keep the call short and refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy.
Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill Town needs. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of discipline, including termination.

25. **Personal Telephone calls**

Use of the Town’s telephone system for personal calls is strictly limited to breaks or lunch periods when permitted by a Department Head or the Town Administrator. Long distance calls and the use of *69 and 411 shall be prohibited, except as authorized by a Department Head, and documented the same as a long distance call.

26. **Tobacco Use**

The Town is committed to providing a safe, healthy, and tobacco-free work environment for our employees and all others. Consistent with our commitment and State law, RSA 155:66 – except as provided in RSA 155:67 and not withstanding any law to the contrary, smoking is prohibited in any area of Town buildings except in a designated smoking area. Any employee wishing to smoke must do so only during authorized breaks in a designated smoking area. Tobacco use is prohibited in all Town owned/leased vehicles.

27. **Solicitation and Distribution**

No solicitation of any kind is permitted during working time, unless first approved by the Department Head. “Solicitation” is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, or other similar conduct. “Working time” is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, and time before and after work hours. This rule applies to solicitations of both charitable and non-charitable causes.

No distributions of any non-work related written materials are permitted in any work area of any kind, unless first approved by the Department Head. “Work areas” are defined as any Town office or facility, other than designated break areas.

Employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on the Town’s premises at any time, unless authorized by the Department Head.
28. **Motor Vehicle Violations**

All employees who operate Town vehicles are required within 72 hours to notify their Department Head in writing if they have been convicted of, or plea nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicles is suspended, revoked, or otherwise restricted, the employee must notify the Department Head within one working day of learning of the suspension, revocation, or restriction. Employees who are required but unable to drive and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

29. **Town Security**

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

30. **Media Contacts**

The Town acknowledges that our employees and the public have a genuine and legitimate interest in the Town’s operations. The Town also recognizes that the news media plays a vital role in our community. Therefore, the Town will make every effort to disseminate information about the Town and its performance in a factual, accurate and timely manner when approached by the news media.

It is the policy of the Town that employees report all contact from/with the media to the Town Administrator. Only the Town Administrator and the Select Board or their designees may address matters related to the Town with the media.

31. **Employee Health and Safety Program**

Safety can only be achieved through teamwork. Each employee, Supervisor, Department Head and Official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately.

Please observe the following precautions:

a. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your Supervisor immediately;

b. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Town property is prohibited. Employees are subject to random drug and alcohol testing;

c. The use, adjustment, and/or repair of machines or equipment are to be performed only by you if you are trained and qualified;
d. Employees should get help when lifting or pushing heavy objects;

e. Employees should understand their job fully and follow instructions. If unsure of a safe procedure, ask a Supervisor or Department Head;

f. Know locations, contents, and intended use of all first aid and firefighting equipment;

g. Wear personal protective equipment in accordance with the job you are performing;

h. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials; and

i. All job descriptions include keeping Town facilities and lots clean and safe.

Every employee must participate in this effort. Violations of safety precautions may lead to disciplinary action.

32. **Joint Loss Management Committee (JLMC)**

The Town maintains an active JLMC comprised equally of management and regular employees, which meets quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Town Administrator for details.

33. **Seat Belt Policy**

The Town is concerned about employee safety and recognizes that the use of seat belts has proven to be a positive factor in the reduction of personal injury when a vehicle accident occurs.

The NH Administrative Rules for Public Employee Safety and Health under RSA 277, (Labor 1403.43) require wearing of appropriate personal protective equipment. Seat belts are considered to be personal protective equipment; therefore, the Town of Bristol is charged under state law to require the use of seat belts while on Town business.

**Policy:**

* All Town employees are required to wear seat belts while operating or riding in any vehicle while on Town business. This applies to personally owned vehicles as well as the vehicles of others.

* Passengers in vehicles operated by Town personnel while on Town business are required to wear seat belts. Clients transported in Police vehicles shall wear seat belts unless fastening the belt would place the officer in danger.

* This policy shall not apply in the use of vehicles in which the manufacturer has not installed seat belts.
* Town employees are prohibited from disengaging or disarming automatic seat belt systems/alarm.

* Violations of this policy may subject the employee to disciplinary action.

34. **Hazardous Materials**

It is the Town’s goal to have a workplace free from injury. The Town inspects the workplace to evaluate and determine any risk of injury and take corrective action whenever appropriate. The Town also relies on its employees to see to it that their workplace is free from safety hazards. Any employee who sees a situation that could be a safety concern must report the problem to the Department Head or Town Administrator immediately.

35. **Hazardous Substances**

Due to work requirements, hazardous substances may be in the workplace. Notices of hazardous substances will be clearly marked with a “WARNING” sign, near the substance itself along with information about the substance that will include at a minimum, hazards of exposure, safe use of the substance, procedures for cleaning up spills, etc. Applicable material safety data sheets are readily available to employees from Department Heads.

All employees working with hazardous substances will receive training in the proper handling of the substance and will be provided with the necessary safety equipment for the handling of any hazardous substance.

36. **Alcohol & Drug Free Workplace Policy**

The Town of Bristol is a “Drug Free” Municipality. We consider all town employees to be an extremely valuable resource, with their health and safety as one of our major concerns. Therefore, the Town will not condone the use of drug and or alcohol use or abuse in the workplace. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers and the Town’s assets and will not be tolerated.

**General Policy**

The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

Specifically, it is the Town’s policy, that the use, sale, purchase, transfer, possession or presence in one’s system of any controlled substance, (except medically prescribed drugs), by any employee, on Town property, engaged in Town business, while operating Town equipment or while under the authority of the Town, is strictly prohibited. The Town will notify and cooperate with law enforcement agencies in the investigation of a covered person suspected of being in possession of or trafficking of illicit or inappropriate drugs. Further,
anyone convicted of on-the-job possession, trafficking in illicit or inappropriate drugs, using while working, or driving while “under the influence”, will be immediately terminated.

**Employee Responsibilities**

A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.

B. Any employee convicted under a federal or state statute regulating controlled substances shall notify the Department Head within five (5) days after the conviction.

C. Employees are prohibited from consuming alcoholic beverages within four (4) hours of work, during work hours, or while at work during breaks or lunches.

D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours.

E. No employee shall represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.

F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the Town.

G. If an employee is using prescription or non-prescription medication that may impair the ability to safely perform duties, the employee shall report that fact to their Department Head prior to performing any work.

G. An employee who has reason to believe that the performance of another employee is impaired by alcohol, illegal drugs, and/or medication shall immediately notify the Department Head.

**The Town’s Drug & Alcohol Program Administrator**

The Town’s Drug & Alcohol Program Administrator designated to monitor, facilitate and answer questions pertaining to these procedures is: the Town Administrator.

**Disciplinary Action**

Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, violations of this policy will lead to appropriate disciplinary action, up to and including termination.
Alcohol & Drug Testing

A. Purpose:

Town government provides a variety of public services. The employees of the Town are its most valuable resource, since it is through their work that services are provided. When delivering services, the health and safety of the public and the residents of the Town’s facilities and the health and safety of employees are of paramount importance.

Drug and alcohol abuse is a problem of serious concern and one that affects all segments of the community, including the workplace. Such behavior poses risks to members of the public and to Town employees. Employees have the right to work in an alcohol and drug-free environment. Residents and members of the public have the right to be free from the harmful effects of alcohol and drug abuse in the provision of public services. The objective of the Town is to provide a safe work environment and to protect the public by ensuring a drug-free workplace.

B. Policy:

It is the policy of the Town of Bristol not to test employees for the use of drugs and/or alcohol other than as provided herein. Employees who display job difficulties may be required, upon reasonable suspicion, to undergo testing as set forth in this policy for substance use or abuse. Such testing shall include Reasonable Suspicion testing, and Post Accident testing.

Employees of the Town who are required to have a Commercial Driver’s License (CDL) as part of their jobs are subject to drug and alcohol testing as required by the U.S. Department of Transportation through the Federal Highway Administration (“FHWA”). CDL employees, in addition to Reasonable Suspicion and Post Accident testing, shall be subject to Pre-employment testing, Random testing and Return to Work testing. Pursuant to NH Admin. Rule Saf-C 1801.02(a)(1), for purposes of this policy, the term “CDL employee” shall not include fire service personnel driving emergency vehicles assigned or registered to the Town Fire Department in pursuit of fire service purposes.

In addition, all job applicants for Town positions that are considered a “Safety Sensitive Position”, shall be subject to Pre-Employment Drug Testing. For purposes of this policy “Safety Sensitive Position”, means a position that requires an employee to: carry a firearm; work closely with an employee who carries a firearm; perform life-threatening procedures; work with heavy or dangerous machinery; emergency medical technicians, firefighters, work directly with elderly residents; work directly with children; work with detainees in the correctional system; work with confidential information or documents pertaining to criminal investigations; work with controlled substances; hold a position in which a momentary lapse in attention could result in injury or death to another person; or a position requiring a Commercial Driver’s License (CDL).
Treatment and Rehabilitation. The Town provides an Employee Assistance Program for employees needing treatment or rehabilitation as well as medical plan coverage for both inpatient and outpatient treatment. Accrued leaves may be used for treatment and rehabilitation purposes. Treatment and rehabilitation is entirely the financial responsibility of the employee. Employees who think they may have an alcohol or drug usage problem are urged to voluntarily seek confidential assistance from the Employee Assistance Program, if available.

Prohibitions. This policy prohibits the following:

1. The unauthorized use, possession, manufacture, distribution or sale of an illegal drug, controlled substance or drug paraphernalia on Town property or while on Town business, in Town supplied vehicles or during working hours.

2. The unauthorized use, possession, manufacture, distribution, or sale of alcohol on Town premises or while on Town business, in Town supplied vehicles or during working hours.

3. Storing any illegal drug, drug paraphernalia, any controlled substance whose use is unauthorized, or any container of alcohol, in or on Town property (including vehicles).

4. Reporting to work, or working, while under the influence of illegal drugs or the illegal use of legal drugs or alcohol, whether on Town premises, on Town business, or in Town supplied vehicles.

5. Failing to notify the employee's supervisor before beginning work that the employee is taking medications or drugs that may interfere with the safe and effective performance of duties.

6. Refusing to immediately submit to an alcohol and drug test when requested by a supervisor, in accordance with this policy.

7. Failing to provide, by the next workday following a request, their valid prescription for any drug or medication identified when the results of a drug test are positive.

8. Refusing to submit to an inspection as described in the Enforcement section when requested by a supervisor, in accordance with this policy.

9. Failing to adhere to the requirements of any drug or alcohol treatment program in which the employee is enrolled as a condition of continued employment.

10. Violating any criminal drug or alcohol statute while working. Conviction under any criminal drug statute.

11. Failing to notify the Department Heat of any arrest or conviction under any criminal drug or alcohol statute by the next workday following the arrest or conviction.
Enforcement. When there is a reasonable suspicion to believe that an employee’s job performance may be impaired by drugs or alcohol, the supervisor may: (a) direct the employee to submit to a drug/alcohol test; and/or, (b) search, with or without employee consent, all areas and property in which the Town maintains control or joint control with the employee.

C. Testing:

Drug and Alcohol Testing. A test under this policy is a urinalysis (for drugs) and an evidential Breathalyzer test (for alcohol) administered under approved conditions and procedures conducted for the sole purpose of detecting drugs and alcohol. Other FHWA approved methods to detect the presence of alcohol may be added later, including blood/alcohol and saliva tests. The test will be conducted by a Town appointed medical laboratory and paid for by the Town. See Appendix A, for applicable forms.

An employee ordered to submit to a test or an applicant for employment directed to test by the Department Head shall not refuse. A refusal will equal a positive test. Following authorization for reasonable suspicion or post-accident drug testing, the supervisor or other authorized person will transport the employee, as necessary, to the designated test site.

Pre-Employment Testing. The Town requires that drug tests shall be conducted before applicants for Safety Sensitive Positions are hired, or after an offer to hire but before Safety Sensitive functions are performed for the first time. Testing is also required when employees transfer to a Safety Sensitive Position. The test will be administered after a conditional offer of employment has been made and before any tentative start date. All offers of employment or transfer to a Safety Sensitive Position shall be subject to a negative drug test result under this category.

This test will be conducted under the SAMHSA (Substance Abuse Mental Health Services Administration) standards and protocols. The test will involve an unobserved urine sample collection for drug testing. All urine drug testing will be conducted by a SAMHSA certified laboratory.

A positive test will exclude an applicant from being hired or transferred.

Reasonable Suspicion. "Reasonable Suspicion" is a belief based on objective facts sufficient to lead a reasonable person to suspect that an employee is under the influence of drugs or alcohol so that the employee’s ability to perform the functions of the job is impaired or that the employee’s ability to perform his/her job safely is reduced. For example, any of the following, alone or in combination, may constitute reasonable suspicion:

1. Slurred speech;
2. Irregular or unusual speech patterns;
3. Impaired judgment;
4. Alcohol odor on breath;

5. Uncoordinated walking or movement;

6. Unusual or irregular behavior such as inattentiveness, listlessness, hyperactivity, hostility or aggressiveness; or

7. Possession of alcohol or drugs.

Random Testing. During the calendar year, a percentage of CDL holders will be tested at percentage rates in accordance with applicable law on a random basis for the presence of drugs and for the presence of alcohol. Approximately quarterly, although testing could occur anytime during the year, names of CDL holders will be drawn randomly to select individuals for drug and alcohol testing. These individuals will be scheduled for testing. All individuals will be required to go to the Town Office for on-site drug and alcohol testing or at such other location as determined by the Town Administrator. No advance warning will be given to employees regarding the date and time of the random test.

Post-Accident. Post-Accident drug or alcohol testing is testing based on an accident or observation of unsafe work practices when the employee’s performance either contributed to an accident or cannot be discounted as a contributory factor to an accident or based on an accident which could have reasonably resulted from an employee’s performance. Any accident involving a Town vehicle must be reported as soon as possible by the employee to his/her supervisor. The supervisor should investigate the circumstances of the accident and determine if there is reasonable suspicion to require a drug and alcohol test. An employee shall have a drug or alcohol test when the employee is involved in a workplace accident and if there is reasonable suspicion that the employee caused or contributed towards the cause of the accident. In addition, testing is mandated in the following circumstances:

A) An accident that has resulted in the loss of human life.

B) An accident in which the CDL driver receives a citation and there is an injury requiring medical attention away from the scene of the accident.

C) An accident in which the CDL driver receives a citation and any vehicle in the accident must be towed from the scene.

A post-accident drug and alcohol test should be completed immediately. Drug testing must occur no later than 32 hours after the accident. Alcohol testing must occur no later than 8 hours after the accident. In the instance of a CDL driver, if more than two hours elapse before an alcohol test is administered, the Town is required to prepare and maintain on file an explanation of why a test was not promptly administered for the FHWA. If alcohol testing is not administered within 8 hours following the accident, the Town shall cease attempts to administer an alcohol test and shall prepare and maintain the same record.

A driver is prohibited from consuming alcohol for 8 hours after an accident or until he/she has taken a drug and alcohol test.
Note: a police officer investigating an accident has legal authority under certain circumstances to order a blood sample to be taken for drug and alcohol testing.

**Return to Work Testing.** When a CDL employee has tested positive for drugs or alcohol during a random or post-accident test the provisions in the section below on Discipline and/or Treatment/Rehabilitation will apply. In addition, the following specific rules apply in the case where the Employee’s employment has not been terminated as a result of the positive test results:

1) Employees will be referred to the Employee Assistance Program or to the Substance Abuse Program as part of their return to work requirements.

2) The employee must comply with any recommended rehabilitation.

3) The employee must have a negative retest before being permitted to return to work.

4) Unannounced follow-up tests will be conducted at least 6 times within the first 12 months after an employee returns to work. The follow-up tests will be at the expense of the employee.

5) Testing may be extended for a period of up to 60 months after return to work.

**D. Procedures:**

The laboratory shall test for the following:

- Amphetamines/Methamphetamine and Ecstasy (MDMA)
- Cocaine
- Opiate Metabolites
- PCP (Phencyclidine)
- THC (Marijuana)
- Alcohol*

* Tested through an evidential Breathalyzer instrument at a level of .02 alcohol/breath concentration or greater, expressed in terms of grams per 210 liters of breath.

**Pre-Duty Use of Alcohol.** Employees are prohibited from consuming alcohol for 4 hours before going on duty or before operating a commercial motor vehicle. This regulation from the FHWA applies to scheduled shifts and all callout situations. If an employee cannot meet this requirement, it is his/her responsibility to tell their supervisor, or person initiating the callout, that they cannot report to work.

**Impairment.** The supervisor shall directly observe the employee’s behavior and document in writing the facts constituting reasonable suspicion. When circumstances permit, a second
person shall also observe the employee to verify that there is a reasonable basis to believe that drug or alcohol impairment may be present. If possible, the supervisor shall question the employee with regard to the situation. When a determination is made that an employee may be impaired because of drug or alcohol use, the employee shall be relieved of his/her duties and placed on paid leave status.

The supervisor shall immediately notify the Department Head. Upon review, the Department Head may authorize testing. In no case shall the time for review exceed two hours.

The individual shall appear at the designated testing location at the time instructed by the Department Head.

A “Positive” drug test result includes all of the following:
- A verified positive;
- Refusal to allow or appear for a test;
- Adulterated or Substituted tests;
- Inability to provide a medical explanation for a "shy bladder" or "shy lung";
- Failure to cooperate in any way with the testing process;
- Admits to the collector that he or she adulterated or substituted their specimen;
- Behaves in a confrontational way that disrupts the collection process;
- Fails to follow the “Observer’s” instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process; or
- Refuses to wash his or her hands – after being directed to do so.

Any Employee receiving a "shy lung" or "shy bladder" report from a Medical Review Officer, (MRO) will need to acquire a medical explanation of his/her doctor explaining why they cannot physically produce enough air for Breath Alcohol Testing or enough urine for a Drug Specimen Collection.

In the case of prescriptive drug use that may affect an employee's ability to perform his/her job safely, the Town will require the subject to provide, by the next scheduled work day, a bona fide verification of a valid current prescription for the drug identified. The applicant shall be dropped from eligibility or the employee will be subject to disciplinary action when:

(a) Verification of a valid prescription is not provided and the employee has not previously notified his or her supervisor; or

(b) The prescription provided is not in the subject's name.

Specimen samples shall be sealed and labeled. Samples shall be stored in a secure and refrigerated atmosphere. A large enough sample will be taken to allow for a second, follow-up test.

Any sample that has been adulterated or is shown to be a substance other than urine shall be reported as such. Any applicant or employee providing false information about a urine or
breath specimen or who attempts to contaminate such sample shall be subject to removal from consideration for hiring or terminated.

**Results of Drug Testing.** All laboratory results will be reported by the laboratory to a MRO designated by the Town. The MRO will review the results of the test and determine if the sample contains any illegal drug, legal drug or alcohol at levels that would cause impairment or reveal its use in an illegal manner. The MRO will also review the medical history made available by the subject when a confirmed positive test could have resulted from a legally prescribed medication.

The results shall be forwarded immediately to the Town for further review. The Department Head will send a copy of the drug testing results to the employee's home address upon request.

**Positive Results.** When there is a confirmed presence of alcohol at the .04 level or greater or any legal drug, for which in the opinion of the Town no reasonable explanation or proof is provided, the subject shall be deemed to have failed the test. The employee shall be subject to disciplinary action as outlined in the personnel policies of the Town up to and including termination.

In addition, when there is a confirmed presence of alcohol at the .02 level or greater, the employee is deemed unable to safely operate a motor vehicle, operate machinery or perform safety-sensitive work. If these tasks are part of an employee's job (in the opinion of the supervisor), he/she shall be considered unable to work and will be sent home for the remainder of his/her work shift. The individual shall be required to take leave without pay. The employee shall not be permitted to take sick leave or vacation time. The employee shall return to work after a period of 24 hours or at the beginning of their next workday or shift (whichever period is greater). Under this policy, a Brethalyzer test of between .02 and .39 would be considered a positive test and may result in further disciplinary action other than taking leave without pay for the remainder of his/her work day(s) or shift.

**Notification:**

**Job Applicants.** In the case of job applicants, the Town shall notify the applicant. An opportunity to have the original urine sample retested at the applicant's expense shall be afforded. The applicant must request a re-test within 72 hours. If there is a confirmed positive retest, the Department Head shall remove applicant from eligibility for hire.

**Employees.** The Town shall advise the employee of the positive test result. The employee shall be afforded the opportunity to have the original urine sample retested. Retests must be requested within a period of 72 hours after notification of an initial positive test by the Department Head.

**Retesting of Employees:** The original lab (at the Town’s expense) will do a re-test unless the employee wishes to pay for a re-test at a different laboratory. The second test must be done by a SAMHSA certified lab. If the Employee declines a re-test, or, the re-test confirms the
results of the initial test, the Department Head shall be notified. The Department Head shall make a determination of appropriate action to be made.

**Discipline.** As with any issue of employee misconduct, an appropriate investigation and assessment of circumstances needs to be made with guidance from the Department Head and the Appointing Authority. Advice from medical professionals may be sought. A decision to refer for substance abuse evaluation, treatment and/or discipline may be made depending on the nature and severity of misconduct, the employee's work history, and other pertinent facts and circumstances. In certain situations, follow-up drug testing may be recommended and conducted to ensure the employee remains drug and alcohol free. Rehabilitative treatment and follow-up testing shall be the financial responsibility of the employee.

A referral for evaluation by a substance abuse professional is mandatory for CDL holders when there is a positive test. The evaluation by the substance abuse professional shall be the financial responsibility of the employee.

Any disciplinary action will be carried out in accordance with Town Personnel Policies.

**Negative Test Results.** Employees who have been tested for drugs and alcohol, where no substance abuse was found, shall receive notice of such findings from the Town. A copy of this notice and a record of the negative results shall be placed in a confidential folder in a separate, secured file maintained by the Department Head. In the case of job applicants, the Department Head shall notify the Appointing Authority that the applicant is clear for hire.

**Confidentiality.** Laboratory reports of positive test results shall not appear in an employee's general personnel folder. Information of this nature will be placed in a separate confidential medical folder that will be maintained by the Department Head.

The positive reports or test results shall be disclosed only on a need-to-know basis. Disclosures without employee/applicant consent, may also occur when: (1) the information is compelled by law or by judicial or administrative process; (2) the information has been placed at issue in a formal dispute between the Town and the employee; (3) the information is to be used in administering an employee benefit plan such as for drug or alcohol treatment; (4) the information is needed by medical personnel for the diagnosis or treatment of the patient (employee) who is unable to authorize disclosure.

No records containing information required by this policy will be released except as provided as follows:

1) Upon written request of the employee;

2) Upon written authorization of the employee, records will be disclosed to a subsequent employer subject to use as specified by the employee; or

3) Upon specific, written authorization by the employee, records will be released to an identified person, for use only as specified by the employee.
Records may be disclosed to a decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the employee, including, but not limited to, a worker's compensation, unemployment compensation or other proceeding relating to a benefit sought by the driver.

Independent Contractors. Independent contractors and their employees who must hold a CDL for the contracted activity are subject to the requirements of 49 CFR Part 382 and are responsible for compliance with that and related laws. The Town will not provide or pay for tests, evaluation or rehabilitation for independent contractors or their employees. The Town shall make compliance with the law a condition of any contract which requires a CDL driver.

Record Retention Requirements. The Town shall maintain all records related to drug and alcohol testing for each employee in a secure location with controlled access. The Town shall keep all documents sent by the laboratory or the collection site.

37. Workplace Searches

To safeguard the safety and property of our employees, residents, and the Town and to help prevent the possession and use of weapons and illegal drugs on Town premises, it may become necessary to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from Town property. In addition, the Town reserves the right to search any employee’s office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and the Town. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town and are issued for the use of employees only during their employment with the Town. An employee shall have no expectation of privacy in any such Town property. Inspections may be conducted at any time at the discretion of the Town.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, weapons, or illegal drugs, may be subject to disciplinary action, up to and including discharge.

38. END OF EMPLOYMENT CONDITIONS and REQUIREMENTS

End of Employment Notification

When an employee decides to end their employment relationship with the Town, the employee must put their notice into writing to their Department Head. The employee should make every effort to give at least a two week notice in advance of the planned ending date. This will allow the Town to maintain work schedules and provide important services to the public as well as prepare the employee’s ending paperwork and payroll.
Exit Interview
The purpose of the exit interview is to discuss any relevant separation benefits, benefit continuation, and to receive feedback from the employee on ways in which the Town can improve operations and retention of employees.

When an employment relationship with the Town ends for any reason, the Department Head in coordination with Human Resources shall conduct an exit interview with the employee, unless the terminating employee refuses, in which case the employee shall sign an acknowledgment that he/she is refusing to participate in such an exit interview. At the time of this interview, the employee shall account for all Town property in their custody or control.

If an employee refuses to participate in an exit interview, a notation shall be made for the employee’s personnel file.

Benefits – End of Employment
Upon retirement, any full time employee shall receive payment in a sum equal to 1/3 the number of accumulated sick leave time. The amount of sick time eligible for payment shall not exceed 20 days. Employees who are dismissed will receive all accrued vacation leave up to 30 days and shall forfeit any accrued sick leave. An employee who has been employed with the Town less than six months will not be eligible for any accrued time payouts. With all other terminations of employment, employees shall not be paid for accrued sick time.

Employees who retire, resign, or end their employment for reasons other than dismissal will receive all accrued vacation leave. Personal days are non-cumulative and must be used by January 31st of the following year or be forfeited. Bonus leave may be accrued up to 20 days and will be paid out upon termination.

Benefits - Upon Death. If an employee dies while in an employment relationship with the Town, all monies owed the employee, including earned wages up to date of death and any applicable life insurance policy shall be paid to a beneficiary(s) named by the deceased and recorded with Human Resources and/or under the applicable life insurance policy. If no beneficiary is on record, these monies shall be paid to the estate of the employee.

Termination of Employees Not Able to Work. An employee who has exhausted all accrued and approved leaves, and is no longer protected by applicable law, is subject to termination of the employment relationship with the Town.

Unemployment Compensation. The Town pays into the unemployment compensation fund established by the State of New Hampshire. Employees no longer working for the Town may be eligible for unemployment compensation benefits through the NH Department of Employment Security.

COBRA. The “Consolidated Omnibus Reconciliation Act of 1985” (COBRA) requires the Town to offer covered employees and their family members the opportunity for a temporary extension of health insurance coverage through the group at their own expense in certain
instances where coverage would otherwise end. The extension is not automatic and the coverage is not free. For more information on COBRA contact Human Resources.
APPENDIX A

A. Procedures for Military Leave

1) Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the Town with advance written or verbal notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

2) To request a temporary or extended military leave of absence, the employee should provide written notice to the Department Head. However, a written notice is not required under the law or this policy.

3) The Department Head will review and submit such request to the Town Administrator for approval and collect any applicable insurance premiums from the employee, generate other applicable documents, and process accordingly. An employee’s request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the Town Administrator based on a case by case basis.

4) Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence.

5) When the employee intends to return to work, he or she must provide notice of the date of return to work to the Department Head within the time period set forth below.

B. Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

1) An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the employee and covered dependents can continue group health insurance as provided for under USERRA up to 24 months at 102% of the overall (both employer and employee) premium rate. When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

2) Life insurance provided by the Town will terminate immediately following the month in which the employee’s leave of absence begins.
3) The long term disability insurance provided by the Town will terminate immediately following the month in which the employee’s leave of absence begins.

4) Employees do not accrue vacation, personal leave or sick leave while on military leave of absence status.

5) For any applicable retirement plan, upon reemployment, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon reemployment, the employee may, at the employee’s election, make any or all employee contributions that the employee would have been eligible to make had the employee’s employment not been interrupted by military service. Such contributions must be made within a period that begins with the employee’s reemployment and that is not greater in duration than three times the length of the employee’s military service.

C. Reemployment

Upon an employee's prompt notice to the Town of the intent to return to a position of employment with the Town (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1) Less than 91 days of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the Town, in the position in which the employee had been employed prior to military service.

2) More than 90 days and less than 5 years of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the Town, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.

3) Employee with a service-connected disability - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the Town; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.
D. Request for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, notify the Town of the employee’s intent to return to a position of employment according to the following:

1) *If service is less than 31 days* - then the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service.

2) *If service is for 31 days or more but less than 181 days* - the employee must submit a written request for reemployment with the Town Administrator no later than 14 days following the completion of service.

3) *If service is over 180 days* - the employee must submit a written request for reemployment with the Town Administrator no later than 90 days following the completion of service.

4) *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit a written request for reemployment with the Town Administrator no later than two years following completion of service.

E. Exceptions to Reemployment

In addition to the employee's failure to notify the Town of the employee’s intent to return to a position of employment in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1) The Town’s circumstances have so changed as to make reemployment impossible or unreasonable

2) Reemployment would pose an undue hardship upon the Town.

3) The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

4) The employee if discharged from military services did not receive an honorable discharge from military service.

F. General Benefits upon Reemployment

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty,
had the individual remained continuously employed. Upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

G. Documentation

The Department Head will, upon the employee notifying the Town of the employee’s intent to return to a position of employment, request that the employee provide the Town with military discharge documentation to established the timeliness of the request for reemployment, the duration of the military service, and the date of release from active duty or, if discharged, evidence of honorable discharge from the military service.
APPENDIX B

Drug and Alcohol Testing forms
Drug Testing: Reasonable Suspicion Documentation

Date: ________________________

Name of Employee: ________________________

Job Title: ________________________

Location/Department: ________________________

Prior to sending any employee for drug or alcohol testing due to a reasonable suspicion, this form must be completed by a member of management who has had a first-hand observation or conversation with the employee. Document any second member of management who has also witnessed the behavior. If the employee is in a safety sensitive area, remove them from work immediately until a second observer can talk with the employee and/or a decision can be made on whether testing is necessary.

When completing the following document, list all observations you noticed. Be as specific as possible including names of employees/witnesses, when and where you noticed these behaviors occurring, what the employee was doing at the time and any witnesses of these events. Include any observations or changes in appearance, smell, speech, movement or actions of the employee. Some signs of impairment may include slurred speech, difficulty walking, clumsiness, dilated pupils, watery and/or red eyes.

First Observer Name: ________________________

Job Title: ________________________

Observations: __________________________________________

________________________________________

________________________________________

________________________________________

Signature: ________________________

Date: ________________________

Second Observer Name: ________________________

Job Title: ________________________

Observations: __________________________________________

________________________________________________________
Signature: _______________________

Date: _______________________

Once the observations are documented, the involved management should immediately meet with the Department Head, if available, and make a decision as soon as possible on whether or not to send the employee for reasonable suspicion testing to rule out the possibility that they may be under the influence of drugs or alcohol at work. This decision should be made and handled in accordance with the Town’s Alcohol & Drug Free Workplace Policy.

Describe Action Taken: _______________________

______________________________

______________________________
EMPLOYEE CONSENT FOR DRUG AND ALCOHOL TEST

I, __________________________ (Employee’s name), do hereby agree to submit to testing to be performed by ____________________________ (laboratory name/address) for detection of drugs and alcohol. I give permission for test results to be released to the Town of Bristol.

SIGNED this __________ day of __________, 20____.

Employee Signature ____________________________
Date ____________________________

Witnessed by: ____________________________
Date ____________________________
AUTHORIZATION OF APPLICANT FOR DRUG/ALCOHOL TESTING

I, ______________________ (applicant name), do hereby agree to submit to testing to be performed by ______________________ (laboratory name/address) for detection of drugs and alcohol. I give permission for test results to be released to the Town of Bristol.

I understand that positive test results, refusal to be tested, or any attempt to affect the test results or test sample will result in withdrawal of my application for employment, withdrawal of any provisional employment offer I have received from the Town of Bristol or termination of employment, depending on when results are received.

SIGNED this __________ day of __________, 20__.  

Applicant Signature ______________________
Date ______________________

Witnessed by: ______________________
Date ______________________
APPENDIX C
Administrative Review
Employee Statement and Request

The following statement is provided concerning my personal observations regarding an incident involving questionable employee conduct:

Date of Incident

Time of Incident

Individuals Involved

Other witnesses

Description of incident (attach additional sheets as needed):

I certify that this information is an accurate and complete description of my personal observations.

Signature ___________________________ Date __________

Employee ___________________________ Date __________
Written Employee Reminder

From: ___________________________________________ Date __________________

Department Head Name

Department ___________________________________________

To: ________________________________________________

Employee Name Title

Problem situation _______________________________________

Observation of an employee’s conduct (or performance) _______________________________________

Effect of employee’s conduct on performance _______________________________________

Similar situation in the past _______________________________________

Standards expected in the future _______________________________________

Purpose of corrective action _______________________________________

The following consequences will occur if employee fails to meet the above standard _______________________________________

These matters will be reviewed on ____________________ (Date)

Department Head/ Supervisor’s Signature

I have read and received a copy of the above statement.

Employee’s Signature
RECEIPT AND ACKNOWLEDGMENT
OF THE TOWN OF BRISTOL’S
PERSONNEL POLICY

I have received a copy of the Town of Bristol’s (the “Town”) Personnel Policy, and I understand that I am responsible for reading the personnel policies and procedures within it.

I understand that this Manual replaces all prior manuals and may be changed any time without notice by the Town. I acknowledge, subject to applicable law, that my employment is terminable at will, either by myself or the Town, at any time, regardless of the length of my employment or the granting of benefits of any kind. I further understand that this Manual does not create a contract of employment, either express or implied.

I understand that the Town has included in this Manual an Anti-Harassment Policy because the Town seeks to provide a workplace free of sexual and other prohibited harassment. I understand that unlawful harassment will not be tolerated by the Town.

The Town has included a Computer Use and Communications Equipment Policy in this Manual. This policy states that the Town’s computer, electronic, voice mail and e-mail systems are property of the Town to be used primarily for business purposes and are subject to monitoring, searching, and accessing by the Town. The Town equipment and systems are not for my private use.

If I have questions regarding the content or interpretation of this Manual, I will bring them to the attention of my supervisor or Department head.

Employee
Name ____________________________ Date __________________

Employee
Signature ________________________

PLEASE SIGN ABOVE AND RETURN THIS FORM TO YOUR DEPARTMENT HEAD.