

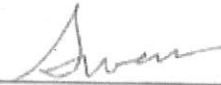
TOWN OF NEW DURHAM HUMAN RESOURCE POLICY MANUAL



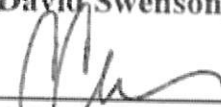
2019

Town of New Durham

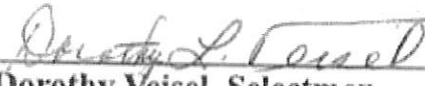
**New Durham
Select Board:**



David Swenson, Chair



Cecile Chase, Vice Chair



Dorothy Veisel, Selectmen

Town of New Durham Human Resource Policy Manual

WELCOME TO NEW DURHAM

Starting a new job is exciting but at times can be overwhelming. This Human Resource Policy and Procedures Manual has been developed to help you get acquainted with the Town of New Durham as your employer and answer many of your human resource related questions.

As an employee of the Town of New Durham, New Hampshire the importance of your contribution to the various services the Town offers is highly valued. Our goal is to provide the public with the finest and most efficient service possible in all Town service departments. Your work each day is critical to our success in achieving this goal.

This Human Resource Policy Manual explains the Town's human resource related policies and the many employee benefits New Durham offers to its employees. While the Manual covers many human resource policy related topics, it is not intended to address all the possible situations that may arise. For that reason, if you have any questions concerning eligibility for a particular benefit or the applicability of a policy or practice to you in your capacity as an employee you should address your specific questions to your Department Head or the Town Administrator.

The New Durham Select Board, the Town Administrator, and the people of New Durham welcome you and look forward to a mutually beneficial work relationship as you progress in your career.

We hope you will find your work to be both challenging and rewarding.

Sincerely,



David W. Swenson

Chair, New Durham Select Board



Scott D. Kinmond, CPM

Town Administrator

ABOUT THIS HUMAN RESOURCE POLICY MANUAL

The policies and procedures outlined in this Manual should be regarded as guidelines only, these may require changing from time to time. New Durham retains the right to make decisions involving employment as needed to conduct its work in a manner that is beneficial to the employees and the Town of New Durham. This Manual supersedes and replaces all Human Resources prior Manuals, policies, procedures, and practices of the Town of New Durham; provided, however, that the policies of the New Durham Police Department that may otherwise conflict with this policy shall nevertheless apply to only police personnel.

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

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

Please also be aware that the Board of Selectmen for the Town of New Durham reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Manual at any time, in its sole discretion. If and when changes are made, you will be given replacement pages for those sections that have been revised. A copy of the Human Resource Policy and Procedure Manual is also available at Town Hall.

This document supersedes all Human Resource policies and procedures previously established or approved by the Board of Selectmen for the Town of New Durham, New Hampshire.

Date of Origin	02/12/18
Last Reviewed	07/31/18
Date Approved	07/31/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

TABLE OF CONTENTS

WELCOME TO NEW DURHAM	2
ABOUT THIS HUMAN RESOURCE POLICY MANUAL	3
EQUAL EMPLOYMENT OPPORTUNITY STATEMENT / POLICY	7
AMERICANS WITH DISABILITIES ACT (ADA / ADAAG) & REASONABLE ACCOMMODATION POLICY	8
ANTI-HARASSMENT POLICY	10
APPEAL PROCESS POLICY	13
ATTENDANCE POLICY	15
BEREAVEMENT LEAVE POLICY	17
BULLETIN BOARD POLICY	19
CERTIFICATIONS, LICENSURE, & REGISTRATIONS POLICY	20
COMPENSATION ADMINISTRATION POLICY	21
CONDUCT STANDARDS POLICY	24
CONFIDENTIAL INFORMATION MANAGEMENT POLICY	28
CONFLICT OF INTEREST POLICY	30
CONTINUATION OF HEALTH CARE INSURANCE COVERAGE POLICY (COBRA)	32
DENTAL & VISION PLAN POLICY	34
DIRECT DEPOSIT POLICY	36
DRESS CODE POLICY	37
DRUG FREE WORKPLACE POLICY	38
ELECTRONIC DEVICES COMMUNICATIONS POLICY	41
EMPLOYEE ASSISTANCE PROGRAM (EAP) POLICY	48
EMPLOYEE BENEFITS OVERVIEW	49
EMPLOYEE HUMAN RESOURCE FILES POLICY	50
EMPLOYMENT AT WILL POLICY	52
EMPLOYMENT CLASSIFICATIONS – EXEMPT & NON-EXEMPT POLICY	53
EMPLOYMENT CLASSIFICATIONS POLICY	55
EMPLOYMENT OF MINORS POLICY	57
EMPLOYMENT OF RELATIVES & DOMESTIC PARTNERS POLICY	58

ETHICS POLICY	60
EXIT INTERVIEW POLICY	68
FAMILY & MEDICAL LEAVE (FMLA) POLICY	69
GARNISHMENT OF WAGES POLICY	76
HIRING POLICY	77
HOLIDAY POLICY	81
INTRODUCTORY PERIOD POLICY	83
JOB PERFORMANCE REVIEWS POLICY	84
JOB POSTINGS, TRANSFERS, & PROMOTIONS POLICY	88
JURY DUTY LEAVE POLICY	90
LIFE INSURANCE PLAN POLICY	91
LONG TERM DISABILITY PLAN POLICY	92
MATERNITY LEAVE OF ABSENCE POLICY	93
MEDICAL BENEFIT PLAN POLICY	96
MILITARY LEAVE OF ABSENCE POLICY	98
MOTOR VEHICLES USED FOR TOWN BUSINESS – TOWN OWNED OR PERSONAL VEHICLE POLICY	101
MOTOR VEHICLE VIOLATIONS POLICY	104
NOTARY PUBLIC SERVICE POLICY	105
ON-CALL POLICY	106
OVERTIME POLICY	107
PAID TIME OFF (PTO)	109
PARKING FACILITIES POLICY	113
PAY AND PAY PERIODS POLICY	114
PAYROLL DEDUCTIONS POLICY	115
PERSONAL LEAVE OF ABSENCE POLICY	119
PROGRESSIVE DISCIPLINE POLICY	121
REPORTING OF TIME WORKED POLICY	126
REST & MEAL BREAKS POLICY	127
RETIREMENT PLANS POLICY	128
SAFETY COMMITTEE / JOINT LOSS MANAGEMENT COMMITTEE POLICY	129

SAFETY MANAGEMENT POLICY	130
SECURITY & SAFETY GUIDELINES POLICY	132
SEPARATION FROM EMPLOYMENT POLICY	133
SEVERE WEATHER POLICY	135
SEXUAL HARASSMENT POLICY	137
SHORT TERM DISABILITY POLICY	140
SMOKE-FREE WORKPLACE POLICY	141
SOCIAL SECURITY POLICY	142
SOLICITATION & DISTRIBUTION POLICY	143
SUGGESTIONS & IDEAS POLICY	145
TEMPORARY ALTERNATIVE WORK ASSIGNMENT POLICY	146
TRAVEL REIMBURSEMENT POLICY	149
UNEMPLOYMENT INSURANCE POLICY	151
VICTIMS OF CRIME LEAVE OF ABSENCE POLICY	152
VOTING TIME OFF POLICY	154
WORK WEEK & HOURS OF WORK POLICY	155
WORKERS COMPENSATION POLICY	156
WORKPLACE VIOLENCE PREVENTION POLICY	159
ACKNOWLEDGMENT RECEIPT OF HUMAN RESOURCES POLICY MANUAL	161

EQUAL EMPLOYMENT OPPORTUNITY STATEMENT / POLICY

PURPOSE

Define the Town of New Durham's position regarding equal employment.

POLICY

The Town of New Durham is an equal opportunity employer. The goal of the Town is to provide equal employment opportunities to all employees and applicants for employment and all employees working for the Town are not to be discriminated against regardless of their age, color, race, gender, sexual orientation, pregnancy, national origin, religion, disability, veteran or military status, genetic information, or any other characteristic that is protected by the law.

In accordance with state and federal law this policy applies to all terms, conditions and privileges of employment including, but not limited to hiring, training, promotion, transfer, compensation, benefits, and termination. Individuals will be selected for employment only on the basis of ability, experience, training, and other factors that are directly related to their ability to perform the job duties.

The Board of Selectmen is responsible for formulating, implementing, coordinating, and monitoring all efforts in the area of equal employment opportunity with the Town Administrator being the delegated manager of the operational implementation of this policy. All employees must comply with this policy and are expected to support it. All Supervisors have a responsibility to be knowledgeable about the policy, communicate it to all employees, ensure compliance with the policy in their areas of responsibility, and to otherwise support and participate in the Town's equal opportunity philosophy.

Any individual who experiences, observes, or learns of conduct that may constitute a denial of equal employment opportunity or deviation from this policy must report it immediately to his or her supervisor or to the Town Administrator.

Date of Origin	01/04/18
Last Reviewed	04/02/18
Date Approved	04/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

AMERICANS WITH DISABILITIES ACT (ADA / ADAAA) & REASONABLE ACCOMMODATION POLICY

PURPOSE

Ensure equal employment opportunities to qualified individuals with a disability, making reasonable accommodation for the known disability of an otherwise qualified individual.

POLICY

It is the Town of New Durham's policy to not discriminate against qualified individuals with physical and mental disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The Town of New Durham's policy is to comply with all federal and state laws concerning the employment of a person with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC).

It is the goal of the Town of New Durham to make reasonable accommodations for the known disability of an otherwise qualified individual to perform the essential functions of the job, unless undue hardship or a direct threat to workplace safety on the operation of business would result. Every effort will be made to make reasonable accommodations so as to afford enjoyment of the same benefits and privileges of employment.

The New Durham Town Administrator is to be notified if, because of a disability, the individual requires an accommodation to perform the essential functions of the job. A request to provide medical information regarding the disability and possible accommodations may be required so that a determination of eligibility for accommodation may be made and to identify potential reasonable accommodations.

All medical information will be maintained in a confidential manner in accordance with the ADA, and will provide reasonable accommodations as required by law. The Town may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable in meeting the necessary job requirements or cause an undue hardship.

Pursuant to 28CFR Section 35.107 of the ADA, the Town of New Durham has designated the New Durham Town Administrator (TA) to be the New Durham ADA Coordinator. That individual will coordinate the Town's efforts to comply with the Americans with Disabilities Act, including investigation of any complaint alleging non-compliance or actions that would be prohibited by this Act.

Grievance Procedure

Grievances under the ADA will be handled according to the following procedure:

- 1) Any individual may file an ADA grievance with the New Durham Town Administrator. The grievance should be in writing and briefly describe the action alleged to be prohibited by the Act. Alternative means of filing are available to those with disabilities who required such alternatives.
- 2) The ADA Coordinator shall conduct an investigation of the grievance as may be appropriate to determine its validity. The ADA Coordinator shall notify the New Durham Select Board of any ADA grievance within two (2) business days of receiving the grievance. In cases where the ADA Coordinator is directly involved with the grievance, the grievant shall be given the option of having an Alternate ADA Coordinator named by the New Durham Board of Selectmen for subsequent action on the grievance.
- 3) Within ten (10) business days of receipt of the grievance, the ADA Coordinator shall meet with the grievant to discuss the findings of the investigation. The ADA Coordinator may attempt to resolve the grievance with the consensus of the New Durham Select Board.
- 4) If unable to resolve the grievance the ADA Coordinator shall, within ten (10) business days of the meeting with the grievant, forward a report on the facts to the Board of Selectmen as well as the grievant, and the Board of Selectmen shall meet with the individual who filed the grievance within fifteen (15) business days of receiving the report and attempt to resolve the grievance with the assistance from the Town Counsel, if necessary.
- 5) If unable to resolve the grievance, the Board of Selectmen shall, in writing, explain its findings and rationale, provide a copy of the decision to the grievant, and maintain such file for three years. The grievant shall have all rights as provided in state and federal law.

Date of Origin	01/22/18
Last Reviewed	04/02/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

ANTI-HARASSMENT POLICY

PURPOSE

Define the Town of New Durham's policy regarding harassment.

POLICY

The Town of New Durham is committed to providing a work environment free from harassment in which people are treated with dignity, decency and respect. The environment should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. Thus, the Town of New Durham will not tolerate harassment of any kind. Through enforcement of this policy and by education of employees, the Town will seek to prevent, correct and discipline behavior that violates this policy.

All employees, regardless of their position, are covered by and are expected to comply with this policy and take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based upon the nature and seriousness of the harassment, disciplinary action may include verbal or written corrective action; suspension, or termination of employment.

In support of our commitment to an harassment free work environment the Town of New Durham prohibits harassment of an employee, co-worker, or any person working for or on behalf of the Town of New Durham. Harassment towards an individual based upon their national origin, race, color, religion, gender, sexual orientation, age, body, disability, or appearance or any other characteristic protected by law are prohibited. Any employee who harasses another employee, citizen, or visitor on the basis outlined in this policy will be subject to discipline up to and including discharge.

- A. Harassment is any unwelcome verbal, non-verbal, and/or physical conduct designed to threaten, intimidate, or coerce another individual. This may include but not limited to:
 - 1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment; or
 - 2. Submission 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.
- B. The Town defines harassment as follows:

Harassment may be verbal and / or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her age, color, race, gender, sexual orientation, pregnancy, national origin, religion, disability, veteran or military status, genetic information or any other characteristic that is protected by the law and that:

(1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of the Town of New Durham's Anti-Harassment policy. However, the following are some examples of conduct which may constitute harassment:

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

The Town of New Durham prohibits all of the activities discussed above, whether engaged in by a supervisor, agent, employee, co-worker, or non-employee (such as a vendor or visitor) who is on the Town of New Durham premises or who comes in contact with a Town of New Durham employee(s).

Reporting Procedure for Harassment

Any employee who feels that he or she has experienced sexual or other unlawful harassment and discrimination or retaliation should immediately report such actions in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

- A. If an employee believes (s)he have experienced sexual or other unlawful harassment, discrimination or retaliation, the employee should report the incident immediately to the department head or the Town Administrator.
- B. Supervisors, department heads, or managers who become aware of discriminatory or harassing conduct, a complaint of discrimination or harassment, or retaliation must report the conduct and / or complaint immediately to the Town Administrator. The Town Administrator, in turn, will inform the Board of Selectmen in a timely manner of any complaint and the activities taken relative to any needed corrective actions.
- C. The Town Administrator or his / her designee will promptly investigate incident(s) reported through this procedure. Any employee, supervisor, or agent of the Town of New Durham who has been found to have engaged in conduct that violates the Town of New Durham's Anti-Harassment Policy will be subject to appropriate remedial and/or disciplinary action, up to and including immediate discharge. The complainant will be informed generally of the outcome of the investigation and whether remedial action is being taken by the Town of New Durham.

- D. The Town Administrator will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.
- E. The Town Administrator or designee will provide regular updates (minimally weekly) during the investigative process to the employee who has submitted the complaint to keep the individual informed of the status of the on-going investigative process.

Retaliation

The Town of New Durham is required to comply with the Whistle Blowers Protection Act (RSQ 275-E). Therefore, the complainant can raise concerns and make reports without fear of reprisal or retaliation.

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

The Town of New Durham recognizes that it is the employee's option, whether the complainant or the respondent, to choose to seek outside, formal legal remedies. However, the Town of New Durham desires to actively work with the employee(s) to work through the issue internally to a mutually satisfactory resolution.

Date of Origin	01/22/18
Last Reviewed	04/02/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

APPEAL PROCESS POLICY

PURPOSE

Define the Town of New Durham's process for an employee to appeal a corrective action or disciplinary incident.

POLICY

The Town of New of New Durham maintains the right to exercise the customary functions and responsibilities of management. The rights include, but not limited to the right to manage and control the Town grounds and equipment; the unrestricted right to select, hire, promote, suspend, dismiss, assign, train; determine supervisory personnel; and to supervise and discipline employees.

Also, the Town maintains the right to determine and change starting times, quitting times, and shifts; to transfer employees within department or into other departments and other classifications; to establish change, and abolish its policies, practices, rules and regulations; determine and change methods and means by which its operations are to be carried out; to assign duties to employees in accordance with the needs and requirements determined by the Town; and to carry out all ordinary functions of management.

In situations where an employee feels that a disciplinary action has not appropriately been administered the Town of New Durham provides a process for an employee to appeal a disciplinary action including termination of employment for cause. This appeal process may be used where the employee believes the disciplinary measure was too harsh for the offense or believes it is unjust for some other reason.

The appeal process allows review and response by various levels of management from those directly responsible for the employee. The policy applies to non-leadership employees after three months of employment. An employee may not appeal Performance Evaluations under this policy.

The Town of New Durham has a three (3) step appeal process procedure:

Step 1: The employee shall submit the appeal in writing to his or her Department Head or immediate Supervisor.

Step 2: If the employee's immediate supervisor is not a Department Head and the employee is not satisfied with the response from his or her immediate supervisor, then the employee may submit an appeal to the employee's Department Head with a copy to the Town Administrator.

Step 3: If the employee is not satisfied with the Department Head's decision, the employee may submit an appeal to the Board of Selectmen in care of the Town Administrator. The Town Administrator shall provide a recommendation to the Board of Selectmen and the Board shall consider the appeal at its next regularly scheduled meeting. When considering termination of a public employee pursuant to the provisions of RSA 43, consideration of that appeal may include sufficient notice and an opportunity to respond and be heard. The Town Administrator shall provide a copy of the Select Board's decision to the employee by hand delivery or by certified mail return receipt requested. The decision of the Board on the employee appeal shall be final.

The Police Department may have additional related policies which are applicable to that department.

Date of Origin	05/30/18
Last Reviewed	07/18/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

ATTENDANCE POLICY

PURPOSE

Outline the Town of New Durham's policy and process for handling employee absences and instances of tardiness.

POLICY

Regular, punctual attendance is an essential responsibility of each employee for the Town of New Durham. An employee is required on a regular basis to meet scheduled assignments and provide for the business operations of the Town of New Durham as assigned. When an employee is absent the service they provide may be missed and an additional burden is placed upon other employees. For these reasons it is essential that employees meet their assigned working schedule.

An employee is expected to report to work as scheduled, on time, and be prepared to start work at the time assigned. An employee is also expected to remain at work for the entire work schedule. Unauthorized late arrival, early departure, or other unauthorized absences from scheduled hours are disruptive and are to be avoided and may be subject to disciplinary process.

However, the Town of New Durham understands that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise.

If an employee is going to be late to work or unable to report to work the employee must notify his or her Department Head no later than 30 minutes prior to the start of the shift or as soon as possible. By giving the Department Head as much notification time as possible will allow for arranging alternative coverage that may be needed. . If an employee knows in advance that (s)he will need to be late or absent from work, then the employee is required to request, in writing, the requested time off directly from the Department Head.

When an employee is going to be late arriving to work the employee should indicate to the Department Head when (s)he expects to arrive for work. If an employee is unable to call in because of an illness, emergency, or for some other reason the employee should arrange to have someone call on his or her behalf.

When an employee is absent from work for three (3) consecutive days without notifying the Department Head it will be considered that the employee has voluntarily resigned from employment with the Town of New Durham. Furthermore, three (3) absences in a 90-day period, or a consistent pattern of absence, will be considered excessive, the reasons for the absences may come under question and corrective action measures will be initiated up to and including termination of employment.

An employee who has three (3) consecutive days of excused absences because of illness or injury must provide the Department Head with proof of physician care. If an illness or injury prevents an employee from performing his or her regularly scheduled duties, a physician's statement must be provided verifying a) the nature of the illness or injury, b) if and when the employee will be able to return to work, and if applicable, c) whether the employee is capable of performing his or her regularly scheduled duties, and if not, what duties the employee is capable of performing. The employee is responsible for providing the Town of New Durham with the above described physician's proof of physician's care. Without an acceptable excuse the employee may be subject to discipline up to and including immediate termination.

If an employee is late or leaves early from work with three (3) unexcused incidents in a 90-day period it will be considered a "tardiness pattern" and will be considered excessive. Under these conditions the reasons for tardiness or leaving early may come under question and corrective actions measures will be initiated. Other factors, such as the degree of lateness, may be considered in reviewing these instances.

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

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

An absence is defined as the failure of an employee to report for work when the employee is scheduled to work. There are two types of absences excused and unexcused, which are defined as follows:

Excused Absence: is an absence when all four of the following conditions are met:

- The employee provides sufficient notice to the employee's Department Head
- The reason is found credible or acceptable the employee's Department Head
- The request is approved by the Department Head
- The employee has sufficient accrued PTO to cover such absence. The employee must take earned PTO for every absence unless otherwise allowed by the Town of New Durham policy (e.g. Bereavement Leave, Leave of Absence, etc.)

Unexcused Absence: is an absence when one of the four conditions as outlined in the Excused Absence section is not met.

Date of Origin	04/09/18
Last Reviewed	07/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

BEREAVEMENT LEAVE POLICY

PURPOSE

Define the Town of New Durham's guidelines for Bereavement (Funeral) Leave.

POLICY

The Town of New Durham desires to be supportive of any employee who has experienced a death of an immediate family member. After 90 days of employment, a full-time or part-time employee may be eligible for bereavement leave.

In the event of the death of an employee's immediate family member the Town of New Durham provides up to three (3) days off for a full- time or part-time employee. The time away will be without loss of pay. Pay for part-time employees will be pro-rated based on the number of hours, if any, the employee regularly works on the days away.

In special circumstances more time away may sometimes be needed, supervisor permission is to be obtained and the employee may supplement the time away for bereavement utilizing PTO time. Bereavement leave will not count against the employee's attendance record.

Bereavement pay is calculated at the employee's base rate of pay in effect at the time of the leave. Bereavement hours will not be considered as time worked when calculating overtime hours.

The immediate family for purposes of this policy is defined and includes the following:

- Spouse
- Civil union partner, Domestic partner
- Children – biological, adoptive, step-children
- Parents, including step-parents & in-laws
- Brothers, including step-brother(s)
- Sisters, including step-sister(s)
- Brother-in-law
- Sister-in-law
- Grandparents
- Grandchildren
- Legal Guardian

In the case of a death of an employee the Town Administrator will assist the surviving spouse or estate in the following manner:

All unused accumulated PTO time will be paid out and forwarded to the spouse or estate

All earned but unpaid wages will be paid and forwarded to the spouse or estate

The Town Administrator will assist in processing the life insurance claim and any applicable retirement benefits

The Town's Employee Assistance Program (EAP) will be available to support the spouse or estate per the Town's benefit policies

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	04/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

BULLETIN BOARD POLICY

PROCEDURE

Define the Town of New Durham guidelines for the posting information on Town bulletin boards.

POLICY

The Town of New Durham maintains bulletin boards to transmit information to employees such as those required by federal, state, and local workplace guidelines. Bulletin board postings also can facilitate communication on various workplace and business activities such as general Town announcements.

Bulletin boards are located at the various Town departments and use of the bulletin boards is subject to the following guidelines:

- All notices or communications to be posted on any Town bulletin board by an employee or third party must have the prior review and approval by the Department Head and / or Town Administrator
- The item being posted must fall into one of the following categories
 - An important policy item
 - An item required by law
 - A Town of New Durham activity
 - A community event sponsored by the Town of New Durham
- Employees should make an effort to check the bulletin board at the beginning of each shift
- Bulletin board posting(s) will be available in languages other than English, when required or needed

Date of Origin	05/30/18
Last Reviewed	07/03/18
Date Approved	07/03/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

CERTIFICATIONS, LICENSURE, & REGISTRATIONS POLICY

PURPOSE

Define the Town of New Durham's process for position's requiring specialized credentials.

POLICY

Certain positions require state and / or national licensure, registration, or certification. An employee who is hired into or transfers into such a position must have their status verified upon employment or transfer. Additionally, the status verification must be done at the time of the employee's renewal of license, registration, or certification.

An employee is responsible for maintaining current licensure, registration, or certification if that is required for the position. The failure to renew or keep current the specialized credential may result in suspension or termination of employment. It is also the employee's responsibility to make sure the Town has a copy of this license, registration, or certificate at time of hire, transfer, or renewal. This copy should be provided to the Town Administrator for purposes of keeping in the employees human resource file.

For an employee in which a job required certification, licensure, or registration is a prerequisite for the position the Town of New Durham will cover the cost of the certification once the employee has obtained the certification, etc.

If an employee loses his/her license, registration, or certification status for any reason, the employee must immediately notify their Department Head and the Town Administrator

Date of Origin	06/05/18
Last Reviewed	07/11/18
Date Approved	07/18/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

COMPENSATION ADMINISTRATION POLICY

PURPOSE

Outline the Town of New Durham's compensation process that provides defined parameters to achieve effective compensation administration.

POLICY

The Town of New Durham's goals for an effective Compensation Program are:

- Provide a compensation program which meets the business needs and supports the ongoing changes of the Town
- Provide competitive compensation opportunities which enable the Town to select, grow, and retain high performing employees
- Emphasize a culture which balances rewards and recognition for both individual and Town success
- Communicate the compensation program effectively to employees to promote motivation and understanding
- Eliminate individual judgements on routine matters
- Produce coordinated, consistent, and fair wage administration
- Outline the authority of delegation of compensation.

The Board of Selectmen has developed a wage classification system for certain positions. The wage classification system is subject to the provisions set out below.

- A. The Board of Selectmen may direct the Town Administrator to conduct a wage study of salary levels at least every five (5) years. From that wage study, the Town Administrator may then make wage adjustment recommendations to the Board of Selectmen. The Board of Selectmen will then make final wage adjustment decisions for each Town employee.
- B. From the wage study, market compensation levels are defined into quartile ranges and the Board of Selectmen will determine the Town's wage philosophy on where the Town's compensation ranges for each position will be. The Board of Selectmen may then assign each position to a wage range quartile based upon the relationship to other positions as defined by market data from the wage study.
- C. In all cases, the implementation of any wage adjustment(s) is subject to the availability of funds and up to the sole discretion of the Board of Selectmen in how to allocate those funds.

- D. An employee may receive a merit and / or market wage adjustments annually.

The Board of Selectmen will determine an employee's initial placement in the wage classification system based upon their level of education and experience for the position in which they are hired.

Eligibility for a merit increase is based upon an employee's performance review / evaluation as well as availability of funding.

PAY GRADE RANGE

Each Town position has a pay range. The range is determined based on: 1) the value of those skills in the market, 2) the general labor market, and 3) internal equity.

JOB POSITION ADJUSTMENTS

On a routine basis job positions will be compared to market survey data as well as internal equity factors. It is the philosophy of the Town of New Durham to place position pay ranges competitively to the local market. Survey data is used to determine this information. Based on these results recommendations for adjustments may be made by the Town Administrator and any wage adjustment decisions made and approved by the Board of Selectmen. When an adjustment to a job position is recommended the following may occur:

- The job position could be placed on a new pay grade with no increase for employees
- Employees below the new minimum of the pay range normally would receive an increase to the new minimum rate
- Employee's wage rates should be reviewed so new hires will not cause wage compression or internal equity issues.
- The policies for promotion may apply
- Job class adjustments may be utilized

NEW HIRE

The rate of pay for a new employees shall normally be set at the minimum of the pay range for the position in which hired. However, based upon job qualifications, experience, and business needs, the Board of Selectmen may approve a higher rate of pay.

SELECTIVE SALARY AND / OR WAGE ADJUSTMENT

Selective salary and / or wage adjustments may occur based on the following:

- A. The Town Administrator may recommend a selective salary adjustment to an employee's rate of pay in order to mitigate an inequity caused by merit increase, pay freeze, significant labor market changes, or other similar circumstances.
- B. The Town Administrator shall submit a written rationale supporting the recommendation to the Board of Selectmen.
- C. A selective adjustment is subject to the availability of funds and the Board of Selectmen's discretion.
- D. Any selective salary or wage adjustment must be approved by the Board of Selectmen.

PROMOTION

A salary increase adjustment may be made, at the discretion of the Board of Selectmen when an employee is being promoted. Factors taken into consideration for this decision may include further education and experience for the new position.

REASSIGNMENT

Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid at least the same wage the employee received prior to the reassignment.

RECLASSIFICATION

If the Board of Selectmen reclassifies a position to a higher level, the Town Administrator shall adjust the incumbent's salary to at least the minimum of the new range.

A reclassification increase is subject to the availability of funds.

If the Board of Selectmen reclassifies a position to a lower pay level, the employee's pay rate shall remain the same. If the employee's pay rate exceeds the maximum of the new range, the employee will not receive a rate of pay increase until the salary range aligns with the employee's rate of pay.

DEMOTION

If an employee is demoted, either voluntarily or involuntarily, the Town Administrator and Board of Selectmen may adjust the employee's salary based upon the reclassification process.

Date of Origin	06/05/18
Last Reviewed	07/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

CONDUCT STANDARDS POLICY

PURPOSE

Define the Town of New Durham's expectations and standards for employee behavior.

POLICY

The Town of New Durham strives to be a place where people are able to perform their purposeful and worthwhile work while supporting the goals and operations of the Town. The Town New Durham expect that all employees fulfill performance expectations; to comply with standards of behavior; follow Human Resource Policies as well as conform to all established operating policies and procedures; and to act respectfully and courteously at all times to other employees, supervisors, and the public.

The Town of New Durham Conduct Standards are intended to promote consistency and harmony in the workplace and to support the missions and objectives of the Town. These standards of conduct are a guidepost for how employees should conduct themselves while at work.

The list of inappropriate behaviors provided in this policy serve as a guide but is not an all-inclusive list for what types of behaviors are prohibited.

An employee not abiding by the Conduct Standards, including an incident(s) not listed, but considered inappropriate may be subject to discipline up to and including termination. The following list of Conduct Standards are provided as examples but not intended to be an all-inclusive listing:

Failure to adhere to the Conduct Standards

Falsification of Records

Falsification of information on Employment Application or Town or Employee records

Falsification of hours worked

Clocking in and out for another employee or allowing another employee to clock in and / or out on the employee's behalf.

Absence and Lateness

Excessive absenteeism and / or lateness

Failing to call in when absent

Overstaying allotted break time

Leaving the work area or work early without permission

Misuse of any leave of absence

Employee Relations

- Using abusive language to any person while at work
- Creating any type of disturbance
- Demonstrating a lack of cooperation
- Verbally abusing or neglecting visitors or residents of the Town

Safety

- Violation of safety regulations
- Endangering the health or safety of other persons
- Failing to report any work-related accidents
- Threatening bodily harm, intent to strike, or striking another person
- Reporting to work under the influence of alcohol or drugs
- Wearing unsafe apparel

Crime

- Negligent or intentional destruction of another person's possessions or the Town's property
- Conviction of a crime

Dishonesty

- Dishonesty to a coworker, resident, the public, or to the Town

Incompetence

- Repetition of avoidable mistakes to a point that the mistakes demonstrate a disregard for the Town's interest

Intoxicants

- Bringing, possessing, dispensing, selling, buying or using alcoholic beverages or illegal drugs on Town property or while on the job
- Being under the influence of or testing positive for alcohol or illegal drugs during work hours

Neglect of Duty

- Failure to fulfill job requirements or standards of efficiency and productivity

Neglect of duties resulting in inferior work, equipment breakdown or waste of materials, supplies or products

Inattention to duties

Sleeping on duty

Unsatisfactory Job Performance

Failing to demonstrate the requisite skills or abilities to satisfactorily discharge the employee's duties

Weapons

Possession of any kind of weapons on Town property other than that which may be required by the employee's job description

Telephone, Facsimile, Computer, E-Mail, Copier

Excessive use of Town telephone, facsimile, computer, e-mail, Internet access and / or copier for personal purposes

Installing unauthorized software and unlicensed programs and any Town owned electronic device

Theft or Destruction of Property

Theft or negligent or intentional destruction of any Town property or the personal property of a coworker, resident, or the public

Sexual or Other Unlawful Harassment

Discrimination, sexual or other unlawful harassment, and / or inappropriate conduct in violation of Town policy

Retaliation against anyone who has complained of alleged harassment or discrimination or has participated in an investigation of a complaint

Insubordination

Acting in an insubordinate manner toward any supervisor

Disregarding any directive of the Town

Refusal to follow instructions or perform assigned work

Violation of the Town's Policies, Procedures or Rules

Violating or failing to follow the Town's policies, procedures or rules

Violation of the Town's policy on solicitation and distribution of literature

As noted above, the Town of New Durham strives to be a place where people are able to perform their work while supporting the goals and operations of the Town. The Conduct Standards for the Town New Durham are so that all employees fulfill performance expectations; follow all Human Resource Policies as well as conform to all established operating policies and procedures. The principle for this and all other policies is to act respectfully and courteously at all times to other employees, supervisors, and the public.

These standards of conduct are a guidepost for how employees should conduct themselves while at work.

Date of Origin	05/15/18
Last Reviewed	06/05/18
Date Approved	06/05/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

CONFIDENTIAL INFORMATION MANAGEMENT POLICY

PURPOSE

Outline the Town of New Durham's policy regarding confidential documents and information.

POLICY

The Town of New Durham's philosophy is to foster an environment that appropriately safeguards all information and records. The protection of confidential business information, operations, projects, strategies, employees and citizens is vital to the interests and success of the Town.

Confidential information is any and all information disclosed to or known by the Town of New Durham that is not generally known to people outside of the Town of New Durham nor available to the public or exempt from disclosure to the public pursuant to the state's Right-To-Know laws (RSA 91-A) or other applicable laws that may designate certain information as "confidential".

It is the responsibility of the Department Head to educate all their employees regarding the confidentiality of information. To maintain confidentiality only designated individuals will be authorized to have access to specific confidential information.

The nature of the material contained in an employee's human resource record requires that strict confidentiality be maintained at all times in reference to access of this information. To maintain confidentiality only designated individuals will be authorized to have access to specific information in an employee's human resource record / file.

At no time should any of the Town of New Durham information, including, without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town) be removed from the Town's premises without permission from the Town of New Durham Town Administrator. Additionally, the contents of the Town's records may not be disclosed to anyone, except as required by law.

Any employee who is unsure about the confidential nature of specific information is expected to seek clarification from the Town of New Durham's Town Administrator. An employee who improperly uses or discloses either intentionally or unintentionally confidential information will be subject to disciplinary action, up to and including termination of employment.

All inquiries from the media must be referred to the Town of New Durham's Town Administrator and / or Chair of the Board of Selectmen.

This provision is not intended to, and should not be interpreted to, prohibit employees from discussing their own wages and other terms and conditions of their employment if they so choose.

Date of Origin	04/09/18
Last Reviewed	06/27/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

CONFLICT OF INTEREST POLICY

PURPOSE

Define the Town of New Durham's conflict of interest standards.

POLICY

An employee of the Town of New Durham is expected to conduct themselves and all business affairs in a consistently ethical manner. Conflicts of interest pose a serious threat to the integrity of the Town of New Durham's business as well as to the public to whom they serve. Therefore, such conflicts are to be disclosed as soon as they are incurred and are to be avoided in all employee actions.

The Town of New Durham expects that all employees and officials conform to the highest ethical and legal standards. An employee is required to refrain from engaging in any activities that creates an actual conflict of interest; the appearance of a conflict of interest; or have the potential for a conflict of interest.

A conflict of interest exists any time an employee's loyalty to the Town of New Durham is, or appears to be divided by an outside interest in which the employee is in a position to receive personal benefit from actions or decisions made in his or her official capacity in the workplace.

It is not possible to define all the circumstances and relationships that might create a conflict of interest. The following examples hold true for the employee and / or a family member but are not intended to be an all-inclusive list of potential conflicts of interest.

- Using one's position in the Town of New Durham or knowledge of the Town's business for personal gain.
- Conducting the Town of New Durham business or suggesting the Town does business with an organization in which an employee or a close relative of the employee has a substantial ownership or interest.
- An employee may not discourage a potential or actual customer from doing business with the Town of New Durham or otherwise assist a competitor. Any act which steers business away from the Town for the employee's personal gain is improper.
- Investing in any of the Town of New Durham's vendors or suppliers (unless the securities are publicly traded and the investments are on the same terms available to the general public and not based on any inside information.
- Having any financial interest in a vendor or supplier that could cause divided loyalty or even the appearance of divided loyalty.
- Receiving or solicitation of any gifts, entertainment, or favors with a value of more than \$25 from members of the public or from any Town vendors or suppliers. The acceptance of gifts of nominal value may be accepted if the gift would not influence and would not reasonably appear to others to be capable of influencing the employee's business judgement.
- Misusing privileged information or revealing confidential data to an outsider.

- Using, directly or indirectly, Town funds, assets, or other resources for any unlawful goal or purpose.
- Engaging in practices that violate federal, state or local laws or ordinances.

When an employee is speaking out on public issues or as a member of an outside organization, the employee should never give or permit the appearance of speaking on behalf of the Town of New Durham unless the employee has been specially authorized to do so.

When an employee serves as a member of an outside organization or in public office, the employee should abstain from any decision or discussion that could affect the Town of New Durham. The employee should disclose why they are abstaining.

If an employee has any questions regarding these guidelines or feels that a potential conflict of interest may exist the employee should discuss the situation with the Town of New Durham Town Administrator prior to engaging in any activity or conduct. In most cases a potential conflict of interest can be resolved if the conflict is disclosed before actions are taken.

A failure to disclose an actual or potential conflict of interests increases the likelihood of improper judgement and may create a situation that cannot be resolved without undue consequences to the employee. No matter how uncomfortable the situation may be an employee should promptly disclose any actual or potential conflict of interests. A violation of this policy may lead to disciplinary action up to and including termination.

See the Ethics Policy for additional information.

Date of Origin	04/09/18
Last Reviewed	07/03/18
Date Approved	07/03/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

CONTINUATION OF HEALTH CARE INSURANCE COVERAGE POLICY (COBRA)

PURPOSE

Outline the process for continuation of health insurance coverage under the Town of New Durham's benefit plan when an employee, or a spouse, domestic partner, or dependent child of an employee experiences a qualifying event.

POLICY

An employee and their eligible family members (spouses, domestic partners, and dependent children) who are covered by the Town of New Durham's health insurance at the time of a qualifying event are eligible to elect continuation coverage unless the individual:

- Becomes covered under another group benefit plan that does not impose any pre-existing condition of limitations
- Becomes eligible for federal COBRA continuation coverage
- Becomes eligible for Medicare
- Fails to notify the Town of New Durham Administrator of a qualifying event in the required time
- Fails to pay the health insurance premium on a timely basis

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") provides eligible employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town of New Durham's health plan (including medical and dental) when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events are (but not limited to):

- ✓ Resignation
- ✓ Termination of employment
- ✓ Death of an employee
- ✓ Reduction in an employee's hours
- ✓ Leave of absence
- ✓ Divorce or legal separation
- ✓ A dependent child no longer meeting eligibility requirements.

When an employee is divorced or is legally separated, the employee must notify the Town Administrator within 60 days of the event and provide the Town Administrator with a copy of the court order confirming such status. In such cases the coverage may be extend up to 36 months from date of divorce or legal separation.

In the event of termination of employment, such continued coverage may extend up to 18 months.

For continuation of coverage, the employee or beneficiary must comply with the terms of the insurance carrier and is responsible for paying the full cost of coverage at the Town's group rates plus an administration fee.

The Town of New Durham's Administrator will provide each eligible employee with a written notice describing the rights granted under COBRA. The notice contains important information about the rights and obligations of the employee and / or beneficiary(ies). Failure to timely comply with the notice may result in a loss of insurance coverage.

If a covered dependent child can no longer be considered a dependent the employee must notify the Town of New Durham Administrator within 60 days of the change of status.

Separate from COBRA rights that may be applicable, an employee may elect to continue to allow an ex-spouse to participate under the Town's medical insurance plan if they are divorced or legally separated. Employees must provide the Town with a copy of the court order for the divorce or legal separation. In such cases, the employee is responsible for the cost share to be paid through payroll deduction as if the employee were still married to the ex-spouse. This coverage if elected by the employee for the ex-spouse is available for a period totaling 36 months from the earlier of legal separation or divorce. COBRA coverage shall run concurrent with coverage under this provision in accordance with federal and state law.

Date of Origin	05/30/18
Last Reviewed	07/11/18
Date Approved	07/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

DENTAL & VISION PLAN POLICY

PURPOSE

Define the Town of New Durham's Dental and Vision Plan as benefit for the Town's employees.

POLICY

An eligible employee may participate in the Town of New Durham Dental & Vision plan. Full-time employees may enroll in either a single, two-person, or family plan after meeting the eligibility criteria outlined in the plan document. The dental and vision information and enrollment forms may be obtained from the Town of New Durham Administrator or the Town's Finance Office.

To assist the employee with the premium cost of the insurance, the Town of New Durham currently pays 90% of the premium cost for single, two-person, or family coverage. The 10% premium cost balance is paid by the employee through an authorized payroll deduction. This percentage ratio is subject to change based on Board of Selectmen decisions annually.

The New Durham Select Board will periodically review this shared percentage and may adjust this shared benefit offering based on cost, market competitiveness, or other reasons.

Date of Origin	03/26/18
Last Reviewed	05/15/18
Date Approved	05/15/18
Approved By	BoS

Date Effective	01/01/19
Revised On	

DIRECT DEPOSIT POLICY

PURPOSE

Define the Town of New Durham's preferred employee pay distribution.

POLICY

For purposes of safety and efficiency the recommended method for distributing employees' pay is by direct deposit into the employee's designated bank account. Arrangement for direct deposit takes place upon hire. However, an employee can chose direct deposit at any time during their employment with the Town of New Durham.

Direct deposit is encouraged as it will help the employee in many ways. Examples of this include:

- Saves trips by the employee to their financial institution
- Saves time depositing checks, i.e. no waiting in long lines on payday
- Eliminates the possibility of lost, stolen, or forged checks
- Deposits money faster and reduces the possibility of overdrafts
- Deposits money even when on vacation, sick, or away on other business.

For the employee to use direct deposit, an authorization form is completed giving the Town of New Durham permission to automatically deposit the employee's net pay into the employee's specified bank account. Depending upon each situation, it may take one or two pay periods for the direct deposit arrangement to activate. The employee should examine the first one or two pay envelopes following direct deposit authorization to determine whether or not an actual check is enclosed or the earnings statement. A direct deposit designation can be changed at any time.

For employees using direct deposit, on each payday the employee will receive an earning statement which shows the amount of money deposited in the employee's bank account.

As with all payroll information, the direct deposit information should be examined by the employee to assure accuracy. Direct deposit errors should be reported to payroll as soon as possible. Should the Town of New Durham be unable to complete the direct deposit process the employee will be issued a check after the finance department confirms that the direct deposit was not accepted by the employee's financial institution because of a wrong routing or account number or other business reason. An employee may designate up to four (4) banking institutions for direct deposit totaling their payroll amount for each pay period.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	04/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

DRESS CODE POLICY

PURPOSE

Provide guidelines for appropriate work place attire for the Town of New Durham employees.

POLICY

The Town of New Durham provides a business casual work environment for its employees. It is expected that all employees come to work with a neat, well-groomed appearance and workplace appropriate clothing.

Dress requirements may vary by department, which will be determined by the Department Head. However, certain rules apply to all employees. The general guidelines for personal dress are:

- All clothes should be clean and neat in appearance.
- Footwear such as flip flops or other beach type sandals is not acceptable unless authorized by the Department Head for beach assignment, etc. Shoes should be appropriate for the worksite.
- No torn or jeans with holes.
- No unusually tight-fitting clothing.
- No low riding pants.
- No tank tops, bare midriff (half) shirts, shirts with bare backs, etc.
- No inappropriate shorts, inappropriate short skirts or dresses.
- No strong scented perfume or cologne should be worn.

Exceptions to the personal dress policy may be made during inclement weather.

If an employee is not dressed or groomed appropriately for work the employee may be sent home to change clothes. The time missed from work while changing clothes will be unpaid unless otherwise required by law.

Any questions concerning dress should be directed to the New Durham Town Administrator.

Date of Origin	04/09/18
Last Reviewed	06/27/18
Date Approved	06/27/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

DRUG FREE WORKPLACE POLICY

PURPOSE

Outline the process the Town of New Durham to keep the workplace free from illegal drugs.

POLICY

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

Illegal drug and alcohol use, and / or the misuse of legal drugs while at the workplace can create health, safety, and security issues for employees, citizens, and visitors. The unlawful use, possession, purchase, sale, distribution, or being under the influence of any illegal drug or alcohol or the misuse of legal drugs while working is strictly prohibited and may cause immediate termination.

Because drugs and / or alcohol can adversely affect an employee's job performance and significantly increase the risk of accidents and injury, the Town of New Durham requires a pre-placement physical examination which includes a drug screening.

The Town of New Durham prohibits the following conduct:

- Manufacture, distribution, sale, dispensation, possession, storage, or use of a controlled substance, unauthorized prescription drug, misuse of a legal drug, or the use of illegal drug paraphernalia at any time on Town premises, on Town business, or during working hours;
- Use, possession, storage, manufacture, distribution, dispensation, or sale of alcohol at any time while on Town premises, on Town business, or during work hours;
- Reporting to work or otherwise working under the influence of drugs or alcohol, or under the influence of legal drugs that may impair the employee's ability to safely perform the job functions;
- Reporting to work in a condition that is not fit for work. In addition to being under the influence as mentioned above, other indications of a lack of fitness for duty are smelling of alcohol, appearing to be hung over, or otherwise appearing or being unable to effectively interact with citizens, visitors and co-workers and work safely and properly without impairment.

The Town also maintains the following reporting requirements, which if not followed may result in immediate termination of employment:

- An employee who is taking medication that may impair his or her ability to safely perform job functions must inform his or her supervisor immediately, and must not perform any work until authorized to do so by either the Department Head or the Town Administrator. The employee should also provide a written statement from the physician authorizing the employee to work

while taking the medication. An employee's physician should determine whether the prescribed drug would impair the employee's job performance.

- If an employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized prescription drugs) on the Town premises or while working for the Town, the Town of New Durham reserves the right to report the incident to law enforcement authorities;
- If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, (s)he should immediately report the behavior to the Department Head And / or the Town Administrator;
- An Employee convicted of a drug-related offense must report the conviction to the Town Administrator within five days of the conviction.

Investigations and Searches

If the Department Head or the Town Administrator determines that there is reasonable cause to suspect that an employee has violated this policy, the Town of New Durham reserves the right to utilize appropriate responses within the law to verify a safe and drug free workplace. Cause to suspect shall be solely in the judgment and discretion of the Town Administrator upon discussion with the applicable Department Head.

Violations of this Policy

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

Fitness for Duty Exams

All Public Works employees whose job descriptions require them to maintain a Commercial Driver's License shall be subject to participation in a drug & alcohol testing consortium with random testing of staff as required by applicable federal or state law. They will also be required to maintain a current Commercial Driver's Federal Motor Carrier – Department of Transportation medical card. The testing and examination will be paid by the Town of New Durham.

Taking seriously its commitment to provide a safe work environment, the Town of New Durham maintains an employee assistance program (EAP) in an effort to aid employees who seek help with the problem of substance abuse. All employees who suspect they may have a substance abuse problem are encouraged to utilize the EAP program's resources before the problem impairs their employment status. Participation in this program is voluntary and confidential.

Annually managers will be educated on the Drug-Free Workplace policy and their responsibility surrounding the policy. An employee violating this policy is subject to discipline, up to and including termination, for the first offense.

Date of Origin	05/30/18
Last Reviewed	07/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

ELECTRONIC DEVICES COMMUNICATIONS POLICY

PURPOSE

Outline the Town of New Durham's guidelines for employee use of electronic devices, technology, and related communications networks.

POLICY

The Town of New Durham provides communication tools to employees to use in running day-to-day business activities. Provided communication tools, consist of town owned devices or personal devices which employees receive a form or reimbursement stipend for official town use or access. Whether it is the telephone, voice mail, fax, scanner, internet, intranet, e-mail, text messaging, or any other company provided technology – the use of these Town provided tools should be reserved for business related matters during working or on-call hours. All communication using these tools should be handled in a professional and respectful manner.

Because all Town provided systems are the property of the Town of New Durham all employees should be aware that the administration of the Town of New Durham has the right to monitor the communication equipment provided by the Town. Employees should not have any expectations of privacy in the use of Town computer, phone, or other Town provided communication tools whether for personal use or Town business. These Town provided tools are subject to inspection by the Town of New Durham Town Administrator or Board of Selectmen designated individual.

The Town of New Durham reserves the right to suspend an employee's individual user account 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:

- An Employee should be aware that in addition to having the ability to monitor e-mail messages sent and received on the Town of New Durham internet system (including e-mail messages sent and received from personal e-mail accounts accessed from the Town's system), the Town of New Durham has the ability and the right to monitor such things as Internet web site visits, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. The Town of New Durham computers and other communications equipment and the communications, information, and documents created on them are the property of the Town of New Durham and may be monitored by the Town of New Durham's Town Administrator or Board of Selectmen designated individual at any time.
- The Town of New Durham computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Town of New Durham resources

for illegal activity is grounds for immediate termination of employment, and the Town of New Durham has the legal obligation to report the matter to law enforcement authorities. The Town will cooperate with any resulting related law enforcement investigation.

- Office telephones are for business purposes. While the Town of New Durham recognizes that some personal calls are necessary, these personal phone calls should be kept as brief as possible and to a minimum. Personal use of the Town's cell phones, long-distance account, or toll-free numbers is strictly prohibited. Abuse of these privileges is subject to corrective action up to and including termination.
- The Town of New Durham has the right to inspect any and all files stored on an employee's computer or saved to the Town's network including any private files.
- The display or transmission of any sexually explicit image or document by e-mail or through any other means using the Town of New Durham's computer or communication systems is a violation of this policy as well as the Sexual Harassment Policy and the Anti-Harassment Policy.
- The Town of New Durham computers and other communications equipment may not be used in a manner that violates the Town of New Durham's Equal Opportunity and Harassment Policies. To transmit or display any ethnic or racial slurs, or any other comment, message, or image that offensively addresses another individual's age, race, gender, sexual orientation, religion, national origin, disability, veteran status, marital status, or any other protected status in a manner that may be viewed as harassing, discriminating, or disparaging is a violation of this policy. Transmission of harassing, discriminatory, or otherwise objectionable e-mail or files is strictly prohibited and corrective action measures will be implemented.
- Access from Town owned computer or communication tools to obscene or offensive websites is strictly prohibited.
- Any personal use of the Town of New Durham's computers or other communications equipment for any commercial activity (other than Town business) is strictly prohibited.

The use of the Town of New Durham computers and communications equipment for anything that may not be in the best interest of the Town of New Durham including, but not limited to, activities that disclose any confidential or proprietary information of the Town is disallowed.

- The Town of New Durham computers and other communications equipment are to be used for Town of New Durham business and only by authorized users. Non-employees may not use the Town of New Durham's computers, network, or other communications equipment for any reason.
- The use of another employee's intranet account, user name, or password, or access to another employee's personal files without the employee's consent (by anyone other than as specified in this Policy and / or authorized representatives of the IT department) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.
- All employee's passcodes and passwords are the property of the Town of New Durham. An employee may only use a passcode, password, or voice mail access code that has been issued to that employee by the Town of New Durham or that is known to the Town Administrator and / or authorized Town IT technician. All users of the Town of New Durham's computers, network, and other communications equipment must take reasonable precautions to prevent unauthorized access to the Town's systems. An employee's passwords should not be divulged to any unauthorized persons.

- The destruction, theft, alteration, or any other form of sabotage of the Town of New Durham's computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited, and will be investigated and then, if found to be warranted, prosecuted to the fullest extent of the law.
- The breaking into and / or corrupting of any of the Town of New Durham's computers, network, or other communications equipment is strictly prohibited.

The hacking into third party computer or other information systems using the Town of New Durham's technology is also prohibited, and will be reported to the authorities.

- If any employee discovers any vulnerability in the Town of New Durham's computers, network, or other communications equipment or resources should be reported immediately to the Town Administrator. It is also against the Town of New Durham's policy to turn off antivirus protection software or make unauthorized changes to system configurations installed on the Town's computers.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified it should be immediately reported to the Town Administrator. All email messages from unknown sources should be deleted prior to opening.
- Accessing the Town of New Durham's files or any other files on the network or the system that an employee did not create is prohibited unless the employee has prior authorization from the Town Administrator or other authorized person.
- The intentional destroying or modifying of 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 of New Durham data and information is considered confidential unless the Town Administrator has granted permission for an employee to disclose the information or unless the information is required by law. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should be used only for its intended purpose.
- An employee's responsibility for confidentiality continues when not at work. An employee may not work on the Town of New Durham documents, data, or other business on home computers or other portable technology without the express prior approval of the Department Head or the Town's Administrator.
- All employees are responsible for taking precautions to safeguard the physical security of the Town of New Durham's network, internet and internet equipment, computers, and other communications equipment. All removable drive devices including CDs, DVD's, USB portable drives, Zip drives containing sensitive, confidential, and / or proprietary information should be stored in a locked drawer whenever possible. Computers should be turned off when not in use for an extended period of time or when an employee is not at the office.
- An employee is not allowed to introduce to the Town of New Durham's network, intranet, computers, or other communications equipment media from any external sources including, but not

limited to, CDs, disks, Zip drives, personal digital assistants (including, but not limited to, Blackberries, smart phones, iPads, etc.), USB portable drives, and other removable drive devices.

- An employee may not copy, transmit, or otherwise remove any information from the Town of New Durham's network, intranet, computers, or other communications equipment to CDs, DVD's, Zip drives, personal digital assistants, smart phones, ipads, USB portable drives, or other removable drive devices without prior authorization from the Town Administrator.
- An employee may not intentionally download anything from the Internet using Town owned server and internet access equipment without prior authorization. This includes, but not limited to, such items as screensavers, music, E-mail stationary, and other images.
- All downloaded files or application programs must be approved by the Department Head or the Town Administrator before being downloading or installation on the Town of New Durham's network.
- The Town of New Durham retains the copyright to any Town related material posted to any forum, newsgroup, chat, or World Wide Web page by any employee in the course of his / her duties.
- All information on the network, intranet, computers, and other communications equipment is the property of the Town of New Durham. The deleting, altering, or sharing of confidential, proprietary, or any other information without permission during employment or after separation from employment is prohibited.

Upon separation from employment, any Town of New Durham computer or other equipment, including CDs, 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 of New Durham Town Administrator.

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

CELL PHONE – SMARTPHONES- PDA

- Except in emergency situations, the use of hand-held cell phones, Smartphones or personal digital assistants to make calls during the operation of a Town-owned vehicle or while driving a personal vehicle on Town business is prohibited. Hands-free headsets or blue tooth devices are acceptable. It is strongly recommended, however, that the operator pull over to the side of the road prior to using these devices.
- Drivers may not use their phones or other personal digital devices (e.g., Blackberries, ipads) in any other manner, including but not limited to making or receiving calls (without a hands-free headset/Bluetooth devices); sending, viewing or receiving text or voice messages of any kind; checking time; looking up information contained on phone or personal digital devices while operating a Town vehicle, while operating any vehicle on Town-related business, or while operating any Town machinery or equipment with the exception of police and fire personnel who may receive work-related calls in their official capacity.
- Drivers are expressly prohibited from non-hands free uses while operating Town vehicles or while operating any vehicle while on Town-related business.

- The Town does not generally provide cell phones to its employees. However, it does recognize that it is best served by being able to communicate with many of its employees, via voice or text, who may be mobile throughout much of the workday or are often away from their conventional landline home telephones. Therefore, it reserves the right to require certain key personnel to maintain and or carry an appropriate cell phone or pager. In consideration of the expense imposed upon the employee, it will provide a monthly stipend to those employees in an amount that has been deemed appropriate to the amount of contact it expects to need with the employee. [The detailed positions and Stipends may be viewed as an Appendix #1 of this section.]

USAGE

- Irrespective of whether or not an employee has been designated to receive a stipend, employees are expected to observe appropriate courtesy in the use of a cell phone and/or pager (the "device"). This shall include, but not be limited to, setting them to vibrate, not taking nonemergency calls during meetings, and work hours. Employees shall not use a device in a manner, which is inappropriate and detracts from the workplace in that it presents an image of a less than fully professionally organization dedicated to serving the customer as our first priority.
- Employees shall not use devices in conducting personnel business while in the presence of other staff or customers, creates an unwarranted and unwanted imposition on fellow employees, or otherwise detracts from a positive workplace environment or work performance.
- Under no circumstance will an employee use a device while operating a motor vehicle or equipment on Town related business.
 - The employee will first move out of the lane of travel and safely come to a full stop before using the device.
- Failure to comply with this policy may result in disciplinary action, up to and including termination

APPENDIX #1

CELLULAR TELEPHONE PROVISION & USAGE

A. PROVISION

The Town does not typically provide cell phones to its employees. However, it does recognize that it is best served by being able to communicate with many of its employees, via voice or text, who may be mobile throughout much of the workday or are often away from their conventional landline home telephones. Therefore, it reserves the right to require certain key personnel to maintain and or carry an appropriate cell phone or pager. In consideration of the expense imposed upon the employee, it will provide a monthly stipend to those employees in an amount that has been deemed to be appropriate to the amount of contact it expects to need with the employee. The positions and the stipend(s) are as set forth below:

Department Heads: \$50.00/month

Chief of Police, Chief of Fire & Emergency Services, Public Works Director, Building Inspector/Code Enforcement/Health Officer and Recreation Director

Supervisors: \$35.00/month

Deputy & Assistant Fire Chief, Highway Division Supervisor, Deputy Building Inspector/Code Enforcement Officer/Health Officer, Police Sergeant, Police Corporal, Assistant Recreation Director and Finance Manager.

Key Employees: \$15.00/month

A. Year Round:

Police Detective, Police Officers, Firefighters (Full Time), Facility & Ground Maintenance Team Leader, and Police & DPW AAI.

B. Seasonal:

In order to best accommodate the summer activity programs, the Recreation Director may designate up to 3 persons to receive up to three payments.

On-call Pager Equivalency: \$10.00/month

Heavy Equipment Operators, Light Equipment Operators, Facilities & Grounds Maintenance Man. Call Firefighters shall be issued town maintained pagers directly.

If a position is not listed in this schedule and an incumbent employee is currently receiving a payment under a previous policy, they shall continue to receive that payment until they are no longer in the service of the Town. Payments under this schedule shall be paid per pay period and or in whole completed months, in arrears, after the Finance Director has received advance notice from the appropriate Department.

The Town has done its best to project how much of a “typical” monthly plan might cost for portable communication devices and what portion of that usage might be allocated to its need to communicate with Employee. Employees should not assume that the stipend they receive is not taxable for federal income tax purposes. You should be aware that you may be required to provide proof to the IRS that the stipend received meets or exceeds your usage for Town business and to pay taxes on any such portion that the IRS deems to be personal usage.

Date of Origin	04/09/18
Last Reviewed	09/09/19
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

EMPLOYEE ASSISTANCE PROGRAM (EAP) POLICY

PURPOSE

Outline the Town of New Durham's program to assist employees with personal and workplace concerns.

POLICY

The Town of New Durham provides an Employee Assistance Program (EAP) to assist employees and their immediate family members with free, confidential assistance to their personal or workplace concerns. Employees may obtain short-term confidential support and referral to appropriate community counseling resources as appropriate. Employees may contact the EAP at any time.

Additional contact information is contained in brochure information available through the Town Administrator's office.

Date of Origin	06/05/18
Last Reviewed	07/11/18
Date Approved	07/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

EMPLOYEE BENEFITS OVERVIEW

The Town of New Durham recognizes the value of benefits to employees and their families. The Town supports employees by offering a comprehensive and competitive benefits program. For more information regarding benefit programs the Town of New Durham Administrator has detailed Summary Plan Descriptions (SPD) documents. To the extent the information provided in the specific benefit policies conflicts with the SPD or full plan document the full plan document will be the deciding document.

Date of Origin	03/26/18
Last Reviewed	05/15/18
Date Approved	05/15/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

EMPLOYEE HUMAN RESOURCE FILES POLICY

PURPOSE

Define the effective and correct management of the Town of New Durham's Human Resource Employee Files.

POLICY

It is the policy of the Town of New Durham to maintain an effective employee records management program that is in compliance with State and Federal regulations. The employee files are considered confidential with some records being maintained for a period of time, as specified by applicable laws or contracts.

The Town Administrator will ensure that records will be maintained for appropriate periods of time and provide that records to be retained are stored appropriately.

An employee's Human Resource File is the Town's record of information relative to the employee's employment. There are some employee records which are maintained separately such as medical issues, reference checks, and internal investigations, etc.

An employee or their authorized representative may inspect the employee's Human Resource File during regular Town office hours and upon reasonable request. All requests to access the employee's file is to be in writing to the Town Administrator and access will be permitted generally within 3 days of the written request unless otherwise required by state law.

Employee Human Resource Files are to be reviewed at the Town Hall in the presence of the Town Administrator or designee and no portion of the employee file is to be removed or allowed outside of the Town Hall designated office for review. Upon written request, the employee will be provided with a copy of all or part of their Human Resource File. The review of the employee's file is not to be done during the employee's regular working time.

An employee may not be permitted to review their Human Resource File if the employee is the subject to an investigation at the time of the employee's request to review their file and disclosure of such information could prejudice law enforcement activities.

An employee medical record is to be maintained confidentially and separate from an employee's general Human Resources File. This includes the employee's medical exams, disability benefit claim forms, notes from doctors, requests for Family and Medical Leave, request for ADA accommodations, worker's compensation history, claims and related documents, fitness-for-duty results, functional capacity assessments, referrals concerning an employee participation in EAP, results from drug / alcohol tests,

reimbursement requests for medical expenses, health-related information about an employee's family member(s) and any documentation about past or present health, medical condition or disabilities. The employee medical record file would also contain health insurance enrollment, continuation forms, and COBRA notices.

Date of Origin	05/30/18
Last Reviewed	07/03/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

EMPLOYMENT AT WILL POLICY

PURPOSE

Define the Town of New Durham's employment at-will policy.

POLICY

Employment with the Town of New Durham is on an at-will basis unless otherwise provided or set forth by statute and is in a written individual employment agreement signed by the Board of Selectmen or Town Administrator in any conditional offer of employment letter.

Employment at-will status means that either the employee or an authorized, designated individual for the Town of New Durham may terminate the employment relationship at any time, for any reason not prohibited by law with or without cause or notice.

Nothing in this Manual is either intended to or creates an employment agreement express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract for employment or any benefit to be continued for any period of time other than that required by statute.

Any salary figures provided to an employee in annual, monthly, biweekly, or weekly terms are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Neither the policies contained in this Manual nor any other written or verbal communication by a department head, supervisor, or other official are intended to change the at-will relationship or create a contract of employment.

Nothing in this policy is intended to interfere with, restrain, or prevent an employee from seeking any federally protected activity.

Date of Origin	01/22/18
Last Reviewed	04/02/18
Date Approved	04/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

EMPLOYMENT CLASSIFICATIONS – EXEMPT & NON-EXEMPT POLICY

PURPOSE

Define the Town of New Durham's job position exempt / non-exempt classification.

POLICY

Each job position for the Town of New Durham has been designated either exempt or non-exempt. At the time of hiring the employee will be informed whether the position is classified as exempt or non-exempt. The determination as to whether a position is exempt or non-exempt will be made based upon the Fair Labor Standards Act (FLSA) guidelines.

An employee should contact either the department head or the New Durham Town Administrator if there are any questions as to whether the position is classified as exempt or non-exempt.

Non-Exempt:

The following apply to non-exempt job position classifications:

- Eligible for time and one-half overtime pay

- An accurate recording of actual time worked must be maintained

- Time worked past 40 hour each week will qualify for time and one-half pay

- Each pay week is considered separately when calculating overtime pay

- Work defined, regular assigned schedule unless assigned and approved by their Department Head

Exempt:

The following apply to exempt job position classifications:

- Are not eligible to receive overtime pay

- Will be paid on a salary basis due to the nature of the duties and responsibilities as outlined in the employee's specific job description.

Note: See separate Payroll Policy for Fire Department Call personnel compensation.

Date of Origin	01/22/18
Last Reviewed	04/02/18
Date Approved	04/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

EMPLOYMENT CLASSIFICATIONS POLICY

PURPOSE

Define the Town of New Durham's employee classifications guidelines and for benefit eligibility status.

POLICY

The Town of New Durham maintains employee classifications to make sure that all legal requirements are maintained; to define benefit eligibility status; and to define compensation payment in accordance with state and federal regulations. The Town of New Durham has three (3) employee classifications. At the time of hiring an employee will be informed as to which classification they are being assigned and whether the position qualifies for benefits and overtime. The position classifications are full-time, part-time, or temporary.

Employee Classifications:

- a. FULL-TIME EMPLOYEES: Individuals who are regularly scheduled to work 40 or more hours per week.
- b. PART-TIME EMPLOYEES: Individuals who are regularly scheduled to work more than 26 hours per week, but less than 40 hours per week.
- c. TEMPORARY EMPLOYEES: Individuals who are hired for specific periods of time or for the completion of a specific project. Temporary employees are not eligible for insurance or retirement benefits such as medical, dental, life, etc. as described in New Durham's Human Resource Policy Manual except to the extent required by state or federal law. Pay practices i.e. holiday pay, overtime pay, etc. are addressed in the various compensation policies,
- d. Stipend Employees: Individuals who are hired for which a payment will be made for work which is not measured in terms of hours but is based on the task(s) in the job description. The stipend defined is usually for a set period of time.

Unless otherwise specified in this Manual or as required by law, the benefits described in this Manual apply only to full-time employees.

All other policies described in this Manual apply to all employees, with the exception of certain wage, salary, and time off limitations.

If an employee is unsure of which job classification into which their position fits, please check with the department head or the New Durham Town Administrator

Department heads are responsible for advising the Town Administrator and requesting changes in status as well as extensions in employment situations where specified periods are being exceeded.

Date of Origin	01/22/18
Last Reviewed	04/02/18
Date Approved	04/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

EMPLOYMENT OF MINORS POLICY

PURPOSE

Define the guidelines when the Town of New Durham employs a minor.

POLICY

When employing a minor to work for the Town of New Durham there are certain federal and state laws that the Town must understand and follow. The Fair Labor Standards Act (FLSA) imposes federal restrictions on the employment of minors under the age of 18. Each state also has laws regulating the minimum work ages, hours of work, the types of employment allowed and required documentation for minors. At times work permits or certificates may be required when employing minors.

An age certificate from the minor must be obtained by the Town when employing a minor and kept on file throughout the minor's employment. When employment is terminated the age certificate must be returned to the minor.

See the U. S. Department of Labor's FLSA Child Labor Provisions.

(http://www.dol.gov//regs/compliance/childlabor101_text.htm)

Date of Origin	06/05/18
Last Reviewed	07/11/18
Date Approved	07/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

EMPLOYMENT OF RELATIVES & DOMESTIC PARTNERS POLICY

PURPOSE

Define the Town of New Durham's position on hiring employee's relatives or domestic partners.

POLICY

The Town of New Durham is committed to hiring the most qualified and capable individual for every position. Because New Durham is a smaller community, at times the most qualified and capable candidate may be a relative of a Town of New Durham employee. In this case, careful effort will be used as to the placement of the candidate. Therefore, certain guidelines have been developed to promote a collegial and positive work environment; avoid a conflict of interest, and avoid the appearance of favoritism. The guidelines are:

An employee should not be placed in a position that is directly supervised by a member of their family nor should two family members / domestic partners report to the same supervisor.

An employee should neither participate, directly or indirectly, in decisions involving initial employment, retention, promotion, compensation, assignments, etc. regarding family member(s).

In some instances, in keeping with preserving confidentiality of records, it may be inappropriate to have a member of the immediate family of an employee in a particular job.

Employees of the same family will not be placed in the same department, if in the judgement of the Town Administrator and /or Board of Selectmen placement would jeopardize work productivity or create other potential work issues within the department.

If two employees working in the same department begin a dating / domestic relationship or become relatives, partners, or members of the same household and one member is in a supervisory position, that person is required to inform management of the relationship. The employees will have 60 days to resolve the situation. After 60 days, if the employees have not yet resolved the situation on their own by means acceptable to the Town of New Durham such as a transfer or employment outside the Town, the employees' supervisor(s) will work with the Town Administrator and Board of Selectmen to determine the most appropriate action. This may include transfer or, if deemed necessary, termination of one of the employees,

For purposes of this policy, a “family” member includes but is not limited to:

- Spouse
- Civil union partner
- Children, (including step-children)
- Parents (including step-parents)
- Siblings – brothers, sisters, half-brothers / half sisters
- Immediate in-laws
- Grandparents, grandchildren
- Cousins
- Nieces / Nephews
- Aunts / Uncles
- Relatives by marriage
- Other person living in the employee’s household or to whom the employee may have a significant relationship

Exceptions to this policy require the approval of the Board of Selectmen.

Date of Origin	05/15/18
Last Reviewed	06/05/18
Date Approved	06/27/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

ETHICS POLICY

PURPOSE

The purpose of this code is to establish guidelines for the ethical behavior of conduct for the public servants of New Durham. Each public servant shall abide by the guidelines of the Town of New Durham Ethics policy.

Additionally, where applicable, each public servant will abide by the ethical principles of his or her profession for the position in which they are working in the town of New Durham. It is the responsibility of every individual to act in a manner that is consistent with this statement and its supporting policies. Ultimately, each public servant recognizes and supports his / her responsibility to serve the community and its constituents in the highest ethical manner.

GUIDELINES:

It is important that the public have confidence in the integrity of its government and that the town's public servants have an opportunity to protect their personal reputation. Thus we expect all public servants to:

- Act in the best interest of the town.
- Disclose any personal, financial, material or substantial interests in matters affecting the town which come before them for action (excluding trivial or transient interests which are the natural result of living in a small town).
- Remove themselves from decision making if they have a conflict of interest.
- Be independent, impartial, and responsible to their fellow Townspeople in their actions.
- Town's official decisions and policies be made through the proper channels of government
- Public servant positions not be used for personal gain
- Be honest, trustworthy and reliable in all relationships
- Fairly and accurately represent capabilities
- Provide services to meet the identifiable needs of the community.

Guiding Principles

A duty to disclose

**No improper use of
Town property**

**No unauthorized
disclosure of
confidential
information**

**No improper
conditioning of gifts**

**Fair and equal
treatment in all
dealings**

**No investments that
conflict with duties**

No nepotism

**Disclose and avoid
conflicts of interest**

A duty to recuse

This policy provides guidance to the Ethics Committee, which will develop procedures by which one may obtain guidance regarding perceived ethical issues; educational seminars; clarification to the Ethics Policy and the role of the Committee. The committee welcomes inquiries and questions from all New Durham residents and will strive to advise such individuals. The Ethics Committee will provide non-binding responses to inquiries, but will not execute a decision. The resident then has the option to bring their concern / complaint to the Board of Selection. The Board of Selectmen will then handle the concern / complaint as appropriate.

SECTION I: DEFINITIONS

As used in this policy, the following terms shall have the meanings indicated:

Appearance: To someone without knowledge of relevant facts, a public servant's involvement in a matter seems to be in violation of the standards set forth in the Town's Ethic Policy.

Board: Any board, committee or commission, either a regular meeting or convened for a special purpose, established in accordance with New Hampshire law.

Conflict of Interest: A conflict of interest exists any time loyalty to the Town of New Durham is divided by an outside interest. A situation, circumstance, or financial interest which has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty, or which has rendered the individual incapable of being impartial; the situation, circumstance, or financial interest may be immediate, definite and capable of demonstration; not remote, uncertain, contingent, and speculative.

Electioneer: To act in any way specifically designed to influence the vote of a voter on any question or office.

Employee: A person who is paid by the Town of New Durham for his / her services, but who is not an independent contractor.

Immediate Family:

- Spouse
- Civil union partner
- Parent (including step parent)
- Mother's- in-law / Father's-in-law
- Son / Daughter (including stepchildren)
- Foster child
- Legal Guardian, including "in loco parentis" of another
- Brother / Sister (including brother-in-law / sister-in-law)
- Grandchild
- Grandparent

- Cousins
- Nieces and Nephews
- Aunts / Uncles
- Relatives by Marriage
- Other person with whom an employee may have an intimate, personal relationship

Interest: Any legal or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but without limitation, a right, share or claim to land, excluding incidental or minimal rights, shares or claims.

Misuse: The incorrect or improper use or misapplication of information, position, authority, or influence, as well as town resources, property or time by a public servant.

Nepotism: Favoritism shown to an immediate family member by a public servant while in his / her official capacity.

Public Servant: All town officials, boards and employees, and volunteers of the Town of New Durham, whether elected, appointed, paid or unpaid.

Quasi-judicial Action: Any action where the board has a duty to notify the potential parties, allow the parties to make known their request, and then make a decision only after weighing and considering such evidence and arguments as the parties choose to lay before them.

Recuse: Completely removing or excusing oneself from participation as a public servant in a specific action or discussion due to a conflict of interest.

Resident: A person whose legal address is in the Town of New Durham.

Taxpayer: A person or business who is subject to taxation by the Town of New Durham.

Town: The Town of New Durham, including all of its public servants, residents and taxpayers.

SECTION II: PROVISIONS

A. Conflicts of Interest – Specific Provisions

- (i) Public servants shall avoid conflicts of interest.
- (ii) A public servant who wishes to appear on behalf of himself / herself or any party shall publicly disclose the nature and extent of that interest and disqualify him or herself before advising, deliberating, representing that someone and / or voting on the matter involved. The following conditions shall be met:
 - A written public disclosure of the member's conflict of interest or relationship with an explanation of the representation is provided to the board and included in the minutes.

- The member, when representing himself / herself or any party, shall step down from the board after first publically declaring his / her reason for stepping down.
- (iii) A public servant shall recuse himself / herself in any matter in which he / she or an immediate family member, have a personal interest which may directly or indirectly affect or influence the performance of his / her duties.
- (iv) A public servant shall recuse himself / herself if engaged in any investment, business, transaction, or private employment or have any financial or other private interest, direct or indirect, which is in conflict with the proper discharge of his / her duties.
- (v) No public servant shall use, or attempt to use, his / her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.
- (vi) No public servant shall coerce, by intimidation, threats, or otherwise, any other public servant to engage in political activities.
- (vii) No public servant shall request any subordinate public servant to participate in a political campaign. For the purposes of this provision, participation in a political campaign shall include managing or aiding in the management of a campaign, soliciting votes or canvassing voters for a particular candidate, or performing any similar acts which are unrelated to public servant's duties or responsibilities.
- (viii) No public servant shall electioneer while in the performance of his / her official duties or use town property, including, but not limited to, telephones, facsimile machines, vehicles, and computers, for electioneering, unless such use is available to residents and taxpayers on equal terms.
- (ix) No public servant shall receive compensation for performing any official duty except from the town or a grant preapproved by the Office of Selectmen.

B. A Duty to Recuse

Conflicts of interest apply to both quasi-judicial and legislative actions and may warrant the disqualification of a board member in deciding the matter. Ultimately the decision to recuse or not to recuse is up to the individual with the alleged conflict. Information gained through general knowledge as a citizen of the town, or solely as the result of the individual's service in an official capacity, does not disqualify the member unless it has biased the member to such a degree that he or she cannot be impartial. The type of decision (quasi-judicial vs. legislative), not the type of board, is the primary factor for possible disqualification.

- (i) A "quasi-judicial action" is any action where the board acts like a judge or jury to decide a matter affecting specific individuals. For example, members are involved in a quasi-judicial action when the board has a duty to notify the potential parties, hear the parties, and decide the matter only after considering and weighing such evidence and arguments as the parties choose to present. Not only do public servants of the

Town of New Durham have a duty to recuse themselves as outlined in Section A, but they must also recuse themselves in a quasi-judicial action if they would not be qualified to sit as a juror in that case (RSA 673:14 and 46:6). Stricter standards of fairness tend to be applied by the courts in cases where a board is acting judicial and must demonstrate impartiality.

- (ii) A legislative action is administrative in nature and involves a matter affecting all citizens equally. For example, members are acting in a legislative capacity when they set goals, create policies, develop rules, and regulations, research and write amendments, and tend to other procedural matters. Here the need to recuse is more the exception than the rule.

C. A Duty to Disclose

A public servant should make every effort to disclose a possible appearance of a conflict of interest. In any instance where there is a conflict of interest or there could be the appearance of a conflict of interest, a public servant shall disclose the circumstances prior to the time the matter arises for official consideration or discussion, stating all:

- investments or other private transactions
- interests
- relationships
- friendships
- possible conflicts

D. No Unfair Personal Use of Town Property

No public servant shall use town property, services, or labor personally, or make the same available to others unless such use is available to other residents and taxpayers upon request on equal terms.

E. No Misuse of Confidential Information

No public servant shall use any confidential information acquired by virtue of that individuals' official position for personal benefit, or for the benefit of any other person or business. This does not apply to information which is readily available to the general public. In addition, no public servant shall violate the privacy of others by publicizing, gossiping, or discussing information confidentially acquired in the course of official duties without a legitimate reason to do so.

F. No Improper Gifts

No public servant shall accept a gift (or allow acceptance of such gift by an immediate family member) from any individual, group, or corporation which have or are planning to have a matter pending before the board on which the public servant serves. This provision of the code is not meant to apply to gifts traditionally exchanged between immediate family members, at holidays or birthdays, for example.

Exceptions

Any discounts provided to a whole class which has been appropriately authorized by the Board of Selectmen and three other exceptions:

- (i) Unsolicited advertising or promotional materials of nominal intrinsic value not to exceed a maximum of \$25.00, such as ball caps, tee shirts, pens, and calendars.
- (ii) Awards for meritorious civic service contributions.
- (iii) Unsolicited consumable items that are donated to an entire work group during holidays.

G. Fair and Equal Treatment

Acting in their official capacity, all public servants shall give each and every person fair and equal treatment. No public servant shall in the course of their official duties give or deny any person special consideration, advantage, or treatment as a result of the person's public status, position, sex, race, religion, creed, sexual orientation, or national origin.

H. No Nepotism

No public servant shall influence or attempt to influence the appointment, hiring, transfer, suspension, promotion, discharge, assignment, reward, discipline, direction of work, or the adjustment of grievances of an immediate family member. If a proposed appointee is a member of the immediate family of any board member, that member shall remove himself / herself completely from the process.

SECTION III: EXCLUSIONS

A. The provisions of this Code of Ethics shall not be interpreted so as to bar:

- (i) Any public servant who is a resident of the Town of New Durham from fully participating in any Town Meeting;
- (ii) Acceptance of donations for the expressed purpose of financing a political campaign, provided such contributions are reported in accordance with all local, state and federal laws which pertain to such donations;
- (iii) Participation in a matter which relates to a person or business from which a public servant has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business;
- (iv) Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments; and,
- (v) Supervisors of Town employees from appropriately carrying out personnel policies.

B. Nothing in this policy shall read to prevent a public servant from acting when, due to circumstances beyond the control of the parties, a failure to serve or act would result in the denial of the party's basic right of representation, right to be heard, or denial of some other important due process right, provided that this exception to the policy be as narrowly drawn as possible and last as short a time as possible.

SECTION IV: FORMATION of the ETHICS COMMITTEE

The Board of Selectmen shall appoint a committee of no more than 5 or less than 3 persons, with staggered 3 year terms, such committee will be named the Ethics Committee. A quorum of three or more committee members shall be necessary to hear any inquiry that is submitted.

Appointees shall be residents of the Town of New Durham. No Board of Selectmen

or

Department Head shall serve on the committee; one member may be a Town employee.

The Town of New Durham will establish an Ethics Committee to:

- Educate public servants regarding the provisions of the Ethics Policy guidelines
- Provide advice and counsel regarding ethical issues
- Submit Ethics Policy revisions to the Board of Selectmen

SECTION V: INQUIRIES

Individuals who have questions about interpretation / application of the Ethics Policy may submit inquiries verbally or in writing to the Ethics Committee. After review of written inquiries and when requested, the Ethics Committee shall in writing reference how the policy relates to the inquiry. At the conclusion of the discussion of an inquiry, a written response will be issued within ninety (90) days.

The Ethics Committee will establish rules of procedures making every effort to protect reputations of all parties.

When submitting an inquiry, the individual certifies that he / she has read the New Durham Ethics Policy, and that the matter merits discussion. The Ethics Committee advises but does not judge the merit of an inquiry. It is the responsibility of the applicant to formalize and submit a complaint to the Board of Selectmen.

SECTION VI: COMPLAINTS

Complaints should be brought to the attention of the Board of Selectmen. Complaints involving town employees shall be handled in accordance with the procedures outlined in the New Durham Personnel Policy. The timeframe for the Board of Selectmen to respond to an ethics complaint will align with the timeframe as outlined in the Complaint section of the New Durham Personnel Manual.

SECTION VII: EFFECTIVE DATE

This policy shall become effective thirty days (30) after its adoption by the Ethics Policy Revision Committee.

SECTION VIII: POLICY REVISIONS

Any changes to the Ethics Policy will be drafted by the Ethics Committee and submitted to the Board of Selectmen for approval.

Adopted by the Ethics Committee May 15, 2017

Approved by the New Durham Board of Selectmen May 18, 2017

EXIT INTERVIEW POLICY

PURPOSE

Define the process when an individual leaves employment from the Town of New Durham.

POLICY

In most instances, an employee terminating employment from the Town of New Durham will be asked to participate in an exit interview with the Town Administrator. This exit interview may also include a member of the New Durham Board of Selectman.

The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback from the employee on ways in which the Town can enhance operations, improve the retention of employees, as well as any other pertinent suggestions or comments that employee may want to state.

Ideally the exit interview will take place during the final week of the employee's employment with the Town but, in rare occasions due to scheduling issues, the Town may request the employee to participate in the exit interview either prior to that time or after leaving Town employment.

Date of Origin	06/05/18
Last Reviewed	07/03/18
Date Approved	07/03/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

FAMILY & MEDICAL LEAVE (FMLA) POLICY

PURPOSE

Provide guidance to employees of the Town of New Durham when applying for a Family and / or Medical Leave of Absence (FMLA absence).

POLICY

The Town of New Durham supports and complies with federal and / or state regulations when an employee requires time away from work due to a qualifying event covered by the Family and Medical Leave Act. The Family and Medical Leave Act (FMLA) requires employers to grant unpaid leaves of absence to qualified workers for certain medical and family-related reasons.

Due to the many requirements, qualifications, and exceptions under the FMLA law and because each employee's situation is different, an employee should contact the Town of New Durham's Town Administrator to discuss options and the Town's specific process for any FMLA leave request.

QUALIFYING EVENTS

Under the Family and Medical Leave Act ("FMLA"), an eligible employee 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 employee adopts child(ren) or receives a child for placement of foster care (leave must be taken within twelve (12) months of the adoption or placement of the child);
- (3) The serious health condition of a spouse, domestic partner, 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) An unpaid leave may also be requested by eligible employees who have any "qualifying exigency" arising out of the fact that the spouse, domestic partner, 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 to address certain qualifying circumstances.
- (6) The employee is a spouse, son, daughter, parent, or next of kin of a "covered service member" who has a serious injury or illness and the employee is needed to care for such person.

Eligibility Requirements:

To be eligible for a FMLA leave an employee must satisfy both of the following conditions:

The employee must have worked for the Town of New Durham 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:

An employee requesting a FMLA leave based upon one of the qualifying events is eligible for up to twelve (12) workweeks of unpaid leave during a twelve (12) month period.

A 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 rolling twelve months period is not necessarily based upon a calendar year, but the previous 12 month worked timeframe.
- ✓ The twelve month calculation does not need to be twelve consecutive months.

If an employee takes an FMLA leave for a spouse, son, daughter, parent, or next of kin of a "covered service member" who has a serious injury or illness and the employee is needed to care for such person.

An employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period with the guidelines for this type of leave being:

- ✓ The 12-month period begins on the first day of leave.
- ✓ Will be limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period.
- ✓ 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 workweeks 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 or injury, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

Leave Designation:

If an employee does not expressly request an FMLA leave, the Town of New Durham reserves the right to designate a qualifying absence as FMLA leave and will give notice of the FMLA designation to the employee. For example, if an eligible employee suffers a work related injury that qualifies as a serious health condition, the Town of New Durham will designate the time away from work as FMLA leave. If an absence is a qualifying event under FMLA, the leave will run concurrent with short-term disability, long-term disability, Paid Time Off (PTO), workers' compensation, and / or any other leave permitted by state and federal law.

Intermittent and Reduced Schedule Leave:

Under certain circumstances, an employee may take an FMLA leave of absence 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).

Intermittent leave or a reduced leave schedule may be taken for the following reasons:

- ✓ When it is medically necessary for planned or unanticipated medical treatment of a serious health condition or a covered service member's serious injury or illness.
- ✓ For recovery from treatment or recovery from a serious health condition or a covered service member's serious injury or illness
- ✓ To provide care or psychological comfort to a covered family member with a serious health condition or a covered service member with a serious injury or illness

Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity. 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".

If FMLA leave is for birth and subsequent care or placement for adoption or foster care use of intermittent leave is subject to the Town of New Durham approval.

When an employee takes intermittent or reduced schedule leave time spent working will not be counted against the employee's FMLA leave time.

An employee taking intermittent or reduced schedule leave will be paid for the time the employee works and the leave time away from work will be unpaid unless the employee chooses to supplement the away time with accrued PTO time. An employee absent from work due to workers' compensation, short-term disability, or other benefits may have time supplemented by ones of these benefits.

For an employee who is a salaried employee the Town of New Durham 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 of New Durham may temporarily transfer the employee to an available alternate position to better accommodate the employee's recurring leave. This alternate position will have equivalent pay and benefits.

An employee requesting an intermittent leave for a planned medical treatment has an obligation to make a "reasonable effort" to give the Town of New Durham as much notice ahead of time as possible of the medical treatment and to schedule the treatment so as not to unduly disrupt the Town of New Durham's operations.

Requesting Leave:

An Employee must complete the appropriate FMLA leave request forms. These forms are available from your department head or the Town of New Durham's Administrator.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, the employee must give the employee's department head (thirty) 30 days' prior written

notice. In cases of planned medical treatment, please make every effort to schedule the treatment to avoid disrupting the Town's operations.

If the need for the FMLA leave is not foreseeable, the employee must give notice to the employee's department head 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 of the Town of New Durham'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 Town of New Durham for the need of the leave due to an illness, then the employee should ask a family member or someone else to call and notify the Town on his or her behalf.

Employee Benefit:

PTO

FMLA and PTO will run concurrently as provided under the Town of New Durham's policy. An employee may use any accrued PTO hours during FMLA leave unless the FMLA leave is otherwise paid through the benefits of workers' compensation, short-term disability, etc. The use of PTO does not extend the FMLA leave period. The employee's FMLA leave may run concurrently with other types of leave.

MEDICAL BENEFITS

During an approved FMLA leave, the Town of New Durham will maintain an employee's health benefits under the same terms and conditions as when the employee was working. . The employee must continue to make the same premium payment contribution as the employee made prior to the leave.

If the employee chooses to use PTO time during the FMLA leave, the Town of New Durham 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 benefit, or other benefits not provided through the Town of New Durham's payroll system, the employee must pay his or her portion of the health insurance premium by making arrangements with the Town of New Durham's Town Administrator.

If the health benefit(s) change while the employee is on FMLA, the employee will be notified of the new or changed benefit(s) to the same extent as if the employee were not on the FMLA leave.

Health and other benefit coverage may be canceled if the employee makes a premium payment more than (thirty) 30 days past the due date.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town of New Durham for the cost of the premium(s) paid by the Town of New

Durham for maintaining coverage during the unpaid leave. If an employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control the Town of New Durham will attempt to recover the Town's portion of the premium cost. If the FMLA leave is for a condition that is covered under the Town of New Durham's short or long term disability insurance, the employee may apply for benefit coverage.

An employee on FMLA will not accrue PTO time. Any benefit accrual based on length of service will be maintained at the level earned as of the commencement of the leave.

Medical Certifications:

If an employee requests a FMLA leave due to a serious health condition for the employee, a covered family member, or for the serious injury or illness of a covered service member, the employee must provide medical certification from the appropriate health care provider. It is the employee's responsibility to provide complete and sufficient certification. A medical certification form is available either from the employee's department head or the New Durham Town Administrator for the health care provider to use.

The employee should provide the medical certification before the leave begins whenever possible. If the employee is unable to provide the certification prior to the leave beginning then the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification within the 15 day period the Town of New Durham will not be able to determine whether the employee is eligible for FMLA leave and the leave may be denied. The Town of New Durham reserves the right to authenticate or clarify any medical certification, if necessary.

When the leave is for a serious health condition of the employee or of a family member the Town of New Durham, may require a medical examination by a second health care provider designated and paid for by the Town. If the second health care provider's opinion conflicts with the original medical certification, the Town of New Durham may require a third health care provider to conduct a medical examination. The third medical examination will be agreed upon by the employee and the Town of New Durham to conduct an examination; be paid for by the Town of New Durham; and will provide a final and binding opinion.

The Town may also require subsequent medical re-certification. Failure to provide requested re-certifications within fifteen (15) days may jeopardize the continuation of the FMLA leave.

Certifications for a Qualifying Exigency:

An employee requesting 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 may be required.

Confirmation of Familial Relationship:

An employee requesting a leave of absence based on a familial relationship as listed under the Qualifying Event section may be required to provide reasonable documentation or statement of family relationship. The documentation may include but not limited to, a child's birth certificate, a court document, etc.

Reporting While On Leave:

When an employee takes a FMLA leave the employee must periodically contact the department head or the Town of New Durham's Administrator to provide status updates and intent to return to work. Status updates may include the medical condition of the employee; the individual for whom the employee is caring; or other circumstances necessitating leave. In addition, the employee must give notice as soon as practicable, preferably within two (2) business days if feasible if the dates of leave have changed or need to be extended or initially were unknown.

No Work While On Leave:

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

Return To Work:

At the end of a FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain positions due to the nature of the job or key business needs that could substantially and economically do harm to the Town of New Durham may need to be filled while the employee is on FMLA leave.

An employee who takes a FMLA leave due to his or her own serious health condition, will need a fitness for duty certificate from the employee's health care provider confirming the employee is medically able to resume work and perform the essential functions of the job before being cleared to return to work. The return-to-work medical certification forms are available from the employee's department head or the Town of New Durham Administrator. The Town of New Durham reserves the right to clarify and authenticate the fitness for duty certification.

Coordination With Maternity Leave:

As outlined in the Town of New Durham's Maternity leave policy, the Town of New Durham 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 Maternity Leave will run concurrently.

For purposes of coordinating FMLA and maternity leaves, maternity disability leave will be treated in the same manner as the FMLA leave of absence described in the Qualifying Event section. 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 less than

the number of available FMLA leave weeks, the employee may take additional FMLA leave time after the end of the disability period, but not to exceed the number of remaining available leave weeks. The employee will be reinstated in accordance with the FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the maternity leave policy.

Coordination With Other Town Policies; Reference To FMLA And Federal Regulations:

In the event of any conflicts between the FMLA policy and other Town of New Durham policies, the provisions of the FMLA will take precedence. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. The Town of New Durham reserves the right to apply the terms of the FMLA and the FMLA federal regulations.

Any questions regarding the FMLA leaves, including eligibility requirements, should be directed to the Town of New Durham Administrator.

Date of Origin	03/26/18
Last Reviewed	07/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

GARNISHMENT OF WAGES POLICY

PURPOSE

Define the Town of New Durham's process for garnishment of employee wages.

POLICY

If a dispute exists between an employee and a creditor over an alleged indebtedness, the Town of New Durham will not attempt to determine the validity or the amount of the disputed indebtedness.

By a court action, a creditor may require the Town of New Durham to withhold payments from an employee's check to settle debts. Examples of court ordered payments include such areas as child support payments, IRS garnishments, etc. The garnishment payment will be done through a payroll garnishment.

The Town of New Durham will be obligated to honor all court ordered garnishments of an employee's wages.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	04/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

HIRING POLICY

PURPOSE

Define The Town of New Durham's employee selection and hiring process.

POLICY

The Town of New Durham promotes a process of hiring qualified individuals to fill open positions which will contribute to the overall success of the Town. It is the policy of the Town to provide equal opportunity to all Town employees and applicants. The Town of New Durham supports a process that will not discriminate against an individual due to their age, color, race, gender, sexual orientation, pregnancy, national origin, religion, disability, veteran or military status, genetic information, or any other characteristic that is protected by law. The Town follows state and federal regulations governing the employment of minors.

This policy applies to all terms, conditions and privileges of employment including, but not limited to, hiring, training, promotion, transfer, compensation, benefits, educational assistance, social and recreational programs, termination, and retirement.

The following guidelines will be adhered to during the hiring process to ensure the completion of all necessary paperwork, adherence to regulatory compliance, following of the Town policies, and the hiring of competent personnel.

HIRING AUTHORITY

- A. The Board of Selectmen (BoS) is the hiring authority for all Town of New Durham positions except the following:
 - Library Trustees are the hiring authority for all positions under the Library Trustee's authority. (See RSA 202-A:11 V).
 - The Parks and Recreation Commissioners are the hiring authority for all positions funded 100% from the Parks and Recreation Revolving Fund. (See RSA 35-B).
 - The Fire Chief is the hiring authority for all Fire Fighters in the Fire Department. (See Minutes of the Town Meeting of 2008 Warrant Article # 23).
- B. The following positions shall be appointed with the final approval of the Board of Selectman:
 - With the approval of the Board of Selectmen the Town Clerk shall appoint the Deputy Town Clerk's position (See RSA 41:18)
 - With the approval of the Board of Selectmen the Tax Collector shall appoint the Deputy Tax Collector. (See RSA 41:38).

PROCEDURE

1. The Department Head meets with the Board of Selectmen (BOS) to request permission to fill a position.
 - The Board of Selectmen shall determine whether the position will be filled with a promotion, transfer or new hire.
 - The Board of Selectmen, in consultation with the Department Head and the Town Administrator, shall set the salary range for the position.
2. The open position is posted internally and externally concurrently with applications accepted for a maximum of 10 business days, unless requested for a longer period of time by the Department Head, TA, or BOS. The job position is posted in central locations within the Town and is updated as necessary to accurately outline the position criteria.
 - The locations of advertisements may include but are not limited to newspapers such as "Foster's Daily Democrat," "The Baysider," "Concord Monitor," and web sites such as the Town of New Durham website and the New Hampshire Municipal Association website.
 - All qualified applicants including current town employees that apply for the position shall be interviewed.
3. The applicant shall submit a completed application with supporting documentation (i.e., documentation of required education, certifications as required, resume, etc.) to the New Durham Town Administrator and / or Office of the Board of Selectmen. The New Durham Town Administrator and / or Board of Selectmen shall forward the applications and / or resumes to the appropriate Department Head for review.
4. The Department Head or designee shall see that the following occurs:
 - Oral interviews by at least the Department Head, one member of the Board of Selectmen (to be designated by the BoS) and the Town Administrator.
 - Additional interviewers may be added as determined by the Board of Selectmen and / or, Town Administrator and / or Department Head.
 - The Chair or their designee of the Planning Board, Zoning Board of Adjustment, and Conservation Commission shall be invited to participate in the oral interviews for Land Use Staff.
5. It is recommended that at least 3 days prior to the meeting at which the Oral Board or Oral Board designee is to present their hiring recommendation to the Board of Selectmen, the file of the applicant(s) shall be placed in the Office of the Selectmen for their review. The Oral Board or Oral Board designee will present their hiring recommendation to the Board of Selectmen. The full Board of Selectmen may wish to further interview the candidates.
6. Once the Selectmen choose a candidate for the position and set the rate of pay, the Town Administrator shall send the applicant a written "Conditional Offer of Employment" letter. The candidate must successfully complete the following conditions:

- Reference checks for the selected applicant.
 - Results shall be included in “new hire” documentation.
 - Background check for all applicants.
 - A physical examination for all applicants at the Town’s expense. Potential employees of the Fire, Highway, Police Department, and Transfer Station shall also be offered the option of the Hepatitis B vaccination at the Town’s expense.
 - A personal history packet for applicants for Police Officer.
 - All requirements specified by NH Police Standards and Training for Police Officers and all requirements as specified for Fire Department employees.
 - Criminal background check, if the applicant is age 17 or older.
 - New Hampshire Motor Vehicle records check and record check of any other state in which the applicant may have resided in the past 5 years.
 - A financial background check for any individual that will be handling money, entering residences, etc., and all police officers.
7. The Town Administrator sends an Employment Confirmation letter to the applicant.
 8. At a minimum the new Employee completes and returns the following to the TA:
 - Emergency Contact Form.
 - W4 – Federal Withholding.
 - Submit I 9 – Employee Eligibility Verification documents for verification.
 - Documentation of acceptance / rejection of Hepatitis B vaccination series if they are to be employed by the Fire Department, Highway Department, Police Department, or Solid Waste / Transfer Station.
 - New Hampshire Youth Employment Certificate if under the age of 16.
 - State of New Hampshire Proof of Permission For the Employment of a Youth Aged 16 or 17, if applicable
 9. The Department Head / Town Administrator completes the “Personnel Action Form” (PAF) with a starting date of employment and BOS approved starting wage. The PAF must be signed by the Department Head and Employee before submission to the BOS. The starting date must be after the Department Head, new employee, and Selectmen representative have signed the PAF.
 10. The PAF and all required documentation must be received by the Financial Officer prior to the first day of employment for all employees.

Date of Origin	07/11/18
Last Reviewed	07/11/18
Date Approved	07/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

HOLIDAY POLICY

PURPOSE

Define the Town of New Durham paid holidays and practices.

POLICY

Full-time and part-time employees are eligible to receive holiday pay provided the employee normally works on the observed holiday day and the employee works his or her assigned shift preceding and following the holiday.

The Town of New Durham observes 11 holidays each year:

HOLIDAY	DATE/DAY OBSERVED
New Year's Day	January 1
Martin Luther's King Day	3 rd Monday of January
President's Day	3 rd Monday of February
Memorial Day	Last Monday of May
Independence Day	July 4
Labor Day	1 st Monday of September
Columbus Day	2 nd Monday of October
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday of November
Thanksgiving Friday	Friday after Thanksgiving
Christmas Day	December 25

All holidays will be observed on the day designated by the Federal Government. However, if a holiday falls on a weekend day and the Town Hall and / or other department would be normally closed, then the holiday will be observed on the closest day to the holiday or as approved by the Board of Selectmen upon request of a department head. As an example, if the holiday falls on a Sunday the following Monday would be the day for the paid holiday. Any variance to the described holiday schedule will be annually reviewed and approved by the Board of Selectmen.

Procedure

The following conditions apply to the Town of New Durham's holiday pay policy:

Holiday pay will not be considered as time worked for the purpose of overtime calculation

For hourly (non-exempt) employees, holiday pay is computed at an individual employee's base rate of pay

Part time employees normally scheduled to work the day of the holiday will be paid for the holiday at the number of hours scheduled to work

Temporary employees are not eligible for holiday pay

If an employee is required / scheduled to work on a holiday, the employee will be paid his or her regular rate of pay plus eight hours of holiday pay

Holidays will not be paid to employees on any type of unpaid leave

Holidays falling within an approved scheduled vacation will be recorded as holiday pay

If a full time employee desires to take time off for a religious holiday not falling on a regularly scheduled holiday observed by the Town of New Durham, the employee may take the time off without pay or may elect to use PTO time, if available and if the employee so chooses. The employee must request the time off with the Department Head with as much advanced notice as possible to allow for sufficient work coverage and the time off may be granted if the time off does not create an undue hardship to the Town.

Police Officers paid on an hourly basis and who work on a holiday as scheduled by the Town shall be paid an additional eight (8) hours of straight time for each holiday worked.

Date of Origin	02/12/18
Last Reviewed	10/17/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

INTRODUCTORY PERIOD POLICY

PURPOSE

Define the Town of New Durham's new employee Introductory Period employment timeframe.

POLICY

For all new employees, there is an Introductory Period beginning on the first day of employment for a duration of twelve (12) months. The introductory time may be extended for an additional three (3) months period by the Board of Selectmen should they deem appropriate based on performance or other criteria. The Introductory Period is a time for new employees to become acquainted with the job and for the department to become acquainted with the employee's work abilities.

During this time performance is evaluated to determine how well the employee is meeting the requirements of the job. Although periodic assessment may be made, employees are advised to take the initiative and check with their supervisors to determine the quality of their job performance. Employee will be required to successfully complete the Introductory Period.

The department head shall meet with each new employee at the conclusion of the Introductory Period to review the employee's performance. Where appropriate the department head will offer remedial suggestions for improvement. Termination may be initiated by the Town of New Durham without advance notice during the introductory period if performance does not meet the established job standards.

Employment decisions made by the department head during the Introductory Period are not subject to the appeal process unless allegations of discrimination are raised.

All employees who have been promoted to new positions shall be required to complete a three (3) month introductory period in the new position before the promotion is considered to be fully approved.

The Introductory Period outlined in this section shall not apply to the position of Chief of Police.

Date of Origin	01/22/18
Last Reviewed	04/02/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

JOB PERFORMANCE REVIEWS POLICY

PURPOSE

Outline the Job Performance review process for the Town of New Durham.

POLICY

Performance management is the foundation of performance excellence. A systematic communication between the employee and department head is essential and very important. Discussions regarding job performance are ongoing and may often be informal. At the time of hire the responsibilities of the job will be reviewed with the employee so the employee fully understands specific duties and responsibilities of the position and what is expected of the employee per the approved Job Description. On-going communication keeps the employee informed of the employee's status towards meeting the expected duties and responsibilities. Performance management is not a one-time per year discussion, but a continual dialogue.

In order for the employee to improve job performance and better understand the Town of New Durham's work expectations, the job performance of employees will be, at a minimum, annually reviewed. If an employee feels (s)he needs additional feedback the employee should initiate conversation(s) with the department head.

The criteria by which the employee will be rated shall be linked to the job description of that position.

The employee's department head or supervisor will discuss the employee's job performance review, giving the employee opportunity to understand the prior period's job performance assessment, the expectations of the position, and to examine both the employee's strengths, as well as areas in which the employee needs to improve. The employee will have the opportunity to comment and provide feedback during the review process.

Employees are required to sign the job performance review. The employee's signature on the performance evaluation form indicates (s)he has seen the evaluation and had a chance to review its contents; it does not indicate agreement or disagreement with the content of the review. An employee may add comments to the job performance form. The annual performance evaluation will become part of the permanent employee record on file.

A performance evaluation is not a contract or a commitment to provide a compensation adjustment, a promotion, a bonus, or continued employment. Evaluations are only one of several factors that the Town of New Durham uses to make compensation, promotion, and retention decisions.

JOB PERFORMANCE PROCESS:

A. Annual Review

- 1) All employees work performance shall be reviewed, at a minimum, on an annual basis.
- 2) Job performance evaluations shall be in writing utilizing the Town of New Durham's Annual Performance Review Forms.
- 3) Job Performance evaluations shall be conducted by an employee's immediate supervisor.
- 4) Job Performance evaluations shall be based upon specific written performance expectations or criteria developed for the position. The employee shall be made aware of these performance expectations in advance of any job performance evaluation.
- 5) Some positions may utilize a self-assessment form as part of or to supplement the job performance evaluation.
- 6) The job performance evaluation format shall include a narrative summary on the employee's job performance which provides specific information for the evaluation determination of the respective section.
- 7) Explanatory comments will be given for those categories where performance ratings are "Does not meet the minimal standards for the position" or "Exceeds" the standard for the respective section.
- 8) Employees shall have an opportunity to comment regarding the evaluation and such comments shall be included in the employee's permanent record.
- 9) Employees not agreeing with the job performance evaluation or wishing to add additional comments to the evaluation will be given time, up to 48 hours to provide in writing, the reasons of the employee's difference of opinion.
- 10) Both the employee and department head are to sign the evaluation.
- 11) Before a supervisor meets with the employee to discuss the performance evaluation of that employee, a final "reviewer," ordinarily the senior rater's immediate supervisor and / or the Select Board, as applicable, shall certify, by signature, that the performance evaluation complies with the employee's job description, policies, procedures, and guidelines established by the Select Board and that the evaluations of the rater and the senior rater are consistently applied. Evaluation reports shall be reviewed by the senior rater's superior who shall concur or not concur in writing with each evaluation report. The final reviewer shall ensure that conflicts between the rater and the senior rater are reconciled; or, if applicable, to resolve said conflicts.
- 12) There are four types of evaluations with an evaluation occurring after each of these events: (1) Conclusion of Introductory Period; (2) Annual Performance Evaluation; (3) Where Remedial / Development situation occurs; and (4) Completion of a Field Training Program ("FTP").

B. Evaluator Training

It is recommended that Job Performance Evaluation Training take place for anyone completing a Job Performance Evaluation. Such training will assist in completing and conducting the job performance review in a consistent, uniform, and fair manner.

C. Evaluators

- a. The employee shall be evaluated by the immediate supervisor or the supervisor for whom the employee has worked during the rating period. If the employee has had more than one supervisor during the evaluation period, the evaluation will be assigned by the Town Administrator to the supervisor deemed to be most appropriate.
- b. In the event the employee's evaluator changes position the evaluator shall complete a performance evaluation for his or her employee, provided that the rater has supervised the employee for a minimum of 90 days. In the event the evaluator leaves the employ of the Town of New Durham and does not complete the evaluation then the current department leader shall complete the employee's performance evaluation. It is recommended under that condition that the evaluator seek input from the Town Administrator.
- c. The evaluator shall consult with all supervisors with whom the employee has worked, as well as any other appropriate sources in order to gain input regarding the performance evaluation.

D. Evaluation of a Supervisor

When an annual review / evaluation is conducted on a supervisor whose responsibilities include performance evaluations, part of the supervisor's evaluation will take into account the supervisor's ability to conduct / complete employee evaluations. Such areas that will be assessed are: fairness and impartiality of ratings; the quality of the narrative; the ability to provide counseling or guidance; timeliness of feedback, etc.

E. Components of an Employee Evaluation

- a. The key components and process of an employee evaluation are:
 - i. A review of the job descriptions and performance expectations for the person's job, position and / or assignment;
 - ii. A review of the tasks involved in the job position;
 - iii. The level of performance expected from the employee;
 - iv. The criteria by which the employee will be rated shall be linked to the job description of that position;
 - v. Review the completed evaluation;
 - vi. A review of the employee's immediate and long range career goals;
 - vii. Guidance, direction, or suggestions as to how the employee can meet the goals.
- b. Notice of Performance Rating that "Does Not Meet Minimal Standard" If the employee's job performance is not meeting expectations and will result in the employee not passing a successful Introductory Period or will result in a denial of a merit increase the Select Board shall be advised by the Town Administrator or the evaluator prior to the employee review.
- c. The evaluator shall meet with the employee to review the employee's job performance as outlined in the employee counseling section. The evaluator shall identify specific methods and actions needed to improve the employee's job performance.

F. Administrative Review of Results

An employee, other than a member of the Police Department, after reviewing the evaluation, shall have the opportunity to discuss the evaluation with the individual to whom the supervisor reports and / or the Town Administrator. As a final step in the process if the employee is still in disagreement with the content or rating of the performance evaluation and the employee believes that the employee's concerns are not resolved, the employee may seek an appeal from the Select Board.

- 1) The review of the employee's concern must be requested within seven business days of the supervisor's signed review of the evaluation.
- 2) The Select Board shall hear the employee's request at its next regularly scheduled meeting unless another date is agreed to by both the employee and the Select Board. Unless otherwise requested by the employee, this discussion will held in non-public session of the Select Board.
- 3) The employee shall enter written documentation to support the employee's version prior to meeting with the Select Board. The written documentation will become part of the permanent employee evaluation record.
- 4) The employee and the Select Board will review the contested portion of the evaluation. The Select Board shall advise the employee of its decision immediately or in writing within seven (7) business days. The Select Board's decision shall be final.

Date of Origin	03/26/18
Last Reviewed	04/30/18
Date Approved	05/15/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

JOB POSTINGS, TRANSFERS, & PROMOTIONS POLICY

PURPOSE

Define the Town of New Durham process for informing employees of Town job openings and / or work advancement.

POLICY

The Town of New Durham strives to provide employees with the opportunity to make full use of their skills, interests, and potential. To support employee growth and development the Town of New Durham we will make every effort to promote qualified employees from within the Town based upon the needs of the Town and employee qualifications, education, and capabilities. The Town of New Durham may also recruit individuals from outside of the Town workforce depending on the circumstances and job qualifications needed for an open position.

An employee who has at least six (6) months of service in their present position; is an employee in good standing; and who meets the qualifications of the open position is eligible to apply for an open job with the Town. At times, due to the open position needs of the Town's six month waiting period for employees to transfer and / or be promoted may be waived.

Open positions will be posted in the department where the open position occurs, on the Town Hall bulletin board, on the New Durham website, and may be advertised in other designated public communication vehicles. Also, an employee may obtain additional information about an open position and request consideration for the open position with the Town Administrator.

The Town of New Durham employees will be considered along with other applicants when a job opening occurs. Transfers and promotions are based on the following criteria:

- Employee's prior performance evaluation(s)
- Education
- Prior experience
- Years of experience
- Physical ability (where applicable)
- Test results (where applicable)
- Customer Service skills
- Teamwork dynamics
- Interview results
- Any Corrective Actions the employee may have received.

The Board of Selectmen will have final approval over all transfers and promotions.

When a transfer and / or promotion is granted, the employee's pay rate for the new position will be determined at the time of the transfer or promotion and will be consistent with the compensation guidelines for that position. The pay rate will be based upon the employee's qualifications, experience, job performance evaluations, and other considerations at the discretion of the Town Administrator and Board of Selectmen, unless otherwise governed by a collective bargaining agreement or other Town of New Durham policy.

An employee who transfers and / or is promoted will be subject to an Introductory Period, usually a period of 6 months, after which time the performance in the new position will be evaluated. The next performance evaluation will typically be conducted after 12 months of service in the new position.

Appropriate on-the-job training will be provided during the Introductory Period to assist the employee in adjusting to the new position. If the employee is unsuccessful in the new position, the employee's eligibility to transfer or apply for another opening will be evaluated. However, even if the employee is deemed eligible to be reassigned, the reassignment or continued employment cannot be guaranteed and is dependent on the Town's operational needs.

When a corrective action is at a written warning level or higher, the employee will usually not be eligible for an open position or promotion. There are times when it is appropriate for an internal transfer of an employee who is under disciplinary process to be considered i.e. the employee skills do not match the position requirements.

A two week notice will apply once the transferring employee has accepted the new job. By mutual agreement among the two Department Heads involved and the transferring employee, the two-week notice may be modified to be shorter or longer.

Promotion to the position of Chief of Police shall not have an Introductory Period.

Date of Origin	07/03/18
Last Reviewed	07/11/18
Date Approved	07/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

JURY DUTY LEAVE POLICY

PURPOSE

Provide guidelines for the Town of New Durham employees called to serve as jurors.

POLICY

The Town of New Durham supports employees in their civic duty to serve on a jury. Every effort will be made to permit the employee to perform jury duty services when called.

An employee shall be excused from employment for the day(s) required in serving as a juror or witness in any court of the United States or the employee's state of residence. Employees summoned for jury duty must inform and present a copy of the summons to their department head as soon as possible to allow advance planning for the employee's absence.

An employee called for jury duty, or subpoenaed as a witness shall be paid the difference between the employee's regular base pay and the juror payment, excluding overtime and any shift differential.

A jury duty certificate must be submitted to the employee's immediate supervisor upon the employee's return to work. If released from jury duty after 4 hours or less of jury service, the employee must report to work for the remainder of that work day. Time for appearance in court for personal business will be the individual employee's responsibility. If eligible, PTO time may be used for this purpose.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	04/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

LIFE INSURANCE PLAN POLICY

PURPOSE

Define the Town of New Durham's Life Insurance Plan.

POLICY

The Town of New Durham currently offers group life insurance to all full-time employees. The amount of coverage for each employee is currently calculated a \$15,000 maximum benefit.

At this time there is no cost to the employee but as with any benefit the life insurance plan will be analyzed for competitive practice, cost impact, etc. each open enrollment period.

Date of Origin	03/26/18
Last Reviewed	05/30/18
Date Approved	05/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

LONG TERM DISABILITY PLAN POLICY

PURPOSE

Describe the Town of New Durham's Long Term Disability policy for eligible employees.

POLICY

A full time employee is eligible to enroll in the Town of New Durham's long-term disability insurance plan after completing the initial three (3) months of employment. Long-term disability insurance is designed to replace a portion of an employee's income in the event that an employee suffers a non-occupational illness or injury. There may be waiting period before the payment from the long term disability plan begins.

If an employee becomes ill or suffers an injury that is not work related the Town of New Durham's Town Administrator should be notified immediately and the Town Administrator will provide guidance in the completion of the proper disability insurance paperwork.

An employee has the option of directing the third party disability payments to the Town of New Durham allowing the employee to receive the payments through the Town's payroll system so that the normal payroll deductions may occur. The duration of this process will stay in affect as long as the employee remains employed by the Town of New Durham and is eligible for this benefit according the Town's plan. To initiate this process an acknowledgement form must be completed by the employee.

An employee may supplement the disability insurance payment by using accumulated Paid Time Off (PTO) hours in order to receive their usual paycheck.

Long-term disability benefits will run concurrently with FMLA leave and / or other leave(s) where permitted by state and federal law.

For further information a detailed disability plan document is available through the Town of New Durham's Town Administrator.

Date of Origin	03/26/18
Last Reviewed	05/30/18
Date Approved	05/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

MATERNITY LEAVE OF ABSENCE POLICY

PURPOSE

Provide guidance for the Town of New Durham employees needing time off due to pregnancy.

POLICY

A Town of New Durham employee requesting a maternity leave of absence due to a pregnancy may be covered under the guidelines of the Family Medical Leave Act (FMLA). Under the FMLA unpaid leave may be requested for pregnancy and prenatal care, preplacement activities, birth, adoption, or foster placement of a child.

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

An employee must use any accrued PTO time before taking an unpaid leave. Employees on maternity leave may also be eligible for short-term disability benefits.

Employees on maternity leave who are not eligible for FMLA leave or who have exhausted the FMLA available leave time will be eligible to participate in the Town of New Durham's health insurance benefit for the calendar month during which the maternity leave begins. When that calendar month expires, the employee may continue medical insurance coverage by making arrangements with the Town Administrator to pay the entire monthly premium in advance of the monthly payment due date.

When the employee is physically able to return to work, the employee's original job or a comparable position will be made available to the employee unless business necessity makes holding the position open impossible or unreasonable. If the original or comparable position is not available upon the employee returning to work the employee is eligible to apply for any available position within the Town of New Durham.

State of NH guidelines for a maternity leave of absence

1. *Is a pregnant woman entitled to maternity leave?*

Yes, an employer must grant a female employee leave for the period of time she is physically disabled due to pregnancy, childbirth or related medical conditions.

2. *Is there a set period of time for maternity leave?*

No, there is no set period of time for maternity leave. It is based on the period she is disabled as determined by a physician, usually the employee's personal doctor.

3. *Is the employee entitled to full pay while on maternity leave?*

The general rule is that pregnancy must be treated in the same manner that the employer treats other temporary physical disabilities. Therefore, if the employer continues to pay other temporarily disabled employees, it must pay pregnant women. If the employer requires use of vacation and/or sick leave for temporary disabilities, then it may require the same for pregnancy.

4. *Is the employee entitled to her job back after she recovers from childbirth?*

When the employee is physically able to return to work, her original job or a comparable position must be made available to her by the employer unless business necessity makes this impossible or unreasonable.

5. *If the position is filled by another employee while the original employee is on maternity leave and the employer prefers the temporary replacement, can the employer refuse to provide the original job for the returning employee?*

No, any change in position for the returning employee must be made for reasons of business necessity. An employer's preference for one employee over the other cannot be a factor in this decision.

6. *Can an employee be laid off or fired while pregnant or on maternity leave?*

No, an employee cannot be laid off or fired while pregnant or on leave for reasons related to her temporary disability. However, an employee while pregnant or on maternity leave is not immune from a general and legitimate lay off of employees for performance requirements.

7. *At what time in the pregnancy must the employee stop working?*

An employee can work until she is physically unable to perform her job.

8. *If an employee experiences morning sickness or another related physical condition due to her pregnancy is she permitted to take leave during this time and then return to work for the remaining period of pregnancy?*

Yes, and employee may need temporary leave in the early stages of the pregnancy and then return to work until the end of the pregnancy.

9. *Must an employer provide health insurance coverage for pregnancy, childbirth and related medical conditions?*

If an employer provides health insurance coverage for temporary disabilities, coverage must include pregnancy, childbirth and related medical conditions. If the particular policy purchased by the employer excludes pregnancy, the employer will be considered to be self-insured regarding pregnancy and thus be responsible for all pregnancy-related costs equal to costs covered by the policy for other temporary physical disabilities.

10. *Must an employer provide health insurance coverage for dependents of employees for pregnancy related conditions?*

An employer must provide the same level of coverage for pregnancy related conditions of dependents that is provided for other medical conditions. This level of coverage does not have to be as high as employee coverage.

11. *If an employer provides fringe benefits for employees on disability leave, such as shorter returning hours, continued salary or others, must they be provided to the pregnant employee?*

Yes, an employer must provide the same benefits to those on leave for pregnancy related conditions as for other reasons.

12. *Is the employer required to grant leave for the purposes of childcare and bonding?*

No, the required leave is for the period of disability. If an employer permits childcare leave, it must be granted equally to both men and women employees.

13. *Can an employee collect worker's compensation or unemployment compensation when out of work due to pregnancy?*

No, pregnancy is not covered by worker's compensation or unemployment compensation benefits in the state.

14. *Are all employees covered by this legislation?*

Employees working for companies with more than six employees (full or part-time) are covered.

Date of Origin	02/12/18
Last Reviewed	06/05/18
Date Approved	06/05/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

MEDICAL BENEFIT PLAN POLICY

PURPOSE

Define the Town of New Durham's Medical Benefit Plan for eligible employees.

POLICY

Eligible employees may participate in the Town of New Durham's medical insurance benefit plan. Full-time employees may enroll in the applicable category offered by the health care vendor, i.e. single, two-person, family, etc. after meeting the eligibility criteria outlined in the plan document. Medical insurance information and enrollment forms may be obtained from the New Durham Town Administrator.

To assist with the premium cost of the medical insurance, the Town of New Durham currently pays 90% of the premium for single, two-person, or family coverage. The remaining 10% premium cost is paid by the employee through an authorized payroll deduction. This percentage ratio is subject to change based on Board of Selectmen decisions annually.

OPT OUT OPTION

During the enrollment period an eligible employee may opt out of the Town of New Durham's Medical Benefit Plan. By opting out of the Medical Benefit Plan an employee may receive a flat dollar amount which will be determined by the Board of Selectmen annually during the annual budgeting period. The flat dollar amount will be paid to the employee who opts out of the Town's Medical Benefit Plan on a weekly basis and included in the employee's regular paycheck. Employees opting out of the Town's Medical Benefit Plan will be required to sign a form attesting to the fact the employee has medical coverage through other means.

RETIREE PARTICIPATION IN THE MEDICAL BENEFIT PLAN

Upon retirement, an employee may participate in the Town of New Durham's medical insurance plan in accordance with the provisions of RSA 100-A: 50 and the applicable rules of the Town's insurance carrier. Retirees shall be responsible for paying 100% of the premium cost. An employee who does not immediately upon retirement enroll in the Town of New Durham's medical insurance may do so at a later date.

Retirees under the age of 65 and their family members who are not Medicare eligible are entitled to the same medical and / or dental plan coverage options as are provided to active employees of the Town. As noted above, retirees shall be responsible for paying 100% of the premium cost.

Retirees who are Medicare eligible as well as their spouses and dependents may participate in the medical plan coverage through the Medicare supplemental plans offered by the Town's insurance carrier. Any coverage costs will be 100% the responsibility of the retiree.

For further information, including the specific plan document will be available with the Town of New Durham's Town Administrator.

By Order Of:

Mark D. Doherty
Randy L. Fessel

NEW DURHAM BOARD OF SELECTMEN

Date: 11/17/22

Date of Origin	03/26/18
Last Reviewed	05/15/18
Date Approved	05/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	11/16/22
Date Approved	
Approved By	
Date Effective	

MILITARY LEAVE OF ABSENCE POLICY

PURPOSE

Provide guidelines for Town of New Durham employees needing time away from work due to military service.

POLICY

The Town of New Durham supports the military obligations of all employees and grants leaves for uniformed service. Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as “uniformed services”) will be provided with a leave(s) of absence for such service or training. Such leave of absences are covered under the Federal Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

Statement against Discrimination and Retaliation

It is the Town of New Durham’s policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of the employee’s membership in or obligation to perform uniformed service. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Furthermore, the Town of New Durham will not tolerate any retaliation against any individuals because of the employee’s service in the uniformed services or the employee’s engagement in any other activities protected under USERRA.

Military leaves of absence will be unpaid, unless otherwise required by law. An employee may elect to take all or some part of the employee’s accrued PTO time during the military leave of absence, but the Town does not a requirement the employee to do so.

Notice of Leave Request

Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the department head with notice of the need for the leave as far in advance as is reasonable under the circumstances. If possible the notice should be given at least thirty (30) days before the leave begins or when the employee receives the written or verbal order. If an employee is unable to provide notice before leaving for uniformed service, a family member should notify the department head as soon as possible.

An employee’s request for leave may include reasonable time off to take care of personal business prior to commencing uniformed service. Reasonable time off will be decided by the employee’s department head, which will be handled on a case by case basis.

Health Coverage

If a military leave lasts less than 31 days, the employee's health insurance will be continued and the employee will pay his/her regular contribution for the cost of health insurance benefit. The payment may be paid in advance or upon return from leave and may be paid through payroll deduction.

If a military leave lasts 31 days or longer then the employee's health insurance coverage will cease after the 31 days unless the employee elects to continue the health insurance benefit coverage at his or her own expense for up to 24 months in accordance with USERRA. The cost for continuation coverage past the 31 days will be at the full cost of the premium. A 2% administrative fee may also be charged.

When the employee returns to work, s(he) will be eligible for reinstatement to the health insurance benefit with no waiting period even if coverage terminated during the leave.

Retirement Plan(s)

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

Reinstatement

When an employee intends to return to work following a military leave of absence the employee should promptly notify the department head of the desire to be reinstated for work with the Town of New Durham.

If the time away is less than 31 days, then the employee should return to work, if feasible, on the first full regularly scheduled work day following completion of service. Consideration will be taken into account for transportation back from service and for 24 hours of rest. If the time away for service lasts 31 to 180 days, then the employee should notify the department head of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify the department head of the desire for reinstatement within 90 days of completing service. An employee who fails to report for work within the prescribed timeframe after completion of military service may be considered a voluntary termination.

Upon return from military leave, the employee will be granted the same seniority, pay, and benefits as if the employee had worked continuously. The Town of New Durham will reinstate eligible employees promptly. Eligibility for reemployment will be determined based upon USERRA regulations. An employee seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and / or a statement that the reason for separation or dismissal from military service. An employee cannot waive their reemployment rights in advance of being released from uniformed service.

Disabled Service Members

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

Questions regarding this policy should be directed to the New Durham Town Administrator.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

MOTOR VEHICLES USED FOR TOWN BUSINESS – TOWN OWNED OR PERSONAL VEHICLE POLICY

PURPOSE

Provide guidance on the proper use of the Town of New Durham vehicles or the use personal vehicles when conducting Town business.

POLICY

The Town of New Durham seeks to safeguard its employees and others when driving a motor vehicle is required in the course of conducting the Town's business. Proper use of a Town's vehicle and / or personal vehicle, to operate a vehicles in a safe manner, and to drive defensively to prevent personal injury and property damage is of utmost importance.

An employee, elected official, and / or volunteer when authorized to use a Town of New Durham owned vehicle, or a personally owned vehicle when used for the Town's business, and in accordance with this policy may be covered by the Town of New Durham's liability insurance.

A Department head must authorize an employee or volunteer to utilize a Town of New Durham vehicle or a personally owned vehicle used for town business. The time an individual travels to and from work is not considered Town business and is not considered as work time for conducting business for the Town.

An individual using the Town of New Durham vehicles or a personally owned vehicle for Town business must comply with the following guidelines:

- 1) Seatbelts must be worn by all occupants of the vehicle.
- 2) The driver shall not operate or use a cell phone unless utilizing a hands free device or other electronic device such as a computer, tablet, etc. while the vehicle is being driven.
- 3) The driver must possess a valid driver's license and acceptable driving record.
- 4) The driver may need to agree to provide the town with a driving record on an annual basis. Employees must cooperate in completing any required authorizations or other paperwork for the motor vehicle records check. Copies of the reports received by the Town will be furnished to the employee upon request. Having a driving recor that in the opinion of the Town is unsatisfactory or one that is unacceptable to the Town of New Durham's insurance carrier may

be grounds for disciplinary action including but not limited to loss of driving privileges and / or termination.

- 5) The driver must complete the Employee / Volunteer Form and provide proof of liability insurance when operating a personally owned vehicle. The driver is required to maintain liability insurance while they are driving their personally owned vehicle for the Town of New Durham business.
- 6) The vehicle being driven for Town business must be properly registered and inspected. The vehicle must be in compliance with all relevant New Hampshire state statutes with no safety deficiencies.
- 7) While operating a personally owned vehicle for the Town of New Durham business the operator must comply with all applicable New Hampshire state statutes as they apply to operation of motor vehicles.
- 8) The operator of the vehicle used for Town business must not be impaired while driving a motor vehicle including being under the influence of alcohol; taking drugs either prescribed or unprescribed; while injured that impairs driving skills; fatigue that impairs driving skills, etc.
- 9) No unauthorized individual is allowed to ride in a Town of New Durham vehicle.
- 10) A driver is responsible for the security of the Town of New Durham's vehicle thus a vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

Any employee who drives a Town owned vehicle and receives a citation or any other fine or penalty for unlawful operating any motor vehicle, Town owned or non-Town owned, shall notify the Town Administrator or Board of Selectmen consistent with the above policy. The citation and / or fine and shall be personally responsible for the payment of said fine(s) or any costs associated with the actual fine or legal representation in any such related matter.

Collision

In the event of a collision involving property or vehicle damage or personal injury, the following steps must be taken:

- 1) The accident must be reported to your immediate Supervisor or Department Head.
- 2) An accident report must be completed with the Town Administrator or Selectmen's Office.
- 3) At the accident scene, contact the local Police Department for accidents regardless of the extent of physical damage.
- 4) If applicable, obtain the other driver's name, address, phone number, description of vehicle, insurance company information as well as the name(s) of any witnesses.
- 5) No repairs should be completed on any damaged Town vehicle unless express permission is obtained from the Town Administrator or Board of Selectmen.

Failure to comply with any of the steps may result in discipline up to and including termination.

Date of Origin	04/09/18
Last Reviewed	06/27/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

MOTOR VEHICLE VIOLATIONS POLICY

PURPOSE

Outline the guidelines for Town of New Durham employees operating Town vehicles and incurring motor vehicle violations.

POLICY

The Town of New Durham seeks to safeguard its employees and others when driving a motor vehicle required in the course of conducting the Town's business. An employee who operates a Town of New Durham owned vehicle(s) may be required to annually provide an official copy of their driving record. The cost for providing the requested document will be covered by the Town.

An employee who operates a Town of New Durham vehicle(s) is required to notify the Department Head within seventy-two (72) hours if the employee has been convicted of or plead *nolo contendere* to any and all motor vehicle violations.

If an employee who operates a Town of New Durham vehicle(s) has had a driver's license suspended, revoked, or otherwise restricted, the employee must notify the Department Head within one working day of learning of the suspension, revocation, or restriction.

An employee is not authorized to operate any vehicle on town business while his or her driver's license is under revocation or suspension.

An employee who is required to drive as part of their job but is unable to do so and / or if an employee fails to comply with this policy, the employee may be subject to discipline up to and including termination of employment.

Date of Origin	04/09/18
Last Reviewed	06/27/18
Date Approved	06/27/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

NOTARY PUBLIC SERVICE POLICY

PURPOSE

Provide no cost Notary Public services to all New Durham Town employees.

POLICY

An on-site Notary Public service is available at no cost to the Town of New Durham employee's. There is no fee associated with this service for employees as well as citizens of the Town of New Durham. Authorized Notary Public services are available to employees at the Town Hall. Please ask either the Town Clerk or the Tax Collector should this service be needed.

Date of Origin	03/26/18
Last Reviewed	06/05/18
Date Approved	06/05/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

ON-CALL POLICY

PURPOSE

Define the Town of New Durham's on-call guidelines when an employee is called in for work between the time period from when the employee leaves his or her scheduled shift and begins the next scheduled shift.

POLICY

A "call-in" is defined as an unscheduled request made by an appropriate management leader for an hourly employee to return to the employment location to do unforeseen or emergency work after leaving the location at the end of the regular shift and before the beginning of the next regularly scheduled shift.

Due to the nature of the Town of New Durham's business, certain employees are required to be on-call. An employee will be advised upon hire whether the employee will be required to be on-call.

When an employee is on-call the employee will need to provide contact information to the employee's department head and other defined, authorized New Durham management personnel. Additionally, an employee may need to restrict certain activities in order to respond in a timely, specified timeframe.

When the employee is in On-Call status and if that employee is called upon to report to an emergency call-back the affected non-exempt employee shall be paid a minimum of two (2) hours of compensation at the employee's regular rate of pay as well as the on-call pay. If an employee is called back within the initial two hours, then the second call-back will run concurrently with the remaining time of the first call.

There may be times when an employee who is on-call will not be required to come in to the workplace, but due to the situation spend an extended period of time on the phone resolving an issue. In this situation consideration will be given to pay the employee the on-call pay as well as the hourly rate of pay with the decision as to hourly rate application to be made by agreement between the Police Chief and the Town Administrator on a case by case basis.

When an employee is on-call during a holiday that is observed by the Town of New Durham and the employee is called upon to come into work then holiday pay will be paid as well as the hourly rate of pay.

Sworn police personnel are required to be on call or on stand-by for a period of 6 – 8 hrs. and the officer is subject to emergency call back. An on-call period of less than 6 hours will be prorated to 50% of the rate. The rate for this work will be determined annually during the budgeting process.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	04/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

OVERTIME POLICY

PURPOSE

Define the Town of New Durham's overtime pay for employees and to manage the expense associated with overtime pay.

POLICY

From time to time, it may become necessary for employees to work overtime. . Before overtime is worked, an employee must receive verbal approval by his or her Department Head or Supervisor.

Except in the event of an emergency, the Supervisor or department head will attempt to provide the employee with as much advance notice as possible for the necessity for overtime work.

Non-exempt employees, with the exception of certain law enforcement and fire protection employees, are eligible to receive overtime pay. Upon hire the employee will be advised whether (s)he is eligible for overtime pay.

The overtime pay will be calculated at one and one-half (1.5) times the employee's regular rate of pay for all time worked in excess of forty (40) hours per work week.

For the purpose of calculating overtime pay there are certain times that will not count towards calculating overtime. These are:

- PTO Leaves

- Holidays

- Family and Medical Leave (FMLA)

- Military Leave

- Jury and Witness Duty

- Funeral/Bereavement leave

- Voting Time Off

Exceptions to the above Policy are:

Highway Department Employees: Holiday leave, annual leave and other time off benefits are counted as "time worked" for purposes of calculating overtime.

Law Enforcement Employees: Employees engaged in law enforcement activities will be paid overtime at the rate of one and one-half times their regular rates of pay for all time worked in excess of forty (40) hours worked in the seven (7) day work period.

Overtime is considered a condition of employment and an employee is expected to work overtime as reasonably assigned. The Town will make efforts to accommodate an employee's inability to work overtime when an employee may occasionally have a conflict with the assigned overtime. An employee's refusal to accept overtime when reasonable notice has been given or when an employee is continually unavailable to work overtime is cause for discipline up to and including termination. At the Department Head's discretion an employee's work schedule may be adjusted during a workweek to avoid overtime.

Emergency personnel, due to the unique circumstances of work responsibilities, may be required to work overtime hours.

Fire Department Employees: 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 fifty-three (53) hours in the seven (7) day work period.

The Select Board may approve alternate calculations of overtime for periods that are authorized in accordance with the Fair Labor Standards Act for law enforcement and fire personnel.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	04/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

PAID TIME OFF (PTO)

PURPOSE

Define the Town of New Durham's Paid Time Off (PTO) process.

POLICY

The Town of New Durham recognizes the need of employees to have time off for relaxation, personal business, and, when needed, illness. As a benefit the Town of New Durham provides Paid Time Off (PTO) for full-time employees. PTO is an alternative approach to the traditional manner of covering absence from work for vacation and sick leave by dividing those benefits on a traditional approach into a specific number of hours or days attributable to each benefit. PTO puts these hours or days together into a single benefit. Under this PTO policy these accruals are combined to allow the employee optimal flexibility to meet individual needs.

This policy describes the Paid Time Off benefits for all New Durham full time employees. Part-time employees and Temporary employees are not currently eligible for this PTO benefit.

The Town of New Durham provides PTO as one of the many ways in which to show appreciation for the dedicated work and continued service of the employee.

PTO ACCRUAL

Paid Time Off accrues based upon the hours the employee works excluding overtime and on-call hours. PTO is accrued each pay period and the accrual calculations will be based on hours worked not to exceed 40 hours per pay period.

The accrual scale is based upon the employee's length of service with the Town of New Durham as of the hire anniversary date.

If there is a break in service, the accrual scale will be based on the employee's most recent hire date unless otherwise specified.

Full time employees, except those covered by employment contracts in which arrangements may be different, shall accrue PTO hours as outlined below:

New Durham PTO Accrual Rates				
Full Year(s) of Service	Accrued Hours Earned Per Pay Period (Weekly)	Accrued Hours Earned Annually	Max Accrual Hours Allowable	Max Payout Hours At Termination Allowable
1	2.615	136	136	82
2	2.615	136	160	96
3	2.615	136	200	120
4	2.615	136	264	158
5	3.5	182	320	192
6	3.5	182	320	192
7	3.5	182	320	192
8	3.5	182	320	192
9	3.5	182	320	192
10	4.25	221	400	240
11	4.25	221	400	240
12	4.25	221	400	240
13	4.25	221	400	240
14	4.25	221	400	240
15	4.25	221	400	240
16	4.5	234	400	240
17	4.5	234	400	240
18	4.5	234	400	240
19	4.5	234	400	240
20	4.5	234	400	240
21	5	260	400	240
22	5	260	400	240
23	5	260	400	240
24	5	260	400	240
25	5	260	400	240

PTO accruals earned in one year may be carried over, or banked, into the next year to a maximum of four hundred (400) hours. If the maximum accrual is reached further accruals will stop until PTO hours are used. Once PTO is used and the balance drops below the maximum, the PTO accrual will re-start and continue until the maximum accrual level is reached.

An employee must submit any requests for PTO usage as personal time or as vacation to their Department Supervisor and / or Department Head in writing. Except when sick portions of the PTO are used, requests for PTO usage should be submitted at least two (2) weeks in advance of the requested PTO dates. PTO may be only taken if the request is approved by the Department Head, or in his / her absence the Town Administrator. An employee's paid time away from work using their PTO time must not exceed the available PTO accrued time for the employee.

To receive pay for a PTO day due to illness the employee must notify the Department Head a minimum of one hour (or longer, if possible) before the scheduled start of the shift. Whenever possible, more advance notice is encouraged and appreciated. While no minimum PTO amount is required in an employee's PTO "bank" employees are encouraged to maintain a one-week balance in their PTO bank to cover the first few days of any illness which may occur.

An employee's absence due to sickness, injury or medical reason(s) of more than two (2) consecutive scheduled work days shall require a medical certificate indicating the reason for the absence, unless not required by the Board of Selectmen. Failure to produce a medical certificate will result in loss of compensation for the missed work time.. An employee must report all absences due to injury or medical reasons to their Department Head or the Town of New Durham's Town Administrator as soon as possible. Failure to notify the Department Head of an absence may result in disciplinary action.

PTO Time must be recorded in the payroll system in the pay period in which the time is taken.

Except as noted in the Forfeiture of Accrued PTO Time Upon Early Ending of Employment section, at the time of the employee's separation of employment with the Town of New Durham all earned PTO accruals will be paid at the employee's current base rate of pay up to the maximum of accrual that employee has earned on the date of separation but not to exceed two hundred and forty (240) hours (see New Durham PTO Accrual Rates Table in this policy). During any resignation period PTO time cannot be used in lieu of proper notice.

For the purposes of this policy years of service will be calculated from the date of continuous full-time employment with the Town.

MAXIMUM ACCRUAL OF PTO TIME

The maximum accrual as of December 31 of each year shall be 400 hours (50 work days of 8 hours each). PTO up to a maximum of 240 hours of accrued time will be paid at the time of an employee's termination or retirement.

WAITING PERIOD BEFORE PTO TIME CAN BE USED

New full time employees will begin their PTO accrual time on the first day of employment. However, there is a mandatory 60 day waiting period for new employees before any accrued PTO time may be used.

PTO TIME PAYOUT NOTICE AND RATE FOR PAYOUT

A notice period of two (2) weeks is considered to be appropriate and normal for any employee termination. PTO time is paid at the hourly pay rate at the time of termination or resignation.

PTO has no cash value other than what will be paid out only upon usage of the time or upon the termination or retirement of the employee.

FORFEITURE OF ACCRUED PTO TIME UPON EARLY ENDING OF EMPLOYMENT

Should a newly hired full time employee leave their employment for any reason prior to six (6) months of their employment start date the employee will forfeit all accrued PTO time and is not eligible for any PTO payout.

PTO DONATION POOL

A portion of an individual employee's Paid Time Off (PTO) may be donated by the employee having PTO time in their "PTO Bank" to a New Durham Town Employee PTO Donation Pool on a purely voluntary and charitable basis to assist employee(s) who due to extenuating circumstances such as long term illness, etc. may have exhausted all of their available PTO hours.

To be a member of the New Durham Employee PTO Donation Pool (PTO DP) an employee must voluntarily contribute to the pool. To be a member of the PTO DP an employee must contribute a minimum of 8 hours from their own PTO Bank and are restricted to a maximum of 40 hours donated per year. Donations may be contributed to the PTO DP at time of open enrollment for health and other benefits.

To use or receive a PTO DP donation of time in the form of pay due to work absence an employee must be a member of the PTO DP.

Allocation of PTO DP time to an eligible employee may be done at any time during the year.

Management of the PTO DP will be by an administrative team consisting of one Department Head / Manager, one employee, and the New Durham Town Administrator. The appointments to the PTO DP administrative team will be recommended by the New Durham Town Administrator with approval from the New Durham Board of Selectmen.

The PTO DP administrative team will develop eligible criteria for PTO DP recipients with Select Board approval; will receive all PTO DP requests from any eligible New Durham employee, reviews all requests; and makes the decision for the request. Any single PTO DP allocation of PTO Donation Pool hours can be up to 6 weeks.

Date of Origin	09/10/18
Last Reviewed	10/17/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	11/16/22
Date Approved	
Approved By	
Date Effective	

By Order Of:

Maureen DeB...
Dorothy L. L...

NEW DURHAM BOARD OF SELECTMEN

Date: 11/17/20

PARKING FACILITIES POLICY

PURPOSE

Define parking guidelines for the Town of New Durham employees.

POLICY

An employee is permitted to use the parking spaces at the facility at which they work subject to direction by the Department Head. The Town of New Durham assumes no liability to any employee or Town official for any damage to or by any motor vehicle owned or operated by an employee or Town official occurring on the Town of New Durham property.

Date of Origin	04/09/18
Last Reviewed	06/27/18
Date Approved	06/27/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

PAY AND PAY PERIODS POLICY

PURPOSE

Define the Town of New Durham's pay periods and pay process.

POLICY

The town of New Durham's day for all employee's receipt of payroll checks (whether physical paper checks or direct deposit) for the prior pay period is weekly on Thursdays. Employees will be paid for all hours worked during the preceding one week pay period. Each pay week includes all shifts starting on a Monday at 12:01 until the following Sunday at 12:00 midnight. The pay period is one pay week.

The Town of New Durham makes every effort to ensure a paycheck and benefit transactions are correct. Each employee should review their paycheck for accuracy. If an employee finds a mistake in their paycheck, the error is to be reported as soon as possible to the employee's department head or the Town Administrator. In the unlikely event an error has occurred due to no fault of the employee the Town of New Durham will correct the error in accordance with state and federal regulations.

If a pay day falls on a holiday observed by the Town of New Durham, then the payroll checks will be distributed on the preceding workday.

For purposes of safety paychecks will be distributed only to the employee. Additionally, for efficiency, direct deposit of checks is encouraged.

If an employee loses their payroll check the employee should contact the Town of New Durham administrator. A replacement fee may be assessed to the employee for the employee's lost payroll check.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	11/16/22
Date Approved	
Approved By	
Date Effective	

By Order Of:

Mac DeB...
Dorothy L. Fennel

NEW DURHAM BOARD OF SELECTMEN

Date:

11/17/22

PAYROLL DEDUCTIONS POLICY

PURPOSE

Define the Town of New Durham's employee payroll deduction process.

POLICY

There are two categories of payroll deductions: 1) those required by state or federal law, and 2) those authorized by the employee. Payroll deductions required by state and federal law include such items as federal withholding income tax, social security tax, and wage garnishments. If authorized by an employee the Town of New Durham will make payroll deductions for health insurance, savings plans, and, if eligible, voluntary contributions to a retirement plan, etc. The deductions will be itemized on the employee's pay check stub.

Under New Hampshire law, the Town of New Durham may not withhold, make use of any portion of, or require an employee to remit any portion of an employee's wages except, with appropriate authorization. Examples of such items covered under these guidelines are:

- Medical and Dental Insurance
- Voluntary contributions to charities
- Housing and Utilities
- Union dues
- Contributions to Cafeteria and Flexible benefit plans
- Cleaning of uniforms
- Repayment of overpayments made to the Employee
- Loan payments
- Advances on vacation or other paid time off where supported by appropriate documentation;
- Use of a demonstrator vehicle as defined in RSA 261:111.

If an employee has any questions or concerns about his or her paycheck the employee should contact the department head, the Town's finance office, or the Town Administrator as soon as possible. If an employee does not receive a response within 2 – 3 business days following the receipt of the employee's payroll related question or is dissatisfied in any way with the response received, the employee should feel free to contact the Chair of the Select Board.

Questions and concerns regarding pay and deductions will be investigated and addressed as soon as possible. If an error has occurred, such as an inaccurate deduction or incorrect hours, etc., the employee will receive a corrected check or a check reimbursing the employee for the error, or an agreement to make proper corrections whichever is more practicable under the specific circumstances of the error.

When employee is issued uniforms and / or equipment the employee will be required to sign an acknowledgement form that recognizes receiving such items. The Employee Uniform / Equipment Responsibility Form is to be completed at the time of employment and updated as needed when new uniforms and / or equipment are issued to the employee. The acknowledgement form will be placed in the employee's Human Resource file.

See New Durham Uniform / Equipment Acknowledgement Receipt Form.

Payroll Deductions for Salaried Exempt Employees

Salaried exempt employees receive a predetermined, set amount of compensation each pay period. The employee's pay for a given pay period will not be reduced due to such situations as absences requested by the Town of New Durham, quantity or quality of work. There are only limited situations when an exempt employee's compensation may be reduced. One such time is when an employee has been terminated for cause and the employee's final paycheck may be prorated. (RSA 275:43-b) Quantity and quality of work issues for salaried and other employees will be address through the performance review process.

Exempt employee's salaries may be subject to modification from time to time, these may include but not limited to: performance evaluation time, and / or when an employee's position or responsibilities change. The Town of New Durham may apply vacation, sick, personal, and other forms of Paid Time Off to absences for personal, sickness, or disability, and the applying paid time in those cases is not considered a deduction from salary.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	06/05/18
Approved By	BoS
Date Effective	01/01/19
Revised On	



Town of New Durham

P.O. Box 207, 4 Main Street

New Durham, NH 03855

EMPLOYEE UNIFORM / EQUIPMENT RESPONSIBILITY FORM

Entity: Town Of New Durham

Dept: _____

Employee: _____

Address: _____

Date Received: _____

I, the undersigned, acknowledge receipt of the following items and quantities:

Quantity	Item	Condition	Cost Each

Upon the separation of my employment or at the request of the Town of New Durham, I will return all rented or Town owned/purchased uniforms and equipment. Upon my failure to return these items, I hereby authorize the Town to deduct from my wages the cost of all items missing at the rate stated as above for any unreturned assigned uniforms or equipment.

The total inventory value of all equipment is \$ _____

Employee Signature: _____ Date Signed: _____

Supervisor Signature: _____ Date Issued: _____

Date of Origin	04/11/18
Last Reviewed	06/05/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

PERSONAL LEAVE OF ABSENCE POLICY

PURPOSE

Provide guidance when a Town of New Durham employee requests time away from work due to a personal reason.

POLICY

The Town of New Durham recognizes that due to personal circumstances, it may occasionally become necessary for an employee to request an extended period of time off from work. A personal leave of absence may be granted for compelling reasons at the sole discretion of the Board of Selectmen. If granted, personal leaves of absences typically will not exceed thirty (30) days away from work.

An employee may be granted a personal leave of absence based on the following:

- An employee who has already exhausted or does not meet the eligibility requirements for a Family / Medical Leave
- An employee needs time away for circumstances other than qualifying Family / Medical reasons
- An employee has exhausted or is not eligible for Paid Time Off (PTO) accrued time but has personal circumstances that require a personal leave of absence
- An employee has exhausted a maternity leave.

The request for a personal leave of absence must be in writing, with as much advance notice as possible, but no less than 7 (seven) days, and made to the Town of New Durham's Town Administrator.

An employee who has taken a leave due to medical reasons must provide a certificate from a health care provider's stating the reason for the leave and the expected date of return to work. A fitness for duty certificate must be provided from the employee's health care provider before reinstatement to work.

A personal leave of absence begins on the first day the employee is granted the personal leave or the first day the employee is absent from work. If an employee cannot give a thirty (30) days' notice the employee is requested to give as much notice as is practical, but no later than three (3) days following the last day worked. Upon request by the employee, the employee's department head can complete the required Leave of Absence (LOA) forms for an employee unable to submit the form in a timely manner.

Requests for leave will be considered on a case-by-case basis taking into account the Town of New Durham's staffing needs and other factors. LOA will not be granted to a Town employee accepting employment elsewhere, including working in a business of the employee. Requesting a LOA in these situations would constitute a termination of employment from the Town of New Durham.

A Personal Leave of Absence will be unpaid and an employee on an unpaid personal leave of absence is not entitled to accrue any benefits, including, but not limited to, holidays, PTO accrued time, sick leave, and personal days. If the leave of absence is for a medical reason, eligible employees may apply for short-term disability benefits.

Employees who are granted a personal leave of absence may continue to participate in the Town of New Durham's health, life, and disability insurance benefits in the same manner for the calendar month during which the leave begins. When the calendar month expires, the employee may continue insurance benefits coverage by making arrangements with the Town Administrator for the employee to pay the full monthly premium prior to the beginning of each month. Failure to pay premiums will result in the health benefit being terminated within (30) days from when the payment was due. The forms for these benefits are available from Town Administrator.

During a personal leave of absence the PTO benefit and other service benefits will not accrue.

Key points that occur during a personal leave of absence are:

Reasonable effort will be made to reinstate employees returning from a personal leave of absence to the same or similar job as held prior to the leave of absence, subject to the Town of New Durham's staffing needs and other operational requirements.

If the Town of New Durham needs to fill the position while the employee is on a personal leave of absence the Town Administrator will notify the employee prior to posting the position.

The employee must inform the Town of New Durham's administrator when s(he) is able to return to work.

Reinstatement to employment with the Town of New Durham cannot be guaranteed.

The employee may remain eligible to apply for employment with the Town of New Durham in the future.

If an employee fails to return to work following the expiration of the leave, the employee will be considered to have voluntarily resigned from his or her employment with the Town of New Durham.

PTO time does not accrue while on unpaid leave.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

PROGRESSIVE DISCIPLINE POLICY

PURPOSE

Provide the Town of New Durham a structured corrective action process to improve and prevent recurrence of undesirable employee behavior and performance issues.

POLICY

The Town of New Durham strives to be a place where employees are able to complete their work in a supportive environment while supporting the Town's vision and values. The Town expects all employees to fulfill performance expectations, to comply with standards of behavior, human resource policies, operating policies and procedures, and to act respectfully and courteously at all times to other employees, management, and the public.

When an employee's job performance, professional conduct, adherence to safety guidelines, or other policy-related issues fail to meet standards, as determined by the employee's Department Head or the Town Administrator, the employee may be subject to counseling or discipline until the employee's performance, conduct, or safety concern(s) are addressed and sufficiently improved. Failure to meet the departmental or Town's standards may result in the employee's termination.

Generally, there are four (4) types of disciplinary actions used by the Town of New Durham:

1) documented verbal counseling, 2) written warning, 3) suspension and final written warning, and 4) dismissal. While the Town of New Durham will apply the concept of progressive discipline when appropriate, it reserves the right to determine the appropriate level of discipline in each circumstance. In addition, nothing in this Human Resource policy undermines the at-will nature of the employment relationship, as the employment 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.

Police Department Policies are the guiding process for Police Department personnel.

A business day in this policy is defined as "a day when the Town Hall is open for normal business".

1. DOCUMENTED VERBAL COUNSELING

The verbal counseling provides an opportunity for the Department Head to bring attention to the employee an existing performance, conduct, or attendance issue. The Department Head should discuss with the employee the nature of the problem or the violation of Town policies and / or procedures. The

Department Head is expected to clearly describe expectations and steps the employee must take to improve performance or resolve the problem

The Department Head or supervisor shall issue a verbal warning to the employee within thirty (30) business days of his or her knowledge of any infraction. The Department Head or supervisor shall notify the employee of the nature of the infraction and will offer remedial suggestions. A memorandum outlining the nature of the issue should, at the discretion of the Department Head, be placed in the employee's Human Resource file and noting that verbal counseling has been completed with the employee.

The employee shall have no right of appeal regarding a documented verbal counseling occurrence.

2. WRITTEN WARNING

If the employee has not corrected the performance, conduct or attendance issues as identified in Step 1, or an infraction by an employee is such that a verbal counseling is not deemed sufficient due to the severity of the incident, then it may become necessary to involve a more formal documentation of the issue(s).

The Department Head shall consult with the Town Administrator prior to the issuing of a written warning. The written warning should be issued within thirty (30) business days of the Department Head's knowledge of any infraction. The written warning shall outline the nature of the infraction and will offer remedial suggestions. A copy of the written warning shall be placed in the employee's Human Resource file. The Town Administrator shall inform the Board of Selectmen in a timely manner of the written warning in a non-public session.

The Department Head should provide the employee with a formal performance improvement plan requiring the employee's immediate and sustained corrective action. The document should outline that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken by the employee.

The employee may appeal a written warning by following the Appeal Procedure. See Appeal Procedure Policy.

3. SUSPENSION AND FINAL WRITTEN WARNING

There may be performance, conduct, or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace.

Except as required by law, the Department Head shall recommend to the Town Administrator that an employee be suspended, with or without pay within fifteen (15) business days of his or her knowledge of any infraction deemed severe enough to incur a suspension or final written warning. The recommendation for suspension shall be in writing, with a copy delivered to the employee by hand or by certified mail return receipt requested.

When immediate action is necessary to ensure the safety of the employee or others, the Department Head may suspend the employee pending the results of an investigation. An employee may not use PTO time to supplement the unpaid, suspension time.

A written record of the final warning is made part of the employee's Human Resource file.

Police Department policies are the guiding process for Police Department personnel.

The Town Administrator may upon receipt of a suspension recommendation conduct or cause to be conducted an impartial investigation and to report to the Board of Selectmen the Town Administrator's findings. Any investigation shall be completed within thirty (30) business days of receiving the suspension recommendation.

The Board of Selectmen shall meet within thirty (30) business days to consider the Department Head's / Town Administrator's recommendation and to consider the Town Administrator's investigation. The employee will receive written notice of the decision either by hand or certified mail return receipt requested whether the Select Board has decided to accept or reject the Department Head's / Town Administrator's recommendations on suspension / final written warning within ten (10) business days. The employee may have the opportunity to appeal to the Board of Selectmen the recommendation of the Department Head. . The Board of Selectmen may adopt whatever rules of procedure for said hearing it deems fair and equitable and according to any State or Federal applicable laws.

The decision of the Board of Selectmen on the recommendation for suspension shall be final.

4. TERMINATION

The last step in the Progressive Discipline procedure is a recommendation to terminate employment.

Except as required by law, the Department Head shall recommend within twenty (20) business days of his or her knowledge of any infraction to the Town Administrator and / or to the Board of Selectmen that an employee be dismissed. The recommendation shall be in writing, with a copy delivered to the employee by hand or by certified mail return receipt requested.

The Board of Selectman may upon receipt of the termination recommendation, direct the Town Administrator or agent to conduct an impartial investigation and to report to the Board of Selectmen the Town Administrator's findings. Any investigation shall be completed within thirty (30) business days.

The Board of Selectmen shall meet within thirty (30) business days following completion of any further investigation to consider the Department Head's / Town Administrator termination recommendation and to consider, if appropriate, the Town Administrator's investigation. The employee shall receive notice of such recommendation. The employee shall have the opportunity to appeal the termination recommendation by the Department Head before the Board of Selectmen. The Board of Selectmen may adopt whatever rules of procedure for said hearing it deems fair and equitable and according to any State or Federal applicable laws.

The decision of the Board of Selectmen recommendation for termination of employment shall be final.

A written record of the termination of employment is made part of the employee's Human Resource file.

Nothing in this policy creates, or should be construed to create, any legal obligation on behalf of the Town of New Durham to follow any particular sequence or procedure in counseling or implementation of the disciplinary action.

When an employee is required by law to have a hearing before termination, the employee shall be placed on administrative leave with or without pay as determined by the Board of Selectmen pending the outcome of the hearing.

Town of New Durham Human Resource Policy Manual

There are times when immediate suspension and / or termination will occur. The following are examples, but not inclusive list when immediate suspension and / or termination is appropriate:

- theft of any personal or Town property
- use of alcohol or illegal drugs
- the unauthorized use of a Town of New Durham vehicle including unauthorized passengers
- the unauthorized use of Town of New Durham equipment.

The following, although not intended to be an all-inclusive listing, constitutes a violation of conduct, which will generate progressive discipline process.

- ✓ Not adhering to the Standards of Behavior
- ✓ Falsification or unauthorized disclosure of records
- ✓ Falsification or hours worked
- ✓ Unauthorized tardiness or absence from work
- ✓ Absence of two or more days without appropriate notification
- ✓ Neglect of duties, inattention to duties, sleeping on duty
- ✓ Failure to fulfill job requirements or standards of efficiency and productivity
- ✓ In subordination or refusal of an employee to follow instructions or to perform assigned work
- ✓ Failure to be at work at the start of the shift, end of a meal or rest period, or failure to remain at work up to the end of the shift
- ✓ Loitering before or after scheduled work time
- ✓ Unauthorized possession, use, or sale of controlled substance(s)
- ✓ Reporting to work under the influence of alcohol or drugs
- ✓ Fighting, gambling or possession of dangerous weapons while on Town property
- ✓ Harassment of another employee, visitor, volunteer, including harassment related to national origin, race, color, religion, gender, sexual orientation, age, body, disability, or appearance
- ✓ Acting in a disorderly manner or using profanities, obscenities, or abusive language that is threatening to others
- ✓ Misrepresentation or falsification of information in seeking employment
- ✓ Willfully hindering the work efforts of others
- ✓ Violation of the Town of New Durham policies and procedures
- ✓ Failure to report violations of the Town of New Durham's Ethics Policy
- ✓ Violating safety rules or common safety practices
- ✓ Intentional destruction of the Town of New Durham property or property of others, neglect, or carelessness in using the Town's property
- ✓ Improper use of computers and / or software programs including but not limited to unauthorized access to the Internet, installing unauthorized software and / or unlicensed applications
- ✓ Theft or dishonesty
- ✓ Improper dress or unsafe wearing apparel
- ✓ Lost time from work as a result of a conviction for a criminal offense

- ✓ Violation of the New Durham policy on solicitation or distribution of literature while on the Town premises
- ✓ Asking visitors, consultants, vendors for tips, gifts, or other gratuities.

Any employee who has concern with how the progressive discipline process has been implemented may utilize the Appeal Procedure policy.

Date of Origin	05/30/18
Last Reviewed	07/03/18
Date Approved	07/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

REPORTING OF TIME WORKED POLICY

PURPOSE

Define the Town of New Durham's guidelines for reporting of time worked.

POLICY

All employees are required to complete accurate weekly time reports showing all time actually worked during the scheduled week. These worked time records are used to calculate regular and overtime pay so that an employee will be compensated for the hours worked. Accurate records are required by governmental regulations. Upon hire the department head will provide the employee with the details as to the recording of worked time. Accurate records include properly recording on-call, holidays, vacation, etc.

The employee is to enter the time worked for each day on a time sheet provided by the Town. At the end of the week, following the employee's review of the time sheet for correctness, the Department Head is to review the time sheet for accuracy. The employee and the Department Head must sign the time sheet attesting to its correctness before forwarding it to the Town's payroll/finance office.

No one is authorized to record the time worked for another employee. Falsification of time records will lead to disciplinary action up to and including termination from employment.

Stipend employees are not required to complete time reports.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	04/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	11/16/22
Date Approved	
Approved By	
Date Effective	

By Order Of:




NEW DURHAM BOARD OF SELECTMEN

Date: 11/17/22

REST & MEAL BREAKS POLICY

PURPOSE

Provide guidelines for the Town of New Durham's Rest and Meal Breaks.

POLICY

MEAL PERIODS

Employee meal periods are important to productivity and employee health. Employees who work at least five (5) consecutive hours are to be granted a meal break not to exceed thirty (30) minutes, unless it is feasible for the employee to eat during the performance of his or her work and the employer permits the employee to do so.

A meal break may be paid or unpaid. If an employee's meal break is at least a minimum of 20 minutes, then the time may be unpaid otherwise it will be considered a rest break and therefore must be paid. If a non-exempt employee is directed by their supervisor to perform some type of work during the meal break, even if not required to remain at the employee's desk, then the employee meal period must be paid for that time. The scheduling of meal periods is set by the employee's Department Head with the goal of providing the least possible disruption to the Town of New Durham's business.

Fire protection and law enforcement personnel will receive meal breaks as established by their respective departments.

REST BREAKS

Rest breaks may be granted, if possible, based upon the work schedule. Rest breaks are considered "time worked" and is compensable. Non-exempt employees are permitted one (1) or two (2) 15 minute rest breaks, but these are not guaranteed. Salaried employees are paid a weekly salary regardless of the hours worked, thus they may choose to take breaks as needed.

BREAK TIME FOR NURSING MOTHERS

Non-exempt employees will be provided with a reasonable break time for the employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk. A private area will be provided. These breaks are unpaid.

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

RETIREMENT PLANS POLICY

PURPOSE

Outline the retirement plans available to the Town of New Durham employees.

POLICY

State of New Hampshire Retirement Benefit

Full time employees are eligible upon hire to participate in the New Hampshire Retirement System (NHRS). For more information see the New Durham Town Administrator.

Supplemental Retirement Plan

Employees are eligible upon hire to participate in a 457b supplemental, tax deferred retirement plan to the extent and as specified in the plan document. An employee may make contributions to the retirement plan through payroll deductions. The Town of New Durham may make contributions to the employee's retirement account based upon the current NHRS guidelines. Further information may be obtained through either the Town of New Durham's Town Administrator or at the New Durham Finance Office located in the New Durham Town Hall.

The Town of New Durham participates in the New Hampshire Retirement System and will contribute the employer's percentages based upon the current rates established by the New Hampshire Retirement System. The contribution amount will be dependent upon which group a specific employee belongs as outlined by the rules of regulations of the plan. An employee will be vested in their retirement account after working 10 years of full time employment within the N.H. Retirement System or as stipulated by NHRS documents.

For more detailed information check the NHRS website at www.NHRS.org or call the NHRS benefits advisor at (603) 410-3500.

Date of Origin	03/26/18
Last Reviewed	05/30/18
Date Approved	05/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SAFETY COMMITTEE / JOINT LOSS MANAGEMENT COMMITTEE POLICY

PURPOSE

Outline the responsibilities of the Joint Loss Management / Safety Committee for providing input to improve Town safety and creating a safer work environment.

POLICY

The Town of New Durham maintains an active Joint Loss Management Committee (JLMC), which also functions as a Safety Committee. This Committee is comprised equally of management and Town employees. Both the New Durham Board of Selectmen and the Town Administrator strongly support this Committee. The committee meets quarterly. The participation on this committee is voluntary and is strongly encouraged.

The Safety Committee has the responsibility to develop, review, and assist in the implementation the safety guidelines and / or issues for the Town of New Durham.

If you are interested in becoming a member, please see your Department Head and / or the Town Administrator for details.

Date of Origin	06/05/18
Last Reviewed	07/03/18
Date Approved	07/03/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SAFETY MANAGEMENT POLICY

PURPOSE

Provide guidelines for promoting employee health and safety for the Town of New Durham.

POLICY

Maintaining a safe and healthy workplace is essential to the well-being of both the New Durham's employees and to the Town of New Durham. Safety can only be achieved through teamwork. The Town of New Durham's philosophy is that it is important that all personnel keep health and safety at the forefront of their actions in the workplace as this is a shared responsibility. Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately to either the employee's Department Head or Town Administrator.

An employee is responsible to comply with the Town of New Durham's safety rules and regulations and for continuously practicing safety while performing their duties. An employee is responsible to report to work during each scheduled workday with the ability to safely and competently perform their work duties. If an employee is unable to safely or competently perform the job duties for any reason (s)he is required to inform the Department Head. Furthermore, an employee who observes or experiences an unsafe working condition(s) is required to immediately report the unsafe working condition(s) to the employee's Department Head or the Town Administrator.

The following precautions, although not intended to be all inclusive, are examples of health and safety concerns that are to be followed by all employees:

- a. Notifying the Supervisor and / or Department Head of any emergency situations.
- b. All accidents and injuries involving an employee on Town business of any type, or an employee observing member(s) of the public or vendors, etc. involved in a safety issue and who are on Town property during that event, must be immediately reported to the Department Head and / or Town Administrator. Even those that are not thought to be serious incidents should be reported.
- c. If an employee is becomes sick while at work, no matter how seemingly insignificant, the employee must inform the Supervisor or Department Head as soon as possible
- d. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. The possession of alcohol or any illegal drugs on Town property is prohibited.
- e. The use, adjustment, and / or repair of machines or equipment is only to be performed by trained and qualified individuals.
- f. When needing to lift or push heavy objects seek assistance to complete the work.
- g. It is essential that an employee comprehends and follows safe procedures when performing work assignments. If there are any questions as to how to perform the job functions the employee should seek clarification from the employee's Supervisor or Department Head.
- h. An employee needs to know locations, contents, and intended use of all first aid and firefighting equipment.

- i. An employee is to wear personal protective equipment as directed in accordance with the job functions.
- j. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- k. Every employee shares the responsibility to keep the Town of New Durham facilities safe, clean, and in good working order.

It is essential that all employees know that there is no penalty for reporting an unsafe working condition, accident, injury, or illness. Violations of health and safety precautions as outlined in this policy, though, may lead to disciplinary action, up to and including termination.

Every employee should be aware of emergency conditions that could develop while working for the Town of New Durham, i.e. bomb threats, fire, etc. The New Durham Emergency Management Director is the command leader for such events. Additionally, each employee should become acquainted with the Human Resource manual and their role during an emergency situation.

See Safety Committee Policy for additional related information.

Date of Origin	06/05/18
Last Reviewed	07/03/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SECURITY & SAFETY GUIDELINES POLICY

PURPOSE

Outline the role a Town of New Durham employee has towards workplace security and safety.

POLICY

All employees working for the Town of New Durham have the opportunity and responsibility to contribute to a safe work environment. The safety of employees, the public when on Town owned property, Town property, and environment is one of the most important aspects in running the Town of New Durham's business.

To that end an employee should:

- Be familiar with emergency exits
- Be familiar with the alarm systems and proper steps when hearing them
- Be knowledgeable with the safety and security policies such as "Workplace Violence Prevention"; "Drug-Free Workplace"; "Smoke Free Workplace", etc.
- In the event of an emergency notify the New Durham Police Department or Fire Department depending on the nature of the emergency
- Any suspicious person or item should be called to the immediate attention of the Department Head and / or the New Durham Police Department
- Any potential safety and / or security hazard should be immediately fixed if possible and appropriate by the employee and then reported to the employee's Department Head or town Administrator. Should it not be possible for the employee to remedy the hazard, the employee should report the potential hazard immediately to the Department Head and / or New Durham Town Administrator
- Participate in activities to develop or enhance site safety guidelines
- Properly close computers, offices, buildings, etc. at the end of a work day
- Staff training on safety equipment will be maintained at a minimum annually or as required by the Department of Labor.

Safety and Security is an interdependent active process that is accomplished when each employee contributes to its success.

Date of Origin	05/15/18
Last Reviewed	06/27/18
Date Approved	06/27/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SEPARATION FROM EMPLOYMENT POLICY

PURPOSE

Define the process when an employee voluntarily terminates from work with the Town of New Durham.

POLICY

When an employee decides to terminate employment with the Town of New Durham the employee is requested to notify the Department Head of the employee's decision to leave. The notice to leave work should be in writing and be provided at least two (2) weeks in advance of the planned departure date.

The two week notice must be actual work days. Holiday(s) and PTO will not count towards the two (2) week notice. An employee who provides a two (2) week notice will be considered to have resigned in good standing and generally will be eligible for rehire per the Town rehiring policies.

An Employee who does not provide a (2) week notice, will have all Town benefits (Health, Dental, Vision, Life and Long Term Disability Insurances) terminated upon the date of separation or last day of work.

Giving the proper termination notice allows the Town of New Durham the ability to maintain work schedules and provide continuation of key services to the public.

In most cases, an exit interview will be conducted by the Town Administrator on or before the last day of work. See Exit Interview Policy.

Date of Origin	06/05/18
Last Reviewed	12/14/20
Date Approved	12/14/20
Approved By	BoS
Date Effective	11/1/20

Revised On	
------------	--

SEVERE WEATHER POLICY

PURPOSE

Provide guidelines for employee staffing and pay practices during times of severe weather conditions.

POLICY

During times of severe weather conditions it may become necessary to send home or not require certain employees to report to work. When making these decisions employee safety as well as customer service will be considered. Additionally, there may be occasions when the Town departments will be closed for business due to severe weather conditions. For severe weather situations each department head will determine the appropriate levels of staffing, thus the employee should contact their respective department head or watch WMUR, Channel 9 for information as to whether the Town of New Durham will be open for business.

Employees who are scheduled to work during times of severe weather conditions will be expected to make reasonable efforts to report to work as scheduled. If an employee is unable to report to work due to weather related emergency conditions, the employee must call the department head to explain why the employee cannot get to work.

Closing of Town Facilities

In the event the Town of New Durham facilities are declared closed by the Town Administrator after consultation with the Chair of the Board of Selectmen, the employees who are sent home will be paid at straight time for the remainder of the employees' scheduled work hours during the period of the closure. The paid hours do not count as time worked in the calculation of overtime hours.

Late Arrivals or Early Departures

Employees who arrive to work late will be paid only for the hours worked. Any employee who leaves prior to the end of their scheduled hours due to a weather emergency, loss of electricity, or an emergency beyond their control will be paid a minimum of two (2) hours or the time worked, whichever is greater. The employee must notify their respective department head of their intended departure.

Unable to Report to Work:

If an employee is unable to report to work due to severe weather, the employee must use their Paid Time Off (PTO) accruals. If earned benefits have been exhausted, the employee will not be paid for the time missed, unless otherwise required by law.

Failure to Notify of Absence from Work

An employee who fails to notify the department head of an anticipated absence due to severe weather conditions may be unpaid for the lost time. The decision to disallow the use of paid time off (PTO) will be at the discretion of the department head.

Date of Origin	01/26/18
Last Reviewed	04/02/18
Date Approved	04/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SEXUAL HARASSMENT POLICY

PURPOSE

Define the Town of New Durham's Sexual Harassment Policy.

POLICY

The Town of New Durham is committed to providing a work environment in which people are treated with dignity, decency and respect that includes an environment free from sexual harassment.

Sexual harassment, often when at the time of its occurrence, is not always clear-cut and obvious. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and / or other verbal or physical harassment of a sexual nature. Sexual harassment can also include offensive remarks about a person's sex as defined by the Equal Employment Commission (EEOC).

Sexual harassment is a form of unlawful employment discrimination. Any employee who feels that (s)he has experienced sexual harassment or other unlawful harassment and / or discrimination or retaliation should immediately report such actions in accordance with the guidelines in this policy.

Sexual harassment of employees in the workplace or in other settings in which New Durham Town employees may find themselves in connection with their employment is unlawful and will not be tolerated. Furthermore, any retaliation against an individual who has complained about sexual harassment and / or retaliation against an individual who has cooperated in an investigation of sexual harassment is unlawful and will not be tolerated.

Because the Town of New Durham takes allegations of sexual harassment seriously, all complaints will be promptly and appropriately investigated. Where it is determined that inappropriate conduct has occurred whether or not it has risen to the level of legally actionable harassment, the Town of New Durham will act promptly to eliminate the conduct and implement any necessary remedial or corrective action, including disciplinary action where appropriate.

Definition of Sexual Harassment: Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation or assistance; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome behavior emphasizing sexual identity.

Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

Examples of Prohibited Conduct

It is not possible to list all circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct that will not be tolerated. However, some examples of prohibited conduct have been outlined in this example section:

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

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

Complaints of Sexual Harassment

Experience has shown that a clear statement to the person engaging in the offensive behavior is sometimes all that is necessary to stop the conduct. If an employee believes (s)he are being harassed, you are encouraged to let the person engaging in the conduct know how you feel. However, if an employee does not feel comfortable taking this step, the employee is not required to do so.

If an employee believes that (s)he has been subjected to sexual harassment, the employee should report the incident in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and where it is determined that such inappropriate conduct has occurred, either one or both the Board of Selectmen or the Town Administrator will take appropriate action to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

Reporting Procedure for Sexual Harassment

Any employee who feels that he or she has experienced sexual or other prohibited harassment, discrimination, and / or retaliation should immediately report such actions in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

- A. If an employee believes (s)he have experienced sexual or other prohibited harassment, discrimination or retaliation, the employee should report the incident immediately to the department head or the Town Administrator.
- B. Supervisors, department heads, or managers who become aware of discriminatory or harassing conduct, a complaint of discrimination or harassment, or retaliation must report the conduct and / or complaint immediately to the Town Administrator. The Town Administrator, in turn, will inform the Board of Selectmen in a timely manner of any complaint and the activities taken relative to any needed corrective actions.
- C. The Town Administrator or his / her designee will promptly investigate incident(s) reported through this procedure. Any employee, supervisor, or agent of the Town of New Durham who has been found to have engaged in conduct that violates the Town of New Durham's Sexual Harassment policy will be subject to appropriate remedial and/or disciplinary action, up to and including immediate discharge.
- D. The Town Administrator will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.

Retaliation

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

Sexual harassment is a violation of Title VII of the Civil Rights Act of 1964 and the NH State Law RSA 354A. In some cases it has been found to be a violation of the victim's U.S. Constitutional rights. It is not the purpose of this policy to outline the legal grounds for sexual complaints and suits. However, violations of the law are outside the scope of employment and may be beyond the indemnity provided to employees by the Town of New Durham.

The Town of New Durham recognizes that it is the employee's option, whether the complainant or the respondent, to choose to seek outside, formal legal remedies. However, the Town of New Durham desires to actively work with the employee(s) to work through the issue internally to a mutually satisfactory resolution.

Date of Origin	01/22/18
Last Reviewed	04/02/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SHORT TERM DISABILITY POLICY

PURPOSE

Outline the Town of New Durham's short term disability benefit for employees unable to work due to an illness or injury.

POLICY

While the Town of New Durham does not provide a short-term disability insurance benefit the Town does have a Paid Time Off (PTO) policy that can be applied to any short term disability need for an employee until the Town's Long Term Disability benefit engages. Employees may utilize the Town's PTO time to cover short term disability needs thereby allowing continued income if the employee becomes ill or temporarily disabled and is physically unable to work.

An employee has the ability to purchase, at the employee's sole expense, a short term disability plan. The Short Term Disability benefit is not a Town of New Durham sponsored plan, but rather a plan made available to employees to purchase to offset time lost due to a short term need. An employee may use the short term disability payment in conjunction with PTO time that the employee may have earned and has available for usage.

When an employee finds it necessary to utilize PTO for their short-term disability needs, the employee needs to contact the Town Administrator as soon as possible so that proper notification is completed and any condition(s) for eligibility for long term disability coverage is communicated.

Date of Origin	06/05/18
Last Reviewed	07/11/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SMOKE-FREE WORKPLACE POLICY

PURPOSE

Provide guidelines for the Town of New Durham's Smoke-Free Workplace.

POLICY

The Town of New Durham is committed to providing a safe, healthy, and smoke-free work environment for all employees, visitors, and vendors. Consistent with our commitment to health and safety, the Town of New Durham prohibits smoking on all Town premises, including within buildings, and in Town vehicles. An employee wishing to smoke must do so only during authorized breaks and only in the designated area(s).

It is expected that all employees will comply with the non-smoking policy. If an employee has a concern or complaint regarding another employee, visitor, or vendor violating this policy, please report such concern or complaint to your Department Head or Town Administrator.

An employee failing to comply with the policy guidelines will be subject to disciplinary action, up to and including termination.

For purposes of this policy smoking includes the "act of lighting, smoking, or carrying a lighted or smoldering cigar, cigarette (including electronic cigarettes), or pipe of any kind" as well as any device designed to produce the effect of smoking.

Date of Origin	06/05/18
Last Reviewed	07/03/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SOCIAL SECURITY POLICY

PURPOSE

Outline the Town of New Durham's role with Social Security.

POLICY

Employees and the Town of New Durham contribute funds into the federal government's Social Security Program. The employee's portion of the contribution is collected through a payroll deduction called FICA. The Town of New Durham contributes money on behalf of the employee to the Social Security Program.

Social Security is a payroll deduction with that deduction shown on your pay stub representing your contribution to the federal government's Social Security Program.

Date of Origin	03/26/18
Last Reviewed	06/05/18
Date Approved	06/05/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SOLICITATION & DISTRIBUTION POLICY

PURPOSE

Provide guidelines for the Town of New Durham regarding solicitation and distribution of materials.

POLICY

The employees for the Town of New Durham should be able to work in an environment that is free from unnecessary interferences. In order to prevent disruptions in the operations of the Town of New Durham business and to prevent interference with providing service to customers, solicitation and / or distribution of non-work materials of any kind is not permitted during working hours unless first approved by the Board of Selectmen.

“Solicitation” is defined as requests for contributions, donations, raffles, lotteries, organization memberships, 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, or on the Town property immediately before or after work hours.

“Working areas” includes all areas in which the Town of New Durham business is conducted such as offices or facilities. “Working areas” do not include break rooms, parking lots, or common areas shared by employees during non-work time.

This policy applies to solicitations regarding both charitable and non-charitable entities.

There is to be no distribution of any non-work related written materials, handbills, or any other type of literature during working time and at no time is this allowed in “working areas” unless first approved by the Town of New Durham Board of Selectmen.

An Employee may solicit or distribute materials only during break time or outside of scheduled work hours and only in those areas designated as permissible for such activity. An individual not employed by the Town of New Durham is prohibited from distributing materials or soliciting employees on the Town of New Durham’s premises at any time unless authorized by the Board of Selectmen or their designee.

An employee who is off duty is prohibited from returning to the worksite during off duty hours except as they might have occasion to conduct business with the Town of New Durham or to attend a Town sponsored event. An off duty employee may not remain on the premises for more than 30 minutes after finishing work and may not come to the premises prior to 30 minutes before the scheduled start time.

The Town of New Durham recognizes its responsibility to promote certain fund-raising campaigns conducted for the benefit of the community. The Town recognizes the right of the individual to voluntarily contribute to such campaigns according to his or her desires and financial ability and further recognizes the individual's right to be provided with working conditions free from the distraction which would result from frequent fund-raising appeals or other solicitations on company premises.

Accordingly, general fund-raising campaigns on the Town of New Durham premises are limited to United Way, New Durham Food Pantry, The New Durham Charitable Trust, and other events sponsored by the Town of New Durham. In all cases of these allowed fund raising campaigns, the campaign teams, including chairperson, captains, and solicitors, are to be made up of the Town employees. Other organizations may conduct special or limited campaigns on the Town's premises upon receipt of specific approval by the Board of Selectmen.

If at any time literature is being distributed or other solicitation is occurring by a non-employee and that person has not received the proper approval to do so, that person will be immediately asked to leave the premises and subject to other actions as allowed by law.

Date of Origin	04/09/18
Last Reviewed	07/11/18
Date Approved	07/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

SUGGESTIONS & IDEAS POLICY

PURPOSE

Define the Town of New Durham's practice to encourage and process employee suggestions.

POLICY:

When employees work together and are fully engaged in their work a healthy work environment will be the result. The Town of New Durham encourages employee's constructive ideas and suggestions for improving the Town's business operations and work environment. The Town of New Durham believes and supports constructive suggestions, feedback, and ideas which indicate initiative on the part of an employee. A constructive suggestion includes reasonable suggestion(s) for improvement.

An employee is encouraged to make suggestions to improve operations or work environment by submitting these ideas to their supervisor or the Town Administrator. It is preferable that these suggestions be written to assure the opportunity for proper follow-up and implementation once they have been appropriately reviewed. Once received, the Department Head will provide the Town Administrator (TA) with a copy or will notify the TA of the suggestion. These suggestions will then be thoroughly reviewed by the Town Administrator and Department Head and either begin implementation of the suggestion or formally describe why the suggestion may not be implemented at this time. Following either decision, the TA or Department Head will communicate to the initiator of the suggestion to provide the Town's response to the suggestion.

As appropriate and / or when there is a fiscal impact to the budget, the employee suggestion will be referred to the Board of Selectmen for review and consideration.

Date of Origin	05/15/18
Last Reviewed	06/05/18
Date Approved	06/05/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

TEMPORARY ALTERNATIVE WORK ASSIGNMENT POLICY

PURPOSE

Outline the Town of New Durham process for the assignment of alternative work duties when an employee incurs a work related injury or illness.

POLICY

An employee who has incurred a work-related injury or illness may be offered a temporary, alternative work duty assignment.

In accordance with the provisions of RSA 281-A:23-b, the Town of New Durham 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 which may include assignment to a different department with the Town of New Durham. 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 of New Durham the NH Workers' Compensation Medical Form. This form provides information relating to the employee's capabilities necessary to structure a temporary duty program. The Board of Selectmen or Town Administrator 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 Selectmen's Office. 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.

Temporary Alternate Duty (TAD): Pursuant to RSA 281-A:23-b, the Town hereby adopts the following TAD program:

- i) The injured employee will obtain a Health Care Practitioner's statement or certificate and a copy of his or her current position description from the coordinator of the TAD program while reporting the injury. If the nature of the injury is such that emergency need for care precludes stopping to pick up these forms, the employee shall as soon as practically possible call the TAD coordinator to request that a certificate and position description be mailed to the treating Health Care Practitioner.
- ii) The employee will have the Health Care Practitioner complete the form based on the findings during the initial examination.
- iii) The employee will return the completed form to the TAD coordinator immediately after seeking medical care.
- iv) The TAD coordinator will work with the employee and the department head to facilitate a safe return to work program.
- v) The TAD coordinator or department head may contact the treating Health Care Practitioner if additional information is necessary.
- vi) After each subsequent office visit, the employee will bring updated information from the treating Health Care Practitioner to the TAD coordinator. A note will be sufficient in most cases.
- vii) Additional modifications will be made to the return to work program as required.
The TAD coordinator will review the appropriateness of continuing the program or duty assignments.
- viii) Steps iv) through vii) may be repeated until such time as the employee is able to return to his or her normal position or has been deemed to be permanently disabled.
- ix) Pending promulgation of regulations by the Department of Labor, the TAD program shall be for a minimum duration of twelve (12) weeks, or until the injured employee has received medical clearance to return to work, whichever occurs first.
- x) The TAD program will be coordinated through the Selectmen's Office.

Mandatory Return to Work: An employee on workers' compensation shall be entitled to return to his / her previous position unless the following event(s) occur:

- a) A medical determination by attending physician or finding by the NH Commissioner of Labor that employee cannot return to former position; or
- b) Employee accepts employment with another employer; or
- c) Eighteen (18) months have elapsed from date of injury.

Part-time, seasonal, volunteer and temporary employees hired to fill the position of any injured employee shall be exempt from the provisions of this section.

Town of New Durham Human Resource Policy Manual

Wage Issues: Worker's Compensation will reimburse an employee an amount equal to 60% of an employee's average weekly wage within the limits prescribed by state statute. The 60% reimbursement shall be calculated after any wages earned under the Temporary Alternate Duty program have been deducted. An injured employee may request that the Town issue a payroll check in the amount of the employee's normal base pay. The employee shall immediately forfeit his/her workers' compensation check to the Town, and the Town will deduct the balance of the remuneration (after workers' compensation reimbursement and TAD earnings) from the employee's sick or accumulated leave.

Employees with non-work-related disabilities who require accommodations to perform their jobs should make any accommodation requests to the Selectmen. The Town of New Durham will consider the request in accordance with its Americans With Disabilities Act policy

We ask for your assistance in alerting the Town of New Durham to any condition which could lead or contribute to an employee accident.

Date of Origin	03/26/18
Last Reviewed	10/17/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

TRAVEL REIMBURSEMENT POLICY

PURPOSE

Define the Town of New Durham's guidelines for employee travel expenses incurred while conducting Town business

POLICY

It is the policy of the Town of New Durham to reimburse employees for reasonable and necessary expenses incurred in connection with approved travel on behalf of the Town.

With prior approval by the Department Head legitimate expenses will be reimbursed by the Town of New Durham to the employee. The employee must submit expense receipts in order to be reimbursed. Reimbursement may be in the form of petty cash, paid through regular payroll check or through a separate check. Any questions as to whether an expense may be reimbursed should be directed to the Department Head.

An employee will be reimbursed for mileage expenses when utilizing their personally owned vehicle for Town business. Approval must be obtained in advance by the employee's Department Head. When a Department Head needs approval for travel expenses, the approval must be obtained by the Town Administrator or Board of Selectmen. An employee will be reimbursed for mileage based on the GSA rate at the time of travel as well as for tolls and parking fees when receipts are submitted to the Town Administrator.

An employee traveling should incur the lowest reasonable travel expenses and exercise care to avoid impropriety or the appearance of impropriety. Reimbursement is allowed only when reimbursement has not been, and will not be, received from other sources. If a circumstance arises that is not specifically covered in this policy, then the most conservative course of action should be taken.

When greater distances are incurred and an overnight stays are necessitated, an employee will be reimbursed for lodging and travel expenses based upon the following criteria:

- Only the actual expense amounts incurred
- Use government rates where applicable for lodging.
- Bus, train, or air travel expense for a coach or economy class ticket
- Additional luggage fees will be reimbursed
- Cost of travel to and from the bus terminal, train station, or airport.

Such items that will not be reimbursed are personal phone expenses, room service, or other personal expenses.

An employee will receive reimbursement for actual expenses not to exceed the per diem rate for food (one meal) when they are required to conduct business outside of the town for a minimum period of 8 work hours in any given day. An employee who is required to lodge overnight on town business will be reimbursed the full expense not to exceed the GSA per diem rate for three meals. Per Diem rates are based on the GSA rate for the area in which the employee is conducting town business. Meal reimbursement is only available when meals are not provided by the event or location attended by the employee. An employee must obtain permission from their Department Head in advance for approval for reimbursement of these expenses. A Department Head must obtain approval from the Town Administrator or Board of Selectmen to be reimbursed for their expenses.

Date of Origin	07/11/18
Last Reviewed	07/11/18
Date Approved	07/11/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

UNEMPLOYMENT INSURANCE POLICY

PURPOSE

Outline the Town of New Durham's role with unemployment benefits.

POLICY

Employees of the Town of New Durham are covered by the State of New Hampshire's unemployment program. The Town of New Durham pays into the unemployment compensation fund established by the State of New Hampshire. Individuals who have lost their job due to no fault of their own, such as a lay off from the Town of New Durham may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security.

Certain individuals may be excluded from coverage, including elected officials, judges, members of the National Guard, temporary emergency employees, and part-time members of advisory boards and commissions.

The federal government sets certain rules for coverage, financing and eligibility, but allows states to adopt different rules that do not conflict with the federal minimums. Generally the amount and duration of benefits is regulated by the state, but at times, the federal government may take action to extend or boost the amount of the benefit.

Please contact the Town Administrator for further information.

Date of Origin	03/26/18
Last Reviewed	06/05/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

VICTIMS OF CRIME LEAVE OF ABSENCE POLICY

PURPOSE

Define the Town of New Durham's policy when an employee has been impacted by a crime.

POLICY

An employee for the Town of New Durham will be granted unpaid time off from work to attend a court hearing 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.

An employee may also qualify for a leave of absence if the employee's immediate family is the victim of a crime. This includes such areas as a homicide, physical abuse, theft, etc. where the employee is not the individual accused of the crime. For purposes of this policy, "immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, civil union partner, 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 should notify the employee's department head of the time off request as far in advance as possible. The employee may be asked to submit copies of the court or agency notices of each scheduled hearing, conference, or meeting that is provided to the employee in the prosecution of the crime. Failure to provide copies of the notices may result in denial of the leave of absence. All notices and / or records will be maintained in a confidential manner.

The employee will be notified as soon as practicable whether the leave request is granted. Typically, a Victims of Crime Leave of Absence request will be granted unless the leave of absence would cause an undue hardship in the Town of New Durham's business. When determining whether an undue hardship exists consideration will be given to the following:

- size of the Town's department
- employee position
- the amount of disruption to the necessary Town's business operation

A Victim of Crime Leave is unpaid time away from work, but an employee may elect to use accrued, PTO time, while on the leave of absence.

It is the goal of the Town of New Durham's leadership to assist and support employees however possible during this difficult time. An employee taking a Victim of Crime Leave of Absence will not be discharged, threatened, or discriminated against nor lose any seniority during the leave of absence.

Date of Origin	03/26/18
Last Reviewed	05/15/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

VOTING TIME OFF POLICY

PURPOSE

Provide the Town of New Durham's guidelines regarding time off of their work time for voting.

POLICY

The Town of New Durham recognizes that voting is an integral part of being in a community and that an employee should exercise the privilege of voting in an election.

All employees should be able to vote either before or after regularly assigned work hours. However, when this is not possible due to work schedules, department heads are authorized to grant a reasonable period of time, up to one (1) hour, during the work day to vote. This time will be paid at the employee's regular rate. If the employee needs a longer time away from work than the one (1) hour then the time away will be either unpaid or the employee may use their accrued to date Paid Time Off (PTO).

Date of Origin	02/12/18
Last Reviewed	04/11/18
Date Approved	04/30/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

WORK WEEK & HOURS OF WORK POLICY

PURPOSE

Define the Town of New Durham's work week and hours of work.

POLICY

The Town of New Durham's work week is defined as beginning on Monday at 12:01 a.m. until the following Sunday at 12:00 midnight. Two work weeks are included in each pay period.

When an employee is hired, the department head or the Town Administrator will inform the employee of the hours of work for the position in which they are hired. Due to the nature of the Town of New Durham's business, an employee's work week schedule may vary depending on the job and the department.

Date of Origin	03/26/18
Last Reviewed	06/05/18
Date Approved	06/05/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

WORKERS COMPENSATION POLICY

PURPOSE

Outline the workers' compensation benefits provided to the Town of New Durham employees who experience an accident, injury, or illness arising out of the course and scope of employment.

POLICY

Worker's compensation is a system that provides compensation for medical expenses and wage losses to employees who are injured or who become ill because of employment. On-the-job injuries are covered by Workers' Compensation Insurance which is provided at no cost to the employee.

Reporting Injuries

If a Town of New Durham employee is injured on the job or develops an illness due to work, no matter the extent of such injury or illness, the employee must report the incident immediately to their department head and complete the required Workers Compensation Forms. If the employee is unable to complete the forms, then the department head will fill out the form with input from the employee, if possible. The forms are to be forwarded to the Town of New Durham Town Administrator as soon as possible so that the claim can be filed with the insurance company. The Workers' Compensation carrier must also be contacted prior to seeking medical attention (unless it is a life-threatening injury or an injury needing immediate attention).

It is essential that any employee alert the Town of New Durham Town Administrator if they become aware of any condition which could lead or contribute to an employee accident, injury or illness.

Weekly Income Benefits

The amount of the weekly worker's compensation benefit an employee will receive is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee's average weekly wages. The compensation benefits are paid by the Town of New Durham's Workers' Compensation carrier to eligible employees.

An employee may supplement the income received from the worker's compensation carrier by utilizing the employee's Paid Time Off (PTO) time. Once the PTO time has been exhausted then the Town of New Durham will supplement an employee's worker's compensation payment based upon the criteria listed below.

An Employee has the option of directing the workers compensation check to the Town of New Durham allowing the employee to receive the payments through the Town's payroll system so that the normal payroll deductions may be made.

Additionally, if an employee chooses the above option the Town of New Durham will pay the employee the remaining compensation amount, once the employee's PTO time has been exhausted, but no more than 40% of an employee's regular weekly payroll compensation (excluding overtime or detail pay). The maximum number of days that the Town of New Durham will pay the supplemental 40% is capped at 260 days.

This option is only available when the employee is receiving payments from the Town of New Durham's Workers Compensation provider and the employee retains their status as an employee of the Town of New Durham. The employee must sign an acknowledgement form indicating the desire to turn over the worker's compensation benefit check to the Town of New Durham.

Any work-related accident, injury, or illness results in the employee being placed on a leave of absence, then the Town of New Durham's various leave policies will apply to the absence. The Worker's Compensation benefits (paid or unpaid) will run concurrently with FMLA leave if applicable or as permitted by state and federal law.

If the employee is unable to perform the functions of the job, then the employee must submit to a medical examination at the request of the Town of New Durham to demonstrate the employee's inability to perform the functions of their job or obtain Temporary Alternative Duty assignment.

Temporary Alternative Duty

An employee with a work-related accident, injury, or illness may also be entitled to temporary alternative duty in accordance with New Hampshire's Workers' Compensation laws. Non work injuries may be covered under the Town's Alternative Duty Assignment policy.

Reinstatement

A full-time employee who has sustained an on-the-job accident, injury or illness may be reinstated to his or her former position if the return to work request occurs within eighteen (18) months of the initial injury and if the position is still available. The employee will be required to perform the essential duties of the position and may need to provide a "fitness-for-duty certificate" from the employee's healthcare provider before returning to work.

Based upon New Hampshire state 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.

Date of Origin	03/26/18
Last Reviewed	06/05/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

WORKPLACE VIOLENCE PREVENTION POLICY

PURPOSE

Provide guidelines for the prevention of workplace violence and, when needed, guidelines in management of workplace violence.

POLICY

The Town of New Durham is committed to keeping employees as safe as possible. Therefore, the Town of New Durham will not at any time tolerate violence or the threat of violence in the workplace or on Town property towards any employee or member of the public. Such incidents will result in immediate investigation into the incident with appropriate action taken as soon as possible, up to and including termination.

Unfortunately, violence in the workplace has become a reality for many employers. The New Durham Board of Selectman expects that the Town never has to address such a situation. But in the event of such an activity, this policy has been provided as a guideline to deter, manage, or mitigate risks in the event an incident of this nature does occur.

Workplace violence includes, but is not limited to, threats, assaults, batteries, harassment, stalking, vandalism, and other forms of intimidation.

The Town of New Durham prohibits employees from bringing explosives and other weapons on the Town's premises, including all Town parking lots. If possession of a weapon is reasonably suspected, then the Town Administrator and, at the Town Administrator's decision, with an officer from the police department will have the right to search any employee work areas, desks, file drawers, locker areas, or vehicles parked on the Town's property. Any weapon found will be confiscated. The Town Administrator will work with law enforcement regarding the proper disposition of any confiscated weapon.

The Town of New Durham is committed to keeping the workplace free from dangerous, illegal, or harmful substances or activities. Any employee suspected of possessing prohibited substances, objects, or using such things to engage in dangerous, illegal, or harmful activities will be subject to search and seizure.

An employee threatened with a potential or actual violent act should notify, as soon as possible, their Department Head or the Town Administrator. Responsive action may also include notifying the police department and / or other law enforcement personnel.

An employee's violation of this policy may lead to prosecution.

Date of Origin	06/05/18
Last Reviewed	07/03/18
Date Approved	10/17/18
Approved By	BoS
Date Effective	01/01/19
Revised On	

ACKNOWLEDGMENT RECEIPT OF HUMAN RESOURCES POLICY MANUAL

This Human Resource Policy and Procedures Manual is an important document intended to help you become acquainted with working for the Town of New Durham. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgment of this Manual.

- I have received a copy and understand that it is my obligation to read and comply with the Human Resources Policies and Procedures Manual. I understand that the policies described in the Manual are subject to change at the Board of Selectmen's sole discretion at any time. I understand that this Manual supersedes and replaces all other previous Human Resource Policy and Procedure manuals for the Town of New Durham.
- I acknowledge that I have the right to terminate my employment with the Town at any time without notice. In turn, I acknowledge that the Town has the right to terminate my employment in its sole discretion, subject to any statutory or federal or state constitutional requirements.
- I understand that the Policies and Procedures and all other materials—written or oral of benefits in this Manual are not contractual in nature and do not guarantee any continuance of said benefits.
- I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Town premises or with any other individuals except as required by law.
- I understand that my signature below indicates that I have read, understand, and agree to comply with the above statements and have received a copy of the Human Resources Policies and Procedures Manual.

Employee's Name (please print)

Date: _____

Employee's Signature

Date of Origin	02/12/18
Last Reviewed	07/31/18
Date Approved	07/31/18
Approved By	BoS
Date Effective	01/01/19
Revised On	