

WELCOME TO THE TOWN OF LYME

Starting a new job is exciting, but at times can be overwhelming. This Personnel Policy has been developed to help you get acquainted and answer many of your initial questions.

As an employee of the Town of Lyme, the importance of your contribution cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. You are an important part of this process.

This Personnel Policy explains our personnel policies and benefits, as well as the specific opportunities and responsibilities that exist for you within our Town. In an effort to be responsive to the needs of a changing organization, changes or additions to this policy will be made when necessary. We will keep you informed when these changes are made.

We are glad you have joined us, and we hope you will find your work to be both challenging and rewarding.

Sincerely,
Select Board
Town of Lyme

Effective Date: June 6, 2019

TOWN OF LYME PERSONNEL POLICIES

These policies are not an employment contract and the benefits described herein are not contractual in nature and their indefinite continuation is not guaranteed.

1. DEFINITIONS:

- 1.1 At Will Employment: At will employment means that either the employee or the Town is free to terminate the employment relationship at any time for any reason, so long as there is no violation of applicable Federal or State law.
- 1.2 Compensatory time: Compensatory time is time off in lieu of overtime pay for employees who work more than their regularly scheduled number of hours. If they work more than 40 hours in any given week, they will receive 1 ½ hours of compensatory time for each such hour worked.
- 1.3 Exempt Employee: An employee who meets the standards to be exempt from the overtime requirements under the Federal Fair Labor Standards Act.
- 1.4 Full Time Employee: An employee, other than a temporary employee, who works a minimum average of thirty six (36) hours per week.
- 1.5 Hourly Employee: An employee whose compensation is based on an hourly wage and the number of hours of work or paid time off.
- 1.6 Part Time Employee: An employee, other than a Temporary Employee, who works an average of less than thirty five (35) hours per week. Such an employee is not entitled to the full benefits of a full-time employee
- 1.7 Regular Employee: An employee, other than a temporary employee, who is expected to work on a continuing basis throughout the calendar year.
- 1.8 Salaried Employee: An employee whose compensation is based on a fixed annual, monthly or weekly salary.
- 1.9 Temporary Employee: An employee who is hired for a period of less than twelve months to fill a specific temporary or seasonal need. Temporary employees may be either full or part time. Such an employee is not entitled to the full benefits of a full-time employee.
- 1.10 Work Hours: Work hours are recommended by each department head for their department and approved by the Select Board.

A regular work week consists of no more than 40 work hours. No employee shall work, or request vacation or sick time, for regular hours in excess of 40, regardless of when in a week that 40 hour mark is reached. Employees may work outside of their normal work hours in order to perform all tasks associated with their job, provided that total hours in a week do not exceed 40.

An employee working more than 40 hours in a work week must have the approval of the department head.

2. EQUAL EMPLOYMENT OPPORTUNITY:

It is the policy of the Town of Lyme to employ, retain, promote, terminate and otherwise treat any and all employees and job applicants on the basis of merit, qualifications and competence. This policy shall be applied without regard to any individual's age, sex, gender identity, race, color, marital status, physical or mental disability, creed, or national origin of any individual, per RSA 354-A:7

3. SMOKING:

- 3.1 Smoking is restricted to designated outside areas in order to protect the health of all people, both Town employees and the public.
- 3.2 Department Heads may propose the designation of specific outside areas under their jurisdiction for smoking to the Select Board for approval. Any areas approved for smoking shall be clearly labeled "smoking area" and shall not adversely impact either the public or non-smoking employees.

4. HIRING OF TOWN PERSONNEL:

- 4.1 The Select Board and the Department Head shall determine the need for hiring personnel. The Department Heads shall recommend the hiring of specific individual employees to the Select Board. The Select Board and Department Head together shall determine who is hired. The Department Heads shall do no hiring of personnel without the approval of the Select Board.
- 4.2 New employees hired by the Town, other than temporary employees, shall satisfy a waiting period of 60 days. At the end of the 60 day waiting period the employee is eligible for health, dental, short term, long-term and life insurance.
- 4.3 Employees hired for positions that require a specific license or certification cannot become a regular employee until the required license or certification is obtained.

4.4 Employees may make job position transfers within the Town of Lyme. An employee who makes such a transfer shall not lose any benefits; however, the employee shall be subject to a three-month trial period in the new position. If the employee's performance is not satisfactory in the new position, he or she may return to their former position if it has not been filled by another person.

5. HOLIDAYS:

5.1 The Town of Lyme and its employees shall observe the following paid holidays:

- (a) New Year's Day,
- (b) Martin Luther King Jr.'s Birthday,
- (c) Presidents' Day,
- (d) Memorial Day,
- (e) Independence Day,
- (f) Labor Day,
- (g) Columbus Day,
- (h) Veteran's Day,
- (i) Thanksgiving Day, and (j) Christmas Day.

5.2 All holidays shall be observed on the federally designated day (normally the Friday before a Saturday or Monday after a Sunday holiday).

5.3 Town offices and work sites may be closed on the Friday after Thanksgiving and on Boxing Day (day after Christmas). Employees may take these days off as an unpaid day of absence, or a vacation day. If any employee chooses to work on either of these days, he or she shall be paid at their regular rate of pay.

5.4 Employees, other than temporary employees hired for a period of less than three months, shall be paid for their regularly scheduled work hours, which occur on the holidays listed in section 5.1.

5.5 If a Department Head or the Select Board determines that work must be performed on a holiday listed in section 5.1, employees, other than temporary employees hired for a period of less than three months, shall be paid at twice his or her regular rate for the hours worked on the holiday.

Employees who are required to work on a holiday shall be paid for a minimum of two (2) hours.

- 5.6 If a holiday listed in section 5.1 should fall on a day during an employee's scheduled vacation, the employee shall not be charged a vacation day for the holiday but shall be paid at his or her regular rate of pay for his or her scheduled work hours on the holiday.

6. VACATIONS:

- 6.1 Full time regular employees and part time regular employees scheduled to work 15 or more hours per week shall receive:
- (a) during their first five years of service, each employee shall earn 1 hour of paid vacation for every 26 paid hours not including overtime;
 - (b) between five and ten years of service, each employee shall earn 1 hour of paid vacation for every 17 1/3 paid hours not including overtime; or
 - (c) after ten years of service, each employee shall earn 1 hour of paid vacation for every 13 paid hours not including overtime.
- 6.2 Full time temporary employees shall receive 1 hour of paid vacation for every 26 paid hours not including overtime.
- 6.3 The amount of paid vacation shall be calculated as follows:
- (a) "Years of Service" shall be measured from the date of hire. Should an employee leave his or her employment with the town and later be rehired, "years of service" shall be measured from the later hire date.
 - (b) Vacation is accrued as earned.
 - (c) Every employee shall be informed of the amount of accrued vacation.
- 6.4 An employee may only carry over into the next calendar year a maximum of eighty (80) hours of accrued vacation as of January 1st.
- 6.5 Employees shall not be paid for unused vacation time at the end of the year, or upon resignation or termination.
- An employee who plans to retire during the year and notifies the Select Board within 90 days of retirement shall be paid for any unused vacation time s/he has accrued as of his/her date of retirement.
- 6.6 Employees are encouraged to take their earned vacation each year.

- 6.7 An employee shall obtain the approval of their Department Head a reasonable time before taking any vacation. The Department Head shall work out a satisfactory schedule with each employee well in advance of vacation time. The Department Head shall handle vacation requests on a first come, first served, basis.
7. PERSONAL TIME OFF:
- 7.1 Full time regular employees, part-time regular employees scheduled to work 15 or more hours per week, and temporary employees who are hired for a period of three months or more and scheduled to work 15 or more hours per week shall receive one (1) hour of paid personal time off for every one hundred thirty hours (130) of paid time not including overtime.
- 7.2 An employee may only carry over up to sixteen (16) hours of personal time off into the next calendar year.
- 7.3 An employee shall not take personal time off in blocks less than one (1) hour and shall not take personal time off without the approval of his or her Department Head. Department Heads shall make a reasonable effort to accommodate an employee's request for personal time off.
- 7.4 Employees shall not be paid for unused personal time.
8. BEREAVEMENT LEAVE:
- 8.1 All employees are eligible for up to three (3) days of bereavement leave when a death occurs in his or her immediate family. For purposes of bereavement leave, the term "immediate family" shall include: spouse, children, step-children, parents, step-parents, siblings, in-laws, and other relatives living with the employee on a long term basis or relatives who the employee lived with for a long period during his or her upbringing.
- 8.2 Full time regular employees; part time regular employees scheduled to work 15 or more hours per week, and temporary employees who are hired for a period of three months or more and scheduled to work 15 or more hours per week shall be paid at their regular rate of pay for their regularly scheduled hours when on bereavement leave. Temporary employees who are hired for a period of less than three months shall not be paid for bereavement leave.
- 8.3 All employees shall request bereavement leave from their Department Head who shall grant the bereavement leave unless there is an extreme emergency.
9. SICK LEAVE:

- 9.1 Full time regular employees; part time regular employees scheduled to work 15 or more hours per week, and temporary employees who are hired for a period of three months or more and scheduled to work 15 or more hours per week shall accrue sick leave at the rate of one (1) hour for each twenty-six (26) paid hours not including overtime.
 - 9.2 Employees eligible to accrue sick leave under 9.1 shall be paid at his or her base rate of pay for eight hours, or in the case of a regular part time or temporary employee his or her scheduled number of hours, for each day he or she is absent due to illness unless or until he or she becomes eligible for disability insurance benefits under any policy provided and paid for, in whole or in part, by the Town. Regular part time employees and temporary employees hired for a period of three months or more shall continue to be paid until their sick leave is used up.
 - 9.3 Employees eligible to accrue sick leave may accumulate up to four hundred eighty (480) hours of sick leave. Employees shall not be paid for unused sick leave upon termination, resignation, or retirement.
 - 9.4 An employee will be required to present a doctor's certificate attesting to his or her illness in order to collect any sick pay after the fifth (5th) consecutive workday of illness.
 - 9.5 Employees may code their time for medical and dental appointments as sick time. (Sick time for this category is to be recorded on the employee's payroll card, submitted in the week in which it occurred, and is to be approved by the appropriate department head.)
10. FAMILY AND MEDICAL LEAVE OF ABSENCE:
- 10.1 Regular full-time employees, who have been employed for a minimum of one year, shall be granted a leave of absence, without pay, by the Select Board for up to twelve weeks in a calendar year for any of the following family or medical reasons:
 - (a) For the birth of a child and to care for the newborn child;
 - (b) For placement with the employee of a child for adoption or foster care and to care for the newly placed child;
 - (c) To care for the employee's spouse, son, daughter, or parent with a serious health condition;
 - (d) Because of a serious health condition that makes the employee unable to perform the functions of his or her job;

(e) For any qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status.

- 10.2 An eligible employee may also take up to **26 workweeks** of leave during a "single 12-month period" to care for a covered service member with a serious injury or illness, when the employee is the spouse, son, daughter, parent, or next of kin of the service member.
- 10.3 A regular full time employee shall submit his or her request for a family or medical leave of absence in writing to his or her Department Head, who shall forward it to the Select Board for decision. The employee's request shall include the reason for the leave of absence and the period of time requested. Extensions shall be applied for in a similar manner. An employee on FMLA leave shall still be covered under the town's health insurance policy, however the employee must continue to make any required contributions towards the monthly premiums required by that plan.
- 10.4 The period of time spent on family or medical leave shall be deducted for an employee's length of service for calculation of any and all benefits and not count as qualifying employment for purposes of calculating benefits.
- 10.5 An employee who does not return to work at the end of the approved period of family or medical leave shall be deemed to have resigned as of the date the leave of absence began.
- 10.6 An employee shall use accrued paid sick time and disability time as part of the family and medical leave.

11. COMPENSATORY TIME:

- 11.1 Compensatory time off (comp time off) shall be granted only to full time employees. Town of Lyme hourly employees who work over 40 hours per week may receive comp time off in lieu of overtime pay. Exempt salaried employees are not eligible for comp time.

Comp time, like overtime pay, shall be paid at the rate of 1 1/2 times the number of hours worked which earned the time.

8 hours of overtime worked is equal to 12 hours of comp time.

The following maximum accruals apply:

Employees may not accrue more than 60 hours of comp time (40 hours actually worked).

- 11.2 The employee and the employer, the Town of Lyme, must mutually agree that the employee will earn comp time rather than overtime. The agreement can provide that the employee will be compensated for overtime hours worked with straight comp time, or a combination of overtime pay and comp time. There must be a “written record” of the agreement’s existence. The employee’s decision to accept comp time must be made freely and without coercion or pressure from the employer.
- 11.3 All comp time must be taken in the year it is earned. Any comp time not taken by December 15th will be converted to overtime and paid to the employee not later than December 31st of that year.
- 11.4 The payroll clerk must keep records detailing:
 - (a) the number of hours of comp time earned by each employee,
 - (b) the number of comp time hours used by each,
 - (c) the number of hours overtime paid in cash and the date paid.
- 11.5 The payroll clerk must also keep a record for each individual employee on the employee’s individual payroll records, showing the work period eligible for comp time for the employee and the length of the period and the starting time of the comp time taken. Employees are required to submit this information to the appropriate department head who must approve the submitted comp time hours. The information is then submitted to the payroll clerk as part of the weekly payroll procedures.

12. OVERTIME

- 12.1 Employees may be required to work overtime by their department heads.
- 12.2 Overtime is paid if an employee is required to work more than 40 hours.
- 12.3 Previously scheduled vacation time, holiday time, personal time and sick time used prior to the overtime are all counted towards hours worked when determining whether an employee is entitled to overtime pay. Compensatory time does not count towards 40 hours worked for the purpose of overtime hours.
- 12.4 Supervisors are required to approve all requests for overtime hours.

13. LUNCH BREAK:

The Town of Lyme shall grant a half hour lunch break to all employees required to work more than five consecutive hours except if it is feasible for the employee to eat during the performance of his or her work and he or she is permitted to do so.

14. ADDITIONAL BENEFITS:

14.1 Workman's Compensation Insurance: The Town shall cover all employees with workman's compensation insurance to the extent required by law.

14.2 Unemployment Insurance: The Town shall cover all employees with unemployment insurance to the extent required by law.

14.3 Health Insurance: The Town shall cover all regular full time employees with health insurance policies as follows:

14.3.1 Employees hired before January 1, 2009

- (a) The Town shall pay the full cost of the selected base single person health insurance plan for all regular full time employees commencing on the first of the month following completion of their initial 60 day waiting period.
- (b) Employees with less than 2 years of employment will be able to add either two-person or family coverage at a cost to the employee of 15% of the cost above the selected base health plan. Employees with at least 2 years of employment but less than 5 years of employment will be able to add either two person or family coverage at a cost to the employee of 10% of the cost above the selected base health plan. Employees with at least five years of employment but less than 10 years of employment will be able to add either two-person or family coverage at a cost to the employee of 5% of the cost above the selected base health plan. Employees with 10 years or more of employment will be able to add either two-person or family coverage at no additional cost to the employee.
- (c) The eligibility date for this benefit for a full time employee will be calculated as starting on the first day of the month following the 60 day waiting period. In the case of "broken service", i.e. if the employee has employment with the town that is not continuous service, the Select Board may establish a constructive date of hire.
- (d) Employee contributions for benefits shall be by payroll deduction.
- (e) An employee who is eligible for additional coverage for two person or family coverage retains eligibility to elect additional coverage at a qualifying event or at the annual open enrollment period.

14.3.2 Employees hired after January 1, 2009

- (a) The Town shall pay 85% of the selected base health insurance plan for all regular full time employees commencing on the first of the month following completion of their initial 60 day waiting period.
- (b) The eligibility date for this benefit for a full time employee will be calculated as starting on the first day of the month following the 60 day waiting period.
- (c) Employee contributions for benefits shall be by payroll deduction.
- (d) An employee who is eligible for additional coverage for two person or family coverage retains eligibility to elect additional coverage at a qualifying event or at the annual open enrollment period.

14.3.3 Regular part time employees who work fifteen (15) hours or more per week shall be eligible to participate at their own expense by payroll deduction in any group insurance available to regular full time employees.

14.3.4 Regular part time employees who work less than fifteen (15) hours per week, all probationary employees and all temporary employees are not eligible for this benefit.

Employees may obtain information about this policy at the Selectmen's Office. The Town shall notify all of its employees about the health insurance option when the employee becomes eligible to participate in this program.

14.4 Dental Insurance:

14.4.1 The Town shall cover all regular full time employees with dental insurance policies once the 60 day waiting period has been completed. The Town shall pay the full cost of an individual policy for all regular full time employees. Regular full time employees may elect two-person or family coverage, but must pay the additional premium at their own expense by payroll deduction.

14.4.2 Regular part time employees who work fifteen (15) hours or more per week shall be eligible to participate at their own expense by payroll deduction in any group dental insurance available to regular full time employees

14.4.3 Regular part time employees who work less than fifteen (15) hours per week and all temporary employees are not eligible for this benefit.

Employees may obtain information about this policy at the Select Board Office. The Town shall notify all of its employees about the dental insurance option when the employee becomes eligible to participate in this program.

14.5 The Town shall pay the full cost of a Group Life Insurance Policy for each regular full time employee. Part time, probationary and temporary employees are not eligible for this benefit. Employees may obtain information about this policy at the Selectmen's Office.

14.6 The Town shall pay the full cost of a Short Term Disability Insurance policy, which will cover all regular full time employees. Part time, probationary and temporary employees are not eligible for this benefit. Employees may obtain information about this policy at the Selectmen's Office.

14.7 The Town shall pay the full cost of a Long Term Disability Insurance policy, which will cover all regular full time employees. Part time, probationary and temporary employees are not eligible for this benefit. Employees may obtain information about this policy at the Selectmen's Office.

14.8 The Town shall pay the employer cost of participation in the NH Retirement System for all regular full time employees who are required to participate in the NH Retirement System. Part time, probationary and temporary employees are not eligible for this benefit.

Employees may obtain addition information on this benefit from either the NH Retirement System's web page or at the Selectmen's Office.

14.9 The Town shall deduct the employee's share of the cost of optional benefits, pension plans, federal income, Medicare and social security taxes from the employee's pay.

14.10 Any employee may decline, in writing, to receive any benefit that is not required by law or the terms of the Town's insurance policies. (Participation in the New Hampshire Retirement System is required for all eligible employees.) Should an employee decline a benefit, he or she shall not receive the cost of the declined benefit in increased salary or wages.

15. WORKERS COMPENSATION INSURANCE

- 15.1 An employee who is absent from work due to a qualifying injury received while on the job will receive workers' compensation benefits from the Town's workers' compensation insurance carrier.
- 15.2 The amount of an employee's weekly workers' compensation benefit is set by the New Hampshire Department of Labor as determined by state and federal law
- 15.3 Workers' compensation is tax exempt, and is not considered compensation under the New Hampshire Retirement System, which means that contributions to the retirement system will not be taken from the workers' compensation payments. Sick leave and vacation leave will not accrue while an employee is receiving workers compensation benefits. Holiday pay will not be paid by the Town while an employee is receiving workers compensation benefits.
- 15.4 Income While Waiting For Workers' Compensation Determination

Workers' compensation benefits are paid retroactively from the date the application is approved back to the date of the eligible injury. If an employee has applied for workers' compensation and is awaiting a determination of eligibility, the employee will continue to receive a regular paycheck, equal to the employee's scheduled regular weekly hours, from the town for a period of up to ten weeks from the date of injury or until notification of workers' compensation is received, whichever occurs first. In the unlikely event that notification of eligibility for workers' compensation benefits is not received prior to the expiration of the ten week period, the employee may request that earned accrued time be utilized pursuant to the procedure described below. If the employee opts to continue to receive a regular paycheck during the period when his/her workers' compensation eligibility is being determined, the employee will be required to reimburse the town for all such payments up to the amount of benefits awarded for that time period and will be required to sign an agreement to this effect when opting to receive paychecks.

- 15.5 Town-Paid Supplement to Workers' Compensation Payments

If workers' compensation is awarded, the Town will make up the difference between the weekly workers' compensation benefit and the employee's regular weekly gross wages by supplementing the workers compensation payment in an amount that will result in the combined payments equaling 100% of the employee's regular gross wages. This is known as the differential. **The differential will be paid for a maximum of 10 weeks from the date of injury and is available only to full time employees.**

15.6 Use of Earned Accrued Time to Continue Receiving a Paycheck from the Town

see highlighted area below.

An employee receiving Workers' Compensation benefits may choose to supplement the workers' compensation payment after the Town has stopped paying the "differential" by utilizing earned accrued time to continue receiving a weekly paycheck from the Town. If workers' compensation is denied, the employee may choose to utilize earned accrued time to continue receiving a paycheck from the Town. Examples of accrued time are sick days, vacation time, personal days, etc. In order to exercise this option, the employee must submit a written request that earned accrued time be utilized. If the use of earned accrued time is requested because the notification of workers' compensation eligibility is not received within ten weeks of the date of injury, the earned accrued time that was used will be placed back into the employee's accrual account (as if it had never been used) if workers' compensation is subsequently awarded.

15.7 Temporary Alternative Duty: Employees with work-related injuries may also be entitled to temporary alternative duty in accordance with New Hampshire's workers' compensation laws.

15.8 Reinstatement: Under New Hampshire law a full-time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and if the employee is not disabled from performing the duties of the position. A fitness-for-duty certificate from a physician may be required before an employee is permitted to return to work. An employee will not be reinstated if the employee 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 the former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

16. RATES OF PAY:

16.1 All employees shall be paid at a rate approved by the Select Board. In approving their rate of pay, the Select Board shall consider the Department Head's recommendation, the education and skills required by the position, the employee's skills, experience and performance, and the approved Town Budget.

16.2 If an employee's performance warrants, the Select Board may adjust the employee's salary or rate of pay.

- 16.3 Annual pay increases, if any, shall normally become effective for all employees, on January 1st .
- 16.4 An hourly employee shall receive overtime pay at the rate of time and one half for hours worked over forty (40) hours per week in any seven day pay period. The seven-day pay period shall run from Sunday through midnight Saturday.
- 16.5 The Town of Lyme shall issue paychecks each week on Friday, covering the previous pay period.
- 16.6 Any employee who prefers to receive monthly paychecks may request monthly paychecks from the Select Board, and the Select Board shall petition the New Hampshire Labor Commissioner for permission to pay wages on a different schedule in accordance with NH law.
- 16.7 Any employee who is involuntarily discharged shall be paid within seventy-two (72) hours of their last workday or discharge, whichever is later. If the employee retires, dies, quits or resigns he or she shall be paid on the next regular payday.
17. PERFORMANCE REVIEW:
- 17.1 Annually during the month of June every Department Head shall prepare written performance review for employees in their departments and submit the appraisals to the Select Board for review not later than July 1st. For Department Heads, the Select Board shall prepare this review.
- 17.2 New employees, or employees who are hired for new positions within the town, shall receive a performance review at the end of their first three months of employment.
- 17.3 The performance review shall identify each employee's key duties and his or her performance of each of these key duties. It shall be reviewed with the employee prior to submission to the Select Board for final approval and placement in the employee's personnel file.
- 17.4 In cases where an employee's performance requires improvement or is not satisfactory, an additional performance review shall be prepared in three (3) months. Such appraisals shall describe progress or lack thereof on improving the employee's performance during the reporting period.
- 17.5 Each employee shall be permitted to make written comments on his or her performance review, which shall be included with the performance review in his or her personnel file.

18. GRIEVANCES:

- 18.1 Any employee may orally bring a grievance to the attention of his or her immediate supervisor within two (2) working days of his or her knowledge of the event causing the grievance. The immediate supervisor shall respond in writing to the grievance within five (5) workdays of hearing of the grievance.
- 18.2 If an employee is dissatisfied with the response of his or her immediate supervisor, the employee may submit the grievance in writing to his or her Department Head within three (3) work days of receiving his or her immediate supervisor's decision. The Department Head shall respond in writing within five (5) workdays of receiving the grievance.
- 18.3 If an employee is dissatisfied with the response of his or her Department Head, the employee may submit the grievance in writing to the Select Board within five (5) workdays after receiving his or her Department Head's decision. The Select Board shall respond in writing within fifteen (15) workdays of receiving the grievance. The Select Board may choose to hold a hearing to make findings. All decisions of the Select Board are final.

19. DISCIPLINARY ACTION

- 19.1 Your employment with the town is at will. This means that either you or the town may terminate that employment at any time, for any reason, or for no reason at all. Should discipline be required, the town will attempt to follow the guidelines set forth below; however, the town is not obligated to do so.
- 19.2 Disciplinary action may be initiated for reasons which include, but are not limited to the following:
 - 19.2.1. Absenteeism;
 - 19.2.2. Tardiness;
 - 19.2.3. Insubordination;
 - 19.2.4. Unacceptable performance;
 - 19.2.5. The use of alcohol or drugs which impair performance;
 - 19.2.6. Falsification of documents concerning payroll or other departmental operations;
 - 19.2.7. Willful or negligent destruction of public and/or private property;
 - 19.2.8. Obscene language or a violent act directed at other employees or the public;
 - 19.2.9. Theft of public and/or private property;

- 19.2.10. Failure to comply with safety requirements;
- 19.2.11. Harassment.

19.3 At the discretion of the department head or immediate supervisor, disciplinary action may be taken. Such action includes but is not limited to:

- 19.3.1. Verbal Warning;
- 19.3.2. Written Warning;
- 19.3.3. Suspension;
- 19.3.4. Discharge

19.4 Although the town will attempt to provide increasing levels of discipline to allow the employee an opportunity to correct any deficiencies, no disciplinary sequence is guaranteed. Infractions which are sufficiently severe may result in immediate suspension or discharge. Additionally, the Town reserves the right to take disciplinary action in a manner consistent with the efficiency of operations and appropriate to the infraction involved.

20. DISCIPLINARY PROCESS

- 20.1 VERBAL WARNING - May be issued by the department head or immediate supervisor.
 - 20.1.1. Warn employee of area which needs improvement with remedial suggestions offered.
 - 20.1.2. Date, time, nature of warning and remedial suggestions shall be included, in writing, in employee's personnel file.
- 20.2 WRITTEN WARNING - May be used by the department head or immediate supervisor.
 - 20.2.1. Written warning to employee for repeat of an offense which was source of verbal warning, or for an offense the seriousness of which dictates more than a verbal warning, with a space for employee signature that will attest to receipt of the notice by the employee. Warning shall take place within a timely fashion of knowledge of offense.
 - 20.2.2. Date, time, nature of offense and remedial suggestion(s) shall be included in writing, in the employee's personnel file.
 - 20.2.3. If the employee refuses to sign for receipt of this written warning, the department head or supervisor shall make note of the date and time of refusal and place this in the employee's personnel file.

20.2.4. Notification of written warning should be made by the department head supervisor to the Administrative Assistant, within two business days.

20.3 SUSPENSION - May be imposed by the department head or Select Board.

20.3.1. Department head will notify Selectmen of action in a timely fashion of initiating action.

20.3.2. Employee receives confirmation of suspension in writing with date, time and nature of offense and remedial suggestions. Possibility of future disciplinary action should be mentioned, and filed in writing, in the employee's personnel file.

20.4 DISCHARGE - Department head recommends termination of employment to the Select Board, or the Select Board may act on their own initiative. After compiling all pertinent facts, if the Select Board discharges the employee, the Board confirms the action in writing to the employee.

20.5 APPEAL

20.5.1. An employee may present an appeal in writing to the Select Board within five working days of initiation of suspension or discharge.

The Select Board may choose to hold a hearing to make findings. All decisions of the Select Board shall be final.

20.5.2. In cases of verbal or written warnings, an employee may appeal to his or her department head within three work days of the action.

21. TOWN ROAD AGENT:

21.1 An appointed Town Road Agent, upon his or her appointment, is subject to these personnel policies, as amended from time to time. The duties of the Road Agent are in accordance with Title XX, Chapter 231, Section 231:62 of the State of New Hampshire Revised Statutes. The Town Road Agent shall receive an annual stipend as provided for in the approved Town Budget.

21.2 An appointed Town Road Agent may apply for any vacant position in the Highway Department. If hired he or she shall receive a salary commensurate with his or her job category and experience which will be

in addition to the annual stipend in the approved Town Budget. This salary shall be decided by the Select Board. No existing Highway Department employee shall be discharged simply to create a vacant position for the appointed road Agent.

GENERAL

- 21.3 Copies of this policy shall be provided to and acknowledged by all employees and are available in the Select Board Office during regular office hours.
- 21.4 The Town shall notify all employees of the benefits to which they may be eligible, the amount to be deducted from their take-home pay for optional benefits and their salary or rate of pay.

Kevin S. Sahr

Judith L. Brotman

Benjamin Kilham

APPENDIX A: DRUG ABUSE AND ALCOHOL MISUSE POLICY

APPENDIX B: SEXUAL HARASSMENT POLICY

APPENDIX A

DRUG ABUSE AND ALCOHOL MISUSE POLICY A-

1. STATEMENT OF POLICY:

The safety and wellbeing of the public and all employees requires that Town employees perform their duties free from the effects of drugs and alcohol. A drug-free workplace is especially important because of the Town's responsibility to serve the public safety without interruption. A person who uses controlled substances or misuses alcohol represents a hazard to himself or herself, fellow employees and to the public. While no policy will eliminate the possibility of drug or alcohol abuse completely, it is believed that this policy will greatly reduce the risks associated with drug and alcohol abuse.

A-2. PROHIBITED ACTS:

- A-2.1 No employee shall use any scheduled drug included in the "Schedule of Controlled Substances" of the Drug Enforcement Agency or any narcotic or habit-forming drug except as prescribed or administered by a physician or other licensed medical or dental professional. The "Schedule of Controlled Substances" includes the following drugs and classes of drugs: marijuana and its metabolics, cocaine, stimulants, depressants, hallucinogenic substances and opium derivatives
- A-2.2 No employee shall use or misuse alcohol while on duty or for four hours prior to reporting for duty. (For purposes of this policy, alcohol is defined as any alcoholic beverage, mixture or preparation, including medication containing alcohol and the four hours prior to reporting for duty includes both regularly scheduled duty and reasonable foreseen duty as in the event of a forecast snow storm.)
- A-2.3 No employee shall report for duty or drive while impaired by the use of any controlled substance or alcoholic beverage. An employee may use a drug or controlled substance if it has been prescribed or administered by a physician and if a physician has advised the driver that the drug or substance will not affect the driver's ability to safely operate a motor vehicle. (The term "impairment" means to be under the influence of a controlled substance or alcohol so that a person's motor senses (sight, hearing, balance, reflex or reaction) are adversely affected or may be presumed to be so affected.)
- A-2.4 No employee shall possess at any work site any quantity of any alcohol or controlled substance, lawful or unlawful, which in sufficient quantity could result in impaired performance, with the exception of substances prescribed by a licensed physician. (The term "work site" means any town vehicle, office, building, yard or any other location at which the driver or employee is to perform work.)

A-2.4 No employee shall sell transfer, or attempt to sell or transfer, to any other person any drug or controlled substance. (The term "sell or transfer" means to deliver to any other person for consideration, for free or for any other reason.)

A-3. ALCOHOL AND CONTROLLED SUBSTANCES TESTING:

A-3.1 In order to comply with Federal regulations and ensure a drug-free work environment, all drivers of commercial motor vehicles as defined by federal law and applicants for employment as drivers of commercial motor vehicles shall be subject to testing for the use of drugs and controlled substances and testing for the misuse of alcohol. (The term "testing" means the testing of urine for the evidence of drugs or controlled substances and the testing of expired breath or saliva for determining misuse of alcohol.) Refusal of an applicant to submit to such testing will cause the applicant to be found "not medically qualified" and the applicant shall not be hired. Refusal of an employee to submit required testing will result in the recording of a "positive" test result.

A.3.2 The following types of testing shall be conducted:

Random Testing: All drivers of commercial motor vehicles shall be subject to unannounced alcohol and controlled substances testing at any time on a random basis as a condition of their continued employment as drivers. To insure "randomness", the Town has joined a consortium, which uses a computer selection process to randomly select personnel for testing at an annual rate of 25% for alcohol and 50% for drug testing. (The nature of such a selection process is that in any given time period, a particular driver may not be selected while another driver may be selected several times.)

Reasonable Cause Testing: When there is a reasonable suspicion to believe that a driver has reported to work or is working impaired as a result of the use of alcohol or a controlled substance, the driver shall be required to submit to both urine and breath or saliva testing.

Post-Accident Testing: Any driver, who is involved in a fatal motor vehicle accident or a motor vehicle accident resulting in a towed vehicle or injury requiring medical treatment away from the scene of the accident and receives a moving traffic citation, shall be tested for alcohol (as soon as possible, but no later than 8 hours after the accident) and controlled substances (as soon as possible, but no later than 32 hours after the accident).

Return-to-Duty Testing: Before any driver may return to duty requiring the operation of a commercial motor vehicle after a positive drug or alcohol test, he or she shall undergo a return-to-duty alcohol or drug test. (For purposes of return-to-duty testing for alcohol, a positive alcohol test is a reading of 0.04% or greater and the return-to-duty test shall have a

reading less than 0.02%. A return-to-duty drug test must be verified as negative before a driver may operate a commercial motor vehicle.)

Follow-Up Testing: All drivers that have had a positive alcohol and/or drug test during the preceding two years shall be subject to follow-up testing as directed by a substance abuse professional. Follow-up alcohol testing shall be conducted only when a driver is performing, just before performing or just after performing a safety-sensitive function. (Generally the term "safety-sensitive function" means the operation of a commercial motor vehicle including loading, warming-up and other similar operations).

A.3.3 For any alcohol test with a reading of between 0.02% and 0.039%, the driver shall be unqualified to perform a "safety sensitive function" for a period of 24 hours or until he or she tests below 0.02%. For any alcohol test with a reading of 0.04% or greater, the driver shall be unqualified to perform a "safety sensitive" function until he or she passes a "return to duty" test with a reading below 0.02%. For any drug test with a positive result, the driver shall be unqualified to perform a "safety sensitive function" until he or she is determined to be medically qualified and passes a "return-to-duty" test.

A-4. TESTING RESULTS:

A-4.1 The testing of all urine samples submitted in accordance with this policy shall be performed by Federal certified laboratories. All alcohol testing shall be performed by trained "Breath Alcohol Technicians" on "Evidential Breath Test Devices" or "Screen Test Technicians" on saliva test devices that are on the "Conforming Products List" of the National Highway Traffic Safety Administration. The test results will be reviewed to determine if there is evidence of the use of alcohol or controlled substances. All test results will be treated in strict confidence.

A-4.2 A "Medical Review Officer" (MRO) shall be the sole custodian of the individual controlled substances test results. The MRO will carefully review any positive test findings and will then inform (normally by telephone) the tested individual of those results and give the individual the opportunity to discuss these findings. The MRO will ascertain if there are any alternative explanations for the positive test findings, such as the use of prescription drugs. The MRO, if he or she deems it necessary, may also instruct the laboratory to retest a portion of the original specimen. The donor may request that the second or "split" sample be re-tested at the original laboratory or may be transported to another certified laboratory for testing. In any case, the MRO will be the final authority should the accuracy of any test be called into question. After making his or her determinations, the MRO will advise the designated Selectman as to the results of all tests.

A-5. EMPLOYEE ASSISTANCE PROGRAM:

A-5.1 An "Employee Assistance Program" is available through the NH Municipal Association's Health Insurance Trust. It provides a referral service that helps employees and their families deal with personal problems, including drug and/or alcohol problems, which may interfere with the quality of their work and home life. This service is provided by trained professionals who provide confidential telephone assessment, crisis management and referral to appropriate resources. (In the event of a positive drug test or an alcohol test with a reading of 0.04% or greater, this program provides the "substance abuse professional" referral required by the Federal regulations.)

A-5.2 This help is available 24-hours a day, starting for personnel who test positive for drug or alcohol use under this policy. The telephone number is: 1-800-527-5001.

A-6. DISCIPLINARY POLICY:

A-6.1 In order to encourage safety, drivers who are called in for unscheduled duty, e.g. in even of an unforeseen storm, should report that they have consumed alcohol and not report for duty until such time as they would no longer be impaired by its consumption. No disciplinary action will be taken against such an employee unless he or she chronically, as determined by the Select Board, is unable to report for duty.

A-6.2 During any two-year period, a positive alcohol test shall result in the following disciplinary action:

a. Reading of 0.02% to 0.039%:

First Offense: oral warning and suspension without pay for 24 hours,
Second Offense: written warning and suspension without pay for 24 hours, and

Third Offense: discharge.

b. Reading of 0.04% or greater:

First Offense: written warning and suspension without pay for 24hours or until medically qualified for duty - whichever is longer. The employee shall pay all costs associated with return-to-duty and followup testing, and

Second Offense: discharge.

A-6.3 During any two-year period, a positive drug test, as determined by the Medical Review Officer, shall result in the following disciplinary action:

First Offense: written warning and suspension without pay until medically qualified for duty. The employee shall pay all costs associated with return-toduty and follow-up testing, and Second Offense: discharge.

APPENDIX B SEXUAL

HARASSMENT POLICY B-1 BACKGROUND:

B-1.1 Title VII of the Civil Rights Act of 1964 and New Hampshire's law against discrimination (RSA 354-A) prohibit discrimination because of race, color, religion, sex, sexual orientation, and physical or mental disability, or national origin in all employment practices. Guidelines established by the Equal Employment Opportunity Commission hold that sexual harassment is a violation of the Civil Rights Act of 1964. Any employee, manager or supervisor who violates this policy will be subject to appropriate disciplinary action up to and including discharge.

B-1.2 The EEOC guidelines establish three basic criteria to determine whether or not conduct is unlawful or merely a matter of personal relationship. The conduct is unlawful if:

- a. submission to the conduct is either explicit or an implicit term or condition of employment;
- b. submission or rejection of the conduct is used as a basis for employment decisions affecting the person, or
- c. the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

B-1.3 If an employee believes he or she is being subjected to any of the prohibited forms of harassment or believes he or she is being discriminated against because other employees are receiving favored treatment in exchange for sexual favors, he or she must bring this to the attention of the Town.

B-1.4 The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers his or her discontent with appropriate Town representative. Consequently, in order for the Town to deal with the problem, employees must report such offensive conduct or situations to their supervisor, Department Head or Select Board.

B-2. INITIAL ACTION:

B-2.1 If you believe that you are being sexually harassed, you should promptly take the following steps:

- a. Attempt to politely but firmly confront whoever is doing the harassing. Let the person engaging in the questionable conduct know that the conduct is unwelcome and offensive.
- b. If the harassment continues, or if you believe some employment consequences may result from your confrontation, or if you feel incapable of confronting the harasser directly, go to your supervisor, Department Head or the Select Board.

B-2.2 Upon first learning of the complaint, the supervisor, Department Head or Select Board shall document the details of the alleged incident, and note the names of all those involved as participants and/or witnesses. The supervisor or Department Head shall promptly inform the Select Board, who will promptly and objectively investigate the complaint.

B-3. INVESTIGATION:

B-3.1 All allegations of harassment will be promptly, fairly and objectively investigated. All information disclosed in the internal investigative process will remain confidential to the extent possible and will only be disclosed in order to investigate and resolve the matter. The employee accused of harassment will be informed of the allegations against them and given sufficient information about the allegations to provide them with a reasonable opportunity to respond.

B-3.2 A record of the complaint and the finding will become a part of the complaint investigation file.

B-4. ACTION:

B-4.1 It is understood any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and confidentially, and the registering of a complaint will in no way be used or held against the employee, nor will it have an adverse impact on the complaining individual's employment status.

B-4.2 Investigations that result in a finding that an employee engaged in sexual harassment of another employee will result in disciplinary action up to and including discharge.

B-4.3 Accusations made in bad faith, or with intent to harass, will result in disciplinary action up to and including discharge.

TOWN OF LYME PERSONNEL POLICY

Adopted by a vote of Town Meeting, 1978

Amended by a vote of Town Meeting 1987

Further amendments to be made by the Select Board with approval of Budget Committee

Revised and Approved by Select Board and Budget Committee July 29, 1998

Amended July 19, 2000; November 6, 2002; January 5, 2004

Amended November 2005, effective January 2006 – final text approved May 17, 2006

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Amended November 21, 2013

Amended March 7, 2019

Amended June 6, 2019