

PERSONNEL MANUAL

**TOWN OF CONWAY, NEW HAMPSHIRE
NON-UNION PERSONNEL**



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Section I – PURPOSE

The purpose of this Personnel Manual is to provide the non-union employees working for the Town of Conway a document describing the regulations and policies under which personnel matters are to be governed. It is further declared that the personnel policy of the Town is to:

- (1) Employ persons based on merit and fitness, free of personal and political consideration;
- (2) Provide just and equitable incentives and conditions of employment to promote efficiency and economy in the operation of the Town Government;
- (3) Provide sufficient flexibility to meet changing situations and conditions from time to time to enable continuity in the operation of the Town;
- (4) Maintain high morale by fair administration of this manual and by every consideration of the rights and interests of employees consistent with the best interests of the Town.

Unless otherwise provided in a written contract or unless set forth by statute, Town employees are considered to be employees at-will. Employment at-will status enables both the Town and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not prohibited by law. Neither the policies contained in this Manual, nor any written or verbal communications by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

It is important to understand that this document is approved by the Board of Selectmen and thus may be changed by the Selectmen. Issues not specifically referred to or those that may from time to time require interpretation shall be resolved at the sole discretion of the Town Manager.

Section II - EQUAL OPPORTUNITY AND THE AMERICANS WITH DISABILITIES ACT

A. Equal Opportunity Statement

The Town of Conway is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees or applicants for employment on any legally-recognized basis including, but not limited to: veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or ancestry. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement,

promotion, termination, layoff, recall, transfer, leaves of absence, compensation, benefits and training.

B. The Americans with Disabilities Act

The Town of Conway is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the Town's policy not to discriminate against any qualified employee or applicant with regards to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job.

Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town.

The Town of Conway encourages individuals with disabilities to come forward and request reasonable accommodations. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should approach the Town Manager or Finance Director to make appropriate arrangements. The Town will maintain all medical information in a confidential manner in accordance with the ADA.

Section III - HIRING PROCEDURES

It is the objective of the Town to hire the most qualified candidate for a given position. Applications shall be on forms provided by the Town of Conway. The Town Manager shall post an announcement of vacancies for all municipal positions in newspapers and other publications and in such other places as deemed necessary. Announcements shall specify position, title, salary range, nature of work to be performed, desired qualifications of applicants, closing date for receiving applications, and any other information as may be required or pertinent.

When hiring a new employee or considering an employee for transfer or promotion, aptitude and ability tests may be utilized. Past Performance Evaluations shall be used in considering employees for transfer or promotion.

The Town may pay for reasonable relocation expenses of a new employee at the discretion of the Town Manager.

The Town may conduct an investigation of police records, motor vehicle/driving records, and credit record of the applicant and shall do appropriate reference checks. A physical examination, at the expense of the Town, may be required. All such information is to be handled as privileged and/or confidential.

Section IV – APPOINTMENTS, CLASSIFICATION, PROMOTION AND TRANSFER

A. Appointment Authority

The Town Manager has the authority to appoint, evaluate, and when necessary, to suspend or remove any officer, or employee of the Town under his operational jurisdiction. Such authority may be delegated by the Town Manager.

B. Employment Categories

The following types of appointments may be made:

1. Full Time Employees

Full time employees work forty (40) hours per work week on a continuing basis. Full time employees are subject to all rules and regulations and receive all benefits and rights as provided by the Personnel Manual.

2. Part Time Employees

Part time employees work less than forty (40) hours per work week. Part time employees are subject to all rules and regulations. Benefits are provided on a limited basis in accordance with the appropriate guidelines provided in this Manual to part time employees who regularly work twenty (20) hours or more each week.

3. Temporary Employees

Temporary appointments are made when a special project requires the addition of employees for a specific period of time or to fill a position of an employee on a leave of absence or when a need for service recurs predictably year-to-year during a certain period. Temporary employees may be paid either hourly or salaried depending on the requirements of the Fair Labor Standards Act.

Temporary employees paid on an hourly basis shall not receive benefits or be eligible for overtime pay. Salaried employees shall not receive benefits with the exception of personal leave which shall accrue at a rate of .833 days per month.

Temporary employees serve at the will of the Town Manager and appointment to a temporary position may not exceed nine months in a twelve month period. Such employees shall be subject to all rules and regulations that apply to regular employees. The Town Manager shall develop a memorandum of understanding outlining the conditions of employment and duration for the temporary position. The Town Manager and the employee shall sign the memorandum of understanding before

the employee is hired.

4. Introductory Employee

A full-time or part-time employee who has not yet completed the 6-month introductory period. The introductory period is the final test in the selection process. Employees during the introductory period have no rights to the grievance and appeal procedures outlined in Section IX. K. of these policies, and may be dismissed with or without cause for any legal reason.

C. Employment Classification

An employment class consists of one or more positions which are sufficiently alike to warrant using the same or similar title, qualification requirements, specifications, and pay grade.

1. Exempt Employees

Salaried exempt employees are those whose duties, responsibilities, and compensation render them exempt from overtime requirements of the Fair Labor Standards Act.

Exempt employment classes include:

a. Management Staff (Class M)

These are employees that manage town departments and report directly to the Town Manager.

2. Non-Exempt

Non-exempt employees are those whose duties, responsibilities, and compensation cause them to not be exempt from overtime requirements of the Fair Labor Standards Act.

Non-Exempt employment classes include:

a. Administrative and Technical Staff (Class AT)

These positions include senior departmental staff acting as assistant managers or fulfilling key departmental roles. These positions may have some supervisory authority.

b. Administrative Support Staff (Class AS)

Employees in these positions provide support to departmental

functions and operations. These positions do not have supervisory authority.

c. Supervisor – Trades (Class ST)

These employees are lead supervisors in the public works department. They have supervisory authority and report directly to the Public Works Director.

d. Trade Workers (Class TW)

These positions include skilled trade workers in the Public Works department.

D. Promotion and Transfer

1. Promotion

A promotion is defined as the movement of an employee from a position in one classification to a position in another classification that has a higher maximum rate of pay, and greater responsibility. At the time of promotion the employee shall move to the pay scale of the position promoted to at a rate of pay equal to his/her current rate, but no less than the low (87.5% of average).

2. Transfer

a. Voluntary Transfer

Regular full-time employees may compete for other regular full-time vacancies. Part-time, temporary, seasonal, or provisional employees are also eligible to compete for regular full-time positions.

b. Involuntary Transfer

Involuntary transfers of employees may be made to best use employee skills, education or experience. Transfer may involve employee relocation to another department within the Town. Transfer may also consist of reassignment of an employee from one job classification to another because of inability to perform essential job functions due to an ADA defined disability, reorganization, while under suspension from the employee's principal duty, or for other reasons.

Section V - EMPLOYMENT OF RELATIVES

The hiring of members of the same primary family unit shall be avoided on a department level basis.

Section VI – INTRODUCTORY PERIOD FOR NEW HIRES AND PROMOTEEES

A. New Hires

For securing the most effective adjustment of the new employee and determining that an employee's work meets the required standards of the department, all appointments shall be made for a period of six (6) months. A department head may extend the introductory period with the approval of the Town Manager, except that the total introductory period shall not exceed twelve (12) months. Prior to the end of one hundred and eighty (180) days the supervisor or department head shall prepare and submit an evaluation. With the approval of the Town Manager, employees may be dismissed without cause during this introductory period.

Once an employee has successfully completed his/her introductory period of employment, the employee's length of service shall be measured from the original date of hire and becomes eligible for additional benefits as provided for in this manual.

Upon completion of the six (6) month introductory period, an employee is eligible to receive a maximum of a 3% raise. Any raise due shall be computed by multiplying the employee's introductory period evaluation score times 3%. A merit performance evaluation will again be conducted on the first anniversary of the employee's hire date.

B. Promotion

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

Upon completion of the six (6) month trial period, an employee is eligible to receive a maximum of a 3% raise. Any raise due shall be computed by multiplying the employee's trial period evaluation score by 3%. A merit performance evaluation will be conducted again on the first anniversary of the employee's promotion.

During the trial period the department head shall informally evaluate the performance of the promotee on a monthly basis. The evaluation shall be in written form with a copy provided to the promotee and the Town Manager. The

department head shall discuss with the promotee the area(s) in which the promotee needs improvement and assist the promotee in correcting any deficiencies. A formal evaluation is to be prepared and submitted at the end of six (6) months.

If, at the completion of the trial period, the promotee does not demonstrate the competence required to carry out the responsibilities of the position, the department head may, with the approval of the Town Manager, upon the submission of written justification, cause the promotee to be reverted to the promotee's former position and pay (provided said position is open and unfilled).

Any time during the trial period promotees may request to be reverted to their former position and pay (provided said position is open and unfilled).

Upon returning to his/her former position, the employee shall not be considered for promotion to any other position for a period of one year.

Section VII - PERFORMANCE EVALUATIONS

Regular performance evaluations of all full and part time employees will be conducted (see Appendix B). The first evaluation shall occur at the end of the introductory period. Subsequent evaluations will be conducted on the employee's employment anniversary or promotion anniversary date.

A. Purpose

The purpose of the evaluation is to:

1. Communicate to the employee how well he has performed and, in the cases of weakness, how he can improve his performance;
2. Identify and recommend to the employee any training or education necessary to improve their work habits and efficiency/proficiency;
3. Ascertain that the employee fully understands his duties and responsibilities,
4. Set goals and objectives for future performance and to measure past accomplishments to determine if employee qualifies for a merit pay raise in accordance with this manual.

Before any evaluation is completed, the results shall be discussed directly with the employee and a recommendation shall be made as to whether a merit pay raise should be granted.

Section VIII - DEMOTION

A. Reasons for Demotion

1. When an employee would otherwise be laid off because a position is being abolished, a position is being reclassified to higher grade, lack of work, lack of funds, or because of the return to work from authorized leave of another employee to such a position in accordance with applicable rules contained herein.
2. When an employee does not possess the necessary qualifications to render satisfactory service in the position held, or when removed during probation.
3. When an employee voluntarily requests such demotion.

B. Appeal of Demotion

All demotions must receive the approval of the Town Manager and, if the employee is demoted unwillingly, an appeal may be filed as specified herein. The employee shall also receive notice of the appeal procedure provided by these rules.

Section IX - EXPECTATIONS, CORRECTIVE ACTION AND TERMINATIONS

A. Introduction

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

B. Expectations

The Town of Conway expects its employees to do the following:

1. Give to the Town, in exchange for the pay and benefits received, a fair day's work.
2. Be honest in handling money, in reporting hours of work, and in all dealings with the Town and fellow employees.
3. Arrive at work on time and stay at work until the end of the workday.
4. Arrive at work fit for duty and ready for the day's assignments and work responsibilities.
5. Follow instructions and procedures.
6. Perform work in a timely and skillful manner.

7. Work overtime when requested.
8. Work without the influence of liquor and unprescribed drugs
9. Exercise care in handling property belonging to the Town and to fellow employees.
10. Work safely and follow the Town's Safety Manuals.
11. Deal courteously with the public.

C. Violations Subject to Disciplinary Action

The seriousness of an offense will vary with the circumstances prevailing at the time it occurred and the motives that prompted it and the employee's past record. All factors are considered when determining the appropriate action to take in a particular situation. Commission of the following shall constitute just cause for corrective action up to and including discharge. This list is not intended to exclude other situations that are cause for corrective action up to and including discharge:

1. Dishonesty
2. Use of, under the influence of, or sale/purchase of alcohol or drugs during working hours or within the workplace (see Section F., below)
3. Recklessness on the job
4. Inefficiency and/or incompetence
5. Habitual tardiness and unauthorized absence from duty
6. Misconduct
7. Attitude that constitutes unwholesome influence on other employees
8. Failure to obey a reasonable order whether verbal or written
9. The use of abusive language toward a superior or the general public
10. Conviction of a criminal act
11. Fraudulently obtaining any form of leave
12. Obtaining materials or information on fraudulent orders or representation, stealing, accepting bribes in the course of work
13. Falsification of employment application or other documents
14. Other action or conduct materially affecting or impairing the efficiency of the municipal service or that brings the community into public disrepute
15. Failure to follow the provisions of the Policy on Harassment (Section D)
16. Failure to follow the provisions of the Policy on Workplace Safety

D. Harassment Policy

1. Sexual Harassment

It is the policy of the Town of Conway that all employees shall work in an environment free from all forms of illegal harassment. Harassment, as defined by this policy, is prohibited. This policy refers not only to supervisor subordinate actions, but also to action between co-workers. Any complaint of harassment will be investigated promptly and discreetly. There will be no intimidation, discrimination, or retaliation against any

employee who makes a report of harassment in good faith or any employee who participates in good faith in an investigation of a complaint.

Sexual Harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct that causes a hostile or offensive work environment or unreasonably interferes with a person's ability to perform his or her job. Sexual harassment is an extremely serious matter. It is prohibited in the work place by any person and in any form.

Specific conduct which is prohibited includes, but is not limited to:

- a. Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties, or any other condition of employment
- b. Unwelcome sexual flirtations, advance or propositions
- c. Verbal or written abuse of a sexual nature
- d. Graphic verbal comments about an individual's body
- e. Sexually degrading words used to describe an individual
- f. The display in the work place of sexually suggestive objects or pictures

Any employee who believes he or she has been the subject of sexual harassment should report the alleged act to the Town Manager or the Finance Director as soon as possible.

Any supervisor or employee who is found, after appropriate investigation, to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

2. Personal Harassment

Personal harassment results from a pattern of inappropriate behavior that a reasonable person would consider to be humiliating. Personal harassment can make a person feel uncomfortable, embarrassed, offended or intimidated. Types of behavior that may constitute personal harassment include, but are not limited to:

- a. Ongoing condescending comments
- b. Repeated offensive gestures or comments
- c. Ongoing or repeated practical jokes which result in insult or embarrassment to an employee
- d. False accusations
- e. Abuse of authority which negatively disrupts or prevents the performance of workplace duties, or requests to perform duties outside the scope of job requirements such as requests for

- personal errands.
- f. Intimidation or coercion
- g. Bullying
- h. Actions which create a hostile, intimidating or offensive work environment (see Section E. below).

An isolated insult or adverse comment while not appropriate does not constitute personal harassment. Normal exercise of supervisory responsibilities including appropriate performance management, training, work assignment, and discipline does not constitute personal harassment

E. Hostile Work Environment Policy

This policy specifically prohibits behavior by employees or Town officials that promotes an intimidating or hostile work atmosphere for any of its employees. The inappropriate conduct of one employee should never interfere with another employee's work performance or create an intimidating, hostile, or offensive work environment. Further, no employee shall be expected to work in conditions or situations that constitute a hostile environment whether created by employees, Town officials or members of the general public. This includes public meetings or in the general work place.

Actions that can constitute a hostile work environment include but are not limited to verbal abuse (including derogatory remarks based on an individual's race, color, religion, sex, age, handicap, or national origin), verbal threats, threats of physical harm, or attempts to discredit or attack your character, integrity, reputation or performance as well as those actions listed under Section D above).

If such events or actions occur, employees are expected to take the following courses of action as appropriate:

1. Meetings or Public Situations

Remove yourself from the situation, address the committee chair and indicate that you are excusing yourself from the meeting because there is no reason for you to be subjected to the actions that are being directed toward you. A memo and a meeting with the Town Manager to explain the incident should take place as soon as possible following the incident.

2. Offices or Work Area

The person should be asked to leave the office and the work area, and advised that you will meet with them when they have calmed down and can speak in a civil manner. If they continue and refuse to remove themselves at your request, your supervisor or the Town Manager should be contacted immediately and brought into the situation to intervene. Do not subject or

endanger yourself if you feel the situation could become physical. In a timely manner, a memo and a meeting with the Town Manager should occur

This policy and the guidelines are for the benefit of Town employees and applies to potential incidents caused by all persons whether elected, appointed, other Town employees, or the general public. You, as an employee, have individual employee rights, which include the right to a safe workplace and to not be exposed to discrimination or abuse. Federal and State laws and our Personnel Policy Guidelines support those rights. Any supervisor or employee who is found, after appropriate investigation, to have violated this policy will be subject to discipline, up to and including discharge.

F. Alcohol & Drug Free Workplace Policy

1. Statement of Policy

The following policy applies equally to alcohol or alcoholic beverages, as well as other controlled substances, specifically including illegal drugs as defined by either state or federal law and it applies to the misuse of prescription drugs. Town policy prohibits the unlawful manufacture, distribution, dispensation, possession, or use of alcohol or controlled substances during Town time or on Town premises or other work sites where employees may be assigned. Further prohibited is the use, sale, possession, distribution, dispensation, manufacture or transfer of either alcohol or other controlled substances during non-working time to the extent such use impairs an employee's ability to perform his/her job, or where such use, sale, possession, distribution, manufacture, or transfer affects the reputation of the Town to the general public or threatens the Town's integrity. Excluded are prescribed drugs when used in the manner, combination and quantity intended unless job performance could be affected.

2. Requirements

The unlawful manufacture, distribution, dispensation, possession, use, sale, or transfer of alcohol, drugs, or controlled substances on any Town premises, work sites, or during Town work time, is strictly prohibited, except as provided for prescription drugs.

No employee may report for work or remain on duty while under the influence or impaired by alcohol or any drug or controlled substance, except as provided for prescription drugs. If an employee reports for work or remains on duty while under such influence, disciplinary actions will be imposed.

Town vehicles, as well as private vehicles, parked on premises or work sites are locations included within this prohibition. At no time shall a Town vehicle be operated while an employee is under the influence of drugs or alcohol.

As a condition of employment, all employees, including supervision and management, must agree to abide by this policy. Such condition of employment does not create a contract of employment, but rather is a prerequisite to hiring or continued employment of any employee.

As a condition of employment, employees must agree to report to the Town any criminal alcohol or drug conviction. Such report must be made within five (5) days of the date of conviction. If the employee's job involves a contract with a federal agency for procurement of goods or services for such agency, or federal grant funds, such conviction will be reported to the federal agency within ten (10) days of the Town's receipt of the report of conviction. Any employee who is convicted under a criminal alcohol or drug statute for a violation occurring in the workplace or who pleads guilty or nolo contendere to such charges must notify the Town within five (5) days of such conviction or plea. Failure to do so will result in disciplinary action, including termination from employment for a first offense. Employees convicted or pleading guilty or nolo contendere to such an alcohol or drug-related violation are subject to termination and/or mandatory attendance and successful completion of an alcohol or drug abuse assistance or similar program as a condition of continued employment.

The Town of Conway maintains an Employee Assistance program (EAP) through its health insurance provider. An employee found to have violated the Alcohol and Drug Free Workplace Policy may be required to participate in the EAP as a condition of continued employment, in the event that dismissal is not imposed. Participation in the EAP may be required in addition to or in lieu of any other actions that may be taken for violation of this policy. Other actions, including notification of appropriate law enforcement agencies, may also be taken in response to a violation of this policy.

3. Inspections

Be advised that Town vehicles, lockers, desks, filing cabinets, files, etc. are the property of the Town, and if management has reason to suspect that an employee may be in violation of the terms of this policy, such property may be subject to Town initiated searches at any time and without notice.

If management has reason to suspect that an employee may be in violation of the terms of this policy, the employee may be required to

submit to a drug and/or alcohol screening test at any time and without notice.

4. Prescription and Over the Counter Drugs

Any employee who is using a prescribed or over-the-counter drug and who has been informed, has reason to believe, or feels that the use of any such drug may affect his/her ability to perform his/her job duties safely and/or efficiently is required to report such drug use to his/her supervisor.

In those circumstances where the use of a prescribed or over-the-counter drug is inconsistent with the safe and efficient performance of duties, an employee may be required to take sick leave, leave of absence, or other action deemed appropriate by the Town Manager.

Employees who must use an over-the-counter or prescription drug that causes adverse side effects of may affect ability to perform work in a safe and productive manner must notify his/her supervisor prior to starting work. The supervisor, after proper inquiry and consultation with the Town Manager, will decide if the employee can remain at work and what work restrictions, if any, are deemed necessary.

5. Definitions

ALCOHOL OR ALCOHOLIC BEVERAGE: Alcohol means beer, wine and all forms of distilled liquor containing ethyl alcohol. References to use or possession of alcohol include use or possession of any beverage, mixture or preparation containing ethyl alcohol.

DRUG: Any substance (other than alcohol) that has known mind or function altering effects on a person, including psychoactive substances and including but not limited to substances prohibited or controlled by State and Federal controlled substance laws.

PRESCRIPTION DRUGS: Any substance prescribed for the individual consuming it by a licensed medical practitioner.

UNDER THE INFLUENCE: Being unable to perform work in a safe and productive manner, or being in a physical or mental condition which creates a risk to the safety and well being of the individual, other employees, the public or Town property. The symptoms of influence and/or impairment are not confined to those consistent with misbehavior, or to obvious impairment of physical or mental ability such as slurred speech or difficulty in maintaining balance. An employee will be presumed to be impaired and in violation of this policy whenever the presence of drugs in excess of a trace or a blood alcohol content level of .05 grams or greater of alcohol per hundred milliliters of blood of .10

grams or greater of alcohol per 210 liters of breath is detected in a substance abuse test administered under the terms of this policy.

G. Internet/E-mail Acceptable Use Policy

Town employees are obligated to use Internet access in a responsible and informed way. Ultimately, as a user of the Internet, you are responsible for being aware of, and obeying all applicable rules. Keep in mind that no set of rules can give you permission to commit illegal acts; and that you could be held liable for the consequences of such actions. As in other forms of official communication, users should also be careful about how they represent themselves, given that what they say or do could be interpreted as the opinion or policy of the Town.

The use of the Internet is a privilege, not a right, and may be revoked at any time for inappropriate conduct. Failure to follow this policy will result in disciplinary action. Any material saved on your computer, including E-mail and any records of the Internet sites that you have visited are public records and may be open to inspection at any time.

While the Internet and the E-mail system should be used only for conducting Town business, incidental and occasional personal use is permitted.

1. Prohibited conduct includes:
 - a. use of threatening, abusive, or otherwise objectionable language;
 - b. sending "chain letters" or non-work related "broadcast" messages;
 - c. accessing, downloading or sending "adult oriented" material is specifically prohibited. This includes: photographs, cartoons, jokes, etc.
 - d. personal statements on subjects of a political, social, economic or religious nature.
 - e. issuing or passing on derogatory or harassing statements, premised upon sex, race, religion, creed, color, national origin or ancestry, physical or mental condition, marital status or age, gender orientation, or any other bias protected by Federal, State or local law, rule, or regulation.

If you have any questions about using the Internet or complying with this policy, please contact your supervisor or the Town Manager.

H. Use of Wireless Communication Devices in Vehicles

1. While operating a Town owned vehicle and/or while in the performance of Town business and operating any vehicle, employees shall comply with all provisions of New Hampshire Revised Statutes 265:79-c (see explanation below). This means that employees shall not operate a cell phone, electronic communication device or any other electronic equipment, except when using hands-free devices.
2. This shall apply to Town owned/issued devices and those owned by the employee while conducting Town business.
3. Employees are directed not to initiate and/or receive calls or use that equipment while driving except when absolutely necessary during an emergency as provided by law. (NH RSA 265:79-c)
4. If an employee must initiate or receive a call, text message or other communication without a hands-free device; they shall drive to a safe location and stop the vehicle prior to activating the device, remaining there until the communication is completed.
5. A violation of this policy may result in disciplinary action up to and including termination of employment. Disciplinary action taken shall be consistent with the Personnel Manual or Collective Bargaining Agreement.
6. Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Provisions of RSA 265:79-c

- No use of hand held electronic devices capable of providing voice or data communication while driving or temporarily halted in traffic for a stop sign or traffic signal or other momentary delays
- This includes cell phones, GPS, tablets, iPods, iPads, or other devices that require data entry
- Emergency calls to 911 or other public safety agencies will be allowed
- Bluetooth or other hands-free electronic devices will be allowed
- One hand non-cellular 2-way radio use will be allowed
- Teen drivers under the age of 18 will not be allowed to use any electronic devices (hand held or not) except to report an emergency. Anyone violating this will be subject to penalties and license suspension or revocation.

I. Corrective Action

The need to undertake corrective action can occur in a variety of circumstances. The following is a list of some of those circumstances:

1. Performance below expectation
2. Misconduct on the job
3. Insubordination

4. Misconduct off the job that affects the Town

When a supervisor believes that corrective action is needed the nature of the problem and the employee's past record shall be considered in selecting the appropriate action, which may include:

1. Verbal reprimand and/or counseling
2. Written reprimand and/or counseling
3. Suspension with or without pay
4. Termination of employment

In instances where the supervisor believes progressive corrective action should be taken, the sequence of actions listed above may be followed. An employee, upon whose record a written notation of corrective action is made, shall receive a copy of the material being placed in the personnel file.

J. Discharge

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

1. The employee shall be given 72 hours advance written notice of the hearing
2. At the hearing the employee shall have the opportunity to present his/her side
3. If discharged, or otherwise disciplined, the employee will receive a written statement of the reasons
4. If the employee is dissatisfied with action taken, a grievance may be filed according to the grievance procedure in this manual

K. Recording Corrective Procedures

Department heads shall document all corrective actions and a record of all corrective action will be placed in the employee's personnel file.

L. Grievance Procedure

1. A grievance, for purposes of this manual, shall be defined as any controversy, complaint, misunderstanding or dispute which an employee has as to the meaning of application of the specific parts of this manual.
2. Every reasonable effort shall be made by the parties involved to arrive at a fair and equitable resolution of every grievance prior to resorting to this grievance procedure. If this is found to be impossible, the matter may be submitted to the grievance procedure in accordance with the following steps:

3. Within ten calendar days after the occurrence of such a grievance, the aggrieved employee shall write up and sign the grievance and submit it to his/her department head. The department head shall submit a written answer to the grievance within ten calendar days after receipt of the written grievance.
4. If the answer of the department head does not satisfactorily resolve the grievance, the employee may, within seven calendar days from receipt of such answer, submit the grievance to the Town Manager.
5. The Town Manager will submit a written answer to the grievance within 14 calendar days from receipt of the written grievance.
6. If the answer of the Town Manager does not satisfactorily resolve the grievance, the employee may, within ten (10) calendar days from the receipt of such answer of the Town Manager, submit an appeal to the Board of Selectmen. The Board shall hear the appeal within 15 calendar days of receipt of the appeal, and shall render a decision, which shall be final, within ten (10) days from the appeal hearing date.

Section X - WORK WEEK AND HOURS

A. Work Week and Work Hours

The normal work week is defined as five eight-hour days from Monday through Friday inclusive from eight a.m. to five p.m. each day. Varied/flexible work schedules as may be practical and necessary require the immediate supervisor's recommendation and Town Manager approval. All employees shall be allotted time for a lunch break and for fifteen-minute morning and afternoon breaks. Lunch breaks shall be defined as one hour and may be altered at the discretion of the department head or Town Manager. Lunch breaks do not count as time worked. Breaks are scheduled by department in such a manner that no department is closed during the normal workweek unless authorized by the Town Manager. A supervisor or the Town Manager may reschedule an employee's workweek and/or day.

Employees who are late to work may be docked at the discretion of the Town Manager in increments of 1/4 hour. Employees shall notify their supervisor or Town Manager's office when they are unable to report to work on time or for the day for any reason. A phone number shall be given where they can be reached. Supervisors should advise the Finance Director of the reason for an employee's absence.

B. Pay Periods

Pay periods are in two-week cycles beginning at 00:01 on Sunday morning and ending at 12:00 on Saturday night.

Employees are paid on a biweekly basis on Thursdays for all hours worked during the preceding pay period. Please review your paycheck for errors. If you find a mistake, report it to the Finance Director immediately. Paychecks will be distributed only to you.

C. Time Recording and Time Sheets

Employees are responsible to record their own time worked and shall not record that of another employee on a time sheet. When filling a day off on a time sheet, the employee shall denote what type of day off one has taken so that it may be accounted for properly.

Section XI - OVERTIME AND COMPENSATORY TIME

A. Non-exempt Employees

1. Overtime

With the exception of certain administrative staff as described below, employees who are subject to the overtime provisions of the Fair Labor Standards Act shall be paid at the rate of time and one-half for all hours worked over forty (40) in one workweek. Administrative staff that regularly take minutes at night meetings will be compensated at time and a half for said meetings for all hours worked in excess of eight hours in that day. With the approval of the Town Manager, employees filling in for such work may be compensated in the same manner.

For purposes of computing "hours worked," hours paid but not worked for paid holidays, paid vacation, and paid sick leave and any other hours paid, but not actually worked, shall be counted. Non-exempt employees working on a Town recognized holiday shall be paid double time.

The Town reserves the right to decide when overtime will be performed or who will be assigned. All overtime worked must be approved in advance by the employee's department head/supervisor to receive compensation. Every effort shall be made to keep overtime costs to a minimum.

2. Compensatory Time Off

A non-exempt employee who earns overtime may elect to convert this credit into compensatory time off at the rate of one and one-half hours of

comp time for each hour worked in excess of forty hours in a work week. An employee may accumulate up to 40 hours of comp time, after which all overtime shall be paid as wages. Comp time may be carried forward from one year to the next and, upon termination; the outstanding balance of comp time shall be paid over to an employee at his/her current hourly rate.

In order to take compensatory time an employee must make a request at least one day in advance and must receive permission from their supervisor.

B. Exempt Employees

Exempt employees are not eligible for overtime compensation or compensatory administrative leave for any work hours in excess of 40 hours per week. These positions are appointed with the express understanding that it is their responsibility as professional employees to work the number of hours required to manage their department or areas of responsibility.

Section XII - PUBLIC RELATIONS AND WORKPLACE ACTIVITIES

A. Public Relations

The public perception of Town government is often formed through contact with Town employees. Therefore, it is expected that all employees will avoid conduct at work or elsewhere that might reflect negatively on Town government. Simply being helpful and courteous can best create positive public relations.

B. Internal Relations

Management and employees work toward the same goal. That goal is to bring efficient and economical municipal service to the citizens. This can only be achieved by management-employee cooperation. Management, i.e., the Town Manager and all department heads, shall at all times, give due consideration to employee suggestions concerning methods by which the efficiency and economy of municipal services can be improved.

C. Acceptance of Gifts or Gratuities Prohibited

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans or other item of monetary value from any person, firm or corporation which has or is seeking to obtain business with the Town of Conway or from any person, within or outside Town employment, whose interest may be affected by the employee's performance or non-performance of his/her official duties. Acceptance of nominal gifts, such as food and refreshments in the

ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

D. Certain Activities Prohibited at Work

The sale of merchandise and/or the distribution of any literature, petitions, or surveys shall not be allowed during working hours in the work place. No employee shall engage in any business other than his/her regular duties during work hours.

E. Confidentiality

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

Section XIII - JURY SERVICE

An employee called as a Juror will be paid the difference between the fee received from such service and the amount of straight time earnings lost by reason of such service. Satisfactory evidence of such service must be submitted to the Finance Director through the employee's supervisor.

Section XIV - BEREAVEMENT LEAVE

With the approval of the Town Manager, each employee shall be allowed up to three (3) days paid funeral leave to attend funerals of relatives of the immediate family. Immediate family is defined as parents, spouse, children, grandchildren, grandparents, brothers, sisters, aunts, and uncles, and in-laws of the same relationship. Leave to attend funerals of friends and acquaintances will be granted using compensatory time or vacation. If additional time is needed, the employee may draw on vacation, administrative leave, compensatory time, or take leave without pay, all subject to the approval of the Town Manager.

Section XV - MILITARY LEAVE & LEAVE OF ABSENCE FOR VICTIMS OF CRIME

A. Military Leave

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 leaves of absence for such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA").

Military leaves of absence will be unpaid, unless otherwise required by law. You may elect to take part of, or all of, your accrued vacation time with pay during your military leave of absence, but you are not required to do so.

Notice of Leave Request: An employee needing time away from work for service or training in the uniformed services should make the Town Manager aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

An employee's request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the Town Manager based 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 healthcare insurance. Payment for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions.

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

When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

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

Reinstatement: Employees wishing to be reinstated following military leave should promptly notify the Town Manager of their desire to be reinstated. If the leave is for service of less than 31 days, then the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify the Town Manager 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 Town Manager of the desire for reinstatement within 90 days of completing service.

The Town will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees 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 service is not disqualifying.

Employees 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 uniformed service, the Town will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

Statement Against Discrimination and Retaliation: The Town will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. The Town also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

Questions regarding this policy should be directed to the Town Manager.

B. Leave of Absence for Victims of Crime

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

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

An employee needing time off under this policy should notify the Town Manager as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to

the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

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

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation time, sick leave, or personal days.

The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

Section XVI - RETIREMENT PLAN

All eligible employees of the Town are required to participate in the New Hampshire Retirement Plan. This plan requires both the employer and the employee to contribute to this fund. An employee becomes vested in the plan upon ten years of service. Further information regarding the terms and conditions of this plan are available from the Finance Director. Employees are also covered by Social Security benefits.

Section XVII - DEFERRED COMPENSATION PLAN

A federally qualified 457 deferred compensation plan through ICMA is available to all employees. This tax saving investment plan is a non-employer participation plan. Further information regarding the plan is available from the Finance Director.

Section XVIII - TUITION ASSISTANCE

The Town encourages its employees to further their knowledge as it relates to their position with the Town. As such, the Town encourages employees to attend conferences and participate in continuing education programs. The Town may participate in the cost of sending employees to conferences and may also participate in the cost of continuing education. In each case the decision of whether or not the Town will participate and to what extent, shall be the Town Manager's. In no case shall the

Town participate in the cost of conferences or continuing education until an employee has accrued six months of service with the Town.

If the Town participates in the cost for continued education, whether vocational or higher learning, the employee shall first sign a letter of understanding that for every \$600 the Town contributes, the employee shall give one year of employment from completion date of the course and that failure to do so will require reimbursement of the Town's cost sharing. The time attending classes outside of normal working hours will not be considered hours worked unless the class is required by the Town.

Section XIX - BULLETIN BOARD

The Town shall provide a bulletin board at the work location of employment for the purpose of official means of communication with employees. Only authorized people shall put up, take down, or alter items on the board.

Section XX - EMERGENCY SHUTDOWNS

In cases of bad weather, power failure or other unforeseen problems, the Town Manager may shut down the place of employment and send employees home. In those cases employees shall be paid for the day's work. When the Town Manager does not shut down the place of employment, but employees are concerned about similar problems, they may take unscheduled vacation, comp time or personal days upon authorization of the Town Manager.

Section XXI - INSURANCE BENEFITS (See Appendix C)

A. Benefits Provided

The Town of Conway offers its employees the following insurance benefits:

1. Group medical insurance
2. Group life insurance*
3. Group disability/income protection insurance*
4. Workers' Compensation Insurance.
5. Liability insurance.

**available to full time employees only*

Employees are responsible to familiarize themselves with their benefits and to obtain additional information as may be required through the Finance Director or Town Manager. Employees are required to notify the Finance Director of any changes in coverage needs within thirty days of a change in their situation.

Section XXII - HOLIDAYS (See Appendix C)

Full time and regularly scheduled part time employees of the Town of Conway are given holidays reflective of the established state and federal legal holidays. Additional recognized legal or religious holidays that employees may desire to observe may be taken at the employee's personal discretion with the use of an earned vacation day or without pay subject to the Town Manager's prior approval.

Employees are entitled to paid holidays upon employment with the Town if their appointment classification so stipulates. Regularly scheduled part time employees are entitled to holiday benefits equal to the hours normally scheduled to work on the day of the holiday. (See Section IV, D). Should a holiday occur during an employee's vacation, the day is counted as a holiday. If a holiday falls on a Saturday, it will be observed on Friday; should a holiday fall on a Sunday, it will be observed on Monday.

Section XXIII - VACATION (See Appendix C)

Employees are encouraged to take vacation time in one-week increments so that they serve the intended purpose of rest and relaxation and time away from the work place. Exempt employees shall use vacation in increments of $\frac{1}{4}$ days.

A. Eligibility

1. Full Time Employees

Full time employees of the Town of Conway earn vacation benefits beginning with their initial date of employment. Employees accrue vacation days as per Appendix C. Although the employee accrues vacation days, the employee may not use the benefit during their introductory period (including extensions to the introductory period). In cases of extreme need, the Town Manager may allow the use of vacation benefits.

2. Part Time Employees

Part Time employees working an average of twenty (20) hours per week receive vacation benefits. Vacation is earned on a pro rated basis and employees do not begin to accrue vacation until completion of the introductory period. (See Section IV, D)

3. Temporary Employees

Temporary Employees do not accrue vacation.

B. Vacation Approval

Employees shall request vacation days a minimum of two weeks prior to desired vacation date and shall make the request to the Town Manager through their immediate supervisor. The Town Manager may refuse vacation requests to ensure that staffing levels are adequately covered.

C. Vacation Carry Over

Employees are encouraged to utilize their earned vacation on a yearly basis. However, up to one half (10 days maximum) of the year's allowable vacation time may be carried over to the next year. Carry over time in excess of the 50% (10 day maximum) will be lost.

D. Vacation and Holidays

If a regular holiday occurs during the period of an employee's vacation, it shall not constitute a vacation day. No vacation time will be accrued while an employee is on a leave of absence. Employees shall receive unused earned vacation time in pay with their final paycheck when they leave the employ of the Town.

E. Vacation Advance

Advance use of vacation leave may be approved by the Town Manager provided that such advance cannot exceed the total amount of vacation leave to be accrued by the employee during the then current year. To be eligible for advance leave, the employee shall sign and submit a statement authorizing the Town to deduct any amount of vacation taken but not yet accrued, should the employee separate from Town service (whether voluntarily or involuntarily).

Section XXIV - SICK LEAVE (See Appendix C)

A. Eligibility

Only regular full time and certain part time employees of the Town of Conway shall be granted sick leave. An employee's immediate supervisor shall have the right at all times to investigate any sickness claimed by an employee. An employee shall be required to present a doctor's certificate after the fifth day of illness or at any time upon the Town Manager's request.

B. Purpose

Sick leave is provided by the Town and may be used for actual sickness or disability of the employee, or to meet dental or physical exams or other sickness prevention measures. Sick leave may also be used when an employee's

attendance at work may reasonably jeopardize the health of others or when an employee must attend to a sick member of his/her immediate family who normally resides within the household of said employee or is covered under employee's Town health care plan.

C. Use of Leave

For non-exempt employees, sick leave shall not be deducted in amounts less than one hour. And must be used in increments no less than fifteen minutes. For exempt employees, sick leave shall not be deducted in amounts of less than one day. Abuse of sick leave will result in disciplinary action up to and including termination.

Section XXV - PERSONAL LEAVE OF ABSENCE

A. Paid Personal Leave

After their first full year of service, regular full time employees are annually granted two personal days (this section does not apply to part-time employees working an average of less than forty hours per week). For the purposes of this section, a year of employment begins and ends on the employee's anniversary of their date of hire.

Employees may not carry forward personal days from year to year, and payment will not be provided for personal days that are not taken during a year. Further, no compensation will be provided for unused personal days upon an employee's separation from service.

Requests to use personal days must be made to your immediate supervisor with as much notice as possible. If you are unable to give reasonable notice, your circumstances must justify your request.

B. Unpaid Personal Leave

Unpaid personal leaves of absence may be approved at the discretion of the Town Manager. In no case shall a leave of absence be approved for the employee to look for or perform another job, or to start another business. An employee on an approved leave of absence shall have earned benefits protected and frozen, but during the leave of absence shall not utilize the benefits or have further accrual. Whenever an employee is absent from work for a consecutive period of thirty (30) calendar days, whether for pay or not, the next merit performance review and pay adjustment date shall be adjusted equal to the term of absence. Personal leaves of absence may not exceed sixty (60) days.

C. Benefits While on Leave

Employees who are granted a personal leave of absence may continue to participate in our health insurance plan for the calendar month during which the leave begins, with appropriate payment of their share of premiums. When that calendar month expires, the employee may continue coverage by making arrangements with the Finance Director to pay the entire amount of the monthly premium in advance of each month.

Section XXVI - DISABILITY LEAVE OF ABSENCE (See Appendix C)

An employee's position shall be protected in accordance with the Family Medical Leave Act when the employee is physically disabled from injury or illness, cannot work, and cause was not work related. If the cause is work related, conditions of employment are subject to the State's Workers' Compensation Law.

If the absence is caused by a work related incident, a worker's compensation claim shall be filed with the Finance Director within 24 hours of the incident. The supervisor must file a work place injury/incident report immediately. The Town shall pay the employee base pay charged to sick time until the claim is processed. The employee shall reimburse the Town, who will in turn credit the sick time.

The Town may, at its discretion, require doctor certification that an employee can perform the demands of her position prior to this return. Furthermore, the Town retains the rights it has to have employees retrained through Worker's Compensation and Disability should they not be able to perform their duties. The intent of this section is only to hold a position for an employee who will be able to perform the duties of position on his return.

The Town retains the right to hire temporary or permanent help to replace those employees who are out on disability leave.

Section XXVII - PURCHASE OF TOWN MERCHANDISE

Employees may participate in any sealed bid sale of Town surplus materials. They may also participate in any auction of tax-acquired properties. Essentially, employees will not be discriminated against. Thus, as a rule of thumb, any purchase that is available to the public is available to the employees.

The Town Manager may disallow an employee from purchases that he believes might adversely impact the Town of Conway.

Section XXVIII –USE OF TOWN EQUIPMENT

The use of Town equipment for personal use is not acceptable.

Section XXIX - PAYROLL DEDUCTIONS

Social Security, State and Federal Income Tax, and Retirement deductions shall be made in accordance with Federal and State requirements based on tax brackets and the percentages as filed with the Finance Office. The Town may also be required make other deductions from your paycheck pursuant to a federal or state agency or court order, such as for child support. Other voluntary deductions such as real estate taxes, savings accounts or 457 k plans are available upon request. More information is available from the Finance Director.

Section XXX - LAYOFFS

When it becomes necessary to lay off employees due to lack of work, reorganization, or insufficient funds, the Town Manager shall conduct a thorough analysis that will include the types of activities to be reduced, department organizational changes, specialties needed, which individuals or job classes or personnel are to be laid off, when the lay off is to occur, etc. After the analysis is completed, the following will apply:

A. Procedures for Layoff

1. Temporary employees will be laid off first.
2. Any introductory employees in the affected class or classes will be laid off before those who have completed their introductory period.
3. Among employees not in the above two groups, the Town Manager may lay off employees, as deemed necessary and appropriate. However, in conducting this lay off, the following items should be taken into account:
 - a. Performance shall be considered and if all employees of the affected area are performing equally, then special abilities are considered.
 - b. Special abilities the employee may possess.
 - c. Total time employed by the Town to the actual lay off date unless the lay off is of a temporary (one month or less) nature
 - d. A full-time or part-time employee being laid off will receive formal notice of layoff not more than thirty (30) days in advance.

A lay off is not considered a discharge, and therefore, is not grievable.

B. Rehire

Full-time employees that have been laid off from Town service will be eligible for rehire under the following:

1. If, within 180 days from the date of lay off, an opening of the same classification becomes available within the same department from which that person was laid off and the person laid off is fully qualified for the opening, that person shall be rehired to fill the opening. If more than one person was laid off, the rehire shall be in the reverse order of lay off. If all persons were laid off the same date, the criteria for lay off shall be used as the criteria for rehire.
2. Persons laid off from Town service, shall, for a period of 180 days from the date of lay off, have Town employee preference for positions within other Town departments provided they meet the minimum qualifications for the opening that exists.

Section XXXI - SEVERANCE PAY (See Appendix C)

A full time employee whose employment is terminated due to lay off is eligible for severance pay based upon the number of years which they have been employed on a continuous full time basis by the Town. Employees whose employment has been terminated for cause or who leave voluntarily are not entitled to severance pay.

Section XXXII - LONGEVITY PAY (See Appendix C)

Section XXXIII - RESIGNATIONS

Employees may resign at anytime. They are expected to give at least two (2) week's notice of their intention to resign. Department Heads and Directors are expected to give at least four (4) week's notice. All resignations shall be given in writing to an employee's immediate supervisor. When an employee leaves the employ of the Town, the immediate supervisor or the Town Manager shall conduct an exit interview, a summary of which shall be placed in the employee's personnel file. The departing employee is also required to meet with the Finance Director to concur on termination of benefits no later than three (3) workdays prior to last day of employment.

Section XXXIV - PERSONNEL RECORDS

An employee shall be allowed access this/her personnel file by requesting to view the file in writing to the Town Manager or Finance Director. The file shall be made available in a timely manner and will only be viewed in the presence of the Town Manager or Finance Director. No documents shall be removed from the file. The employee or previous employee must sign for any documents copied with appropriate notification given that the Town is no longer liable for the confidentiality of the document contents. In no case shall an unauthorized person obtain access of confidential/privileged information from a personnel file.

Responses to requests for employment information concerning former employees will only disclose dates of employment, position title, and eligibility for re-hire. The following personnel information is not private and may be disclosed:

- confirmation of employment
- applications for employment and dates of employment
- summary test scores
- summary performance evaluations
- honors and awards related to employment;
- classification, title, job description, grade;
- location of employment, and work telephone number.

Section XXXV - SAFETY RULES

Employees are expected to perform their duties in such a way as to prevent damage to property or injury to themselves or others. All accidents involving personal injury or equipment damage shall be reported as per the procedures outlined in the Loss Prevention and Safety Program Manual. Employees shall follow any and all rules that pertain to their specific position as well as those outlined in the Loss Prevention and Safety Program Manual.

Section XXXVI - SMOKING POLICY

In order to accommodate both the general public's, management's, and employee's interests in making Town buildings and vehicles smoke free and thereby healthier, the following policy is established under NHRSA 155:45: No smoking shall be allowed in Town Hall, Conway Recreation Buildings, Highway and Solid Waste buildings. The no smoking policy at Conway Recreation Buildings shall be extended to include all outside facilities and grounds. Further, smoking shall be prohibited in town vehicles.

The physical layout and makeup of the Town buildings does not accommodate separate properly ventilated break rooms. The buildings will be properly posted and the policy shall be enforced by the Town Manager. Employees failing to respect this policy shall be subject to disciplinary action that may include termination.

Town employees shall be expected to comply with any changes to the current smoking policy as may be enacted by the Board of Selectmen.

Section XXXVII - LABOR UNION CONTRACTS

Labor union contracts are the primary binding document dealing with personnel and benefit issues of bargaining unit members. However, in subjects to which the contract(s) are silent, this Personnel Manual shall be the guiding and determining policy for interpretation and resolution of issues and procedures.

Section XXXVIII - OUTSIDE EMPLOYMENT

The Town expects that outside employment shall not affect an employee 's performance. Substandard performance regardless of the cause will be subject to disciplinary procedures up to and including termination.

Section XXXIX - EXPENSE REIMBURSEMENT

When an employee experiences an expense as a result of a Town function that employee is entitled to be reimbursed for the exact amount of expense incurred. Receipts must be turned in to the Finance Office to have expenses reimbursed. Parking fees, toll fees and mileage will be paid using the then current Federal Guidelines for mileage reimbursement. When possible, a Town car should be used for operations. Town vehicles are serviced and fueled at the Town Garage. To utilize a personal vehicle for Town business, a Vehicle Use Permission form must be on file (see Appendix I).

Section XXXX - CONFLICT OF INTEREST

Employees are expected to take actions necessary to try to avoid being placed in a position of conflict of interest with their position. However, if an employee finds himself in such a position (or is concerned that he may be in such a position), he shall immediately inform his/her immediate supervisor of said conflict.

Section XXXXI - POSITION CLASSIFICATION/PAY PLAN/PERFORMANCE EVALUATION

- A. Purpose and Responsibility: The Town Manager is authorized to develop and maintain a Position Classification and Pay Plan covering all non union Town employees.

- B. Job Descriptions: Job descriptions on all Town employees shall be developed and maintained that state the nature of the position, its responsibilities, and minimum qualifications. Each job description shall be prepared to satisfy the Federal American Disabilities Act, and a copy shall be made available to each job applicant.
- C. Pay Plan: (See Appendix A) A pay plan providing a schedule of minimum/mean/maximum pay range for each job classification shall be adjusted yearly to reflect earnings statistics made available through the New Hampshire Municipal Association annual survey and/or directly from the individual towns. Thirty Towns shall be used (list, Appendix G) to compile the data. The pay scale shall be mathematically calculated by taking a 12.5% differential from the average for the low and 20% differential to the average for the high of the one-year aged date contained in the municipal survey.
1. New employees shall be compensated at a rate no higher than the minimum rate applicable for the position classification for which they are hired. Exceptions may be made based on education, experience and skill level qualifications by the Town Manager, subject to the availability of appropriated funds.
 2. The classification and pay plan shall apply only to non-union employees of the Town; union members having elected to use the collective bargaining process to establish their levels of pay and benefits.
- D. Classification: The establishment of a new position or reclassification of an existing position shall occur only with the express consent of the Board of Selectmen, Police Commissioners or Library Trustees, and subject to appropriated funds. The classification shall be based on a job description as written or revised and supportive documentation.
- E. Work Outside of Classification: When a vacancy occurs in a position that the Town Manager determines cannot be left vacant, and when for any reason it is not reasonable to make a full-time appointment thereto, the Town Manager may appoint, on a temporary basis not to exceed six months, an employee from another position to hold the vacated position in an acting capacity. The salary for the individual appointed in an acting capacity shall be the same as if the appointment were for a regular employee, following the rules for salary increase. Upon the expiration of the acting appointment, the individual will revert to their former position and compensation.
- F. Employee Performance Evaluation: (See Appendix B) The Town shall establish and maintain a Performance Evaluation and Review Plan applicable to all positions.
1. Each employee shall be evaluated by the department head in accordance with the criteria and procedures set forth in the plan. Employees, at a

minimum, will be evaluated immediately prior to the conclusion of their first six (6) months of employment. Performance evaluations will be completed at six months and each anniversary of date of hire or date of promotion thereafter, or in accordance with Appendix E.

2. Evaluations are to be made on a form developed by the Town Manager and are instituted to:
 - a. Fairly evaluate an employee's strengths, weaknesses and potential
 - b. Encourage and guide the employee's development of special skills and work interest
 - c. Improve service delivery and efficiency through employee input
 - d. Assure the opportunity of the granting of pay increases based on continued satisfactory performance and attainment of goals/objectives
 - e. Provide goals and objectives for the next evaluation period

Section XXXXII - AFFIRMATIVE ACTION PLAN

- A. It is the policy of the Town of Conway to establish and sustain special affirmative action requirements to overcome the effects of discriminations and to work continuously toward improving the recruitment, employment, development and promotional opportunities for minority employees and women without discrimination because of (1) Race, (2) Color, (3) Religion, (4) Sex, (5) National Origin, (6) Age, or (7) Political Affiliation or Belief and to treat them equally with respect to compensation and opportunities. Physically handicapped persons shall be included in this category. Personnel shall not be excluded from participation in or denied program benefits, and specific emphasis and review will be directed to maintain objective equal employment administrative policies relevant to (1) Leave, (2) Insurance and Retirement Benefits, (3) Travel, (4) Advertising, (5) Recruitment, (6) Applications, (7) Pre-screening, (8) Interviews, (9) Selection Standards, (10) Dead-end jobs, (11) Promotions, (12) Transfers, (13) Training and Staff Development, (14) Wages, (15) Fringe Benefits, (16) Layoff Procedures, and (17) Attitudes, as prescribed in the Personnel Manual.
- B. The Town Manager or his/her designee (a full time employee of the Town) will be the Equal Opportunity Officer (EOO) and is responsible for the development of the Town's Affirmative Action Plan (AAP) and works with the Equal Opportunity Committee (EOC) to implement, monitor and evaluate employment practices of the Town consequent to those persons defined within the minority category and women.

- C. An Equal Opportunity Committee (EOC) will assist, as required, the Town's Equal Opportunity Officer (EOO) in monitoring and evaluating the employment practices and Affirmative Action Plan (AAP) of the Town. The Town of Conway:
1. Submits this Policy Statement to assure compliance with Title VI of the Civil Rights Act of 1964, and Executive Order 11246 (where applicable) and/or other subsequent orders that may pertain to the Town; and to reaffirm its continued commitment to a program of equal opportunities and merit employment policies;
 2. Agrees to put forth the maximum effort to achieve full employment plus the utilization and development of the capabilities and productivity of all our employees and the physically handicapped in the Town's work force to attain ultimate equal opportunity effectiveness without regard to (1) Race, (2) Color, (3) Religion, (4) Sex, (5) National Origin, (6) Age or (7) Political Affiliation or Belief;
 3. Recognizes that Equal Employment Opportunity is a legal, social and economic necessity for the Town and that the effective application of a policy or merit employment involves more than just a policy statement and will, therefore, undertake a program of affirmative action to make known that equal opportunities are available on the basis of individual merit and to encourage all persons to seek opportunities with the Town and to strive for advancement on this basis.

Section XXXXIII – CONTINUITY OF OPERATIONS

In this document many items are left to the discretion of the Town Manager. In cases where the Town Manager is unavailable due to sickness or vacation, the Town Manager shall designate in writing a staff member to act on his/her behalf.

Section XXXIV ACKNOWLEDGEMENT

I have received a copy of the Town of Conway's Personnel Manual with Appendices A through H and the Loss Prevention and Safety Manual, as current and adopted by the Board of Selectmen. I understand that it is my obligation to read and understand the Personnel Manual and the Loss Prevention and Safety Manual. If I have any questions after reading these policies I will contact the Finance Director for clarification. I have also met with the Finance Director to have my benefits and employee costs explained to me and acknowledge my understanding thereof.

I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Personnel Manual with appendices A-H and a copy of the Loss Prevention and Safety Manual.

Signature of Employee

Date

Signature of Finance Director

Date

[to be placed in personnel file]

APPENDICES

**APPENDIX A
WAGE AND SALARY PLAN**

See most current copy on file in Finance Department.

APPENDIX B

TOWN OF CONWAY PERFORMANCE EVALUATION/MERIT PAY SYSTEM

1. **Purpose**

The purpose of the Performance Evaluation/Merit Pay System is to provide a fair and equitable performance oriented pay system. The system is designed to protect satisfactorily performing employees from cost of living increases while providing incentives for employees to achieve higher earnings through improvement of work habits, attitude, cooperation, efficiency, and skills. The system uses a goal setting/narrative performance evaluation process to determine merit reward levels. In this system, increases in compensation for individual employees are based on their performance.

2. **Introduction to the System**

The system uses comparative wage data, periodic formal evaluations and a compensation matrix to calculate merit pay increase due to employees.

Benchmark Wage Data

Wage data from thirty selected New Hampshire Towns (see Appendix E) are compiled on an annual basis. The data from the thirty Towns provide a representative sample from which wage benchmarks for Town of Conway employees can be created. The benchmarks and the results of periodic formal evaluations are used to establish minimum starting salaries for each position as well as merit pay increases.

Performance Evaluations

Performance evaluations for all employees are conducted on a periodic basis. The evaluation system establishes employer/employ participation in evaluating obtainable goals and a partnership in professional development and career growth opportunities. Adequate checks and balances exist in the process to help assure objectivity and eliminate discrimination. Instructions for completing evaluations are included below.

Compensation Matrix

The Compensation matrix calculates the merit increase due an employee based on the score on the employee's evaluation and the relationship between their current salary and the benchmark salary for their position (see Appendix D). It rewards high performance through increases in

compensation and the frequency of evaluations. Unless otherwise determined by the Board of Selectmen, the Compensation Matrix shall be the same as that negotiated for Union Employees for a given year.

INSTRUCTIONS FOR COMPLETING PERFORMANCE EVALUATION FORM

- A. Numerically rate the employee in each category from 0 (lowest) to 5 (highest). Regardless of rating, the supervisor's opinion of performance and ways to improve should be narrated under "Comments" for each category. IX - Goal Achievement & Setting Narrative has 0-30 numerical rating.
- B. The Goal Setting section is very important. It should be filled out after supervisor and employee have discussed the performance evaluation and should reflect any understanding between the supervisor and the employee on objectives and goals, personal habits, skill development, projects and expectations for the next evaluation period.
- C. There are 120 potential points for non-supervisory staff and 145 points for management. The award of an annual merit raise at employment or promotion anniversary date, or in accordance with Merit Increase Guideline Schedule (Appendix E), is subject to achieving a score of >70 as well as a written recommendation. A merit raise also requires the Town Manager's endorsement.
- E. An employee shall be placed on a six-month probation if he/she fails to achieve a satisfactory rating (>70). The initial six-month probation may be extended for a second six-month period if progress is shown but a satisfactory rating has still not been obtained. An employee may be dismissed for unsatisfactory performance following two consecutive ratings or three in any two-year period. Any employee receiving an unsatisfactory rating shall receive no merit raise or bonus regardless of his or her rating at the end of a introductory period. The employee's incentive to perform in such an incidence(s) is job retainment.
- G. A new employee or promotee shall receive an evaluation at six months, and on their employment anniversary.
- H. Rating and Merit Guidelines and Evaluation Schedules (See Appendix C).
- I. Only full time and regular part time employees are eligible for an annual merit performance pay raise. (See Section IV, D)
- J. This performance evaluation form shall be used with ALL Town employees under the operational jurisdiction of the Town Manager. Bargaining unit personnel, however, are not eligible for this merit pay raise

system as their pay and benefits are negotiated and are an integral part of their contracts.

TOWN OF CONWAY PERFORMANCE EVALUATION FORM

NAME: _____ PRESENT POSITION: _____

DEPT: _____ DATE: _____

I. WORK SKILLS (0-5 Each Subcategory)

- _____ A. Responsibility/dependability: How well employee accepts the consequences of his/her actions and obligations, anticipates problems and offers practical solutions.
- _____ B. Job Knowledge: Knowledge of job's technical factors, mechanical skills, regulatory guidelines or other principles; ability to advise others.
- _____ C. Communication Skills: How smoothly communication flows; results/effectiveness, convincing work; ability to solve problems with others.
- _____ D. Judgment Ability: How well arrives at sound, reasonable decisions using good common sense.
- _____ F. Comprehension Skills: Ability to understand and execute directions and assignments efficiently; carried out readily and completely.

COMMENTS:

II. WORK HABITS (0-5 Each Subcategory)

- _____ A. Attendance: Reliably present for work, uses leave time properly.
- _____ B. Punctuality: Habitually prompt; uses time to the maximum; seeking better ways to use time; meets deadlines.
- _____ C. Observance of Rules & Regulations: Willingness to follow and comply with all rules and regulations governing his/her employment.

COMMENTS:

III. WORK ATTITUDE (0-5 Each Subcategory)

- _____ A. Cooperation: Willingness to work and associate with other employees; acts to promote cooperation and reduce conflict.
- _____ B. Acceptance of Supervision: Willingness to maintain amiable, cooperative relationship with supervisors, accepts assignments willingly, follows through to prompt completion.
- _____ C. Adaptability: Willingness to adjust and be flexible with changing conditions and requirements.
- _____ D. Initiative/Motivation: Willingness to initiate action to solve problems; initiates action to resolve issues.

COMMENTS:

IV. HUMAN RELATIONS (0-5 Each subcategory)

- _____ A. Co-Workers: Willingness to organize and maintain comfortable working relationships with other employees; attends organizational meetings, activities, and follows up on people problems.
- _____ B. Public: Willingness to organize and maintain effective relationships with the public and media; resolves sensitive, difficult public relations problems.

COMMENTS:

V. QUALITY OF WORK (0-5 Each Subcategory)

_____ A. Accuracy: Correctness, free from errors, exactness.

_____ B. Thoroughness: Ability to carry through to completion; well organized work that reveals serious forethought.

COMMENTS:

VI. QUANTITY OF WORK (0-5 Each Subcategory_

_____ A. Amount of work performed: Works to meet work quantity of standards; volume of output.

_____ B. Completion of work on schedule: Ability to meet deadlines; timely; schedule conscious; seeks ways to improve ability to meet deadlines.

COMMENTS:

VII. SUPERVISORY SKILLS (Management Personnel Only- 0-5 Each Subcategory)

_____ A. Adherence to Policies and Procedures: Strives to assure that policies and procedures are not only carried out, but also generally known, understood and read; strives to carry out new policies equitably and promptly.

_____ B. Training/Instruction of Subordinates: Willingness to consistently devote time to prepare employees to carry out work assignments; assumes responsibility for training others as effective productive team members.

COMMENTS:

VIII. GENERAL MANAGEMENT SKILLS (Management Personnel Only - 0-5 Each Subcategory)

- _____ A. Planning and Scheduling: Ability to organize.
- _____ B. Budgeting and Resource Allocation: Ability to efficiently budget and allocate resources based upon established and prioritized objectives; prudent and skillful use of Town's resources.
- _____ C. Decision Making: Ability to make timely, accurate, and reasonable decisions; uses logical, accurate process.

COMMENTS:

IX. GOAL ACHIEVEMENT & SETTING NARRATIVE (0-30)

_____ Achievement of previous performance rating period goals.

COMMENTS:

X. Goals for _____ performance rating period.

ACKNOWLEDGMENT OF DISCUSSION AND REVIEW

My supervisor has discussed the contents of this evaluation with me and I am fully aware of this information.

Employee Comments:

Employee's Signature

I have discussed the contents of this evaluation with the employee and have fully informed him/her of his/her status in this position.

Date

Supervisor's Signature

Received by: _____
Town Manager's Signature

Date

Merit pay increase of _____ Approved by Town Manager

Town Manager's Signature

Comments:

Total Rating Score: _____

Next Review Date: _____

APPENDIX C

EMPLOYEE BENEFITS

HEALTH/MEDICAL INSURANCE:

- A. Plan - Town of Conway Flexible Benefits Plan. (Most current copy on file in Finance Department).
- B. Employer/Employee Contribution - Per plan schedule.
- C. Benefit is available to all full time employees and part time employees working at least 20 hours per week. The benefit begins on the first day of the month following the first full month of employment. Qualified part time employees shall contribute on a formula based on a pro-rata % of hours worked against a 40-hour workweek in conjunction with the contribution schedule contained in the Flexible Benefits Plan.

LIFE INSURANCE: (Full Time Employees Only)

Policy value: \$20,000

DISABILITY/INCOME PROTECTION (Full Time Employees Only)

Long-term disability/income protection with a 90-day elimination period with coverage to age 65 is provided for a non-work related injury/illness with coverage and conditions as detailed in the policy. Town pays 100% of the premium.

WORKERS' COMPENSATION

State law requires Workers' Compensation coverage. An employee, if absence is caused by work related injury, receives approximately 60% of wages (formula based). Benefits are not subject to Federal Tax or FICA Withholding. There shall be no pay supplement from accrued sick time except during the initial claim processing time. Once a person is out of work under a Workers' Compensation claim for 18 months their employment with the Town is no longer protected.

LIABILITY INSURANCE

By action of Town Meeting the Town of Conway carries a liability policy on all Town employees. The policy does not protect an employee from malice (intentional harm) issues.

Note: Employees with questions or who wish to review contents of the above insurance plans/policies are encouraged to see the Finance Director. You should have, or

will have, a detailed Health/Medical Insurance packet from NH Municipal Insurance Trust with your subscriber card.

HOLIDAYS

Recognized holidays for Conway are:

New Year's Day	Independence Day
Presidents Day	Labor Day
Memorial Day	Columbus Day
Civil Rights Day	Thanksgiving Day
Veteran's Day	Day after Thanksgiving
Christmas Day	

In addition, employees shall receive a .5 day holiday beginning at 12 PM on the last regular work day before the Christmas holiday.

VACATIONS

A. VACATION HOURS ACCRUAL SCALE

<u>Years of Service</u>	<u>Accrual Rate/Month</u>
1 through 4 years	6.67 hours
5 through 9 years	10 hours
10 plus years	13.33 hours

SICK TIME

- A. Earned time shall be at a rate of 6.67 hours per month for full time employees only. (Ten days per calendar year.) Regular part time employees that work at least 20 hours per week shall be eligible for sick leave on a prorated basis.
- B. An employee may accumulate up to 60 days of sick time.
- C. Buy back of accumulated days:
 - 1) 25% if employee leaves the employ of the Town in good standing and has been in the employ of the Town in a full time capacity for five years or more.
 - 2) 50% upon retirement from the Town and fully qualified under the Town's (State) retirement plan.
- D. An employee may cash in at the end of each calendar year unused annual sick time as follows: one (1) day of base pay in exchange for one

(1) unused day. An employee must have 30 days accumulated after cash out and may ONLY cash in the unused days from the ending calendar year. The cash out may be applied to the employee's benefit costs in the Flexible Benefits Plan.

SEVERANCE

5 to <10 years	- three week's pay
10 plus years	- four week's pay

LONGEVITY

ONLY existing employees of the Town who were covered by this Personnel Manual prior to January 1, 1993, shall be grand fathered to receive longevity pay with a \$500 cap calculated at \$100 per 3 years of full time continuous employment with the Town of Conway. Longevity shall be paid the first December pay cycle. An employee must be in the employ of the Town at that time to receive longevity pay and in no case shall it be paid or prorated should an employee leave the employ of the Town prior to the December pay out.

Appendix D

2021 Matrix

% emp. Wage to pos. avg. Performance Rating	88 < 91	92 < 96	97 < 104	105 < 109	110 < 114	115 < 119	> 120
95.01 < 100%	+1.5 %	+1.0%	+1.0%	+0.5%	+0.5%	+0.5%	+0.25%
90.01 < 95%	+1.0 %	+0.5%	+0.5%	+0.25%	+0.25%	+0.25%	CPI
85.01 < 90%	+0.5%	CPI	CPI	CPI	CPI	CPI	-0.5%
80.01 < 85%	CPI	-0.5%	-0.5%	-0.5%	-0.5%	-0.5%	-0.5%
75.01 < 80%	-1.0 %	-1.0%	-1.0%	-1.0%	-1.0%	-1.0%	-1.0%
70.01 < 75%	-1.5%	-1.5%	-1.5%	-1.5%	-1.5%	-1.5%	-1.5%
.01 < 70%							

Evaluations are annual unless performance falls below 70%
CPI cannot exceed 3.5% and it cannot fall below 2.5%

APPENDIX E

LIST OF TOWNS USED FOR COMPARATIVE PURPOSES IN THE TOWN COMPENSATION PLAN

Amherst
Bedford
Berlin
Bow
Claremont
Durham
Exeter
Franklin
Gilford
Goffstown
Gorham
Hampton
Hanover
Hooksett
Jaffrey
Laconia
Lebanon
Littleton
Londonderry
Meredith
Milford
Newmarket
Pelham
Peterborough
Plymouth
Rye
Seabrook
Somersworth
Windham
Wolfeboro

APPENDIX F
FAMILY AND MEDICAL LEAVE ACT POLICY

In accordance with the U.S. Department of Labor's Family and Medical Leave Act effective August 5, 1993, the own of Conway hereby adopts the following policy:

Qualified employees are entitled to up to 12 weeks of unpaid leave per year for the birth or adoption of a child, to care for a spouse or an immediate family member with a serious health condition, or when unable to work because of a serious health condition.

This policy shall be in accordance with the attached (Form A) YOUR RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT OF 1993, except as otherwise noted.

Under this policy, a spouse refers to a husband or wife as recognized under New Hampshire State law. A parent refers to a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a child. It does not include "parents-in-law." A son or daughter refers to biological, adopted, foster child, stepchild, legal ward or a child of a person standing in loco parentis, who is either under age 18 or age 18 or older and incapable of self-care because of a mental or physical disability.

A serious health condition shall refer to an illness, injury, impairment, or physical or mental condition involving any period of incapacity or treatment in connection with in patient care in a hospital, hospice, or residential medical care facility; any period of incapacity requiring absence from work, school or other daily activities for more than three calendar days that also provides continuing treatment by a health care provider; continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or so serious that, if not treated would likely result in a period of incapacity or more than three calendar days; and prenatal care.

An employee may be requested to take accumulated sick or vacation time as paid leave, based on review of the circumstances for the leave request.

The 12-month period shall begin on the first day of the initial taking of leave and go forward for one year.

Internal Dispute Procedure shall be in accordance with Form B.

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. Employees are eligible if they have worked for their employer for at least one year, and for 1,250 hours over

the previous 12 months, and if there are at least 50 employees within 75 miles. The FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

Reasons for Taking Leave:

Unpaid leave must be granted for any of the following reasons:

- to care for the employee's child after birth, or placement for adoption or foster care;
- to care for the employee's spouse, son or daughter, or parent who has a serious health condition; or
- for a serious health condition that makes the employee unable to perform the employee's job.

At the employee's or employer's option, certain kinds of paid leave may be substituted for unpaid leave.

Advance Notice and Medical Certification

The employee may be required to provide advance leave notice and medical certification. Taking of leave may be denied if requirements are not met.

- The employee ordinarily must provide 30 days advance notice when the leave is "foreseeable."
- An employer may require medical certification to support a request for leave because of a serious health condition, and may require second or third opinions (at the employer's expense) and a fitness for duty report to return to work.

Job Benefits and Protection:

- For the duration of FMLA leave, the employer must maintain the employee's health coverage under any "group health plan."

- Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

Unlawful Acts by Employers:

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA;
- discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

Enforcement:

- The U.S. Department of Labor is authorized to investigate and resolve complaints of violations.
- An eligible employee may bring a civil action against an employer for violations.

FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

For Additional Information:

If you have access to the Internet visit our FMLA website: <http://www.dol.gov/esa/whd/fmla>. To locate your nearest Wage-Hour Office, telephone our Wage-Hour toll-free information and help line at 1-866-4USWAGE (1-866-487-9243); a customer service representative is available to assist you with referral information from 8am to 5pm in your time zone; or log onto our Home Page at <http://www.wagehour.dol.gov>.



U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division
Washington, D.C. 20210

WH Publication 1420
Revised August 2001

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FAMILY AND MEDICAL LEAVE ACT
DISPUTE FORM

EMPLOYEE'S NAME _____

SOCIAL SECURITY # _____

DATE OF HIRE _____

POSITION _____

EXPLANATION OF DISPUTE BY EMPLOYEE _____

COMMENTS BY SUPERVISOR _____

COMMENTS BY PERSONNEL DIRECTOR _____

FINAL DISPOSITION BY TOWN MANAGER _____

APPENDIX G TEMPORARY ALTERNATE DUTY PROGRAM

When an employee suffers a work related injury or illness and is told by the attending physician that he/she will be unable to work for at least one week, he/she should follow the steps below:

1. Request a Physician's Certification Form and a copy of his current position description from the Human Resources Office.
2. Take these forms to the doctor's office for completion.
3. Return the completed forms to the Human Services Office.

Based on the information given, the employee, department head and Human Resources representative will discuss what possible alternate duties may be performed and at what time.

Every effort should be made to assign the employee to his/her regular department. However, if this is not possible, the employee may be temporarily assigned to another department where there is meaningful work that the employee is capable of doing without risk of further injury.

A Task Analysis will be developed for the employee by the Joint Loss Management Committee, recognizing the limits of physical capacity recommended by the doctor and the skills and experience of the employee. The employee will be paid his/her current rate per hour during the temporary assignment. His worker's compensation will be reduced proportionately, e.g. if the employee is working half a day, he will be paid half his/her wage by the Town and will be receiving 60% of a half day benefit as computed by Worker's Compensation Fund.

The injured employee is required to accept a temporary alternate duty assignment for which he is qualified or he may jeopardize a percentage of his/her worker's compensation benefits.

After each visit to the doctor, updated reports should be given to the Human Resources Office. The Town reserves the right to request a second medical opinion from a doctor of its choice for which the Town will be responsible for payment.

APPENDIX H

**EMPLOYEE USE OF PERSONAL VEHICLE FOR TOWN PURPOSES:
ANNUAL AUTHORIZATION**

Year: _____ Employee: _____

Department: _____

Position: _____

Purposes of Use: _____

The above named employee is authorized to use his/her personal vehicle for Town business as need arises for the above anticipated purposes. Work related uses not shown require Town Manager permission.

Prior to using your personal vehicle it is each employee's responsibility to first determine the availability of a Town fleet vehicle. Should you use your own vehicle, mileage will be paid using the current Federal Guidelines for mileage reimbursement, subject to the employee submitting the proper voucher request.

The Annual Authorization is further subject to completion of this form by the employee.

Vehicle: _____ Registration #: _____

Insurance Co: _____ Policy #: _____

Certify Minimum Coverage of: Property Damage \$ _____

Liability \$ _____

Uninsured/Underinsured \$ _____

Employee Signature: _____ Date: _____

Town Manager: _____ Date: _____