

**Town of Amherst, NH  
Employee Policies  
Handbook**



Updated 2/6/23 Section 307  
Updated September 2022 Sections 201,213 and 320

## **WELCOME TO THE TOWN OF AMHERST, NH!**

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

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

This Personnel Policies and Procedures Manual explain our personnel policies and benefits. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to your department head. If at this time you still have questions or concerns, please feel free to make an appointment to visit me, in my office. Our goal is to be sure we (everyone employed within the Town of Amherst) are all working together on the same team.

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

Sincerely,

James M. O'Mara, Jr.  
Town Administrator

## **INTRODUCTORY STATEMENT**

This handbook is designed to acquaint you with the Town of Amherst and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by the Town of Amherst to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. As the Town of Amherst continues to grow, the need may arise and the Town of Amherst reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes to the handbook as they occur.

### **Customer and Citizen Relations**

Customers are among our organization's most valuable assets. Every employee represents the Town of Amherst to our customers and the public. The way we do our jobs presents an image of our entire organization. Customers judge all of us by how they are treated with each employee contact. Therefore, one of our first business priorities is to assist any customer or potential customer. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention you give to the public.

Our personal contact with the public, our manners on the telephone, and the communications we send to customers are a reflection not only of ourselves, but also of the professionalism of the Town of Amherst. Positive customer relations not only enhance the public's perception or image of the Town of Amherst, but also pay off in greater public cooperation and understanding of the services we provide.

**EMPLOYEE ACKNOWLEDGEMENT FORM**

The employee handbook describes important information about the Town of Amherst, and I understand that I should consult my department head, or the Town Administrator regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of Selectmen of the Town of Amherst has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

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## **101 Nature of Employment**

Effective Date: 9/27/2004

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the Town of Amherst.

However, this handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind. Neither the employee nor the Town of Amherst is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time.

In order to retain necessary flexibility in the administration of policies and procedures, the Town of Amherst reserves the right to change, revise, or eliminate any of the policies and/or benefits described in this handbook. A copy of any revisions or changes will be provided to all employees within 30 days.

## **102 Employee Relations**

Effective Date: 9/27/2004

The Town of Amherst believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other municipal employers in this area. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.

Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. It is the intention of the Town of Amherst to amply demonstrate its commitment to employees by responding effectively to employee concerns.

## **103 Equal Employment Opportunity**

Effective Date: 9/27/2004

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Town of Amherst will be based on merit, qualifications, and abilities. The Town of Amherst does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, or any other characteristic protected by law.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Town Administrator. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in

any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## **104 Municipal Ethics and Conduct**

Effective Date: 9/27/2004

The successful operation and reputation of the Town of Amherst is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the Town of Amherst is dependent upon our Citizens' trust and we are dedicated to earning and preserving that trust. Employees owe a duty to the Town of Amherst, its Citizens, and taxpayers to act in a way that will merit the continued trust and confidence of the public.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate supervisor and, if necessary, with the Town Administrator for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Town of Amherst employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

## **105 Personal Relationships in the Workplace**

Effective Date: 9/27/2004

The employment of relatives or individuals involved in a dating relationship in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

This section applies to the following employment classification(s):

- \* Regular full-time employees
- \* Regular part-time employees

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. The Town of Amherst defines "related by blood or marriage" as spouses, children, siblings, parents, aunts, uncles, nieces, nephews and first cousins. A dating relationship is defined as a relationship that may be reasonably expected to lead to the formation of a consensual "romantic" or sexual relationship. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Relatives of current employees may not occupy a position that will be working directly for or supervising their relative. Individuals involved in a dating relationship with a current employee may also not occupy a position that will be working directly for or supervising the employee with whom they are involved in a dating relationship.

If a relative relationship or dating relationship is established after employment between employees who are in a reporting situation described above, it is the responsibility and obligation of the supervisor involved in the relationship to disclose the existence of the relationship to management. The individuals concerned will be given the opportunity to decide who is to be transferred to another available position. If that decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

In other cases where a conflict or the potential for conflict arises because of the relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

## **106 Employee Medical Examinations & Drug Testing**

Effective Date: 9/27/2004

To help ensure that employees are able to perform their duties safely, a medical examination, and pre-employment drug screening may be required.

After an offer has been made to an applicant entering a designated job category, a medical examination and pre-employment drug screening will be performed at the Town of Amherst's expense by a health professional of the Town of Amherst's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially.

## **107 Immigration Law Compliance**

Effective Date: 9/27/2004

The Town of Amherst is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Town of Amherst within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Finance Director. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **108 Conflicts of Interest**

Effective Date: 9/27/2004

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Town of Amherst wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Town Administrator for more information or questions about conflicts of interest. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the Town of Amherst's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to their Department Head or the Town Administrator as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

## **110 Outside Employment**

Effective Date: 9/27/2004

Employees may hold outside jobs as long as they meet the performance standards of their job with the Town of Amherst. All employees will be judged by the same performance standards and will be subject to the Town of Amherst's scheduling demands, regardless of any existing outside work requirements.

If the Town of Amherst determines that an employee's outside work interferes with performance or the ability to meet the requirements of the Town of Amherst as they presently exist or are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the Town of Amherst.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the Town of Amherst for materials produced or services rendered while performing their jobs.

## **112 Non-Disclosure**

Effective Date: 9/27/2004

The protection of confidential information is vital to the interests and the success of the Town of Amherst. Such confidential information includes, but is not limited to, the following examples:

- \* Computer Programs and Codes
- \* Computer Passwords
- \* Legal Cases or Actions
- \* Labor Relations Strategies
- \* Personnel Information
- \* Private Citizens' Information
- \* All Non-Public Information per N.H. RSA 91

Employees who improperly use or disclose trade secrets or confidential business information will be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information.

## **116 Job Posting**

Effective Date: 9/27/2004

The Town of Amherst provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although the Town of Amherst reserves its discretionary right to not post a particular opening.

Job openings will be posted on the employee bulletin board and in the e-mail system, and normally remain open for 7 calendar days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To be eligible to apply for a posted job, employees must have performed competently for at least 180 calendar days in their current position. The Town Administrator may grant a waiver of this requirement if determined to be in the best interest of the Town.

To apply for an open position, employees should submit a job posting application to the Department Head listing job-related skills and accomplishments. It should also describe how their current experience with the Town of Amherst and prior work experience and/or education qualifies them for the position.

The Town of Amherst recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

An applicant's supervisor may be contacted to verify performance, skills, and attendance.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the Town.

## **201 Employment Categories**

Effective Date: 9/12/2022

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws.

In addition to the above categories, each employee will belong to one other employment category:

**REGULAR FULL-TIME** employees are those who are not in a temporary or probationary status and who are regularly scheduled to work the Town of Amherst's full-time forty (40) hours per week schedule. Generally, they are eligible for the Town of Amherst's full benefit package, subject to the terms, conditions, and limitations of each benefit program.

**REGULAR PART-TIME** employees are those who are not assigned to a temporary or probationary status and who are regularly scheduled to work twenty (20) hours or more and less than thirty (30) hours average per week, less than 1,560 per year. Regular part-time employees are eligible for some benefits, including pro-rated sick and vacation accruals. Holiday and bereavement time are also pro-rated.

**PART-TIME** employees are those who are not assigned to a temporary or probationary status and who are regularly scheduled to work less than twenty (20) hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the Town of Amherst's other benefit programs.

**CALL** employees are those employed by the Town on a part-time basis and whose pay and benefits may not be commensurate with full-time or regularly scheduled part-time employees. A call employee may be subject to irregular scheduling or may be required to work on an "as needed" basis within the sole discretion of the employer. Such employees are not guaranteed any minimum number of hours of work per pay period. Call-employees are required to meet all qualifications required by their department and shall be subject to all Town and department regulations. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the Town of Amherst's other benefit programs.

**PROBATIONARY** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the Town of Amherst is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classification. Benefits follow the category for which the employee has been hired. If eligible, sick and vacation leave is able to be used upon accrual with Department Head approval. (Please see Section 205 for more details.)

**TEMPORARY** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change in writing. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the Town of Amherst's other benefit programs.

**PER DIEM** employees are those who routinely work either a full-time or a part-time schedule and who accept additional compensation in lieu of participation in all but legally mandated benefit programs. The Town of Amherst offers this category in limited classifications and to limited numbers of employees. Individuals participating in this program must sign waivers of their rights to participate in the benefit programs applicable to regular employees. Service in this category cannot be credited in any way toward any benefit program, even if the employee is later assigned to a benefit-eligible category. A change to or from this category can be accomplished only with the written consent of the Town of Amherst. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the Town of Amherst's other benefit programs.

**SEASONAL** employees are hired on a short-term and temporary basis to perform seasonal work (e.g., summer grounds maintenance, camp counselor, lifeguard) for a specific department for a specific period of time dependent on the season/weather, and whose employment terminates at season's end. Seasonal employees work less than an average of thirty (30) hours per week in a twelve (12) month period. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the Town of Amherst's other benefit programs.

## **202 Access to Personnel Files**

Effective Date: 9/27/2004

In accordance with N.H. RSA 275:56, employees shall have a reasonable opportunity to inspect their personnel files, and upon request, to obtain a copy of all or part of the file. The Town of Amherst maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Personnel files are the property of the Town of Amherst, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Town of Amherst who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file should contact their Department Head or the Town Administrator. With reasonable advance notice, employees may review their own personnel files in the Town of Amherst's offices and in the presence of an individual appointed by the Town of Amherst to maintain the files.

Any comments or corrections that an employee desires to add to their personnel record should be submitted to the Town Administrator within seven (7) calendar days of the event in question.

## **203 Employment Reference Checks**

Effective Date: 9/27/2004

The Town of Amherst will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, and position(s) held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

## **204 Personnel Data Changes**

Effective Date: 9/27/2004

It is the responsibility of each employee to promptly notify the Town of Amherst of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Town Administrator within 30 days of the change.

## **205 Probationary Period**

Effective Date: 9/27/2004

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town of Amherst uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the Town of Amherst may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice. All new and rehired employees work on a probationary basis for the first 180 calendar days after their

date of hire. Employees who are promoted or transferred within the Town of Amherst must complete a secondary probationary period of the 90 calendar days with each reassignment to a new position. Any significant absence will automatically extend a probationary period by the length of the absence. If the Town of Amherst determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period, and the employee will be notified of such action in writing.

In cases of promotions or transfers within the Town of Amherst, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and the Town of Amherst's needs.

Upon satisfactory completion of the initial probationary period, employees enter the "regular" employment classification. During the probationary period, benefits are similar to the "regular" employee classification status.

## **208 Employment Applications**

Effective Date: 9/27/2004

The Town of Amherst relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## **209 Performance Evaluation**

Effective Date: 9/27/2004

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the probationary period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees will generally occur on an ongoing 12 month cycle, at the end of the fiscal year.

## **210 Job Descriptions**

Effective Date: 9/27/2004

The Town of Amherst makes every effort to create and maintain accurate job descriptions for all positions within the organization. Each description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section, a work environment section, and a pay scale range.

The Town of Amherst maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Each Department Head is responsible for maintaining and updating job descriptions for approval by the Town Administrator and are filed at the Town Hall. Existing job descriptions are also reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities and employees will be given a written copy of their job description. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Contact your Department Head if you have any questions or concerns about your job description.

## **212 Salary Administration**

Effective Date: 9/27/2004

The salary administration program at the Town of Amherst was created to achieve consistent pay practices, comply with federal and state laws, mirror our commitment to Equal Employment Opportunity, and offer competitive salaries within our labor market. Because recruiting and retaining talented employees is critical to our success, the Town of Amherst is committed to paying its employees equitable wages that reflect the requirements and responsibilities of their positions and are comparable to the pay received by similarly situated employees in other municipalities in the area.

Compensation for every position is determined by several factors, including job analysis and evaluation, employee performance, the essential duties and responsibilities of the job, and salary survey data on pay practices of other employers. The Town of Amherst periodically reviews its salary administration program and restructures it as necessary.

Employees should bring their pay-related questions or concerns to the attention of their immediate supervisors, who are responsible for the fair administration of departmental pay practices. The Town Administrator is also available to answer specific questions about the salary administration program.

## **213 Compensation**

Effective Date: 9/27/2004

Employees of every category, including Regular Full-Time, Regular Part-Time, Part-Time, Call, Temporary/Seasonal, Per Diem and Elected (with the exception of members of the Board of Selectmen) are eligible and entitled to a Cost of Living Adjustment (COLA) if a COLA is included in the budget placed on the ballot and that budget is supported by the voters for the next fiscal year.

## **301 Employee Benefits**

Effective Date: 9/27/2004

Eligible employees at the Town of Amherst are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

***Note: Employees who are covered by Union contract have their benefits described in the Collective Bargaining Agreements which supersede the policies contained in this Personnel Manual.***

The following benefit programs are available to eligible employees:

- \* Auto Mileage
- \* Bereavement Leave
- \* Deferred Compensation Plan (457 Plan)
- \* Dental Insurance
- \* Educational Financial Assistance
- \* Employee Assistance Program
- \* Family Leave
- \* Health Insurance
- \* Holidays
- \* Jury Duty Leave
- \* Life Insurance
- \* Long-Term Disability
- \* Meal Allowances
- \* Medical Leave
- \* Military Leave
- \* NH Group II Retirement (For Eligible Employees)
- \* Personal Leave
- \* Short-Term Disability
- \* Sick Leave Benefits
- \* Uniform and Uniform Maintenance
- \* Vacation Benefits

Some benefit programs require contributions from employees, but most are fully paid by the Town of Amherst. The benefit package for regular full-time employees represents an additional cost to the Town

of Amherst of approximately 35-45 percent of wages.

### **303 Vacation Benefits**

Effective Date: 05/13/13

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- \*Regular full-time employees
- \*Regular part-time employees (pro-rated)

For Regular part-time employees, vacation time will accrue on a pro-rated basis based on their average number of regularly scheduled work hours. The amount of paid vacation time employees receive each year increased with the length of their employment as shown in the following schedule:

\*Upon initial eligibility the employee is entitled to 10 vacation days each year, accrued monthly at the rate of 0.833 days per month.

\*After 5 years of eligible service the employee is entitled to 15 vacation days each year, accrued monthly at the rate of 1.250 days per month.

\* After 10 years of eligible service, the employee is entitled to 20 vacation days each year, accrued monthly at the rate of 1.667 days per month.

\*After 20 years of eligible service the employee is entitled to 25 vacation days each year, accrued monthly at the rate of 2.083 days per month.

\* The four (4) non-union positions at the Police Department will receive the same vacation accruals as those set forth in the collective bargaining agreement between the Town of Amherst and AFCME Local 3657.

The length of eligible service is calculated on the basis of a “benefit year.” This is the 12-month period that begins when the employee starts to earn vacation time. An employee’s benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Employees can request use of vacation time after it is earned. At the Department Head’s discretion, time may be taken in advance of the accrued time not to exceed the equivalent of the employee’s two (2) month accrual.

Paid vacation time can be used in minimum increments of one hour. To take vacation time, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time off is paid at the employee’s base pay rate at the time of vacation.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward into the next benefit year. If the total amount of unused vacation time reaches a “cap” equal to 240 hours, further vacation accrual will stop. The “cap” for Department Heads shall be 300 hours. When an employee uses paid vacation time and brings the available amount below the cap, vacation accrual will begin again.

Upon termination of employment employees will be paid for unused vacation time that has been earned through the last day of work.

Any employee hired after January 1, 2013 shall have a maximum “cap” of 100% of their annual vacation accrual.

## 305 Holidays

Effective Date: 9/27/2004

The Town of Amherst will grant holiday time off to employees on the holidays listed below:

- \* New Year's Day (January 1)
- \* Martin Luther King, Jr. Day (third Monday in January)
- \* Presidents' Day (third Monday in February)
- \* Memorial Day (last Monday in May)
- \* Independence Day (July 4)
- \* Labor Day (first Monday in September)
- \* Columbus Day (second Monday in October)
- \* Veterans' Day (November 11)
- \* Thanksgiving (fourth Thursday in November)
- \* Day after Thanksgiving
- \* Christmas (December 25)

\* For the Library, Police Department, and Transfer Station, an employee should see their department head for the specific holiday schedule.

The Town of Amherst will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day **up to 8 hours**. Eligible employee classification(s):

- \* Regular full-time employees
- \* Regular part-time employees (pro-rated)

Regular part-time employees are eligible to receive holiday pay for the average number of hours worked in a workday.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized

holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

## **306 Workers' Compensation Insurance**

Effective Date: 9/27/2004

The Town of Amherst provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

## **307 Sick Leave & Maximum Accrual Benefits**

Effective Date: 2/6/2023

The Town of Amherst provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

- \* Regular full-time employees
- \* Regular part-time employees (pro-rated)

**Annual Sick Leave:** Eligible employees will accrue sick leave benefits at the rate of 2.154 hours per pay period (56 hours per year). For Regular part-time employee's sick time will accrue on a pro-rated basis based on their actual hours worked. An eligible employee may use sick leave benefits for an absence due to his or her own illness or injury, or that of a child, parent, parent-in-law, spouse, or domestic partner of the employee. Sick leave benefits may also be used to care for any sick or injured family member not otherwise specified who resides with the employee. Sick leave benefits are intended solely to provide income protection during periods of illness, injury, or FMLA leave and may not be used for any other absence.

**Accumulated Sick Leave:** Employees may accumulate up to 240 hours of sick leave which may be used to augment their annual sick leave accrual in the event of an absence for any reason noted above (i.e., accumulated sick leave may be used once all annual sick leave accrual has been exhausted).

**Sick Leave Incentive:** Employees have two options on their respective anniversary date: 1) the employee may elect to receive payment for 50% of their unused annual sick leave, with the remaining 50% being applied toward their accumulated sick leave; or, 2) the employee may elect to have 100% of their unused annual sick leave applied toward their accumulated sick leave. The 50% payout/50% application to accumulated sick leave is

the default. Any employee wishing to move 100% of their remaining annual sick time to their accumulated sick leave must email Payroll 30 days prior to their anniversary.

Once an employee has reached their maximum accumulated sick leave accrual of 240 hours, all unused annual sick leave shall be paid at 100%. Payment shall be made in the month following the employee's anniversary date. Upon separation from employment, the employee shall be paid for any unused annual and accumulated sick leave as outlined below:

- \*50% paid after less than 5 years of eligible service
- \*75% paid after 5 years of eligible service
- \*100% paid after 10 years of eligible service

Sick leave benefits (Annual and Accumulated) will be calculated based on the employee's base pay rate at the time of absence or separation and will not include any special forms of compensation, such as overtime, incentives, commissions, bonuses, or shift differentials. As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits (e.g., Short Term Disability). Sick leave benefits shall be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation, or the Town of Amherst-provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement may be required to verify the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition of receiving sick leave benefits. Before returning to work from a sick leave absence of 3 calendar days or more, an employee may be required to provide a physician's verification that he or she may safely return to work.

## **309 Bereavement Leave**

Effective Date: 9/27/2004

Employees who wish to take time off due to the death of an immediate family member should notify their supervisor immediately.

Up to 3 days of paid bereavement leave will be provided to eligible employees in the following classification(s):

- \* Regular full-time employees
- \* Regular part-time employees

For Regular part-time employees sick time will accrue on a pro-rated basis based on their average number of regularly scheduled work hours. Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, overtime, or shift differentials.

Bereavement leave will normally be granted unless there are unusual business needs or staffing

requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

The Town of Amherst defines "immediate family" as the employee's spouse, parent, child, foster children residing in the employee's home, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration may also be given to any other person whose association with the employee was similar to any of the above relationships.

## **311 Jury Duty**

Effective Date: 9/27/2004

The Town of Amherst encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to 2 weeks of paid jury duty leave over any 1 year period. Additional requests for longer duration trials will be considered on a case by case basis by the Board of Selectmen.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employees who serve on a jury will receive the difference between their regular pay and the fee they receive from the court for their service. Employee classifications that qualify for paid jury duty leave are:

- \* Regular full-time employees
- \* Regular part-time employees

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either the Town of Amherst or the employee may request an excuse from jury duty if, in the Town of Amherst's judgment, the employee's absence would create serious operational difficulties.

## **313 Benefits Continuation (COBRA)**

Effective Date: 9/27/2004

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Town of Amherst's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, retirement, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Town of Amherst's group rates plus an administration fee. The Town of Amherst provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage

under the Town of Amherst's health insurance plan. The notice contains important information about the employee's rights and obligations.

## **314 Educational Assistance**

Effective Date: 9/27/2004

The Town of Amherst recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the Town of Amherst.

The Town of Amherst will provide educational assistance to all eligible employees who have completed 180 calendar days of service in an eligible employment classification. To maintain eligibility employees must remain on the active payroll and be performing their job satisfactorily through completion of each course. Employees in the following employee classification(s) are eligible for educational assistance:

\* Regular full-time employees

Individual courses or courses that are part of a degree, licensing, or certification program must be related to the employee's current job duties or a foreseeable-future position in the organization in order to be eligible for educational assistance. The Town of Amherst has the sole discretion to determine whether a course relates to an employee's current job duties or a foreseeable-future position. Employees should contact their Department Head for more information or questions about educational assistance.

### **Criteria for Eligibility for Tuition Reimbursement:**

Courses generally must be scheduled outside an employee's established work hours unless agreed upon by the employee's Department Head. All courses must be offered by an accredited educational institution. Advanced approval for each class is required and employees must pay for the class in advance. The maximum allowable classes per calendar year is two (2), dependent on prior approval and the availability of funds.

In an effort to encourage academic excellence, the Town of Amherst provides a performance-based reimbursement for educational assistance as follows based on GPA and the availability of funds:

Course Grade Percent Reimbursement Max Amount (Under Grad/Grad)

A+ - A- (4.0 to 3.7 GPA) 75% \$598.50 / \$1,095.00

B+ - B- (3.3 to 2.7 GPA) 50% \$399.00 / \$730.00

C+ - C (2.3 to 2.0 GPA) 25% \$199.50 / \$365.00

While educational assistance is expected to enhance employee's performance and professional abilities, the Town of Amherst cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

The Town of Amherst invests in educational assistance to employees with the expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates from the Town of Amherst's employment within one year of the last educational assistance payment, the amount of the payment will be considered only a loan. Accordingly, the employee will be required to repay up to 50 percent of the original educational assistance payment on a pro-rated basis as listed below.

Time between separation Percent Repayment Due

1 Month 50 Percent  
2-4 Months 40 Percent  
4-6 Months 30 Percent  
6-8 Months 20 Percent  
8-12 Months 10 Percent

## 316 Health Insurance

Effective Date: 9/27/2004

The Town of Amherst's health insurance plan provides employees and their dependents access to medical and dental insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- \* Regular full-time employees
- \* Elected Officials\*
- \* Regular part-time employees\*
- \* Part-time employees\*
- \* Call Employees\*

***\*Note: Elected officials, part-time and call employees may participate in the health insurance by contributing 100 percent of the total cost of the plan.***

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the Town of Amherst and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Town Administrator for more information about health insurance benefits.

## 317 Life Insurance

Effective Date: 9/27/2004

Life insurance offers you and your family important financial protection. The Town of Amherst provides a basic life insurance plan for eligible employees equal to one year's base wage up to \$50,000. Employees in the following employment classifications are eligible to participate in the life insurance plan:

- Regular full-time employees

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the Town of Amherst and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Town Administrator for more information about life insurance benefits.

## **318 Short-Term Disability**

Effective Date: 9/27/2004

The Town of Amherst provides a short-term disability (STD) benefits plan to eligible employees who are unable to work because of a qualifying disability due to an injury or illness. Employees in the following employment classifications are eligible to participate in the STD plan:

- Regular full-time employees

Eligible employees may participate in the STD plan subject to all terms and conditions of the agreement between the Town of Amherst and the insurance carrier. STD coverage is effective after 1 day for accidents, and after 8 days for illnesses for a duration of 26 weeks. The maximum duration of STD is 26 weeks, and compensation is based upon 66.66 of an employees base wage.

Disabilities arising from pregnancy or pregnancy-related illness are treated the same as any other illness that prevents an employee from working. Disabilities covered by workers' compensation are excluded from STD coverage.

Details of the STD benefits plan including benefit amounts, when they are payable, and limitations, restrictions, and other exclusions are described in the Summary Plan Description provided to eligible employees. Contact the Town Administrator for more information about STD benefits. Also see Section 602 FMLA.

## **319 Long-Term Disability**

Effective Date: 9/27/2004

The Town of Amherst provides a long-term disability (LTD) benefits plan to help eligible employees cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure a continuing income for employees who are disabled and unable to work.

Employees in the following employment classifications are eligible to participate in the LTD plan:

- Regular full-time employees

Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between the Town of Amherst and the insurance carrier.

Details of the LTD benefits plan including benefit amounts, and limitations and restrictions are described in the Summary Plan Description provided to eligible employees. Contact the Town Administrator for more information about LTD benefits. Also see Section 607 FMLA.

## **320 Deferred Compensation Plan 457 (b)**

Effective Date: 7/11/2022

The Town of Amherst has established a 457 (b) savings plan to provide employees the potential for future financial security for retirement.

**Regular Full-Time employees** are eligible and may participate in the 457 (b) plan subject to all terms and conditions of the plan. You may join or adjust your contribution at any time.

The Town 457 (b) savings plan allows you to elect how much salary you want to contribute and direct the investment of your plan account, so you can tailor your own retirement package to meet your individual needs. The Town of Amherst also contributes an additional matching amount to each employee's 457 (b) contribution up to the amount of **5.5** percent of an employee's base wage.

Because your contribution to a 457 (b) plan is automatically deducted from your pay before federal and state tax withholdings are calculated, you save tax dollars now by having your current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to 457 (b) distributions.

Complete details of the 457 (b) savings plan are described in the Summary Plan Description provided to eligible employees. Contact Administrator for more information about the 457 (b) plan.

## **324 Employee Assistance Program**

Effective Date: 9/27/2004

The Town of Amherst cares about the health and well-being of its employees and recognizes that a variety of personal problems can disrupt their personal and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), the Town of Amherst provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees offering problem assessment, short-term counseling, and referral to appropriate community and private services.

The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics.

Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file.

There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee.

Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a

professional counselor is available to help you when you need it. Call the EAP at (800) 647-9151 to contact an EAP counselor.

## **326 Flexible Spending Account (FSA)**

Effective Date: 9/27/2004

The Town of Amherst provides a Flexible Spending Account (FSA) program that allows employees to have pre-tax dollars deducted from their salaries to pay for eligible out-of-pocket expenses. The pre-tax contributions made to the FSA can be used to pay for predictable non-reimbursed health care expenses and dependent care expenses during the plan year. Through the FSA program, you can reduce your taxable income without reducing your real income, so that you can keep more of the money you earn. Employees in the following employment classifications are eligible to participate in the Flexible Spending Account program:

- \* Regular full-time employees
- \* Regular part-time employees
- \* Part-time employees

Participation in the Health Care and/or Dependent Care FSA is optional and determined on an annual basis for the plan year. You must enroll for each plan year. You determine how much to contribute to the account, up to a specified maximum, based on anticipated expenses during the plan year. Contributions are directed to the account through salary reduction on a pre-tax basis. This tax-free money is then available to you for reimbursement of out-of-pocket expenses. Since the amounts that remain in the account at the end of the plan year are forfeited, you should take care not to over-fund your account. Details of the Flexible Spending Account program are described in the Summary Plan Description (SPD). Contact the Finance Director for more information on the Flexible Spending Account program and to obtain enrollment and reimbursement forms and worksheets with examples of reimbursable and non-reimbursable expenses.

## **380 Health Insurance Stipend**

Effective Date: 9/27/2004

An employee eligible for group health insurance who is covered by his/her spouses group health insurance through his/her employer (other than the Town), or has other existing health insurance, may elect to receive a taxable stipend equal to fifty percent (50%) of the Town's cost of the lowest eligible plan offered by the Town of Amherst, in lieu of carrying duplicate coverage through the Town. The stipend is based upon the level of the plan that the employee is eligible, i.e., 1-Person, 2-Person, or Family. Proof of insurance and a completed Health Insurance Stipend Agreement is required on an annual basis.

## **381 Longevity Pay**

Effective Date: 9/27/2004

Longevity pay is available to eligible employees who have continually worked for the Town for a period of at least ten (10) years. Employees in the following employment classification are eligible for longevity pay:

\* Regular full-time employees

The amount of longevity pay employees receive increases with the length of employment as shown in the following schedule:

- \* After completion of ten (10) years continuous service an employee shall receive \$500 per year.
- \* After completion of fifteen (15) years continuous service an employee shall receive \$750 per year.
- \* After completion of twenty (20) years continuous service an employee shall receive \$1,000 per year.
- \* After completion of twenty-five (25) years continuous service an employee shall receive \$1,250 per year.

Length of eligible service is calculated on the 12 month period that begins the day the employee starts full-time employment. Longevity payments are generally paid in December, and employees who are terminated between July 1 and December 1 of a given year, will be eligible for prorated longevity pay upon termination.

## **382 Auto Mileage Reimbursement**

Effective Date: 9/27/2004

Employees required or requested to use their personal vehicles in the course of their duties for Town Business shall be reimbursed at the minimum rate established by the IRS. A detailed mileage form must be submitted to the department head for approval that includes the date, purpose, mileage start, and mileage end. Completed forms shall be submitted to the Finance Office for processing.

## **383 Personal days**

Effective Date: 10/22/12

In addition to the official holidays recognized with the Town of Amherst each year all eligible employees will receive two (2) personal days. Personal days may be taken at any time during the year with department head approval. Unused personal hours shall be paid, at the employee's regular hourly rate, as of their respective anniversary month. Eligible employee classification:

\* Regular full-time employees

## **401 Timekeeping**

Effective Date: 9/27/2004

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the Town of Amherst to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Exempt employees should accurately record the time worked and submit those timecards to their department head.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Nonexempt employees should report to work no more than 15 minutes prior to their scheduled starting time nor stay more than 15 minutes after their scheduled stop time without expressed, prior authorization from their supervisor.

It is the employees' responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

## **403 Paydays**

Effective Date: 9/27/2004

All employees are paid biweekly on every other Thursday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted at least two weeks prior to departing for vacation.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the Town of Amherst. Employees will receive an itemized statement of wages when the Town of Amherst makes direct deposits.

## 405 Employment Termination

Effective Date: 9/27/2004

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- \* Resignation - voluntary employment termination initiated by an employee.
- \* Discharge - involuntary employment termination initiated by the organization.
- \* Layoff - involuntary employment termination initiated by the organization for nondisciplinary reasons.
- \* Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

The Town of Amherst will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the Town of Amherst, or return of the Town of Amherst-owned property. Suggestions, complaints, and questions can also be voiced.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

## 407 Severance Pay

Effective Date: 9/27/2004

The Town of Amherst provides severance pay to eligible employees whose employment is terminated for reasons that are not for cause, resignations and retirement. Severance pay will be provided to the following eligible employee classifications:

- Regular full-time employees

Terminated employees will be considered for weeks of severance pay according to the following schedule:

### **Years of Employment Severance Pay (in Weeks)**

#### **Employment Status Non-Exempt Exempt**

One to four Years 2 Weeks 4 Weeks

Five to Fifteen Years 3 Weeks 5 Weeks

Fifteen plus Years 4 Weeks 6 Weeks

Specifically excluded from benefits under this provision are employees who: were hired as temporary

employees for a specified period of time; were offered but refused to accept another suitable position with the organization; were provided the opportunity to be retained for any length of time by a successor employer.

## **409 Administrative Pay Corrections**

Effective Date: 9/27/2004

The Town of Amherst takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

If there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their Department Head so that corrections can be made as quickly as possible.

## **410 Pay Deductions**

Effective Date: 9/27/2004

The law requires that the Town of Amherst make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Town of Amherst also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The Town of Amherst matches the amount of Social Security taxes paid by each employee.

The Town of Amherst offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

If you have questions concerning why deductions were made from your pay check or how they were calculated, your department head can assist in having your questions answered.

## **501 Joint Loss Management Committee**

Effective Date: 9/27/2004

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the Town of Amherst has established a workplace safety program. This program is a top priority for the Town of Amherst. The Town Administrator has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The Town of Amherst provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications. A safety advisory group has been established to assist in these activities and to facilitate effective communication between employees and management about workplace safety and health issues.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, or with another supervisor or manager, or bring them to the attention of a member of the safety advisory

group. Reports and concerns about workplace safety issues may be made without fear of reprisal. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Town Administrator or the appropriate department head. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

## **502 Work Schedules**

Effective Date: 9/27/2004

Work schedules for employees vary throughout our organization. Department heads will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult their department head to request participation in the flextime program.

## **503 Required Workplace Postings**

Effective Date: 9/1/2009

There are numerous workplace postings required by Federal and State law. The requirements as well as the content of the postings changes from time to time. To ensure that the Town remains compliant with all applicable laws and to provide the most current and accurate information to our employees, it is imperative that our workplace postings be up to date in each of our facilities. It is the responsibility of each Department Head that is in charge of a facility that serves as the workplace for any town employee to make sure that site has an appropriate accessible location to all employees that contains the required postings. In addition, the Department Head is responsible for seeing that the Town Checklist for Labor Postings (incorporated as part of this policy) is verified on April 1 and October 1 each year. It is the responsibility of the Town Administrator to ensure that the Town Checklist for Labor Postings is current at all times. If additions, deletions, or modifications are made to the list, it shall be disseminated to all Departments for immediate updating of the workplace.

## **504 Use of Phone, Network, Email and Mail Systems**

Effective Date: 9/27/2004

Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and will be required to reimburse the Town of Amherst for any charges resulting from their personal use of the telephone.

The computer network, email and mail system is reserved for business purposes. Employees should keep to a minimum sending or receiving personal email or mail at the workplace or using the computer network for personal use that does not impede an employee's regular work function.

To ensure effective telephone communications, employees should always speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

## **505 Smoking and/or use of Tobacco Products**

Effective Date: 9/27/2004; Revised 9/1/06

In keeping with the Town of Amherst's intent to provide a safe and healthful work environment, smoking and/or use of tobacco products in the workplace is prohibited except in those areas that have been specifically designated for such use. All town facilities will have any tobacco use designated areas determined by the Department Head in charge of that facility, or in lieu of that, by the Board of Selectmen. The use of a tobacco product is defined as any product designed to enable the user to smoke or chew tobacco, i.e. cigarettes, cigars, pipes, and chewing tobacco. The workplace is defined as the buildings, accessory buildings, town owned vehicles, and all areas accessible to the public adjacent to town buildings. In order to prevent a significant interruption to the work day, as well as create an unfair workplace, the amount of time an employee may utilize a tobacco product is limited to existing rest and meal periods as defined in Section 506. All materials shall be properly and safely disposed of upon completion of their use.

The Town Hall, due to the abundance of publicly accessible areas, will not provide a designated tobacco use area adjacent to the building. Those wishing to make use of a tobacco product shall be directed to their private vehicles, or the southern end of the Courthouse Road parking area.

This policy applies equally to all employees, customers, and visitors.

## **506 Rest and Meal Periods**

Effective Date: 9/27/2004

Each workday, full-time nonexempt employees are provided with 1 rest period of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted rest period time.

All full-time non-exempt employees are provided with one meal period of 30 minutes in length each

workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

## **507 Overtime & Compensatory Time**

Effective Date: 9/27/2004

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime is paid to a nonexempt employee who works beyond the employee's normally scheduled workday or works a normally scheduled day off, and is required to work more than forty (40) hours in a given work week. Part-time employees who are working less than 40 hours in a week will be eligible for overtime compensation when their hours in a day exceed the normal hours of the department's operation, or the work schedule of a typical full-time employee for that assignment, whichever is greater. Overtime compensation shall be at the rate of one and one-half times (1.5) the employee's regular hourly rate.

Overtime pay is based on hours worked as well as approved leave time. For clarification, time off on sick leave, vacation leave, or any leave of absence which is approved by the employee's supervisor will be considered hours worked for purposes of performing overtime calculations. An employee who works a town holiday is considered to have worked eight hours prior to the beginning of their assignment on that holiday.

Failure to work scheduled overtime or overtime worked without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

**Compensatory Time (Comp Time):** At the request of a non-exempt employee, and with department head approval, compensatory time may be granted in lieu of overtime. Compensatory (Comp) time shall be earned at a rate of 1.5 hours for each hour worked. All comp time must be used within 30 days of the time earned and clearly indicated on the time card and signed by the department head. All comp time balances must be clearly marked on each weekly timecard with the date earned and balance to date.

## **508 Use of Equipment and Vehicles**

Effective Date: 9/27/2004

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged,

defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

## **509 Motor Vehicle Seat Belt Use**

Effective Date: 4/15/2009

This policy is intended to protect Town of Amherst employees and their passengers in motor vehicles from the hazards of motor vehicle accidents.

All town employees shall at all times wear seatbelts while driving or riding in a town owned vehicle. All town employees shall at all times wear seatbelts while driving or riding in any vehicle when engaged in town business. All passengers, employees or not, riding in town owned vehicles or vehicles driven by a town employee while engaged in town business will wear seatbelts.

All Town of Amherst vehicles will be equipped with seat belts, unless designed and produced by the manufacturer without seat belts. This includes the vehicle cab, passenger seating area and jump seats. Passengers will only be permitted to ride in areas of the vehicle designed for that purpose. Seat belts shall be used by all employees riding in the vehicle when the vehicle is in motion. Any vehicle with inoperable seat belts should be reported to the Department Head the vehicle is registered to for repair and should not be operated until the seat belts are operational. Amherst employees are forbidden from disengaging or otherwise disarming automatic seat belt systems or alarms.

These requirements shall not apply in the case of vehicles that are designed and manufactured without seat belts.

Employees found to be violating this policy, may be subject to discipline as outlined in the Town of Amherst Employee Policies Handbook.

## **510 Emergency Closings**

Effective Date: 9/27/2004

At times, emergencies such as severe weather, fires, or power failures, can disrupt Town operations. In extreme cases, these circumstances may require the closing of a work facility for non-essential personnel. Such closings will be determined by the Town Administrator, or Department Head. In the event that such an emergency occurs during nonworking hours, WMUR Channel 9 television station will be asked to broadcast notification of the closing.

When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid.

In cases where an emergency closing has not been authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused vacation benefits.

## **512 Business Travel Expenses**

Effective Date: 9/27/2004; Revised 1/24/07

The Town of Amherst will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Department Head and advanced notice shall be provided to the Town Administrator in writing. This notice should include the reason for the travel, any literature associated with the travel, and the anticipated expenses expected to be incurred.

Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Town of Amherst. Employees are expected to limit expenses to reasonable amounts.

Expenses that generally will be reimbursed include the following:

- \* Conference and workshop fees.
- \* Airfare or train fare for travel in coach or economy class or the lowest available fare.
- \* Car rental fees, only for compact or mid-sized cars (if only one employee, it must be a compact car).
- \* Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- \* Taxi fares, only when there is no less expensive alternative.
- \* Mileage costs for use of personal cars, only when less expensive transportation is not available.
- \* Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
- \* Cost of meals not to exceed \$7.00 for Breakfast, \$10.00 for lunch, and \$17.00 for dinner (excludes any alcohol).
- \* Tips not exceeding 15% of the total cost of a meal (excluding alcohol) or 10% of a taxi fare.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by the Town of Amherst may not be used for personal use without the prior approval of the requesting employee's direct supervisor.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses incurred for non-employee travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within 14 days. Reports should be accompanied by receipts for all individual expenses.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

## **516 Computer and E-mail Usage**

Effective Date: 9/27/2004

Computers, computer files, the e-mail system, and software furnished to employees are the Town of Amherst's property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored.

The Town of Amherst strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Town of Amherst prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for personal commercial ventures, religious or political causes, outside organizations, or other non-business matters.

The Town of Amherst purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the Town of Amherst does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Town of Amherst prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate supervisor, the Town Administrator or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

## **517 Internet Usage**

Effective Date: 9/27/2004

Internet access to global electronic information resources on the World Wide Web is provided by the Town of Amherst to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the Town of Amherst and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of the Town of Amherst. As such, the Town of Amherst reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

To ensure a virus-free environment, no files may be downloaded from the Internet without prior authorization from their department head or supervisor.

Abuse of the Internet access provided by the Town of Amherst in violation of law or the Town of

Amherst policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- \* Sending or posting discriminatory, harassing, or threatening messages or images
- \* Using the organization's time and resources for personal gain
- \* Stealing, using, or disclosing someone else's code or password without authorization
- \* Copying, pirating, or downloading software and electronic files without permission
- \* Sending or posting confidential material, trade secrets, or proprietary information outside of the organization
- \* Violating copyright law
- \* Failing to observe licensing agreements
- \* Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted Internet services and transmissions
- \* Sending or posting messages or material that could damage the organization's image or reputation
- \* Participating in the viewing or exchange of pornography or obscene materials
- \* Sending or posting messages that defame or slander other individuals
- \* Attempting to break into the computer system of another organization or person
- \* Refusing to cooperate with a security investigation
- \* Sending or posting chain letters, solicitations, or advertisements not related to business purposes or

activities

- \* Using the Internet for political causes or activities, religious activities, or any sort of gambling
- \* Jeopardizing the security of the organization's electronic communications systems
- \* Passing off personal views as representing those of the organization
- \* Sending anonymous e-mail messages
- \* Engaging in any other illegal activities

## **518 Workplace Monitoring**

Effective Date: 9/27/2004

Workplace monitoring may be conducted by the Town of Amherst to ensure quality control, employee safety, security, and customer satisfaction.

Computers furnished to employees are the property of the Town of Amherst. As such, computer usage and files may be monitored or accessed.

## **520 Telecommuting**

Effective Date: 9/27/2004

Telecommuting is the practice of working at home or at a site near the home instead of physically traveling to a central workplace. It is a work alternative that the Town of Amherst may offer to some employees when it would benefit both the organization and the employee.

Employees who believe telecommuting can enhance their ability to get the job done should submit a written request to their managers proposing how it will benefit the Town of Amherst and themselves. The request should explain how they will be accountable and responsible, what equipment is necessary, and how communication barriers will be overcome.

The decision to approve a telecommuting arrangement will be based on factors such as position and job duties, performance history, related work skills, and the impact on the organization.

The employee's compensation, benefits, work status, work responsibilities, and the amount of time the employee is expected to work per day or per pay period will not change due to participation in the telecommuting program (unless otherwise agreed upon in writing).

The employee's at-home work hours will conform to a schedule agreed upon by the employee and his or her supervisor. If such a schedule has not been agreed upon, the employee's work hours will be assumed to be the same as they were before the employee began telecommuting. Changes to this schedule must be reviewed and approved in advance by the employee's supervisor.

Telecommuting is an alternative method of meeting the needs of the organization and is not a universal employee benefit. As such, the Town of Amherst has the right to refuse to make telecommuting available to an employee and to terminate a telecommuting arrangement at any time.

## **522 Workplace Violence Prevention**

Effective Date: 9/27/2004

The Town of Amherst is committed to preventing workplace violence and to maintaining a safe work environment. The Town of Amherst has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the Town of Amherst without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening.

The Town of Amherst will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Town of Amherst may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The Town of Amherst encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Police Department before the situation escalates into potential violence. The Town of Amherst is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

## **525 Slips, Trips, and Falls Prevention**

Effective Date: 4/15/2009

The Town of Amherst is committed to reducing and/or eliminating the incidence of employee and citizen slip, trip, and fall related events and injuries.

Slips, trips, and falls are among the leading causes of injury and lost work time to employees, and to members of the public visiting municipal property. Accidents often occur from a lack of due diligence to report and address existing conditions that can contribute to these types of events. Therefore the Town of Amherst and its employees will take a proactive approach to managing the risks associated with slip, trip, and fall related conditions.

It is the policy of the Town of Amherst that its employees will be required to monitor, report, and whenever reasonably possible, correct conditions that have, or are likely to cause a slip, trip, and fall related event if corrective action is not taken.

1. A Slip, Trip, and Fall Log shall be maintained at every public facility.
2. Unsafe conditions shall be reported to the appropriate contact for that location immediately for corrective action. If the conditions present an immediate threat to the safety of employees or the public the employee will take reasonable steps to prevent injuries until the appropriate personnel arrive.
3. Employees shall wear footwear appropriate for the conditions.
4. Sidewalks, parking lots, stairs, and other areas that employees and the public utilize shall be properly maintained to ensure that no tripping points, ice and snow build up, or other conditions that could contribute to a slip, trip, or fall exist.
5. Interior hallways, stairs, floors, and other areas of foot travel shall be clear of obstructions such as boxes, power cords, frayed carpeting, or weathered matting.
6. Proper signage shall be used to signal wet floors or hazardous conditions which could contribute to a slip, trip, or fall.

All slip, trip, and fall related incidents/injuries will be documented in the *Slip, Trip, and Fall Log*. Each incident and the log itself will be reviewed by the appropriate Department Head, and the Joint Loss Management Committee (JLMC). *Slip, Trip, and Fall Logs* shall be kept in a centralized file to monitor results, identify emerging trends, and to maintain documentation for potential claims.

## **526 Employee Workplace Injuries**

Effective Date: 9/1/2009

It is the goal of the Town of Amherst to manage risk and reduce the opportunity for employees to be injured on the job. This is accomplished through education, training, Joint Loss Management Committee efforts, and review/revision of town policy. Even with best management practices, it is still possible that an employee could be injured while at work. This policy is designed to specify the procedures to be followed in order to comply with state regulations, ensure the best service to our employees, and reduce the costs associated with workers' compensation claims.

In every instance of an employee injury, the primary action of all employees will be to ensure that requisite medical treatment is provided. Regardless of perceived severity, **all** employee injuries will then be immediately reported to the employee's supervisor. If appropriate medical treatment has not already been requested or commenced, the supervisor will immediately see that proper medical care takes place. Should there be any question as to the need for emergency medical care; the Town of Amherst Emergency Medical Services will be requested for assistance. It is the responsibility of the supervisor to notify the Department Head as soon as possible of every employee injury.

All employee injuries require the filing of the First Report of Injury or Occupational Disease with our Workers Compensation insurer and the New Hampshire Department of Labor. It is the responsibility of the Department Head of the department that employs the injured worker to submit this form. The report must be filed with both organizations as soon as possible but in all cases it shall be filed within 5 (five) days of the injury.

The Town of Amherst currently utilizes the NH Public Risk Management Exchange (Primex) for Worker's Compensation coverage. All first reports of injury will be initiated from the Primex website ([www.nhprimex.org](http://www.nhprimex.org)). A tab on their page entitled "File a WC First Report of Injury" allows the Department Head (or designee) to file the report online to both Primex and the Department of Labor simultaneously. The form will be filled out completely with all appropriate information. The Department Head shall complete and file a Supplemental Report of Injury for claims involving **four days** or more of disability. The supplemental report should also be filed whenever there is a change of employment status relative to a worker's compensation claim. On all claims involving disability of fourteen days or longer the Department Head is responsible for notifying the Finance Director to enable the filing of the Wage Schedule to include **twenty-six (26) weeks** of gross wages.

In addition, the Department Head will be responsible to contact the Executive Assistant in the Town Administrator's office whenever a First Report of Injury is filed. This contact will be made within 5 (five) days of the injury. Sufficient information shall be provided so that the Executive Assistant may complete an entry regarding the injury in the Town of Amherst First Aid Log. As required by the New Hampshire Department of Labor regulations, this log shall contain an annual list of all workplace injuries or illnesses for which an employer's First Report of Injury is submitted to the Department of Labor.

As part of a successful process, the employee has certain responsibilities also. They include the following:

- The employee should notify the health care provider that he/she has filed a workers' compensation claim and request direct billing to Primex. The employee should, however, also provide their health insurance information and comply with any managed care requirements in the event the claim is denied.
- The employee must notify the Department Head immediately after seeing his/her health care provider after each visit to advise them of his/her present work capacity.
- The employee must cooperate with the employer's efforts to accommodate the Temporary Alternate Duty restrictions placed upon them by their health care providers.
- Employees disabled from work will be contacted by a Primex representative, and should cooperate with the investigation.
- Employees must facilitate, as necessary, the transfer of medical information.

## 601 Medical Leave

Rescinded Date: **08/27/12** (combined with Family Leave)

## 602 Family Leave

Effective Date: *8/27/12*

The Town of Amherst grants temporary leaves of absence(s) in accordance with all applicable Federal and State laws with regard to the Family Medical Leave Act (FMLA). These leaves or absences, are eligible to employees who wish to take time off from work to fulfill family obligations or if it is medically necessary.

The Town will grant an eligible employee up to a total of **12 workweeks of leave** in a 12 month period for one or more of the following reasons:

- for the birth of a child, and to care for the newborn child;
- for the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
- to care for an immediate family member (spouse, child, or parent — but not a parent "in-law") with a serious health condition; and
- when the employee is unable to work because of a serious health condition.

A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

**Note: Employees who are covered by Collective Bargaining Agreements may have their benefits described within the contract, which supersede the policies contained in this Personnel Manual.**

To be eligible for FMLA leave, an employee **must meet the following:**

- Regular full-time employees; and
- have worked for that Town of Amherst for at least 12 months; and
- have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave.

Eligible employees should make requests for FMLA to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

Employees requesting FMLA related to the serious health condition for themselves, a child, spouse, or parent shall be required to submit a health care provider's statement verifying the need

for FMLA. The health care statement shall provide the expected beginning and ending dates, and the estimated time required.

Eligible employees may request up to a maximum of 12 weeks of FMLA within any 12 month period. Any combination of FLMA, consecutive or intermittent, may not exceed this maximum limit.

### **Intermittent/Reduced Schedule Leave**

FMLA permits employees to take leave on an intermittent basis or to work a reduced schedule under certain circumstances.

- Intermittent/reduced schedule leave may be taken when medically necessary to care for a seriously ill family member, or because of the employee's serious health condition.
- Intermittent/reduced schedule leave may be taken to care for a newborn or newly placed adopted or foster care child only with the Town's approval.

Only the amount of leave actually taken while on intermittent/reduced schedule leave will be charged as FMLA leave time. Employees will not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave.

Employees will be required to first use any accrued paid leave time before taking unpaid leave. Married employee couples may be restricted to a combined total of 12 weeks leave within any 12 month period for childbirth, adoption, or placement of a foster child; or to care for a parent with a serious health condition.

When an employee begins FMLA, health benefits shall continue. The employee will remain responsible for their percentage of the premium and the Town shall continue to pay the employer cost of the premium, if the employee wishes to continue the health coverage. Beginning on the thirteenth (13) week from the start of the FMLA period, should the employee qualify for an extended leave due to a short term disability, he or she will have the option to continue benefits. From week thirteen (13) to the end of the qualifying/authorized sort term disability period, the employee can continue coverage by paying the employee percentage and the employer percentage, at the group rate. Once the short term disability period has been exhausted, the employee is eligible to apply for continued coverage through the federal Consolidated Omnibus Budget Reconciliation Act (COBRA). See section 313 - Benefits Continuation (COBRA), of this policy manual for details.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during FMLA leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on FMLA shall provide the Town of Amherst with at least two weeks advance notice of the date the employee intends to return to work. When a family leave ends, the employee will be reinstated to the same position as long as the employee still qualifies, the position is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed upon return date, the Town of Amherst will assume that the employee has resigned.

## **605 Military Leave**

Effective Date: 9/27/2004

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

***Note: Employees who are covered by Union contract have their benefits described in the Collective Bargaining Agreements which supersede the policies contained in this Personnel Manual.***

Employees will receive partial pay for two-week training assignments and shorter absences, and military call up or activation. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Vacation, personal, and sick leave benefits will continue to accrue during a military leave of absence. Employees on military leave are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time, but may request up to two weeks of vacation prior to reporting. Employees on military leave longer than 30 days must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Contact the Town Administrator for more information or questions about military leave.

## **607 Pregnancy-Related Absences**

Effective Date: 9/27/2004

The Town of Amherst will not discriminate against any employee who requests an excused absence for medical disabilities associated with pregnancy. Such leave requests will be evaluated according to the

medical leave policy provisions outlined in this handbook and all applicable federal and state laws. Requests for time off associated with pregnancy and/or childbirth, such as bonding and child care, not related to medical disabilities for those conditions will be considered in the same manner as other requests for unpaid family or personal leave.

## **610 Temporary Alternative Duty**

Effective Date: 4/15/2009

In compliance with RSA 281-A:23-b, the Town of Amherst will provide temporary alternative/transitional work opportunities to all employees temporarily disabled by a work-related injury or illness.

The Town of Amherst adopts the principle that it is important to provide meaningful work during the time of healing and strengthening following a work-related illness or injury; to retain the knowledge and expertise of the employee and maintain the dignity and respect of the employee associated with their respective positions.

Temporary Alternative/Transitional Duty is meant to be temporary and transitional in nature to return the employee back to full duty. This program will last as long as the employee continues to transition back to the position at full duty, but not longer than 6 months. Once the transition stops, the department head, or his/her designee, will reevaluate the temporary/transitional program the employee is participating in. This program is not intended to address those situations in which an employee has been deemed to be permanently disabled and unable to resume their previous position.

### **Procedures**

- a) The injured employee shall have the treating physician complete the NH Workers' Compensation Medical Form 75 WCA-1), based on the findings during the initial examination. Upon completion, the injured employee will be responsible for returning the form to his/her department head/designee.
- b) The department head/designee will work with the employee to facilitate a safe return to work program with limitations listed by the treating physician. If a job description, essential task analysis, is needed for the treating physician to determine limitations, the employee will notify the department head/designee. The department head/designee shall be responsible for providing that job description essential task analysis to the treating physician. If necessary, the department head/designee may contact the treating physician if additional information is needed regarding the employee's limitations.
- c) The employee will be responsible for obtaining an updated medical form completed by the treating physician following every medical appointment, but in no longer intervals than thirty days, and returning the form to his/her department head/designee.
- d) Additional modifications will be made to the temporary/transitional alternate duty program as necessitated by the treating physician's NH Workers Comp Medical Form. The department head/designee will be responsible for reviewing the appropriateness of continuing the program or duty assignments as necessary.
- e) Steps A through D may be repeated until such time as the employee is able to return to his/her normal position or has been deemed to be permanently disabled.

The provisions of this policy are intended to comply with RSA 281-A:23-b, Alternative Work Opportunities as adopted into law on February 8, 1994. To extent that this policy is ambiguous or contradicts the RSA, the language of the RSA will prevail.

### **Addendum to Temporary Alternative Duty Policy**

It is the purpose of the Town of Amherst to provide modified job tasks within a familiar work environment to the injured employee, allowing a gradual transition back to normal duties. Due to the relatively small size of the workforce within the Town of Amherst, it may not always be possible to accommodate the physical capacities of the employee within their regular Department.

As a guideline to help create a job description with essential task analysis for each situation, the following is an outline of areas that may be available to the department head/designee. Tasks specific to each individual department or a combination of departments will be determined in each case.

### **SAMPLE TASK ANALYSIS**

RESPONSIBLE TO: (Department Head or designated supervisor)

1. Report to appropriate facility at (time) for assignments on each scheduled work day.
2. Filing/Paperwork
3. Typing/Computer Input
4. Answer Phones/Assist Radio Dispatch
5. Receive Citizen Complaints
6. Run Errands/Provide Transportation
7. Facility Maintenance/Clean-up
8. Equipment Maintenance/Inventory
9. Inspections/Code Compliance
10. New Employee Orientation
11. Classroom Instruction: Attend or Provide
12. Community Education Programs
13. Mail Pickup or Delivery
14. Oversee volunteers or interns
15. Provide supervision to appropriate community programs
16. Re-stocking of supply rooms
17. Respond to (name of Department) for assignment of tasks

## **701 Employee Conduct and Work Rules**

Effective Date: 9/27/2004

To ensure orderly operations and provide the best possible work environment, the Town of Amherst expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- \* Theft or inappropriate removal or possession of property
- \* Falsification of timekeeping records
- \* Working under the influence of alcohol or illegal drugs
- \* Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- \* Fighting or threatening violence in the workplace
- \* Boisterous or disruptive activity in the workplace
- \* Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- \* Insubordination or other disrespectful conduct
- \* Violation of safety or health rules
- \* Smoking in prohibited areas
- \* Sexual or other unlawful or unwelcome harassment
- \* Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- \* Excessive absenteeism or any absence without notice
- \* Unauthorized absence from work station during the workday
- \* Unauthorized use of telephones, mail system, or other employer-owned equipment
- \* Unauthorized disclosure of business "secrets" or confidential information
- \* Violation of personnel policies
- \* Unsatisfactory performance or conduct

## **702 Drug and Alcohol Use**

Effective Date: 9/27/2004

It is the Town of Amherst's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on the Town of Amherst premises and while conducting business-related activities off the Town of Amherst premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with their supervisor or the Town Administrator to receive assistance or referrals to appropriate resources in the community.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the Town of Amherst of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Town Administrator without fear of reprisal.

## **703 Sexual Harassment and Related Activities**

**Effective Date: 11/1/08**

The Town will not tolerate the sexual harassment or related behavior of any employee or any other person dealing with town government

### **DEFINITIONS:**

Sexual harassment is defined as the deliberate or repeated behavior of a sexual nature by one employee to another that is unwelcome, unasked for, or rebuked by the other employee. The behavior can be verbal or physical. Examples of sexual harassment could include, but not limited to, the following:

- Sexual comments of a provocative or suggestive nature;
- Jokes or innuendoes intended for or directed to another employee;
- Leaving sexually explicit books, magazines, or photographs where other employees will find them;
- Unwelcome demeaning comments, ridicule, propositions or other similar actions;
- Unwanted, unwarranted, unsolicited off-duty telephone calls and contact;
- Signed or anonymous unwelcome notes or drawings placed on or in desks, bulletin boards, or lockers;
- Creating an intimidating, hostile, or offensive working environment;
- Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors of any nature a condition of continued employment.
- Transferring, demoting, or dismissing employees who refuse sexual advances.

Related behavior, as used in this section, is defined as any behavior which could be classified as sexual harassment in the workplace, but which does not occur between employees. This behavior could be directed at any member of the public that an on duty employee has had contact with. Examples of this related behavior could include, but not be limited to, the following:

- Sexual comments or a provocative or suggestive nature;
- Jokes or innuendoes intended for or directed to citizens;
- Unwelcome demeaning comments, ridicule, propositions or other similar actions;

- Unwanted, unwarranted, unsolicited off-duty telephone calls and contact;
- Signed or anonymous unwelcome notes or drawings left at a citizens home or vehicle;
- Making acceptance of unwelcome sexual conduct or advances or requests for sexual favors or any nature a condition of any enforcement or other official action;

#### **PROCEDURES:**

1. An employee who believes he or she has been sexually harassed shall contact the immediate supervisor. The complaint will be handled as a complaint against an employee and shall be fully investigated under the rules of this manual.
2. Any person who reports he or she was subjected to related behavior by an employee will be treated as citizen lodging a complaint against an employee.
3. All complaints alleging sexual harassment or related behavior will be brought to the attention of the Town Administrator as soon as possible.
4. If any allegation of this nature involves the Town Administrator, the supervisor will direct the employee/citizen to the Chairman of the Board of Selectmen.
5. Any instance of sexual harassment or related behavior as described herein, any act of retaliation, or any failure to cooperate in the investigation or resolution of a sexual harassment type complaint may result in disciplinary action or termination.

## **704 Attendance and Punctuality**

Effective Date: 9/27/2004

To maintain a safe and productive work environment, the Town of Amherst expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Town of Amherst. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

## **705 Personal Appearance**

Effective Date: 9/27/2004, Revised 3/2/06

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect

the business image the Town of Amherst presents to citizens and visitors. The delivery of customer service begins as soon as we have contact with our customer.

During business hours or when representing the Town of Amherst, you are expected to present a clean, neat, and tasteful appearance. You should dress and groom yourself according to the requirements of your position and accepted social standards. This is particularly true if your job involves dealing with citizens or visitors in person.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. Blue jeans will not be considered typically acceptable clothing for Town of Amherst employees. Exceptions to this may be made on a special or regular basis by the Department Head, based on the job or assignment the employee performs.

If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

## **706 Return of Property**

Effective Date: 9/27/2004

Employees are responsible for items issued to them by the Town of Amherst or in their possession or control, such as the following:

- \* cell phones
- \* credit cards
- \* equipment
- \* identification badges
- \* keys
- \* manuals
- \* pagers
- \* protective equipment
- \* tools
- \* uniforms
- \* vehicles
- \* written materials

Employees must return all the Town of Amherst property immediately upon request or upon termination of employment. Where permitted by applicable laws, the Town of Amherst may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Town of Amherst may also take all action deemed appropriate to recover or protect its property.

## **708 Resignation**

Effective Date: 9/27/2004

Resignation is a voluntary act initiated by the employee to terminate employment with the Town of Amherst. Although advance notice is not required, the Town of Amherst requests at least 2 weeks' written notice of resignation from nonexempt employees and 4 weeks' notice from exempt employees.

Prior to an employee's departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

If an employee does not provide advance notice as requested, the employee may be considered ineligible for rehire and severance pay.

## **710 Security Inspections**

Effective Date: 9/27/2004

The Town of Amherst wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Town of Amherst prohibits the possession, transfer, sale, or use of such materials on its premises. The Town of Amherst requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the Town of Amherst. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Town of Amherst at any time, either with or without prior notice.

The Town of Amherst likewise wishes to discourage theft or unauthorized possession of the property of employees, the Town of Amherst, visitors, and customers. To facilitate enforcement of this policy, the Town of Amherst or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the Town of Amherst's premises.

## **712 Solicitation**

Effective Date: 9/27/2004

In an effort to ensure a productive and harmonious work environment, persons not employed by the Town of Amherst may not solicit or distribute literature in the workplace at any time for any purpose.

The Town of Amherst recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time.

In addition, the posting of written solicitations on company bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

\* Employee announcements

- \* Internal memoranda
- \* Job openings
- \* Organization announcements
- \* Payday notice
- \* Workers' compensation insurance information
- \* State disability insurance/unemployment insurance information

If employees have a message of interest (events, items for sale, etc.) to the workplace, they may submit it to their department head for approval. All approved messages will be posted by the department head or their designee.

## **714 Drug Testing**

Effective Date: 9/27/2004

The Town of Amherst is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

The Employee Assistance Program (EAP) provides confidential counseling and referral services to employees for assistance with such problems as drug and/or alcohol abuse or addiction. It is the employee's responsibility to seek assistance from the EAP prior to reaching a point where his or her judgment, performance, or behavior has led to imminent disciplinary action. Participation in the EAP after the disciplinary process has begun may not preclude disciplinary action, up to and including termination of employment.

Questions concerning this policy or its administration should be directed to their supervisor or department head.

## **716 Progressive Discipline**

Effective Date: 9/27/2004

The purpose of this policy is to state the Town of Amherst's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

***Note: Employees who are covered by Union contract have their benefits described in the Collective Bargaining Agreements which supersede the policies contained in this Personnel Manual.***

The Town of Amherst's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any

disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. At the department head discretion, probation is also a choice of action.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed:

a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

The Town of Amherst recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, the Employee Conduct and Work Rules policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the Town of Amherst.

Appeals:

Step 1: Employees may appeal disciplinary actions to their Department Head within ten (10) days of its receipt. The Department Head will review the action taken and conduct an investigation if applicable and render a written decision within ten (10) days unless stated otherwise.

Step 2: Employees may appeal disciplinary actions to the Town Administrator within ten (10) days of its receipt. The Town Administrator will review the action taken and conduct an investigation if applicable and render a written decision within ten (10) days unless stated otherwise.

Step 3: If the Town Administrator sustains the action, the member may submit a written appeal to the Board of Selectmen within ten (10) days of the Town Administrator's decision. The Board of Selectmen will review the appeal.

Probationary members shall be dismissed, or otherwise disciplined in accordance with the foregoing, except that probationary members shall not have the right of appeal

## **722 Workplace Etiquette**

Effective Date: 9/27/2004

The Town of Amherst strives to maintain a positive work environment where employees treat each other with respect and courtesy. Sometimes issues arise when employees are unaware that their behavior in the workplace may be disruptive or annoying to others. Many of these day-to-day issues can be addressed by politely talking with a co-worker to bring the perceived problem to his or her attention. In most cases, common sense will dictate an appropriate resolution. The Town of Amherst encourages all employees to keep an open mind and graciously accept constructive feedback or a request to change behavior that may be affecting another employee's ability to concentrate and be productive.

The following workplace etiquette guidelines are not necessarily intended to be hard and fast work rules with disciplinary consequences. They are simply suggestions for appropriate workplace behavior to help everyone be more conscientious and considerate of co-workers and the work environment. Please contact the Town Administrator if you have comments, concerns, or suggestions regarding these workplace etiquette guidelines.

- \* Replace paper in the copy machine and printer paper trays when they are empty.
- \* Retrieve print jobs in a timely manner and be sure to collect all your pages.
- \* Keep the area around the copy machine and printers orderly and picked up.
- \* Be careful not to take or discard others' print jobs or faxes when collecting your own.
- \* Try to minimize unscheduled interruptions of other employees while they are working.
- \* Keep socializing to a minimum, and try to conduct conversations in areas where the noise will not be distracting to others.
- \* Refrain from using inappropriate language (swearing) that others may overhear.
- \* Avoid discussions of your personal life/issues in public conversations that can be easily overheard.
- \* Clean up after yourself and do not leave behind waste or discarded papers.

## **780 Alcohol & Drug Testing Policy for CDL Drivers**

Effective Date: 9/27/2004

The safety and well being of our drivers, employees and the general public requires that our drivers perform their duties free from the effects of alcohol and / or drugs. A drug free workplace is especially important to the Town of Amherst. Drivers who use or abuse alcohol and / or drugs is a hazard to his Department of Public Works, the general public, other employees and him / herself and undermine the towns ability to operate effectively and efficiently.

In order to ensure the safe transportation and provide for an efficient and drug-free workplace while complying with the Federal Motor Carrier Safety Regulation, the Town of Amherst has adopted this policy.

An employee who is charged or convicted of a drug related offense must notify the Program Administrator or his / her designee within five (5) days of such charge or conviction. Failure to do so may result in disciplinary action, up to and including immediate termination.

### **Program Administrator:**

The Public Works Director has been designated by the Town Administrator, as the Alcohol / Drug Testing Program Administrator. In this function, the Public Works Director will be responsible to answer any questions from the drivers, administrators or the public in general.

The Program Administrator will handle all information on all tests of covered drivers as confidential. The Program Administrator shall provide such information as necessary to the Town Administrator to enable

him / her to take proper disciplinary action as warranted within town policy. The Program Administrator may also release test information to the employees chosen Substance Abuse Professional (SAP) to use to evaluate and recommend appropriate follow-up.

**Drivers subject to testing:**

All drivers who must have a Commercial Drivers License to perform their duties, which are considered as safety sensitive, will be subject to the alcohol and / or drug testing as outlined in this policy and required by Title 49 Code of Federal Regulation part 382

**Driver compliance with regulation:**

All drivers subject to alcohol and drug testing must be in compliance with the regulations and this policy at all times while in a working status for this municipality. This will include all time spent driving a commercial vehicle as well as time spent performing safety sensitive function or just before or just after performing safety-sensitive functions.

Safety-Sensitive Function means all time, from the time a driver begins to work or is required to be in readiness to work until the time he / she is relieved from work and all responsibility for performing work.

Safety Sensitive functions shall include:

1. All time at a town facility or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspection equipment as required by Sect. 329.7 and 329.8 of 49 C.R.F. otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle in operation.
4. All time, other than driving time, in or upon any commercial motor vehicle except time resting.
5. All time loading or unloading a commercial motor vehicle, supervising or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate a commercial vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

**Substances tested for:**

The following substances will be tested for to determine their presence:

1. Alcohol
2. Marijuana
3. Cocaine
4. Amphetamines
5. Phencyclidine (PCP) and
6. Opiates

**Prohibited Conduct:**

**During the time that drivers are performing safety-sensitive functions, they shall not;**

Report to and / or remain on duty with an alcohol concentration of 0.04 or greater,

Possess any alcohol,

Use any alcohol,

Use any alcohol within four hours of going on duty

Use any alcohol for eight hours after an accident which will require the driver to be tested for alcohol or until tested,

Refuse to submit to a required alcohol and / or controlled substance test,

Report to or remain on duty when using any controlled substance, except when used under a physicians

orders and the physician has informed the driver that the use will not effect the safe operation of a commercial vehicle,  
Report to or remain on duty if he / she has tested positive for controlled substance.

### **Tests required:**

All drivers who are required to be tested for alcohol and / or controlled substance use or misuse will be tested under the following circumstances:

1. Pre-employment or pre-use. All applicants for jobs requiring a commercial drivers license and / or current employees transferring to a job, which requires a commercial drivers license, will be required to be tested for the use of controlled substances.
2. Random. All drivers are subject to, and ten (10) percent (unless the Federal Highway Administration announces another testing level) of all drivers will be selected to submit to unannounced controlled substances testing. The municipality has entered into a consortium pool including drivers from other towns and private companies and the ten and fifty percent levels will apply to the entire pool of drivers.
3. Post accident. Drivers will be alcohol and control substance tested in all accidents involving a fatality. If the accident is one where one or more vehicles were towed from the scene of the accident or involves someone being injured to the degree that the injury must be treated immediately away from the scene of the accident, then the commercial vehicle driver must also receive a summons for a "moving traffic violation" as a result of the accident before a test will be directed.
4. Reasonable suspicion. All drivers that exhibit signs and / or symptoms of alcohol and / or controlled substance use or misuse, which are observed by a trained company supervisor, while performing safety sensitive functions or just before or just after performing safety sensitive functions will be required to submit to an alcohol and / or controlled substance test.
5. Return to work. A driver who previously tested positive for alcohol and / or controlled substance, must submit to a return to duty alcohol and / or controlled substance test, the result must be negative to be enabled to return to duty.
6. Follow-up. A driver who previously tested positive and has returned to duty must submit to at least six (6) alcohol and / or controlled substance tests during the first twelve months after retuning to work, if the Substance Abuse Professional determines that the driver has an alcohol or substance abuse problem, follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work. Any follow-up tests will be at the direction of the Substance Abuse Professional.

### **Testing Procedures:**

The Town of Amherst has contracted with Occupational Health Center of Southern New Hampshire to do the alcohol testing and collection of the urine specimen(s) for controlled substance testing.

Once a driver has been directed to submit to an alcohol and / or controlled substance test, he / she will proceed immediately to the testing area. Drivers must comply with the lawful request of the technician doing the alcohol and / or controlled substance test.

The selected driver will be required to provide a urine specimen for controlled substance testing and / or a breath or saliva sample for analysis of alcohol concentration.

The driver will be required to provide photo identification prior to testing. Privacy will be ensured at the facility by means of voiding in a private enclosure. A split sample will be procured and both samples will be sent to the lab.

Proper chain of custody procedures will be followed to ensure that the specimen submitted is indeed the specimen that belongs to the selected driver. The specimen will be sealed to prevent tampering during transport to the laboratory. Federal certified laboratories will be utilized for testing (drugs) and two separate methodologies will be performed to verify all specimens as positive prior to controlled substances reporting to the Medical Review Officer (MRO).

The MRO is a licensed physician that reviews all test results prior to reporting to the company. Should the specimen test positive, the MRO will contact the driver to discuss the test findings and afford the driver an opportunity to discuss his / her test results and any factors that could have attributed to the positive test. Should the driver question the test findings, the driver can request that the split sample be forwarded to another certified laboratory for re-analysis.

All test results are treated confidentially and no results will be released to outside parties without the drivers express consent or when required by law, rule or regulation or expressly authorized.

All testing for alcohol use or misuse will be conducted only by devices which have been approved by the National Highway Traffic Administration and conducted by trained Breath Alcohol Technician (BATs) or trained Screening Test Technicians.

**Requirements that drivers must submit to tests:**

All drivers who are required by the Federal Motor Carrier Safety Regulations and this policy are to be subjected to alcohol and / or controlled substances tests must fulfill that requirement when so directed to the Alcohol / Drug Testing Program Administrator or trained supervisor. Failure to comply with the regulations of this policy will be grounds for disciplinary action up to and including dismissal.

Refusal to test:

The following circumstances will be construed as refusing to submit to an alcohol and / or controlled substance test:

1. Fails to give an adequate sample of breath for an alcohol test without a valid medical evaluation.
2. Fails to provide adequate urine sample for a controlled substance test without a genuine inability to provide a specimen, as determined by medical evaluation.
3. Engages in conduct that clearly obstructs the testing procedures.

**Disciplinary action:**

Any driver who violates either the Federal Motor Safety Regulations or this policy may be subject to disciplinary action up to and including dismissal.

**First violation offense:**

Two weeks suspension without pay, administered by the Town Administrator, starting the day the Program Administrator is advised of the positive findings for alcohol and / or substance abuse findings. Vacation time, personal days, and sick days may not be used during the time of suspension.

**Second violation offense:**

Termination of employment administered by the Town Administrator, as of the day the Program Administrator is able to confirm the positive findings for alcohol and / or substance abuse. Drivers who are found to have any alcohol concentration of 0.02 or greater but less than 0.04 will be taken out-of-duty for a minimum of twenty-four (24) hours. It is the Town of Amhersts policy that such time out-of-duty will be without pay.

**Information:**

The Town of Amherst will provide each driver subject to the Federal Motor Carrier Safety Regulations a copy of this policy. In addition, the Town of Amherst will provide printed material which describes the effects of alcohol and / or controlled substances use or abuse on the individuals health, work and personal life, as well as, information on the signs and symptoms of an alcohol or controlled

## **800 Life-Threatening Illnesses in the Workplace**

Effective Date: 9/27/2004

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The Town of Amherst supports these endeavors as long as employees are able to meet acceptable performance standards. Medical information on individual employees is treated confidentially. The Town of Amherst will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Emergency Medical Services Director or the Town of Amherst's Employee Assistance Program for information and referral to appropriate services and resources.

## **806 Suggestion Program**

Effective Date: 9/27/2004

As employees of the Town of Amherst, you have the opportunity to contribute to our future success and growth by submitting suggestions for practical work-improvement or cost-savings ideas.

All regular employees are eligible to participate in the suggestion program.

A suggestion is an idea that will benefit the Town of Amherst by solving a problem, reducing costs, improving operations or procedures, enhancing customer service, eliminating waste or spoilage, or making the Town of Amherst a better or safer place to work. Statements of problems without accompanying solutions, or recommendations concerning co-workers and management are not appropriate suggestions.

All suggestions should contain a description of the problem or condition to be improved, a detailed explanation of the solution or improvement, and the reasons why it should be implemented. If you have questions or need advice about your idea, contact your supervisor for help.

Submit suggestions to the Town Administrator and, after review, they will be forwarded to the Board of Selectmen. As soon as possible, you will be notified of the adoption or rejection of your suggestion. Special recognition may be given to employees who submit a suggestion that is implemented.