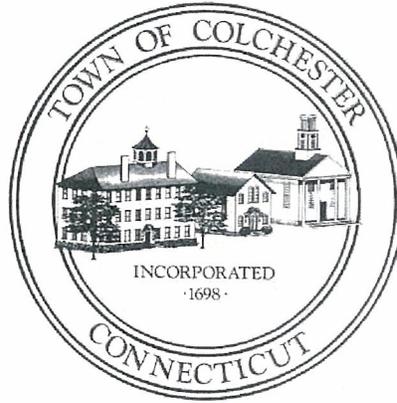


# TOWN OF COLCHESTER



## EMPLOYEE HANDBOOK & PERSONNEL POLICIES

Adopted – 01/13/14

## **NOTICE AND DISCLAIMER OF CONTRACT**

Nothing in this document is intended to create or constitute an expressed or implied contract of employment between the Town of Colchester and any of its present or future employees. The provisions of this document may be revoked or modified at any time by the Town of Colchester, in its absolute discretion.

The Town of Colchester will not recognize or be bound by any contract of employment with any employee or group of employees unless such contract is in writing and is authorized by the Board of Selectmen and signed by both the First Selectman and the employee or the certified collective bargaining representative for a group of employees.

Employment with the Town of Colchester is subject to termination, at will, by either the Town of Colchester or the employee, at any time, for any reason, with or without cause, unless otherwise agreed in writing by the First Selectman and the employee or the certified bargaining representative for a group of employees or as otherwise provided by state or local law. Both you and the Town of Colchester have the right to terminate employment at any time, for any reason, with or without cause, and with or without notice. Should any provision of these policies conflict with any provision of a collective bargaining agreement between the Town of Colchester and the certified bargaining representative for a group of employees, the provision of the collective bargaining agreement shall prevail for the members of that bargaining unit.

### **I. INTRODUCTION**

#### **History**

The Town of Colchester, Connecticut was founded in 1698 at a point just north of the present Town Green at Jeremiah's Farm on land purchased by Nathaniel Foote from the Sachem of the Mohegan Indians. Colchester was the vision of a group of early English settlers who sought to lay out a new plantation in a large tract of virgin wilderness. In the early 1900's Colchester became the "Catskills of Connecticut". At least seven major hotels thrived. The tourist industry boomed throughout the 1930s. In the last fifty years the beach traffic brought many through Colchester. The Route 2 bypass of the town was completed in the 1960s. But for those who did not just pass through, Colchester's dedication to the public school system, its acceptance of all peoples and its quality of life increased its population to 7,761 by 1980. In 2005 it was ranked 57th on the "100 Best Places to Live" in all of the United States, conducted by CNN. In 2010 Colchester became the first town in Connecticut, and the 36th in the country, to be certified with the National Wildlife Federation (NWF) as a Community Wildlife Habitat. Colchester is one of the fastest growing towns in Connecticut. As of 2012, over 300 years after the settling of Colchester, the population has grown to more than 16,000.

From an employment standpoint, the Town of Colchester strives to maintain a creative, open, spirited, and confident atmosphere in which employees can strive for self-fulfillment and career advancement.

### **Purpose of Your Employee Handbook**

This employee handbook is intended to serve as a practical guide to the Town of Colchester's personnel policies and practices. However, since it is only a summary, compiled for the convenience of our employees and supervisors, it is not intended to cover all topics or circumstances. The Town of Colchester reserves the right to modify, revise, delete, or add to any and all programs, practices or procedures described in this handbook at any time, with or without advance notice, and in the Town's sole discretion. You may receive updated information concerning changes to this handbook. The First Selectman's Office will forward any documents to the appropriate people when necessary. Should you have any questions about any section of this handbook, ask your supervisor or the Human Resources office. Until noted otherwise, for the purposes of this policy, the "Human Resources Office" shall mean the First Selectman's Office. We reserve the right to respond to specific situations in whatever manner we believe best suits the needs of the Town of Colchester and the employee involved. Where there are differences between the provisions of these policies and other written and approved employment related policies, or in collective bargaining agreements to which the Town of Colchester is a party, policies and collective bargaining agreements shall take precedence.

### **Affirmative Action / Equal Employment Opportunity**

The Town is an equal opportunity employer, dedicated to a policy of nondiscrimination in employment on any basis prohibited by law. The Town considers applicants for all positions without regard to race, color, religion, gender, national origin, age, disability, marital status, veteran status, sexual orientation, genetic information, gender identity/expression or any other legally protected status, and is committed to providing equal opportunities in terms of its recruiting and hiring practices. The Town is also committed to providing equal opportunities to its employees in all of its employment practices, including but not limited to compensation, training, transfers and promotions, and in the provision of all of its employee benefit programs.

The Town further applies affirmative action to employ and advance in employment employees and applicants for employment who are qualified females, minorities, individuals with disabilities or individuals who are qualified veterans. In furtherance of the Town's policy regarding Affirmative Action and Equal Employment Opportunity, the Town will maintain a written Affirmative Action program which sets forth the policies, practices and procedures which the Town has committed to applying in order to ensure that its policy of non-discrimination and affirmative action for qualified females, minorities, individuals with disabilities and veterans is accomplished. The objective of

these policies and programs is to attract and promote individuals who are qualified and/or trainable for available positions by virtue of job related standards or education, training and personal qualifications.

This policy has the full backing and support of the First Selectman and the Board of Selectmen. The cooperation and support of all employees is expected. Overall responsibility for directing and implementing this policy has been assigned to the First Selectman, who serves as the Affirmative Action Officer and Equal Employment Opportunity Coordinator. In this capacity, the First Selectman shall, among other things, annually review and examine the effectiveness of the Town's affirmative action program and its compliance with applicable affirmative action and anti-discrimination laws.

Employees and applicants shall not be subjected to harassment, intimidation, threats, coercion or discrimination because they have engaged in or may engage in any of the following activities: (1) filing a complaint; (2) assisting or participating in an investigation, compliance evaluation, hearing, or any other activity related to the administration of any affirmative action or anti-discrimination laws; (3) opposing any act or practice made unlawful by any affirmative action or anti-discrimination laws.

### **Workplace Harassment and Discrimination**

The Town will not tolerate verbal, physical, or electronic conduct by any employee that discriminates against any co-workers, visitors, or others associated with the Town, on the basis of any legally protected status, or which harasses, disrupts or interferes with another's work performance or which creates an intimidating, offensive or hostile working environment.

Discrimination or harassment can take many forms. It may be, but is not limited to: words, conduct, adverse job action, signs, jokes, pranks, intimidation, physical contact, or violence. While all forms of discrimination and harassment based on an employee's legally protected status are prohibited, including but not limited to any adverse job action or intimidation based on race, color, age, religion, gender, national origin, disability status, marital status, veteran status, genetic information, gender identity/expression or sexual orientation, it is the Town's policy to emphasize that sexual harassment is illegal and prohibited by both state and federal law. Specifically, it is contrary to the Town's policies for any employee to sexually harass another employee by:

A. Making unwelcome sexual conduct or requests for sexual favors a condition of an employee's continued employment; or

B. Using an employee's submission or rejection of such conduct as the basis for making employment decisions (e.g., promotions, raises); or

C. Creating a work environment in which conduct of a sexual nature substantially interferes with an individual's work performance or creates an atmosphere intimidating, hostile or offensive to employees.

Although not an inclusive list, the following are examples of the type of conduct prohibited by the policy against sexual harassment:

A. Unwelcome sexual advances, propositions or flirtations;

B. Unwelcome attention of a sexual nature such as degrading comments, suggestive or lewd remarks, propositions, jokes, tricks or noises;

C. Unwanted hugs, touches, kisses or requests for sexual favors;

D. The threat or suggestion that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit to or tolerate harassment;

E. Retaliation for complaining about sexual harassment.

All employees are further advised that sexually explicit or sexually offensive material has no place within the Town's facilities. Such material may not be posted, displayed, or even possessed within the facility. Possession of such material, even if it is not posted or publicly displayed, will be considered a violation of Town policy and will subject the individual to disciplinary action.

Any employee who believes that the actions or words of a supervisor or fellow employee or any outside party in the workplace constitute unwelcome harassment or unlawful discrimination has a responsibility to report such conduct or immediately complain to his/her immediate supervisor should his/her direct requests that the conduct cease be ignored. If an employee is uncomfortable raising his/her complaint with someone to whom s/he reports, or if the complaint involves someone in his/her direct line of command, then that employee should bring a complaint to the First Selectman or any employee in the Human Resources Office (or, if necessary, to any other managerial representative of the Town).

Confidentiality at the time of reporting the incident will be preserved to the maximum extent possible. However, all allegations of unlawful harassment and discrimination must be investigated promptly. In this regard, the reporting employee, the alleged harasser or discriminator and any other employees aware of the incident are expected to treat this information in a confidential manner.

The Town will take prompt action upon the receipt of a complaint of unlawful harassment or discrimination. Any employee determined to have committed unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Moreover, any individual who makes unwelcome advances, threatens or in any way discriminates or harasses another employee based on a legally protected status may be personally liable for monetary damages for such actions and their consequences.

The Town will not tolerate the taking of any reprisal against an employee who, in good faith, files a complaint of unlawful harassment or discrimination.

### **Reasonable Accommodations**

The Town will provide reasonable accommodations to a qualified individual with a disability, as defined under applicable law, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town. Applicants or employees with a disability who believe that they need a reasonable accommodation to perform the essential functions of their job should contact their supervisor and/or the First Selectman.

On receipt of an accommodation request, the Town will review potential reasonable accommodation(s) that the Town may be able to make to enable employees to perform the essential functions of their job. As part of this process, an applicant or employee may be required to provide authorization to the Town to communicate with and obtain documentation from his or her doctor regarding the medical condition(s) for which reasonable accommodation is sought, and may further be required to be evaluated by a doctor of the Town's choice. All such medical information discussed and received will be treated as confidential to the extent required and permissible by law.

### **Reporting Legal / Ethical Violations**

It is the philosophy of the Town of Colchester that every employee has the responsibility to take action to prevent problems and improve our operation. If employees observe possible unethical or illegal conduct, they are encouraged to report their concerns.

Employees and others may communicate suspected violations of law, policy, or other wrongdoing, as well as any concerns regarding questionable accounting or auditing matters (including deficiencies in internal controls) by contacting their supervisor, Human Resources, or the First Selectman.

We will treat all communications under this policy in a confidential manner, except to the extent necessary to conduct a complete and fair investigation, or for review of operations. All inquiries will be subject to Freedom of Information Act (FOIA) guidelines and regulations.

The Town prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation.

### **Workplace Threats and Violence**

The Town of Colchester regards the safety and security of its employees as critical. There is a zero tolerance policy towards any threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by employees on Town of Colchester property or in relation to employment with the Town. Violations of this policy will lead to disciplinary action up to and including dismissal. Depending on the severity of the violation of this policy, the Town reserves the right to seek the arrest and possible prosecution of the employee.

Any employee who threatens another employee (for example: harassment, intimidation, displaying a weapon, etc.), or engages in violent acts on Town property shall be removed from the premises as quickly as safety permits, and shall remain off Town premises pending the outcome of an investigation. The Town will initiate an appropriate response. This response may include, but not be limited to: reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the employee or employees involved.

All Town of Colchester personnel are responsible for notifying the management representative designated below of any threats, which they have witnessed, received, or have been told that another employee has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a Town-controlled site, or is connected to employment with the Town. Employees are responsible for making this report regardless of the relationship between the employee or persons who initiated the threat or threatening behavior and the employee or persons who were threatened or were the focus of the threatening behavior. If the designated management representative is not available, personnel should report the threat to their supervisor (or that individual's supervisor if the threat is made by the supervisor).

All individuals who apply for or obtain a protective or restraining order which lists Town locations as being protected areas, must provide to the designated management representative a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

The Town of Colchester understands the sensitivity of the information requested and has developed confidentiality procedures, which recognize and respect the privacy of the reporting employee(s).

The designated management representative is:

Title: First Selectman  
Telephone: 537-7220  
Location: Selectman's Office, Town Hall

### **Release of Employee Information**

Employee personnel files and records are subject to the Freedom of Information Act (FOIA) and may be requested for viewing from outside individuals, organizations, and agencies. Health Insurance Portability and Accountability Act (HIPAA) guidelines take precedent over FOIA regulations with regards to employee information being available and therefore personal medical records are not subject to FOIA requests.

### **Conflict of Interest**

Employees have an obligation to conduct business within Town policies that prohibit actual or potential conflicts of interest. This section establishes only the framework within which the Town of Colchester wishes to operate. The purpose of these policies is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. All employees are bound by the Town of Colchester's Code of Ethics.

An actual or potential conflict of interest occurs when an employee is in a position to influence a work-related decision that may result in a personal gain for that employee or for a relative. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which The Town does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the Town.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if an employee has any influence on transactions involving purchases, contracts, leases, etc., he or she must disclose the existence of any actual or potential conflict of interest as soon as possible to a manager so that safeguards can be established to protect all parties.

Employees must not engage in any other employment or self-employment, or providing services to others, with or without compensation, during normal working hours.

## **II. YOUR JOB**

### **Employment Classification**

An employee's classification is determined based upon the employee's regular hourly workweek with the Town of Colchester. While it does not alter the at-will nature of

employment with the Town, an employee's classification is significant, as it determines what Town-provided benefits, if any, an employee is eligible to receive.

The employment classifications for employees working for the Town of Colchester are as follows:

**A. Regular.** A regular employee is hired for "continuous" work and not hired to fulfill duties on a temporary or short-term basis.

**B. Temporary.** A temporary employee is one who provides services to the Town of Colchester on an "as-needed," intermittent or seasonal basis. Temporary employees are not eligible for any benefits offered by the Town of Colchester.

**C. Full-time.** A full-time employee is one who a minimum of thirty-five (35) hours per week. Full-time employees who meet all other qualifications required by the Town and/or its benefits provider(s), are eligible for all of the employee benefits offered by the Town, such as group insurance, holidays, vacation, sick leave, leaves of absence, and other benefits as set forth in this handbook.

**D. Part-time.** A part-time employee is one who is normally scheduled to work less than thirty-five (35) hours per week on a regular basis. Part-time employees are paid on an hourly or daily salary basis. There are two (2) different part-time classifications:

1. Part-time employees are regularly scheduled to work a minimum of thirty (30) hours per week and who meet all other qualifications required by the Town are eligible to earn vacation, holidays, sick leave, longevity, and insurance benefits and to participate in our 401(a) plan on a prorated basis as set forth in these personnel policies. Employees who consistently work a minimum of thirty (30) hours per week also receive the long-term disability benefit and may participate in the Town's Deferred Compensation 457 Plan as set forth in these personnel policies.

2. Part-time employees who consistently work less than thirty (30) hours per week are not entitled to any fringe benefits offered by the Town, unless otherwise explicitly provided in this handbook and personnel policies.

**E. Probationary.** During the first three months of any full-time or part-time employee's employment with the Town of Colchester, the employee will be considered a probationary employee. Probationary employees are not eligible for any benefits offered by the Town of Colchester. Sick leave, personal leave and vacation will accrue, but cannot be used, during this period.

**F. Elected Official.** An elected official is one who has been duly elected by the residents of the Town of Colchester or appointed to fill a vacancy and is otherwise considered a "full-time" employee as defined in this section. The elected officials that this policy pertains to are solely the First Selectman, Town Clerk, and Tax Collector.

Elected officials are not subject to the three (3) month probationary period upon election or appointment. Elected officials are eligible for all of the employee benefits offered by the Town, such as group insurance, vacation, holidays, sick leave, leaves of absence, and other benefits as set forth in these personnel policies effective the first day of the month immediately following their election or appointment. Benefits provided to paid, full-time elected officials are to be determined by the Town of Colchester's Board of Selectmen and may be expanded or decreased as is deemed in the best interest of the Town.

**G. Exempt And Non-Exempt Status.** Consistent with applicable federal and state wage and hour laws, employee classifications fall into one of two categories: "exempt" or "non-exempt." These terms are defined by the Fair Labor Standards Act, which is a federal law requiring that certain employees be paid at least the minimum wage and overtime for hours worked over 40 hours a week. However, the law provides that some employees are "exempt" from this requirement, and therefore do not have to be paid a specific hourly wage or overtime. You will be advised whether your position is an exempt or non-exempt position.

**Exempt:** Exempt employees do not have any limits on the hours that may be worked in a given work or pay period. They are expected to work the hours needed to accomplish their job responsibilities without receiving extra pay for overtime worked.

**Non-Exempt:** Non-exempt employees are paid an hourly rate and are eligible for overtime pay at the rate of 1 ½ times their regular hourly rate of pay for hours worked in excess of 40 hours per work week.

## **Employee Hiring and Dismissal**

### **Purpose**

The Town of Colchester Charter, Article IV The Board of Selectmen, § C-402, C. "The appointment and dismissal of all Town employees shall be administered by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government."

The Town of Colchester Charter, Article XIII Town Employees and Appointed Officials, § C-1301 "The appointment and dismissal of all Town employees, except those who are elected or are under the jurisdiction of the Board of Police Commissioners, shall be made by the Board of Selectmen, but the Board of Selectmen may delegate such authority as is deemed necessary for the sound administration of Town government. All appointments shall be made on the basis of merit and after examination of qualifications. The Board of Selectmen shall neither appoint nor dismiss Town employees associated with fire protection services except as recommended by the Fire Chief. Before the appointment or

dismissal of any Town employee, the Board of Selectmen shall consult with the board, department or individual to whom the services of such employee are to be or have been rendered.”

The purpose of this policy is to specify the Board of Selectmen’s delegation of authority for the hiring and dismissal of Town employees and joint Town/Board of Education (BOE) employees as it pertains to the language of the Town of Colchester charter.

### **Town Employee Hiring and Dismissal**

The First Selectman shall hire and dismiss employees of the town, with the exception of employees whose employment is otherwise provided by law (i.e. elected officials), and department heads. For the purposes of this policy, department heads are: Assessor, Building Official, CHFD Chief, Cragin Memorial Library Director, Public Works Director, Recreation Manager, Senior Center Director, Town Engineer, Town Planner/Planning Director, and Youth & Social Services Director.

The Board of Selectmen shall be given notice of all full-time and part-time employees who are hired or dismissed by the First Selectman prior to the next Board of Selectmen meeting immediately following the hire or dismissal. This notification requirement to the Board of Selectmen shall not apply to per-diem or temporary/seasonal employee hiring or dismissal actions.

At either of its next two meetings following such hiring or dismissal notification to an employee, the Board of Selectmen, by a majority vote, may request a review of the decision to hire or dismiss and confirm or reverse the decision of the First Selectman. The authority to hire and dismiss department heads and employees whose employment is otherwise provided by law rests solely with the Board of Selectmen.

### **Joint Town/Board of Education Employee Hiring and Dismissal**

Joint Town/Board of Education employees, including department heads serving as joint employees, may be hired or dismissed following the approval of the Board of Selectmen and Board of Education by majority vote or by the BOE designee. The Chief Financial Officer’s hiring and dismissal shall be processed per the Town of Colchester Charter.

## **Termination of Employment**

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 employer.

Layoff: involuntary employment termination initiated by the employer that is generally not for disciplinary reasons.

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.

## **Notice**

We hope that you will remain with the Town; however, should you decide to resign, we request that you provide two weeks advance notice to your supervisor (in writing).

## **Return of Equipment/Supplies**

Prior to the end of the last day of work the employee must return all Town equipment and property to his/her supervisor. This includes, but is not limited to, the return of all uniforms, credit cards, badges, and keys. Terminating employees are required to settle any outstanding debts prior to the last day of employment.

## **Benefits Continuation (COBRA)**

Federal law may allow employees and their dependents who are covered by our health insurance program to temporarily continue that coverage following certain qualifying events (such as termination of employment), when health coverage would otherwise end.

## **Employee Relations**

We have an open door policy. There may be times when you will have a constructive suggestion or a complaint to make. There also may be times when a difference of opinion will arise between you and another employee or your supervisor. We encourage you to bring any questions, suggestions, and complaints to our attention. We will give careful consideration to each of these in our continuing effort to improve our operations.

We are committed to open and honest discussion of employee problems and concerns raised in good faith without fear of retaliation. The best way to clarify a misunderstanding, solve a problem, or resolve a difference of opinion is to discuss the matter directly with the other person(s). If the matter goes unresolved, we believe that the following procedure will ensure that complaints receive full consideration. Should an unsatisfactory situation arise concerning the terms and conditions of your employment, it is important that you bring it to the attention of the appropriate person according to the following procedure:

Step 1 - Talk to your supervisor within 15 working days of event. It is your supervisor's responsibility to ensure that any complaint received is given prompt attention.

Step 2 - In the event you feel the problem remains unresolved after discussing it with your supervisor, (or if your issue directly involves your supervisor), you are encouraged to meet with the Department Head within 15 working days of event or non-resolution. The Department Head has 15 working days to respond to employee.

Step 3 - If you still feel that your problem/complaint remains unresolved, you may request a meeting with the First Selectman within 15 working days of non-resolution and First Selectman has 15 working days to respond to the employee.

### **Performance Appraisal**

Ongoing communication between employees and supervisors to establish goals, clarify job accountabilities, and determine performance standards is the key to effectively managing performance, ensuring that employees have the tools to be successful in their jobs and ultimately ensuring the success of the Town. The performance management and appraisal process provides an ongoing means of communication between supervisors and employees resulting in an annual written performance appraisal. Appraisals are prepared based on the performance activities of the past year.

Performance appraisals will include a summary of the employee's performance that is measured against job accountabilities description, performance standards and specific goals, and objectives during the performance period. The appraisal will also be used to create goals and career development objectives for the new performance period.

Your job performance and your ability to comply with policies and practices directly affect your career advancement, your pay, and your continued employment.

## **Development Opportunities**

The Town of Colchester is committed to providing employees opportunities for individual growth and development in their jobs. You should accept the challenge to grow and develop in your job. The Town will provide you with the opportunity for training, future growth, and career development. By the same token, it is expected that employees will take an active approach in self-improvement by seeking out educational and training opportunities, with the approval of their department head.

## **Attendance**

You are important to our success, and each job is important to the smooth operation of our Town. Reporting to work on time, continuing to work until the end of the workday, and being at work on a regular and consistent basis is expected of each employee. Your attendance and punctuality record directly affects your performance evaluations, your opportunities for advancement and your continued employment.

The Town does not tolerate unexcused absences. An excused absence means that you have requested and received your supervisor's permission to be absent for a certain day. An "unexcused absence" is defined as all other absences when your supervisor has not approved the time off or where you have failed to make appropriate attempts to contact your supervisor. With the exception of extenuating circumstances, more than three unexcused absences in a year will result in discipline up to and including discharge. Consecutive absences may be treated as one incident.

If you are absent from work for three (3) consecutive work days and fail to properly call in to your supervisor, you will be considered to have abandoned your job and may be subject to termination.

If it should become necessary for you to be late or absent, you are required to inform your supervisor as soon as possible. Speak directly with your supervisor. It is also expected that you will notify your supervisor in advance to request time off unless it is a case of illness or unexpected emergency situation. Calling in to say that you are taking vacation time or time off for some other reason that could have been scheduled in advance is not acceptable.

Even if reported and excused, absenteeism and tardiness that becomes excessive places a heavy burden on other employees. What is "excessive absenteeism"? Employees are provided with vacation, personal, and sick time. Absences in excess of this time are considered excessive – such situations will be addressed by disciplinary action and possibly termination of employment. However, excessive absenteeism does not include approved and documented leaves of absence, jury duty, military duty, approved and scheduled vacation time, or bereavement leave taken within Town

guidelines. Excessive absenteeism will result in discipline up to and including discharge.

Tardiness is not acceptable. Excessive tardiness is subject to disciplinary action.

### **Lunch and Breaks**

Lunch times and length of lunch periods are to be determined by department management, in accordance with applicable labor laws. You may not forego your lunch period in order to shorten your workday, unless authorized by your supervisor. Employees are expected to work up to the start of the lunch period and be at their workstations ready to work at the end of the lunch period.

### **Personnel Records**

Each employee is responsible for updating personnel information with the Human Resources Office, in writing, when there is a change in the employee's address, telephone number, marital status, emergency contact, or number and names of dependents.

Tax information must be kept current. W-4 forms are available in the Human Resources Office throughout the year.

A personnel file will be maintained by the Human Resources Office on each employee of the Town of Colchester and may contain any or all of the following items:

1. Employment application, resume, letters of reference;
2. Correspondence and agreements regarding employment with the Town of Colchester;
3. Copies of any evaluations;
4. Requests for vacation, leave, personal days and all other authorized absences;
5. Copies of all correspondence or other records relating to employment, promotion, discipline, dismissal or resignation;
6. Authorizations for withholding monies from pay for any lawful purpose;
7. Authorizations for pay changes signed by the First Selectman.

All records maintained by the Human Resources Office are the property of the Town of Colchester and subject to the State's Record Retention Requirements, and the requirements of the Connecticut Freedom of Information Act. Employees may view their personnel files at mutually agreeable times. When reviewed, personnel files may not be taken from the Human Resources Office and must be reviewed with the supervision of an employee of the Human Resources Office.

### **III. YOUR PAY AND BENEFITS**

#### **Your Paycheck**

All employees are paid on a bi-weekly basis. All required deductions for federal, state or local taxes, and all authorized voluntary deductions such as health or dental plans, 401(a), 457, etc. are withheld from your paycheck. All paychecks will be directly deposited into your personal checking or savings account(s).

#### **Non-exempt Employee Pay**

If you are classified as a non-exempt employee, you must maintain a record of the total hours you work each day. These hours must be accurately recorded on a time card that will be provided to you by your supervisor. Your time card must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures, and meal breaks. Any absences will be verified by the employee and their supervisor and coded properly on the time card for payroll and record keeping purposes.

You should not work any hours that are not authorized by your supervisor. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless you are authorized to do so and that time is recorded on your time card. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

It is a violation of the Town's policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of Town policy for any employee or supervisor to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any supervisor or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, or (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, you should report it immediately to the Human Resources Office.

#### **Exempt Employee Pay**

If you are classified as an exempt salaried employee, with work hours specified in the relevant job description, you will receive a salary that is intended to compensate you for all hours you may work for the Town. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Exempt employees must complete a bi-weekly time card and is are responsible for maintaining a record of time off taken due to vacation, illness, bereavement, etc.

Your wages may be reduced for certain types of deductions such as your portion of the insurance premiums; state, federal or local taxes; social security; or, voluntary contributions to a 401(a) and/or 457 plan.

### **Reporting Paycheck Concerns**

If you believe you have been subject to any improper deductions or your pay does not accurately reflect your hours worked, you should immediately report the matter to Payroll. If Payroll is unavailable, you should immediately contact the Human Resources Office.

In the event that your paycheck is lost or stolen, please notify your supervisor immediately or the Payroll Department.

### **Overtime**

Non-exempt employees will be paid at the rate of time and one-half their regular hourly rate of pay for all hours worked in excess of forty (40) hours in a workweek. For the purpose of calculating overtime, hours not worked but credited to an eligible, non-exempt employee include: holidays, paid sick leave, and vacation days. All overtime work must be authorized in advance by the employee's supervisor.

### **Benefits**

The Town of Colchester provides the following benefits to full-time employees, as defined in these personnel policies. The Town of Colchester also provides pro-rated benefits as well as others as outlined in this policy to employees who work no less than 30 hours per week, excluding health insurance. The Town of Colchester reserves the right to modify or eliminate any benefits from time to time in its sole discretion, and with prior notice to employees. The Town will provide such notice of benefit changes as is practical at the time of the change. Should any statement contained herein conflict with the terms of any actual benefit plan or contract, including any individual employment contract, the terms of such plan or contract shall prevail.

## Holidays

Full-time employees and part-time employees regularly scheduled to work at least thirty (30) hours per week shall observe the following holidays off with pay annually:

1. ½ Day New Year's Eve
2. New Year's Day
3. Martin Luther King, Jr. Day
4. Presidents' Birthday
5. Good Friday
6. Memorial Day
7. Independence Day
8. Labor Day
9. Columbus Day
10. Thanksgiving Day
11. Day After Thanksgiving
12. Veterans' Day
13. ½ Day Christmas Eve
14. Christmas Day
15. One (1) Floating Holiday

Employees eligible for holidays off with pay shall be paid for the hours they were regularly scheduled to work on a work day. Eligible employees must work their full schedule on the first regularly scheduled work day immediately prior to the holiday and on the first regularly scheduled workday immediately following the holiday, or be on an approved paid leave of absence.

For the purpose of calculating overtime, hours credited to an eligible full-time employee for holiday pay will be considered as hours worked. If a holiday falls on a Saturday or Sunday it will be observed on the preceding Friday or the following Monday, at the sole discretion of the Town.

## Vacations

All regular employees who work at least 30 hours per week will receive their vacation time on January 1st of each year, based on the prior year's accrual. Employees will accrue vacation days based on completed years of service as follows:

<u>Years of Completed, Continuous Full-Time Employment</u>	<u>Annual Vacation</u>
0 – less than six months	0 days
6 mos – 1 yr	3 days
1 year	10 days
2 years	11 days
3 years	12 days
4 years	13 days
5 years	15 days
6 years	16 days
7 years	17 days
8 years	18 days
9 years	19 days
10 years	20 days
More than 10 years	20 days

Part-time employees who are regularly scheduled to work at least thirty (30) hours per week shall earn vacation on a pro-rated basis, but such employees shall, in no case, be entitled to more than two (2) weeks of vacation per year.

Full-time employees do not accrue or earn vacation benefits during unpaid leaves of absence when the leave lasts longer than 30 days. In such a situation, the unpaid leave of absence will be deducted from the employee's total continuous years of service for the purpose of determining vacation entitlement.

In the event a paid Town holiday falls within an employee's scheduled vacation period, that holiday will not count as an employee vacation day.

Employees who request vacation time must complete a Time-Off Request Form (available in the Human Resources Office). Vacation time must be pre-approved by the employee's immediate supervisor. Normally, individual vacation days will be requested

three or more days in advance. In case of emergency or unusual circumstances, less notice may be given for vacation request.

Any employee may take vacation days in conjunction with personal leave days, holidays or sick leave.

Assignment of vacation time off will be based on the operational needs of the Town.

Employees may carry over no more than one year's worth of allotted vacation leave. Carryover of more than one's annual vacation allotment per year must be approved by the employee's supervisor and the First Selectman.

Upon termination or retirement, each employee will be paid for accrued vacation at his/her current base rate of pay.

The First Selectman can grant newly-hired employees more vacation, than the above table allots, at his/her discretion, with the consent of the Board of Selectmen.

Joint Town/Board of Education employees' vacation time is accounted for on a fiscal year basis.

### **Medical and Dental Insurance**

All full-time employees may elect to receive group insurance coverage provided by the Town for their employee group. Whenever the Town changes the group insurance plans or contributions, employees of the affected group shall be given written notification of such change. Detailed descriptions of the group insurance plans are available at the Human Resources Office.

The benefit choices you make during the annual open enrollment period take effect July 1 and remain in effect until June 30 each year. After July 1, you may only make changes to your benefits if you notify Human Resources within 30 days of a qualifying event. A qualifying event is a change in an employee's or dependent's status that results in a gain or loss of coverage or coverage options. The election change must be consistent with the change in status.

The Town may change insurance carriers or modify the insurance policies described in this section at any time in its sole discretion and with prior notice to employees. The Town will provide such notice of benefit changes as is practical at the time of the change.

The Town currently maintains a plan under Section 125 of the Internal Revenue Code for the purpose of permitting employees to make their premium contributions on a pre-tax basis, to the extent provided by law.

## **Long-Term Disability (LTD)**

A regular employee who works a minimum of 30 hours per week who is disabled for a period of 90 days due to an accident or sickness that is not compensable under the Worker's Compensation Act and who has exhausted all of his/her paid leave benefits shall be eligible for weekly accident/sickness disability insurance payments up to sixty percent (60%) of his/her base rate at the time of disability, to a maximum of two thousand dollars (\$2,000) per month until age 65.

Joint Town/Board of Education employees shall be eligible for weekly accident/sickness disability insurance payments up to sixty percent (60%) of his/her base rate at the time of disability, to a maximum of six thousand dollars (\$6,000) per month until age 65.

## **401(a) Plan**

Employees who are regularly scheduled to work at least thirty-five (35) hours per week, have the option to participate in a Section 401(a) Plan after the end of his/her probationary period. For those who choose to participate, the Town and the employee will each contribute 6% of base pay (not including overtime, longevity, etc.) beginning on the employee's first day after the probationary period concludes. Employee contributions will be made on a pre-tax basis. The combined contribution by the Town and the Employee will not exceed the maximum allowed by law per year. Employees can voluntarily contribute more than the maximum percentages quoted above on an after tax-basis subject to annual limits allowed by law including pre-tax employer and employee contributions.

For those employees who chose not to participate in the Section 401(a) Plan, the employee will not receive any matching contribution from the Town.

Part-time employees who are regularly scheduled to work at least thirty (30) hours per week are eligible to participate in a Section 401(a) Plan after the end of his/her probationary period. The Town and the employee will each contribute 3% of base pay (not including overtime, longevity, etc.) beginning on the employee's first day after the probationary period concludes. Rules regulating full-time employees with regards to this plan shall govern part-time employees as well. Employees that are eligible to participate in the Town's 401(a) Plan are subject to a five (5)-year vesting period, whereby the employee attains twenty percent (20%) rights to the Town's contributions each year to a total of one hundred percent (100%) at the completion of five (5) years of employment with the Town.

All employees hired prior to the adoption of this policy are considered 100% vested.

## **457 Deferred Compensation Plan**

All full and part-time employees have the option of contributing to the Town's Section 457 Plan after their probationary period concludes. The Town will not make matching contributions to the 457 Plan.

## **Life Insurance**

All regular, full-time, non-exempt employees who work at least thirty-five (35) hours per week are provided group life insurance in the amount.

Full-time, exempt employees are provided group life insurance in the amount of \$60,000.

Part-time employees working at least thirty hours per week are provided group life insurance in the amount of ten thousand dollars (\$10,000).

Joint Town/Board of Education employees are provided group life insurance in the amount of their annual base salary.

Other life insurance amounts than the amounts listed here may be dictated by union contract.

## **Longevity Bonus**

Employees hired on the date of or after the adoption of this handbook and personnel policy manual are not eligible for longevity bonuses.

Full-time employees of the Town of Colchester, who have completed five (5) years of continuous, full-time employment with the Town, are eligible for the following yearly longevity bonus, determined by the employee's length of continuous full-time service with the Town as of July 1 of each year:

<u>Years of Completed, Continuous, Full-Time Employment</u>	<u>Yearly Amount</u>
6 - 9th year	\$450
10 - 14th year	\$500
15 - 19th year	\$600
20th year and over	\$750

Employees who work no less than 30 hours per week, who have completed five (5) years of continuous full-time employment with the Town are eligible for a longevity bonus on a pro-rated basis.

<u>Years of Completed, Continuous, Full-Time Employment</u>	<u>Yearly Amount</u>
6-9th Year	\$386
10-14th year	\$430
15-19th year	\$515
20th year and over	\$600

Longevity bonuses will be paid in July of each fiscal year to eligible employees.

Any unpaid leave of absence will be deducted from the employee's total continuous years of service for the purpose of determining the employee's eligibility for a longevity bonus.

Other longevity rules and rates may be dictated by union contract.

### **Performance Incentive**

Non-union employees hired on or after the adoption of this handbook and personnel policy manual are eligible for an annual performance bonus.

Non-union employees hired prior to the adoption of this handbook and personnel policy manual must opt out of the longevity bonus program permanently to be eligible for the annual performance bonus.

Eligibility and receipt of performance bonuses is at the discretion of the First Selectman and with the approval of the Board of Selectmen.

### **Leaves of Absence**

#### **Personal Days**

Full-time employees who have completed their probationary period with the Town of Colchester will receive four (4) personal days each year on January 1st of the following year. Employees who work no less than thirty (30) hour per week receive personal days on a prorated basis - 2 personal days each year on January 1st of the following year.

New hires will have personal days prorated as follows:

**FULL TIME EMPLOYEES:**

<u>Start Date</u>	
January 1 - March 31:	3 Days
April 1 - June 30:	2 Days
July 1 - September 30:	1 Day
October 1 - December 31:	0 Day

**PART TIME (30 hour) EMPLOYEES:**

<u>Start Date</u>	
January 1 - June 30:	1 Day
July 1 - December 31:	0 Day

Employees must use their personal days in the year earned. Under no circumstances will employees be permitted to accumulate personal days from one year to the next. The Town of Colchester does not reimburse, or in any other manner compensate, employees for unused personal leave days upon termination of employment. Employees forfeit all unused personal days at the expiration of each calendar year.

It is the responsibility of the employee to submit a written request to his or her supervisor to take a personal leave day and permission to take such a personal leave day is contingent upon the supervisor's approval.

**Sick Leave**

**Eligibility:**

This policy applies to all regular full-time employees and all part-time employees who work at least 10 hours per week. In order to qualify for sick leave, the employee must have completed his/her probationary period or at least 680 hours of work following date of hire, whichever occurs first. Any eligible employees who are provided paid sick leave benefits under a collective bargaining agreement or individual employment contracts are entitled to the benefits provided thereunder and this policy does not diminish, preempt or override the terms of any such documents.

**Amount:**

Regular full-time employees: shall receive sick leave in the amount of one (1) sick day per month of employment, up to a maximum total amount of sixty (60) days of paid sick leave during their employment.

Part-time employees who work at least 30 hours per week: shall receive sick leave in the amount of 3.5 hours per month of employment, up to a maximum total amount of forty (40) hours of paid sick leave per calendar year.

Part-time employees who work at least 10 and not more than 30 hours per week: shall receive sick leave in the amount of one (1) hour for every forty (40) hours worked, up to a maximum total amount of forty (40) hours of paid sick leave per calendar year.

**Definition:**

For the purposes of this policy, a “day” is defined as an employee’s regularly scheduled work hours (i.e. if an eligible employee is scheduled to work an eight (8) hour day, he/she would be entitled to eight (8) hours of sick leave on such day). Sick leave will be paid at a rate equal to the employee’s normal hourly rate or the minimum wage under Connecticut law, whichever is greater.

**Sick Leave Carryover:**

Regular full-time employees: may carry over any amount of unused paid sick leave from year to year, up to a maximum total amount of sixty (60) days of paid sick leave during their employment.

Part-time employees who work at least 30 hours per week: may carry over any amount of unused paid sick leave from year to year but may not use more than forty (40) hours of paid sick leave per calendar year.

Part-time employees who work at least 10 and not more than 30 hours per week: may carry over any amount of unused paid sick leave from year to year but may not use more than forty (40) hours of paid sick leave per calendar year.

Earned but unused paid sick leave cannot be redeemed for cash. Should employment be terminated (either voluntarily or involuntarily), the Town will not compensate the terminating employee for any unused accrued sick leave.

**Using Sick Leave:**

Sick leave must be used in no less than one (1) hour increments.

Sick leave can be taken for any illness, injury or health condition of the employee or for his/her spouse or child or for preventative medical care for any of the same. An employee who is the victim of family violence or sexual assault may also take paid sick leave for medical care and for other reasons related to the family violence or sexual assault (such as to obtain services from a victim services organization; to relocate due to the violence and/or assault; or to participate in any civil or criminal proceedings related to the violence and/or assault).

Employees will be subject to disciplinary action up to and including termination of employment if they use sick leave for any other purpose not allowed under this policy and applicable state law.

### **Notification and Documentation of Illness:**

The Town requires employees to provide at least seven (7) days' notice of the need to take paid sick leave if the need for leave is foreseeable (such as for preventative medical care issues). If the leave is not foreseeable, then the employee must give notice as soon as practicable. In this regard, an employee is expected to notify his/her immediate supervisor or the department head at least one (1) hour before the start of each workday that he/she will be absent and to provide the reason for such absence. Employees must notify their supervisor or department head each day they are absent unless otherwise authorized by their supervisor or department head. Failure to report absences may result in discipline up to and including termination of employment, unless the employee can demonstrate that it was not practicable to provide such notice. The supervisor or department head must receive the call directly from the employee, absent emergency circumstances.

An employee who has been absent for three or more consecutive days due to illness, injury or health condition, or for preventative medical care, of the employee or his/her spouse or child may be required to provide a note from the applicable health care provider establishing the need for the time off. The note must state the length of the illness and (as applicable) whether the employee is able to return to full duty without restrictions, or if the employee has any restrictions, the nature of those restrictions and how long the restrictions may need to be in place. If necessary, the Town may require the employee to see a physician paid for by the Town to determine fitness for duty. The Town may further require a court record or documentation from a victim services organization or the police or counselor for leave taken due to family violence or sexual assault issues.

If a regular full-time employee takes more than 40 hours of paid sick leave in any calendar year, she/he may be required to provide a health care provider's note under additional circumstances as well. Examples of additional circumstances

when a note may be required include when there has been frequent or questionable absenteeism, or when the employee calls out sick the day before or after a holiday or vacation day, or for absences of less than three consecutive days.

### **Non-Discrimination Or Retaliation:**

The Town will not take any retaliatory or other adverse employment action or otherwise discriminate against any employees because they request or use paid sick leave in accordance with Town policy and applicable law or file a complaint with the Connecticut Department of Labor regarding sick leave matters.

### **Domestic Violence Victim Leave**

Employees who are victims of domestic violence will be permitted to take up to twelve (12) days of leave during any calendar year in which the leave is reasonably needed for one or more of the following reasons: (1) to seek medical care or counseling for physical or psychological injury or disability; (2) to obtain services from a victim services organization; (3) to relocate due to the family violence; or (4) to participate in any civil or criminal proceeding related to or resulting from such domestic violence. Such leave will be unpaid, unless the employee chooses to use any available accrued paid time off for such leave or the Town is otherwise required by law to pay for such leave. Employees who seek such leave may need to provide at least seven (7) days' notice of the need for such leave if foreseeable, or notice as soon as practicable if the need for such leave is not foreseeable. The Town may require appropriate certification of the need for any such leave. Any such certification provided will be maintained in a confidential manner and will be only disclosed as required by law or to protect the employee's safety in the workplace, provided that the employee is given notice prior to any such disclosure. The Town will further not discriminate or take adverse actions against any employee for being a victim of domestic violence or for having to attend or participate in a court proceeding related to a civil case in which the employee is a domestic violence victim.

### **Witness and Crime Victim Leave**

Employees who are crime victims or witnesses will be permitted reasonable time off to attend a court proceeding or participate in a police investigation relating to their criminal cases. Witness and crime victim leave will be unpaid, unless the employee chooses to use any available accrued paid time off for such leave or the Town is otherwise required by law to pay for such leave. A crime victim is defined as an employee who: (a) suffers direct or threatened physical, emotional or financial harm as a result of a crime; or (b) is an immediate family member or guardian of a homicide victim or a minor, physically disabled or incompetent person who suffers such harm. In addition, the Town will not take adverse actions against any employee for having a restraining order issued on the

employee's behalf in a domestic violence case or having a protective order issued on the employee's behalf by a court of any state. Further, the Town will not take any adverse action against any employee because he/she obeys a legal subpoena to appear in court as a witness in any criminal proceeding.

Any leave time allotted under this policy runs concurrently with any leave time afforded under any of the Town's other policies for which the employee may be eligible.

### **Bereavement leave**

All regular employees are eligible for bereavement leave. In the event of a death in an employee's immediate family, the employee will receive up to three days bereavement pay, beginning with the date of death (or miscarriage) and ending with the day after the funeral or final services. "Immediate family" includes the employee's spouse, civil union partner, parent, step parent, sibling, child, step-child, grandparent, grandchild, mother-in-law, father-in-law or any other relative who is living in the employee's household. For miscarriages, bereavement leave is available only for the affected woman or spouse.

All full-time employees shall be granted bereavement leave with pay for a maximum of one (1) day to attend the funeral or final services of a brother-in-law, sister-in-law, niece, nephew, uncle, or aunt.

If a death in an employee's family occurs, the employee must notify their supervisor as to the anticipated length of the employee's absence as soon as possible. The Town may require the employee to submit reasonable proof of death and/or funeral date.

### **Military Leave**

Military leave will be provided in accordance with applicable federal and state law. Employees must present any available documentation regarding call-up for service at their earliest opportunity in order to provide appropriate notice to the Town.

### **Jury Duty**

The Town of Colchester considers jury duty to be your civic responsibility. You must submit a copy of your official summons to your supervisor as soon as it is received. In addition, proof of service must be submitted to your supervisor when you have completed serving.

In accord with current Connecticut law, the Town will pay you your regular wages or salary for the first five days of jury duty leave. Thereafter the state currently

reimburses at the rate of \$50 per day of service. The Town will pay you the difference between your regular base pay and the pay you receive from the court for jury duty. To accomplish this, the Town will continue your regular pay while you are serving, and you will provide copies of your jury duty paychecks to the Town upon receipt.

You will also be paid for court appearances related to Town business; however such appearances must be compulsory for you to be paid, (or you may apply personal time).

### **New Child Leave**

Regular, full-time employees may be eligible for pro-rated paid leave of absence for the adoption of a child or the reasonable period of physical disability due to childbirth. Eligible, full-time employees are expected to use banked paid leave (i.e. vacation, sick, and personal leave) time during their FMLA leave period. If an employee does not have four or more weeks of banked paid leave, the Town will pay the difference of banked leave, up to four weeks of paid maternity leave, commencing from the first day of maternity leave. Eligible employees are expected to withhold using banked paid leave within the year of expected childbirth or adoption for such use. If an eligible employee exhausts their banked paid leave prior to taking FMLA leave for childbirth or adoption, the Town will not be responsible for paying the employee the full four-week benefit.

Upon return to work, the employee shall be assigned to her former position, if such position is available, or to a position of equivalent pay and benefits. New child leave shall be treated the same as any other short-term disability and, therefore, will be paid to the extent of earned accumulated sick leave. The employee must contact her supervisor at least two (2) weeks prior to the end of such leave stating the employee's intention to return or not return to work.

### **Paternity/Adoption Leave**

Any employee whose spouse has given birth or who has adopted a child will be provided with up to three days paid leave commencing on the date of childbirth/adoption and continuing for two regularly scheduled workdays thereafter. Any leave time allotted under this policy runs concurrently with any leave time taken under the Town's FMLA policy for which the employee is eligible.

## **Family and Medical Leave**

In accordance with the Federal Family and Medical Leave Act (hereinafter referred to collectively as "FMLA"), eligible employees may take a leave of absence for certain designated reasons. This policy presents a general overview of FMLA entitlements and requirements. If this policy conflicts with applicable law, applicable law controls.

### **Employee Eligibility.**

Employee must have worked for the Town for a minimum of twelve (12) months, and must have worked at least 1,250 hours during the 12-month period prior to the start of the FMLA leave. Only hours actually worked – regular worked time plus overtime – count towards this requirement. Paid leave (such as vacation, personal days, sick leave, holidays) and unpaid leave, including FMLA leave, are not included.

### **Reason for Leave.**

Unpaid family and/or medical leaves may be granted for the following reasons:

A. Serious Health Condition of Employee, Employee's Child, Parent or Spouse.

Child may be a biological child, foster child, adopted child, stepchild, legal ward or child of person standing in loco parentis (in place of parent), who is under the age of 18, or over the age of 18 and unable to care for himself/herself because of a mental or physical disability.

Parent must be a biological parent, foster parent, adoptive parent, stepparent, legal guardian, or individual who stood in loco parentis to an eligible employee.

To be considered a serious health condition, the condition must be an illness, impairment or physical or mental condition that involves inpatient or outpatient care. Inpatient care generally involves treatment at a hospital, hospice, or residential medical care facility. Outpatient care generally requires continuing treatment by a health care provider.

B. Birth, Adoption or Foster Care Placement.

A family leave of absence will be provided upon the birth, adoption, or foster care placement of a child by an eligible employee.

C. To Serve as an Organ or Bone Marrow Donor.

D. Serious Injury or Illness of a Covered Service Member/Covered Veteran.

An employee who is a spouse, son, daughter, parent or next of kin of a covered service member or a covered veteran is eligible to take family leave to care for the serious injury or illness of such individual.

Son or daughter may be a biological child, foster child, adopted child, stepchild, legal ward or child of person standing in loco parentis (in place of parent), who is under the age of 18, or over the age of 18 and unable to care for himself/herself because of a mental or physical disability.

Parent must be a biological parent, foster parent, adoptive parent, stepparent, legal guardian, or individual who stood in loco parentis to an eligible employee.

Next of kin means the nearest blood relative of the eligible employee.

To be considered a covered service member, the individual must be either: (1) a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; or is otherwise in outpatient status; or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) and was discharged or released under conditions other than dishonorable at any time during the five year period before the date on which the employee must commence leave to care for the covered veteran.

E. Because of a Qualifying Exigency.

An employee whose spouse, son, daughter or parent is on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Armed Forces (including a member of the National Guard or Reserves) is eligible to take family leave for the following qualifying exigencies: (1) short-notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation; (7) post-deployment activities; (8) parental care; and (9) other activities which arise out of the covered military member's covered active duty or call to covered active duty status that the employer and employee agree qualify as an exigency and agree as to the timing and duration of such leave.

## **Employee Obligations.**

Employees are required to use their available paid personal, sick and vacation leave (in that order) concurrently with any FMLA leave taken, except that an employee may request to keep one week of vacation leave and one week of sick leave unused if they desire.

While as stated above accrued paid personal, sick and vacation leave must be used in accordance with Town policy before an employee is eligible to utilize any unpaid family or medical leave, an employee will not be required to utilize any such paid leave during an FMLA leave if she/he is simultaneously receiving payments under the Town's disability insurance plan or workers' compensation laws.

The maximum amount of family and medical leave allowed, whether it includes paid and/or unpaid leave or whether it includes time off during which an employee is receiving payments under either the Town's disability insurance plan or workers' compensation laws, will not exceed the maximum leave entitlement as described below.

Since the purpose of leave under this policy is to enable employees to maintain their ability to continue employment with the Town, an employee may not work elsewhere while on FMLA leave, unless otherwise required by applicable law.

When planning medical treatment or seeking intermittent leave, the employee must consult with the First Selectman or his/her designee and must make a reasonable effort to schedule the treatment or intermittent leave so as to avoid unduly disruptive effects on the Town's operations.

Employees needing FMLA leave must, at a minimum, follow the Town's usual and customary call-in procedures for reporting an absence, absent unusual circumstances.

Whenever an eligible employee's medical or family leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment, or to care for others, the employee must provide at least thirty days advance written notice to the Human Resources Office. If such prior notice is impossible, as in the case of an unforeseen medical emergency or qualifying exigency, an eligible employee must provide notice as soon as practicable after s/he learns of the need for the leave (typically within one or two working days of learning of the need for leave). Failure to comply with these notice rules is grounds for, and may result in, deferral or denial of the requested leave.

All leaves due to a serious health condition of an eligible employee, or an eligible employee's son/daughter, parent or spouse, or due to a serious injury or illness of a covered service member, must be accompanied by a medical certification

from the appropriate health care provider identifying, among other things, appropriate medical facts regarding the condition and its probable duration. Such medical certification must be provided before the leave begins, or in any event, within 15 days after the leave begins, unless the employee can demonstrate that it is not practicable to do so despite his/her good faith efforts. Failure to comply with these medical certification requirements is grounds for, and may result in, deferral or denial of the requested leave.

Subsequent medical re-certification will be required as necessary, but no more than once every thirty days after receipt of the initial medical certification.

All leaves due to a qualifying exigency must be accompanied by a certification as has been prescribed by the Secretary of Labor.

In response to a request for leave necessitated by the serious health condition of the employee or others, the Town may require the employee to obtain a second opinion from a health care provider selected and paid for by the Town.

While on leave, employees are, at a minimum, required to report on the 1st day of each month to the Human Resources Department regarding the status of the family or medical condition(s) and their intent to return to work.

Under Town policy, employees are required to provide at least two weeks of advance notification of the date they intend to return to work from a leave of absence.

### **Maximum Leave Entitlement.**

The maximum FMLA leave entitlement for employees eligible under this policy is 12 weeks in the one-year period measured from the date of the employee's first day of FMLA leave due to: (1) the serious health condition of the employee or the employee's child, parent or spouse; (2) birth, adoption or foster care placement; (3) service as an organ or bone marrow donor; or (4) a qualifying exigency.

The maximum FMLA leave entitlement for employees eligible under this policy due to the serious injury or illness of a covered service member is 26 weeks in the one-year period measured from an employee's first day of FMLA leave taken.

The maximum amounts of FMLA leave stated herein do not afford eligible employees the ability to take more leave if they have multiple qualifying reasons than they otherwise would be entitled to take for a single qualifying reason during the applicable time period.

Any absences that qualify as FMLA leave run concurrently with an absence under the Town's disability insurance plan or workers' compensation laws.

Any time spent performing "light duty" work does not count against an employee's FMLA leave entitlement, whether such "light duty" work has been required by the Town or requested by the employee. Therefore, any employee's right to restoration of his or her job is held in abeyance during the period of time (if any) the employee performs light duty (or until the end of the applicable FMLA leave period).

When a husband and wife are both eligible employees of the Town, they are each individually eligible to receive the maximum leave time allowable for their own serious health condition or the serious health condition of a son/daughter or spouse, or to serve as an organ or bone marrow donor. For purposes of leave due to a qualifying exigency, married employees are each individually eligible to receive the maximum leave time allowable for each. For purposes of family leave taken due to the birth, adoption or placement of a son/daughter or for the serious health condition of a parent, married persons are eligible for the maximum leave allowable to one individual eligible employee. For purposes of leave taken due to the serious injury or illness of a covered service member or covered veteran (or for a combination of leave taken for this reason and any other qualifying reason), married employees are eligible for the maximum leave allowable to one individual eligible employee.

An eligible employee may take intermittent leave or leave on a reduced schedule (up to the amount of the maximum leave entitlement) when medically necessary due to the employee's own serious health condition, or the serious health condition of the employee's son/daughter, parent or spouse, or due to the serious injury or illness of a covered service member or covered veteran. An eligible employee may further take intermittent leave or leave on a reduced schedule (up to the amount of the maximum leave entitlement) due to a qualifying exigency or to serve as an organ or bone marrow donor. Employees seeking to take intermittent leave or leave on a reduced schedule are subject to the same notice, medical certification and other employee obligations identified above. In addition, if such intermittent or reduced schedule leave is requested, the Town reserves the right to temporarily transfer the employee to an available alternative position with equivalent pay and benefits (but not necessarily equivalent duties) that better accommodates this type of leave.

Intermittent or reduced schedule leave may not be taken upon the birth, adoption or foster care placement of an employee's son/daughter unless agreed to by the employee and the Town.

There is no obligation under the FMLA to guarantee an employee's original job or an equivalent position beyond the maximum period specified above.

### **Maintenance Of Health Benefits.**

An eligible employee's medical benefits will continue during a leave of absence up to the maximum amount of leave afforded under this policy. While on paid leave, the Town will continue to make payroll deductions to collect the employee's share of the medical insurance premiums. While on unpaid leave, the employee must continue to pay his/her share of the medical insurance premiums, either in person or by mail. The payment must be received as directed by the Town. Failure of the employee to pay the premium may result in loss of coverage.

Employees have a 30-day grace period in which to make required premium payments. If payment is not timely made, health insurance coverage may be cancelled, if the employee has been notified in writing at least 15 days before the date that coverage would lapse. At the Town's option, the Town may pay the employee's share of the premiums during FMLA leave if the coverage were to lapse due to failure of the employee to make timely payments, and then recover such payments from the employee upon return to work.

Should an employee's health insurance lapse due to non-payment while on the applicable plans when the employee returns from the leave of absence.

If an employee does not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition (or serious injury or illness in the case of a covered service member or covered veteran) which would otherwise render the employee eligible for FMLA leave; or (2) other circumstances beyond the employee's control, the Town reserves the right to seek reimbursement from the employee for its share of health insurance premiums paid on the employee's behalf during the employee's FMLA leave.

Rights Upon Return From Leave. If an employee is considered a "key employee" as defined in the FMLA, restoration to employment may be denied following FMLA leave if restoration will cause substantial and grievous economic injury to the Town.

If an employee is not a "key employee" as defined in the FMLA, upon the conclusion of an FMLA leave (or the expiration of the maximum family or medical leave provided by law, whichever occurs first), s/he may return to work with all seniority, retirement or fringe benefits s/he had at the commencement of such leave. There will be no accruals of such benefits (including longevity, seniority, retirement benefits, sick leave, vacation leave or personal days) during an FMLA leave. Leave taken under this policy does not constitute an absence under the Town's attendance policy.

If an employee is not a "key employee" as defined in the FMLA, upon the conclusion of an FMLA leave (or the expiration of the maximum family or medical

leave provided by law, whichever occurs first), s/he will be reinstated to the same position s/he held prior to such leave or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. If an employee is medically unable to perform his/her prior job, s/he will be offered work suitable to his or her physical condition, if such work is available, at the pay rate appropriate to that job.

If an employee cannot return to work at the expiration of the maximum FMLA leave allowed, the Town has no obligation under the FMLA to restore an employee to any position. An employee on leave or returning from leave has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the leave period.

### **Fitness For Duty Certification.**

In accordance with applicable law and Town policy governing returns to work after a medical absence, employees returning to work after a medical leave due to their own serious health condition (other than an employee taking intermittent leave or leave on a reduced schedule) must present a fitness-for-duty certification from their health care provider to the Human Resources Office prior to their return to employment.

If there are any medical restrictions upon an employee's return to work, the health care provider should state these restrictions in the certificate provided. It is the employee's responsibility to notify the Human Resources Office prior to his/her return to work and make them aware of any restrictions.

Employees will not be eligible to return to work after a medical leave without being medically cleared to do so. In addition, the Town reserves the right to have its own health care provider and/or the Human Resources Office contact the employee's health care provider for purposes of clarification of the employee's fitness to return to work certification. Under no circumstances will an employee's direct supervisor make contact with the employee's health care provider for purposes of determining fitness for duty (or any other medical certification issue pertaining to FMLA).

### **Leave of Absence Without Pay**

Leaves of absence for reasons not covered elsewhere in this handbook may be granted at the sole discretion of the Board of Selectman based on an employee's individual circumstances and the business needs of the Town. Leaves of absence are considered voluntary time off without pay. Since the purpose of an unpaid leave of absence is to enable an employee to maintain his/her ability to

continue employment with the Town, such an employee may not work elsewhere while on such leave unless previously approved by the Board of Selectmen or unless otherwise required by applicable law.

A request for an unpaid leave of absence must be submitted in writing sixty (60) days in advance (unless it is an emergency) to the Board of Selectmen stating the purpose and expected duration. The Board of Selectmen will review each such request on a case-by-case basis to determine whether to approve the request, and if approved, to determine the duration of leave time that can be provided. Absent extraordinary circumstances, the maximum duration of leave that may be approved is a total of six (6) months. The Town can further require, at its discretion, medical certification for any leave requested for medical reasons.

Because a leave of absence is unpaid, employees must use all of their accrued personal and vacation time (and sick time if the reason for the leave makes this benefit applicable) before any unpaid leave can begin. Personal and vacation time (and sick time, if applicable) so used will be counted as part of the total leave time allotted. The employee will not accrue vacation time and will not receive holiday pay during their leave of absence. Leave time will not count toward seniority during a leave of absence. During a personal unpaid leave of absence, medical insurance and retirement contribution will not be made by the Town to the eligible employee's account. Employees may continue participation in the Town's medical and dental plans by reimbursing the full premium cost to the Town by monthly payments in advance.

Within a reasonable period of time prior to the expiration date of a leave, or in any event, at least two (2) weeks prior to the expiration date, employees must contact the First Selectman to confirm whether they are able to return. If the leave time allowed has expired, and the employee has made no contact with the First Selectman, the leave of absence will cease and employment will be terminated. If an employee confirms that s/he will be able to return to work upon the expiration of the leave, the Town will attempt to restore that employee to the same or similar position. However, employees should recognize that when they are ready to return from an unpaid leave of absence, there is a risk that the same, similar or any position may not be available. As such, job placement following a return from an unpaid leave of absence is not guaranteed.

### **Worker's Compensation**

Should you become ill or injured as a result of your job, you may be eligible for Worker's Compensation benefits. Any work related illness, injury, or accident (no matter how minor) must be reported immediately to your supervisor. Failing to immediately report an injury, accident, or illness may result in a delay or a rejection of worker's compensation benefits. Both you and your supervisor will be asked to complete an Accident Report Form. You will be directed to a local

occupational healthcare provider to provide initial medical treatment and assessment for work related illness and injury. Questions regarding Worker's Compensation benefits should be directed to Human Resources. Employees will only receive the state-approved amount of Workers' Compensation pay after three (3) days out of work, if the claim is approved.

### **Return To Work Policy**

Employees of the Town of Colchester who are, or could be, on leave of absence from their duties as a result of a work related illness or injury or non-work related injury may be eligible for the Return-to-Work Program. Upon written certification, an employee may return to work with physical restrictions, and those restrictions are not expected to last for more than 60 days.

If an employee is approved for the Return-to-Work Program, they shall be provided tasks which fall within the physical restrictions identified by the treating physician. In no case will an employee authorized to participate in the Return-to-Work Program be placed in an area that will pose a health or safety risk to the Town of Colchester, other staff, or themselves.

## **IV. GENERAL GUIDELINES**

### **Employee Responsibilities**

The Town of Colchester has always maintained the highest standards of public service. Therefore, in all dealings with the public, and with each other, all Town employees are expected to act in a professional manner at all times. This also applies whenever they are conducting Town business or otherwise representing the Town. With the foregoing in mind, the Town has developed policies and rules for the benefit of the Town and its employees.

Some of the policies have already been outlined earlier in this employee handbook. Others are contained in the following list. This list is not exhaustive, is subject to change, and is designed only to provide examples of misconduct, which can lead to disciplinary action. If any one of these actions, previously mentioned actions, or any other similar action, is taken by any employee, it can result in disciplinary action, up to and including dismissal. In each case, the level of discipline will depend upon the severity of the conduct in question in light of all relevant circumstances with the ultimate decision to be made in the Town's sole discretion.

1. Improper or unprofessional treatment of a fellow employee or member of the public.
2. Failing to follow instructions of, or to perform work requested by, a supervisor (or other insubordinate action).
3. Failing to meet a Town measure or standard of efficiency and/or productivity.

4. Failure to work assigned overtime.
5. Unauthorized or excessive absences (including late arrival and early departure) from work.
6. Sleeping while on Town property or during the time in which the employee is supposed to be working, unless authorized by the department supervisor.
7. Abusing, wasting or stealing Town property, or the property of any Town employee or non-employee.
8. Removing Town property or records without written authorization.
9. Falsifying an employee's employment application or other personnel records.
10. Falsifying Town reports or records (including time sheets and mileage reimbursements).
11. Failure to obey safety rules.
12. Harassing other employees.
13. Use of abusive, threatening, or derogatory language.
14. Violating the law.
15. Fighting or starting a disturbance on Town premises, or while performing job duties, including, but not limited to, assaulting or intimidating a Town employee or member of the public.
16. Unauthorized possession of firearms, weapons, dangerous instruments, or dangerous substances.
17. Reporting to work in a condition unfit to perform the employee's duties, including reporting to work under the influence of illegal drugs or controlled substances or alcohol or consuming, possessing, dispensing or selling such materials on Town premises and/or while on duty.
18. Smoking, eating or drinking in prohibited areas.
19. Violating a Town safety rule or practice, or creating or contributing to unhealthy or unsanitary conditions.
20. Engaging in conduct which creates, or appears to create, a conflict with the interest of the Town, including, but not limited to, soliciting and/or taking money or gifts or favors in connection with the employee's performance of regular job duties.
21. Disclosing confidential Town information without authorization.
22. Neglect of duty.
23. Using Town facilities after normal working hours without authorization.
24. Interfering with, obstructing, or otherwise hindering the production or work performance of another employee.
25. Originating or spreading false statements concerning employees or the Town.
26. Engaging in immoral or indecent conduct on Town property.
27. Using any piece of equipment or property of the Town without being authorized to do so.
28. Violating any Town policy on fair treatment, equal opportunity, or nondiscrimination.
29. Unsatisfactory work performance.
30. Any conduct which is determined by the First Selectman to be detrimental or contrary to the goals or best interest of the Town.

## **Dress Code**

Town employees should exercise their best judgment when selecting outfits that are appropriate for work. Proper attire for town hall employees is regularly considered, "business casual," but may require more formal attire when dealing with scheduled meetings, conferences, interviews, etc.

Business dress is required when testifying or meeting public officials at the General Assembly or as required by the First Selectman at his/her discretion.

Department heads can approve jeans or other attire for employees when they are working in the field. Employees are encouraged to use their best judgment regarding dress upon returning to work from the field. If jeans are worn upon return to work, such jeans shall not be visibly dirty or ripped, as to present unprofessional attire.

## **Outside employment**

Town employees may only engage in outside employment that is not in conflict with their responsibilities for the Town. Any employee who engages in employment outside of his/her regular working hours shall be subject to call to perform his/her regular Town duties first.

Town employees may not volunteer to perform the same services for the Town (and/or for any other entity which is considered by law to be the same as the Town) which they are paid to perform for the Town.

## **Political Activity**

All employees of the Town shall be free and encouraged to exercise their rights as citizens, to cast their votes and express their opinions on all political subjects. No employees of the Town shall solicit any person to vote at any political primary or election or challenge or in any manner attempt to influence any voter in a Town election while on duty.

## **Employment of Relatives**

It is the goal of the Town of Colchester to avoid creating or perpetuating circumstances in which the possibility of favoritism, conflicts of interest, or impairment of efficient operations may occur. Members of an employee's immediate family will be considered for employment by the Town of Colchester, provided that the applicants possess all the qualifications required for the available position for which employment is sought. Immediate family members of an employee may not be hired, however, if a direct or

indirect supervisory/subordinate relationship with the current employee would be created by the employment of such an applicant.

For purposes of this policy, "immediate family" shall include a current employee's spouse, brother, sister, parents, children, stepchildren, son/daughter-in-law, father-in-law, mother-in-law, brother-in-law, sister-in-law, grandparent, uncle, aunt, niece, nephew and any other relative who is a member of the current employee's household.

### **Confidentiality**

Employees of the Town may learn confidential information of one type or another during the course of their employment. During and after employment with the Town, confidential information may not be shared with any non-employee of the Town and may only be shared with the Town's employees on a strict need-to-know basis. If an employee violates this policy, disciplinary action will be taken against such employee, up to and including immediate discharge.

### **Expense Reimbursement**

Employees who are required to use their personal vehicles for official Town business are reimbursed for such travel at the current IRS mileage reimbursement rate. All reimbursable travel must have prior authorization of your supervisor. To be eligible for reimbursement, the employee must submit a written record of travel expenditures to his or her supervisor for approval on a monthly basis.

### **No Smoking**

In accordance with Connecticut State law, Sec. 31-40q, Colchester town buildings and facilities are "smoke free." The burning of tobacco products within town facilities is expressly prohibited, including cigars, cigarettes, pipe tobacco or any other matter or substance containing tobacco.

Those employees who continue to smoke tobacco products may do so outside of the workplace outside of the buildings. Employees choosing to smoke may do so only in their allotted break time. Excessive time away from work duties for the purpose of smoking will not be tolerated and may result in disciplinary action.

### **Care of Personal Belongings**

Your personal belongings are your responsibility at all times. The Town's insurance does not cover loss of personal belongings or monies. Employees should use considerable care to safely store personal belongings and valuables while at work.

## **Inclement Weather**

Town Hall will remain open during inclement weather unless the severity of conditions prohibits remaining open. Employees should make every reasonable effort to get to work, or continue working if already present, unless otherwise notified. In the event that Town Hall closes, we will make every effort to have the details concerning the closing announced in a pre-determined manner. Employees are urged to contact their immediate supervisor if they are uncertain about operation. If operations are canceled after a shift has started, hourly employees will be paid for the time worked. If there is an early dismissal, non-exempt employees will be paid through the official release time.

## **Acceptable Computer Network and Office Equipment Use**

The use of electronic communications and Internet access is intended for official town business and may not be used for personal business unless approved by the First Selectman. All information and communication on the Town of Colchester's computer network(s) are the property of the Town of Colchester.

Electronic communications includes but is not limited to computers, electronic mail (E-mail), electronic bulletin boards, listservs, internet use, facsimile, telephones, cell phones, pagers, voice mail, radios, walkie talkies, personal digital assistants, television, and communications infrastructure.

The First Selectman and management have the right to review, audit, intercept, access and/or disclose all messages and /or images created, received or sent over the electronic mail system. The contents of electronic mail may be disclosed without the permission of the employee. There is no expectation of privacy. The First Selectman may limit or deny individual's access to the system.

Employees are responsible for observing copyright and licensing agreements that may apply when downloading files, documents and software.

Employees are expected to appropriately use and become proficient in the use of computer hardware and software, electronic communications and Internet access.

Employees must work in cooperation with network administration to ensure all security measures are met. The following is strictly prohibited:

1. Releasing passwords to individuals not authorized by the town
2. Allowing passwords to be visible to others
3. Use of another individual's password
4. Creating unauthorized accounts/passwords
5. The use of video games
6. Viewing of non-work related videos
7. Using equipment for personal profit or partisan political purposes

8. Leaving a workstation without logging out or locking
9. Installing/uninstalling software or hardware without approval of the IT department
10. Allowing non-town personnel use of hardware/software without authorization from the administration
11. Transmitting or receiving messages or images that violate Town of Colchester policies or are offensive or discriminatory as defined by the Town of Colchester Personnel Policies and Nondiscrimination Resolution
12. Communications containing offensive, sexually explicit images, messages or cartoons, ethnic/racial slurs, or anything that can be construed as harassment
13. Vandalizing any system components
14. Sending network-wide non-business related E-mails, e.g. jokes, chain letters
15. Browsing the internet for purposes not work related during work hours
16. Unauthorized attempts or entry into any computer or any part of the system/network

### **Phones:**

Town phones and voice mail are property of the Town of Colchester. Excessive use of the phone for personal calls may be considered a performance issue and may result in disciplinary action, up to and including discharge. The use of personal cell phones during business hours is only permitted in the case of emergency or brief personal contact with family via voice mail, text, or call (excessive use may be considered a performance issue and may result in disciplinary action, up to and including discharge). In such cases, cell phones should be put on "silent" mode. Texting is not permitted while driving or operating equipment.

### **Printers, Scanners:**

It is expected that all employees will use this equipment for business purposes only and treat such office equipment with care.

### **Social Media Activities**

"Social Media" are various forms of discussion-and information-sharing tools, including social networks, blogs, video sharing, podcasts, wikis, message boards and online forums. Technologies include picture and video sharing, wall postings, e-mail, instant messaging, and music sharing. Examples of Social Media applications include, but are not limited to, Google and Yahoo Groups; Wikipedia; MySpace and Facebook; YouTube; Flickr; Twitter; LinkedIn; and news media comment sharing/blogging. This policy covers all Social Media tools, both current and future.

While employees may engage in any lawful activities through social media (including exercising any rights they may have to engage in protected concerted activity or political activities), any employee who chooses to use social media should be aware of the following Town policies in this regard:

- a. Any conduct, which under the law or Town policy is impermissible if expressed in any other form, is impermissible if expressed through social media.
- b. Employees are held responsible for their own content expressed through social media and will be expected to communicate in a professional and lawful manner at all times.
- c. The personal use of social media is not allowed during working time, regardless of the equipment used (e.g., either using personal or Town phones or computers). Employees may further not use Town equipment for personal reasons in accordance with applicable policies.
- d. Employees who use social media shall not post any proprietary Town data, documents or photographs or any information which would violate any privacy laws applicable to the Town, regardless of whether the posting is done during working or non-working time. Any information that cannot be disclosed through a conversation, a memo or an e-mail also cannot be disclosed through social media.
- e. Unless authorized in writing by their immediate supervisor and/or the First Selectman (such as when an employee's job is to send public messages on behalf of the Town), employees do not have permission to speak on behalf of the Town via social media.
- f. While communicating through social media, if an employee posts any content that has something to do with the work they perform for the Town or subjects associated with the business of the Town, employees must make clear that they are speaking for themselves and not on behalf of the Town by accompanying their posts with a disclaimer such as: "The postings on this site are my own and do not necessarily represent the Town's positions or opinions."

When an employee's use of any social media violates the law or any Town policies (including policies pertaining to employee misconduct or job performance), appropriate discipline up to and including termination of employment will be imposed, regardless of when the information was posted or sent and regardless of the tools or site used to post or send such information. Nothing in this policy (or any other Town policy) will be implemented or should be interpreted in any manner so as to prohibit or inhibit employees from engaging in any lawful activities through social media, including exercising any rights they may have to engage in protected concerted activity or political activities.

## **V. HEALTH, SAFETY AND SECURITY**

It is the policy of the Town of Colchester to provide a safe and healthy workplace for all employees. To accomplish this goal, a joint effort on the part of management and employees is required to share in the responsibility to protect worker safety.

It is the responsibility of the department head to, insofar as reasonably possible, provide a workplace free from recognized hazards. In order to achieve this, he/she must oversee the administration of safety practices in their departments and be aware of accident statistics. When warranted, this will include disciplinary procedures (verbal and written warnings, suspension and possible dismissal) for situations in which there has been a flagrant disregard of safety policies. Managers are expected to take appropriate, corrective action to ensure continued improvement in eliminating or minimizing hazards, to prevent or reduce injuries on the job. Investigations of all occupational illness or injuries must be conducted, and written reports including corrective actions taken must be provided immediately to the First Selectman's Office. Safety audits should be conducted periodically to identify and correct potential hazards. When the necessity of repairs or preventative maintenance is recognized, it is expected that managers will undertake actions to implement these and initiate actions necessary to complete such repairs or maintenance.

Employee cooperation is also necessary to achieve a harmonious effort in providing a safe and healthy workplace. It is the responsibility of the employee to report perceived hazardous conditions to management. Employees should refrain from participating in activities that may jeopardize the safety of fellow workers. Inoperative equipment or equipment with defects should be reported immediately. Job-related illnesses or injuries, no matter how slight, should be immediately reported to management and treatment promptly sought.

While management attention to accident prevention is an important component of a safety program, it is each employee who carries the greatest responsibility for protecting his/her own health. Though we realize that accidents do happen, we hope and expect that all employees work together with managers to minimize the risk of work-related illness and injuries.

### **Safety-Related Discrimination and Harassment**

It is the policy of the Town of Colchester that no employee be discriminated against or harassed in any form because of their involvement in Safety and Health related matters.

Discrimination or harassment may take any form in which an employee is intentionally treated differently than other employees of the same rank, qualification, and department solely because of their involvement with, or comments relative to, safety and health matters.

Complaints may be made in confidence to the Department Head or First Selectman.

## **Alcohol and Drug-Free Policy**

### **Purpose**

The purpose of this policy is to establish a workplace, which is free of the negative effects of alcohol, and free from drug abuse. By accomplishing this purpose, the Town also seeks to ensure a safer, healthier working environment for all employees and to reduce absenteeism, tardiness and other job performance problems which may be caused by alcohol and drug abuse. This policy is adopted in accordance with the Drug Free Workplace Act.

### **Statement of Policy**

Employees shall not be involved with the unlawful manufacture, distribution, possession, or use of an illegal drug, controlled substance or alcohol while on Town premises or while conducting Town business off Town premises. Any employee who discovers illegal drugs on Town premises shall notify the First Selectman who shall investigate the matter and notify appropriate Town officials.

An employee must report any conviction or plea of nolo contendere under a criminal drug statute for violations occurring on or off Town premises while on Town business, to the First Selectman within five (5) days after the conviction. The Town will notify any agency awarding a grant to the Town of such conviction, within ten (10) days thereafter, if such notice is required by the granting agency. Upon request, the First Selectman or his/her designee shall meet with the employee and a Union representative, where employee is part of a collective bargaining unit, before taking any further action.

Employees shall only use prescription drugs on town premises which have been prescribed by a licensed medical practitioner, and such drugs shall be used only as prescribed.

An employee shall not consume alcohol on town premises or off Town premises, while conducting Town business. An employee who is on duty shall not be under the influence of alcohol.

Violations of this policy may result in disciplinary action, up to and including discharge.

### **Employee Assistance**

In appropriate circumstances, the Town shall provide an employee with an opportunity for rehabilitation in overcoming addiction to, dependence upon or other problems with

alcohol or drugs. Normally, the opportunity for rehabilitation as an alternative to disciplinary action shall be available only once.

An employee who feels he or she has developed an addiction to, dependence upon or other problem with alcohol or drugs is encouraged to seek assistance. Certain benefits for alcoholism or drug addiction are provided under the Town's group medical insurance plan. An employee will be given one opportunity to participate in a rehabilitation program, which requires absence from work for bona fide treatment. Such absence may be charged to the employee's accrued and unused sick leave, subject to the provisions of the employee's collective bargaining agreement or the Town's Personnel Rules and Regulations as applicable.

Any request for assistance with a drug or alcohol problem will be treated as confidential.

### **Drug Testing**

Pre-employment drug testing is conducted on all employees whose job entail driving or work in "safety-sensitive positions". At management discretion, random drug testing may occur for those employees whose jobs involve driving or if employees work in "safety sensitive" positions.

If there is suspicion to believe that an employee is working under the influence of alcohol or non-prescribed drugs, the Town may require that a drug test be performed on that employee. If the employee is found to be under the influence of alcohol or non-prescribed drugs, disciplinary action will occur, up to, and possibly including dismissal.

### **Security**

Town facilities are equipped with alarm systems. Employees who regularly have a need to enter the building during "off hours" will be issued an alarm code and an outside door key. Employees who enter and leave the building during normal work hours do not need to have outside door keys or alarm codes.

The First Selectman will determine to whom keys and alarm codes should be issued. All employees are issued badges, which they are expected to wear, or have in their possession at all times.

Lockdown procedures are followed in emergency situations and are addressed in a separate procedure.

### **Workplace Privacy and Monitoring**

The Town's primary mission is to effectively and efficiently conduct its business and meet or exceed service expectations. In order to do this, the Town must be able to: (a)

access business information at all times; (b) provide a safe, productive work environment; and (c) supervise its employees to be sure that they are acting consistently with business objectives.

In order to prevent any misunderstandings, the Town believes that every employee should be aware of the following policies on privacy and monitoring so that they can conduct themselves in a professional manner at all times.

- A. The Town reserves the right to conduct monitoring to inspect employees' work areas including, without limitation, employee lockers, desks, file cabinets, workstations, and mail, in accordance with applicable legal requirements.
- B. Employees using personal locks on Town property must provide the combination or key to their supervisor. The Town will also retain a copy of any Town keys issued to employees.
- C. Solicitation on Town premises is substantially disruptive to Town operations, may materially interfere with the working relationship between employees, and may affect the job performance of employees. Accordingly, solicitation by one employee of another is prohibited while either is on working time. Furthermore, distribution of literature, candy sales, magazine subscriptions, raffle tickets etc. by an employee is not permitted in the work areas at any time. While an employee may engage in solicitation and distribution activities during rest and meal periods with others who are not working at the time, the Town believes that selling or collecting money for any purpose, or distributing literature that is political or religious in nature, can be controversial and problematic and urges all employees to discourage such activities. Trespassing, soliciting or distributing literature by anyone not employed by the Town is prohibited on Town's premises.
- D. The Town reserves the right to review, access, and intercept all messages created, received, or sent over its electronic communications systems at any time, without advance notice, for such reasons as, without limitation: ensuring that the systems are being used solely to conduct the Town's business; assisting in the evaluation of employee work performance; maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and ensuring that the Town's operations continue appropriately. The Town may also monitor or review employee work performance, without advance notice, through the use of mechanical or electronic devices, or other methods, including the use of telephone or video monitoring. An employee's use of the Town's communication systems constitutes consent to the Town's conduct.

- E. Employees are prohibited from gaining access to another employee's computer or other electronic communications and must not use unauthorized codes, passwords or other means to gain access to another employee's computer or other electronic communications systems, unless expressly permitted to do so by the First Selectman. Employees are prohibited from accessing a file or retrieving any stored information on the Town's e-mail, voice-mail, and computer systems unless expressly permitted to do so by the First Selectman. Employees should not create their own computer, voice-mail or other electronic communications system passwords unless permitted to do so by the First Selectman. Employees must provide all personal passwords to the Town, so that the Town may effectively conduct business at all times.
- F. Public records retention and Freedom of Information requirements must be satisfied in the use of electronic communications systems in accordance with the Town's policies and applicable law.
- G. Any employee who violates the Town's privacy and monitoring policy shall be subject to disciplinary action, up to and including termination of employment. In addition, criminal penalties and fines may apply where the employee's conduct violates applicable state or federal laws.

## **VI. CONCLUSION**

### **Severability**

Should any provision or part of this policy be declared or rendered illegal or unenforceable by legislative or judicial authority, the balance of the policy shall remain in full force and effect.

### **Handbook & Policy Review**

The Town of Colchester Employee Handbook and Personnel Policies shall be reviewed, and revised, if necessary, no less than once every two years, starting from the adoption of this revised and Board of Selectmen approved personnel policies.

### **To All Employees**

Should any employee need further clarification or additional information relating to employment, please speak to your supervisor or the Human Resources Office.

Since it is not possible to foresee all conditions and circumstances surrounding the employment relationship, the Town reserves the right to alter, modify, amend or terminate the provisions of this handbook at any time. Notices of such changes will be

posted on all appropriate bulletin boards and distributed to you for you to include in your handbook.

## ACKNOWLEDGMENT OF RECEIPT

I, \_\_\_\_\_, have received a copy of the Town of Colchester's employee handbook, including the notice and disclaimer of any contract of employment, and I fully acknowledge the at-will nature of my employment with the Town, which I understand is subject to the provisions of any applicable collective bargaining agreement. I further acknowledge that these policies are subject to change, with or without prior notice by the Town, again subject to the provisions of any applicable collective bargaining agreement and the duty to bargain over secondary effects of substantive changes under prevailing labor laws. I understand that should the content of these policies be changed in any way, the Town of Colchester may require a further signature from me to indicate that I am aware of and understand any new policies. I further understand that I am responsible for reading and knowing the content of this employee handbook. I hereby agree to comply in full with the Town of Colchester's Personnel Policies but understand that where the policies are in direct conflict with a collective bargaining agreement between the Town of Colchester and a duly recognized union, the provision(s) in conflict will be superseded by the collective bargaining agreement. The content of this handbook supersedes all prior handbooks issued.

\_\_\_\_\_  
Employee

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date