

Town of Alton



Personnel Manual

Revised 3/2010

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CONFLICT OF INTEREST ORDINANCE

(Approved by vote on Article 38 at the March 11, 1998 Annual Town Meeting)
(Article IX was amended and Article XI and Article XII were added by vote at the March 13, 2007 Annual Town Meeting on Warrant Articles 44, 45 and 46)
(Article XII was amended by vote at the March 11, 2008 Annual Town Meeting on Warrant Article 22)

Whereas, the duly qualified voters in the Town of Alton desire the business of the Town to be conducted in an honorable manner in accordance with the laws of the United States of America and the State of New Hampshire; and

Whereas, the Town deems it desirable for a code of ethics to be adopted for the benefit of the public trust and in the interest of a system of town government which is fair, impartial and guarantees equal treatment under the law for every citizen; and

Whereas, the terms of this Ordinance shall henceforth be defined in accordance with the Town of Alton Policy Manual for Municipal Operations or by the New Hampshire Revised Statutes Annotated, whichever meaning is stricter;

Now, therefore, be it resolved that the following standards are hereby set forth as the principles by which all Town Officials shall be henceforth bound and held accountable; and;

Furthermore, this Ordinance is intended to be effective immediately and shall be made applicable to all Town Officials, whether elected or appointed, including officials already in the office at the time of adoption, so that any violation thereof may be grounds for removal from the office by the Selectmen in case of appointed positions or by the Superior Court in the case of elected positions, upon the application of any due process proceedings to which the accused may be entitled under the laws of the State of New Hampshire or the Town of Alton Policy Manual for Municipal Operations.

ARTICLE I No Town Official shall act in an official capacity to willfully deprive any person of rights, which are protected under the United States Constitution.

ARTICLE II No Town Official shall act in an official capacity in an attempt to influence any other Town Official or take part in any discussion or vote which either directly or indirectly promotes or obtains a pecuniary interest for themselves, a family member or business associate, except when the pecuniary interest is to the benefit of the general public. Any Town Official to whom this Article applies shall publicly disclose any defined interest(s) and disqualify themselves from acting on the matter.

ARTICLE III No Town Official who has a personal, family or business matter pending before another Town Official or Town Public Body shall be given any special

consideration either to their advantage or disadvantage, as a result of public status, wealth, position, litigation or political association.

ARTICLE IV No Town Official may accept or request any gift, money, favor, loan, promise or condition while acting in their official capacity; except for (a) unsolicited materials which have a promotional but nominal intrinsic value such as pens, calendars, etc; (b) awards for meritorious service; (c) unsolicited consumables that are donated for a special occasion; and (d) election contributions which are given in accordance with applicable state and federal laws.

ARTICLE V No Town Official shall disclose any confidential or privileged information regarding any other official, employee, applicant, union, property or non-public government affairs of the Town without prior authorization by the Public Body having jurisdiction over such disclosure. Regardless of whether disclosure is allowed, no person shall use any confidential or privileged information for personal gain or to the benefit of any other person, business or corporation with whom the Town Official has a defined interest.

ARTICLE VI No Town Official shall appoint any family member, business associate or any other person with whom there is a defined pecuniary interest; except to vote for an elected official; nor shall any Town Official appoint or vote to appoint another Town Official whereby the appointee will be in a position which supervises or receives supervision, evaluates or is evaluated by, promotes or is promoted by, disciplines or is disciplined by a family member or business associate.

ARTICLE VII No Town Official shall offer or accept any bribe. In the event a Town Official is offered a bribe, he/she shall promptly report such offering to the New Hampshire Office of the Attorney General.

ARTICLE VIII No Town Official shall knowingly act to exceed the authority of his/her position by making decisions, which can only lawfully be made by another Town Official or by a Public Body majority vote.

ARTICLE IX No Town Official shall attempt to obtain benefits or special favors not available to the general public or other Town Officials.

ARTICLE X A Town Official shall be subject to removal from office in the event he/she is convicted of committing a crime while purporting to act in an official capacity. Convictions shall include any plea of nolo contendere.

ARTICLE XI All members, both regular and alternate, of a Town Board must physically reside in the Town of Alton for six (6) months and 1 day during the year and be able to attend meetings throughout the year.

ARTICLE XII Any person who is elected or appointed to a Town Board as a regular or alternate member who owns or is employed by a business that represents clients before the same Town board may continue to hold his or her position on the Board and from time to time represent his or her client before the Board provided the following conditions are met.

- A. A written public disclosure of the members ownership and or employment with an explanation of the possible representation is provided to the Board and the Board of Selectmen, which disclosure is to be made part of the public record, and;
- B. The member when actually representing a client before the Board shall step down from the Board after first publicly declaring the reason for his or her stepping down and;
- C. The member shall at all times adhere to all other provisions of this ordinance and RSA 673:14 and;
- D. The member when he or she knows or should know that he or she is or will be representing a client before the Board shall not have any meetings or discussions with the Board's staff or other Town employees about the clients business without first disclosing to the staff member or employee in writing his or her representation of that client and the member during any meeting or discussion that does take place under this subsection shall not discuss any other board business with the staff or employees. All meetings and discussions that take place under this subsection shall be attended by at least two Town employees. Official notes of the meetings shall at all times be kept by a staff member or Town employee in attendance and made part of the official record of the Board.

CHAPTER 1 INTRODUCTION

1.1 General Information

- 1.1.1 This Manual has been developed to provide guidelines and direction to employees, supervisors, Department Heads, members of public bodies and other Town Officials, to provide for some degree of consistency in order to cope with the constantly changing "people" environment for the betterment of the Town.
- 1.1.2 This Manual is not meant to serve as a replacement for federal or state laws, but rather, in most cases it is designed to clarify mandatory regulations which are often more complicated than necessary. And this Manual is also a means by which the Town, acting in its capacity as an employer, expresses its doctrines pertaining to town Officials in areas where no federal or state guidelines exist.

1.2 Purpose

- 1.2.1 The primary purpose of this Manual is to establish policies and procedures to ensure, in so much as possible, uniform application and administration of rules regarding municipal operations and the employment of persons by the Town of Alton, as well as to inform current and potential employees of the working environment which can be expected.
- 1.2.2 It must be recognized, however, that the uniform treatment of personnel at all times is neither feasible, nor desired. This statement is made on the presumption that employee performance, attitudes and capabilities vary to a degree based upon each individual's effort and personality. Therefore, it shall be the policy of the Town to encourage (reward) good workers and to simultaneously discourage (penalize) bad workers.
- 1.2.3 In addition, this Manual is intended to serve as a comprehensive set of procedures by which Town Officials and employees may strive to deliver the government services that are desired by the citizens of Alton in the most efficient, capable and friendly manner possible.

1.3 Administration

- 1.3.1 The overall responsibility for the administration of the rules, regulations and policies contained in this Manual rests with the respective Town Officials to whom specific authorities have been designated, either by law, Town Meeting vote or by this Manual, but primary responsibilities belong to Governing Bodies, and to a lesser extent with Appointment Authorities. Each of these public bodies shall oversee the applicable provisions as contained within this Manual.

- 1.3.2** It shall be expressly understood that the Board of Selectmen and Town Administrator shall utilize appropriate chains of command when dealing with employees. In addition, the Town hereby acknowledges the authority of the Police Chief as set forth in RSA 105:2-a and the authority of the Highway Agent as set forth in RSA 231:62.
- 1.3.3** Department Heads shall be responsible for the day-to-day administration of the rules, regulations and policies contained in this Manual with regards to their respective Departments, subject to oversight by the Town Administrator where applicable, and to a lesser extent, supervisors are also designated with some responsibilities for the Administration of policies and regulations for employees which they supervise.
- 1.3.4** The Town shall maintain the exclusive right to hire, promote, transfer, assign, suspend, demote, discharge, add positions, eliminate positions, layoff employees, impose discipline, reclassify personnel or take any other action it may deem appropriate to carry out the work of the Town. All employees serve at the will and pleasure of the Governing Body, to the extent permitted by law.
- 1.3.5** The management of the Town in all its phases and details shall remain vested exclusively with the Board of Selectmen and other statutory designated Governing Bodies (or Appointment Authorities) as may be applicable. The Town and its duly empowered agents shall have jurisdiction over all matters concerning the management of Town Departments, including but not limited to the exercise of all rights, responsibilities and prerogatives that are inherent in its role as an employer.
- 1.3.6** The Town reserves the right to temporarily suspend the provisions of this manual during a declared emergency situation, to the extent permitted by law.
- 1.3.7** The Town shall have the freedom of action to discharge its responsibilities for the essential and successful operation of the Town and its Departments, including the scheduling of operations, the methods and materials used in carrying out the functions of the Town and its Departments and the extent to which the personnel, facilities and other resources at its disposal shall be used.
- 1.3.8** In the event the Town Administrator is unable to execute the responsibilities delegated herein due to an absence from the workplace, the Board of Selectmen shall designate another Town Official to act in his/her stead. In the event the position of Town Administrator is vacant, The Chairman of the Board shall assume the Town Administrator's responsibilities unless the Board has voted to appoint an Acting Town Administrator.

1.4 Separability Clause

1.4.1 If any provision within this Manual is determined to be invalid by a court of competent jurisdiction or if a Section is superseded by federal or State law, such invalidity shall not affect any other provision or the application of the remaining procedures contained herein.

1.5 Amendment Procedures

1.5.1 This Manual may be amended by the Board of Selectmen at anytime during a posted, public session meeting, upon a vote of the majority.

1.5.2 The provisions of this Manual may also be amended as a result of a Town Meeting, upon a vote of the majority.

1.6 Repeal of Previous Policies

1.6.1 The provisions of this Manual shall supercede and replace the following:

(a) Personnel Policy, revised May 20, 1991, as amended.

(b) Safety Program and Seat Belt Policy, adopted March 1991.

(c) Purchasing Regulations, adopted October 21, 1991.

(d) A Policy Governing Access and Use of Legal Services, adopted October 1993.

(e) Worker's Compensation Insurance Policy, adopted October 13, 1992.

(f) Any written correspondence issued prior to June 4, 2007, which is contrary to the language contained herein, notwithstanding the provisions of Section 3.2.22.

(g) Any written language dealing specifically with personnel matters, as set forth in professional association codes or regulations that have been adopted by reference, which is contrary to the language, contained herein or otherwise inconsistent with the provisions of this Manual.

1.7 Application of Manual

1.7.1 The provisions of this Manual shall apply to all Town Officials, with the following exceptions:

1.7.2 (a) Employees whose positions have been certified as belonging to a collective bargaining unit shall be covered under the terms of their respective collective bargaining agreement, regardless of whether or not the employee is a dues paying, union member. However, the terms of this Manual shall apply

to Union employees in all cases where no collective bargaining agreement provisions have been developed or are applicable.

(b) Town employees who work for Governing Bodies other than the Board of Selectmen shall be governed by provisions of this Manual only to the extent that the respective Governing Body has formally voted to adopt it; provided that any exceptions pertaining to existing benefits may be granted upon a specific vote of authorization taken at the time of adoption. The Board of Selectmen shall be notified in writing of any vote by a Governing Body to adopt the provisions of this Manual. However, upon a vote of adoption by a Governing Body other than the Board of Selectmen, this Manual shall be deemed to remain in effect even if amended unless said Governing Body votes to rescind such adoption after amendments have been enacted.

(c) Elected officials shall not be bound by any terms of employment except as may be applicable under State Law or enacted at a Town Meeting, provided that it shall be expressly understood that the Selectmen may exercise their authority as a Governing Body to manage the prudential affairs of the Town as a means of upholding the standards and procedures described herein.

(d) Nothing in this Section shall be deemed to waive any Town Official from the requirements under Section 3.10 and Chapter 8.

1.7.3 It shall be expressly understood that the application of the rules, regulations and procedures contained in this Manual shall not be subject to any grievance, arbitration or appeals procedures unless specially enumerated herein or provided for in a collective bargaining agreement.

1.8 Employee Suggestions

1.8.1 The Town encourages employees at all levels to submit suggestions to supervisors for improvements to operations and safer work practices.

1.8.2 Employees suggestions, whether presented verbally or in writing, should be acknowledged and adopted whenever practical. Substantial contributions to Town operations should also be brought to the attention of the Selectmen.

1.8.3 Upon the recommendation of the Town Administrator, a Governing Body may award an employee with a meritorious bonus of up to one hundred dollars (\$100.00) for any suggestion which results in savings to the Town of more than one thousand dollars (\$1000.00) within a twelve month period.

1.9 Policy Language Conflicts

1.9.1 In the event that provisions of this policy Manual are found to be conflicting, the more stringent language shall apply unless otherwise prohibited by law.

1.10 Reporting of Highway Hazards

- 1.10.1** Every Town Official shall be responsible for documenting Class V highway hazards, which are brought to their attention by oral communications or personal observance as a matter of essential job responsibility. Contacts or observations shall be documented in writing to include the following information: name address and telephone number of the person reporting the hazard, location, nature of the hazard, date and time of notification, and name of person preparing the report. The original of the report shall be immediately brought to the attention of the Highway Agent or the Highway Agent's designee and a copy shall be furnished to the Office of the Selectmen for record keeping. The Highway Department shall document all responses (to be handled in accordance with the provisions of Section 12 of the Alton Highway Policies and regulations) and forward such documentation to the Office of the Selectmen.

CHAPTER 2 DEFINITIONS

- 2.1** Whenever used in this Manual, the following terms and words shall be defined as indicated below:
- 2.1.1 APPOINTMENT AUTHORITY:** An elected official or public body which is empowered by State Law or Town Meeting to appoint a person into a position as a Town Official, to include all Governing Bodies and the Highway Agent. However, the appointment authority of the Highway Agent is subject to the consent of the Selectmen. The Parks & Recreation Commission is the Appointment Authority for positions where the compensation is paid from the Recreation Revolving Fund, subject to the consent of the Selectmen. The Town Meeting is the Appointment Authority for all elected officials. Nothing in this definition shall be construed to limit the ability of any public body to establish subcommittees and appoint any person to such a subcommittee.
- 2.1.2 APPOINTMENT:** The lawful designation of a person by an Appointment Authority as a Town employee or Town Official, to include duly elected officials who have qualified for office and receive monetary compensation, in accordance with State Law and the applicable provisions of this Manual.
- 2.1.3 BUSINESS ASSOCIATE:** Any person such as a partner, contractual client, or colleague on a corporate board of directors with whom a Town Official can be said to have defined pecuniary interest; not to include customers of a retail, wholesales, or public service operation.
- 2.1.4 COMPENSATION:** A salary, wage, bonus, commission or other forms or payment rendered for services provided.

- 2.1.5 COMPETITIVE BIDDING:** The open and unbiased process of publicly soliciting several cost estimates for the purpose of selecting a bid, which is the most advantageous for the Town.
- 2.1.6 COMSUMABLES:** Any substance, which is used as food or a beverage.
- 2.1.7 DEMOTION:** The act of changing the status of an employee to a position of lower pay and/or reduced responsibility by the Department Head, Town Administrator, Appointment Authority or Governing Body as a result of disciplinary action, budgetary limitations or unsatisfactory job performance.
- 2.1.8 DEPARTMENT HEAD:** Any person who has a valid appointment and is serving in one of the following positions: Town Administrator, Finance Officer, Assessor, Building/Code Official, Police Chief, Fire Chief, Librarian, Planning Town, Director of Solid Waste Operations, Recreation Director, Water Superintendent, Cemetery Caretaker, Highway Agent, Town Clerk, and Tax Collector.
- 2.1.9 DISCLOSURE:** The revelation of information used (a) lawfully to reveal otherwise unknown interests before the public and public body having jurisdiction or (b) unlawfully in the Dispensation of secretly known details or facts acquired as a result of participation as a Town Official.
- 2.1.10 EMERGENCY PURPOSE:** An occasion by which an expense must be incurred as a result of the breakdown of equipment used by a Department or in order to prevent the interruption of the delivery of governmental services which are vital from a public health and safety standpoint.
- 2.1.11 GOVERNING BODY:** A group of Town Officials empowered to act as a body, to include the Board of Selectmen, Water Commission, Cemetery Trustees, Conservation Commission and Library Trustees; with authority to establish specific policies, procedures, rules and regulations concerning the operations of their respective Town agencies, subject to the provisions of all applicable State Laws as well as a applicable Town Meeting votes. However, it shall be recognized that the Board of Selectmen is the only Governing Body, which presides over all other Town agencies in matters related to the budgetary preparation process and financial accountability beyond the "bottom line" of all agency appropriations.
- 2.1.12 IMMEDIATE FAMILY:** Any member of a unit, which encompasses grandfather, grandmother, mother, father, son, daughter, grandchild, spouse, step child and immediate step family members or other person not temporarily domiciled in the household, to include relatives by virtue of blood, marriage or adoption.
- 2.1.13 INITIAL PROBATION PERIOD:** A working test period of between three (3) months (minimum) and twelve (12) months (maximum) from the date of appointment during which an employee shall not be considered "regular" but shall

be required to demonstrate by conduct and performance his/her fitness for the position to which he/she has been appointed.

- 2.1.14 LEAVE:** A period of absence during which an employee does not work but is still considered to be in the employ of the Town, to include time-off for sickness, bereavement, military duty, jury duty, vacation or other authorized purpose. Leave whether paid or unpaid, shall be authorized by the Governing Body or other designated official(s) in accordance with the provisions of this Manual.
- 2.1.15 PECUNIARY INTEREST:** Any advantage in the form of money, property, commercial holdings, economic gain, financial promotion or material benefit; not to include actions in which there is a general public gain such as non-specific tax reductions.
- 2.1.16 PRIVILEGED INFORMATION:** Facts or details, which are not generally known by the public at-large to which the public has no right to know under the law or information which has been obtained by a Town Official in a non-public setting whereby disclosure might render some proposed activity to be ineffective.
- 2.1.17 PROBATION PERIOD:** A working test period of between three (3) months (minimum) and twelve (12) months (maximum) from the date of promotion. Employees who are on probation (including those serving an initial probation period) shall be considered conditional appointees and therefore must agree to waive all statutory protections pertaining to discharge or disciplinary action until such time as the probation period is successfully completed as a condition of employment.
- 2.1.18 PROMOTION:** The change of an employee by the Governing Body upon the recommendation of a Department Head, Town Administrator or Appointment Authority to a different position with increased responsibilities and an increase in pay.
- 2.1.19 PUBLIC BODY:** Any committee, board, commission, subcommittee, panel or agency to which a person is lawfully designated thereto, whereby each member thereof shall be considered a Town Official with an obligation to act on behalf of the Town of Alton as prescribed by law.
- 2.1.20 REGULAR FULL-TIME EMPLOYEE:** Any person appointed as a Town Official on a compensated basis, provided he/she is scheduled to work at least forty (40) hours per week over the course of a calendar year, and has successfully completed the initial probation period.

- 2.1.21 REGULAR PART-TIME EMPLOYEE:** Any person appointed as a Town Official on a compensated basis, provided he/she is scheduled to work at least twenty (20) hours per week for at least fifty two (52) weeks per calendar year, and has successfully completed the initial probation period.
- 2.1.22 SEASONAL, TEMPORARY, OR PART-TIME EMPLOYEE:** Any person appointed as a Town Official on a compensated basis to a position for which the employment period shall be less than forty (40) weeks per calendar year and/or less than twenty (20) hours per week.
- 2.1.23 SMOKING:** The having in one's possession of a lighted cigarette, cigar, pipe or any other device designed to produce the effect of smoking.
- 2.1.24 SUPERVISOR:** Any person acting on behalf of the Town, whether elected or appointed, in a position of authority whereby he/she is either directly or indirectly responsible for oversight of subordinates, to include Appointment Authorities, Department Heads and the following positions: Police Lieutenant, Police Sergeant, Highway Working Foreman or any other person designated by a Department Head to a temporary or permanent supervisory status.
- 2.1.25 SUSPENSION:** A disciplinary action whereby a Department Head, the Town Administrator, Appointment Authority or Governing Body requires that an employee cease from reporting to work and forgoes compensation for a specified period of time.
- 2.1.26 TOWN OFFICIAL:** Any person who is engaged and duly authorized to perform a specific function on behalf of the Town, whether as an employee, an elected official or as an unpaid volunteer.

CHAPTER 3. PERSONNEL POLICIES FOR APPOINTED EMPLOYEES

3.1 The Hiring Process

- 3.1.1** No person shall be deemed to have been hired as an employee of the Town without having an Employee Classification Form signed by a majority of the members of the applicable Governing Body. Duly executed Employee Classification Forms shall be forwarded to the Finance Office prior to an employee beginning work. (See Appendix V)
- 3.1.2** The following employees shall be required to take an Oath of Office prior to assuming the duties of the position: the Town Administrator, all Police Officers (including the Chief and Specials), the Code Official and the Animal Control Officer.
- 3.1.3** Prior to assuming a position as an employee or compensated elected official (or immediately thereafter), each person must report to the Finance Office for the

purposes of completing applicable forms and paperwork as may be required for the processing of paychecks, otherwise, no paycheck shall be issued. In cases where a new employee is unable to report to the Finance Office during normal work hours, the Department Head may process the applicable forms.

- 3.1.4 Whenever there is an employment vacancy for a non-elected position below the level of Department Head, the Department Head or Appointment Authority shall notify the Governing Body of the date on which the vacancy will exist, the classification of the position and any other pertinent facts which may be necessary to fill the position. The Governing Body reserves the right to make any decisions it deems necessary with regards to filling the position, including, but not limited to leaving the position unfilled, changing the job description and/or pay classification, or authorizing a Department Head to promote from within.
- 3.1.5 Unless otherwise decided by the Governing Body, it shall be the policy of the Town to advertise all employment vacancies in at least one issue of a local newspaper, to post public notice of the vacancy in at least three locations (including one posting in the work area and/or Union Bulletin Board) and to accept applications for a period of at least one week after the initial date of advertisement. NOTE: A vacancy shall not exist if a Department Head recommends that a current employee be promoted and the Governing Body accepts that recommendation. It shall be the responsibility of the Department Head (or Town Administrator if so designated) to advertise for applicants to fill an employment vacancy whenever someone is not promoted, provided that the advertisement has been approved by the Governing Body.
- 3.1.6 Except in the case of Police Officers and employees not covered under this Manual, whenever there is an employment vacancy below the level of Department Head, the hiring decisions shall be based upon a determination that the chosen candidate is more qualified than all others and the satisfactory completion of an interview and investigation into references, licenses, coursework, experience, fitness and overall capabilities.
- 3.1.7 Whenever there is an employment vacancy at the Department Head level, the Governing Body shall undertake whatever means necessary to fill the position with the most qualified applicant, upon the recommendation of the Town Administrator or interview panel if established, subject to the advertisement requirements, posting requirements and Selectmen's authority as described herein. However, nothing in this Section shall be deemed to limit the ability of a Governing Body to designate a current Town employee as an "Acting" Department Head for a period not to exceed six (6) months and from paying an "Acting" Department Head a salary commensurate with the position and responsibilities to the extent funds are available.
- 3.1.8 The governing body of a town, or a town manager in a town which has adopted the provisions of RSA 37, may require a background investigation and a criminal

history records check on any candidate for employment in a position in the town that requires the employee to work with or around children or elderly persons, enter the home of citizens, or collect or manage money, prior to a final offer of employment. A town may request only a state records check or both federal and state records check, to be conducted through the division of state police but not requiring finger prints. The town may extend a conditional offer of employment to a candidate, with a final offer of employment subject to a successfully completed criminal history records check.

Although a Department Head is authorized to extend a conditional offer of employment, only the Governing Body can actually hire someone. Except for office positions and elected officials, all employees shall be required to undergo a medical examination at the Town's expense prior to being hired. (A doctor's note certifying good health may be accepted in lieu of a medical exam if less than one year old.) Immediately following the issuance of a conditional offer of employment, candidates who submitted a resume in lieu of the Town's official job application form shall be required to submit a completed application form. (See Appendix II)

3.1.9 The filling of an employment vacancy for Police positions below the rank of Chief shall be completed as follows:

(a) Phase I- All candidates shall be required to submit a resume, complete a Departmental application form and take a written examination.

(b) Phase II – A selected number of candidates will be chosen for oral board interviews by the Police Chief based upon a subjective determination of superior ability or potential as demonstrated in Phase I of the application process. The oral board panel shall consist of the Police Chief. At the conclusion of the interviews, the panel shall rank the candidates by preference, provided only those deemed worthy of employment are prioritized. Each candidate's overall ranking shall be based on an oral board average.

(c) Phase III – The oral board panel shall rank each candidate. The Police Chief shall then tender a conditional offer of employment to the primary candidate, subject to the satisfactory completion of the following: a psychological test, polygraph examination, physical agility test and final appointment being approved by the Board of Selectmen. Upon the test results being completed to the satisfaction of the Police Chief, he/she shall then provide the Selectmen with a written recommendation and copies of the application materials from the proposed employee.

(d) In the event that none of the candidates/applicants are appointed, the position vacancy shall be re-advertised and the hiring processes shall begin again.

- 3.1.10 It shall be the policy of the Town to acknowledge, in writing, receipt of all solicited applications for employment.
- 3.1.11 The initial amount of compensation and level of benefits to be provided upon appointment shall be determined by the Governing Body, but shall not be inconsistent with the provisions contained elsewhere within this Manual. The Governing Body shall give due consideration to the recommendations of the Department Head, Town Administrator and/or Appointment Authority.
- 3.1.12 All newly appointed employees shall be required to serve the minimum initial probation period during which time their employment status may be terminated by the Governing Body (upon the recommendation of the Department Head, Town Administrator or Appointment Authority as may be applicable) without benefit of advance warning, explanation or grievance. Also, prior to the expiration of the initial probation period, the Department Head, Town Administrator or the Appointment Authority may act to extend the probation period for any employee for any reason whatsoever, provided the employee is informed of this decision in writing and the extended probation period does not exceed three (3) months. Probation extensions are not subject to any appeal or grievance proceedings.
- 3.1.13 It shall be the policy of the Town to provide equal opportunity in Town employment for all persons and to prohibit discrimination in employment because of race, color, religion, sex, national origin or a disability (as defined under the Americans with disabilities Act) for which reasonable accommodations can be made, and to promote the full realization of equal employment opportunities for all persons eligible for employment. Furthermore, it shall be the policy of the Town to attempt to hire the best candidate for each position solely by reason of qualifications, experience and suitability for the job, taking into account the provisions of RSA 283.

3.2 Employment Conditions

- 3.2.1 The actual work day starting and finishing times may vary from Department to Department and are to be established by the respective Department Heads, subject to the approval of the Governing Body. The sole consideration for determining the hours shall be the needs of the public and the ability of the Town to pay for staff to meet them.
- 3.2.2 The typical work week for regular full-time employees shall be forty (40) hours, Monday through Friday, but the official work week and weekly pay period for all employees shall begin on Sunday at 12:01 am and end on Saturday at 12:00 midnight.

3.2.3 All hourly employee work breaks shall be administered on a daily basis, as follows:

(a) Employees who work eight (8) hours or more per day but less than twelve (12) hours per day shall be eligible for a thirty minute unpaid meal break and two paid "coffee" breaks per day, not to exceed fifteen minutes per break. However, essential staff members who are required to be on duty during meals shall be paid for meal breaks.

(b) Employees who work five (5) hours or more per day but less than (8) hours per day shall be eligible for a thirty (30) minute unpaid meal break. Essential staff members who are required to be on duty during meals shall be paid for meal breaks.

(c) Employees who work twelve (12) hours or more per day shall be eligible for a thirty (30) paid meal break, a thirty (30) minute unpaid break and three paid "coffee" breaks per day, not to exceed fifteen (15) minutes per break.

(d) Employees who work less than five (5) hours per day shall not be eligible for any paid break times.

(e) Break times shall be subject to approval by Department Heads, giving due consideration to the needs of the Town, its customers and other employees. Break times shall be taken so as to absolutely minimize any inconvenience to the public and other employees who may require assistance. As such, they are not automatic events to be taken at an employee's discretion, but rather the use of breaks shall require mature judgment as to timing, length and frequency.

(f) At no time will two employees from the Town Hall who are working in the same office be allowed to go on break at the same time.

(g) Meal breaks that are not paid may be taken from the work place, but other breaks shall be subject to the discretion of Department Heads.

(h) Unused break time may not be accumulated.

3.2.4 The swapping of shifts shall require the pre-approval of the Department Head, provided that approval does not result in unauthorized overtime.

3.2.5 It shall be the policy of the Town to provide a Town-owned vehicle whenever possible for all travel associated with job responsibilities. In cases where the use of a personal vehicle is necessary, the Town shall reimburse the employee for mileage at the Internal Revenue's calculated rate for that year per mile plus tolls or an agreed upon stipend. Payment for mileage shall not include travel to and

from the principle work place. All other reimbursements for travel related expenses should be pre-approved by the Department Head and subject to verification with receipts. Any out of state expenses, including plane trips, mileage, meals and lodging for the Town business must be pre-approved by the Board of Selectmen.

- 3.2.6 Employees shall be expected to keep the work place neat, clean, organized, tidy and uncluttered at all times. This includes the surrounding work area and any other area open to the public, which the Department Head deems to be an employee's responsibility.
- 3.2.7 Employees shall be expected to dress appropriately for work. Department Heads shall have the authority to require any employee that is inappropriately attired to change the offensive clothing. Employees sent home to change shall not be paid for time spent away from work.
- 3.2.8 In the event that clothing is torn or damaged while working, a Department Head may allow an employee to change his/her clothing in the most expeditious manner without a loss of wages.
- 3.2.9 During inclement weather, all Town facilities are expected to remain open during their respective hours and days of operation. In the event of extremely adverse weather conditions, the Town Administrator shall determine if employees may be relieved of duty and when activities close. During special storms or natural disasters, Department Heads may purchase food for their employees when necessary. The following policy will govern employees during inclement weather operations, except for public safety employees:
 - (a) All employees will attempt to report to work at normal hours.
 - (b) If an employee anticipates an unavoidable delay in reporting to work, he/she shall call her supervisor and state the time delay that is anticipated. NOTE: shoveling snow or clearing off a vehicle for storms of 4" or less shall not constitute an unavoidable delay.
 - (c) Hourly employees arriving at their duty station within sixty (60) minutes of their normal time may be paid a full day's wages at the discretion of the Department Head. However, employees shall forfeit one paid break time under these circumstances.
 - (d) Hourly employees arriving after the (60) minute grace period will be paid only for the actual number of hours worked and shall forfeit all paid break times.

(e) Hourly employees who decide not to report for work at all will not be paid or they may elect to be paid utilizing available leave time (but not sick leave).

(f) It will be incumbent upon each Department Head to know the habits, residence and road conditions affecting the employees sufficiently well to ascertain if a valid attempt was made to report to his/her duty station and the extent to which an employee shall be penalized for failure to report.

(g) Any employee fails to report to work and fails to notify his/her supervisors prior to the end of the work shift shall be subject to severe disciplinary action absent a genuine emergency.

(h) Employees dismissed from work due to closure of facilities shall be paid for the remainder of their regular work shift at their regular work shift at their regular pay, but this shall not be considered actual hours worked for the sake of overtime eligibility.

(i) In order to maintain essential services and keep the Town Hall open during inclement weather emergencies when other employees are dismissed, the Town Administrator may ask employees to voluntarily remain at work, provided this is done on a rotating basis to the greatest extent possible and hourly employees who stay shall be paid at time and one-half.

3.2.10 There shall be no smoking in any Town building at anytime by a Town employee. Smoke breaks shall only be allowed during approved break times. Employees who work outdoors shall not be permitted to smoke while working except during authorized breaks. There shall be no smoking in Town vehicles, except for Highway Department trucks.

3.2.11 It shall be the policy of the Town to strongly discourage employees from conducting social activities with family during working hours. This applies to telephone calls, babysitting, casual conversation and personal business. Although Department Heads may permit occasional infractions, repeated abuse shall result in disciplinary action. Nothing in this paragraph shall be construed to limit the ability of an employee from responding as may be appropriate in an emergency or having family and friends present during special events.

3.2.12 Employees who travel to work in motor vehicles shall park in designated employee parking areas. Whenever parking areas are not provided, employees shall park their vehicles in such a way as to provide no inconvenience to the public. Town employees shall be prohibited from parking personal or Town owned vehicles on Route 11 directly in front of the Town Hall anywhere within the Monument Square during normal business hours, except to load deliveries.

3.2.13 Personnel files shall be maintained as follows:

(a) The Town Administrator shall retain resumes, applications, examinations, interview notes, records of investigations, evaluations, notices of disciplinary action, letters of commendation, and miscellaneous correspondence. Medical records shall also be retained in separate folders. These materials shall be secured at all times when not being accessed. Personnel files shall not include any informal notes, reminders or other records. However, the Police Chief shall unofficially maintain a duplicate set of personnel files for current Police personnel as noted above and he/she shall also exclusively maintain unofficial personnel records relative to internal affairs investigations, counseling & training statements and minor infractions of Police Department Standards and Regulations.

(b) The Finance Office shall maintain records of attendance, payroll deduction information, levels of benefits by plan, type and vendor, and wage related materials.

(c) Official personnel files shall be maintained in the Selectmen's Office. Department Heads or Supervisors may maintain their own informal notes, memo's and private correspondence. These materials however, shall not be permitted for use as personnel information.

(d) Any employee may inspect their personnel file upon request during break times and after normal working hours. Copies of materials shall be provided at no charge. No other access to personnel file shall be allowed without written authorization, except by the Town Administrator, Finance Officer, Governing Body or Appointment Authority.

(e) The Town and its agents shall keep all personnel file information confidential, except when responding to inquiries for reference by potential employers in which case the date of hire and last day worked may be provided but shall not be released for inspection without a signed letter of authorization.

(f) Employees shall be notified when items of a disciplinary or adverse nature are included in their personnel file and they may insert written letters of rebuttal.

3.2.14 The Town shall indemnify and save harmless for loss and damage, all Town employees and agents from any personal financial loss and expense including reasonable legal fees and costs if any claim, demand, suit or judgment against the indemnified person in accordance with RSA 31:105, provided the employee or agent is acting within the scope of his/her job responsibilities. (Town Meeting Warrant Article 34, 3/12/94). Furthermore, the Town hereby adopts the limited liability provisions of RSA 508:12-b, as this pertains to members of the Fire

Department. However, the Town shall not pay or reimburse any employee for their personal legal expenses incurred by the use of their own attorney unless ordered by a court or specifically authorized by the Board of Selectmen.

3.2.15 The Town shall cooperate with employees and any other duly authorized entity in the deduction of monies from payroll checks for any lawful purpose to the greatest extent possible. However, the Town reserves the right to charge an employee for postage expenses for optional deductions if more than one is requested.

3.2.16 The personal use of Town assets may be permitted at the discretion of the Department Head, in accordance with the following procedures:

(a) No Town owned vehicle or motorized equipment shall be authorized for personal use without the consent of the Governing Body.

(b) Employees may not use tools, non-motorized equipment and other materials during non-working periods for personal reasons.

(c) Employees shall not charge any long distance calls to the town unless it is an emergency which shall be reimbursed to the Town. Long distance calls of a personal nature are to be billed directly to the caller (not the Town) by the telephone company, using either operator assistance or a credit card.

(d) Except as otherwise noted above, no other charges shall be made using Town accounts for a personal purpose.

(e) The decision of the Department Head or Government Body shall be final and not subject to appeal by an employee. These privileges may be revoked at anytime for any reason.

(f) Abuse, misuse, misappropriation or neglect in the use of Town assets, whether for personal or Town relates use, shall be subject to severe disciplinary action and possible criminal prosecution.

3.2.17 No employee shall solicit or engage in any employment or self-employment during regular work hours or use Town vehicles, equipment or facilities in the pursuit of such employment, except in response to a Department Head's request to provide Town agencies with items or services at bargain prices in cases where the employee normally provides such items or service to others as a business venture. No employee may use vacation, bonus, personal, holiday or sick time for this purpose.

3.2.18 It shall be a condition of employment for all Police Officers hired after October 5, 1995, to have a place of residence within thirty (30) miles of the Police Station

within six (6) months of appointment. Police Officers appointed prior to October 5, 1995, who live further than thirty (30) miles from the Police Station shall be grand fathered, however, they shall be subject to discharge if they move further than thirty (30) miles from the Police Station. The Board of Selectmen may waive these requirements or grant a time extension at their sole discretion.

- 3.2.19** Except as otherwise noted above, no employees shall have a residency requirement as a condition of employment, unless required by law for elected officials.
- 3.2.20** It may be a condition of employment for all Police Patrol Officer Trainees to sign an agreement with the Town whereby he/she shall reimburse the Town for twelve (12) weeks worth of wages (at the base rate of pay for a 40 hour week) plus benefits which have been paid for by the Town (including Fica, Medicare, Retirement, Health/Dental Insurance and Life Insurance) in the event the employee voluntarily leaves the Town employ within two (2) years from the date of graduation from the Police Academy as a certified, full-time Police Officer when sponsored by the Town of Alton. Payback requirements shall be pro-rated based on a percentage of completion, except in the event of a severe hardship as determined solely by the Governing Body.
- 3.2.21** Police Officers and employees who work for the Parks & Recreation Department, Highway Department and Solid Waste Center shall be provided with uniforms to the extent authorized by the Department Head in accordance with the amount of funding approved by the voters. Employees of these Departments shall be expected to be in proper uniform at all times while on duty, except when specific situations or medical conditions require another form of dress. No other Town employees shall be provided with uniforms or a clothing allowance unless specifically authorized by the Governing Body. Uniforms may not be worn except during work times or while traveling to and from the work place.
- 3.2.22** The Board of Selectmen may, at its option, enter into contractual agreement with the Town Administrator, which outlines terms of employment that may differ from the provisions of this Manual. An agreement of this sort may include items such as probation period, hours worked, wages, merit pay, cost-of-living pay increases, travel allowances, education benefits, severance pay, leave benefits, health insurance benefits, retirement plan contributions or memberships in professional associations. The Town shall not enter into employment agreements with any other employees except as otherwise noted in Section 3.2.20 and Section 3.4-A.2 and as otherwise permitted by laws governing collective bargaining agreements.
- 3.2.23** The Town may, at the option of the Governing Body, Town Administrator or Department Head, require employees to attend staff meetings and participate in training programs and courses which are deemed essential to an employee's work responsibilities (example: Safety Committee). The Town shall pay all reasonable

expenses, including course costs, mileage, meals, etc. for mandatory training. The Town shall pay hourly employees at their regular wage rate (or overtime if applicable) for training, which is required during work hours, to include time spent during necessary travel time. Whenever possible, the Town shall provide seventy-two (72) hours notice for required training courses during non-work hours for which hourly employees' shall be paid at an overtime rate. Scheduled training under this section shall be considered a call-in. Employees who refuse or fail to participate may be subject to disciplinary action.

3.2.24 The Town encourages employees to take college courses and participate in other training and educational programs, which are of a clear benefit to the Town and designed to improve the quality of performance and bring more efficiency and economy to municipal operations. Upon recommendation of the Town Administrator and prior approval of the Governing Body, the Town may contribute as follows: {a} reimbursement for mileage, meals, books, college course tuition (less any scholarships or financial aid received) or other reasonable expenses upon submission of receipts; {b} provide a Town vehicle for travel; and/or {c} pay directly for training programs and other reasonable fees associated with a program. Whenever possible, such training and expenses should be anticipated as a part of the budget approval process. The Town shall require a passing grade for the reimbursement of all college course expenses. However, it shall be expressly understood that successful completion of an education program shall not automatically entitle any employee to a promotion, reclassification or increase in wages.

3.2.25 Employees of the Town shall maintain the highest standards of conduct, cooperation, efficiency and economy in the performance of their duties. Town employees will at all times be conscious of the fact that they are the Town's representatives and their job exists solely for the benefit of the citizens of Alton and members of the general public. Employees shall exercise constraint in dealing with displeased citizens at all times. Employees who fail to conduct themselves with this philosophy in mind shall be subject to disciplinary action and probable discharge.

3.2.26 Every employee as a condition of employment, shall be expected to cooperate to the fullest extent with other employees, including those of other Departments, in the providing of services to the public and other Town Officials.

3.2.27 The following paragraphs constitute the Town's policies and procedures with regard to controlled substances and alcoholic beverages for employees other than those required to possess a commercial driver's license as a condition of employment. (CDL employees refer to Section 3.2.28)

(a) Employees shall not possess, use, or sell illegal controlled substances or alcoholic beverages during work hours. Possession shall include, but

not be limited to, concealment or storage in a locker, bag, vehicle or other place accessible to the employee during working hours.

(b) Employees shall not report to work or attempt to work under the influence of illegal controlled substances or alcoholic beverages. Employees shall not report to work or attempt to work if the effects of prescription or over-the-counter drugs or medication are likely to inhibit Town operations or the employee's ability to perform his/her job. Employees shall notify their Supervisor upon reporting to work when taking medications, which may affect job performance or work place safety.

(c) The Town Administrator based on consultation with the Department Head and town Counsel may enforce this policy by requiring employees suspected of being impaired to submit to drug and alcohol tests, (including, but not limited to, providing urine and blood samples) and/or by conducting searches of the employees and their personal belongings and vehicles. When such tests are performed using outside agencies or professionals, all costs shall be borne by the Town.

(d) The Town Administrator may authorize drug and alcohol tests on a random basis, based on review with the Department Head and town Counsel. Searches of town lockers or town vehicles shall be authorized only when the Department Head, Town Administrator or Town Counsel has reasonable suspicion that the employee is concealing controlled substances or alcohol in the area to be searched.

(e) Employees shall be discharged from employment or subject to other disciplinary action as the Town may determine if the employee:

- Fails to comply with this policy or to cooperate with the Town Administrator in the administration of this policy;
- Exhibits behavior that is harmful or potentially harmful to the public or other agencies;
- Does not obtain professional treatment for alcohol or drug dependency;
- Refuses to provide documentation of treatment;
- Does not meet the goals of the treatment plan in a timely fashion as presented in such treatment plan;
- Refuses to submit to independent testing, at the Town's expense, if requested to do so by the Town Administrator based on review with the Department Head and Town Counsel.

(f) The Town will make available through the Employee Assistance Program, confidential counseling referrals for treatment and educational programs that explain the dangers of substance abuse.

(g) Notwithstanding the Town's ability to impose disciplinary action for violations of this policy or unacceptable conduct, any employee who is diagnosed as dependent on alcohol or drugs by a medical professional, a certified counselor or an accredited treatment facility shall receive the same consideration as employees with other serious illnesses. An employee so diagnosed for the first time will be placed on sick leave after any disciplinary action has been served, under the terms of this Manual while undergoing a plan of treatment from a medical professional, a certified counselor or an accredited treatment facility. The employee will be required to present periodic documentation to the Town from the medical professional, a certified counselor or accredited treatment facility, of an on-going treatment whether the employee remains on sick leave or returns to work. An employee whose work performance results in a second referral and diagnosis for substance abuse shall be discharged.

3.2.28 The following paragraphs constitute the Town's policies and procedures with regards to federal requirements pertaining to controlled substances and alcoholic beverages for all employees that are required to possess a valid New Hampshire commercial Driver's license as a condition of employment:

- (a) This policy has been developed to administer applicable laws promulgated by the federal government in accordance with regulations and guidelines adopted by the US Department of Transportation, Federal Highway Administration, N.H. Department of Safety.
- (b) Employees shall not possess, use, sell or be under the influence of any controlled substance, medication or alcohol which might affect the safe operation of a motor vehicle. Possession shall include but not limited to concealment or storage in a locker, bag, vehicle or other place accessible to the employee during working hours. Use of an alcoholic beverage shall include but not be limited to the consumption of an intoxicating beverage regardless of its alcohol content within four (4) hours before going on-duty.
- (c) All employees covered under this Agreement shall be subject to urine testing for drugs and breathe tests for alcohol under the following circumstances; post-accident, random sampling, reasonable suspicion and return to duty follow-up. Drug testing shall be for the following substances: marijuana, cocaine, amphetamines, phencyclidine and opiates.
- (d) Testing facilities shall be designated by the Town. Transportation to a testing facility shall be done under Town supervision. Refusal to be tested when directed by the Town or attempts to alter test outcomes shall result in an employee's immediate discharge.
- (e) Post-accident testing shall be administered as follows: In the event that an employee is involved in a motor vehicle accident whereby there is a bodily injury (requiring medical attention or fatality) or if the

employee is cited for a moving violation, the employee shall be required to immediately (as soon as possible) submit a test at Town expense to determine if drugs or alcohol are present. Tested employees under this paragraph are presumed to be not guilty of any violations and shall be allowed to immediately return to work, however they shall not be allowed to perform any safety sensitive functions until such times as the test results are known.

- (d) Random testing shall be administered as follows; The Town shall participate in a drug and alcohol testing consortium of its own choosing for the sake of administering the types of testing (drug and/or alcohol), time frames and actual random selections. All employees shall be required to submit to a drug and/or alcohol test immediately upon notification their names have been selected. The Town shall pay for these tests. Tested employees under this paragraph are presumed to be not guilty of any violations and shall be allowed to immediately return to work with no restrictions pending test results.
- (e) Reasonable suspicion testing shall be administered as follows; In the event the Town Administrator, Highway Agent, Highway Working Foreman or other designated supervisor has reason to suspect an employee has reported to work under the influence of a substance which might affect the safe operation of a motor vehicle or inhibit the employee's ability to perform his/her job, the employee shall be required to submit to testing at Town expense to determine if drugs or alcohol are present. Testing for alcohol may also be administered by Police Department personnel. Tested employees under this paragraph shall be placed on administrative leave from the time the employee is returned to the workplace until such time as the test results are known. A positive test shall result in the leave being unpaid and a negative result shall result in paid leave.
- (f) Return to duty follow-up testing shall be administered in accordance with the recommendations of a certified Substance Abuse Professional, at times convenient to the Town while the employee is on-duty and at the employee's expense. Once the initial return to work test clearance has been provided, tested employees under this paragraph are presumed to be not guilty of any violations and shall be allowed to immediately return to work with no restrictions pending test results.
- (g) A determination as to whether any test is positive or negative shall be made by a certified Medical Review Officer in accordance with federal regulations. A positive test as a result of post-accident testing or return to duty follow-up shall result in an employee's immediate discharge. A positive test as a result of random sampling or reasonable suspicion will result in the following:
- An immediate suspension for up to thirty (30) days without pay until such time as a negative test is submitted by a certified testing facility,

to be paid for at the employee's expense. In the event that no negative test is submitted within 30 days, the employee shall be discharged;

- A referral to the Employee Assistance Program and a requirement that the employee be evaluated by a certified Substance Abuse Professional (SAP). The employee shall also be required to have the SAP submit a written report to the Town Administrator within thirty (30) days of the positive test result as a prerequisite for returning to work. All expenses associated with the evaluation and report shall be the responsibility of the employee. Failure to submit a written report from a SAP within 30 days shall result in the employee being discharged.
- (j) All urine tests shall be conducted using a split container to allow for two separate samples. An employee who tests positive for a prohibited substance may immediately undertake a subsequent test at his/her own expense using the same laboratory or one of their own choosing subject to secure chain of custody procedures. Employees who desire a blood test to refute a positive test may do so under Town supervision using a certified laboratory at their own expense. Any attempts to consume food or beverages or alter a second test results in any way shall result in an employee's immediate discharge. In the event a re-test overturns a positive test, all disciplinary action and records related to the test shall be purged from an employee's file and the employee shall be entitled to retroactive payment of all wages that were missed.
- (k) Employees shall be required to notify their supervisors immediately before reporting to work if they are under the influence of alcohol, medication or a controlled substance. Upon notification, a person must have a doctor's note as proof of their ability to safely operate a motor vehicle or they must wait at least four (4) hours until after an alcoholic beverage has been consumed. However, employees are expected to be available for winter storm duty free from the influence of drugs or alcohol. Repeated abuses will result in a referral to the Employee Assistance Program and possible disciplinary action, including discharge. Employees who are unable to work a regular shift under these circumstances for reasons other than taking prescribed medication or a genuine illness shall be ineligible for sick leave benefits.
- (l) The Town shall notify the Federal Highway Administration and NII Department of Safety of the name and test results (or refusal) for any person that is discharged as an employee under these provisions.
- (m) The Town Administration shall retain records of all testings and refusals. In addition, individual testing results and refusals shall be placed in each employee's personnel file as part of their confidential

medical records. Information will only be released to parties other than the employee upon written authorization of the employee.

- (n) The discharge of any employee who tests positive under these provisions shall be considered a medical reason. The discharge of any employee who refuses to comply with the provisions shall be considered insubordination.
- (o) Employees shall be determined to be in non-compliance with this policy under the following circumstances.
 - Failure to cooperate with the Town Administrator in the administration of this policy;
 - Conviction of a crime, which involves the use or possession of alcohol or drugs;
 - Intoxication which results in the exhibition of behavior that is harmful or potentially harmful to the public or other employees;
 - Failure to obtain professional treatment for alcohol or drug dependency;
 - Refusal to provide documentation of treatment;
 - Failure to meet the goals of the treatment plan in a timely fashion.
- (p) The Town will make available through an Employee Assistance Program, confidential counseling referrals for treatment and education programs that explain the dangers of substance abuse. The Town shall also provide periodic education about this Substance Abuse Policy, the procedures used for testing and employee rights with regards to the testing program.
- (q) Notwithstanding the Town's ability to impose disciplinary action for violations of this policy, any employee who receives a first-time diagnosis for being dependent on alcohol or drugs by a medical professional, a certified counselor or an accredited treatment facility shall receive the same consideration as employees with other serious illnesses. An employee so diagnosed for the first time will be placed on sick leave after any disciplinary action has been served, under the terms of this Manual while undergoing a plan of treatment from a medical professional, a certified counselor or an accredited treatment facility. The employee will be required to present periodic documentation to the Town from the medical professional, certified counselor or accredited treatment facility, of ongoing treatment whether the employee remains on sick leave or returns to work. Any employee whose work performance results in a second referral and diagnosis for substance abuse will be discharged.

3.2.29 The following paragraphs constitute the Town's policies and procedures with regard to sexual harassment:

(a) The Town will not tolerate employee conduct whereby a Town Official sexually harasses any Town employee or other person while the Town Official is either engaged in business of the Town or purports to be.

(b) Conduct will be considered sexual harassment if:

- Submission to or rejection for a sexual favor is used as the basis for employment decisions affecting the person who did the submitting or rejecting; or
- Submission to a request for sexual favors is made either explicitly or implicitly a condition of the individual's continued employment; or
- Unwelcome sexual advance and other verbal or physical conduct of a sexual nature interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment; or
- An individual repeatedly makes inappropriate remarks about someone's clothing, body or sexual activities or engages in repeated leering or ogling; or
- An individual engages in unwelcome and offensive touching, patting, or pinching of another person's body parts, or any type of assault of a sexual nature.
- Create a hostile work environment

(c) All complaints of sexual harassment must be referred immediately to the Town Administrator and/or the Department Head who shall then conduct an investigation into the matter. Confidentiality will be maintained to the extent possible consistent with the need to conduct a prompt and thorough investigation of a complaint.

(d) Upon conclusion of the Department Head investigation, the Town Administrator and/or the Department Head shall take whatever action he/she deems warranted in accordance with the provisions of this Manual. However, the complainant shall not be entitled to be informed of any disciplinary action imposed against the person accused because this would constitute an unauthorized release of confidential personnel information.

(e) Retaliating or discriminating against an employee for complaining about sexual harassment is prohibited.

(f) Any substantiated instance of sexual harassment as described herein, any act of retaliation, or any failure to cooperate in the investigation or resolution of a sexual harassment complaint shall result in disciplinary action, including probable termination.

- (g) In the event an employee is uncomfortable reporting an incident of sexual harassment to the Town Administrator due to that person's gender, the incident may be initially submitted to an agreed upon person for investigation.
- (h) In the event an employee accuses a Department Head of this type of conduct, a complaint shall be submitted to the Town Administrator who shall conduct an investigation and issue a report with a summary of findings to the Board of Selectmen. If the complaint is against the Town Administrator than the complaint shall be referred to the Chairman of the Board of Selectmen.
- (i) In the event an employee accuses a Selectman of this type of conduct, a complaint shall be submitted to another Selectmen, Town Administrator or Town Counsel.
- (j) In the event the investigation leads to the conclusion that the accusation is blatantly false and malicious, the accuser may be immediately discharged from the employ of the Town.

3.2.30 During work hours (or while purporting to be engaged in the business of the Town), no employee shall actively take part in the solicitation of votes for a candidate for public office or participate in an election process whereby the intent is to interact with members of the general public for the purpose of affecting the outcome of a public election. However, this type of prohibition shall not include the exercise of job responsibilities, which require the rendering of public facility accommodations for political candidates (in a fair and equal manner) and providing for public safety relating thereto. And Town employees shall not be prohibited from lobbying for specific acts of legislation upon authorization by the Governing Body or from actively participating in a Town Meeting.

3.2.31 No Town employee shall publicly disclose any unofficial, non-public information which has been obtained during the course of employment with the Town, without the prior approval of the Town Administrator. However, the Police Chief and Fire Chief are authorized to release public information of a public safety nature, as they may deem necessary. No one below the rank of Department Head is authorized to issue verbal press releases or conduct press conferences while working unless specifically authorized by their Department Head.

3.2.32 All outgoing written press releases, informational sheets, brochures, pamphlets, memorandums and other forms of official correspondence must be approved and authorized by the Department Head prior to release with copies immediately thereafter forwarded to the Office of Selectmen. Copies of all Town business related incoming correspondence shall also be forwarded to the Office of the Selectmen.

3.2.33 Notwithstanding the provisions of RSA 98-E, during work hours (or while purporting to be engaged in the business of the Town), no Town employee shall make any statement of personal opinion regarding Town affairs or any person (as defined by RSA 21:9), during an interview with a media agent, unless previously authorized by the Town Administrator or the employee is actively participating as a member of a legislative body at a Town Meeting.

3.2.34 In addition to other prohibitions that are described within this Manual, the following activities shall be expressly prohibited by all employees. Violations shall result in severe disciplinary action, to include a high probability of discharge and criminal prosecution if applicable:

(a) Any strikes, work stoppage, slowdowns, mass resignation, mass absenteeism, picketing, conduct or action which interferes with or prevents the Town from effectively and efficiently discharging its responsibilities to the public; or any other similar actions which would involve suspension of or disruption of the normal work of the Town;

(b) Frequent tardiness, abuse of sick leave or absence from duty without prior approval;

(c) Disregard for or repeated violation of Town Department policies and regulations, to include the provisions of this Manual, especially with regards to safety;

(d) Criminal, dishonest or other unsuitable conduct which interferes with effective job performance or has an adverse effect on the efficiency of the Town service, to include the disregard for or frequent violation of Town Ordinances or State Laws;

(e) Willfully falsifying or unauthorized removal of official records and/or reports;

(f) Uncivil or discourteous attitudes or behavior through the use of indecent, abusive impolite, rude, lewd and/or slanderous language towards the public other employee's or other Town Officials;

(g) Insubordination or refusal to obey a lawful order or directions of a supervisor;

(h) The posting or public display of materials or information on Town property, which is derogatory in nature and directed towards any Town Official;