

**TOWN OF ELLINGTON**  
**PERSONNEL RULES AND REGULATIONS**

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# CHAPTER 1

## Purpose and Scope

### 1-1. Purpose

Created pursuant to Chapter XI, Section 1104 of the Town of Ellington Charter, the contents of this handbook are the personnel policies and rules of the Town of Ellington and are applicable to all employees provided not in direct conflict with any collective bargaining agreements or individual contracts and with the exceptions as noted below under "Scope".

### 1-2 Contract Disclaimer

Since this handbook is only a summary of the Town's expectations compiled for the convenience of its employees and supervisors, it is not intended to cover all topics or circumstances. Additionally, the policies and procedures in this handbook are not to be construed as an expressed or implied contract of employment.

### 1-3. Revisions

In order to adapt to the Town's changing needs and to respond to specific situations as they may arise, these policies may change from time to time. As such, the Town, acting through the Board of Selectmen, reserves the right to revise, discontinue, suspend, or modify any part(s) of this handbook at any time with or without prior notice. The Town's actions, from time to time, may also vary from the policies and procedures, or any subsequent policies and procedures that may be implemented. This handbook replaces (supersedes) any and all other or previous Town employee manuals and/or personnel policies or practices, whether written or oral, which are contrary to the policies contained herein.

### 1-4. Scope

The terms of these policies shall apply to all employees and elected officials to all positions now or hereafter created in the Town of Ellington, except the following:

- A. Employees of the Town of Ellington Board of Education;
- B. Volunteer personnel; and
- C. Independent contractors.

While the above categories of personnel shall not be eligible for any of the benefits set forth in these policies, they will be expected to comply with the Town's rules and regulations regarding conduct while performing services for the Town.

## **1-5. Application**

These policies shall serve as a guide to the administration of a personnel system in keeping with basic merit principles. The policies are not all inclusive and final discretion as to the interpretation or the appropriate course of action concerning a particular personnel matter shall be that of the First Selectman under the supervision of the Board of Selectmen. A violation of these policies may, at the determination of the First Selectman under the supervision of the Board of Selectmen, result in disciplinary action up to and including dismissal.

## CHAPTER 2

### Equal Employment Opportunity Statement and Affirmative Action

#### 2-1. Equal Employment Opportunity Statement

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, ethnicity, 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 pledges its strong commitment to ensure that all contractors and subcontractors who do business with the Town provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability and merit.

The Town further pledges that all Town-sponsored training and social and recreational programs will be administered without regard to any legally protected status.

As part of its commitment to equal opportunities, the Town also expects all of its employees to adhere to this policy of nondiscrimination. The Town will take prompt action upon the receipt of a complaint of unlawful discrimination and will take appropriate corrective action, including disciplinary measures if necessary, to remedy any acts or unlawful discrimination.

#### 2-2. Affirmative Action

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 the affirmative action provisions or any other Federal, State or local law requiring equal opportunity for individuals who are qualified disabled veterans, armed forces service medal veterans, recently separated veterans or other protected veterans, or related to the administration of the affirmative action provisions of the Rehabilitation Act of 1973, as amended ("Section 503"), or any other Federal, State or local law requiring equal opportunity for qualified individuals with disabilities or any other applicable affirmative action and anti-discrimination laws; (3) opposing any act or practice or their respective implementing regulations in this part or any other Federal, State or local law requiring equal opportunity for qualified individuals with disabilities and qualified veterans or any other applicable affirmative action and anti-discrimination laws; or (4) exercising any other right or their implementing regulations in this part or any other applicable affirmative action and anti-discrimination laws.

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.

## **CHAPTER 3**

### **Administration of Personnel Policies**

#### **3-1. First Selectman**

The First Selectman will administer all personnel policies and procedures of the Town. The First Selectman may delegate the actual operations involved in administering these policies to such person or persons as s/he deems appropriate, including the Department Heads. The First Selectman, under the supervision of the Board of Selectmen, shall have the authority to impose discipline on Town employees, up to and including dismissal.

#### **3-2. Department Heads**

The Department Heads shall have the responsibility to recommend the selection, retention and promotion of employees within their departments. Department Heads shall be responsible to train employees within their department and to properly administer all personnel policies and procedures of the Town of Ellington. They are expected to supervise their staff effectively as follows: to provide written performance evaluations; to notify the First Selectman of recommended changes in duties or personnel status; and to recommend salary increases. Among other duties, all Department Heads shall report directly to the First Selectman or immediate supervisor, shall be required to attend Department Head meetings, shall prepare an annual budget proposal for their departments, and shall represent the Town in the resolution of employee grievances.

#### **3-3. Employees**

It shall be the responsibility of all employees to acquaint themselves thoroughly with the material in this handbook and any subsequent revisions hereto. Employees are encouraged to submit suggestions for changes in personnel policy and procedures for improvement of Town personnel administration as appropriate.

## CHAPTER 4

### Recruitment, Selection and Appointment of Employees

#### 4-1. Recruitment of Employees

Announcements: The First Selectman shall cause to be made known all vacancies for all positions that s/he intends to fill by posting announcements of such vacancies on a bulletin board in general government buildings. At his/her discretion, the First Selectman may publish job announcements in newspapers, on the Town website, journals or other media outlets and in such places as s/he deems advisable. Job announcements shall specify: the title of the position to be filled; an initial wage or salary range for the position; a general description of the nature of the work to be performed; minimum qualifications for the position; a closing date for receipt of applications; and any other information the First Selectman deems appropriate for inclusion on the job announcement. When recruiting for positions that will have a responsibility for carrying out policies established by elected or appointed boards or commissions, the First Selectman may seek the advice of such boards or commissions as to the qualifications of candidates for these positions.

Recruitment Area: Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. Nothing shall prohibit the First Selectman from contacting individuals and encouraging such individuals to apply for employment with the Town.

#### 4-2. Selection of Employees

Application: Applications are accepted only when there is an opening and listed job vacancy which was previously approved by the Board of Selectmen. Each candidate for employment with the Town shall make application on the standard form prescribed and provided by the First Selectman's office. Such information may be required as is deemed necessary in order to judge the applicant's qualifications for services in the Town. Each application shall be signed by the applicant. Applications shall not be returned to an applicant but will remain on file for two (2) years, after which time, such applications may be destroyed with appropriate approval from the Connecticut State Library Public Records Administration. In cases where the First Selectman shall determine that prior service of a current Town employee properly qualifies for promotion to a vacant position, the First Selectman may make a direct promotional appointment with recommendation from the Department Head and with the approval of the Board of Selectmen.

Disqualification: Failure to submit a signed and fully completed application on the proper form may result in disqualification of the applicant/candidate. Applications failing to reflect the minimum qualifications for the position may be disqualified. Applications received after the announced closing date for the receipt of applications may result in disqualification of the application.

Competitive Examinations: The First Selectman shall have the discretion to administer competitive examinations to help determine the merit and fitness for duty of qualified applicants. Examinations shall relate to those matters that will test fairly the capacity and fitness of the qualified applicants to discharge efficiently the duties of the position. Examinations may include a rating of qualifications and experience, written, oral, and physical or performance tests or any combination thereof. Such examinations may take into consideration reasonable factors such as education, experience, aptitude, knowledge, character, physical fitness, or any other qualifications that, in the judgment of the First Selectman, enter into the relative fitness of applicants.

References: As part of the pre-employment procedure, former supervisors, employers and other references provided by candidates on the standard application form may be contacted, as deemed necessary. Any references and other investigation shall be documented and made part of the applicant's file. Any reference checks shall be completed prior to an offer of employment and the information be made part of the applicant's file. All references are to be handled as confidential information.

Physicals and Substance Abuse Testing: In the event that an applicant receives a job offer, s/he may also be required to submit to a medical examination and/or drug and/or alcohol testing that must be successfully completed before commencing work.

#### **4-3. Appointment of Employees**

All vacancies that the Town chooses to fill shall be filled by regular appointment, temporary appointment, promotion, demotion or transfer. Only qualified candidates shall be considered for appointment. Appointment to a vacancy and any changes regarding appointments shall be made by the First Selectman, as authorized by the Board of Selectmen, from the qualified candidates pursuant to the terms of the Town Charter. The First Selectman is authorized to appoint part-time and temporary personnel.

#### **4-4. Categories of Employment**

All employees are classified as either "exempt" or "non-exempt" in accordance with State and Federal wage and hour laws. These classifications govern wage and salary procedures.

**NON-EXEMPT EMPLOYEES:** Individuals who are paid an hourly rate for regular hours worked and at the rate of one-and-one-half times their base rate for all hours worked in excess of forty (40) hours in any payroll week. Any paid sick leave taken in any payroll week will not be counted as hours worked when computing weekly overtime for that week.

In addition, compensation for hours worked on weekends or on holidays will be treated no differently than for any other workday (e.g., non-exempt employees will be paid at their regular rate for all hours worked under forty in any payroll week or at the rate of one-and-one-half times their base rate for all overtime hours).

Non-exempt employees may be required to work overtime as necessary to meet work needs or project schedules. Supervisors will be responsible for scheduling overtime and will make every effort to notify employees as far in advance as possible. Non-exempt employees are expected to accept all requests to work overtime, unless there is an unavoidable scheduling conflict. In addition, except in emergencies, all overtime must be authorized and approved by the First Selectman, as recommended by immediate supervisor in advance.

**EXEMPT EMPLOYEES:** Individuals who are paid based upon an annual salary which is intended as full compensation for all hours worked and therefore, exempt employees are not eligible to receive overtime pay for hours worked beyond forty hours in any payroll week. Rather, exempt employees will be expected to work pursuant to the operational needs of the Town and to expend whatever effort is necessary to meet the requirements of their position.

All employees are further classified as either "full-time," "part-time," or "temporary. These classifications govern eligibility for participation in the Town's leave and benefit programs, in accordance with the terms and conditions outlined in this handbook.

**FULL-TIME:** An exempt or non-exempt employee with a work schedule that is typically not less than 35 hours per week, though which may vary depending on operational needs. Full-time employees are eligible to participate in all of the Town's current leave and benefits programs, in accordance with the terms and conditions outlined in this handbook. Full-time employees are eligible for any leave and benefits required by applicable law.

**PART-TIME:** An exempt or non-exempt employee who is employed in a position as needed, less than 35 hours per week or 52 weeks per year. Part-time employees, except for grandfathered part-time employees [hired prior to 2005], who work at least 20 hours per week are not eligible to participate in the Town's current leave and benefits programs unless specifically designated in individual employment agreements. Part-time employees are eligible for any leave and benefits required by applicable law.

**TEMPORARY:** An exempt or non-exempt employee who is employed in a position established for a specific period of time or for the duration of a specific project or group of assignments. Temporary employees are not eligible to participate in the Town's current leave and benefits program regardless of the number of hours they may work each week, unless specifically designated in individual employment agreements.

#### **4-5. Probationary Period**

Each new employee will receive a period of orientation into his/her position from his/her supervisor upon hire or transfer which is referred to as the employee's probationary period. The probationary period is designed to explain and review Town policies and procedures as necessary, including those that are contained in this handbook, and to allow the employee an opportunity to gain a thorough understanding of what is expected in his/her job duties. While each period of probation will be unique to the needs of the individual and the functions to which s/he has been assigned, this process will also ordinarily entail explaining to the employee what his/her department does, its role in relation to the total operation of the Town, and how the employee's job fits in with the Town's operations.

The probationary period for new employees will generally be ninety (90) actual working days. The initial probationary period may be extended but in no event shall it be more than one hundred twenty (120) actual working days. If an employee is promoted or transferred to a new position, the probationary period shall be forty-five (45) working days and may be extended but in no event shall it be more than ninety (90) actual working days. Throughout the probationary period, an employee's performance will be more closely reviewed to determine if performance expectations are being met. Should the Town determine that performance does not meet standards at any time during the probationary period (or at anytime thereafter), at the Town's discretion, various measures may be implemented to improve performance or an employee may be terminated from employment. Nothing about the existence or implementation of the probationary period limits the Town's right to terminate the employment of employees for legitimate reasons as determined by the Town.

## CHAPTER 5

### Classification and Pay Plan\*

\*Except for Exempt Employees, classification and pay plan have not yet been completed as of this printing.

#### 5-1. Classification Plan

The determination and payment of wages and salaries shall be made in conformance with a classification and pay plan prepared and maintained by the Finance Officer in accordance with annual budget appropriations. The Finance Officer shall review the plan periodically and shall recommend to the Board of Selectmen necessary revisions in it to reflect changes in the area economic conditions and to attract and retain qualified personnel.

The Classification Plan shall contain a statement of the duties and responsibilities of each position in the classified service of the minimum qualifications necessary for appointment (as defined in Section 1102 and 1103 of the Town Charter).

Exempt Employees Classification:

- E-8 First Selectman
- E-7 Finance Officer/Treasurer
- E-6 Director of Public Works, Town Planner
- E-5 Assessor, Director of Recreation, Building Official, Director of Human Services, Director of Hall Memorial Library
- E-4 Tax Collector, Town Clerk
- E-3 Fire Marshal, Executive Assistant/Human Resources Coordinator
- E-2 Executive Assistant
- E-1 Executive Secretary

#### 5-2. Pay Plan

The First Selectman and the Finance Officer prepare and submit to the Board of Selectmen a pay plan for each grade in the classified service, in accordance with Section 1105 of the Town Charter. The First Selectman reviews the pay plan periodically with the Finance Officer and recommends to the Board of Selectmen necessary revisions so as to reflect changes in the area economic conditions and to attract and retain qualified personnel in the classified service.

Exempt Employees: Salary increases are based on merit performance. At the time of their annual evaluation, exempt employees may receive an increase, as determined by the First Selectman, in the appropriate salary range and as provided in the Exempt Salary Increase Guideline Chart as follows:

Exempt Employees Performance Evaluation		Exempt Employee Merit Performance Increase Current Salary Position in Salary Range	
		Minimum to Midpoint	Midpoint to Maximum
Rating	Points		
Excellent	Not less than 7.0	6%	5%
Outstanding	6.0 to less than 7	5%	4%
Very Effective	5.0 to less than 6	3.5-4%	3-3.5%
Effective	4.0 to less than 5	3%	2.5-3%
Marginal	3.0 to less than 4	No Increase	
Unsatisfactory	2.0 to less than 3	No Increase	
Unacceptable	Less than 2	No Increase	

Payment Above the Maximum Range: Merit performance payments for exempt employees who are at the maximum rate for their range may be made as determined by the First Selectman, and authorized by the Board of Selectmen. These merit performance payments are individual and do not become part of the exempt employee's base salary.

### **5-3. Appointment Rates**

When first appointed to a position, pay rates are established in accordance with the Town's classification and pay plan and the following guidelines.

At Hire: Normally, the starting rate of pay for a new employee upon appointment is the minimum rate for the class. The Board of Selectmen may approve initial compensation at a rate higher than the minimum rate if, in the discretion of the Board, it is determined that:

- A. The qualifications of the applicant are outstanding in relation to those of competing applicants or the applicant's qualifications are substantially in excess of the requirements of the job, or
- B. No other qualified applicants will accept employment at the minimum rate of the range.

Promotion: Employees who are promoted are eligible for a promotional increase. The new pay rate for a promoted employee will be set within the pay range for the classification as deemed appropriate by the First Selectman.

Transfer: If an employee is transferred to a position within the same class, the rate of pay will remain within the pay range for the class.

Demotion: In case of demotion, the employee will be given an appropriate rate of pay within the pay range for the classification of the new position and the circumstances necessitating the demotion.

Certification Payment: Full-Time Employees, who are required in writing by the Town to be certified within their field of expertise and who complete the requirements for and demonstrate receipt of certification, shall have their wages increased by two-thousand dollars (\$2,000); the two-thousand dollar (\$2,000) wage increase will be pro-rated for part-time employees. Such amount shall be broken down into an hourly rate increase, where applicable. Employees shall be eligible for up to one (1) such wage increase for obtaining a certification required by the Town, unless otherwise approved by the First Selectman.

## CHAPTER 6

### Hours of Work and Pay Practices

#### 6-1. Hours of Work

Unless otherwise determined by the First Selectman, the normal workweek for full-time Town employees shall be between thirty-five (35) and forty (40) hours per week. Department Heads are expected to work as many hours as necessary to complete their jobs, unless governed by collective bargaining agreement.

Non-exempt employees may be granted permission by their Department Head to adjust their daily schedule so that a portion of their weekly hours are worked outside of normal office hours. Certain 'core hours' which must be worked each day, may be set by the Department Head to service customer needs. Generally, a regular schedule will be agreed to for some period of time, but short term arrangements may be agreed to.

Exempt employees are exempt from overtime payment, consistent with State and Federal laws. When attendance at meetings or other job-related activities is considered a part of the responsibilities of the position, the employee will exercise discretion and independent judgment in scheduling his/her work to allow for attendance at the meeting, performance of required duties and personal considerations. No overtime shall be granted to exempt employees.

The Town reserves the right to adjust the hours of work for all employees as necessary to meet the needs of the Town. Furthermore, individual start and end times will be set by the First Selectman as necessary. The First Selectman may adopt individual hours of work policies that meet the needs of individual departments (e.g., where services to the public are required on a seasonal or 24 hour basis), subject to the approval of the Board of Selectmen. Therefore, all employees are subject to work schedule changes as the needs of Town service require.

#### 6-2. Meal Breaks

All non-exempt Town employees who work seven (7) consecutive hours or more in a workday shall have an unpaid meal break at a time to be determined by the Supervisor. The meal break shall be thirty minutes per day unless otherwise determined. All employees who leave their workstations for a meal break should notify their supervisors of their departure and return.

#### 6-3. Reporting Hours Worked

All non-exempt employees will be required to submit their hours worked each day, including when they start work, when they leave and return from lunch and when they leave for the day (and any other non-work time during the day, i.e., vacation, sick, etc.). Hours worked must be submitted by the employee and approved by his/her supervisor, and must be forwarded every Monday by noon to the Finance Department.

All exempt employees are not required to submit their hours worked; however, an absentee form must be submitted for approval by the First Selectman when taking time off (i.e., vacations, sickness, leaves, etc.) The original will be forwarded to the Finance Department and a copy will be provided to the employee requesting the time off.

All supervisors who approve hours worked are responsible for ensuring that the time submitted is accurate, prior to forwarding to the Finance Department.

#### **6-4. Pay Period and Paychecks**

Employees are paid bi-weekly on Fridays. From each paycheck, the Town will deduct any and all withholdings required by law, including Federal and State income taxes, social security taxes, and wage garnishments. In addition, upon an employee's written authorization, the Town will make other lawful deductions from each paycheck, including for purposes of insurance payments. All employees hired on or after July 1, 2013 are required to have their pay directly deposited into a bank account of their choosing by providing the necessary information to the Town to allow for such direct deposit.

#### **6-5. Absenteeism and Punctuality**

Absenteeism detracts from service and causes an undue burden for those employees who must fill in for absent employees. As such, consistent attendance and punctuality is necessary to the operations of the Town and to each employee's own individual performance.

Being on time for each scheduled workday means more than being physically present. It means being ready to begin work at the assigned time. Accordingly, employees are expected to report to work and to be ready to work at the beginning of their regularly assigned shift.

Tardiness will not be tolerated. Tardiness impairs workplace efficiency and is a burden to fellow employees. If an employee is going to be late for work, his/her supervisor should be notified immediately of the anticipated arrival time.

The Town recognizes that there will be occasions when unscheduled time off due to illness or for other personal matters will be necessary. All employees are expected to notify their supervisor at least one hour prior to the start of their shift to explain the reason(s) for such unscheduled time off, and to provide an estimate of the number of days before they are expected to return to work. Failure to do so may result in disciplinary action, unless the employee can demonstrate that it was not practicable to provide such notice. Notification is necessary so that job duties can be reassigned. Upon return to work, an absentee form must be completed and submitted to the Finance Department.

When there is no notification, the absence will be considered unexcused and the employee will be subject to disciplinary actions. If an employee fails to report his/her absence for three consecutive days, s/he may be considered to have resigned from employment.

Any deviation from this policy and/or repeated occurrences of unscheduled time off or unexcused absences could lead to disciplinary action, up to and including termination of employment.

## **6-6. Overtime**

Personnel shortages, peak workloads and other emergency situations may make it necessary for an employee to work beyond his/her regularly scheduled workweek, as prescribed by the First Selectman or his/her designee. Hours of work over forty (40) hours in a payroll week by non-exempt employees shall be considered as overtime.

## **6-7. Administration of Overtime**

Positions exempt from overtime. Because certain executive, professional and administrative personnel are considered exempt under applicable law, they are not eligible to be paid for overtime work.

Overtime Authorization. Except in emergency conditions, as determined by the Department Head, all overtime must be authorized and approved by the immediate supervisor and the First Selectman in advance. Failure to gain approval prior to working overtime will result in disciplinary action.

Overtime Compensation. When an employee who is eligible for overtime compensation is required to work in excess of the normal workweek, s/he will be paid his/her regular rate for all hours worked up to forty (40) hours each payroll week and at the rate of one and one-half (1½) times the regular hourly rate for all hours actually worked over forty (40) hours in any such payroll week. Paid time off [sick time/holiday/vacation, etc.] taken in any payroll week will not be counted as hours worked when computing weekly overtime for that week.

Callback Time. When an employee who is eligible for overtime compensation after departing from his/her regularly scheduled shift is officially ordered to return to work for emergency service, s/he shall be compensated from the time of his/her assignment for all hours worked at the rates set forth above or two (2) hours pay at his/her regular rate, whichever is greater.

Exempt Employees. In the case of exempt personnel, attendance at meetings of Town agencies and other after hours work activities shall be considered part of the duties of the position and not ordinarily eligible for compensation in equivalent time or pay. The First Selectman may, at his/her discretion, grant compensatory time off to an exempt employee who has worked substantial extra hours. The First Selectman shall determine the appropriate amount of compensatory time to be taken and shall determine dates and duration of such leave to insure that there are no adverse effects on Town operations.

## **6-8. Compensatory Time**

Compensatory time may be granted at the discretion of the immediate supervisor to an eligible non-exempt employee. Upon approval of the immediate supervisor, compensatory time off, in lieu of overtime payment, may be taken for all hours worked up to forty (40) hours each payroll week and at the rate of one and one-half (1½) hours for every hour worked over forty (40) hours in a payroll week. Approved compensatory time must be taken within two (2) months of the overtime period worked, or as otherwise directed by the First Selectman and/or his/her designee.

## **6-9. Emergency Closings**

All offices and facilities of the Town will be open on schedule for the full workday unless employees are specifically notified otherwise via phone or television or radio news. The decision to close, based upon local conditions, will be made by the First Selectman or a designated Town official. The closing will apply to all Town facilities, except for public safety facilities or any other facility as deemed appropriate by the First Selectman. The Superintendent of Schools will be responsible for school closings and delayed openings.

Employees who are classified as "Emergency Essential Employees" may be required to work during the emergency period. "Emergency Essential Employees" are Department Heads, public safety employees and supervisors; all employees in the Department of Public Works; and other employees as required by the First Selectman and Department Heads for specific emergency duties.

Employees who are not required to work during an emergency closing will be paid for their regular hours of work on any day or portion of a day in which the Town facilities are closed due to emergency unless: (1) they did not report for work for any portion of the day in which the Town facilities were open; or (2) the employee was absent due to a pre-approved vacation or other paid or unpaid leave day.

Emergency Essential Employees who are required to work during an emergency period shall be paid in accordance with individual collective bargaining agreements and/or contracts.

## CHAPTER 7

### Employee Development and Separation

#### 7-1. Job Duties

The Town will instruct employees about their job duties upon hire and throughout their employment, and reserves the right to change those duties as may be necessary for operational needs. One way to communicate job duties of a particular position to employees may be through a written job description, which the Town may implement and change from time to time. In any event, employees will be expected to devote their best efforts to the Town and to perform in good faith all duties that may be assigned.

#### 7-2. Personnel Records

The Town maintains a separate personnel file for each employee. An employee may inspect his/her personnel file within a reasonable period of time following a request made to the office of the First Selectman, where such files are maintained. A designated member of the Town will be present during any such review, and the Town reserves the right to charge a fee for any copies of documents requested.

It is important to keep personnel records up to date. Accordingly, employees are expected to promptly notify their immediate supervisors, Finance Department and the First Selectman's office of any changes in the following information: name, address or telephone numbers and persons to notify in cases of an emergency. In addition, promptly notify the Finance Department of any changes in marital status, names of beneficiaries, dependents listed on your insurance policy and number of dependents for withholding tax purposes. Failure to notify the above-noted departments as soon as any of the above changes takes place could result in a loss of benefits or create personnel-related complications.

#### 7-3. Communications and Problem Solving

The Town employs numerous forms of communicating its expectations of employees and its policies and procedures to employees, including through this handbook, written memoranda and verbal instruction. The Town also uses the bulletin boards in general government buildings to communicate such information to its employees, including information on safety, meeting notices and job openings. Employees are encouraged to periodically review such bulletin boards and to read the information that is posted. Employees may not post any notices on these bulletin boards that are not work-related. All work-related notices must be approved by the First Selectman prior to posting.

The Town also encourages all employees to bring forward their suggestions and ideas about how the Town can be made a better place to work, how our work can be improved, and how our service to residents can be enhanced or provided more efficiently. Please bring any such suggestions and comments to your supervisor.

Whenever an employee has a problem or complaint, the Town expects that employee to speak up and communicate directly. In such cases, employees are encouraged to take the following steps:

- A. First talk to your immediate supervisor within five (5) business days of the event. Your supervisor is most familiar with you and your job, and is, therefore, in the best position to assist you.
- B. If your supervisor cannot help you resolve the matter, you can speak to the First Selectman who will address your problem or complaint and render a written decision within five (5) business days of receipt.
- C. In the event you are not satisfied with the First Selectman's response, you may follow the appeal process in Section 11-3.

When warranted in the Town's judgment, efforts will be made to address employee concerns and/or to take corrective action. Personal problems between employees are not to be acted on at work. In addition, if there is a work-related problem with a co-worker, and direct requests to cease that behavior have been ignored, then it is the employee's responsibility to bring the conduct at issue to the attention of his/her supervisor.

#### **7-4. Performance Review Process**

Each employee's performance will be reviewed at least annually, generally at or around the time the employee is normally considered for a salary review. Employee performance may be formally reviewed at other times as circumstances warrant. Performance reviews will be conducted by an employee's supervisor and/or other Town personnel, as is appropriate in each case based on the Town's assessment of day to day working relationships and reporting responsibilities.

Performance reviews will generally be conducted to assist the employee in identifying strong points and/or for illustrating areas that need improvement. These reviews will further be focused on delivered achievements, not promised potential results; on qualifications, not longevity.

Employees are encouraged to discuss their thoughts about their performance and career development at any time during the year, including at the time of any performance review, and to provide any constructive comments they may have about their goals and performance objectives, or the Town's operations, policies and management practices.

#### **7-5. Salary Review**

Salaries are generally reviewed on an annual basis coinciding with an employee's performance review but may be reviewed at other times as circumstances warrant. Unless otherwise awarded by the Board of Selectmen on an "across-the-board" basis, salaries are typically adjusted, if at all, based on merit in addition to other factors such as salary ranges for the position, market conditions and operational needs. There is no guarantee of a salary increase for any employee at any time. Employees will have the opportunity to understand the basis for any salary adjustment in discussions with their supervisors.

## 7-6 Training and Development

The Town encourages employees to further their training and education within their respective positions. The First Selectman may authorize leave with or without pay and the reimbursement of expenses incurred by an employee in furtherance of his or her education or professional development in accordance with the provisions of this section.

Types of Training and Development. Training and development for which the Town may make compensation can take a number of forms. Included are courses, seminars and conferences, both non-credit and for credit toward a scholastic degree, sponsored by a professional organization, a college, or a graduate, vocational or other school.

Prior Approval. Employees considering enrolling in courses, seminars, conferences etc., for which they plan to seek Town reimbursement, must acquire the approval of the First Selectman prior to registration. Leave with or without pay for training sessions may be authorized by the First Selectman upon the recommendation of the employee's Department Head.

Town-Initiated Training and Development. The Town shall reimburse the employee 100% for all direct expenses, including travel incurred in acquiring any Town-initiated training. Town-initiated training shall include that which is required by the Town or State, or suggested by the Town. Funds to cover the cost shall be included in the department's operating budget. It shall not include training required by the Town as a minimum qualification for a position in the Town service unless specifically authorized by the First Selectman. Leave with pay shall be granted to employees to attend Town-initiated training and development sessions. Training is completed successfully if a certificate is issued, or a "passing" grade is achieved.

In the event the employee fails the Town-Initiated training, such employee may be subject to disciplinary action.

Employee-Initiated Training and Development. Training and development not required by the Town or State shall be considered employee-initiated and the employee may be compensated for such training [if funds are available in the Town's education budget] as follows:

- A. Only full-time employees with at least one year of continuous service are eligible to participate in employee-initiated training and development.
- B. Provided that Town budgetary limitations permit, reimbursement of expenses shall only be made for training successfully completed. Training is completed successfully if a certificate is issued, a grade of "C" or better is achieved if the course is graded or a mark of "passing" is achieved if the course is graded on a pass/fail basis.
- C. Upon submittal of the ***proper receipts***, the Town may reimburse up to
  - 50% for a grade of "C;" or
  - 75% for a grade "B" or better; or
  - 75% for a passing grade if course is graded on a pass/fail basis

Reimbursement includes the cost of tuition and/or fees of any training (books and other supplies are not subject to reimbursement), to a maximum of two thousand five hundred dollars (\$2,500) per employee per fiscal year, which is judged by the First Selectman and Department Head to be of direct value to the employee in performing his or her present or potential job duties. No employee shall receive preferential treatment.

- D. Leave with or without pay may be granted to an employee for employee-initiated training and development sessions held during the employee's regular working hours.

Professional Meetings and Conventions. Employees must acquire the approval of the First Selectman prior to registration for a professional meeting, conference or convention. The First Selectman shall grant leave with or without pay for, and approve the reimbursement of, costs incurred by an employee attending a professional meeting, conference or convention provided the funds to cover expenses are included in the department's operating budget.

#### **7-7. Promotion**

The Town encourages employees to develop new skills, expand knowledge of their work, assume greater responsibilities and make known their qualifications for promotion to more difficult and responsible positions.

- A. An employee may apply for a vacant position in any Town office or department that affords a promotional or new opportunity, if the employee has held his/her current position for a minimum of six (6) months, has performed his/her duties satisfactorily and otherwise meets the requirements of the position.
- B. To assure that employees are afforded opportunities for promotion, vacancies will be advertised in general government buildings. Current employees are encouraged to apply for any vacancy for which they meet the requirements of the position.
- C. When the First Selectman determines that an insufficient number of well-qualified employees are available from within the classified service, the First Selectman will consider outside applicants along with Town employees in order to provide an adequate number of candidates for consideration.

#### **7-8. Transfer**

Transfer of an employee from one position to another, which does not constitute either a promotion or a demotion as defined herein, may occur when:

- A. The employee meets the qualification requirements;
- B. The transfer is in the best interests of the Town;

- C. Further training and development of an employee in another position would be beneficial to the future potential of the Town; or
- D. The transfer meets the personal needs of the employee and is consistent with Subsection (A) and (B) above.

#### **7-9. Demotion**

An employee may be demoted to a position of a lower grade, for which s/he is qualified, for any of the following reasons:

- A. As an alternative to layoff when a position is eliminated;
- B. The position is reclassified to a lower grade;
- C. The program for which the position was created is terminated;
- D. The employee requests the demotion;
- E. The return to work from authorized leave of another employee to such position, or
- F. When unsatisfactory service is rendered or for disciplinary reasons.

#### **7-10. Separation**

Separation is the termination of an employee from employment by the Town through resignation, disability, death, retirement, involuntary dismissal or layoff.

Conditions of Separation. At the time of separation, all records, assets or other items of Town property in the employee's custody shall be returned by the employee, to his/her supervisor. An employee who voluntarily separates from Town service after giving at least two (2) weeks notice and who has returned all records, assets, or other items of Town property will be considered to have resigned in good standing.

Payment upon Separation. Employees who separate from the Town service in good standing, or who die while employed by the Town, shall receive payment for all earned salary and vacation days accrued to date of the separation. An employee who does not separate from the Town service in good standing shall only receive payment for all earned salary (but not any compensation for accrued vacation days), subject to the lawful deduction for any unreturned Town property, records, or assets.

Resignation. An employee resigns in good standing if a written statement of reasons for the resignation is received at least fourteen (14) days prior to the effective date of the resignation and if such employee returns all Town property, records, and assets before departure. The supervisor may permit a shorter period of notice because of extenuating circumstances. The resignation shall be forwarded to the First Selectman with a statement by the supervisor as to pertinent information concerning the cause of resignation.

Disability. An employee may be terminated from his/her employment with the Town when s/he cannot perform the essential functions of his/her position with or without a reasonable accommodation because of physical or mental impairment.

The Town may require an examination at the Town's expense by a physician of its choice to determine an employees' fitness for duty as well as any reasonable accommodations that may be made to allow the employee to perform the essential job functions. The termination date shall be the last day the employee performed work for the Town. All accrued, but unused vacation days, shall be credited pursuant to these policies and paid upon termination for disability.

Death. Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Retirement. Retirement is the separation of an employee in accordance with the provisions of the Town retirement system under which the employee is eligible to receive benefits.

Dismissal. Dismissal is an involuntary separation of an employee for any legitimate reason. An employee may be dismissed upon the recommendation of a Department Head or upon the initiative of the First Selectman with the approval of the Board of Selectmen.

Layoff. Layoff is an involuntary separation of an employee resulting from a reduction in workforce due to lack of funds or work or because the employee's position has been eliminated or for other legitimate reasons. The Department Head shall submit a report to the First Selectman, together with a recommended list of the employee(s) to be laid off.

The Board of Selectmen shall determine the order of layoff of employees on the basis of the relative suitability for the jobs that remain and length of continuous service with the Town, except that no regular full-time or regular part-time employee shall be separated while there is an employee who has not completed his/her probationary period in any job class in that department performing duties for which the regular employee is at least equally qualified and applies. In the event of a layoff, the Town will use its best efforts to provide as much notice as is reasonably possible to all affected employees.

If certified as having rendered satisfactory service, the name of the employee laid off shall be placed on the appropriate re-employment list. Such employees shall be subject to recall to a vacant position for which they are qualified for a period of one (1) year from the date last worked for the Town. Employees on the re-employment list who decline re-employment or do not respond within one week to an offer of re-employment will be dropped from the list. Time spent on the re-employment list does not constitute a break in continuous service, if the employee is rehired.

## **7-11. References**

All requests for information about current or former employees shall be referred to the First Selectman. Employment references will be provided to prospective employers, upon receipt of a written authorization from the employee to do so and in accordance with State laws.

# CHAPTER 8

## Employee Leave

### 8-1. General Policy

Leave is any authorized absence during regularly scheduled work hours that is approved by the employee's supervisor. Leave may be authorized with or without pay subject to these rules on the basis of the work requirements of the departments.

### 8-2. Holidays

The Town recognizes the following days as holidays for full-time employees (and grandfathered part-time employees referred to in Section 4-4) to be granted with pay, subject to change as published by the First Selectman:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Presidents' Day	Veterans' Day
Good Friday	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Independence Day	Christmas Day

A one-half (1/2) day holiday [close at noon] shall be granted the day before Thanksgiving Day.

A one-half (1/2) day holiday [close at noon] shall be granted the day before Christmas Day (only if Christmas Day falls on Tuesday, Wednesday, Thursday or Friday).

Each employee will also be granted an additional floating holiday at the beginning of each fiscal year and shall be taken by mutual agreement of the employee and his/her supervisor.

Carry Over and Payment Upon Termination: The floating holiday may not be carried over to any subsequent year. Employees will not be compensated for the unused floating holiday upon termination of employment.

In addition to the holidays enumerated in this section, holidays shall include any specially declared holidays or days of mourning declared by the First Selectman.

Holiday pay is the employee's regular rate of pay for the number of hours in the normal work day.

When a holiday falls on a Saturday, it shall be observed on the preceding Friday; when a holiday falls on a Sunday, the following Monday shall be observed.

Absences before or after holidays. Holiday pay is granted to any employee for established holidays on which the employee would normally have been scheduled to work and is available for such work. To be eligible to receive holiday pay, an employee is required to work his/her regularly scheduled hours on both the workday preceding and the workday following the holiday. Exceptions to this policy may be approved when an individual is on: (a) Military leave; (b) Jury duty; (c) Vacation leave; (d) Bereavement leave; (e) One day of illness either before or after the holiday but not both unless otherwise authorized by the First Selectman or immediate supervisor; (f) Previously approved personal days off either before or after the holiday but not both; (g) Other leave as approved by the First Selectman at his/her discretion. Employees who are off-duty on the holiday by reason of sick leave or vacation shall not be charged for a sick day or vacation but will be paid for the holiday.

**8-3. Vacation**

Eligibility. Full-time employees (and grandfathered part-time employees referred to in Section 4-4) who have completed six months of continuous employment are eligible for vacation leave. The employee's anniversary date of hire will be used to calculate the bi-weekly accumulation of vacation time due. Employees shall be entitled to vacations with pay at the employee's base pay times the number of hours in the employee's normal workweek (i.e., an employee who is eligible for twenty (20) days per year and works 37.5 hours per week will earn 5.7692 hours per bi-weekly pay period).

Length of Continuous Service	Accrued Vacation Days
More than 6 months but less than 1 year	5 days
1 year of service through completion of 4 years of continuous service	10 days per year
5 years of service through completion of 9 years of continuous service	15 days per year
10 years of service and over	20 days per year

Use of Vacation Leave. An employee may take vacation leave during the year it is earned with proper advance authorization in hourly increments, consistent with the needs of the Town and subject to the approval of an employee's supervisor. The vacation period shall be between July 1 and June 30 of each fiscal year.

Vacation Approval. Employees must provide their immediate supervisor with written notice of their request to take vacations for periods of one to two weeks at least thirty (30) days in advance, and can only take vacation upon the approval of their supervisors. Vacation requests for periods in excess of two weeks require at least sixty (60) days advance notice. Under all circumstances, employees will only be allowed to take vacations in accordance with the operational needs of the Town. Length of service will govern in the selection of vacations, insofar as it is practicable and consistent with current operating conditions. Employees who fail to submit their vacation schedule by the required time shall relinquish any rights of seniority in selecting their vacation.

Vacation Accrual and Accumulation. An employee may accumulate vacation up to the total amount earned during a two (2) year period. All unused vacation in excess of such maximum accrual shall be forfeited.

Prior Part-Time Service Credit. Effective January 1, 2005, part-time employees, working less than 1,040 hours per year, who advance to full-time employment with the Town, will be given proportionate service credit based upon their hours worked as a part-time employee in relation to a full-time work schedule for purposes of determining the employees' years of service with the Town for use in computing vacation and longevity eligibility. For example, a part-time employee who works 17½ hours per week for the Town for four years, prior to commencing full-time employment will receive two years of service credit in determining the employee's eligibility for vacation and longevity benefits as a full-time employee of the Town.

Break in Service. The length of continuous service shall determine vacation leave. For purposes of computing vacation leave, employees who leave Town employment and are later rehired shall be considered as new employees. Employees who are laid-off and later rehired shall not be affected by the break in service; however, time on layoff shall not be considered as accumulated service.

Transfers. An employee who is transferred between departments shall retain all accrued vacation credit.

Advanced Vacation. No employee may take vacation leave beyond the amount earned except in the most unusual cases. Requests for advanced vacation must be submitted, in writing, to the First Selectman, who has complete discretion to determine whether to grant such request. No advanced vacation shall be approved without a written agreement signed by the employee that he will reimburse the Town if s/he leaves Town service before earning the vacation credit taken.

Holiday Celebrated During Vacation Leave. Observed holidays established by these rules shall not be considered as part of the vacation leave.

Payment Upon Termination. Employees will not be compensated for any amount of accrued but unused vacation time upon termination of employment at any time for any reason, except as otherwise indicated in the notice of resignation procedures in Section 7-10, above, or if an employee is laid-off, or dies while employed by the Town. Any employee who is involuntarily discharged other than due to a layoff, or who fails to follow the aforementioned resignation procedures, is not eligible for any such payment of accrued vacation upon termination.

#### **8-4. Sick Leave [Full-Time Employees/Grandfathered Part-Time Employees]**

Eligibility. The Town provides paid sick leave to all full-time employees (and grandfathered part-time employees referred to in Section 4-4) for medical-related reasons. 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.

All full-time employees (and grandfathered part-time employees referred to in Section 4-4) shall receive sick leave in the amount of twelve (12) sick days per year at the beginning of each fiscal year. Sick days may be pro-rated for new employees depending on the conclusion of his/her probationary period. Sick leave may be taken in hourly increments and must be approved by the supervisor. An employee whose available sick leave has been exhausted may use available vacation or personal time.

Use of Sick Leave. Sick leave is provided for the following purposes:

- A. Personal illness, physical incapacity or bodily injury or disease.
- B. Illness or physical incapacity in the employee's immediate family requiring his/her personal attention. For this purpose, "immediate family" is defined as employee's current spouse/civil union partner, mother, step-mother, father, step-father, mother-in-law, father-in-law, grandparents, brother, sister, child, step-child, daughter-in-law, son-in-law or grandchild.
- C. Medical and dental appointments or for other preventive care issues.
- D. Medical care or other reasons related to being a victim of 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).

Any paid sick leave taken in any payroll week will not be counted as hours worked when computing weekly overtime for that week.

Sick leave cannot be used for absence due to any injury that is compensable under the Workers' Compensation system (except when any waiting period is required).

Carry Over and Payment Upon Termination: Employees may not carry over any unused sick leave to any subsequent year. Employees will not be compensated for any amount of unused sick time upon termination of employment at any time for any reason.

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 the Department Head each day they are absent unless otherwise authorized by their supervisor or the 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 the Department Head must receive the call directly from the employee.

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 immediate family member will 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 an employee takes more than 40 hours of paid sick leave in any fiscal 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.

If the Town determines that an employee is abusing the sick leave program, that employee will be subject to appropriate disciplinary action. However, 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.

#### **8-4.1 Sick Leave [Part-Time Employees]**

This policy applies to all eligible part-time employees of the Town (as further defined below) who do not otherwise qualify for paid sick leave under a collective bargaining agreement, individual employment contract or the Town of Ellington's Personnel Rules & Regulations. Eligible part-time employees who are covered by any such documents are entitled to the benefits provided there under and this policy does not diminish, preempt or override the terms of any such documents.

Any part-time employee paid on an hourly basis or classified as non-exempt is eligible to take paid sick leave after they have completed 680 hours of employment after January 1, 2012 and if they have worked at least an average of 10 or more hours per week for the Town in the most recent calendar quarter prior to requesting sick leave. Temporary workers (who perform work on a per diem or occasional or irregular basis) are NOT eligible.

Beginning January 1, 2012, part-time employees will be entitled to accrue sick leave at a rate of 0.025 hours for each hour worked, up to a maximum of 40 hours of paid sick leave for each fiscal year. Employees who do not use their entire allotment of paid sick leave in one fiscal year may carry over up to 40 accrued hours to the next fiscal year but may not use more than 40 hours of paid sick leave in any fiscal year. Upon termination of employment, accrued sick leave benefits will not be paid out.

Sick leave can be taken for any of the reasons identified in Section 8-4, above.

Any paid sick leave taken in any payroll week will not be counted as hours worked when computing weekly overtime for that week.

Sick leave cannot be used for absence due to any injury that is compensable under the Workers' Compensation system (except when any waiting period is required).

Sick leave may be taken in hourly increments and must be approved by the supervisor.

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 the Department Head each day they are absent unless otherwise authorized by their supervisor or the 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 the Department Head must receive the call directly from the employee.

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 immediate family member will 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 the Town determines that an employee is abusing the sick leave program, that employee will be subject to appropriate disciplinary action. However, 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.

#### **8-5. Personal Time**

Eligibility. In order to qualify for personal leave, the employee must have completed his/her probationary period.

All full-time employees (and grandfathered part-time employees referred to in Section 4-4) will be eligible for three (3) paid personal days during each fiscal year of employment. Personal days may be pro-rated for new employees depending on the conclusion of his/her probationary period. Personal time may be taken in hourly increments.

A father shall be granted an additional two (2) personal days with pay for the birth of his child.

Approval. Employees may take personal time upon the approval of their supervisors. Under all circumstances, employees will only be allowed to take personal time in accordance with the operational needs of the Town. Length of service will govern in response to requests for personal time, insofar as it is practicable and consistent with operating conditions.

Carry Over and Payment Upon Termination. Employees may not carry over any unused personal time to any subsequent year. Employees will not be compensated for any amount of unused personal time upon termination of employment at any time for any reason.

#### **8-6. Bereavement Leave**

If there is a death in the employee's immediate family, all full-time employees (and grandfathered part-time employees referred to in Section 4-4) will be eligible for an appropriate period of paid bereavement leave not to exceed four (4) regularly scheduled working days. Immediate family includes and is limited to the employee's current spouse/civil union partner, mother, step-mother, father, step-father, mother-in-law, father-in-law, grandparents, brother, sister, child, stepchild, daughter-in-law, son-in-law, grandchild or legal ward or guardian. An eligible employee shall further be allowed up to one (1) day with pay to attend a funeral for the death of other members of the employee's family not listed above. The First Selectman and/or the Department Head will give favorable consideration to eligible employees for requests for vacation leave or leave without pay for deaths of friends, or for extension of the paid bereavement leave provided. The Town reserves the right to request verification of the death and the person's relationship to the employee.

#### **8-7. Jury Duty**

Full-time and part-time employees required to serve jury duty shall be paid the difference between the employee's normal rate of pay for regular scheduled work days and the fee received for serving as a juror. Jury duty pay will be given only for time lost on regularly scheduled working days. Employees are expected to report for work during scheduled hours whenever jury services are not required. An employee called for jury service shall furnish the Town with a notice to serve, evidence of attendance and compensation fee.

#### **8-8. Military Leave**

Military training leave, not to exceed thirty (30) days in a calendar year, shall be granted to regular employees when required to serve a period on active reserve or National Guard duty. During this period, the employee shall be paid the difference between his/her military pay, including holiday pay. Employees called to military training leave shall furnish the Town with a notice to serve and evidence of compensation amount. Upon activation for State or Federal emergency service, the Board of Selectmen may extend this period.

Any regular employee who leaves service of the Town to join the military forces of the United States of America, during the time of war or other national emergency, or who is inducted by the Selective Service, shall be entitled to a leave of absence, accumulation of seniority and re-employment rights in accordance with applicable State and Federal law.

For a period of time not to exceed two (2) years, full-time employees who have been called up for full-time active military reserve or full-time National Guard duty will be granted a pay differential, if one exists, between their regular full-time pay and military pay; medical insurance and pension contributions made by the Town to the regular full-time employee's account will continue to be made. The employee will continue to pay his/her share of the medical insurance premiums. Failure of the employee to pay the premium may result in loss of coverage.

## 8-9. Leave of Absence

Leaves of absence for reasons not covered elsewhere in this handbook may be granted at the sole discretion of the First 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 First Selectman or unless otherwise required by applicable law.

To be eligible for a leave of absence, an employee must have been continuously employed full-time (and grandfathered part-time employees referred to in Section 4-4) for a one (1) year period prior to the leave period requested. A request for an unpaid leave of absence must be submitted in writing thirty (30) days in advance (unless it is an emergency) to the First Selectman stating the purpose and expected duration. The First Selectman 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. The Town can 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 vacation, sick (if the reason for the leave makes this benefit applicable) and personal time before any unpaid leave can begin. Vacation, personal 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 one week 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 his/her supervisor, 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.**

## 8-10. Family and Medical

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, sick leave, and 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/Civil Union Partner.

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.

An eligible employee's spouse may be a husband, wife or civil union partner.

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.

An eligible employee's spouse is either a husband or wife.

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 vacation, sick and other time off during a family or medical leave of absence for any reason. That portion of the leave of absence that is used under these conditions will be with pay according to Town policies.

While as stated above all accrued paid vacation, sick and other time off 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 the 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 Human Resources Department 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 Department. 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/civil union partner, 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 1<sup>st</sup> day of each month to the Human Resource 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/civil union partner; (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 runs 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 or civil union partners 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/civil union partner, 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/civil union partner, 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.

Since the purpose of a FMLA leave is to enable an employee to maintain his/her ability to address family and/or medical issues, such an employee may not work elsewhere while on such leave unless previously approved by the First Selectman or unless otherwise required by applicable law.

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 FMLA leave, the Town will again provide health insurance benefits according to 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 paid time off) during an FMLA leave.

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 Department 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 Department 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 Department 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).

### **8-11. Occupational Injury Leave**

If an employee suffers an accident or injury that occurred while the employee was engaged in the performance of his/her duties and has made an approved Workers' Compensation claim, the Town shall continue to pay the employee through payroll so that the employee will receive his/her normal base pay/holiday pay during injury leave for as long as the employee remains employed or for the first six (6) months, whichever period is shorter. Lost time under injury leave for the first six (6) months shall not be charged to sick or vacation leave, but sick time and vacation time will not accrue while an employee is out on injury leave.

When an employee is on Occupational Injury Leave, medical insurance and retirement contributions will be made by the Town to the eligible employee's account. The employee must continue to pay his/her share of the medical insurance premium. Leave time will not count toward seniority when an employee is on Occupational Injury Leave.

If the employee continues to be eligible for payments under the Workers' Compensation Act after the six (6) month period, then the employee can choose to utilize their available sick leave to equalize the monetary difference between said employee's weekly straight time wages and the benefits payable to him/her under the Workers' Compensation Act.

## CHAPTER 9

### Employee Benefits

#### 9-1. Introduction

Provided below is a general description of the employee benefits currently offered by the Town to eligible employees and retirees. Because the exact provisions of these benefits, particularly insurance coverage, change from time to time, the detailed descriptions of each benefit and the conditions of enrollment and specific benefit plan terms are set forth in specific plan documents that are available upon request in the Finance Office. The Town reserves the right to change or discontinue any of its insurance benefits as well as the conditions for participation in such benefits plans in the sole discretion of the Board of Selectmen. Furthermore, where the terms of this handbook are inconsistent with the terms of any benefit plans maintained by the Town, the terms of the more specific benefit plans shall control.

#### 9-2. Insurance

The Town offers full-time employees (and grandfathered part-time employees referred to in Section 4-4) medical, dental, life and disability insurance benefits subject to any applicable waiting periods that may apply. The following insurance benefits are offered to eligible employees who choose, at the time of their hire or during open enrollment periods, to participate in the plans, to fill out any required paperwork, and/or to pay the employee's share of any insurance premiums involved.

##### A. Medical Insurance

PPO and HMO Coverage. Effective as soon as the Town can implement it, the Anthem Century Preferred (PPO) and Anthem BlueCare (HMO) plans shall be modified to incorporate the following co-payments:

Office visits:	\$10
Diagnostic:	\$50
Hospital:	\$50
Outpatient:	\$50
Emergency Room:	\$50
Urgent Care:	\$50
Prescription: 3 Tier Formulary as follows:	\$10/\$20/\$30 (with mail order at 2x)

Note: PPO Plan shall continue to have \$500 maximum benefit; HMO Plan shall continue to have no maximum benefit.

Effective July 1, 2011, through December 31, 2013, the Town will provide and pay 86% of the premium costs of the above insurances for all full-time employees and their dependents in accordance with the eligibility requirements of the insurance carrier and the employee shall pay 14% of the premium cost for said insurances for themselves and their dependents by bi-weekly payroll deductions.

Effective December 31, 2013, the above PPO/HMO Plans will be eliminated. Effective January 1, 2014 the High Deductible Health Plan (HDHP) with Health Savings Account (HSA) becomes the exclusive plan offered to eligible employees.

High Deductible Health Plan (HDHP) with Health Savings Account (HSA): Through December 31, 2013, employees may elect coverage under the HDHP with HSA Plan with deductibles of Fifteen Hundred Dollars (\$1,500) for single and Three Thousand Dollars (\$3,000) for two-person and family coverage. The Town shall fund eighty percent (80%) of the deductible cost through monthly proportionate deposits to a HSA for each employee. A description of benefits available under the High Deductible Health Plan is attached hereto as Appendix.

Employees who elect benefits under the HDHP shall contribute ten percent (10%) of the premium cost for said insurance for themselves and their dependents by bi-weekly payroll deduction.

Effective January 1, 2014 eligible employees may elect coverage under a HDHP with HSA with deductibles of Two Thousand Dollars (\$2,000) for single and Four Thousand Dollars (\$4,000) for two-person and family coverage. In-network and out-of-network benefits share the same deductible. For out-of-network the member will have an additional responsibility for 20% of the cost of services after deductible until the Cost Share Maximum (CSM) reaches Five Thousand Dollars (\$5,000) single (includes deductible) and Ten Thousand Dollars (\$10,000) family (includes deductible). The CSM also includes prescription copays after deductible.

The Town shall fund seventy-five percent (75%) of the deductible cost through quarterly proportionate deposits to a HSA for each employee. Effective January 1, 2014, employees who elect benefits under the HDHP shall contribute eleven percent (11%) of the premium cost for said insurance for themselves and their dependents by bi-weekly payroll deductions. The employee premium share contribution shall increase to twelve percent (12%) effective July 1, 2015.

*— See attachment, effective January 1, 2015*

B. Life Insurance

The Town offers Life Insurance in the amount of two times the employee's base salary.

C. Dental Insurance

The Town offers Dental Insurance with specific benefit plan terms set forth in plan documents that are available upon request in the Finance Office. Effective January 1, 2014, employees who elect this benefit shall contribute eleven percent (11%) of the premium costs for said insurance for themselves and their dependents through bi-weekly payroll deductions. The employee premium share contribution shall increase to twelve percent (12%) effective July 1, 2015.

D. Accidental Death and Dismemberment Insurance:

The Town pays for Accidental Death and Dismemberment Insurance, in an amount equal to two (2) times annual base salary for each insurance, to a benefit maximum of Two Hundred Thousand Dollars (\$200,000) with a reduction in coverage to fifty percent (50%) at age seventy (70). Coverage includes an accelerated death benefit and a life conversion privilege, or as stipulated in an applicable collective bargaining agreement.

E. Disability Insurance:

The Town provides short-term and long-term disability insurance for accidents or illnesses not covered by Workers' Compensation. After an approved seven (7) calendar-day period of extended sick leave, short-term disability insurance will provide a weekly payment for a limited period of time, not to exceed 66.67% of the regular weekly pay (which includes holidays), subject to limitations, in the event of a non-occupational accident or illness, for up to (26) twenty-six weeks. The seven (7) calendar-day waiting period is waived when the absence is due to an accident. In the event the employee does not have any paid leave time available to satisfy the approved seven (7) calendar-day period of extended sick leave provision, the employee must take the time as unpaid. If the employee continues to be totally and permanently disabled after (26) twenty-six weeks, long-term disability insurance may provide additional weekly payments.

When an employee is on short-term or long-term disability leave, s/he will not accrue vacation time; however, leave time will count toward seniority. Medical insurance contributions will be made by the Town to the eligible employee's account up to fifty-two (52) weeks and the employee must continue to pay his/her share of the medical insurance premiums, either in person or through payroll deduction. Retirement contributions will not be made by the Town to the eligible employee's account while on short-term/long-term disability leave.

**9-3. Longevity**

All full-time eligible employees (and grandfathered part-time employees referred to in Section 4-4) hired before July 1, 2013 shall receive longevity payments on the anniversary date of employment each year as follows:

5 to 10 years of service	\$100
11 to 15 years of service	\$150
16 to 20 years of service	\$250
21 to 25 years of service	\$350
26 years of service and over	\$450

Any eligible employee who works more than 1,040 hours in a calendar year will be considered to have accrued one year of service. Prior part-time service credit (as described in Section 8-3) will apply in determining the employee's eligibility for longevity.

**9-4. Retirement Plan**

All full-time employees (and grandfathered part-time employees referred to in Section 4-4) excluding employees covered by the State of Connecticut Municipal Employees' Retirement Fund – MERF, are eligible for a retirement plan (Town of Ellington 401A Money Purchase Plan). The Town will contribute 7.1% of pay and a matching provision up to 3% of salary to the account of the employee with the following feature highlights:

- A. Each employee is vested as soon as the contribution is made;
- B. Normal retirement age is 65 while early retirement age may be at age 55;
- C. Each employee may designate the investment vehicle into which his/her contribution shall be made within the investment options approved by the Trustee.

Retiree's Health Insurance. Retirees who meet the "Rule of 75" (age plus years of service which equal or exceed 75) shall be eligible to participate in the Town of Ellington's Group Health and Dental Insurance Plan which includes prescription drug coverage. When retirees reach the Medicare age, the retirees shall also be covered under Medicare A and B supplemental coverage and available prescription drug riders. Effective November 30, 2009, the retiree, at no cost to the Town, has the option of purchasing an additional choice of a plan consisting of Anthem Medicare Plan 'F' with a rider of 10/25/40 co-pay, unlimited maximum, prescription plan; for employees retiring after June 30, 2013, there will be no cost to the retiree for Anthem Medicare Supplement Plan 'F'.

The Town pays 100% of the premium cost for the retiree's health insurance coverage and the retiree pays 100% of the difference in premium rates applicable for individual coverage and the elected dependent coverage. Employees hired by the Town of Ellington on or after July 1, 2013 shall not be eligible for any Town contribution toward the cost of continued medical insurance benefits (or Medicare) following their retirement, notwithstanding the provisions set forth above.

Retiree's Life Insurance. Retirees who meet the "Rule of 75" (age plus years of service which equal or exceed 75) shall be eligible to participate in the Town of Ellington's Life Insurance Plan. The Town shall provide each retiree with a \$10,000 life insurance policy, subject to the provisions described in the current insurance booklet.

## **CHAPTER 10**

### **Employee Conduct**

#### **10-1. General Policy**

Town employees are prohibited from engaging in any conduct that could reflect unfavorably upon Town service. Town employees must avoid any action that might result in or create the impression of using public office for private gain or giving preferential treatment to any person.

#### **10-2. Outside Employment**

Except as otherwise prohibited in this Handbook, an employee may engage in outside employment with prior notification to the immediate supervisor and First Selectman. However, no full-time employee may engage in other full-time employment outside the Town service, and no employee's outside employment shall be in conflict of interest with Town employment. Conflicts will be resolved at the sole discretion of the First Selectman.

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.

The Town shall in no respect be liable or grant sick leave in case of any injury to an employee while s/he is engaged in outside employment nor for any occupational illness attributed to that outside employment.

#### **10-3. 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, while on duty, shall solicit any person to vote at any political primary, election or challenge, or in any manner attempt to influence any voter in a Town election, Town Meeting or referendum.

#### **10-4. Conflict of interest**

Any appointed/elected Town officer or employee who has or may have a significant financial interest, direct or indirect, in any contract, transaction or decision or any agency, agent, officer, board or commission of the Town shall immediately disclose the nature and extent of that interest, in writing, to the Town Clerk, who shall record such disclosure upon an official record filed in the office of the Town Clerk. The Town Clerk shall then send a copy of such disclosure to the agency, agent, officer, board or commission of the Town making such contract, transaction or decision. A copy will also be provided to the First Selectman.

Any such officer or employee shall be disqualified from any discussion, action or vote on any such matter coming before an agency, agent, officer, board or commission.

Such officer or employee of the Town shall not in any way condone, promote, encourage, influence or otherwise attempt to affect action or matters which will or may result in a conflict of interest between his Town duties and responsibilities and his private affairs or which are incompatible with the proper discharge of his/her other official duties and, to that end, no appointed Town officer or employee shall grant any special consideration, treatment or advantage to any person or entity beyond that which is available to every other person or entity.

No employee shall solicit any gift. No employee shall accept any gift having a value in excess of One Hundred Dollars (\$100) from any person who, to his/her knowledge, has an interest, directly or indirectly, in any manner whatsoever in business dealings with the Town.

Violation of the provisions of this section shall be grounds for the immediate dismissal of any such officer or employee. Any such violation shall render such contract, transaction or decision voidable by the agency, agent, officer, board or commission or employee making such contract, transaction or decision.

The Board of Selectmen shall establish procedures for disclosure of possible conflicts of interest and determination of the facts and record in any situation where there is possible conflict of interest, and such procedures shall provide for appropriate action.

#### **10-5. Confidentiality**

During the course of employment with the Town, employees will have access to certain confidential information. Such confidential information may include information pertaining to the lives of Town residents and the business interests in the community, as well as personnel, fiscal and legal matters pertaining to Town employees or operations.

Violating confidentiality as it pertains to the Town's internal affairs or the affairs of its residents and the business community, either during the course of employment or thereafter, except as may be required in connection with job duties, is strictly prohibited. All employees must hold in confidence and not directly or indirectly disclose, make public, use, or make copies of any confidential information, except as may be expressly authorized by the Town or other applicable laws. Except as otherwise required by law, all records must be kept secured and confidential and not discussed with or released to anyone inside or outside the Town who does not have a business need to know such information. All employees must further agree to take all reasonable steps necessary to ensure that all confidential information will not become known to third parties, including other employees who do not need to know such information.

All records, files, documents, computer disks and other materials, or copies thereof, containing confidential information shall be and remain the sole property of the Town, shall not be removed from the Town's premises or otherwise used except for bona fide business purposes and shall be promptly returned to the Town upon request at any time during employment and immediately upon termination of employment with the Town, whether voluntary or involuntary. These non-disclosure obligations shall remain in effect during the entire period of employment with the Town and at all times after termination of employment, whether voluntary or involuntary. The Town expects all employees to comply with the Freedom of Information Act.

## **10-6. Employment of Relatives**

The Town neither prohibits nor favors the employment of relatives of an employee. For purposes of this policy, a "relative" includes a parent, spouse, child, brother, sister, aunt, uncle, niece, nephew, grandparent and stepparent. In-law relationships to the same degrees and other persons living in a household are also included in this policy. Employment of relatives in the same work unit or department is permitted provided that neither relative occupies a position which directs or controls the work of the other; reports to the other; or has any review or sign-off relationship with the other. The conditions of this policy also apply if two employees are dating or become related through marriage after they are employed.

## **10-7. Workplace Privacy, Monitoring and Internet Use**

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, monitoring and internet use in the workplace so that they can conduct themselves in a professional manner at all times and avoid any potentially embarrassing situations.

- 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.
- 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 company keys issued to employees.
- C. The Town provides telephones and computers and other forms of electronic communications to employees to facilitate efficient and effective business operations. Electronic communications includes without limitation information that is transmitted, received, and/or stored via the telephone, the voice mail system, the electronic mail (e-mail) system, the facsimile machines and processes, the Internet and the World Wide Web, and video systems. These communication systems, as well as all electronic communications transmitted, received, and/or stored on these systems, are property of the Town. As such, employees shall use these communications systems for Town business only, except that incidental personal use of these electronic communications systems is permitted, involving for example occasional personal phone calls, e-mails or web access, to the extent that such incidental use does not affect work productivity or job performance, does not cause the Town to incur any additional expenses, and does not violate any policies or procedures of the Town or applicable laws.

- D. The Town's policy prohibiting harassment and discrimination applies to the use of these systems. Therefore, the creation, transmission, receipt or downloading of inappropriate or offensive comments or other images or information, such as disparaging comments or pictures based on race, ethnicity, color, religion, age, gender, national origin, disability, sexual orientation, marital status, veteran status, gender identity/expression, genetic information or any other protected category, over any of the Town's systems, is prohibited.
- E. 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.
- F. World Wide Web access and use of the Internet is encouraged where such use is appropriate for business and professional objectives and is conducted lawfully. Web access or internet use through the Town's electronic communications systems should not be for purposes of personal gain, solicitation of non-Town business or advancement of individual views. Nor should use of the Internet disrupt the operation of the Town's electronic communications systems or the networks of other users. In addition, each employee is responsible for the content of all text, audio or images that s/he places, sends, downloads or receives over the Internet. Accordingly, web access or Internet use through the Town's electronic communications systems may not involve the transmission, receipt or use of fraudulent, harassing or obscene information. Nor should any messages sent over the Town's electronic communications systems be inconsistent with or interfere with the Town's business practices or principles. Furthermore, messages communicated over the Town's electronic communications systems must not be transmitted under an assumed name, and users may not attempt to obscure the origin of any message. Finally, no confidential information involving the Town's operations should be sent or received via the Internet, and care must be taken at all times to protect the confidentiality of the Town's intellectual property assets.
- G. Software programs and materials, other than those that have been properly licensed by the Town, may not be installed or downloaded on the Town's computers. In addition, theft of software is a crime, and is punishable by law. Users are not permitted to copy, transfer, rename, add or delete information on programs belonging or licensed to others unless given express permission to do so. No employee may use the Town's electronic communications

systems in ways that are inconsistent with licenses or copyrights, or to download or distribute pirated software or data. Furthermore, no employee may use the Town's electronic communications systems to propagate any virus, worm or trap door program code, or to otherwise disable or overload any computer system or network, or to circumvent any system intended to protect the privacy or security of another user.

- H. Intrusions of privacy by any employee into the Town's business affairs or the affairs of other employees or Town residents are strictly prohibited. Employees are prohibited from accessing information or files at another employee's work area unless expressly permitted to do so by authorized management personnel. The tape recording of any conversation in the workplace is strictly prohibited without written authorization from the First Selectman. The tape recording of any telephone conversation to or from the workplace is strictly prohibited absent the consent of the parties to the phone call obtained in accordance with applicable law. Employees are prohibited from taking photographs in any work areas without written authorization from the First Selectman or Department Head and without the consent of any individual to be photographed obtained in advance.
- I. 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.
- J. 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 authorized management personnel. 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 authorized management personnel. Employees should not create their own computer, voice-mail or other electronic communications system passwords unless permitted to do so by authorized management personnel. Employees must provide all personal passwords to the Town, so that the Town may effectively conduct business at all times.

- K. 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.
- L. Any employee who violates the Town's privacy, monitoring and internet use 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.
- M. Any complaints regarding potential violations of this policy, and/or any questions regarding an employee's use of these electronic communication systems in accordance with this policy, should be directed to the employee's Department Head/supervisor or the First Selectman.

#### **10-8. Workplace Harassment and Discrimination**

The Town will not tolerate verbal or physical 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.

In order to maintain a work organization that is free from any form of sexual harassment, the Town puts all employees including executives, managers and supervisors on notice that sexual harassment of employees is unacceptable conduct. 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 Department Head, the First Selectman or any 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 required 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.

## **10-9. Drug and Alcohol-Free Workplace**

To promote safe and efficient operation of the workplace and to comply with applicable State and Federal laws, it is the policy of the Town to maintain a work force that is free from the effects of illegal drugs and abuse of alcohol or prescription drugs. The health and safety of the Town's employees is of serious concern. Employees have the right to work in an alcohol and drug-free environment and to work with persons free from the effects of alcohol and drugs. Employees who abuse alcohol or drugs are a danger to themselves, to other employees, and to the Town's business interests.

It is a standard of conduct for employees of the Town not to use illegal drugs and not to abuse alcohol or prescription drugs, either on or off the job. No employees may use, sell, manufacture, receive, distribute, dispense or possess alcohol or any illegal drug or be under the influence of alcohol or any illegal drug, or abuse prescription or over the counter drugs, while on Town property, while operating Town or personal vehicles or equipment on Town business, or while off-premises where such behavior compromises the Town's business interests, or undermines the public confidence in or harms the reputation of the Town, or adversely effects the employee's job performance, job safety and/or ability to fulfill Town responsibilities.

It is against Town policy to report to work under the influence of alcohol or drugs. Being under the influence of alcohol, an illegal drug, or abuse of any prescribed or over the counter drugs on Town premises or while performing Town business, in Town supplied vehicles or during working hours is absolutely prohibited.

Employees must notify the First Selectman of any criminal drug/alcohol arrest no later than five (5) days after such arrest.

In compliance with applicable State and Federal law and regulations, any employee who operates a commercial motor vehicle requiring a Commercial Driver License (CDL), or is an applicant for a driver position, will be subject to alcohol and drug testing as further described in a separate policy for all such affected individuals.

Failure or refusal of an employee or applicant to cooperate fully with any portion of this policy, or to submit to any drug testing as may be lawfully required, will be grounds for disciplinary action up to and including termination or denial of employment.

## **10-10. Smoking**

In order to maintain a safe and comfortable working environment and to ensure compliance with applicable laws, smoking in Town offices and buildings is not allowed. Employees may be subject to disciplinary action for violating this policy.

## **10-11. Personal Appearance and Work Habits**

All employees are representatives of the Town and are expected to project a positive image of the Town to the public and to anyone associated with the Town. As such, employees are expected to wear appropriate business attire when at work. The wearing of revealing or sexually provocative clothing will not be permitted. Moreover, the following, without limitation, are examples of clothing which do not present a business like appearance for those who have contact with the public, and which, therefore, will not be permitted: tank-tops, T-shirts, shirts which expose the midriff, shorts/skirts which do not extend below the mid-thigh, off the shoulder dresses/shirts/ blouses/sweaters, sweats and exercise clothing, casual shoes and all types of dirty or ripped/ragged clothes. Adjustments to above-noted clothing may be made based on position and as approved by the immediate supervisor.

If an employee reports for work improperly dressed, his/her supervisor will instruct the employee to return home to change clothes or will take other appropriate corrective action. Non-exempt employees will not be compensated during such time they are away from work. Repeated violations of this policy will be cause for disciplinary action, up to and including dismissal.

Employees are also expected to maintain good work habits at all times. All work areas are to be kept neat and orderly at all times, to assure ease in retrieval of necessary information. Employees should also maintain professional posture at all times, and, for example, should not put their feet up on any furniture while at work. In addition, telephone courtesy at all times is essential. An employee answering the telephone should state the department's name and then his/her own name, and should be professional in dealing with the caller, and responsive to the caller's needs.

## **10-12. Personal Telephone Calls and Personal Mail**

The Town recognizes the need for occasional personal calls to be made or received during business hours for situations such as checking on family members' health or safety, childcare, eldercare, emergency transportation, etc. The Town expects employees to keep the number of personal phone calls to a minimum, to make and receive them during personal time (e.g., breaks or lunch), and to limit the duration of such phone calls. In addition, when a long distance phone call must be made, the call must be billed to the caller's personal phone number. Employees should not use the Town as a personal mailing address and personal mail should not be put through the Town's postage meter. Use of Town stationery for personal mail is prohibited.

## **10-13. Use of Cell Phones**

At all times during working hours all personal cell phones must be either turned off or switched to vibrate. Absent an emergency situation, any employee who needs to make or receive a cell phone call should do so only during break times and only in private locations.

Cell phones that are purchased through the Town of Ellington are the property of Town of Ellington. The primary use of the cell phone is for work-related business. Personal use of a Town-owned cellular phone should be occasional.

**NOTE:** Under no circumstances should the assigned cellular phone be used as a replacement for a personal cell phone or residential landline phone.

Cell phone (Town-owned or personal) use is prohibited while driving a Town-owned or personal vehicle. Should an employee need to make or receive a call (including text messaging) while driving, s/he should locate a lawfully designated area to park and make or receive the call or use a hands-free speaking device.

Individuals to whom cellular phones have been provided are responsible for the security and maintenance of the phones and must promptly report any damage, theft, or vandalism to the Finance Officer.

#### **10-14. Employee Safety**

The Town seeks to promote a safe and healthy physical environment for all employees. These guidelines are designed with employee safety in mind. In addition to complying with these guidelines and any directives from supervisors, each employee should insure that no action s/he takes endangers himself or herself or a fellow employee or results in the destruction of property.

Every employee needs to be aware of and adhere to the following safety precautions:

- Notify your supervisor of any emergency situation.
- If you are injured or become sick at work, no matter how slight, inform your supervisor immediately.
- If you have an accident at work, immediately report it to your supervisor, who will assist you in completing an incident report. This incident report must be submitted within 24 hours of any accident so that it can be filed with our Workers' Compensation carrier, if necessary.
- Learn how to lift properly. Bend your knees and keep your back erect. Get help when necessary.
- Keep work areas neat and arrange workstations so there are no hidden safety or health hazards.
- Keep passageways clear at all times.
- Report unsafe working conditions immediately to your supervisor.
- Report damages or broken machines and equipment to your supervisor.
- Know the locations, contents and use of first aid and firefighting equipment.
- Become familiar with the Emergency Action Plan for Employees and the procedures for reporting a fire/emergency.

#### **10-15. Workplace Violence Prevention**

The safety and security of its employees and residents is important to the Town. Acts of intimidation, threats, threatening behavior, or acts of violence against employees, visitors or others associated with the Town by anyone on Town property or otherwise in the course of their relationship with the Town will not be tolerated. Violations of this policy will lead to appropriate action that may include discipline up to dismissal, arrest and prosecution.

The Town has a ZERO TOLERANCE policy against any form of intimidation, threats or violence in the workplace. Any form of intimidation, threat or violent act is STRICTLY PROHIBITED. Violations of this policy include but are not limited to: participating in, provoking or otherwise contributing to any threat or violent act in the workplace; abuse, assault, battery, oral or written threats, intimidation, and harassment; and possession of any firearm(s) or any other type of weapon on any Town property or work location(s) (unless authorized to carry weapons by the Town or State).

Because it is often difficult to distinguish between a real threat and one made in jest, all threats will be treated as real and therefore even threats of violence spoken only in a joking manner are strictly prohibited by this policy. Any employee who makes a threat, whether express or implicit, exhibits threatening behavior, or engages in any violent act or other violation of this policy on Town property or otherwise in the course of their employment with us, shall be removed from the premises as quickly as safety permits, and shall remain off Town property pending the outcome of an investigation. Depending on the circumstances involved, the Town's response may include, but is not limited to, reassignment of job duties, discipline up to and including suspension and termination of employment, and/or criminal prosecution of the person(s) involved.

All Town personnel are responsible for notifying their supervisors and the First Selectman of any violation of this policy, including but not limited to, any threats they have witnessed, received, or have been told that another person witnessed or received. All reports will be investigated fully and promptly. Any intentionally false or misleading report will be grounds for disciplinary action.

The Town's premises are restricted to individuals with a legitimate business purpose. Any employee who observes any individual (including current or former employees) loitering, or present on the premises without an apparent business need to be there or otherwise interfering with operations should report the circumstances immediately to their supervisor and the First Selectman

#### **10-16. Unauthorized Use of Town Property**

Unauthorized employee use of any Town equipment and supplies for non-work related purposes is strictly prohibited. Examples of equipment and supplies that employees may not use without authorization include the following: computers/printers, copiers, telephones, fax machines, postage meter, and work supplies (pens, papers, tape, etc.). Unauthorized use or negligence in the care and use of Town property shall subject an employee to disciplinary action, up to and including termination.

#### **10-17. Use of Town Vehicles and Personal Vehicles for Town Business**

Town employees who need transportation for the performance of their duties will either have a Town vehicle assigned or available to them, or be adequately reimbursed for the use of a privately owned vehicle when such use is authorized. Personnel requiring transportation in the performance of their official duties are expected to conform to the policies set forth herein. It is the responsibility of the Department Head to assure that employees under their supervision conform to this policy.

Assigned Vehicles for On-Call Personnel: Personnel who are on-call for emergencies are assigned Town vehicles (First Selectman, Director of Public Works, Working Foreman, Assistant Working Foreman WPCA, and Animal Control Officer). The assigned vehicles may be used for commuting to and from work on a regular basis, used to obtain meals while on duty, driven to evening meetings and used for out-of-town travel on Town business. Under no circumstance shall any family member or any other unauthorized individual be permitted to drive any Town vehicle.

Town Vehicles: Personnel who use Town vehicles (except on-call personnel) shall park them in the Town Hall parking lot overnight. Town vehicles are to be used strictly to conduct Town business. Use of Town vehicles to conduct personal business is prohibited.

If an employee wishes to use a Town vehicle, the employee must obtain authorization by the respective Department Head or the First Selectman. A copy of the employee's driver license must be on file in the Finance Office. The Town reserves the right to obtain a copy of the employee's DMV driving record.

Passengers, other than Town employees, are not allowed in Town vehicles unless required to conduct Town business or authorized by the First Selectman. UNDER NO CIRCUMSTANCES SHALL ANY UNAUTHORIZED INDIVIDUAL BE PERMITTED TO DRIVE ANY TOWN VEHICLE.

Privately Owned Vehicles Used to Conduct Town Business: A privately owned vehicle may be used for transportation in the performance of official Town business upon approval of the Department Head or the First Selectman, when a Town vehicle is not available or under special agreement approved by the First Selectman.

Employees shall be compensated for privately owned vehicle usage at the prevailing IRS rate per mile or will be issued a monthly vehicle allowance.

No employee shall use a personal vehicle on official Town business unless approved in advance and a certificate of insurance is first submitted to the First Selectman. Employees are required to maintain liability insurance on privately owned vehicles used on Town business at a level not less than \$100,000 per person/\$300,000 each occurrence for bodily injury and \$50,000 property damage, or combined single limit of \$300,000. The Town carries limits of \$1,000,000 with an additional \$10,000,000 in excess liability insurance. Proof of insurance will be required for mileage reimbursement/vehicle allowance.

Employees are personally responsible for insuring privately owned vehicles for physical damage claims including but not limited to glass, theft, vandalism and collision. The Town does not provide any excess physical damage coverage; however, if an employee is involved in an accident while on official Town business, the Town of Ellington shall reimburse the employee for the policy deductible up to a maximum payment of \$500. Payment will be made upon receipt of all documentation required including proof of payment from the employee's insurance carrier.

Recordkeeping: Any employee who uses a Town vehicle on Town business shall keep a record on a log, to be supplied by the Town, of mileage, destination, time and purpose of trip. The record log will be kept with the keys to the vehicle. Completed log forms must be submitted to the First Selectman's Office for filing.

Financial Responsibility: Employees operating Town automobiles are protected against claims for property damage and/or bodily injury arising out of the use of that vehicle when (a) the employee is acting in the performance of his/her duties and within the scope of his/her employment; and, (b) the damage is not the result of a willful, malicious or intentional act. Employees operating Town vehicles outside the performance of their duties and scope of employment and without the written permission of the First Selectman shall be held responsible for property damage, including but not limited to the reasonable value of wear and tear on the car, and/or personal injury arising out of such unauthorized use.

Employees using privately owned vehicles on official Town business are provided liability coverage by the Town on an "excess" basis, secondary to any other collectible insurance. This does not include physical damage coverage to the employee's vehicle (comprehensive and collision). Mileage reimbursement payments anticipate insurance costs borne by the owner of the vehicle; therefore, any privately owned vehicle used on business must be covered by insurance with minimum limits as set forth herein.

Conduct in the Use of Motor Vehicles: Employees using Town or personal vehicles shall use appropriate caution in their driving habits and abide by all applicable laws governing both emergency and non-emergency use. All Town employees are required to use seat belts when operating a Town vehicle and when operating a privately owned vehicle in the conduct of official Town business. Operation of a Town vehicle or a personally owned vehicle without a valid driver's license is expressly prohibited.

Markings: All Town vehicles shall be identified by a Town seal displayed on each side of the vehicle except for vehicles assigned to the police and First Selectman. All vehicles shall bear municipal license plates. No private equipment, decorations, stickers or advertisements shall be affixed to a Town vehicle.

Maintenance of Town Vehicles: Mechanical problems of which the operator becomes aware shall be reported to the Department of Public Works immediately. Doors shall be locked and windows closed when vehicles are not being used. Under no circumstance shall a privately owned vehicle be fueled, maintained or otherwise serviced by the Town of Ellington, even if the vehicle is being used for municipal purposes. The Town reserves the right to charge individual drivers of Town vehicles for costs of repairs due to carelessness and/or damages beyond normal wear and tear. Employees are expected to leave the interior of the vehicle in the same condition as they found it; remove all trash and belongings.

Complaints: All complaints concerning Town vehicles, drivers or passengers shall be immediately investigated by the Supervisor. The results of the investigation shall be reported in writing to the First Selectman. The report shall contain the following: Name, address and phone number of the complainant; name and operator's license number of the driver; summary of the complaint; findings of the investigation; remedial action taken, if any.

Fines and Charges: Parking fines and moving violations are the personal responsibility of the vehicle operator. All such fines and charges must be reimbursed to the Town if necessary. If any fines, charges or other bills owed to the Town by the employee pursuant to this policy are not paid within three months of the date they are incurred, the Town will request authorization to deduct proper legal amount from the employee's paycheck after one written warning to the employee.

Penalties and Discipline: Employees with poor driving records may have the privilege of using a Town vehicle revoked. Each employee using a Town vehicle shall provide the Town with a copy of his or her driving record annually, if requested by the Town.

Accident Reporting Procedures: Employees involved in an automobile accident while conducting Town business must follow the following procedures:

- Remain calm. Do not argue.
- If possible, move your vehicle out of harm's way. Stop the vehicle and turn off the ignition.
- Make sure everyone is all right. Call for medical assistance if necessary.
- Contact the police. By reporting the accident to the police and filing a report, you will help protect the Town from potential liability claims and legal action.
- Use the Town of Ellington Vehicle Accident Report Form to record the following information: Names, addresses, driver's license numbers and insurance company information; Note weather and road conditions; Record the names and telephone numbers of any witnesses.
- Take a photograph of the damage if a camera is available.
- Submit Town Vehicle Accident Report form to the Finance Office. The Finance Office will notify the Town of Ellington insurance carrier.

Failure to comply with the provisions of the Use of Town Vehicle & Personal Vehicles for Town Business Policy shall result in discipline, up to and including termination.

**10-18. Return of Town Property**

All records, files, documents, equipment and other materials, or copies thereof, relating to the Town's business, shall be and remain the sole property of the Town. These materials shall not be removed from the Town's premises except when required in connection with the performance of an employee's duties for the Town, and shall be promptly returned to the Town and not retained by any employee upon request at any time and upon termination of employment with the Town. Employees must return all Town property in their possession by their last day of employment.

## CHAPTER 11

### Disciplinary Actions

#### 11-1. Responsibility for Discipline; Reasons

It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the Town's departments.

- A. Department Head responsibilities. Department Heads are responsible for the proper and efficient operation of their departments and for enforcing Town policies and regulations. Department Heads are authorized to apply such disciplinary measures, as may be necessary, to enforce Town personnel policies up to and including recommending dismissal to the First Selectman.
- B. Types of disciplinary action. The type of disciplinary action taken will vary with the severity of the situation and may include the following measures: oral or written reprimand, demotion, suspension, dismissal, denial of pay increases or other discipline of employees for such reasons as, but not limited to, those stated herein. The Town reserves the right to determine the appropriate disciplinary action based on individual circumstances.
- C. Reasons for disciplinary action. All employees are expected to comply with the Town's standards of behavior and performance. Disciplinary action, up to and including dismissal, may be imposed upon an employee for conduct or actions that interfere with or prevent the Town from effectively and efficiently discharging its responsibilities to the public.

The following shall be sufficient cause for disciplinary action; however, the list is meant to be illustrative only and should not be considered to include all reasons for disciplinary action:

- engaging in activities in violation of the Town Charter, Town ordinances or Town policies and procedures;
- falsification of Town or employment records;
- substandard or unsatisfactory job performance;
- incompetence, inefficiency or negligence in the performance of duties;
- theft or misappropriation of funds;
- fraud or dishonesty;
- misuse of, or causing damage or harm to, the property of the Town, co-employees, visitors, or others associated with the Town;
- insubordination, disobedience or refusal to comply with supervisor's instructions;
- sleeping or otherwise wasting time or loafing during working hours;

- physical or verbal abuse of co-employees, visitors or others associated with the Town;
- threatening or intimidating co-employees, visitors, or others associated with the Town, including sexual harassment or harassment or discrimination based on other protected categories;
- acts of violence, including bringing a weapon of any kind, licensed or otherwise on Town property, or on Town business, unless otherwise authorized to do so as part of job responsibilities;
- filing a false report or altering facts;
- falsely accusing others of inappropriate conduct or altering of facts when reporting on the conduct of others;
- disorderly conduct or disruptive behavior, including provocations or fighting with other employees, visitors, or others associated with the Town on the premises or during Town business;
- use of profane or vulgar language while on Town premises or during Town business;
- use or possession of alcohol or being under the influence of alcohol while at work;
- use, sale, purchase, or possession of illegal drugs at work or being under the influence of illegal drugs while at work;
- abuse of prescription drugs at work;
- unauthorized disclosure or use of privileged, proprietary or confidential information;
- unauthorized absence from work;
- abuse of paid or unpaid time off;
- excessive absenteeism or tardiness;
- unauthorized use or destruction of Town property, equipment or supplies;
- conviction of a criminal offense while employed by the Town;
- performing services for others during working hours;
- action or conduct affecting or impairing the efficiency of the Town service or that may bring the Town into disrepute;
- any other conduct that the Town deems is adverse to the best interests of the Town.

The foregoing list is non-exhaustive and is only intended to be representative of the types of conduct for which discipline up to and including dismissal may be imposed. **This policy should be construed as a guide for employees and supervisory personnel to illustrate the Town's general philosophy on rules of conduct and discipline.**

## **11-2. Discipline Procedure**

The Town reserves the right to determine what form of discipline, if any, is appropriate for specific employee behaviors, given the particular facts and circumstances present in each instance, and what outcome would be in the best interests of the Town.

Whenever possible, if employee performance, attitude, work habits or personal conduct falls below a desirable level, supervisors shall inform the employee of the problem and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating a disciplinary action. In some instances, a specific incident may justify severe disciplinary action up to and including dismissal; however, the action to be taken generally depends on the seriousness of the incident and the whole pattern of the employee's past performance and conduct.

The following are examples of the types of discipline the Town may impose against employees at its discretion:

- A. Written Reprimand. In situations where an oral warning has not resulted in expected improvements or where more severe initial action is warranted, a written reprimand shall be given to an employee and a copy shall be placed in the employee's personnel file.
- B. Suspension. An employee may be suspended by the First Selectman without pay for such reasons as misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence or other lawful reasons.
- C. Demotion. An employee may be demoted by the First Selectman to a position of a lower grade for which s/he qualified as a form of discipline.
- D. Dismissal. An employee may be dismissed upon the recommendation of the First Selectman with the approval of the Board of Selectmen. Prior to dismissal, an employee shall be provided with the opportunity to challenge the action at a hearing before his/her supervisor and the First Selectman. It is the policy of the Town not to rehire former employees who have been dismissed, or who resigned while charges were pending.

## **11-3. Appeal Process**

Should the employee desire to appeal the decision/discipline, the employee must notify the First Selectman in writing five (5) business days following receipt of the decision/discipline.

Upon receipt of the written request to appeal, the First Selectman shall attempt to resolve the issue by calling a meeting of the employee, who is appealing the decision and the employee's Supervisor.

In the event the parties are unable to settle the issue, the First Selectman shall bring the matter to the Board of Selectmen, to be discussed under Executive Session, unless the employee requests the matter be discussed in open session, in accordance with Freedom of Information Laws.

The appeal shall be heard by the Board of Selectmen at its next regularly scheduled meeting or at mutually agreed time and the First Selectman shall give the employee written notice of the time and place of the hearing.

At such hearing, the employee may be represented by counsel/union representative, may present any witnesses or evidence relevant to the appeal, and shall have the right to cross-examine all witnesses against him/her.

The Board of Selectmen shall decide such appeal and render its written decision within thirty (30) business days after the close of the hearing.

## APPENDIX

### TOWN OF ELLINGTON High Deductible Health Plan (HDHP) With Health Savings Account (HSA)

Effective January 1, 2014

<u>Plan Design:</u>	<u>Illustrative \$2,000/\$4,000 HDHP with HSA Plan</u>
In-Network deductible	\$2,000 individual/\$4,000 family
In-Network coinsurance	member pays 0% after deductible
Out-of-Pocket Maximum	\$2,000 individual/\$4,000 family
Preventive Care	routine eye exams, child immunizations, lab services associated with routine exams and some other IRS "safe harbor" services covered without deductible at <b>100%</b>
Office Visit	subject to deductible
Hospital Admission	subject to deductible
Outpatient Surgery	subject to deductible
Emergency Room/Urgent Care	subject to deductible
Prescription Drugs	subject to deductible
Out-of-Network Deductible	\$2,000 individual/\$4,000 family
Out-of-Network Out-of Pocket Max*	20% coinsurance to \$5,000 individual/\$10,000 family

\* Out-of-Pocket Maximum includes both deductible and coinsurance amounts

**PERSONNEL RULES AND REGULATIONS**

**ACKNOWLEDGEMENT FORM**

I acknowledge that I have received and reviewed a copy of the Town of Ellington's Personnel Rules and Regulations. I understand that it is my obligation to familiarize myself with and abide and comply with all of the policies and procedures set forth therein. I further understand that the Town has the right to change, delete, add to, suspend, or discontinue any of its policies and procedures at any time without prior notice, and that if the Town so exercises this right and I remain employed thereafter, I will abide by, and comply with, all of the Town's policies and procedures which are then in effect.

Employee Name: \_\_\_\_\_  
(Please print)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Please return completed form to First Selectman's Office.

- The first sentence of the last paragraph, which now reads "The Town shall fund seventy-five percent (75%) of the deductible cost through quarterly proportionate deposits to a HSA for each employee." will change to read "Effective January 1, 2015 the Town shall fund seventy-five percent (75%) of the original \$2,000/\$4,000 deductible cost, plus the difference to the new \$2,500/\$5,000 deductible cost (for total Town funding of \$2,000 for single and \$4,000 for two-person and family coverage), through quarterly proportionate deposits to a HSA for each employee."

Mr. Miller suggested revising the second bullet point of the proposed motion, as follows: ...will change to read "Effective January 1, 2015 the Town shall fund seventy-five percent (75%) of the original \$2,000/\$4,000 deductible cost, **plus 100% of the difference between the original \$2,000/\$4,000 deductible and the new \$2,500/\$5,000 deductible cost** (for total town funding of \$2,000 for single and \$4,000 for two-person and family coverage), through quarterly proportionate deposits to a HSA for each employee." The BOS concurred.

Mr. Turner arrived at this point in the meeting.

MOVED (FERRY), SECONDED (MILLER) AND PASSED [AYE: BLANCHETTE/FERRY/MILLER/SPIELMAN/STOMBERG; ABSTAIN: TURNER] **TO AMEND SECTION 9-2.A OF THE PERSONNEL RULES & REGULATIONS AS FOLLOWS:**

- THE FIRST SENTENCE IN THE SECOND TO LAST PARAGRAPH, WHICH NOW READS "EFFECTIVE JANUARY 1, 2014 ELIGIBLE EMPLOYEES MAY ELECT COVERAGE UNDER A HDHP WITH HSA WITH DEDUCTIBLES OF TWO THOUSAND DOLLARS (\$2,000) FOR SINGLE AND FOUR THOUSAND DOLLARS (\$4,000) FOR TWO-PERSON AND FAMILY COVERAGE." WILL CHANGE TO READ "EFFECTIVE **JANUARY 1, 2015** ELIGIBLE EMPLOYEES MAY ELECT COVERAGE UNDER A HDHP WITH HSA WITH DEDUCTIBLES OF TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500) FOR SINGLE AND FIVE THOUSAND DOLLARS (\$5,000) FOR TWO-PERSON AND FAMILY COVERAGE."
- THE FIRST SENTENCE OF THE LAST PARAGRAPH, WHICH NOW READS "THE TOWN SHALL FUND SEVENTY-FIVE PERCENT (75%) OF THE DEDUCTIBLE COST THROUGH QUARTERLY PROPORTIONATE DEPOSITS TO A HSA FOR EACH EMPLOYEE." WILL CHANGE TO READ "**EFFECTIVE JANUARY 1, 2015** THE TOWN SHALL FUND SEVENTY-FIVE PERCENT (75%) OF THE ORIGINAL \$2,000/\$4,000 DEDUCTIBLE COST, PLUS 100% OF THE DIFFERENCE BETWEEN THE ORIGINAL \$2,000/\$4,000 DEDUCTIBLE AND THE NEW \$2,500/\$5,000 DEDUCTIBLE COST (FOR TOTAL TOWN FUNDING OF \$2,000 FOR SINGLE AND \$4,000 FOR TWO-PERSON AND FAMILY COVERAGE), THROUGH QUARTERLY PROPORTIONATE DEPOSITS TO A HSA FOR EACH EMPLOYEE."

#### B. Deputy Assessor Position

MOVED (FERRY), SECONDED (MILLER) AND PASSED UNANIMOUSLY TO RECLASSIFY KIMBERLY BECHARD FROM THE POSITION OF ADMINISTRATIVE ASSESSMENT TECHNICIAN TO DEPUTY ASSESSOR AT A RATE OF \$28.86 PER HOUR, EFFECTIVE OCTOBER 27, 2014 AS RECOMMENDED BY THE FINANCE OFFICER/TREASURER AND THE ASSESSOR.

Mr. Prichard arrived at this point in the meeting.