

2015

City of Waterville Personnel Ordinance

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CITY OF WATERVILLE



PERSONNEL ORDINANCE

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Section 1: Introduction, General Provisions

1.1 Welcome

Welcome to public service with the City of Waterville. You are joining a workplace with dedicated employees who provide consistently high levels of service to Waterville residents and taxpayers. It is critical that we all remember that with our mission of service to the public, we must continually strive for the highest levels of performance and conduct.

You have been selected to work with the City as a result of your knowledge, experience and training in your chosen field. Congratulations. We hope your work experience with the City of Waterville is a mutually beneficial one.

1.2 Goal of Personnel Management

The goal of personnel management in the City of Waterville is to:

- promote effectiveness, economy, and productivity in delivering services to the citizens of Waterville;
- encourage a commitment of professional excellence in serving the public and continue the professional development and upgrading of employee skills;
- increase efforts to building a positive work environment for employees
- afford fair and lawful treatment to all individuals desiring to enter City service and to provide opportunity for advancement in City service on the basis of skill, effort and performance;
- promote goodwill and high morale between the City of Waterville and its employees in an environment that encourages open communications;
- ensure that employees receive non-discriminatory treatment in all personnel processes; and
- expect that employees use their best efforts to fulfill their obligations to the City and to its citizens.

1.3 Purpose, Applicability and Distribution

The purpose of this Personnel Ordinance is to provide standard administrative policies and procedures to be followed uniformly by all City departments. As a rule, these policies and procedures govern the relationship between the City and its non-union employees. However, standard forms, definition of terms, procedures, as well as legal mandates, are intended to cover all employees unless inconsistent with a collective bargaining agreement or individually negotiated contract.

The policies and procedures outlined in this ordinance do not apply to the following:

- elected and appointed officials;
- non-salaried boards and commissions;
- administrators, teachers and other employees of the public school system.

1.4 Administration of Personnel Policies

The day-to-day administration of this ordinance is a function of the Human Resources office. Any issue regarding the interpretation or application of these rules should be addressed to the Department Head and, if necessary, referred to the Human Resources Officer. Where appropriate or necessary, the implementation of these policies shall be supplemented by administrative policies promulgated by the City Manager, which explain, in detail, the mechanics of implementation and application thereof.

This ordinance will be kept in loose leaf form by all departments and offices and will be made accessible electronically on the City's computer system. The Office of Human Resources will forward all updates to the following:

1. Mayor
2. City Council
3. City Manager
4. City Solicitor
5. City Clerk
6. All Department Heads who will review with, and have available for, their employees.

1.5 Modification of Personnel Policies

Changes, amendments, or modifications of this Ordinance require Council approval. If changes affect employees' compensation and/or benefits, the Human Resource Officer will, in writing, notify affected employees of the changes prior to submission to the City Council for final approval.

1.6 Non-Discrimination/Affirmative Action

In the recruitment, appointment, training, promotion, retention, compensation, or any other personnel action, there shall be no discrimination against any person due to race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, status as a veteran, physical/mental disability, political affiliation or belief, whistleblower activity, or genetic information. Applicants for employment with the City of Waterville will be treated without regard to these characteristics in accordance with the City's Affirmative Action/EEO Policy. This policy will incorporate any and all amendments as may be approved by the legislature.

1.7 Bargaining Unit Employees

Bargaining unit employees are referred to their respective Collective Bargaining Agreement.

1.8 Disclaimer

These personnel policies outline the rights, responsibilities and benefits of City employees. These policies do not create legally enforceable rights and the following disclaimers are included to provide notice to that effect:

- this ordinance is an informational tool, not a contract, and does not afford employees contractual rights;
- where this ordinance may contain descriptions or references to insurance or other benefit plans, the specific provisions of the benefit plan will take precedence and govern should a conflict arise concerning benefit level.

Section 2: Employment Definitions

2.1 Employment Anniversary Date

The date on which the employee is most recently hired by the City. This date shall remain constant unless the employee separates from City service and is subsequently rehired. The employment anniversary date may be used to compute any benefits for which the employee is eligible.

2.2 Part-time Employment

Part-time employment is appointment to a regularly budgeted position to work less than forty (40) hours per week on a continuing and indefinite basis. Regular, part-time employees, and employees who work less than a standard 40-hour work week, are not entitled to benefits, other than those mandated by law, such as Workers' Compensation and Unemployment Compensation.

2.3 Full-time Employment

Full-time employment is appointment to a regularly budgeted position to work a standard work week of forty (40) hours or more on a continuing and indefinite basis.

2.4 Seasonal Employment

Seasonal employment is appointment to a position that is to be filled less than 26 weeks per year and usually coincides with one or more of the four seasons. Seasonal employees are paid for hours actually worked and receive no other benefits, except those mandated by law, such as Workers' Compensation and Unemployment Compensation.

2.5 Temporary Employment

Temporary employment is appointment to a position that is expected to last less than one fiscal year. Temporary employees are paid for hours worked and receive no other benefits except those mandated by law, such as Workers' Compensation and Unemployment Compensation.

2.6 Contract Employment

Contract employment is employment under a personal services contract between the City and the individual. Contract employees receive salaries and benefits as negotiated and stipulated in each contract and are covered by this Ordinance with regard to those areas not specifically addressed in the contract. Contract employment is generally reserved for the City Manager, Department Heads, and other specialized, professional employees.

2.7 Probationary Employment

All employees appointed to an established position in City Government shall serve a probationary period for the first six (6) months. Employment during such period may be terminated without just cause and for any reason upon notice from the City Manager upon the recommendation of the Department Head. The probationary period may be extended upon mutual agreement of the Department Head, Employee and Human Resources Officer.

2.8 On-Call Employment

On-call employment occurs when employees work on an intermittent and as-needed basis. Employees who are on-call do not have a regular schedule but work as available and as needed by the City. Such employees are paid for hours actually worked and receive no other benefits except those mandated by law, such as Workers' Compensation and Unemployment Compensation.

Section 3: Position Classification and Compensation Plan

3.1 Classification and Compensation

The City compensates employees based on the City of Waterville Classification and Compensation Study as completed in 2005. The plan is designed to place existing job titles in correct rankings consistent with job responsibilities and external comparables. The salary ranges are based on data collected by surveying local and regional employers in the public and private sector to match jobs and actual salary data. The City Manager shall be charged with the responsibility for maintaining and providing for assignment of positions within the Classification and Compensation Study.

3.2 Annual Adjustments

Annual adjustments will be included in the City budget and submitted to the Council for approval. Factors to be considered when developing recommended adjustments to the salary schedule will include:

- The United States Department of Labor's Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W).
- The Cost of Living Adjustment or pay increase awarded to unionized City of Waterville employees.

Determination of an annual pay adjustment is at the discretion of the City Manager and City Council to be determined during the budget process, with an effective date of July 1 of each year.

3.3 Performance Evaluations

Prior to the completion of an employee's probationary period and at a minimum of every twelve (12) months subsequent, the employee's job performance shall be evaluated in writing by the employee's immediate supervisor. All employee evaluations shall be reviewed and approved by the Department Head. As a general rule, formal evaluations will be conducted as follows:

1. at the close of each fiscal year or employee's anniversary date of hire;
2. when the employee changes assignments;
3. whenever the employee requests a review;
4. whenever necessary to document unacceptable or exceptional performance;
5. prior to receiving a merit pay increase.

Informal evaluations shall be on-going.

The purpose of the performance evaluation program is to:

- evaluate individual job performance;
- motivate each individual to work at highest capacity;
- establish job standards and objectives;
- review progress towards achieving established goals and objectives;
- plan future training and professional development activities;
- provide a basis for rewarding individuals according to their achievement;
- identify areas of job performance that are marginal or unsatisfactory in which training, education or other assistance is necessary to improve performance;
- solicit recommendations for improving efficiency and productivity.

Upon completion of the evaluation by the supervisor, including review and approval of the Department Head, the employee shall be provided an opportunity to meet, discuss, review, and otherwise have input into the final evaluation document. The original copy of the performance evaluation shall be forwarded to the Human Resources Office for inclusion in the employee's personnel file.

3.4 Merit Increases

Increases in salary will be based upon meritorious performance with recommendation from the Department Head and approval of the City Manager.

Section 4: Public Safety Dispatchers

4.1 Purpose and Applicability

The purpose of this Section is to define certain conditions of employment that apply only to those non-exempt, hourly employees that are employed as Public Safety Dispatchers.

4.2 Public Safety Dispatcher Pay Scale

A pay scale this is applicable only to Public Safety Dispatchers is included in Appendix F. This scale may be adjusted each fiscal year as described in section 3.2.

The Police Chief reserves the right to start an employee above the bottom step of the pay scale due to previous job experience. Any employee that begins employment above the bottom step will continue to progress through the pay scale at each anniversary date.

4.3 Standard Work Hours

The regular work week shall consist of four (4) consecutive ten (10) hour days to be worked within a seven (7) day pay period measured from 6:00 am. Monday to 5:59 am the Monday next following.

4.4 Compensatory Time

Public Safety Dispatchers shall be eligible to accumulate up to four (4) days of compensatory time in any fiscal year. Compensatory time is defined as paid time off in the future in lieu of an immediate cash payment at the overtime rate for time worked in excess of forty (40) hours in a pay period. The

employee must request the award of future compensatory time prior to the closing of the payroll date in which the overtime hours were worked.

Compensatory time shall only be accumulated and used in increments of two (2) hours or more. Paid compensatory time shall be at the rate of time and one half for all overtime hours, e.g. ten hours of overtime translates into fifteen hours of paid compensatory time off. The employee may replenish used compensatory time up to the maximum amount of four days per fiscal year.

Unused compensatory time may not be carried over to another fiscal year without prior approval from the Police Chief or his/her designee. Such unused compensatory time will be paid in the dollar equivalent of unused compensatory time prior to June 30 of a fiscal year.

In order for some A.M. and/or P.M. shift dispatchers to receive an entire shift off utilizing accumulated compensatory time, it becomes necessary for the City to pay overtime to the dispatcher filling the shift. Therefore, to limit the amount of overtime, each employee is allowed to use accumulated compensatory time which generates overtime only twice during the fiscal year.

4.5 Overtime Pay

In the event that an employee elects to work overtime hours in a pay week where the employee has used pre-approved vacation leave, up to two times per fiscal year the employee will not lose the right to the overtime pay. This overtime shift must be worked after the vacation day is utilized (ie. if you take off Wednesday and the overtime shift is on Thursday, you can get the overtime; however, if you took an overtime shift on Tuesday and took off Wednesday, you would not get the overtime.)

4.6 Call-in Pay

Non-exempt, regular, full-time employees who are called in to work after scheduled hours shall receive a minimum of four (4) hours pay at the employee's regular rate, or overtime rate, whichever is applicable. Any employee that is requested/required to work beyond the end of the employee's normal shift will not be eligible for call-in pay; however, the employee may be eligible for overtime pay if the criteria stated in Section 4.5, Overtime Pay are met.

4.7 Uniforms and Protective Clothing – Public Safety Dispatchers

Public Safety Dispatchers shall be provided with four (4) shirts and four (4) sweater/sweatshirts that are to be worn during working hours. A worn, frayed, or damaged shirt shall be replaced upon presentation to the Deputy Police Chief.

4.8 Residency – Public Safety Dispatchers

Upon completion of their probationary period, Public Safety Dispatchers shall establish a residency within thirty (30) air miles of City Hall.

4.9 Vacancies – Public Safety Dispatchers

When a vacant position occurs, the vacancy shall, when filled, be filled within sixty (60) days from the date of such vacancy, the dispatcher within the unit having highest seniority to be given the first opportunity to fill the vacancy, provided, dispatcher is qualified for the vacant position. The next most senior qualified dispatcher shall be offered the opportunity to fill the vacant position and so on until the vacancy is filled. In the event that a dispatcher is selected and retained in the vacant position for a period of sixty (60) working days, then the dispatcher shall be considered qualified and allocated to said position so long as the position continues to exist; otherwise, the dispatcher shall return to dispatcher's former position. All vacancies shall be posted for a period of not less than ten (10) days

from the date before the position is assigned. The City may waive the ten (10) day posting period upon request from the Police Chief or his/her designee.

4.10 Overtime Vacancies – Public Safety Dispatchers

When an overtime vacancy occurs on any regular shift, the vacancy will be filled by the on-duty dispatcher calling the first dispatcher on the overtime-rotation list. When that dispatcher cannot be reached at home by two phone calls (no answer, out of service, or busy) or when that dispatcher does not want the overtime duty, the next person on the rotation list is tried, and so on through the entire list.

When the overtime vacancy cannot be filled according to the above, the dispatcher with the least seniority shall be ordered to work the vacancy unless that employee is on a leave status or has worked sixteen continuous hours preceding the overtime vacancy. Once the least senior dispatcher has been forced into work, he/she cannot be forced in again until a seven (7) day period has passed, in which case the second least senior employee will be forced in should the need arise in that seven day period. Calls to fill overtime vacancies shall be made no later than two hour prior to the commencement of the shift, except in an emergency.

Failure to call dispatchers in the overtime rotation order shall not be the basis for a grievance.

4.11 Other

All other sections of the personnel ordinance, unless otherwise stated, are applicable to Public Safety Dispatchers.

Section 5: Employee Benefits

5.1 Holidays

The following holidays are observed by the City and shall be granted with pay to regular, full-time employees:

1. New Year's Day
2. Martin Luther King's Birthday
3. Presidents' Day
4. Patriot's Day
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day
9. Veteran's Day
10. Thanksgiving Day
11. Christmas Day

Regular, full-time employees who are required to work on any of the above-designated holidays shall receive his/her regular day's pay plus an additional day's pay. Public Safety Dispatchers that work on the above-described holidays shall receive their regular pay plus time and one-half for working the holiday.

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

In order for an employee to be eligible for holiday pay, he/she must work the employee's regularly scheduled work day or be on approved leave immediately before and following the holiday. Employees on approved sick leave, scheduled day off, or annual vacation shall qualify for holiday pay. Employees on unpaid leave or otherwise in non-pay status, are not eligible for holiday pay.

Extra holidays may be granted by action of the President of the United States or Governor of the State of Maine and shall qualify employees for a day off with pay.

The City Manager may authorize a day off with pay to non-emergency service employees.

5.2 Vacation

All regular, full-time employees of the City of Waterville shall be granted vacation leave on the basis of time earned or accrued.

5.2.1 Accrual Schedule

0 - 5 years	10 days
After 5 years	12 days
After 6 years	14 days
After 7 years	15 days
After 11 years	16 days
After 12 years	17 days
After 13 years	18 days
After 14 years	20 days
After 15 years	21 days
After 16 years	22 days
After 17 years	23 days
After 18 years	24 days
After 19 years	25 days
After 24 years	27 days
After 29 years	30 days

Employees will begin accruing vacation leave upon date of hire, but may not use accumulated vacation leave until completion of their probationary period. Increases in the accrual rate will become effective upon the employee's anniversary date of hire.

Employees are strongly encouraged to take vacation leave on an annual basis to maintain high levels of job performance. Employees may accumulate up to a maximum of 150% of their accrual rate. When the maximum accumulation has been reached, the employee shall forfeit any right to additional accrual until the vacation leave is taken. (Only in cases of unforeseen, special circumstances shall the City Manager grant the accrual of vacation time above the maximum of 150%.)

It is the responsibility of each employee to be aware of his/her accumulated vacation leave. No employee will receive payment in lieu of annual leave other than upon separation from City employment (except in cases of unforeseen, special circumstances as may be granted by the City Manager.)

Employees whose position is changed from one department to another in City service shall retain the vacation leave they have accumulated over the year. Employees who separate from City service and are rehired at a later date shall begin accruing at the minimum rate.

Employees shall not accrue vacation leave during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status.

5.2.2 Requesting Vacation Leave

Employees must receive prior approval from their Department Head for requested vacation leave. Such requests may be denied if, in the opinion of the City Manager and/or Department Head, it shall create a hardship upon departmental and/or City operations. The City Manager or Department Head may not deny or postpone requested vacation leave for more than six (6) months because of the impact said vacation may have on operations.

Employees shall submit a written request for vacation leave as far in advance as possible to allow for sufficient planning of department operations and staff coverage.

5.2.3 Vacation upon Separation

Payment for unused, accrued vacation time, up to the maximum allowed, shall be made in the final paycheck at the time of separation.

5.3 Health Insurance Coverage

All regular, full-time employees are eligible for coverage under the Maine Municipal Employees Health Trust which provides for health and major medical, and prescription drug benefits. When elected by the employee, coverage becomes effective the 1st of the month following date of hire.

Employees are instructed to consult their insurance booklets for specific details regarding their plan. Contact the Human Resources office for specific information regarding open enrollment periods, change in coverage options, or benefit levels.

The City offers two insurance plans as follows:

5.3.1 PPO-500

The City will provide employees insurance coverage at 80% of the premium cost and the employee will contribute 20% of the premium cost. The City will also fund a Health Reimbursement Account (HRA) as noted below:

Single Coverage - \$500 deductible and \$500 co-insurance for a total of \$1,000
Family Coverage - \$1,000 deductible and \$1,000 co-insurance for a total of \$2,000

5.3.2 POS-C

The City will provide employees the option to stay with the current POS-C insurance plan. The City will pay the same dollar amount that is paid for employees electing the PPO-500 plan. Employees will pay the remainder of the cost. The City will not provide any Health Reimbursement Account (HRA) for employees opting to stay in the POS-C plan.

5.4 Dental Insurance

Dental insurance is provided for the employee at no cost, however, employees are responsible for 50% of the cost of dependent coverage.

5.5 Life, Accidental Death, Disability Insurance

All regular, full-time employees are provided with group life insurance, accidental death and dismemberment, and weekly disability pay according to the following:

5.5.1 Group Life Insurance

Group life insurance, through the Maine Municipal Association, is provided in the amount of the employee's annual salary up to a maximum of \$100,000.

5.5.2 Life, Accidental Death and Dismemberment, Income Protection

Under a contract with Boston Mutual Insurance Co., the City provides for life insurance and AD&D benefits at two times the employee's annual salary up to a maximum of \$50,000. Income disability is provided at 2/3 the weekly salary level up to a maximum weekly benefit of \$350. There is a forty-four (44) day waiting period and a twenty-six (26) week benefit period.

Employees are eligible for the weekly disability income insurance as outlined above when the inability to work is not work related. An employee receiving the weekly disability benefit has the option of receiving the entire amount of the benefit or their sick leave pay. Employees choosing the latter option must turn over their disability pay to the City. Upon doing so, they will be credited with sick leave in proportion to the monetary value of the disability pay returned to the City. Employees choosing to retain their disability pay will not be paid for sick time.

Contact the Human Resources office for specifics.

5.6 Vision Insurance

All regular, full time employees are eligible for vision insurance provided by Maine Municipal Employees Health Trust. Employees are required to pay 100% of the entire premium for this coverage. Contact the Human Resource Office for specifics.

5.7 Flexible Benefit Plan

Regular, full-time employees are eligible to participate in the City's Flexible Benefit Plan. The Plan allows eligible employees to pay their portion of health premium costs with pre-tax dollars. Employees wishing to enroll must do so at the time of hire, during open enrollment periods, or at times of family status changes. Contact the Human Resources office for specifics or to request an enrollment form.

5.8 Retirement/Deferred Compensation Plan

The City offers regular, full-time employees the benefit of a Section 457 deferred compensation plan. Participation is voluntary and allows qualifying employees the option of deferring a portion of their salary to be invested by the plan administrators. Employees may defer the maximum allowed under the IRS rules and regulations, as may be amended. The maximum amount includes both the employee and employer contributions.

5.8.1 Eligibility Requirements

Regular, full-time employees of the City of Waterville are eligible to enroll in the Deferred Compensation plan upon date of hire, however, the City contribution will not begin until the employee has completed one full year of continuous employment. A participation agreement must be signed to defer actual receipt of portions of salary not yet earned by having the deferred amount contributed to this plan rather than paid as regular earnings. Participation agreements may be made at any time and will take effect the next possible payroll period

unless the employee specifies a different beginning date. Employees must elect to defer a minimum of \$25.00 per month to participate in the plan.

5.8.2 Contribution

The City will contribute an amount equal to five (5%) of employee's base compensation when employee contributes three (3%) percent, and seven (7%) percent when employee contributes five (5%). The employee contribution is immediately vested at 100%.

5.8.3 Vesting Schedule

The City contribution will be vested in the Plan according to the following schedule:

Years of Employment	Vesting Percentage
Less than 1	0% (no contribution)
After 1	20%
" 2	40%
" 3	60%
" 4	80%
" 5	100%

5.9 Unemployment Compensation

Under provisions of law, employees whose jobs are lost through no fault of their own, may receive an allowance from the Bureau of Unemployment Security while unemployed and seeking employment. Employees or former employees who have questions regarding eligibility are advised to contact the Maine Employment Security Office.

5.10 Workers' Compensation

Workers' Compensation benefits are governed by State Law. All job-related injuries shall be immediately reported to the employee's immediate supervisor who shall, with the employee's assistance, complete and submit the first report of injury form and follow the steps as outlined in the City's Workers' Compensation Policy. Eligible employees will receive workers' compensation benefits as established by State Law.

If a workers' compensation claim is disputed by the insurance carrier, time lost will be charged to sick leave. Should the employee prevail in any disputed days, such leave charged will be credited according to guidelines established by the Rules and Regulations of the Workers' Compensation Board.

5.11 Employee Wellness

The City encourages the health and fitness of all City employees. To this end, the City supports the work of the Wellness Committee in scheduling programs for employees, and will reimburse employees with active memberships at area health facilities a portion of the annual membership cost. Contact the Human Resources office for specifics.

5.12 Employee Assistance Program

All regular, full-time employees are eligible to participate in the Employee Assistance Program. The program is designed to restore valuable employees to full productivity. The program provides assessment and referral services to employees who are experiencing on-the-job problems because of job related or personal difficulties including substance abuse, family difficulties, emotional, financial or legal worries which result in a decline of job performance. Participation in the program is voluntary

and strictly confidential. Contact the Human Resources office or your supervisor for additional information.

5.13 Vehicle Allowance

Employees, who are required by the nature of their positions to have a vehicle available twenty-four (24) hours per day, seven (7) days per week, or employees who are required to use their personal vehicles during the greater part of their working hours, may receive a vehicle allowance. As a general rule, this provision applies to Department Heads and specialized professional staff as determined by the City Manager. The amount of the monthly vehicle allowance will be determined by the City Manager.

5.14 Mileage Reimbursement

Reimbursements to employees who may use their personal vehicle for conducting City business will be at a rate determined by the City Manager. Employees will not be reimbursed for non-business purposes including, but not limited, to the following:

- mileage to and from residence;
- mileage for personal business;
- mileage to and from lunch unless conducting City business or attending approved training session.

Employees are responsible for submitting a record of the mileage to their immediate supervisor for review and approval. Mileage will be reimbursed through the payroll process.

City employees who receive a vehicle allowance are not entitled to mileage reimbursement for travel within the Greater Waterville Area. Travel outside the Greater Waterville Area will be reimbursed at a rate determined by the City Manager.

5.15 Travel Policy

The City shall reimburse employees for travel expenses that are pre-approved, reasonable, and directly job-related. All travel outside the greater Waterville area must be authorized by the City Manager or his/her designee. (Greater Waterville Area encompasses a 25 mile radius.)

Out of town breakfast expenses will not be reimbursed unless the trip commences before 7:00 a.m. Dinner expenses will not be reimbursed unless the trip concludes after 7:00 p.m.

Prepayment of travel expenses will be allowed with appropriate documentation. When the employee returns, the employee will provide actual receipts to prove expenses. Employees will be required to repay any amount not accounted for as a proper expense. If the amount prepaid exceeds the actual paid, the employee will reimburse the City the difference. If the amount prepaid is less than actual paid, the City will pay the employee the difference.

5.16 Income Protection Plan

Regular, full time employees have the opportunity to participate in an Income Protection Plan through the Maine Municipal Association. Each employee has the opportunity to choose to protect 40, 55, or 70 percent of the employee's base salary. This plan is at the employees cost.

Employees are eligible for the weekly disability insurance as outlined above when the inability to work is not work related.

Employees receiving the benefit have two options:

1. Receiving the entire amount of the disability benefit and 100% of their accumulated sick leave (ie. 70% IPP and 100% sick pay): or,
2. Receiving a combination of the entire amount of the disability benefit and a reduced amount of accumulated sick leave pay to bring them up to 100% of their base pay (ie. 70% IPP and 30% sick pay.)

Employees must notify the Human Resource Officer and Department Head in writing at the time disability leave begins which option they wish to utilize. If nothing is received in writing, option one will be utilized. An employee must have sick and/or vacation time and be receiving a paycheck from the City in order to continue all other benefits as currently available to employees.

5.17 Medical and Dependent Care Reimbursement Accounts

A reimbursement account is a way for you to put money aside tax-free to be reimbursed to you when you have eligible medical and dependent care expenses. You elect an annual amount that will be withheld from your paycheck in equal installments over the course of the plan year.

You may sign up during an open enrollment period for each plan year, which runs from January to December. Termination of the account becomes effective the date of termination from employment from the City.

Please see the Human Resource Officer for handouts explaining the accounts in greater detail and to receive enrollment forms.

Section 6: Leaves

6.1 Sick Leave Eligibility and Accrual

Regular, full-time employees shall accrue sick leave from the date of hire at a rate of 10 hours (1.25 days) per month, and may accumulate unused sick leave to a maximum of 960 hours (120) days. Sick leave will be credited on the last day of the month.

Public Safety Dispatchers shall accrue sick leave from the date of hire at a rate of 10 hours (1 day) per month, and may accumulate unused sick leave to a maximum of 1,200 hours (120) days. Sick leave will be credited on the last day of the month.

No employee will be eligible for paid sick leave unless accrued.

Sick leave credits shall not be earned by an employee during a leave of absence without pay, a suspension without pay, or when the employee is otherwise in a non-pay status.

6.2 Use of Sick Leave

Paid sick leave may be used:

- during times of personal illness or physical incapacity when employee is unable to perform the duties of the position;
- when necessary to care for immediate family members living within employee household

- (spouse, children, parents, registered domestic partner) who are ill;
- for routine doctor, dentist and other health related appointments that can only be scheduled during work hours (employees are encouraged to schedule such appointments at times during the work day that will cause the least disruption to department operations); and
- in accordance with the Family Medical Leave Act.

The Department Head may request a medical examination or doctor's certificate for use of sick leave for three (3) or more consecutive days, or because of repeated absences on days preceding or days following a holiday or weekend.

A physician's statement certifying a return to work for employees who have been out due to surgery or serious illness may be required. Falsification or abuse of sick leave benefits may result in disciplinary action, up to and including dismissal. If the City does not agree with the physician's statement, the City may send the employee to a Physician designated by the City.

6.3 Sick Leave Requests

The employee is responsible for notifying the immediate supervisor or Department Head of the need to use sick leave. Sick leave will be granted only if the employee notifies the appropriate authority prior to the start of their scheduled work day, or as soon as practical thereafter.

Sick leave granted shall be recorded on the weekly payroll records of the department and accurately recorded with the finance office. The immediate supervisor or Department Head is responsible for ensuring that all sick time is accurately reflected on the weekly time records. The Human Resources Officer shall review and monitor such leave records and investigate cases that raise questions of eligibility or abuse.

6.4 Entitlement Upon Separation

All sick leave accruals shall be forfeited upon separation from City Service.

6.4.1 Employees Hired Prior to January 1, 1986

Employees hired prior to January 1, 1986, may either receive monetary value or early retirement for the full amount of his/her accumulated sick leave, up to the maximum of 120 days. Dismissals and resignations do not qualify for this provision. See Section 11.2.6

6.5 Sick Leave Bank

In cases of serious illness, an employee may not have sufficient accrued sick time to cover the recovery period. In such cases, the Human Resources Officer may, with the approval of the City Manager, establish a special sick leave bank for the employee which would allow City employees to donate accrued vacation time to the bank for use by the ill employee. As a general rule, the leave bank may not exceed twenty (20) working days. Computation of the days donated will be made on a day for a day basis unless another arrangement has been approved by the City Manager.

6.6 Childbirth/Pregnancy

Childbirth and pregnancy is treated as a temporary disability just as any other non-job related temporary illness or disability. Employees may use accrued sick leave. (See 6.3 Family Medical Leave)

6.7 Family Medical Leave

City employees are covered under the Family Medical Leave Act of 1993, as amended in 1995, which allows unpaid leave in the case of serious illness of the employee, the employee's child, spouse or parent, or the birth or adoption of a child. Employees are eligible if they have worked for at least one year and for a minimum of 1250 hours over the previous twelve (12) months. Upon request, up to twelve (12) weeks of leave shall be granted for qualifying reasons during the 12-month benefit year. The City uses the 12-month "rolling" backward method for calculating the benefit year.

See *Family and Medical Leave Act* in Appendix C. Contact the Human Resources Office for additional information or forms.

6.8 Bereavement Leave

In the event of death occurring in the immediate family of an employee, the employee shall, upon request, be granted three (3) days of paid leave. Immediate family is limited to: spouse, registered domestic partner, children, parents, siblings, grandparents, and grandchildren, whether by natural heritage or law (in-law). In the event of the death of the employee's spouse, registered domestic partner, child or parent, the employee shall, upon request, be granted two (2) additional days of paid bereavement leave. Any additional time shall be with the approval of the Department Head and the use of accrued vacation leave.

City employees shall, upon request, be granted up to one day of paid leave to attend the funeral of an aunt, uncle, niece or nephew.

Attendance at the funeral of friends or other family relatives shall be with the approval of the Department Head and the use of accrued vacation leave.

6.9 Military/Exigency leave

6.9.1 Military Leave

Leave without pay will be granted to employees for purposes of fulfilling military reserve obligations. All requests for military leave must be accompanied by signed orders from the employee's military commander.

All requests for military leave must be within one (1) week after the employee receives his/her orders to report to duty and must be approved by the City Manager.

6.9.2 Exigency Leave

The City will grant an eligible employee up to a total of 12 workweeks of unpaid leave during the normal 12-month period established by the employer for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order of active duty, in support of a contingency operation. This is available for a family member of a military member in the National Guard or Reserves; it does not extend to family members of military members in the Regular Armed Forces.

6.9.3 Military Family Leave Entitlements

Eligible City employee who is a spouse, son, daughter, parent, or next of kin of a covered

service member with a serious injury or illness will be granted up to twenty-six (26) workweeks of unpaid leave during a "single 12-month period" to care for the service member.

6.10 Jury Leave

An employee who is required to participate in jury duty will receive his/her regular pay. Jury pay received shall be remitted to the City. Employees shall notify their immediate supervisor or Department Head as soon as it becomes known that they may be required to serve.

6.11 Leave Without Pay

Leave without pay shall be granted by the City Manager only when it is in the best interest of the City to do so. Request for a leave without pay must be approved prior to taking of such leave.

Unpaid leave for other than health related reasons shall only be granted upon the exhaustion of all accrued vacation leave and may not exceed six (6) months.

Unpaid leave for health related reasons shall only be granted upon the exhaustion of accrued sick, vacation, and compensatory leave and may not exceed six (6) months. When such leave is requested as an extension of sick leave, an acceptable physician's certificate shall be required.

A return to work earlier than the scheduled termination of leave date may be arranged by the Supervisor and the employee with the approval of the City Manager. Employees returning to work from an unpaid sick leave shall provide a physician's statement certifying fitness to return.

Employees on an unpaid leave of absence from the City may not be employed elsewhere.

If an employee is unable to return to work on the date stipulated, he/she may submit a written request to extend his/her leave of absence, not to exceed the six (6) month maximum, subject to the approval of the City Manager. If, on the date following the expiration of the leave of absence an extension is not requested and granted, and the employee has not returned to his/her position, the employee shall be considered to have resigned from City employment.

All employer paid benefits cease during an unpaid leave. Employees do not accrue vacation or sick leave and are responsible for the full cost of benefits during the period of unpaid leave.

6.11.1 Short-Term Unpaid Leave

A leave of absence without pay for periods of less than three (3) days may be approved by the appropriate department head. During periods of such leave, employee shall continue to accrue all benefits.

6.12 Paternity Leave

The City of Waterville agrees to grant up to two (2) weeks of paid sick leave, from the birth of the child, for paternity leave after a request is presented in writing to the Human Resource Office, provided the employee has sufficient accumulated sick leave.

Any additional time requested must be reviewed to determine if it qualifies for sick time, or if vacation and/or comp time, if available, will be utilized. In order for additional sick time to be granted, a certificate of illness needs to be presented to the Human Resource Office from the employee's spouse's physician stating that she needs the employee's assistance due to a short term disability related to the birth of the child.

All time used for paternity leave will be subject to the Family and Medical Leave Act. An employee

must have been an active, full-time employee for more than twelve (12) months and worked at least 1,250 hours within the last twelve months for the City of Waterville to qualify for paid paternity leave. Any employee may request the use of unpaid leave if he has been employed for less than twelve (12) months, or does not have any accumulated time in his leave bank.

Section 7: Conditions of Employment

7.1 General Policy

The City maintains the right to establish the hours of work required for conducting the business operations of all City Departments. All officers and employees of the City shall serve the hours required for their respective departments.

7.2 Standard Work Hours

Employees will work a standard forty (40) hour work week unless hired on a different schedule.

City offices will be open to the public Monday through Friday, 7:30 a.m. to 5:00 p.m.

Employees shall work an eight hour block of time and have the choice of a one (1) hour or one-half (½) hour lunch period. Within departments, lunches will be scheduled to ensure adequate staffing to provide services to Waterville citizens throughout the work day when possible.

7.3 Fair Labor Standards Act Exemptions

The Fair Labor Standards Act requires employees be paid minimum wage and overtime, unless they are exempt. Exempt employees are classified as executive/management, administrative, professional, outside sales, and computer specialists.

Exempt employees are expected to work the number of hours necessary to meet the requirements of the position and are not entitled to overtime wages as established by the Fair Labor Standards Act. The following positions will be considered exempt from the minimum wage and overtime provisions of the Fair Labor Standards Act:

1. City Manager
2. All Department Heads
3. All employees meeting the requirements of the Fair Labor Standards Act.

7.4 Overtime Pay

In accordance with applicable laws, hours worked over the normal work week of forty (40) hours by non-exempt employees shall be paid at the rate of time and one-half the regular hourly wage. The overtime rate (time and one-half) will be paid for those hours that are actually worked in a pay period and will not include sick or vacation time. Holiday pay shall be calculated as hours worked for purposes of overtime pay.

All overtime must be requested by the Department Head. Under no circumstances will overtime wages be paid unless the employee has been requested, and given prior approval, to work the overtime hours.

7.7 Absenteeism

Employees who have not reported to work for a period of three (3) days or more, and who are not on an approved leave, shall be considered to have voluntarily resigned from their position and will be

terminated from said position. Exceptions to this policy may be made by the City Manager, based upon the results of an investigation.

7.8 Outside Employment

Regular, full-time employment with the City is considered the individual's primary employment. Employees may not engage in other employment that interferes with or otherwise creates a conflict of interest with the performance of assigned duties. Whenever it appears that any such outside employment may constitute a conflict of interest, the employee is expected to consult with his or her Department Head who may consult with the City Manager or City Solicitor.

7.9 Inclement Weather

During periods of inclement weather, when conditions begin to reach the stage where travel may become hazardous, the City Manager may deem it appropriate to keep non-essential, administrative employees home for their own safety or release employees from work early. During such closings, Department Heads and Professional Staff shall be considered essential for purposes of maintaining City operations. The City manager may deem it appropriate to close early due to inclement weather. Office closings shall be announced on area radio stations.

Section 8: Employee Training and Development

8.1 Policy

It is the policy of the City to encourage and assist in the professional development of all employees when such assistance is in the best interest of the City. The purpose of this policy shall be to foster or promote the training and development of employees, improve the quality of service to the City, equip employees for career development within the City, and provide a reservoir of occupational skills necessary to meet current and future employment needs. Regular, full-time employees are eligible for the training and tuition reimbursements benefits as described below. Employees on probationary status are not eligible for course reimbursement until their probationary period has ended.

8.2 City-Initiated Training

Seminars, certificate courses and in-house training workshops will be considered as City-initiated training to provide all employees with training sufficient to keep them current with practices in their respective disciplines. City-initiated training expenses will be paid for out of the employee's department training budget. Employees shall not be paid or receive compensatory time when attending courses, conferences, or seminars during after-duty hours.

8.3 Conferences and Workshops

Requests to attend conferences, workshops, and seminars shall be made as part of the budgetary process. City payment for attendance at these conferences, workshops and seminars will be based on: the direct value to the employee and City, budgetary constraints, and applicability to current municipal affairs. Employees shall not be paid or receive compensatory time when attending courses, conferences, or seminars during after-duty hours.

8.4 Employee-Initiated Training

Employees may elect courses or programs to further their education or professional development. Credit hour courses in a degree program will be considered Employee-Initiated and will be paid out of the Personnel training budget. The number of employees allowed to participate per semester will depend on the funds available.

Course/tuition reimbursement requires pre-approval with preference given to employees taking courses that relate directly to their current positions and remaining funds to employees taking courses to improve skills for career advancement purposes.

In order for more employees to be eligible for tuition reimbursement, the City will reimburse an employee up to the amount listed below per class:

- Undergraduate class - \$600
- Graduate class - \$1,000

Employees will be reimbursed for pre-approved courses upon successful completion of the course(s) according to the following schedule:

- A - 100% of the tuition rate
- B - 75% of the tuition rate
- C - 50% of the tuition rate
- D, E, F, Incomplete - 0% of the tuition rate

Textbooks and all other expenses are the responsibility of the employee.

Employees receiving tuition/course reimbursement agree to reimburse the City for tuition costs if the employee does not remain in the employ of the City for a period of one year following the last completed course or block of training.

Requests for course/tuition reimbursement shall be submitted on the "Pre-Approved Tuition Request and Tuition Reimbursement Request" form prior to enrolling to ensure adequate funding is available. The form outlines the procedure for making requests and receiving reimbursement(s).

8.5 Hours Worked

An employee that is attending pre-approved training during a normally scheduled work day will be paid the employee's regular work hours for the day. If overnight stay is required, no overtime will be paid for those hours while attending the training session.

Section 9: Discipline

9.1 Discipline Policy

This policy follows the principles of progressive discipline. The progressive discipline steps are as follows:

1. Oral Warning (put in writing for file purpose)
2. Written Warning
3. Suspension
4. Demotion and/or Dismissal

In less serious cases, employee discipline will begin with oral discussion. In more serious cases, the discipline process may begin at written reprimand, suspension, demotion or dismissal.

Nothing in these rules shall limit the City's right to suspend or discharge a probationary employee with or without cause.

All non-probationary employees may grieve disciplinary actions through the grievance procedure. These rules do not limit the right of the City to discharge employees for non-disciplinary reasons, including, but not limited to: lack of work, elimination of positions, reduction in force, or budget constraints.

All disciplinary actions shall be documented in writing and reviewed with the employee. Copies shall be forwarded to the Human Resources Officer for placement in the employee's Personnel File.

9.2 Causes for Disciplinary Action

Causes for disciplinary action may include the following:

- insubordination;
- serious breach of conduct;
- sexual, verbal or mental harassment;
- incompetence or inefficient performance of assigned duties;
- negligent or willful damage of city property;
- habitual and excessive tardiness or absenteeism;
- drinking on the job or arriving to work while under the influence of intoxicating beverages or drugs, or in possession of same while on the job;
- falsifying of time records or failure to report absences from duty;
- falsifying information, or omission of material information on application for employment;
- misappropriation of city funds, using city property for personal use, improperly disposing of city property;
- suspension or revocation of drivers' license when required for the performance of the employee's responsibilities;
- failure to maintain a current license, certification, or professional credential as required or necessary for the performance of the employee's responsibility, or as required under the employee's contract or position description;
- violations of safety rules and practices;
- engaging in or threatening physical violence against any fellow employee, superior or public citizen while on duty or at the work site.
- Standard of conduct violation as provided for in Section 9.4.1.

This list is not intended to be all inclusive, and disciplinary action may be based on other justifiable causes.

9.3 Political Activities

No employee shall participate in any political activity which would be in conflict or incompatible with the performance of his/her official duties with the City.

Under the provisions of the Hatch Act, which applies to entities receiving federal funds, City employees are not prevented from enrolling in political or party organizations, expressing political views, campaigning for or against issues, signing nominating papers, or voting in all elections, caucuses and primaries with complete freedom.

Under provisions of the Hatch Act, employees are prohibited from using their authority or influence to interfere with an election, may not solicit or discourage political activity of any person who has business before the City, and may not engage in political activity while on duty.

Employees wishing additional information are advised to contact the Human Resources Officer or the

City Solicitor.

9.4 Standard of Conduct

9.4.1 Standard of Conduct

No official or employee of the city shall solicit or receive any pay, commission, money or thing of value, or derive any benefit, profit or advantage, directly or indirectly, from or by reason of any improvement, alteration or repair required by authority of the City, or any contract to which the City shall be a party, except compensation or salary as established for such official or employee. A violation of any of the provisions of this section, or any established common law doctrines or statutory provisions under the State of Maine shall disqualify the offender to continue in the office or employment of the City, and the official or employee shall be removed therefrom. Any contract in which an official or employee of the City is directly or indirectly interested shall become absolutely void, and any money which shall have been paid on such contract by the City may be recovered back from any or all the persons interested therein, by joint or several action. Gifts do not include advertising items or items of nominal value such as calendars, pens, pencils, fruit baskets, etc.

9.4.2 Use of Public Property.

No official or employee shall request or permit the use of city-owned vehicles, equipment, materials or property for personal convenience or profit, except when such vehicles, equipment, materials or property are available to the public generally or are provided as a municipal policy for the use of such official or employee in the conduct of official business.

Section 10: Grievance Procedure

10.1 General

The City's grievance procedure is intended to provide an opportunity for employees to bring concerns, complaints and other grievance situations to the attention of management.

While the City desires that grievances be addressed informally, it is recognized that there will be matters that may be resolved only after appeal and subsequent review. The City will deal promptly with employee complaints or grievances concerning interpretation or application of this Personnel Ordinance.

10.2 Informal Resolution

Employees should attempt to resolve disputes through discussion with his/her immediate supervisor or Department head. If the grievance is not resolved informally, the employee should use the procedure as outlined in 10.3. The Human Resource Officer is available to assist in resolving disputes at the request of any of the individuals involved. If the matter is not resolved during the informal process, the employee may appeal utilizing Section 10.3 of the Grievance Procedure.

10.3 Grievance Procedure

Grievance must be filed, in writing, within five (5) working days of the event being grieved. To ensure a prompt and fair review, the following steps are provided:

10.3.1 If the employee is not satisfied with informal discussions with his/her supervisor or Department Head, in accordance with Section 10.2, the employee shall submit the grievance in writing to the Department Head with a copy to the Human Resource Officer. The

Department Head will schedule a meeting with the employee within five (5) working days after receipt of the written grievance. The Department Head shall attempt to resolve the matter and shall respond, in writing, within five (5) working days, providing a copy of the written response to the Human Resources Officer.

10.3.2 If the matter is not resolved by the Department Head, the employee may appeal the grievance in writing, within five (5) working days, to the City Manager, or his/her designee. The City Manager (or designee) shall meet with the employee within five (5) working days and shall provide a written decision within (5) working days of the meeting. The time lines may be extended upon the written request and mutual agreement of the parties.

Section 11: Resignation and Separation

11.1 Separation Policy

Prior to separation from City service, employees may schedule a meeting with a representative in the Human Resources office to discuss various options relative to benefits or other conversion privileges available to the employee. At this time, appropriate steps will be taken to provide for the payment of all leave entitlements in the final paycheck. Separating employees shall turn in all City-owned property in their possession and shall leave a forwarding address with the Department Head or in Human Resources Office for purposes of forwarding final check, IRS forms, etc.

11.2 Types of Separation

11.2.1 Resignation

Resignations from city service shall be submitted, in writing, to the Department Head at least fourteen (14) days in advance. The resignation shall be forwarded to the Human Resources Officer with a copy to the City Manager. The effective date of the resignation will be at the close of business on the date specified in the resignation that coincides with the last day worked. The last day worked shall be the official termination date for calculating all payroll and vacation benefits.

11.2.2 Layoff

Layoff shall mean involuntary separation of an employee because of lack of work, lack of funds, or abolishment of the position without any fault on the part of the employee. Employees with the shortest length of continuous service within the same classification in the affected department will be laid off first provided merit and ability to perform the job are equal within the classification.

11.2.3 Dismissal

An employee may be removed at any time during the probationary period or for cause as outlined in Section 9.

11.2.4 Suspension

An employee may be suspended from his/her position for cause. A suspended employee is still an incumbent in the position. The interruption from duty is a temporary, disciplinary measure and may be with or without pay. An employee who is suspended without pay for more than 3 weeks shall be responsible for the full monthly cost of their insurance benefits.

11.2.5 Disability

Employees may be separated from work due to a disability whereby he or she is unable to perform duties of the job. The City will consider all provisions of the Americans with Disabilities Act.

11.2.6 Retirement

Employees hired prior to January 1, 1986, with 25 years of continuous service may choose to retire from City service upon reaching the age of 65, or at age 60 and 30 years of service. Said employees will receive the monetary value (or early retirement) for the full amount (or time) of his/her accumulated sick leave, up to the maximum of 120 days. Employees will have the monetary value of their sick leave benefit reduced by four percent (4%) for each year under age 65. (See Section 6.4.1.)

11.2.7 Death

Upon death, all compensation due to the employee under the provisions of these policies shall be paid to the employee's estate and/or beneficiaries pursuant to IRS rules.

In the event of the death of an employee hired prior to January 1, 1986, the employee's estate shall receive a portion of sick leave benefits according to Section 11.2.6.

Section 12: Miscellaneous Provisions

12.1 Personnel Files

Employees, upon request, may be permitted to review his/her personnel files. Such review shall be arranged with the Human Resources officer and conducted during normal office hours. Upon written request, an employee shall be provided a copy of any or all materials in his/her personnel files provided that such copies shall be provided at the employee's expense if the copies number more than ten (10).

12.2 Service Awards

The City of Waterville shall recognize employees who have completed years of continuous service with a service award. The awards will be presented in five-year increments at 5, 10, 15, 20, 25 etc. during the annual Employee Recognition Dinner.

APPROVED

Waterville City Council
Effective: August 24, 2012
(Ordinance 149-2012)

*As Amended October 21, 2014
(Ordinance 147-2014)*

*As Amended February 3, 2015
(Ordinance 23-2015)*

APPENDIX A

Affirmative Action/Equal Opportunity Policy Statement

It is the policy of the City of Waterville to develop and promote equal opportunity in contracts, cooperative agreements, grants, personnel practices, and programs and services provided. No person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such programs because of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief, genetic information, whistleblower activity, or previous assertion of a claim or right under the Maine Workers' Compensation Act, unless such discrimination is based on a bona fide occupational qualification. Occupational qualifications shall be bona fide job requirements. Affirmative action will be taken to make sure employees and applicants for employment and applicants for service are treated without regard to these characteristics. In carrying out this policy the City will ensure that:

- Persons are recruited, hired, trained and promoted without regard to race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief, genetic information, whistleblower activity, or previous assertion of a claim or right under the Maine Workers' Compensation Act. Employment decisions are made in accordance with principles of equal employment opportunity by using only strictly job-related requirements.
- Personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, and training programs are administered without regard to race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief, whistleblower activity, or previous assertion of a claim or right under the Maine Workers' Compensation Act.
- Services provided by all departments of the City of Waterville will be provided without regard to race, color, religion, sex, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief.

Reasonable accommodations will be made for any qualified individual, applicant or employee, in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act.

This policy shall not be construed to prohibit any employment activity or policy which is required by federal law, rule or executive order.

If you believe your rights have been violated under the provisions of this policy, please contact the Human Resources Officer. You may also contact the U.S. Equal Employment Opportunity Commission (EEOC) 1801 L Street, N.W. Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000.

APPENDIX B

Employee Harassment Policy Statement

Employees of the City of Waterville have the right to work in an environment free of discriminatory intimidation, whether it is based on race, color, sex, sexual orientation, national origin, age, and religion, physical or mental handicap. Engaging in harassment destroys this environment. It undermines morale, interferes with productivity and adversely affects the careers of City employees. When harassment affects employment decisions and/or creates an offensive working environment, it is a violation of Title VII of the Civil Rights Act of 1964 and the Maine Human Rights Act. Specifically, unwelcome sexual advances, gestures, or contact; threats; offensive jokes; subjecting employees to ridicule, slurs, or derogatory actions; basing employment decisions or practices on submission to harassment; refusal to cooperate with employees in performing work assignments; and inequitable disciplinary actions and work assignments are illegal forms of harassment when based on race, color, sex, national origin, age, religion, or handicap.

Managers and supervisors must take prompt action to eliminate harassment, because it undermines morale and interferes with performance, as well as demeans its victims. Corrective action is required regardless of whether or not the victim makes a formal complaint. Harassment by supervisors and/or employees of the City will not be tolerated. It is unacceptable conduct and will be considered good cause for disciplinary action up to and including dismissal.

Employees who believe that they are victims of harassment should promptly report such occurrences to their supervisors so that they may be dealt with immediately. Employees may utilize relevant complaint or grievance procedures, and may contact the Human Resources Officer at any time. Complaints will be processed confidentially and require thorough investigation of all facts and circumstances. Complaints will be decided on a case-by-case basis.

Employees also have the right to file a complaint (in writing) with the Maine Human Rights Commission within six (6) months of the unlawful act or unlawful discrimination. To file a charge or obtain more information on the procedure, you may contact the Commission by mail at: 51 State House Station, Augusta, ME 04333-0051, or by telephone at: (207) 624-6050.

APPENDIX C

Family and Medical Leave Act Policy Statement

The employees of the City of Waterville are covered under the Family and Medical Leave Act of 1993. The Family and Medical Leave Act (FLMA) requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons. City employees are eligible for this unpaid leave when they have been employed at least one year, and have worked at least 1,250 hours over the previous 12 months.

Leave will be granted for any of the following reasons:

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

To determine and/or verify qualifying reasons, the City may require eligible employees to provide medical statements certifying the reason for the leave.

Employees shall use paid accrued sick leave when family and medical leave is for the serious health condition of the family member or employee. Prior to receiving unpaid Family Medical Leave for health related conditions, all accumulated sick, vacation, compensatory or convenience leave time must be exhausted. Sick leave cannot be used for non-health related conditions of the employee or family member. The twelve (12) week maximum includes both paid and unpaid leave during the benefit period.

For non-health related matters, the employee shall use accrued vacation, compensatory or convenience leave time for family and medical leave purposes. Prior to receiving unpaid Family Medical Leave for non-health related conditions, all accumulated vacation, compensatory or convenience leave time must be exhausted. Non-health related leave applies to the care of the employee's child after birth, or placement for adoption or foster care.

The portion of the employee's health and dental insurances that is paid by the City will continue to be paid during the paid or unpaid family medical leave. When on unpaid leave, the employee is responsible for making arrangements to pay his/her portion of the premium cost.

The method the City uses to calculate the 12-month benefit period is the "rolling" 12-month period measured backward from the date an employee first uses any family medical leave.

Questions regarding your rights under the Family and Medical Leave Act should be addressed to the Human Resources Officer.

Employees who have a dispute or grievance under the Family and Medical Leave Act Policy may contact the U.S. Department of Labor, Wage and Hour Division, Portland, ME (207) 780-3344.

Military Caregiver Leave: A covered employer must grant an eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of 26 workweeks of unpaid leave during a "single 12-month period" to care for the service member. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is

one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave.

APPENDIX D

Tobacco-Free Workplace Policy Statement

The City of Waterville is dedicated to providing a healthy and productive work environment. As required by law (22 M.R.S.A. § 1580-A), it will be our policy to provide a tobacco-free workplace. This policy applies to all employees, clients, contractors, and visitors. The Workplace Smoking Act of 1985 applies to all enclosed areas of business facilities in Maine where employees perform work and for which the employer is responsible.

“The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.” *The Health Consequences of Involuntary Tobacco Smoke: A Report of the Surgeon General*. Atlanta GA: U.S. DHHS CDC Office on Smoking and Health 2006.

This policy is being posted and copies are being made available to anyone who requests one. The policy will be supervised by the management of the City of Waterville in accordance with Maine State law.

Effective immediately, smoking of tobacco products, as well as use of vaping products, including but not limited to cigarettes, cigars, vaping devices or non-FDA approved nicotine delivery devices (i.e. electronic cigarette's) are banned in:

- All enclosed areas where work is performed, as well as in all rest rooms, all meeting rooms, all lunch rooms and all private offices.
- All employer-owned and all employer-leased vehicles used by employees.
- All employee-owned vehicles used in the course of work whenever other employees or another person is in the vehicle for work-related reasons.

Smoking and Vaping of tobacco products is only allowed outdoors. Smoking and Vaping can only occur in outdoor locations that are at least **20 feet** from any workplace entryway, vent, window, or doorway. Smoking and Vaping is never allowed in any location that allows smoke or vapors to circulate back into the building (22 M.R.S.A. § 1580-A).

No Smoking and Vaping signs will be posted at all building entrances and throughout the building. In addition, this policy will be included in training manuals and new employee orientation.

This workplace understands that tobacco is a legal product, and further recognizes that as an employer, this workplace may not require that employees or prospective employees refrain from tobacco use when not at work, and will not discriminate against employees who use tobacco outside of employment.

The success of this policy will depend on the courtesy and cooperation of tobacco users, smokers and nonsmokers. Each of you is responsible for following and helping enforce the policy. Problems should be brought to the attention of the appropriate supervisor. Violations of this policy will be handled through the established disciplinary procedures.

APPENDIX E

Domestic Violence Workplace Policy

I. STATEMENT OF PURPOSE

The City of Waterville (hereinafter “the City”) is committed to promoting the health and safety of its employees. This commitment includes the prevention and reduction of the incidence and effects of domestic violence.

While the City recognizes that both men and women are victims of domestic violence, the overwhelming majority of victims of domestic violence are women. In fact, domestic violence is the leading cause of injury to women in the United States.

The City recognizes that domestic violence is a workplace issue. Domestic violence does not stay at home when victims go to work. Victims may be especially vulnerable while they are at work. Domestic violence can compromise the safety of employees and directly interfere with the mission of the City by decreasing morale and productivity, as well as by increasing absenteeism and health costs.

For these reasons, the City has established this workplace domestic violence policy. The specific purposes of the policy are to:

- Create a supportive workplace environment in which employees feel comfortable discussing domestic violence issues and seeking assistance for domestic violence situations;
- Develop responsive policies and procedures to assist employees who are affected by domestic violence;
- Provide immediate assistance to victims;
- Provide assistance and/or disciplinary action to employees who are perpetrators of abuse; and
- Offer training on recognizing and responding to domestic violence.

This policy recognizes that, in accordance with State law, Title 26 M.R.S.A. § 850, an employer must grant reasonable and necessary leave from work, with or without pay, to an employee who is a victim to prepare for and attend court proceedings; receive medical treatment; attend to the medical treatment of a child, parent or spouse who is a victim; or obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking. The necessity of the leave must be based upon the employee or the employee’s daughter, son, parent or spouse being a victim of violence, assault, sexual assault, stalking or any act that would support an order for protection from abuse.

The City will not tolerate any act of domestic violence in the workplace, and will take action to prevent and correct the misuse of the City’s resources in connection with any act of domestic violence. Misuse of the City’s resources in connection with any act of domestic violence will result in discipline up to and including discharge.

II. DEFINITIONS

A. Domestic Violence: A pattern of coercive behavior that is used by a person against family or household members to gain power or control over the other party in the relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, and destruction of personal property. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.

- B. Batterer, Perpetrator, or Abuser: An individual who commits an act of domestic violence.
- C. Survivor or Victim: An individual subjected to an act of domestic violence.
- D. Domestic Violence Response Team/Responder: The City Manager and/or Human Resource Officer.

III. STATEMENT OF CONFIDENTIALITY

The City recognizes and respects a victim's need for confidentiality and autonomy. To the extent permitted by law and unless the substance of the employee's disclosure demands otherwise, the City will maintain the confidentiality of the victim's disclosure. Responders will share disclosures with the Human Resource Officer and/or City Manager. However, unless necessary, the information will not be shared with other employees in the City. Whenever possible, the employee will be given notice of necessary further disclosures. Further disclosure may be necessary if, in the opinion of the person to whom the initial disclosure is made, an abuser presents a threat to the safety of any person, the victim has expressed homicidal or suicidal intentions, or there is reasonable cause to suspect abuse, neglect or exploitation of children or incapacitated or dependent adults.

IV. EDUCATION AND OUTREACH

- A. This policy will be distributed to all current employees. New employees will receive the policy upon commencing employment. All employees are expected to become familiar with this policy and to attend domestic violence training as provided by the City.
- B. The Human Resource Officer, in consultation with the City Manager, will attempt to maintain, publish, and post a list of resources for survivors of domestic violence in locations of high visibility.

V. RESPONSE AND ASSISTANCE

- A. Disclosure; Requests for Information, Referral, and Assistance

The City seeks to offer support and referrals for assistance to those employees who disclose concerns or request help. The City will designate trained person(s) to whom disclosures may be made. Designated persons are the Human Resource Officer, City Manager and Department Heads. All employees wishing to discuss domestic violence issues are encouraged to speak with whomever they are most comfortable.

- B. Response to Victims

1. The City recognizes all persons' rights to privacy, autonomy, and safety, and the corresponding need to control the process following any disclosure. To the extent that disclosures do not implicate issues of workplace safety and performance, and to the extent permitted by law and this policy, the City's response will be guided by the expressed wishes of the victim, and may include the following:

- a. Referrals to appropriate agencies and services, including EAP, domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services;
- b. Assessment of the victim's need to be absent from work;
- c. Information regarding employment benefits, including processes for changing insurance benefits, requesting paid and unpaid leave, and changing pay

arrangements (such as direct deposit of paychecks); and

d. Information regarding the availability of unemployment benefits in certain circumstances.

2. Any person who is concerned about his or her safety at work should speak to the Human Resource Officer, City Manager and/or Department Head. The City will immediately contact local the police department in the event of imminent danger.

3. If domestic violence is occurring in the workplace, is affecting the performance of the victim or the victim's co-workers, or if the victim otherwise requests, the City will assist the victim by:

a. Referring individuals to appropriate agencies and services, including EAP, domestic violence and sexual assault hotlines, local shelters and advocates, legal services, law enforcement, medical and counseling services;

b. Developing an individualized workplace safety plan in conjunction with appropriate agencies and services. The City and the victim may consider, for example, screening telephone calls, changing the affected employee's phone extension or physical location, arranging for escort to and from parking areas, changing work schedules, and providing information concerning the perpetrator to law enforcement, and/or the receptionist.

4. If any person is at immediate risk in the workplace, the City will follow protocols for notifying law enforcement and follow applicable emergency or safety procedures.

5. Victims are encouraged to disclose the existence of Temporary and Permanent Orders for Protection from Abuse or Harassment to a responder, especially where the order includes a provision that the perpetrator is not to have contact with the victim at the victim's place of employment. The responder will follow the provisions of this policy with respect to response and assistance to the victim, and address the issue of safety plans with the victim as appropriate.

C. Response to Employees Concerned about Domestic Violence

1. If an employee has a concern that a co-worker is a victim of domestic violence, the employee is encouraged to contact the Human Resource Officer, City Manager and/or Department Head. The responder will work with the concerned employee to decide how best to approach the victim. In addition, the responder may discuss the matter with the Department Head if there is an immediate safety risk to anyone in the workplace, or if the perceived problem has an affect on the workplace, including but not limited to safety, job performance, and morale. The responder will maintain the confidentiality of the disclosing employee to the extent permitted by law and this policy.

1. If an employee experiences or witnesses violence or threats of violence in the workplace, the employee should report the incident to a supervisor or police department personnel immediately.

VI. DOCUMENTATION

The Human Resource Officer will maintain copies of orders for protection from abuse and other documents that demonstrate workplace domestic violence in a confidential file. The City will develop necessary protocols related to maintaining records of domestic violence disclosures.

VII. WORK PERFORMANCE

The City recognizes that victims of domestic violence may have performance or conduct problems, such as chronic absenteeism or an inability to concentrate, because of the abuse.

When an employee confides that job performance or a conduct problem is caused by domestic violence, referrals and assistance should be offered in accordance with this policy.

The Human Resource Officer or supervisor, in collaboration with the employee and any other appropriate agencies, which may include the EAP, the Bureau of Human Resources, or the collective bargaining agreement, should allow a reasonable amount of time away from work for the employee to obtain assistance regarding domestic violence. This time may be drawn from sick or vacation leave, unpaid leave, or a leave bank, as determined appropriate and available. Any such leave will be consistent, at a minimum, with 26 M.R.S.A. § 850.

Nothing in this policy alters the authority of the City to establish performance expectations, counsel employees, impose discipline, reassign duties, place an employee on leave, or take other action as it deems appropriate.

VIII. PERPETRATORS

If an employee discloses that he or she is or has been a perpetrator of domestic violence, the responder should refer the employee to EAP and a local state-certified Batterers' Intervention Project. In every situation where an employee makes this disclosure, the Human Resource Officer or other appropriate individual will immediately be included in the discussion related to the disclosure.

Any incident of domestic violence committed by an employee while on City premises, during working hours, or at an City-sponsored event will not be tolerated. Employees found to have violated this policy will be subject to corrective or disciplinary action, up to and including discharge.

VIII. CONCLUSION

The City is committed to providing a supportive workplace environment free of domestic violence. The City will work to respond and provide immediate assistance to a victim who seeks it. Victims will be treated with compassion and will not be judged.

Employees with questions about this policy or ideas to improve this policy should contact the Human Resource Officer.

Effective Date November 2011

APPENDIX F

Public Safety Dispatcher Pay Scale

YEAR	STARTING WAGE
Start of Year One	\$ 14.37
Start of Year Three	\$ 16.79
Start of Year Five	\$ 17.78
Start of Year Eight	\$ 18.76

Scale Updated 7/1/14

CITY OF WATERVILLE

POLICY STATEMENT

Affirmative Action/Equal Opportunity

It is the policy of the City of Waterville to develop and promote equal opportunity in contracts, cooperative agreements, grants, personnel practices, and programs and services provided. No person shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any such programs because of race, color, religion, sex, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief, unless such discrimination is based on a bona fide occupational qualification. Occupational qualifications shall be bona fide job requirements. Affirmative action will be taken to make sure employees and applicants for employment and applicants for service are treated without regard to these characteristics. In carrying out this policy the City will ensure that:

- Persons are recruited, hired, trained and promoted without regard to race, color, religion, sex, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief. Employment decisions are made in accordance with principles of equal employment opportunity by using only strictly job-related requirements.
- Personnel actions such as compensation, benefits, transfers, layoffs, return from layoffs, and training programs are administered without regard to race, color, religion, sex, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief.
- Services provided by all departments of the City of Waterville will be provided without regard to race, color, religion, sex, marital status, national origin, ancestry, age, status as a veteran of the Vietnam Era or disabled veteran, physical/mental handicap, political affiliation or belief.

If you believe your rights have been violated under the provisions of this policy, please contact the Human Resources Officer. You may also contact the U.S. Equal Employment Opportunity Commission (EEOC) 1801 L Street, N.W. Washington, D.C. 20507 or an EEOC field office by calling toll free (800) 669-4000.

WATERVILLE PUBLIC WORKS
DEPARTMENTAL SAFETY POLICY
TO ALL EMPLOYEES

Remaining healthy and free from injury should be the goal of every employee. Time must be taken to assess each operation we do to determine the best and safest way to go about it. It is the responsibility of each and every employee to be as safe as possible each and every hour of every day. This manual has been created to help us meet this goal. The Safety Committee assisted in preparing this policy. Employees are responsible to abide by any and all applicable sections of this manual.

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SAFETY PROGRAM MANUAL

SECTION 1 - INTRODUCTION

The following outline is designed to try and reduce work related hazards, to provide a written policy of safety equipment use, and an employee guide to minimum safety standards designed to insure as safe a working condition as possible.

It should be stressed that this is not all inclusive, revisions will be made as the need presents itself and there will be instances that require protective gear and/or safety oriented thinking that is not mentioned herein. With the understanding that compliance with this program is mandatory and a condition of employment, it should become clear that safety is now a part of the Department of Public Works. Take it upon yourself and assume the responsibility of your actions, be sure to work within the scope of the Safety Program and help to make it the success it should be.

The intent of this manual is to comply with all OSHA and Department of Labor standards designed for the protection of our employees. It's understood that protective gear and devices will meet the minimum standards as set by the American National Standards Institute.

SECTION 2 - SAFETY EQUIPMENT ISSUE POLICY

Public Works will provide all necessary safety equipment specified in the agreement between the City of Waterville and Teamsters Union Local 340. Protective gear will be issued as needed on a loan basis, and while on issue, will be the responsibility of the individual it was issued to. It shall be the employee's responsibility to have this equipment available at all times. **Any piece of safety equipment lost or damaged through neglect or misuse will be paid for by the employee it was issued to.** Any employee losing a piece of equipment will be billed for its replacement. Damaged or worn out equipment, through normal use, will be replaced when turned into a Supervisor.

Inspection of safety equipment may be done by a Supervisor at his/her discretion.

Proper use of all safety equipment is required and may be monitored by all supervisory personnel.

All personal protective devices will meet the requirements of the American National Standards Institute (ANSI) and be designed for the type of work being performed.

The list of safety equipment listed below is representative of the items supplied by the City. This list is not exhaustive:

Equipment	Issued	Replacement cost
Hard Hat –	issued upon employment.	
Fluorescent vest -	issued upon employment.	
WorkBoots-	per working agreement	
Gloves-	two sets of each type of glove in stock	
Chaps		
Safety Glasses	two Sets	
Ear Protection		
Ear Muffs		
Ear Plugs		
Rain Suit	one set	
Lumbar Back Supports		

SECTION 3 - AWARDS

SAFETY AWARDS

Awards will be considered as appreciation of outstanding effort and success with the safety program.

Safe working awards and certificates will be issued annually for all employees who successfully perform a full year with no chargeable accident. The safety committee will review all accidents and make a determination if an incident is a chargeable accident. Decisions may be appealed to the Public Works Director, whose decision will be final. Awards will be issued for consecutive years 1-2-3-4 and so on. An employee who reaches 5 years, 10 years, 15 years, and so on with no accidents will be issued a special award.

Possible incentives / awards pins, hats, stickers, jackets, steel toed boots, gift certificates, T-shirts, duffel bags, day off.

SECTION 4 - SAFETY COMMITTEE

The Safety committee will consist of four sub committees:

The main committee will consist of three union members, the parts manager, and either the superintendent or the director of public works. The parts manager and administrative representative will be permanent appointments, subject to the directors approval. The chairman of this committee will be a union member. The term of each union member will be six months. The three union member seats terms will be staggered by two-month intervals. For the initial committee makeup, one member will serve a two month term, the second will serve for four months and the third will serve for six months. For the initial committee, the union member serving the two-month term will be the committee chair. That member will be replaced by the member serving the four-month term after the first two months have passed. Similarly, after four months have passed, the

member serving the six-month term will act as chair. Henceforth the chair position will always pass to the member who has served for four months. The first committee will be staffed on a volunteer basis. Subsequent appointments will be filled on a volunteer basis, or if no personnel volunteer, by appointment by the director.

(1) Accident Investigation (vehicle):

When an accident occurs with a vehicle, four (4) people will be in charge of the original investigation:

- (a) Garage Superintendent
- (b) Teamleader in charge of person involved
- (c) Employee involved
- (d) Chairman of the Employee Safety Representative

(2) Accident investigation (personal injury):

When a personal injury accident occurs, four (4) people will be in charge of the original investigation.

- (a) Teamleader in charge of person involved
- (b) Person involved
- (c) Witness (other employee(s))
- (d) Employee Safety Representative

(3) Accident Review Committee:

This committee will meet monthly or whenever needed to review all accidents that occur in the workplace. This committee will consist of five (5) people and they will be responsible to review of all accidents and make recommendations if need be for corrective actions.

- (a) Union Representative
- (b) Highway Superintendent
- (c) Garage Superintendent
- (d) Public Works Director
- (e) Employee Safety Representative

Written investigation reports on vehicle and personal injuries will be completed within three (3) working days and submitted to the Director.

SECTION 5 - GENERAL INFORMATION

INJURIES

All injuries no matter how slight will be promptly reported to your Supervisor. All injuries will be investigated to determine the cause of the accident and to recommend corrective action in an effort to prevent future recurrence.

A near miss incident that did not cause injury but could have will also be reported and investigated. It will be the duty of the employee to make their supervisor aware of a near miss incident so action can be taken on it.

Injuries will be recorded on a Supervisors Injury Report and kept on file.

VEHICLE ACCIDENTS

All vehicle accidents will immediately be reported to your Supervisor and Police.

Any accident involving a City vehicle will be reported to the Police and have a Police Report made. This rule must be followed even if the other party does not want to involve the Police.

The accident will be investigated and reviewed by the Safety Committee.

Personnel involved in accidents or approaching accidents should establish the following:

- (1) Is anyone hurt? If there is a slight doubt, have rescue respond.
- (2) Clearly state your location and if you are involved in the accident.
- (3) If you are able, help secure the scene to make it as safe as possible.
- (4) When calling in: be calm, speak clearly, and be precise with the location of the accident.

TRAINING

The Public Works Department will provide necessary training in the proper use of safety equipment; this will be accomplished through classroom instruction and individual training.

Training classes to train employees in the safety and health aspects of their job will be held on a regular basis.

Safety training/classes include: First Aid, Lifting, Confined Space Entry, Defensive Driving, Workzone Safety, Hazardous Chemical Right-to-Know, and any other applicable training.

Each Employee will sign a statement saying that he or she has read this Safety Manual, and fully understands it and agrees to abide by it. Anyone needing help understanding the manual or having questions about it will ask a Supervisor.

DRIVERS LICENSE

Any employee operating or driving for this Department must have in their possession a valid State of Maine Operators License.

Any employee with a restriction on their motor vehicle license must notify the Superintendent or appropriate Director of the restriction. Any individual with a restriction will be expected to adhere to the rules of the restriction.

No employee will operate a vehicle out of their license classification unless having proper permit and under an authorized training program and with a properly licensed trainer.

Any employee having their license suspended must notify the Superintendent or appropriate Director immediately.

Drinking or the possession of intoxicating liquor or drugs in a City owned vehicle, on the job, or reporting for work while under the influence of alcohol or drugs is prohibited.

Failure to follow any of these requirements will result in disciplinary action as per the union contract.

SECTION 6 - GENERAL SAFETY RULES

SAFETY EQUIPMENT

HARD HATS

Protective headgear will be worn whenever an employee's head could be endangered by falling objects, electrical shock, or by impact. This requirement will be at the discretion of the Supervisor.

Protective headgear will be worn any time an employee enters an area declared a Hard Hat Area.

Hard hats will be **worn properly with the brim forward and the internal web intact.**

Hard Hats will not be defaced in anyway or miss handled and will be kept as clean as possible.

FLUORESCENT VESTS

Employees shall be provided with and required to wear high visibility vests at any time they are exposed to vehicular traffic. Vests will be worn in any woods operation and any time outside work is being done at night, or when the Supervisor deems it necessary.

STEEL TOE BOOTS/SHOES

All Public Works employees are advised to wear steel toe safety boots during working hours. Boots should be of high quality with sufficient ankle support to prevent twisting and sprains.

GLOVES

Employees working in conditions that expose hands and fingers to possible cuts, burns, bruises or scratches will be required to wear protective gloves. These conditions will include:

- 1) Working on the back of a rubbish/recycling truck
- 2) Handling wood, brush, or metals
- 3) Handling granite or curbing

This list is not all-inclusive and good judgement in the use of gloves will be expected at all time to prevent injuries to the hands.

SAFETY GLASSES

Safety Glasses, Goggles or a Face Shield will be worn whenever an individual is exposed to flying objects, splashes, dusty conditions, or at the discretion of a supervisor. This will include but is not limited to the following:

- 1) Using the electric grinder or wire brush. Double eye protection when grinding.
- 2) Spray painting
- 3) Using the portable compressor with percussion or drilling tools.
- 4) Using the steam or spray cleaner.
- 5) Jump starting a vehicle
- 6) Using any power tool

EAR PROTECTION

Ear protection, earplugs or earmuffs, will be worn whenever loud noise of any duration is encountered, or at the discretion of a Supervisor.

The use of ear protection will include, but is not limited to the following:

- 1) Any noise that the employee finds offensive
- 2) Using a Jackhammer, Rock Drill
- 3) Using a Chainsaw, Cut Off Saw
- 4) Using percussion or air tools
- 5) Anyone working within a close proximity of a thirty- (30) foot radius of equipment that requires ear protection.

INSPECTIONS

WORK SITE

Work sites will be inspected by a Supervisor to insure the proper use of all safeguards and protective gear. Any deficiencies will be corrected immediately. Major violations that endanger the employee or Public will require the job to be shut down and work will not resume until it complies with the Safety Policy.

VEHICLE

Vehicles, equipment and machinery will be inspected daily to identify any defects that may need attention. This shall be the responsibility of the operator. All defects will be brought to the attention of the Garage Supervisor.

A safety check of any vehicle will include the following:

- A) Tires - correct pressure, no excessive wear
- B) Lights
- C) Brakes
- D) Horn
- E) Back-up beeper
- F) Parking brake
- G) Fluids

- H) Mirrors
- I) Reflectors

OPERATIONS

VEHICLE

Seat belts will be worn in all city vehicles and off-road vehicles per state law.

Employees operating equipment or driving a truck will be expected to utilize proper procedure when entering or exiting a vehicle. **Exit and entry will be made facing the vehicle or equipment, grab handles will be used, and caution will be exercised to prevent slipping or a sudden drop to the ground that could result in injury.**

No Employee will attempt to lower the tailgate of a dumptruck without the use of a loader to help. This will be done while the truck engine is shut off and the park brake applied.

Vehicles designed to carry an operator only will not have a second rider. No riders on the outside of any equipment, the bucket of a loader or the runningboard of a truck.

Fueling of any vehicles or equipment will be done with the engine off, and no smoking will be allowed in the area.

Any dump bodies raised for maintenance, greasing or washing will be blocked or have its safety bar in place.

CHOCKING VEHICLES

Any vehicle over 10,000 pound GVW and not equipped with air brakes shall have wheel chocks in place when the driver is outside the vehicle.

Any vehicle that is parked on an incline **(to include vehicles equipped with air brakes)** shall have wheel chocks in place when the driver is outside the vehicle.

WORKZONES IN A PUBLIC RIGHT-OF-WAY

The purpose of workzone safety is to protect both the workers and equipment in the workzone and the traveling public.

The Workzone Traffic Control Book will be used to help set up barricades/cones, signs and flaggers as they apply to your workzone. The workzone shall be maintained so that traffic has a clear understanding of how to proceed.

When in doubt, review part VI of the Maine Uniform Traffic Control Devices (M.U.T.C.D.) which contains the National Standards for Workzone Traffic Control.

EXCAVATIONS, TRENCHING & STREET OPENINGS

Prior to opening an excavation, a permit number shall be received from Dig-Safe of Maine (1-888-334-7233). The required three-day waiting time shall be observed unless an emergency exists. All utilities not affiliated with Dig-Safe shall be notified to determine whether underground installations exist, and if so, where they are located.

All excavated materials will be placed a minimum of 2' from the edge of the trench.

Any trench over 5' in depth, or a trench of under 5' but with unstable banks will be properly shored, using OSHA Construction Industry Standards, 29 CFR Part 1926-P, 650-652 plus Appendices, Excavations.

Inspections of the excavations will be made by the Supervisor or TeamLeader at the start of each day. If evidence of possible cave-in or slide is apparent then no employee will enter the area until the necessary precautions to protect the employee have been taken.

All shoring will be built in compliance with OSHA guidelines and must reach the top of the trench.

Ladders will be used in any trench over 4' deep and will extend at least 3' above the top of the trench.

Any trench longer than 25' will require two ladders located so as to require no more than 25' of lateral travel.

Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation. Water shall not be allowed to accumulate in an excavation. Any trenching left overnight will be barricaded and if necessary, illuminated and signed.

LIQUIDS / HAZARDOUS CHEMICALS

Some employees use and are exposed to a variety of chemicals, which are considered hazardous, or require special handling. Some of these include: fuels, solvents, paints, antifreeze, oils, cleaners, herbicides, etc.

A Material Safety Handbook is available to anyone wishing to see it. It contains Material Safety Data Sheets for the chemicals we use, and guidelines for handling these materials.

Each Employee should make themselves familiar with the handbook and how to use it.

GARAGE OPERATIONS

No unauthorized personnel will be allowed in the garage area unless accompanied by the Garage Supervisor. This is to include friends or family members. If it is necessary for visitors to go into the Garage work area, (including any other city employees) they must wear protective eye gear.

Garage technicians and any employee in the garage area will wear safety glasses when garage operations are in effect.

Creepers will not be left unattended on the floor. After use, they will be stood up.

Torches will have the valves closed and lines bled after use. Any employee using the torches will be familiar with their safe operation and will use needed safety equipment (goggles, gloves, and have a fire extinguisher handy).

Anyone using a grinder will wear goggles or a shield and will have the manufacturers safeguards in place. Tool rest will be properly set at 1/8 inch from the surface of the wheel.

Any dump body raised for maintenance, washing, greasing or any reason other than dumping a load will be blocked.

Any employee assisting in garage work shall be required to follow all the above rules.

Shop machinery will have all safeguards in place and in use.

Vehicles will be adequately blocked or supported at all times.

Any running vehicles or equipment within the garage will have its exhaust vented outside the building by use of exhaust hoses.

If the battery is out of the vehicle, battery charging will be done only in specified area with the "No Smoking in Area" rule observed. Proper battery charging methods will be used at all times.

Good housekeeping should be utilized in the garage to prevent trip/slip/fall incidents due to air hoses, cords, tools or parts left on the floor.

WELDING

Welding will be done in a well-ventilated area or require the use of exhaust fans to remove the welding fumes. A respirator will be used when welding lasts in excess of five (5) minutes or at the discretion of a Supervisor.

A welding helmet and gloves will be worn when welding and welding screen used if other employees are in the immediate area.

All welding will be done in areas free of fire hazard and with a fire extinguisher close at hand.

Welding equipment to include rod holder, ground clamp, cables and connectors will be in good working condition and free from defects. Electrodes will be removed from the holders when left unattended.

The chipping of welding slag will require eye protection.

Hot metals from welding, cutting or heating will be marked or cooled before being left unattended. This may be obtained by the use of a five gallon pale of water near the work site.

Any faulty or defective welding equipment will be reported to the Garage Supervisor.

RUBBISH/RECYCLING COLLECTION

The driver of the truck is responsible for the safe operation of his/her truck and the actions of his/her loaders. Driver and loaders will work together to insure the loaders mount and dismount the truck safely.

The following is required when loading a rubbish/recycling truck or handling rubbish or recyclables.

- 1) Safety Vest
- 2) Safety Glasses
- 3) Gloves
- 4) Strobe lights or warning lights will be on
- 5) Backing will be done with loaders in drivers view and the assistance of one of the loaders who is behind the truck, in direct eye contact with the driver.
- 6) **Extra caution** will be observed during the packing cycle and while unloading.
- 7) Removal of refuse from the push panel will be done with the use of a rake or similar object. No one will **at anytime** place themselves under a raised unsupported hopper. Dropping of the tailgate will be done only with **ALL** employees in the driver's view. Then the driver will say, "**DROP THE TAILGATE**".

- 8) The driver will maintain a **SLOW** truck speed between stops when the loader(s) are standing on the back.
- 9) Loaders will be inside the cab when the truck has to travel long distances.
- 10) Loaders will stay visible to the driver and hold onto the grab handles when riding on the truck between stops.
- 11) The driver will not proceed forward or backward without ensuring that the loaders are on the stand and signal that they are ready.

NIGHT SNOW REMOVAL OPERATION

Vehicles used in the snow removal operation are to follow and obey all motor vehicle laws. Snow removal equipment working against the flow of traffic will do so only in areas that are signed or if accompanied by uniformed Police Officers who will direct traffic around the work area.

Work being done on or around the snow blower will be done only after it has been shut down, clutch disengaged, and the auger is no longer in motion. When resetting shear pins, engine must be shut off. Shin guards will be worn before stepping on auger.

All personnel will wear a safety vest when outside a vehicle.

Windrows of snow in the street and not in the process of being picked up, will be marked with a sign on both ends at all times.

WATER OPERATIONS

All work done at the boat landing involving a boat or any kind of float will be done in compliance with all watercraft laws.

Coast Guard-approved life vests will be worn if work is being performed from a boat or unsecured platform and at the discretion of Supervisor if any work is in the proximity of water bodies.

Prior to and after each use vests will be inspected for defects which could alter their buoyancy. Defective vests will not be used.

MATERIALS HANDLING OPERATIONS

LOADING MATERIALS

When loading it will not be permitted to load from under an excessive overhang.

Drivers will be required to stay in their vehicle while it is being loaded.

All employees are required to wear head protection if they are out of their vehicle.

Drivers are required to check their tailgates and sideboards after being loaded and are responsible to have excess material removed before leaving the loading area. Drivers are required to know the GVW of any vehicle they operate.

MISCELLANEOUS OPERATIONAL ISSUES

ADVERSE WEATHER

During adverse weather such as thunderstorms or hurricanes, extra caution needs to be exercised when operating vehicles or if out of vehicle performing maintenance or repair work.

ELECTRICAL LINES

Assume all lines have power in them. If they are hanging on the truck, stay in the truck and call for help on your two-way radio.

When dealing with downed tree limbs or trees, always check for lines first. If lines are present, do not touch. Assume they are hot. Call your Supervisor.

MANHOLES/CONFINED SPACE

Accessing manholes or other confined space shall be considered hazardous and entry into these areas shall be done in accordance with the confined space entry policy.

ACCIDENT SCENE

Report accident location to Public Works. If you are getting out of your vehicle to assist with the accident scene let your supervisor know.

ABANDONED OR PARKED VEHICLES

Abandoned or parked vehicles that interfere with operations shall be reported to Public Works. These vehicles will be investigated by the Police Department.

PARTICULATES & DUST

Dust will be controlled on the roads by watering or calcium chloride.

In dusty conditions, vehicles will be operated with the windows closed and air filtering systems working.

When there is dust in the air in employees' work area, dust masks will be required to be worn.

LIFTING

Proper techniques for lifting should always be used and in the case of heavy loads, 50 lbs. or more or awkward loads, get help or use equipment or mechanical aids to eliminate manual lifting entirely.

Never twist your back while lifting a load.

MISCELLANEOUS EQUIPMENT SAFETY

HAND TOOLS

An effective method of accident/injury prevention is the proper use of tools and the right tool for the right job.

Employees will not use unsafe hand tools.

- 1) Impact tools will be kept free of mushroom heads.
- 2) Tools with wooden handles shall be kept free of splinters and handles will fit tightly in head of tool.
- 3) Electric power operated tools shall be properly grounded with the ground post on the cord intact and not removed. All power cords shall be inspected before using. Any cords with visible cuts or defects will not be used.
- 4) Any tool not found in proper working order, or that develops a defect while in use shall be immediately reported to your Supervisor or Parts Manager and removed from service with **an out of service tag** on it, until properly repaired.
- 5) All power cords & outlets will be checked quarterly to verify proper grounding and tagged with four season's inspection tape. (**Green - Summer, Orange - Fall, White - Winter and Red - Spring**)

CHAIN SAW & CUTOFF SAW

The use of a chain saw or cutoff saw by any employee requires the following safety equipment:

- 1) Hardhat
- 2) Goggles
- 3) Ear Protection
- 4) Leg Chaps
- 5) Boot Chaps

6) Gloves

A woodcutters helmet with screen and earmuffs will meet the first three requirements.

Operators without training will not operate saws.

All other employees working in the area of a chain saw will stay well clear of the cutters radius. Cutters radius while cutting brush, lumber or limbing, is arms length. Cutters radius while feeling trees, is tree length.

AIR COMPRESSOR - USED WITH PERCUSSION ATTACHMENTS

Use of the portable compressor for pavement breaking, drilling or other percussion use will require the following:

- 1) Safety Glasses or Goggles
- 2) Ear Protection
- 3) A Breathing Mask for dusty conditions
- 4) Anyone working within a 30-foot radius of the operator must also wear the necessary protection listed above.

AIR COMPRESSOR - FOR FORCED AIR PURPOSES

Use of an air compressor where compressed air is used for purposes such as cleaning air filters, radiators, or general cleaning, shall require safety glasses and gloves to be worn.

WEED WHACKER

Safety glasses and gloves shall be worn when using the weed whacker. Leg chaps shall be worn at the discretion of a Supervisor.

LAWNMOWERS

Safety glasses shall be worn. Mower shall have both rubber flap at rear of mower and safety discharge chute in place.

CHIPPER

Helmet, gloves, ear protection and safety goggles must be worn when operating this piece of equipment.

To set up the chipper: Park on level ground (if possible). Chock tires. Before starting, make sure chute is pointed in desired direction and that the area is clear. If

safety bar is not working properly, DO NOT use machine. Never drop head below safety bar level. Use a push stick, if necessary, to feed into chipper. To unplug the chute, shut down chipper completely.

To shut down chipper: Lower RPM's. Disengage clutch. Make sure all moving parts have come to a complete stop and the engine is off before cleaning the machine. Chipper should always be cleaned before transporting.

SECTION 7 - SMOKING POLICY

DEPARTMENT OF PUBLIC WORKS:

All buildings on Public Works grounds are designated as non-smoking during standard work hours. Smoking is permitted on Public Works grounds in the back of the building or outside the garage doors during non-work hours or scheduled breaks only. Smoking is not allowed within fifty (50) feet of the Fuel Island.

During non-standard work hours when the building is not open to the Public, smoking may be permitted in private offices; however, all occupants shall refrain from smoking in a private office when a non-smoker is present.

Smoking in city vehicles, owned by Public Works, is permitted as long as all occupants agree, unless a vehicle is designated as non-smoking.

SECTION 8 - TIME OUT POLICY

Any employee perceiving an unsafe condition is encouraged to take a moment to present his/her concerns to the team leader or supervisor. The employee should state the concern, present options for a safe method of performing the task at hand and review with the team leader or supervisor.

SECTION 9 - DISCIPLINE

To insure compliance with this Safety Program, it is necessary to have a disciplinary process. Employees found in violation of any phase of the safety program will receive disciplinary action according to Article 14 – Section 2 of the agreement between the City of Waterville and Teamsters Union Local 340.

I _____, have read and understand the contents of the City of Waterville Public Works Safety Policy and will adhere to it fully, according to Article 17 – Section 2 of the agreement between the City of Waterville and Teamsters Union Local 340.

Introduction

Self-inspections can help to stop or prevent an accident from occurring. By performing self-inspections with formalized check off sheets, safety is not left to chance. That is, by using a check off sheet, the person performing the inspection looks at every item on the list, which reduces the chance of a safety concern being overlooked or simply forgotten by the inspector. Self-inspections can prevent unwanted down time for repairs as well as costly medical bills in the event of an injury.

Legal Requirements

General Duty Clause 5(a) (1) of the Occupational Safety and Health Act (OSHA): Every employer must provide their employees a place of employment which is free from recognized hazards that are causing or likely to cause death or serious physical harm to their employees.

Buildings to be inspected under this Policy

All buildings owned by the City of Waterville, excluding the school department, will be inspected according to this policy and procedure statement. The buildings to be inspected are as follows:

- City Hall, including Police Department
- Fire Department
- Parks & Recreation
- Public Works

Leased Buildings to be inspected under this Policy

The following buildings leased by the City of Waterville will be inspected according to this policy and procedure statement. The areas to be inspected are as follows:

- Airport – JAM building
- Center Building - third floor offices, council chambers, conference room, all exits
- Jade Island
- Muskie Center – Senior Spectrum
- Public Library

Inspections

All buildings will be inspected on an annual basis. If safety issues are found that may cause death or serious injury to any employee, inspections may be conducted as frequently as deemed necessary by the Safety Committee until the issue is resolved.

All inspections will be coordinated with the Department Head or designee, and will be scheduled at least one (1) week, but not more than three (3) weeks, in advance.

Inspections will be conducted by individuals chosen by the City of Waterville Safety Committee. All inspections will be conducted by groups of two or more individuals who have experience and/or knowledge in the area of inspection being conducted.

All safety committee members are welcome to attend all inspections, whether participating as an inspector or not.

Inspection Check Lists

The City of Waterville Safety Committee has prepared standardized self-inspection checklists for the following areas:

- Fire Protection
- Electrical Safety
- Work Environment

- Ergonomics, VDT, Work Stations
- Plumbing
- Egress
- Personal Protective Equipment and Clothing
- Portable Ladders, Hand Tools, Equipment

These checklists will be completed by each designated inspector at the time of the inspection.

Each standardized inspection checklist will be reviewed annually by the Safety Committee to see if there are any additions/corrections that need to be made.

Review of Completed Inspection Lists

Once an inspection has been completed, the information will be presented to the Safety Committee by the inspectors. Each list will be collected and stored in a binder in the Human Resource Office for review by the safety committee members. These inspection lists will be used to compile a list of safety concerns and/or violations to be reviewed by the Safety Committee.

Once the Safety Committee has reviewed the inspections, a compliance request report will be compiled for distribution to the department. The following will be included in the compliance request report:

- Safety Hazard(s)/Issue(s) that are reported by the inspectors
- Course of action that needs to be taken by the department to correct all safety hazard(s)/issue(s)
- Time frame recommended by the Safety Committee for completion of each safety hazard/issue (30 – 90 days)
- Date for response from department if there are any concerns/questions about the report, including any changes to time frame for completion
- Date of follow up inspection(s) for safety hazard(s)/issue(s)

Responsibility of Safety Committee

It will be the responsibility of the Safety Committee to review all information presented from the self-inspections and create a list of safety hazard(s)/issue(s). This list will be prioritized based on necessity for completion.

It will be the consensus of the Safety Committee for distribution of funds for training or other items that are deemed necessary for the implementation of safety policies/procedures.

Responsibility of City Departments

It will be the departments' responsibility to comply with the recommendations of the Safety Committee. Each department is requested to notify the Safety Committee of progress on completion of each safety hazard/issue.

If the department is unable to complete the correction of the safety hazard/issue due to staffing, funding, or scheduling, the department must notify the Safety Committee in writing within 10 days of the initial notification of compliance request report. The Safety Committee will review the request and make the determination if a change in the time allotted will occur.

Responsibility of Administration

It is the responsibility of Administration to present to the City Council any items that are seen as a health/safety hazard that may cause death or serious injury to employees if additional funding is needed.

CITY OF WATERVILLE

HARASSMENT POLICY

It is the policy of the City of Waterville that all employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this policy, is prohibited. This policy refers not only to supervisor-subordinate actions but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

Definition

A. Sexual Harassment

1. Sexual Harassment is the attempt to control, influence or affect the career, salary or job of an individual in exchange for sexual favors. Sexual harassment can also be conduct, which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform his or her job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by any person and in any form.
2. Specific conduct which is prohibited includes, but is not limited to:
 - a) Threats or insinuations, implicit or explicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment.
 - b) Unwelcome sexual flirtations, advances, or propositions;
 - c) Verbal or written abuse of a sexual nature;
 - d) Graphic verbal comments about an individual's body;
 - e) Sexually degrading words used to describe an individual;
 - f) The display in the workplace of sexually suggestive objects or pictures.

B. Verbal Harassment

Derogatory or vulgar comments regarding a person's sex, religion, age, ethnic origins, physical appearance, or the distribution of written or graphic material having such an effect are prohibited.

Employer's Responsibility

The City of Waterville wants you to have a work environment free of sexual harassment by management personnel, by your coworkers and by others with whom you must interact in the course of your work as a City of Waterville employee. Sexual harassment is specifically prohibited as unlawful and as a violation of the City of Waterville's policy. The City of Waterville is responsible for preventing sexual harassment in the workplace and for promptly investigating any allegation of work-related sexual harassment.

Complaint Procedure

If you feel that you have been the recipient of sexually harassing behavior, report it immediately to your supervisor. It is preferable to make a complaint in writing, but you can accompany or follow up your verbal complaint with a written statement.

If your complaint is against your supervisor, you should make your complaint to the Human Resource Officer; if your complaint is against the Human Resource Officer your complaint should be made to the City Administrator; if your complaint is against the City Administrator your complaint should be made to the City Solicitor.

All allegations of sexual harassment will be quickly investigated. To the extent possible, your confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure.

Within three (3) City Hall working days after a written complaint is made, a supervisor, or other person designated by the City of Waterville, will investigate the complaint. The person will speak with possible witnesses and will speak with the person named in the complaint. *Your anonymity will be protected.*

Depending on the complexity of the investigation, you should be contacted within seven (7) City Hall working days about the status of your complaint and whether action is being taken. When the investigation is completed you will be informed of the outcome of the investigation.

Retaliation Prohibited

The City of Waterville will permit no employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment.

Written Policy

You will receive a copy of the City of Waterville's sexual harassment policy when you begin your employment. The City of Waterville will distribute a copy of the current policy once a year to all employees. If at any time you would like another copy of this policy, please contact the Human Resource Office. If the City of Waterville should amend or modify this policy, you will receive an individual copy of the amended or modified policy.

Disciplinary Actions

Sexual harassment will not be tolerated at the City of Waterville. If an investigation of any allegation of sexual harassment shows that harassment has taken place, the harasser will be subject to disciplinary action, up to and including dismissal.

7/18/94

Updated 5/2/00

CITY OF WATERVILLE

Tobacco-Free Workplace Policy Statement

The City of Waterville is dedicated to providing a healthy and productive work environment. As required by law (22 M.R.S.A. § 1580-A), it will be our policy to provide a tobacco-free workplace. This policy applies to all employees, clients, contractors, and visitors. The Workplace Smoking Act of 1985 applies to all enclosed areas of business facilities in Maine where employees perform work and for which the employer is responsible.

“The scientific evidence indicates that there is no risk-free level of exposure to secondhand smoke.” *The Health Consequences of Involuntary Tobacco Smoke: A Report of the Surgeon General*. Atlanta GA: U.S. DHHS CDC Office on Smoking and Health 2006.

This policy is being posted and copies are being made available to anyone who requests one. The policy will be supervised by the management of the City of Waterville in accordance with Maine State law. Effective immediately, smoking of tobacco products, as well as use of vaping products, including but not limited to cigarettes, cigars, vaping devices or non-FDA approved nicotine delivery devices (i.e. electronic cigarette's) are banned in:

- All enclosed areas where work is performed, as well as in all rest rooms, all meeting rooms, all lunch rooms and all private offices.
- All employer-owned and all employer-leased vehicles used by employees.
- All employee-owned vehicles used in the course of work whenever other employees or another person is in the vehicle for work-related reasons.

Smoking and Vaping of tobacco products is only allowed outdoors. Smoking and Vaping can only occur in outdoor locations that are at least **20 feet** from any workplace entryway, vent, window, or doorway. Smoking and Vaping is never allowed in any location that allows smoke or vapors to circulate back into the building (22 M.R.S.A. § 1580-A).

No Smoking and Vaping signs will be posted at all building entrances and throughout the building. In addition, this policy will be included in training manuals and new employee orientation.

This workplace understands that tobacco is a legal product, and further recognizes that as an employer, this workplace may not require that employees or prospective employees refrain from tobacco use when not at work, and will not discriminate against employees who use tobacco outside of employment.

The success of this policy will depend on the courtesy and cooperation of tobacco users, smokers and nonsmokers. Each of you is responsible for following and helping enforce the policy. Problems should be brought to the attention of the appropriate supervisor. Violations of this policy will be handled through the established disciplinary procedures.