

TOWN OF NEWMARKET, NEW HAMPSHIRE PERSONNEL POLICY



This document supersedes all personnel policies previously established or approved by the Town of Newmarket.

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INTRODUCTORY MESSAGE

WELCOME TO THE TOWN OF NEWMARKET!

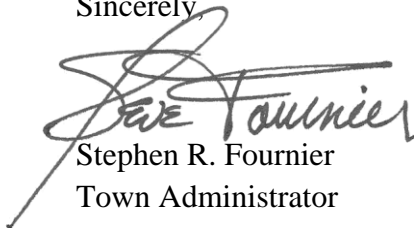
Starting a new job is exciting, but at times can be overwhelming. This Personnel Policy has been developed to help you get acquainted and answer many of your initial questions.

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

This Personnel Policy explains our policies and benefits, as well as the specific opportunities and responsibilities that exist for you within our Town. In an effort to be responsive to the needs of a changing organization, changes or additions to this handbook will be made when necessary. We will keep you informed when these changes are made.

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

Sincerely,



Stephen R. Fournier
Town Administrator

ABOUT THIS POLICY

The policies outlined in this Policy should be regarded as guidelines only, which may be modified from time to time. The Town of Newmarket (hereinafter referred to simply as “Town”) retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. This Policy supersedes and replaces any and all prior, policies, procedures, and practices of the Town.

This Personnel Policy also summarizes the current benefit plans maintained by the Town for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Policy. The Employee Policy (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This Policy is not, and shall not be construed as, an explicit or implied contract, shall not modify any existing at-will status of any Town employee, and shall not create any due process requirements in excess of federal or state constitutional or statutory requirements. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the employer has similar rights and can terminate the employment relationship at any time, with or without cause or notice. Please understand that neither the policies contained in this Personnel Policy, nor any other written or verbal communication by any other employee, including management employees, are intended to create a contract of employment or a warranty of any of the benefits described in this Policy.

Please also be aware that the Town reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Policy at any time, in its sole discretion in accordance with NH State and Federal Law.

Article 1. General Provisions

Section 1.01 Our Workplace

As you review the Policy, you will notice that terms such as “workplace” and “premises” appear in many of Town’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, as you know, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this Policy, you must understand that we are not only discussing Town buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle in which you may be traveling with a supervisor and/or coworker for Town-related business.

Section 1.02 Equal Employment Opportunity

The Town is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town will not discriminate against employees or applicants for employment on any legally-recognized basis including, but not limited to: veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, and leaves of absence, compensation, and training.

- (a) It is the policy of the town to create a work environment free of discrimination based on any of the above-referenced characteristics. Discrimination under this policy is defined as treating an individual adversely with respect to his or her compensation, terms, conditions, or privileges of employment, because of the individual’s veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class. For example, no one can be denied equal employment opportunity because of their nation origin, that is, because of their birthplace, ancestry, culture or linguistic characteristics common to a specific ethnic group. Equal employment opportunity also cannot be denied because of marriage or association with persons of a national origin group, or a surname associated with a national origin group.

The Town does not tolerate harassment in the workplace on the basis of veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class . All employees should be able to work in an environment free from all forms of discrimination, intimidation and harassment, including sexual harassment. All employees must treat each other with courtesy, consideration, and professionalism. In support of our commitment to equal employment opportunities, the Town prohibits harassment of one

employee by another employee or supervisor on any of the basis discussed above. Any employee who harasses another employee or a customer on any of the basis discussed above will be subject to discipline, up to and including discharge.

- (b) To achieve our goal of providing a workplace free from sexual and other illegal harassment and discrimination, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with. Where inappropriate conduct is found, we will act promptly to eliminate the conduct and impose such corrective actions as are necessary including disciplinary action or termination where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual or other illegal harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

Section 1.03 DEFINITION OF SEXUAL AND OTHER ILLEGAL HARASSMENT

Harassment is verbal and/or physical conduct that attacks the character or reputation of or shows hostility or aversion toward an individual because of his or her veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class or that of his or her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonable interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of Town policy. However, the following are some examples of conduct, which, if unwelcome, may constitute harassment depending on the circumstances, including the severity of the conduct and its pervasiveness:

- Abusive terms used to describe someone, slurs, negative stereotyping, or threatening, intimidating or hostile, acts that relate to veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class; and
- Written or graphic material that attacks the character or reputation or shows hostility toward an individual or group because of veteran status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin or any other legally protected class that is placed on

walls, bulletin boards, or elsewhere on Town premises, or in circulation in the workplace.

The Town prohibits all of the activities discussed above, whether engaged in by a supervisor, agent of the Town, co-worker, or non-employee who is on our premises or who comes in contact with our employees.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- Submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or
- Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- a. Verbal: sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;
- b. Visual/Non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- c. Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and
- d. Retaliation: making or threatening reprisals as a result of a negative response to harassment.

Each employee must exercise his or her good judgment to avoid engaging in conduct that may be perceived by others as harassment.

Harassment can come from superiors, fellow employees, clients, visitors or vendors. Men as well as women can be victims of sexual or other harassment. It cannot be stressed enough that the town will not tolerate any form of illegal discrimination or harassment. Violations of this policy, whether intended or not, will not be permitted.

Section 1.04 HARASSMENT/DISCRIMINATION GRIEVANCE PROCEDURE

If you feel that you are being harassed or discriminated against or that you have observed harassment or discrimination, please follow these guidelines to help us remedy the problem.

Harassment or discrimination by other employees or by contractors or vendors should immediately be brought to the attention of your Department Head, the Town Administrator or the Chair of the Town Council. These individuals are also available to discuss any questions or concerns you may have and to provide information to you about our policy on sexual or other illegal harassment and discrimination and our complaint process.

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the problem. No employee in this organization is exempt from this policy.

If, at any point in the process, a complaining employee is dissatisfied with the investigation being conducted, the employee should bring it to the attention of the individuals listed above.

Section 1.05 HARASSMENT/DISCRIMINATION INVESTIGATION

When we receive a complaint of harassment or discrimination, we will promptly investigate the allegation. Complaints will be kept confidential to the extent possible. For most matters, the investigation will include an interview with the person filing the complaint, an interview with the person alleged to have committed the harassment, and to the extent necessary, interviews with co-employees or other witnesses. All employees are expected to be truthful, forthcoming and cooperative in connection with a complaint investigation.

Once the investigation is complete, we will, to the extent possible, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation.

If it is determined that inappropriate conduct occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate, we will impose disciplinary action.

There may be instances when, depending upon the nature of the allegations of harassment or discriminations, an alleged wrongdoer will be suspended, with pay, pending investigation. Suspension pending investigation should not be considered as a conclusion of wrongdoing.

Section 1.06 DISCIPLINARY ACTION

The Town does not condone, permit or tolerate unlawful harassment or discrimination in any manner whatsoever. Any employee who is found to have engaged in harassment or discrimination contrary to this policy will be subject to disciplinary action, up to and including suspension or termination, depending, among other things, on the nature of the conduct. As stated previously, this sexual anti-harassment and discrimination policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct which we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

Section 1.07 RETALIATION

The Town also prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation. Anyone found to have engaged in such retaliation against a person who has registered a complaint under this policy or to have retaliated against anyone for assisting in the investigation of a complaint, will be subject to disciplinary action up to and including suspension or termination. Any employee who believes that he or she is being retaliated against should bring it to the attention of your Department Head, the Town Administrator or the Chair of the Town Council so that appropriate action may be taken.

Section 1.08 THE AMERICANS WITH DISABILITIES ACT

The Town prohibits any form of discrimination in hiring as well as in all terms and conditions of employment, against individuals with disabilities. The Town will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process, and in performing essential job functions, so as to afford enjoyment of the same benefits and privileges of employment that are enjoyed by employees without disabilities. Please notify the Town Administrator if, because of a disability, you require an accommodation to perform the essential functions of your job. You may be asked to provide medical information regarding your disability and possible accommodations, and we expect that you will engage in this interactive process in good faith so we may determine eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with applicable law, and will provide reasonable accommodations as required by law. The Town may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

Article 2. EMPLOYEE CLASSIFICATIONS

Section 2.01 Positions Covered

This document serves to cover all full-time, part-time, permanent part-time, and temporary employees of the Town of Newmarket, including volunteer members of the Newmarket Fire & Rescue Department.

In the event an employee's position is covered by state law and/or collective bargaining agreement and a conflict exists between the terms and conditions outlined in this document and the state law and/or collective bargaining agreement, the state law and/or collective bargaining agreement shall take precedence.

Section 2.02 Employment At-Will

Unless otherwise provided in a written contract or unless set forth by statute, Town employees are considered to be employees at-will. Employment at-will status enables both the Town and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not prohibited by law. Neither the policies contained in this Policy, nor any other written or verbal communication by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

Section 2.02 Section 2.03 Employment Classification

At the time that you are hired, you are classified as full-time, part-time, or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in writing or as required by law, the benefits described in this Policy apply only to full-time employees. All other policies described in this Policy apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of which job classification into which your position fits, please ask the Finance Director or Town Administrator.

FULL-TIME EMPLOYEES: Individuals who are regularly scheduled to work 40 or more hours per week.

PART-TIME EMPLOYEES: Individuals who are regularly scheduled to work less than forty hours per week. Part-time employees are not eligible for benefits described in the Policy except where noted or to the extent required by state or federal law.

TEMPORARY EMPLOYEES: Individuals who are hired for specific periods of time or for the completion of a specific project or not regularly scheduled to work. Seasonal employees, those hired to work for thirty-six (36) weeks or less, are considered to be temporary employees. Temporary employees are not eligible for benefits described in this Policy except to the extent required by state or federal law.

NON-EXEMPT AND EXEMPT EMPLOYEES: All employees will be classified as either “exempt” or “non-exempt.” Exempt employees are paid on a salary basis and their duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act (“FLSA”). Therefore, these employees are not eligible to receive overtime pay. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA and Town policy. Upon hiring, employees are told whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If you have questions about whether you are classified as exempt or non-exempt under the FLSA, please contact the Town Administrator.

Article 3. COMPENSATION AND HOURS OF WORK

Section 3.01 Compensation System

(a) GENERAL POLICY.

The Town Administrator and Town Council, shall be responsible for the development and maintenance of a uniform and equitable pay plan for the Town which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable. Wages shall be linked directly to the position classification plan and may take into consideration the following factors:

- (i) Ranges of pay for other positions.
- (ii) Prevailing rates of pay for similar employment in both public and private organizations.
- (iii) Cost of living factors.
- (iv) Other benefits received by employees.
- (v) The financial policy and economic conditions of the Town.

(b) PAY PLAN DEVELOPMENT AND ALLOCATION.

- (i) The Town Administrator, or designee, shall conduct a study of salary levels and shall make adjustment recommendations to the Town Council at least every three (3) years. Implementations of adjustments are subject to the availability of funds.
- (ii) The Town Administrator shall assign each position level to a pay range based upon the relationship to other levels as defined in the position level plan and by market data.

(c) APPOINTMENT.

- (i) Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the Town Administrator may approve hires up to the range of midpoint, as warranted by job qualifications and experience subject to the availability of funds.
- (ii) The Town Administrator shall not authorize hiring above the midpoint of a pay range except in unusual circumstances.

(d) MERIT INCREASE.

- (i) The Town Administrator, upon approval of the Town Council, shall adopt merit increase guidelines effective July 1 of each calendar year subject to funding in the approved budget.
- (ii) Regular full-time and part-time employees are eligible to receive a merit increase.
- (iii) Employees at or above the pay range maximum and employees whose performance is rated less than successful, shall not be eligible to receive a merit increase
- (iv) A part-time employee is eligible to receive a merit increase in the same amount of elapsed calendar time on the job as a full-time employee.
- (v) The Department Supervisor, or designee, must complete an employee's performance evaluation within thirty (30) days preceding the effective date of a merit increase.
- (vi) A merit increase shall not exceed the range of maximum assigned to a position level.

(e) SELECTIVE SALARY ADJUSTMENT.

The Town Administrator may recommend a selective salary adjustment regarding an employee or group of employees. The Town Administrator shall submit a written rationale supporting the recommendation to the Town Council and indicating where funds are available in order to implement said adjustment.

(f) LONGEVITY ADJUSTMENT.

All permanent, full-time employees hired prior to September 1, 2013 shall be paid annually after completing five (5) full years of employment, a longevity benefit according to the following schedule:

<u>Anniversary</u>	<u>Longevity Payment</u>
5th – 10th Years	\$225.00
11th – 15th Years	\$450.00
15th – 20th Years	\$675.00
21st and higher	\$900.00

The above longevity benefits shall be paid to all employees so entitled during the first period in the month of December. Employees shall be employed at the time of disbursement in order to be eligible for this benefit. Proration of this benefit for separated employees shall not be permitted.

(g) COST OF LIVING ADJUSTMENTS (COLA).

The Town Council shall determine the cost of living adjustment that will be provided to each employee on an annual basis

(h) PROMOTION.

- (i) At the discretion of the Town Administrator, a salary increase shall be granted to an employee receiving a promotion. If the new salary is below the minimum of the new range, it shall be increased to the new minimum.
- (ii) The Town Administrator may approve an increase up to the midpoint of the new range when a promotion results from a competitive recruitment to a new position level. Such an adjustment shall be based on exceptional qualification and subject to the availability of funds.

(i) ORDER OF SALARY CALCULATION.

Multiple categories of pay increases awarded simultaneously shall be calculated in the following order:

- A. Cost of living adjustment.
- B. Merit.
- C. Selective adjustment.
- D. Promotion.
- E. Longevity.

(j) REASSIGNMENT.

Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid at least the same salary received prior to the assignment.

(k) RECLASSIFICATION.

- (i) If the Town Administrator reclassifies a position to a higher level, the Town Administrator shall adjust the incumbent's salary to at least the minimum of the new range and may give a salary increase, based upon increased responsibility.
- (ii) A reclassification increase is subject to the availability of funds.
- (iii) If the Town Administrator reclassifies a position to a lower level, the incumbent's salary shall reflect the new classification.

(l) DEMOTION.

If an employee is demoted, either voluntarily or involuntarily, the Town Administrator may treat the employee's salary according to Section 3.01(k)(iii) above or reduce the salary to the applicable pay range.

Section 3.02 Reporting of Time Worked

It is important that your time be accurately reported so that you are compensated for the hours that you work. All employees are required to complete time sheets or punch a time clock or complete an attendance sheet, as applicable. No one is authorized to punch a time clock on your behalf, and falsification of time records could lead to disciplinary action, up to and including separation from employment. Your supervisor will provide you with details concerning your obligation to report all time you have worked.

Section 3.03 Pay/Pay Periods

Employees are informed as to their rates of pay and the pay period at the time that they are hired. Rates of pay are reviewed periodically and may be adjusted. If you have any questions regarding your rate of pay, please see the Finance Director.

Employees are paid on a biweekly basis on Wednesdays for all hours worked during the preceding calendar weeks. Please review your paycheck for errors. If you find a mistake, report it to the Finance Director immediately. Paychecks will be distributed only to you by your supervisor or designee, unless you provide the Town with written authorization for someone else to receive your paycheck or you have elected to have your funds deposited through direct deposit to a your designated bank or financial institution.

Section 3.04 Workweek/Hours of Work

The Town's workweek begins on Sunday at 12:00 a.m. (midnight) and ends on Saturday at 11:59 p.m. Because of the nature of our business, your work schedule may vary depending on your job and department. When hired, the Department Supervisor will inform you of your hours of work.

Section 3.05.1 Payroll Deductions

There are two categories of payroll deductions: those required by state or federal law and those authorized by the employee. Payroll deductions required by state and federal laws include federal withholding, income tax, social security tax, and wage garnishments as required by law (i.e., child support payments, court ordered payments, IRS garnishments). If authorized in writing by an eligible employee, the Town will also make payroll deductions for health insurance, savings plans and voluntary contributions to a retirement plan. These deductions will be itemized on your check stub. Arrangement for these voluntary deductions may be made with the Finance Director.

Under New Hampshire law, the Town may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except, with appropriate authorization, as follows: union dues; health, welfare pension, and apprenticeship fund contributions; medical, surgical, hospital and other group insurance benefits without financial advantage to the employer; voluntary contributions to charities; housing and utilities; payments into savings funds held by someone other than the employer; voluntary payments for the recovery of tuition for non-required education costs; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; and voluntary payments by the employee for the following: child care fees by a licensed child care provider; parking fees; pharmaceutical items, gift shop, and cafeteria items purchased on the site of a hospital by hospital employees; fees for the employee's use of a qualifying fitness facility; contributions to a political action committee; installment payments of loans made by the employer to the employee; voluntary repayment of accidental overpayments made to the employee; repayment of unearned advances on vacation or other paid time off where supported by appropriate documentation; required clothing not considered to be uniforms; and the use of a demonstrator vehicle as defined in RSA 261:111.

3.05.2 Payroll Deductions for Salaried Exempt Employees: The Town complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried employees receive a predetermined salary that is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by the Town or due to the operating requirements of the Town. The Town of Newmarket recognizes that under federal and state law there are only limited times when a salaried employee's salary can be subject to deductions. Following RSA 275:43-b, the Town may prorate an exempt employee's final paycheck in the case of a termination for cause.

The Town of Newmarket prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Exempt employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities change, and at other appropriate times. Exempt employees should also note that it is permissible for an employer to apply vacation, sick, personal and other forms of paid time off to partial or full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

3.05.3 Questions Regarding Paycheck and Deductions: If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Director as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the Town Administrator.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. The Town of Newmarket will not tolerate retaliation against employees who have expressed concerns using this procedure.

Section 3.06 Reimbursable Expenses

With prior approval by your Department Supervisor, the Town will reimburse reasonable expenses, incurred while performing work for the town, to the employee. The employee must submit original receipts in order to be reimbursed. See your Supervisor with any questions as to whether and what expenses may be reimbursed to the employee.

Section 3.07 Overtime and Compensatory Time

From time to time, it may be necessary for you to perform work in addition to your normal hours. Your Department Supervisor must approve all overtime in advance. Except in the event of an emergency, the Town will attempt to provide you with advance notice of the necessity for overtime work. To the extent possible, the Town will attempt to equally distribute overtime among employees. Most non-exempt employees, with the exception of certain law enforcement, fire protection, and public safety employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) per week. For the purposes of this section, time worked will include hours actually worked, vacation leave, holiday time, bereavement time, sick time, but does not include compensatory time.

Full time town employees engaged in law enforcement and fire protection activities will be paid overtime at the rate consistent with the Fair Labor Standards Act.

Section 3.08 Exempt – Employees

Exempt employees on occasion work more than an established workweek but do not have a formal workweek. No formal overtime consideration shall be given for hours worked over forty (40) in one week for Exempt employees. Exempt employees are defined under the criteria established by the Fair Labor Standards Act.

Section 3.09 Non-Exempt Employees

All other employees covered by this policy who work more than forty hours in one work week as directed by a supervisor shall be compensated at a rate of 1 ½ times their hourly rate of pay or receive 1 ½ times the number of hours worked in the form of compensatory time off. Compensatory time off may be substituted for overtime pay, when agreed to by both the employee and the Department Supervisor, but cannot accrue beyond a 40-hour limit.

Town will issue a check to the employee at any time their compensatory time exceeds forty hours for the difference between the additional hours and 40.

Section 3.10 Call Back Pay

Full-time non-exempt employees who are called back to work after the conclusion of their regular work day, shall be reimbursed for a minimum of four (4) hours of service at the rate of one and one half times the employee's current rate of pay. If the need for services is less than four (4) hours, the employee will be granted four (4) hours pay at the overtime rate. If the employee is required to be called back more than once in a single four hour period, the employee shall be paid for only one call-back period.

This section does not apply to scheduled overtime, callback times annexed to the beginning of the work shift, or to hold over time annexed to the end of the work shift.

Section 3.11 Meal Break Periods

Employees who work more than five (5) consecutive hours shall be given a thirty (30) minute unpaid meal break, unless it is feasible to eat while working and the employee is permitted to do so.

Town employees engaged in law enforcement and fire protection activities will be provided meal breaks in accordance with the Fair Labor Standards Act.

Section 3.12 Personnel Records

The Town maintains certain records containing job-related information on all employees to ensure compliance with state and federal laws and to keep a record of your progress as an employee. Your personnel file is our continuous record of information relative to your employment. You may inspect your own personnel file during regular office hours, upon

reasonable request. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement or a government security investigation. File inspection must be done on your own time, and must be arranged through the Finance Director. You may read your personnel file, but you may not remove any portion of the file. Upon request, you will be provided with a copy of all or part of your personnel file. At the discretion of the Finance Director, you may be charged a fee for copies of any such records; however, such fee shall be reasonably related to the cost of supplying the requested documents. There will be no charge for the first request; however, there will be a charge for subsequent copies.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written statement explaining your version of the information together with evidence supporting such version. The Town will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Employees shall notify the Finance Director as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

Section 3.13 Performance Review

In order for employees to improve performance and better understand the Town's expectations, the performance of employees will be periodically reviewed. You will generally receive performance reviews from your Supervisor annually in November or December. However, job coaching is a continuing process throughout the course of employment, and you may meet with your supervisor or department head to discuss performance more frequently.

You and your supervisor will discuss your performance review, giving you the opportunity to understand the expectations of your supervisor and to examine your strengths, as well as areas in which you need to improve. You and your supervisor will also discuss additional opportunities for professional growth at the Town. You will have the opportunity to comment on and sign the review. Your signature on the performance review form indicates that you have seen the review; it does not indicate agreement or disagreement with the content of the review.

A review is not a contract or a commitment to provide a compensation adjustment, a bonus, or continued employment. Reviews are only one of several factors that the Town uses in connection with compensation, promotion, and retention decisions.

Section 3.14 Promotions, Transfers & Job Postings

The Town strives to provide employees with the opportunity to make full use of their skills, interests and potential. To support employee growth and development, we will make every

effort to promote qualified employees from within the Town, if possible, based upon the needs of the business and employee qualifications. Every effort is made to place employees in jobs that are best suited to their abilities. We may also recruit individuals from outside of the Town, depending upon the circumstances.

The Town shall post vacancies, for all positions, in areas that are accessible to all employees.

A temporary transfer or promotion initiated by the Town may take place at any time regardless of the employee's length of service in their present position.

Employees may obtain additional information about open positions and request consideration for any opening by contacting the Department Supervisor. The Town Administrator will have final approval over all transfers and promotions.

If a transfer or promotion is granted, the employee's pay rate in the new position will be determined at the time of the transfer or promotion. The pay rate will be based upon the employee's qualifications, experience, job performance evaluations, and other considerations within the discretion of the Town.

Employees will generally receive a performance evaluation after 90 days in a new position. Another performance evaluation will typically be conducted prior to the first of each calendar year.

Article 4. TIME AWAY FROM WORK AND OTHER BENEFITS

Section 4.01 Holidays

Employees shall be paid an annual total of no more than 96 hours for the listed holidays.¹ Holiday pay will be paid at the employee's straight time hourly rate and will be pro-rated for part-time employees. Employees who are not scheduled to work the actual day of the holiday shall be entitled to take a floating holiday on a day approved by their supervisor, which must be taken within 30 calendar days following the actual holiday.

Employees must work the day preceding and following the holiday, according to their normal work schedule, except for excused absences as approved by his/her supervisor.

Exempt employees who are required to work on a holiday may take a floating holiday, subject to prior approval by their supervisor, which must be taken within 30 calendar days following the holiday. Non-exempt employees who are called in to work on a holiday shall be paid straight time for hours worked in addition to their holiday pay.

All holidays will be observed on the day designated by the Federal Government unless specified otherwise by the Town Administrator.

The Town Administrator shall provide the Town Council with the proposed holiday schedule in December for the upcoming year.

New Year's Day

Civil Rights/Martin Luther King Day

Presidents' Day

Memorial Day

Independence Day

Labor Day

Columbus Day

Veterans' Day

Thanksgiving Day

¹ Under 29 CFR 553.230 section 7(k), employees engaged in fire protection or law enforcement activities are permitted to follow alternate work schedules, according to the requirements of their respective departments, in which case, their maximum holiday hours will equal the number of paid holidays times their usual daily hours of work.

Day after Thanksgiving Day

Day before or after Christmas, as follows:

The day before if Christmas falls on a Tuesday or a Friday

The day after if Christmas falls on a Monday, Wednesday or Thursday

Christmas Day

Holidays that fall on a Sunday will be observed on the following Monday, and Holidays that fall on a Saturday will be observed on the preceding Friday.

Section 4.02 Vacation

Vacation is a time for you to rest, relax, and pursue special interests. The Town provides paid vacation as one of the many ways in which we show our appreciation for your hard work and continued service.

Full-time and part-time employees are eligible for paid vacation as described herein. Temporary employees are not entitled to paid vacation time.

Vacation time is granted to eligible employees based upon length of service. Vacation shall begin to accrue on the date of hire and shall be posted at the end of each month worked.

Part-time employees shall receive a pro-rated vacation based on their regular workweek, with consideration for years of continuous service.

Newly hired employees who work less than twelve months in their first calendar year of employment will earn vacation at a prorated monthly rate, but are unable to take vacation leave until they have worked for the Town for a period of at least of six months.

No part of an employee's scheduled vacation may be converted to sick leave. If illness or injury occurs during a vacation, sick leave benefits will not begin until the employee is scheduled to return to work.

If requested, an employee shall be paid his or her vacation pay before starting his or her vacation, provided that such vacation pay is scheduled at least two (2) weeks in advance; otherwise, the employee shall be paid his or her vacation pay upon return from vacation. Vacation pay for a full week will be paid at the normal straight time scheduled hours; i.e., if someone normally is scheduled for 40 hours per week, their vacation pay will be for 40 hours for each full week

requested, and anyone normally scheduled for 35 hours will be paid 35 hours for each full week requested.

An employee will not accrue any vacation time for those pay periods in which the employee is entitled to no wages, unless required under law. Generally, this will occur when the employee is on unpaid leave, such as FMLA leave.

Vacation is earned and accrued monthly according to the following schedule:

Years of Continuous Service	Vacation Time
Zero through the completion of twelve full months	40 hours
Beginning of 13th month through completion of 24 months	40 hours
Beginning of 25th month through completion of 72 months	80 hours
Beginning of 73rd month through completion of 120 months	120 hours
Beginning of 121st month through completion of 180 months	160 hours
Beginning of 181st month and each year thereafter	200 hours

Employees will accrue 1/12th of their earned annual vacation on the last day of each month.

An employee may carry over one year's worth of unused vacation time from one calendar year to the next. An employee wishing to carry over unused vacation time above one year's worth shall present to the Town Administrator a written request to carry over unused vacation above one year's worth, determined by the employee's then current years of continuous service. This request shall be presented to the Town Administrator not later than December 15th.

Upon separation of employment, employees will be paid accrued, unused vacation pay provided the employee has been actively employed for at least six (6) months prior to the termination.

Section 4.03 Sick Leave

Section 4.03.1 Sick Leave: The Town provides sick pay to all full-time and permanent part-time employees. Sick leave must be used in half hour increments, and employees will be paid at the normal straight time rate for the number of hours the employee was scheduled to work. Sick pay may not exceed the employee's regular workday and/or workweek hours.

Sick leave accrues at the rate of one day per month up to a maximum of 90 days. Accrual commences on the date of hire, but cannot be taken during the first ninety days of employment.

Employees who do not report to work due to illness must contact and speak with their supervisor on a daily basis relative to the need for and status of their absences, unless otherwise directed. A part-time employee will be paid for sick days on a pro-rated basis in accordance with his/her regular hours of work.

Paid sick leave shall be granted for absence from duty for the following reasons:

Illness

Dental & Medical Care

Non-compensable bodily injury or disease

Exposure to contagious disease, quarantine

Attendance upon members of the employee's immediate family, whose illness requires the care of the employee, not in excess of one (1) day, except with prior approval of the department head.

Employees who are absent from work due to illness for three consecutive workdays may be required to obtain certification from their physicians that they are able to return to work. Employees who fail to report to work or call in to their Department Supervisor for three consecutive workdays will be considered to have voluntarily resigned from their employment.

Employees will not be paid for unused sick days upon resignation or involuntary discharge from employment.

Upon retirement of employment by the employee, as provided in the personnel rules and regulations, one half of unused sick leave benefits shall be paid to the employee provided the employee shall have been actively employed by the town for 1 year prior to retirement. This benefit shall require the employee to be of retirement age and meet the requirements to collect retirement compensation from the New Hampshire Retirement System.

4.03.2 Depletion of Sick Leave: In the event all accumulated sick leave has been used, the employee may take any accumulated vacation leave. An absence from work beyond the limit of authorized leave may place the employee in jeopardy of termination.

Section 4.04 Family and Medical Leave

Under the Family and Medical Leave Act ("FMLA"), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons: The birth of the employee's child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child); The placement of a child with the employee for adoption or foster care, and in order to care for the newly placed

child (leave must be taken within twelve (12) months of the adoption or placement of the child);The serious health condition of a spouse, parent, minor child, or adult child when the adult child is incapable of self care and the employee is needed for such care (“covered family members”); The employee’s own serious health condition that renders the employee unable to perform his or her job;* A “qualifying exigency” (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on (or has been notified of an impending call to) “covered active duty” in the Armed Forces (including the National Guard and the Reserves), as defined in the National Defense Authorization Act for 2010;The employee is a spouse, son, daughter, parent, or next of kin of a “covered service member” (as defined in the Department of Labor Regulations) or who was in the Armed Forces and was discharged under other than dishonorable conditions within five years of receiving medical treatment, recuperation or therapy prompting the employee’s leave request, who has a serious injury or illness and the employee is needed to care for such person.

*A “serious injury or illness” for a covered veteran means an injury or illness that was incurred or aggravated by the member in the line of duty on active duty in the Armed Forces and manifested itself before or after the member became a veteran, and is:

1. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; OR
2. A physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (“VASRD”) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; OR
3. A physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would do so absent treatment; OR

An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

An eligible employee may take qualifying exigency leave for any of the following reasons: (1) short notice deployment; (2) military events and related activities; (3) childcare and school activities; (4) financial and legal arrangements; (5) counseling; (6) rest and recuperation (for a maximum of 15 calendar days); (7) post-deployment activities; (8) additional activities; and (9) to care for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty.

For rest and recuperation exigency leave, the Town may require certification that includes a statement explaining why the leave is needed, the leave dates, the frequency and duration of the leave, and a copy of the military member’s Rest and Recuperation leave orders, or other documentation issued by the military setting forth the dates of the military member’s leave.

Eligibility Requirements: To be eligible for FMLA leave, an employee must satisfy the following condition:

- The employee must have worked for the Town of Newmarket for at least twelve (12) months, and must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request. In determining whether an employee meets these requirements the Town shall count all periods of absences from work due to or necessitated by covered service under the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Leave Entitlement: If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5) above, the employee is entitled to up to twelve (12) workweeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2010, four weeks beginning June 1, 2010, and four weeks beginning December 1, 2010, the employee would not be entitled to any additional leave until February 1, 2011. Beginning on February 1, 2011, the employee would be entitled to four weeks of leave; on June 1, 2011, the employee would be entitled to four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph (f), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph (f) above will be limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph (f) above is to be applied on a per-covered-service member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service members or to care for the same service member with a subsequent serious illness or injury, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

Tracking FMLA Leave: When an eligible employee requests any leave of absence that qualifies under the FMLA, the Town of Newmarket has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work related injury that qualifies as a serious health condition, the Town of Newmarket has the right to designate any time away from work as FMLA leave. In such circumstances, the Town of Newmarket will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

Intermittent and Reduced Schedule Leave: Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (c), (d), and (f), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph (e), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (a) and (b), above, use of intermittent leave is subject to the Town of Newmarket approval.

When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee’s FMLA entitlement. When tracking intermittent or reduced schedule leave under the FMLA, the Town will use the shortest period of time used to account for other forms of leave, but in no case greater than one hour. The Town shall not require employees to take more intermittent or reduced scheduled leave than necessary to address the circumstances that precipitated the need for the leave. The FMLA leave will only be counted against an employee’s FMLA entitlement for leave taken and not for time that is worked for the Town.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers’ compensation, short-term disability, or other benefits. If an employee is a salaried employee, the Town of Newmarket will adjust the employee’s salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, the Town of Newmarket may temporarily transfer the employee to an available alternate position that better accommodates the employee’s recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a “reasonable effort” to schedule the treatment so as not to disrupt unduly the Town of Newmarket’s operations.

Status Of Employee Benefits: Employees are required to use any accrued, unused paid time off days during FMLA leave unless the FMLA leave is otherwise paid through workers’ compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period and leave must be used in half-hour increments. Also, the employee’s FMLA leave may run concurrently with other

types of leave. If an employee who is otherwise paid wishes to also use sick and/or vacation leave, they need to advise the Payroll department of this in writing.

During an approved FMLA leave, the Town of Newmarket will maintain the employee's health benefits under the same terms and conditions applicable to employees not on leave.

- If paid leave is substituted for unpaid FMLA leave, the Town of Newmarket will deduct the employee's portion of the health plan premium as a regular payroll deduction.
- If an employee's leave is unpaid, or is paid through workers' compensation, short-term disability benefits, or other benefits not provided through the Town of Newmarket's payroll system, the employee must pay his or her portion of the premium by making arrangements with the Town of Newmarket's Accounting Department.
- Health and other benefit coverage may be canceled if the employee's premium payment is more than (thirty) 30 days late.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse the Town of Newmarket for the cost of the premiums paid by the Town of Newmarket for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control. If the FMLA leave is for a condition that is covered under Newmarket's short or long term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave, but will not accrue further during any portion of the leave that is unpaid. For example, an employee on leave will not accrue additional sick/personal days. For the purposes of this policy, "unpaid leave" means that the employee is not receiving a payroll check from the Town of Newmarket.

Requesting Leave: Employees must complete the appropriate FMLA leave request forms. These forms are available from the Benefits Administrator.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give the Benefits Administrator (thirty) 30 days' prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Town of Newmarket's operations.

If the need for leave is not foreseeable, the employee must give notice to the Benefits Administrator as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all of the Town of Newmarket's policies regarding absences from work. Failure to provide such notice may be

grounds for delaying the leave. If the employee is unable to notify the Town of Newmarket of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.

Medical Certifications: If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or illness of a covered service member, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Benefits Administrator for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, the Town of Newmarket will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. The Town of Newmarket reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, the Town of Newmarket, at its expense, may require an examination by a second health care provider designated by the Town of Newmarket. If the second health care provider's opinion conflicts with the original medical certification, the Town of Newmarket, at its expense, may require a third health care provider agreed upon by the employee and the Town of Newmarket to conduct an examination and provide a final and binding opinion.

The Town of Newmarket may also require subsequent medical recertification. Failure to provide requested recertification within fifteen (15) days may result in delay of further leave.

Certifications for a Qualifying Exigency: Employees who request a leave for a "qualifying exigency" arising from an immediate family member's call to active duty or impending call or order to active duty will be required to provide a copy of the family member's active duty orders or other documentation issued by the military indicating the member is on active duty or call to active duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

Confirmation of Familial Relationship: Employees requesting a leave of absence based on a familial relationship (e.g. leaves under paragraphs (c), (e) and (f)), may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child's birth certificate, a court document, etc.

Reporting While On Leave: If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered service member with a serious illness or injury, or for a qualifying exigency, the

employee must contact the office of the Benefits Administrator on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

No Work While On Leave: The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

Returning To Work: At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or "key employees" may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Town of Newmarket. Key employees are those employees who are among the highest paid ten percent of employees.

If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from the Benefits Administrator. The Town of Newmarket reserves the right to clarify and authenticate such certification.

Coordination With Maternity Leave: As stated in our Maternity leave policy, the Town of Newmarket provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee's FMLA leave and Maternity Leave will run concurrently. Please refer to the Town of Newmarket's Maternity Leave policy for more information regarding Maternity Leave.

For purposes of coordinating FMLA and maternity leaves, maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (d) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (a) or (b) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the maternity leave policy.

Coordination With Other Town of Newmarket Policies; Reference To FMLA And Federal Regulations: In the event of any conflicts between this policy and other Town of Newmarket policies, the provisions of this policy will govern. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. The Town of Newmarket reserves the right to apply the terms of the FMLA and the FMLA federal regulations.

Any questions relative to FMLA leaves, including eligibility requirements, should be directed to the Town Administrator.

[HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council April 20, 2011.]

Section 4.05 Maternity Leave

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, or related medical conditions. A maternity leave begins when a female employee is medically determined to be disabled and ends when medically determined to be able to return to work. Female employees will be required to take FMLA leave, if they are eligible for such leave, concurrently with maternity leave as described in our FMLA policy. In addition, female employees will be required to exhaust accrued, unused sick and vacation time before taking any unpaid leave. Employees on maternity leave may also be eligible for short term disability benefits. When the female employee is physically able to return to work, her original job or a comparable position will be made available to her unless business necessity makes this impossible or unreasonable. Female employees who cannot be returned to their former or a comparable position remain eligible to apply for any available position with the Town. Female employees on maternity leave should contact the Finance Director to make arrangements for payment of their share of their health insurance premiums during their leaves.

A female employee on maternity leave who states that she will not be returning to work, will be considered to have resigned as of the date that her leave commenced.

Section 4.06 Discretionary Leave of Absence

Part-time and full-time employees may apply for an unpaid, discretionary leave of absence for up to six (6) months if they have exhausted their vacation time, and either have exhausted their Family and Medical Act Leave or are not eligible for Family and Medical Act Leave. (See Family and Medical Leave Act policy.) Requests for such unpaid leaves are granted at the sole discretion of the Town Administrator. Discretionary leaves of absence will not ordinarily be granted to employees with less than one (1) year of continuous employment. In determining whether to grant a discretionary leave of absence, the Town will consider, among other factors, the employee's length of service, the employee's work record, the reason(s) for leave, and staffing needs. Discretionary leaves will be unpaid, and the employee on discretionary leave is

not entitled to accrue any benefits, including vacation, sick leave, holidays, and personal days. In addition, participation in any medical, dental, disability or life insurance coverage must be paid entirely by the employee during the discretionary leave. The employee must make arrangements with the Finance Director to make the insurance premium payments.

If a vacancy exists at the time of the expiration of the approved discretionary leave, the employee will be reinstated to his or her prior position or a comparable position unless business necessity makes reinstatement impossible or unreasonable. If a vacancy does not exist, the employee will be considered for the next available position for which the employee qualifies. If the employee does not report to work on the workday following the expiration of the approved leave, the Town will assume that the employee has voluntarily resigned from his or her employment.

Requests for discretionary leave should be submitted to the Town Administrator at least thirty (30) days prior to the requested date of leave. The request must be made in writing, stating the length of leave and a brief description of the reason for the request. All considerations and approval for discretionary leave are handled on a case-by-case basis.

Section 4.07 Military Leave

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as “uniformed services”) will be provided with leaves of absence for such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act (“USERRA”).

Military leaves of absence will be unpaid, unless otherwise required by law. You may elect to take part of, or all of, your accrued vacation time with pay during your military leave of absence, but you are not required to do so.

4.07.1 Notice of Leave Request

An employee needing time away from work for service or training in the uniformed services should make the Town Administrator aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

An employee’s request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the Town Administrator based on a case by case basis.

4.07.2 Health Coverage

If a military leave lasts less than 31 days, the employee’s health insurance will be continued and the employee will pay his/her regular contribution for the cost of healthcare insurance. Payment

for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions.

If a military leave lasts 31 days or more, then the employee's health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage at his or her own expense for up to 24 months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a 2% administrative fee may also be charged.

When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

4.07.3 Pension

Upon reemployment the employee is treated as if there was no break in service for participating, vesting and accrual purposes. If applicable, the employee may elect to make up any missed contributions or elective deferrals, but is not required to do so.

4.07.4 Reinstatement

Employees wishing to be reinstated following military leave should promptly notify the Town Administrator of their desire to be reinstated. If the leave is for service of less than 31 days, then the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify the Town Administrator of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify the Town Administrator of the desire for reinstatement within 90 days of completing service.

The Town will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying.

Employees cannot waive their reemployment rights in advance of being released from uniformed service.

4.07.5 Disabled Service Members

If a returning employee was disabled or a disability was aggravated during uniformed service, the Town of Newmarket will make reasonable accommodations as required by law and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

4.07.6 Statement Against Discrimination and Retaliation

The Town of Newmarket will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. The Town of Newmarket also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

Questions regarding this policy should be directed to the Finance Director.

Section 4.08 Bereavement Leave

Full-time and part-time employees bereaved by the death of a relative will be granted time off from work without loss of pay in accordance with the following policy.

In the event of the death of a member of a full-time or part-time employee's immediate family, the Town provides three (3) days paid time off. The three workdays usually include the day before the funeral and a day after. Pay for part-time employees will be pro-rated based on the number of hours, if any, the employee regularly works on those days. "Immediate family" includes spouse, children, stepchildren, parents, brothers, sisters, stepparents, stepbrothers, stepsisters, mother-in-law, father-in-law, grandparents, and grandchildren of the employee. The Town Administrator or Department Heads may grant additional bereavement leave in other extenuating circumstances.

Additional unpaid time off due to bereavement may be granted for a specified and limited period of time with the approval of your Department Supervisor.

In the event that you are on paid vacation at the time of the death of the relative, the bereavement leave will not be charged against your vacation credit. Additional vacation days may be granted to compensate for those days used as bereavement leave.

Section 4.09 Jury Duty Leave

The Town considers it a civic duty to serve on a jury if summoned and will grant you leave in order to serve on a jury. Employees summoned for jury duty will be paid the difference between their regular rate of pay and the pay provided by the government for jury service for a period of up to thirty (30) days of such service. You must show your jury summons to your Department Supervisor as soon as you receive the notice. In order to receive jury duty pay, you will be required to furnish your Department Supervisor with copies of the checks you receive for jury duty pay.

While serving on a jury, you are expected to call your Department Supervisor daily to advise him or her of your status. In addition, you are expected to return to your job if you are excused from jury duty during your regular working hours.

Section 4.10 Leave of Absence for Victims of Crime

The Town of Newmarket will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a “victim” is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, “immediate family” means the father, mother, stepparent, child, stepchild, sibling, spouse, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify the Town Administrator as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the Town of Newmarket. An “undue hardship” for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee’s position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation time, sick leave, or personal days.

The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

Section 4.11 Educational Leave

At the sole discretion of the Town Administrator, part-time and full-time employees may be granted paid or unpaid leave to attend workshops, institutes, or short-term courses. All considerations and approval for an educational leave are handled on a case-by-case basis.

Section 4.12 Medical Benefit Plan

The Town provides all full-time employees and their families who have met the eligibility requirements of the insurance plan with health insurance coverage at a cost to the full-time employees. In addition, the Town provides individuals who have entered into a Civil Union relationship, as defined in RSA 457-A, or unmarried persons and acknowledging that they are spouses and in general reputed to be such, for a period of 3 years, and until the decease of one of them to be eligible for coverage under the health insurance plan. Details concerning the health insurance plan may be obtained from the Finance Director. In addition, employees may be eligible for a buy-out from health insurance coverage and the particulars covering the buy-out may be obtained from the Finance Director.

Section 4.13 Dental Plan

The Town provides all full-time employees and their families who have met the eligibility requirements of the then existing dental plan with optional dental insurance coverage at a cost. In addition, the Town provides individuals who have entered into a Civil Union relationship, as defined in RSA 457-A, or unmarried persons cohabitating and acknowledging that they are spouses and in general reputed to be such, for a period of 3 years, and until the decease of one of them to be eligible for coverage under the health insurance plan. Details regarding this plan may be obtained from the Finance Director. In addition, employees may be eligible for a buy-out from dental coverage and the particulars covering the buy-out may be obtained from the Finance Director.

Section 4.14 Continuation Of Group Health Insurance

The Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) requires that most employers sponsoring group health plans offer employees and their families the opportunity for a temporary extension of health coverage at group rates in certain instances where coverage under the plan otherwise would end. Please contact the Finance Director for more details regarding COBRA.

Section 4.15 Workers Compensation

On-the-job injuries are covered by the Workers’ Compensation Insurance Policy provided at no cost to the employee. We ask for your assistance in alerting the Town to any condition which could lead or contribute to an employee accident.

4.15.1 Reporting Injuries

If you are injured on the job, no matter how slightly, you **must** report the incident immediately to your Department Head who will report it to the Town Administrator. Employees must complete the necessary workers' compensation forms following any injury. The Workers' Compensation carrier must also be contacted prior to seeking medical attention (unless it is a life-threatening injury).

4.15.2 Weekly Income Benefits

The amount of the weekly worker's compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee's average weekly wages. These benefits are paid by our workers' compensation carrier to eligible employees.

4.15.3 Temporary Alternative Duty

Employees with work-related injuries may also be entitled to temporary alternative duty in accordance with New Hampshire's workers' compensation laws. Employees with non-work-related disabilities who require accommodations to perform their jobs should make accommodation requests to the Town Administrator. Please refer to The Americans with Disabilities Act policy in this Personnel Policy for more information.

4.15.4 Reinstatement

A full-time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A fitness-for-duty certificate may be required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if he/she has accepted a job with another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to his/her former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

Section 4.16 Unemployment Insurance

The Town pays into the unemployment compensation fund established by the State of New Hampshire. Individuals laid off from employment by the Town may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security.

Section 4.17 Social Security

Social Security is a payroll deduction representing your contribution to the federal government's Social Security Program. The Town also contributes money on your behalf to the Social Security Program.

Section 4.18 Life Insurance

The Town of Newmarket provides each full-time employee with a life insurance plan. The employee can designate the beneficiary of the plan by notifying the Finance Office. The Town reserves the right to determine which insurance carrier and coverage plan is purchased. Contact the Finance Director for more details regarding this coverage.

Section 4.19 Short Term & Long Term Disability

The Town of Newmarket provides each full-time employee with a disability insurance plan to supplement Worker's Compensation for job related injuries and illnesses and to supplement sick leave and other benefits in the event of a long term disability or illness occurring off the job. The carrier and terms of the coverage are at the discretion of the Town of Newmarket.

In the event an employee chooses to proceed with a voluntary medical procedure for a non-work related injury or health concern, the employee's physician shall provide a written release allowing him or her to return to work with no restrictions prior to their return.

Article 5. ON THE JOB

Section 5.01 Attendance

Every employee is a valuable and contributing member of the Town. Your regular attendance is important to our success and efficiency. We must be able to depend on our employees to report to work regularly and on time.

Every employee is expected (1) to work all scheduled hours; (2) to report for work on time; and (3) to work until the end of the work period.

Excessive absence, being late, and quitting early, are grounds for disciplinary action, including termination of employment. If you are absent or late for work, you must contact your *Department Supervisor verbally* as soon as reasonably possible, to explain why you will be absent or late and how long you expect to remain absent. An employee who fails to call in on the day of an absence, or does not have a valid reason for calling in late, may be subject to discipline, up to and including discharge. If you are absent from work for more than one day, you are required to call in on each day of your absence, unless you have submitted a doctor's note indicating that you will be absent from work on that day.

Unless there are extenuating circumstances, an employee will be considered to have resigned from the Town if no notification is received within three (3) consecutive working days from the beginning of the absence. Before returning to work, an employee who is absent three (3) or more consecutive workdays due to illness must obtain and submit to their Department Supervisor a doctor's release to work slip.

Section 5.02 Confidentiality

The Town of Newmarket's information and records relating to Town business, operations, plans, projects, strategies, employees, or citizens may be confidential. Therefore, employees must treat all matters accordingly.

No Town information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town) may be removed from the Town's premises without permission from the Town Administrator.

Additionally, the contents of the Town's records may not be disclosed to anyone, except as required by law.

Employees unsure about the confidential nature of specific information are expected to seek clarification from the Town Administrator. Employees will be subject to appropriate

disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

Section 5.03 Town Equipment, Telephones, Facsimiles, E-mail and Internet Use

See Appendix B and Appendix C.

Section 5.04 Communications

Good communications are vital for efficient and effective operations. Bulletin boards are maintained within Town Hall to bring to the attention of employees any matters relating to federal and state regulations, safety and health, Town policies and announcements. No notices, posters or other material may be displayed on these boards without the approval of your Department Supervisor. All employees are urged to check these boards daily. Failure to read bulletins will not serve as an excuse for violations of posted policies.

Section 5.05 Personal Dress

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Tight-fitting clothing, tank tops, bare midriff (half) shirts, shirts with bare backs, shorts, and short skirts or dresses are not considered workplace appropriate clothing. Exceptions to the business attire policy may be made for inclement weather.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law.

Any questions concerning dress should be directed to your Department Supervisor.

Section 5.06 Snow Days

Employees generally are expected to report to work during inclement weather. However, there may be occasions on which non-essential services will be closed due to severe inclement weather. You should contact Town Hall or listen to WMUR Channel 9 for information as to whether the Town will be open for business.

Section 5.07 Solicitations

No solicitation of any kind is permitted during working time, unless first approved by your Department Supervisor. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, or time before or after work hours. This rule applies to solicitation for both charitable and non-charitable causes.

No distribution of any non-work-related written materials is permitted in any work area of any kind, unless first approved by your Department Supervisor. “Work areas” are defined as any Town office or facility, other than designated break areas. Absent prior approval by your Department Supervisor, employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by the Town are likewise prohibited from distributing materials or soliciting employees on Town premises at any time, unless authorized by the Town Administrator.

Any employee who violates these rules will be subject to disciplinary action.

Section 5.08 Motor Vehicle Violations

All employees who operate Town vehicles are required within 72 hours to notify their Department Supervisor if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town vehicle[s] is suspended, revoked, or otherwise restricted, the employee shall notify his or her Department Supervisor immediately upon learning of the suspension, revocation, or restriction. Employees who are required but unable to drive and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

Section 5.09 Town Property

Town property of any type or value shall not be used or removed from Town premises without written authorization of your Department Supervisor. All Town equipment, memoranda, records, communications, computer data, disks, or other documents made or compiled by you or made available to you in connection with the business of the Town shall be delivered to the Town promptly upon your termination or at any other time upon request.

Section 5.10 Town Security

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of the Newmarket Police Department.

Section 5.11 Conflict of Interest

The Town expects its employees to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create a conflict or the appearance of a conflict of interest. Examples of conduct and behavior that would violate this policy include, but are not limited to, the following:

- Investing in any of the Town's vendors or suppliers (unless the securities are publicly traded and the investments are on the same terms available to the general

public, and not based on any inside information), or having any financial interest in a vendor or supplier that could cause divided loyalty or even the appearance of divided loyalty.

- Receiving any gifts or favors from, any members of the public, vendors, or suppliers.
- Using directly or indirectly, Town funds, assets, or other resources for any unlawful goal or purpose or personal use.

Employees with any questions regarding these guidelines are required to discuss them with their department head or the Town Administrator, prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination.

Section 5.12 Suggestions and Ideas

We are always interested in your constructive ideas and suggestions for improving our operations. You will be notified whether or not it is feasible to put it into practice.

We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement.

Section 5.13 Standards of Conduct

Any group of people who have come together for a common purpose must have rules that promote consistency, harmony, and support the objectives and missions of the Town.

There are certain standards of common honesty and decent behavior that all employees are expected to follow. We believe that the following rules, which are not set out in any particular order, are necessary and reasonable to the proper conduct of our business.

No list of rules can be all-inclusive. The following areas, however, are expressly described to guide you in the recognition of certain behaviors which are clearly prohibited and which can result in disciplinary action, up to and including discharge. Particular disciplinary action to be taken in any specific instance will depend on the review of all factors involved and the employee's past records.

(a) Absences and Lateness

Absence and lateness without good reason, failure to report when absent, and overstaying allotted break time, excessive or unexcused absences.

(b) Employment/Town Records

Making a false statement on the application form; falsifying Town and employment records.

(c) Attitude

Abusive language, creating any type of disturbance, complaining in front of visitors, uncooperativeness, abuse or neglect of visitors or residents, and abuse, neglect, or intentional destruction of Town property.

(d) Safety

Violation of safety regulations or endangering the health or safety of other persons.

(e) Employee Relations

Abusive or profane language to another employee, intentional destruction of another employee's personal possessions, threatening bodily harm, intent to strike, and/or striking another employee, creating a disturbance, causing dissension among employees.

(f) Crime

Conviction of a crime that adversely impacts the employee's position with the Town.

(g) Dishonesty

Dishonesty to a coworker, resident, visitor or to the Town.

(h) Incompetence

Repetition of avoidable mistakes to a point that the mistakes demonstrate a willful disregard for the Town's interest.

(i) Intoxicants

Bringing, possessing, or using alcoholic beverages, illegal drugs, or the illegal use of prescription drugs on Town property or while on the job; being under the influence of or testing positive for these substances during working hours will result in immediate discharge.

(j) Neglect of Duty

Negligence in the performance of duties that seriously conflict with the Town's interest.

(k) Unsatisfactory Job Performance

Failing to demonstrate the requisite skill or abilities to satisfactorily discharge the employee's duties.

(l) Weapons

Possession of any kind of weapons on Town property.

(m) Telephones, Facsimile, Computer, E-Mail, Copier

Use of a Town telephone, facsimile, computer, e-mail, and copier for a non-Town purpose.

(n) Thefts or Destruction of Property

The theft or negligent or intentional destruction of any Town property or the personal property of a coworker, customer or visitor.

(o) Sexual or Other Unlawful Harassment

Discrimination, sexual or other unlawful harassment, and inappropriate conduct in violation of Town policies.

(p) Insubordination

Acting in an insubordinate manner toward any supervisor or any other directive of the Town.

(q) Violation of the Town's Policies, Procedures or Rules

Failure to follow the Town's policies, procedures or rules.

Due to the nature of their professions, Police Department and Fire Department employees may be subjected to different rules and regulations, and Standard Operating Policies and Procedures than these listed above.

It is the policy of the Town to take corrective action against employees who violate rules, regulations, standards of conduct, endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town: documented verbal warning, written warning, suspension, and dismissal. While the Town will apply the concept of progressive discipline when appropriate, it reserves the right, in its sole discretion, to determine the appropriate level of discipline in any circumstance. In addition,

nothing in this policy or Personnel Policy undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under federal and state law.

Due to the nature of their professions, Police Department and Fire Department employees may be subjected to different disciplinary policies and procedures.

Section 5.14 Dispute Resolution Procedure

We encourage you to bring your questions, suggestions and complaints to our attention. Careful consideration will be given to each of these in our continuing effort to improve operations. If you feel you have a problem, you should present the situation to your supervisor, within five (5) business days so that the problem can be settled by examination and discussion of the facts. We hope that the supervisor will be able to satisfactorily resolve most matters. An employee who is not satisfied with the supervisor's response is urged to go to the Department Supervisor and again try to resolve the issue. The employee must notify the Department Supervisor within five (5) business days of the supervisor's decision.

If the Department Supervisor does not resolve the matter within ten (10) business days of notification from the employee, the Town Administrator is available to hear the issue.

The employee should notify the Town Administrator of the issue in writing, within ten (10) business days of the Department Supervisor's decision to ensure timely resolution of the issue. The Town Administrator will meet with the employee and respond to the employee within fifteen (15) business days.

If the employee feels the findings of the Town Administrator do not address the issue, a written appeal may be filed within ten (10) business days of the Town Administrator's decision to the Personnel Advisory Board.

The Personnel Advisory Board shall meet with the employee and any other related parties within fifteen (15) business days of notification from the employee. The Personnel Advisory Board shall respond to the employee and the Town Administrator within 30 days with any decision, opinions or findings.

The Town Council shall establish a Personnel Advisory Board made up of three (3) public members. The Town Council shall appoint one (1) public member to the board, the Town Administrator shall appoint one public member to the Board and the two appointees shall appoint a third public member. *No public member shall be a current employee or a relative of any current employee of the Town.* The term of the appointments shall be three (3) years. The

Personnel Advisory Board shall meet when needed to hear grievances and to make a finding. All opinions and findings of the Board shall be advisory to the Town Administrator.

We urge every employee to follow through with concerns rather than be dissatisfied. Any complaint will be investigated and the findings and determination reported back to the employee. Your suggestions and comments on any subject are important to us so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure.

Employees covered by collective bargaining agreements will utilize grievance procedures outlined in the collective bargaining agreement whenever applicable.

Due to the nature of their professions, Police Department and Fire Department employees will adhere to grievance procedures outlined in their department rules and regulations, and any subject collective bargaining agreement, whenever applicable.

Article 6. EMPLOYEE SAFETY AND HEALTH

Section 6.01 Health & Safety Program

The Town is committed to providing a safe and healthy working environment for all of our employees. With your assistance, we can use our resources to identify and control work-related hazards. All employees are required to bring known and potential hazards and safety issues to the attention of your Department Supervisor. Failure to do so may result in an injury to you or others that could otherwise have been avoided.

The cooperative effort of each employee and supervisor in the awareness, acceptance, participation, and preservation of a functional Health and Safety Program is essential and welcomed. Please bring any suggestions you may have to improve safety to your Department Supervisor.

Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately. Please observe the following precautions:

- a. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- b. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Town property is prohibited.
- c. The use, adjustment, and/or repair of machines or equipment is to be performed only by you if you are trained and qualified.
- d. Get help when lifting or pushing heavy objects.
- e. Understand your job fully and follow instructions. If you are not sure of a safe procedure, ask your supervisor.
- f. Know locations, contents, and intended use of all first aid and firefighting equipment.
- g. Wear personal protective equipment in accordance with the job you are performing.
- h. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- i. All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.

Violations of safety precautions may lead to disciplinary action, up to and including termination.

Section 6.02 Joint Loss Management Committee (Safety Committee)

The Town of Newmarket maintains an active Joint Loss Management Committee comprised equally of management and regular employees, which meets at least quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Town Administrator for details.

Section 6.03 Workplace Violence

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. The Town therefore prohibits employees from bringing weapons on our premises, including our parking lots. Moreover, violence and verbal and physical threats of violence of any kind in the workplace or on Town property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including termination of employment. If you become aware of any violence or threat of violence, you must immediately report the matter to the Town Administrator.

Section 6.04 Alcohol and Drug Policy

It is the Town's intent and obligation to provide a safe and efficient work environment for all employees. The Town recognizes alcohol and drug abuse as potential health, safety and security problems. All employees are expected to assist in maintaining a work environment that is free from the effects of alcohol, drugs and other intoxicating substances. Compliance with the Town's substance abuse policy, which is attached as Appendix A, is made a condition of employment.

Section 6.05 Drug & Alcohol Testing Policy attached as Appendix A.

Section 6.06 Smoking Policy

The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, we have declared a no smoking policy within our buildings and in Town vehicles.

No smoking is permitted in any areas of Town buildings. Anyone wishing to smoke must do so outside of Town owned buildings. The Town hopes and expects that our employees will comply with the no-smoking policy. If an employee fails to comply with these rules, the employee will be subject to disciplinary action.

Section 6.07 Seatbelt Policy

For the safety of those required to drive and ride in vehicles, all employees of the Town of Newmarket and their passengers are required to wear seatbelts while operating or riding in any

moving, Town-owned vehicle or while operating or riding in any personal or any other vehicle while in the course of conducting Town business. This requirement shall not apply in the case of vehicles for which the manufacturer or the Town has not installed seatbelts. This requirement shall not apply to ambulance or emergency service personnel or others functioning in a similar capacity and actually involved in patient/victim emergency care. All employees are forbidden from disengaging or otherwise disarming automatic seatbelt systems.

If an employee fails to comply with these rules, the employee will be subject to disciplinary action, up to and including termination.

Section 6.08 Workplace Searches

To safeguard the safety and property of our employees, residents, and the Town of Newmarket and to help prevent the possession and use of weapons and illegal drugs on Town of Newmarket premises, it may become necessary to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from Town of Newmarket property. In addition, the Town of Newmarket reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and the Town of Newmarket. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town of Newmarket and are issued for the use of employees only during their employment with the Town of Newmarket. Employees shall have no expectation of privacy in such Town supplied property. Inspections may be conducted at any time at the discretion of the Town of Newmarket.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, weapons, or illegal drugs, may be subject to disciplinary action, up to and including discharge.

Section 6.09 Cellular Phones

Cellular (cell) phones are an important part of our world today. Because many of our employees own personal cell phones we feel it necessary to provide guidance about use of personal cell phones in the workplace. Additionally, some employees may receive cell phones due to the nature of their position. This policy also outlines the appropriate and safe use of Town-provided cell phones. Due to security and confidentiality reasons, the Police department shall establish its own policy governing the use of cellphones issued by the department.

Personal cellular phones

While at work, employees are to exercise the same discretion in using personal cellular phones as they do for Town phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. The Town encourages a reasonable standard of limiting personal calls during work time to no more than one per day as needed. Employees are therefore asked to make any other personal calls on non-work time where possible and to ensure that friends and family members are aware of the Town's policy. Flexibility will be provided in circumstances demanding immediate attention.

The Town will not be liable for the loss of personal cellular phones brought into the workplace.

Personal use of Town-provided cellular phones

Where job or business needs demand immediate access to an employee, the Town may issue a business cell phone to an employee for work-related communications. To protect the employee from incurring a tax liability for the personal use of this equipment, such phones are to be used for business reasons only. Phone logs will be audited regularly to ensure no unauthorized use has occurred.

Employees in possession of Town equipment such as cellular phones are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment or at any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement.

Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

Safety issues for cellular phone use

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options, refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

In situations where job responsibilities include regular driving and accepting of business calls, hands-free equipment will be provided to facilitate the provisions of this policy. Employees

whose job responsibilities do not specifically include driving as an essential function, but who are issued a cell phone for business use, are also expected to abide by the provisions above. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

Violations of this policy will be subject to the highest forms of discipline, including termination.

Article 7. SEPARATION FROM EMPLOYMENT

Section 7.01 Requested Notice of Decision to Terminate Employment

Should you decide to resign from your employment with the Town, we ask that you notify your Department Supervisor and the Town Administrator of your decision at least two weeks in advance or your planned departure date. Your thoughtfulness will be appreciated, and will allow the Town to maintain work schedules and provide important services to the public.

Section 7.02 Exit Interviews

In most instances, all employees who terminate their employment will be asked to participate in an exit interview with the Town Administrator. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback from you on ways in which our Town can improve our operations and retention of employees.

Section 7.03 Return of Town Property

Town property of any type or value may not be used or removed from Town premises without authorization from your Department Supervisor. All Town tools, equipment, documents, or records made or compiled by you or made available to you in connection with the business of the Town must be delivered to the Town promptly upon the termination of your employment or at any other time upon request.

Article 8. Youth Programs Employee Conduct Policy

This policy establishes guidelines for employees whose jobs involve interaction with children. While it is not possible to list all behaviors that might constitute inappropriate contact or action, this policy is designed to provide guidance to all employees in understanding what constitutes appropriate behavior and provides examples of conduct that will result in disciplinary action and or termination.

Your professional behavior, values and responsibilities – both in and outside of your workday – are highly influential on young participants and their families. It is the Town’s expectation that programs and activities will be characterized by healthy boundaries between employees and participants.

- Exercise limits within your relationships with participants while still reaffirming the positive nature of the relationship. Immediately report any incidents of behavior or comments by program participants to your supervisor or Department Head that are alarming to you, especially if they may be misinterpreted later.
- Use caution and restraint with self-disclosure about your personal life; discretion is important. Conversation should be centered on program events and activities.
- Always report incidents of inappropriate behavior on the part of other employees and do not hesitate to address others when you consider their behavior questionable.
- Respect the confidentiality rights of program participants, volunteers, parents and other employees. Specifically, do not discuss clients (program participants, volunteers, parents and employees) in any open or public space or with others who do not have a valid reason to have this information. Confidential information can be assured in many instances; however, remember that employees cannot assure confidentiality to program participants when it involves a matter of the health, safety and welfare of a child. If a child tells you that he/ she has been abused by an adult – physically, sexually or emotionally, you are bound by law to report that. You need to report it to your Department Head or Town Administrator and let him/her do the follow up. Do not ask any more questions of the child.

The following is not an exhaustive list and the Town of Newmarket reserves the right to discipline or terminate an employee for any behavior that is deemed to be inappropriate, disruptive or damaging, whether to an individual, your Department or the Town.

- Two-deep leadership. Two employees or one employee and a parent of a participant, or other adult, one of whom must be 21 years of age or older, are required on all trips and outings.

- No one-on-one contact. One-on-one contact between employees and children should be limited and always be conducted in view of other adults and youths. When touching youth participants, the following rules apply: Only touch on the hand, shoulder, or upper back; never against a child's will (unless in the case of clear and present danger to the child); never against a child's discomfort, whether expressed verbally or non-verbally. Be careful to avoid physical restraint or contact when disciplining. Children will sometimes want to hug - if so, bend down and give them a side hug while in front of others. Keep hands on shoulders. Do not pick children up or hold them on your lap. Do not kiss them.
- Respect of privacy. Adult leaders must respect the privacy of youth participants in situations such as changing clothes or going to the restroom and intrude only to the extent that health and safety require. Employees must protect their own privacy in similar situations.
- Cameras, imaging, and digital devices. It is inappropriate to use any device capable of recording or transmitting visual images in restrooms or other areas where participants expect privacy.
- Transportation. Do not drive youth program participants in your car.
- Separate accommodations. No youth is permitted to sleep in the tent, room, etc. of an employee other than his/her own parent or guardian.
- Cell phones. Do not contact youth participants on your cell phone, whether it is Town-issued or personal, including text messaging, for any reason other than program-related purposes. Do not allow youth participants to borrow your phone for any reason. If it is an emergency, have them use an office phone.
- Substance Use and Abuse. Consumption, possession or public display of alcohol, tobacco products or any illegal substances while on duty is strictly prohibited and cause for immediate dismissal.
- Language. Profanity and off-color stories are unacceptable under any circumstances and are cause for dismissal if used in the presence of children.
- Staff Relations. No public relationships: please keep your hands to yourself and any relationships between employees should remain unknown to the youth participants.
- Other prohibited behavior. Physical violence, sexual harassment, immoral and unethical actions, hazing, bullying, theft, dishonesty, recklessness on the job, habitual tardiness, verbal insults, misconduct and/or attitudes that constitute an unwholesome influence on other employees, volunteers and especially the youth participants or any other actions of personal conduct affecting or impairing the reputation of the programs or the Town will not be tolerated and may result in disciplinary action up to and including termination

Section 8.01 OUTSIDE OF WORK

You are a private citizen, but you are also always a role model to youth program participants. Your off-hours conduct can affect your job security. Do not use social networking websites, blogging, or emails to communicate with youth participants. Use discretion when communicating through these means with other employees, volunteers, parents and guardians. Do not post anything on social networking sites that could compromise your position as a representative of youth programs for the Town of Newmarket.

Be careful in extending your contact with youth participants outside of work. Do not send text messages or instant messages, drive youth participants in your car or invite them to your house or allow them to show up there.

An employee speaking or writing as a citizen should be free from institutional censorship or discipline, but your special position in the community carries special obligations. Remember that the public may judge your profession, Department and the Town by your utterances. Hence you should, at all times, exercise appropriate restraint, show respect for the opinion of others, and make every effort to indicate that you are not a Department or Town spokesperson.

[HISTORY: Adopted by the Town Council of the Town of Newmarket May 21, 2008. Amended by the Town Council February 9, 2011.]

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APPENDICIES, POLICIES, FORMS, AND GUIDELINES

NEW EMPLOYEE ORIENTATION CHECKLIST

Employee's Name: _____ Date of Employment _____

Job Title: _____ Location/Dept. _____

Supervisor: _____

Forms Completed: Finance Dept.

_____ Application for employment

_____ Signed offer letter

_____ W-4 federal tax withholding

_____ State tax withholding (if applicable)

_____ EEO information questionnaire

_____ I-9 verification

_____ Second Injury Fund Form

_____ Other (specify)

Introduction to the Organization: Finance Dept.

_____ History and general information about Town

_____ Personnel Policy

_____ Other policies and procedures

_____ Sexual and Other Harassment Reporting Procedures

Compensation: Department Supervisor

_____ Job title, rate of pay

_____ Payment of salary--when and how

_____ Payment of overtime

_____ Timecard procedure

_____ Salary increases, performance review system

_____ Travel arrangements (expense reports)

Benefits: Finance Department

_____ Medical insurance coverage and enrollment

_____ Dental insurance coverage and enrollment

_____ Pre-existing conditions limitations

_____ Life insurance coverage and enrollment

_____ Long-term disability insurance coverage and enrollment

_____ Vacation

_____ Sick leave

_____ Holidays

_____ Disability leave

_____ Other leaves of absence

_____ New Hampshire Retirement System

_____ Other benefits (specify)_____

Records: Department Supervisor

- _____ Keys
- _____ Credit cards
- _____ Uniforms
- _____ Other Records (specify)_____

Tour of Facilities: Department Supervisor

- _____ Location of work area
- _____ Introduced to all employees
- _____ Location of restrooms, storage for personal belongings, procedure for coffee, lunches, etc.
- _____ Location of cafeteria or local eating-places
- _____ Location of bulletin boards

Hours: Department Supervisor

- _____ Start and stop times
- _____ Personal calls
- _____ Smoking, eating at workstation, responsibility for good housekeeping, etc.
- _____ Personal appearance and dress
- _____ Punctuality
- _____ Reporting when absent
- _____ Importance of good attendance

- _____ Parking
- _____ Entrance to facilities during off hours
- _____ Other (specify)_____
- _____
- _____

Operations: Department Supervisor

- _____ General operating procedures
- _____ How department integrates with rest of organization
- _____ How job integrates with departmental and organizational operations
- _____ Why the job is important
- _____ Conduct and performance standards
- _____ How work is scheduled
- _____ Job duties and responsibilities

Safety and Health: Department Supervisor

- _____ Importance of safety on the job
- _____ Safety is everyone's job/safety responsibilities
- _____ Reporting safety hazards
- _____ Reporting work-related injuries/illnesses
- _____ Copy of Safety Plan

Initial Training: Department Supervisor

- _____ Where and when
- _____ Training agenda
- _____ Performance benchmarks, quantity and quality standards

Where to Get Information and Assistance: Department Supervisor

- _____ Within the department
- _____ Other departments

Security/Emergency Procedures: Department Supervisor

- _____ Opening and closing procedures
- _____ Special security procedures
- _____ Location of exits
- _____ Location of fire extinguishers
- _____ Location of first aid kits
- _____ Procedure in case of earthquake or fire
- _____ Emergency shutdown of facilities

Communications: Department Supervisor

- _____ Introduced to management
- _____ Policies, literature, reading material
- _____ First day lunch companion

Orientation Completed by:

Name

Date

Name

Date

My signature below indicates that the items checked above have been covered with me during my new employee orientation.

Signature of New Employee

Date

APPENDIX A

ALCOHOL AND DRUG FREE WORKPLACE POLICY

1. **GENERAL POLICY.** The purpose of this policy is to implement the Federal Drug Free Workplace Act of 1988 by providing for a safe and productive work environment that is free from impaired performance caused by employee use or abuse of alcohol, controlled substances, and/or medication.

2. **EMPLOYEE RESPONSIBILITIES.**

A. No employee shall unlawfully manufacture, dispense, possess, use, or distribute any controlled substance, medication, or alcohol.

B. Any employee convicted under a federal or state statute regulating controlled substances shall notify the Town Administrator within five (5) days after the conviction.

C. Employees are prohibited from consuming alcoholic beverages within 4 hours before reporting to work, during work hours, or while at work during breaks or lunches.

D. No employee shall be impaired by alcohol, illegal drugs, or medication during work hours, and shall not operate any town vehicle after consuming alcoholic beverages, illegal drugs or medications.

E. No employee shall represent the Town in an official capacity while impaired by alcohol, illegal drugs, or medication.

F. No employee using medication that may impair performance shall operate a motor vehicle or engage in safety sensitive functions while on duty for the Town.

G. If an employee is using prescription or non-prescription medication that may impair the ability to safely perform duties, the employee shall report that fact to the Town Administrator.

3. **DISCIPLINARY ACTION.** Because of the serious nature of illegal use or abuse of alcohol, controlled substances, and/or medication, violations of this policy will lead to appropriate disciplinary action, up to and including termination.

APPENDIX B

E-MAIL, COMPUTER AND TELEPHONIC COMMUNICATIONS

All electronic and telephonic communication systems and all communications and information transmitted by, received from, or stored in these systems are the property of the Town and as such are to be used solely for job-related purposes. Users of these systems should have no expectation of privacy, such systems, or their contents. The use of any software and business equipment, including, but not limited to facsimiles, telecopy's, computers, and copy machines for private purposes is strictly prohibited.

Employees using this equipment for personal purposes do so at their own risk. Further, employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized Town representative. All data stored upon a Town owned computer is the property of the Town. Moreover, unacceptable use of the e-mail system will not be tolerated. Employees who violate this policy are subject to disciplinary action, up to and including discharge.

Unacceptable use of the Town's e mail and voice mail services is based on common sense, common decency, and civility applied to the electronic communications environment. It is anticipated that the Town e-mail and voice mail services will be utilized primarily to facilitate the delivery of services to our customers, and to assist in the day-to-day operation of the Town. Unacceptable uses of the Town's e-mail system include, but are not necessarily limited to, the following:

- Using e-mail or voice mail for unauthorized transmission of highly confidential or sensitive customer or proprietary material outside of the office
- Using e mail for any business or commercial purposes other than the Town's delivery of services to its customers
- Misrepresenting your identity or affiliation in any e mail or voice mail communication
- Sending harassing, intimidating, abusive or offensive material to, or about, others
- Intercepting, disrupting or altering electronic communications messages or data packets
- Using someone else's identity and/or password to send or receive e-mail or voice mail without the express permission of that user.
- Receiving or transmitting sexually explicit material of any type
- Posting unauthorized newsgroup or bulletin board messages on behalf of the Town

Causing, directly or indirectly, excessive strain on any computing facilities or resources, or unwarranted or unsolicited interference with others' use of e-mail, e-mail systems, or voice mail systems. Such activities include, but are not limited to, the use of e-mail services:

- (i) to send or forward e-mail chain letters;

- (ii) to "spam", that is, to exploit list servers or similar broadcast systems for purposes beyond their intended scope to amplify the widespread distribution of unsolicited e-mail; and
- (iii) to "letter bomb", that is, to resend the same e-mail repeatedly to one or more recipients in order to purposely interfere with the recipient's use of e-mail.
- (iv) Using e mail for any purpose that violates federal or state laws

To ensure that the use of electronic and telephonic communications systems and business equipment is consistent with the Town's legitimate business interests, authorized representatives of the Town may monitor the use of such equipment from time to time. This may include listening to stored voice-mail messages and reviewing e-mail messages.

As a condition of employment and continued employment, employees are required to sign an e-mail or voice-mail acknowledgment form. Applicants are required to sign this form on acceptance of an employment offer by the Town.

APPENDIX C

STATEMENT OF POLICY FOR USE OF TOWN COMPUTER RESOURCES

The Town provides personal computer workstations (PCs) and software to its employees with the objective of assisting them in serving the Town's citizens. To ensure that its employees use its computer resources properly, the Town has created this Computer Use Policy.

The implementation of this policy is intended to minimize system downtime; to protect the security and integrity of the data stored on the firm's computers; to insure that all software installed on the firm's computers complies fully with the terms and conditions of any applicable software licenses; and to promote proper and cost-effective utilization of the Town's human and technological resources. For the purpose of this policy statement:

- the term "computer resources" shall mean any portions of the Town's computer network wherever they may be located. Computer Resources includes but are not limited to: networked computers, servers, stand-alone computers, laptops, software, data files and all internal and external communication services.
- the term "users" refers to all employees, contractors, consultants, vendors, temporary workers or other persons who use Town computer resources
- the term "non-Town software" shall mean any application software for which the ownership or license is held by any entity other than the Town.

NO EXPECTATION OF PRIVACY

The computers and computer accounts given to users at the Town are to assist them in their day-to-day operations. Users should not have an expectation of privacy in anything they create, store, send or receive on these computer resources. In addition, use of passwords to gain access to the computer system does not imply that users have an expectation of privacy in the material they create or receive on Town computer resources.

The computer resources of the Town are Town property. Additionally, all information sent or received on these computer resources is and remains the property of the Town (and/or the State of NH-BB). They are not the private property of any employee. The Town has the right, but not the duty, to monitor any and all aspects of its computer resources, including but not limited to, monitoring sites visited by employees on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by users to the Internet or other computer resources and reviewing e-mail sent and received by users.

USE OF COMPUTER RESOURCES

The computer system is the property of the Town and may only be used for the business purposes of the Town. Users are permitted access to computer resources to assist them in the

performance of their jobs. Occasional, limited, appropriate personal use of the computer system is permitted provided that the use does not (1) interfere with the user's work performance; (2) interfere with any other user's work performance; (3) have undue impact on the operation of the computer system; or (4) violate any other provision of this policy or any other policy, guideline, or standard of the Town. At all times, users have the responsibility to use computer resources in a professional, ethical, and lawful manner. Personal use of the computer system is a privilege that may be revoked at any time.

Access to all software applications loaded on Town PCs is restricted to Town personnel only.

USE OF THE INTERNET

The Town maintains a connection to the Internet including access to the World Wide Web (WWW), Newsgroups, File Transfer Protocol (FTP), and other services. These, and all other services that can be obtained using the Internet, are collectively referred to below as "Internet access." Internet access is provided by the Town to assist in the conduct of business. The following policies apply to the use of this Internet connection (please also refer to the separate policy regarding e-mail):

1. Internet access is reserved for the conduct of Town business and may be used for occasional off-duty personal information gathering from time to time; however, use of the Town's Internet access for personal business ventures is prohibited.
2. Internet access may not be used to solicit or recruit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
3. Internet access is not to be used to send or receive offensive or disruptive information. Among those which are considered offensive is information which contains sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.
4. Internet access shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary information, or similar materials without prior authorization.
5. Software downloaded using Internet access cannot be installed on Town hardware without prior permission of the Town Administrator.
6. The Town reserves and intends to exercise the rights to review, audit, intercept, access and disclose information, received or sent using Internet access for any purpose.
7. Certain types of Internet access, such as Newsgroups can generate excessive e-mail traffic on Town hardware, which could overburden this equipment. The use of these types of

Internet access should be limited to Town business only. Participation in non-professional newsgroups, chat rooms and forums using the Town's Internet access is prohibited.

USE OF NON-TOWN SOFTWARE

It has been determined that the installation and use of non-Town owned software can pose a number of serious threats to the Town's computer resources. These threats include the loss of client and firm data resulting from computer viruses; the loss of employee time spent diagnosing and correcting problems created by computer viruses; the loss of employee time spent diagnosing and correcting problems created by the installation of software that is incompatible with the Town's existing software; and the loss of employee time resulting from inappropriate use of game software. In order to minimize these risks, and to maximize the overall utility of the Town's considerable investment in computer technology, the following policy applies to all users:

1. No non-Town software including software downloaded from the Internet or received via e-mail will be installed on any Town PCs or network servers except by IT Department personnel.
2. No non-Town software will be installed from any medium other than the original distribution diskettes or CD-ROM's provided by the software vendor.
3. Prior to installing any non-Town software, the IT Department will determine whether the software has a valid application to the performance of legal services for the firm's clients.
4. After consultation with the users, the IT Department has been advised to remove any unauthorized non-Town software discovered on Town PCs or servers.
5. Prior to installing any non-Town software, the IT Department will perform a virus check on the incoming software.

ACKNOWLEDGMENT FORM

I have received copies of the E-Mail, Alcohol and Drug Free Workplace, Computer and Telephonic Communications Policy and the Statement of Policy for Use of Town Computer Resources.

I understand that all electronic communication systems and all information transmitted by, received from, or stored in these systems are the property of the Town. I also understand that I should have no expectation of privacy in connection with the use of this equipment or with the transmission, receipt, or storage of information in this equipment and that the Town will, but is not obligated to, monitor my use of the Town's computer and e-mail systems. Such monitoring may include printing and reading all e-mail entering, leaving, or stored in these systems, reviewing of phone and internet use records, and listening to voice mail messages in the ordinary course of business.

Name of Employee (Please print)

Employee's Signature

Date

Witness

RECEIPT AND ACKNOWLEDGMENT OF PERSONNEL POLICY

This Personnel Policy is an important document intended to help you become acquainted with the Town of Newmarket. This Policy will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Personnel Policy.

- I have received a copy and understand it is my obligation to read the Personnel Policy. I understand that the policies described in the Policy are subject to change at the Town's sole discretion at any time.
- I acknowledge that I have the right to terminate my employment with the Town at any time without notice. In turn, I acknowledge that the Town has the right to terminate my employment in its sole discretion, subject to any statutory or federal or state constitutional requirements, if applicable.
- I am aware that the descriptions of benefits in this Policy are not contractual in nature and do not guarantee any continuance of said benefits.
- I understand that the Town has included in this Policy a policy against harassment and discrimination because the Town seeks to provide a workplace free of sexual and other prohibited harassment. I understand that unlawful harassment will not be tolerated by the Town.
- I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Town premises or with non-Town employees, except as required by law.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Personnel Policy.

Employee's Name (please print)

Date: _____

Employee's Signature

Witness Name (please print)

Date: _____

Witness Signature