

Town of Lamoine

Employment & General Office Policies



Revised April 21, 2011

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I. WELCOME & PURPOSE

We welcome you as part of the team of appointed officials who operate the Town of Lamoine. Whether you are paid staff or a volunteer board member, you are a valuable part of the town government structure. It is our goal to establish the general policies which all government officials representing the Town of Lamoine are expected to follow.

II. SCOPE

This set of policies applies to all appointed officials whether compensated or not.

III. AUTHORITY

This set of policies is approved by the duly elected and sworn Selectmen of the Town of Lamoine as the municipal officers (30-A MRSA § 2526) and appointing authority of the municipal officials for the town, pursuant to 30-A MRSA § 2601.

IV. STANDARDS

A. Employment

1. Appointment Required - Prior to beginning service as an appointed official for the Town of Lamoine, the Board of Selectmen shall sign an official appointment form in a public meeting, and the appointed official shall be administered an oath of office by the Town Clerk, Deputy Town Clerk, Assistant Town Clerk, Attorney or a Notary Public. Actions taken by non-appointed and/or non-sworn individuals may be declared null and void.
2. Job Descriptions - Appointed officials shall refer to and adhere to their job descriptions. If a function requiring attention is not contained within a job description, the Administrative Assistant to the Board of Selectmen shall be consulted and may assign said task to an appropriate town official if the task requires immediate attention, and inform the Chairman of the Board of Selectmen of such assignment. If a task does not require immediate action, the Administrative Assistant shall seek clarification of such function from the Board, and inform the appropriate appointed official of the task assignment.
3. Job Classification - Appointed officials may be classified in one of the following categories:
 - a. Compensated and Contracted – A town official who has signed an employment contract with the Board of Selectmen and is compensated according to the contract. Such officials can be classified further as full time and part time employees.
 - b. Compensated, non-contracted – A town official who has not signed an employment contract with the Board of Selectmen, but is compensated on an annual, semi-annual, or other schedule.
 - c. Non Compensated, non-contracted – A town official who has not signed any employment contract with the Town, and who does not receive compensation, but has some obligation under local practice or state statutes to serve during a specific term.

- d. Volunteer – A non-appointed, non-compensated, non-contracted person who performs services on behalf of the town, but is not obligated to do so, and has no set term of service to the town.
4. Classification Conditions - Each classification of appointed official is subject to defined reappointment and termination conditions as follow:
- a. Compensated and Contracted – This class of appointed official serves initially on a probationary basis, and may be removed from their position with or without cause within 90 days of the appointment date. This probationary period may be extended by mutual contractual agreement between the appointed official and the Board of Selectmen. Following the probationary period the Town and the official operate on an expected employment basis. Should the contract expire prior to inception of a new contract, the official will continue to be compensated at the rate of the previous contract, unless other compensation is mutually agreed to by both the official and the Board of Selectmen. The Board of Selectmen reserves the right to eliminate the position of any of this class of employee following a majority vote in public session. Removal during the appointment and/or contracted period by the Board of Selectmen for other than position elimination shall be for cause as defined in Section IV(A)(5) of this policy.
 - b. Compensated, non-contracted – This class of appointed official serves on an annually appointed basis that coincides with the town's fiscal year. Should the appointment period expire prior to re-appointment, the appointee holding the position shall be considered as continuing in the position unless the Board of Selectmen and the appointee verbally or in writing agree otherwise. The Board of Selectmen reserves the right to eliminate the position of any of this class of employee following a majority vote in public session. Removal during the appointment and/or contracted period by the Board of Selectmen for other than position elimination shall be for cause as defined in Section IV(A)(5) of this policy.
 - c. Non-Compensated, non-contracted – This class of appointed official serves for the term specified in the appointment made by the Board of Selectmen. There is no expectation of reappointment at the expiration of the term; however the Board of Selectmen may inquire as to whether the appointee wishes to continue in the appointed capacity for another term. The Board of Selectmen reserves the right to eliminate the position of any of this class of employee following a majority vote in public session. Removal during the appointment and/or contracted period by the Board of Selectmen for other than position elimination shall be for cause as defined in Section IV(A)(5) of this policy.

- d. Volunteer - This class of official serves at their own pleasure and at the pleasure of a supervising appointed official (supervisor). There is no appointment process, no starting or ending date, and no expected continuation of service from either the supervisor or the volunteer. A volunteer may be removed from duties by the supervisor with or without cause. All town owned property utilized by the Volunteer shall be returned to the supervisor upon separation. The supervisor may independently develop criteria for service qualifications of any and all volunteers.
 - e. Full time/Part Time – A full time employee is a compensated and contracted employee scheduled to work at least 36-hours per week, excluding holidays, vacation, compensatory time off and sick days as provided for in the employee contract. A part time employee may or may not be employed on a contractual basis, and not regularly scheduled to work at least 36-hours per week. Occasional employment equal to or in excess of 36-hours per week shall not qualify a part time employee for full time benefits.
5. Removal Procedures – The following procedure shall apply to all appointed officials:
- a. Upon a complaint being received by the Board of Selectmen, the employee/official is notified of the complaint.
 - b. If the Selectmen deem the complaint to be of a serious nature, a hearing with the employee/official shall be held within 10 days of the last Selectman's meeting.
 - c. The hearing may be in executive session, but must be public if the employee so requests and Selectmen concur.
 - d. At the hearing, Selectmen shall determine if the employee violated any policy of the Town of Lamoine, law of the State of Maine, or good general conduct. Selectmen shall have the opportunity to question the employee (at the employee's discretion), the complainant, and any pertinent witnesses.
 - e. Both the Board and the employee may be represented by legal counsel.
 - f. If the Board of Selectmen determines by majority vote in open session that a violation of policy, practice, or law has taken place, they may choose to terminate the employee, suspend for a given time with pay (if applicable), suspend without pay (if applicable) for a given time, or reprimand. Copies of all actions shall be maintained in the employee's personnel file.
 - g. Employees have the right to appeal to the Board of Selectmen within 10 days of the decision. The appeal shall be heard by the Board and a vote taken to either uphold or overturn the decision.
 - h. After appeal, affected employees who feel aggrieved may seek a solution within the Maine Court System.
6. Employee Benefits
- a. All compensated, appointed employees, with the exception of ballot/election clerks, are covered by Unemployment Compensation Insurance.
 - b. All employees are covered by Workers Compensation Insurance.
 - c. All volunteers are covered by a Volunteer Liability insurance.

- d. Full Time, Compensated, Contracted employees are eligible for employer provided health insurance. Should such an employee choose to arrange for health insurance through a program other than what the town provides, such coverage and the cost thereof shall be by contractual arrangement between the employee and the Town.
 - e. FICA and Medicare withholdings with an employer match as prescribed by federal law shall be made from all employees with the exception of ballot/election clerks earning less than \$600/year.
 - f. Compensated absences (i.e. vacation, sick time, compensatory time off) are benefits available to compensated, contracted employees on an individual basis. Such compensation shall be contained in the contractual agreement between the Town and the employee.
7. Personnel File - Each employee/official shall have a personnel file maintained by the Board of Selectmen through its Administrative Assistant at the Town Office. Any employee may look at the items contained in that file. To be included are: any job application, wage information, W-4 form, I-9 form, certificates of course completion, letters of commendation, reprimand, or other correspondence concerning the Town of Lamoine, and other items deemed appropriate for such a file. The file is the permanent property of the Town of Lamoine.

B. Public Relations

1. Each employee/official shall deal with members of the public in a courteous and respectful manner. In the event the member of the public is acting in a manner deemed unacceptable for doing business with the Town, the employee/official shall ask said person to leave the premises and report the incident to either the Administrative Assistant or to the Chairman of the Board of Selectmen. In the event of abusive or dangerous behavior by a member of the public, the employee/official shall immediately seek intervention by notifying the appropriate law enforcement agency (9-1-1).
2. Employees/officials, while not bound by a strict dress code, shall be clothed in a manner appropriate for the type of business being transacted. While conducting business for the Town of Lamoine, clothing deemed offensive by its construction or printed words or pictures shall not be worn. The Administrative Assistant to the Board of Selectmen may notify an appointed official in regard to this subsection and request that measures be taken to correct the situation. Disputes over this section may be adjudicated by the Board of Selectmen through an informal hearing process, in executive session unless the affected employee requests it be conducted in open session. In the case of the Administrative Assistant's dress being deemed inappropriate, the Chairman of the Board of Selectmen may notify the Administrative Assistant to correct the situation with the same dispute resolution process.

3. When dealing with members of the media, employees/officials are asked to cooperate as fully as possible, while maintaining any confidentiality required by local policy or state law. Opinions of town officials may be stated, provided they are identified clearly as opinion. Public documents requested by members of the public and the media are to be delivered as accurately and swiftly as possible. Problems with media requests shall be referred to the Board of Selectmen. Certain Municipal Officials must complete training in Maine's Freedom of Access Act (1MRSA § 401 et seq) as required by law. All employees are urged to receive such training.

C. Security

1. The Administrative Assistant to the Selectmen is responsible for measures taken to secure, and maintain the security system(s) in regard to the building and contents at the Lamoine Town Hall, subject to approval by the Board of Selectmen.
2. Cash, motor vehicles stickers and stamps, and other vital documents are to be secured in a locked office or the vault when the building is not in use. When the town's business office is closed for public business, all interior office doors are to be locked, including the vault. The heat shall be set to no lower than 55-degrees, and interior lights shall be turned off.
3. The Administrative Assistant to the Selectmen shall issue keys and access combination(s) to personnel as appropriate. A list of persons issued such access shall be maintained. Each person with keyed and combination access to the Town Office shall be responsible for securing the office upon exit from the office.
4. The Fire Chief is responsible for maintaining a list of those with access to the Fire Station.
5. The Administrative Assistant to the Selectmen is responsible for maintenance of a list of those with keyed access to the Lamoine Transfer Station, Salt/Sand Shed, the storage garage at 252 Lamoine Beach Road, and the entrance gate at 262 Lamoine Beach Road.

D. Use of Town Property

Property and facilities owned by the Town of Lamoine are considered public property for use in the conduct of governmental administration. Private, non-governmental use by appointed officials is discouraged without express permission from supervisors. Appointed officials and/or volunteers found to be improperly using town property without authority or permission may be subject to discipline or termination pursuant to procedures later outlined in this policy document.

1. Telephone Lines & Cell Phones - Use of the telephone is primarily for employee business use. Personal use by town officials is allowed provided it does not interfere with business use and calls are limited to a short period of time. Members of the public may use telephone to report emergencies and for urgent personal business. No member of the public or employee may incur toll or charges to the phone bill unless specifically authorized by a supervisor. Certain personnel are assigned cell phones which are for town use. Personal calls may be sent and received, but the user shall reimburse the town for such calls, which the treasurer will calculate on each monthly bill for withholding from the compensated appointees payroll check.
2. Office Machines – Computers, printers, photocopiers, fax machines and other office equipment are for official business use. Personal use by appointed officials is allowed, provided it does not interfere with town business use. Appointed officials shall reimburse the town according to the fee schedule established by the Board of Selectmen for such use.
3. Other Town Property Uses – Some town facilities uses are governed by separate policies and may be utilized by the public and/or employees according to those policies. In no instance is the property of the Town of Lamoine to be used by employees for purposes that conflict with this policy or such other policies that may be in place.

E. Building and Facilities Maintenance

1. The following positions are assigned as maintenance supervisors for the specific facilities listed:

Facility	Supervisor
Town Hall	Administrative Assistant
Fire Station	Fire Chief
Transfer Station	Transfer Station Manager
Salt/Sand Shed	Road Commissioner/Plow Contractor
Storage Garage	Administrative Assistant
Parks	Parks Commissioners

2. Town facilities shall be kept in a clean, neat and safe fashion in compliance with such Maine Bureau of Labor Standards regulations as may be applicable. Supervisors may delegate maintenance responsibilities to other appointed or volunteer personnel. Repairs that require contracted work shall be referred to the Administrative Assistant, and if the repair estimate exceeds \$500, to the Board of Selectmen for approval prior to engagement of the outside contractor.

F. Hours/Attendance

1. Appointed officials are required to attend meetings of the Board to which they are appointed. Excessive absence from such meetings shall be grounds for termination from said appointed position. Appointed officials who are absent shall notify the chairman of such board in advance, if possible. Prior notification to the chair will be considered an excused absence. Non-notification prior to the meeting will be considered non-excused. Three consecutive non-excused absences shall be considered as grounds for removal of the appointed official from the Board.
2. Appointed officials who are required to function at a specific location at a specific time shall be present. For example, the transfer station attendant shall be present at the transfer station during its open hours. Failure to report to the specified work location at the appropriate time without prior notification to a supervisor may be grounds for discipline and/or termination pursuant to procedures later outlined in this policy document.
3. Elected officials shall make every effort to attend meetings of their appropriate Board if applicable. As there is no recall provision within the Town of Lamoine, non-attendance shall not be grounds for removal from elected office.
4. The Town Clerk/Tax Collector shall maintain specific, posted office hours weekly at the Lamoine Town Hall. Changes to the posted hours are subject to approval by the Board of Selectmen. Additional hours may be assigned by the Administrative Assistant to the Board of Selectmen by mutual agreement.
5. Appointed and Elected officials are bound by the laws of their office in determining a replacement in the event they cannot perform a duty. In the case of an elected member of a public board, transfer of power to vote to another person is not allowed. Appointed compensated officials shall notify the Administrative Assistant to the Board of Selectmen in the event they are unable to perform their duties as scheduled. The appointed official may suggest a qualified replacement to the Administrative Assistant to temporarily fill the position. The Administrative Assistant shall determine whether the suggested replacement is suitable, and may offer a suitable replacement. All replacement personnel shall be reported to the Board of Selectmen who shall have final authority in regard to approval of the individual hired as a replacement.
6. In the event no suitable replacement may be found during regular hours, the facility shall be secured and closed, and a sign posted explaining the situation.

7. In the event of emergency, such as inclement weather or illness, the Administrative Assistant to the Selectmen and/or Chairman of the Board of Selectmen shall be notified that regular office hours will not take place, and every effort shall be made to inform the public of same. Part time compensated, contracted employees shall be paid for the hours they would normally work in the event of an emergency shutdown.

G. Discipline and Removal Procedures

1. All employees are expected to perform their job with general competence. Appointed officials/employees may be removed from their job function if they are found by the Board of Selectmen to not be performing their job competently. Elected officials may not be removed from their job until their time of re-election and another person wins that election by a plurality vote.
2. The following procedure shall apply to all appointed employees/officials for the Town of Lamoine:
 - a. Upon a complaint being received by the Board of Selectmen, the employee/official is notified of the complaint.
 - b. If the Selectmen deem the complaint to be of a serious nature, a hearing with the employee/official shall be held within 10 days of the last Selectman's meeting.
 - c. The hearing may be in executive session, but must be public if the employee so requests and Selectmen concur.
 - d. At the hearing, Selectmen shall determine if the employee violated any policy of the Town of Lamoine, law of the State of Maine, or good general conduct. Selectmen shall have the opportunity to question the employee (at the employee's discretion), the complainant, and any pertinent witnesses.
 - e. Both the Board and the employee may be represented by legal counsel.
 - f. If the Board of Selectmen determines by majority vote in open session that a violation of policy, practice, or law has taken place, they may choose to terminate the employee, suspend for a given time with pay (if applicable), suspend without pay (if applicable) for a given time, or reprimand. Copies of all actions shall be maintained in the employee's personnel file.
 - g. Employees have the right to appeal to the Board of Selectmen within 10 days of the decision. The appeal shall be heard by the Board and a vote taken to either uphold or overturn the decision.
 - h. After appeal, affected employees who feel aggrieved may seek a solution within the Maine Court System.

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H. Vacation, Military Leave, Jury Duty, Funerals

1. Vacations
 - a. Vacation shall be available only to compensated, contracted appointees and the amount of vacation, and whether such vacation is paid or unpaid, shall be addressed in each contract (see section IV (A)(6)). All other classes of appointee are not eligible for paid vacation benefits, and shall notify the Administrative Assistant to the Selectmen of the need for a replacement per section F(5) of this policy.
2. Leave
 - a. All classes of appointee are covered by both the Family Medical Leave Act and the Uniformed Services Employment and Reemployment Rights Act. Any employee seeking leave under these Federal Acts shall notify (in writing if possible) the Administrative Assistant to the Selectmen and/or the Chairman of the Board of Selectmen prior to beginning such leave. Leave under both Federal Acts is unpaid unless another agreement is mutually reached between the appointee and the Board of Selectmen.
3. Funerals
 - a. Contracted, compensated appointees are entitled to paid funeral leave of up to 3 normal working days for the death of a spouse, child or parent, and one working day for the death of a sibling, grandparent or great-grandparent. In the case of part time employees, paid funeral leave would apply only to those days the employee would normally be scheduled to work. Unpaid funeral leave may be granted at the discretion of the Supervisor and/or chair of the Board of Selectmen for the death of other close relatives or friends, provided that a suitable replacement for the affected employee can be found. Compensated, non-contracted appointees are not eligible for paid funeral leave. Non-compensated appointees may consider funeral leave an excused absence, provided the supervisor or board chair is notified of the pending absence.
4. Jury Duty/Court Witness
 - a) Compensated appointees summoned for Jury Duty shall serve as required by the Court. The affected appointee shall notify the Administrative Assistant or the Chairman of the Board of Selectmen as to the jury service requirement prior to service, and the schedule will be adjusted accordingly to accommodate. Full time compensated appointees will continue to be paid their salary. Part time compensated appointees will be reimbursed for the normal working hours they miss while serving on jury duty, provided all juror fees for such are paid to the town treasurer, and an accounting is made for the time spent traveling to and from court and on jury duty itself. Non-compensated appointees may consider jury duty an excused absence, provided the supervisor or board chair is notified of the pending absence.

- b) Compensated appointees subpoenaed as a witness to a court shall report as directed. The affected appointee shall notify the Administrative Assistant or the Chairman of the Board of Selectmen that the subpoena has been served and the schedule for court. Full time compensated appointees will continue to be paid their salary. Part time compensated appointees will be reimbursed for the normal working hours they miss while serving as a witness, only if they are testifying in their capacity as a town employee. Mileage to the court received by all employees from the court system shall be retained by the employee, and the mileage not billed to the town under the mileage reimbursement policy. Non-compensated appointees may consider court witness duty an excused absence, provided the supervisor or board chair is notified of the pending absence.

I. Outside Employment

- a) Employees may be employed by other organizations (public or private) while also in the employ of the Town of Lamoine. Such outside employment, however, shall not constitute any conflict of interest as defined in Section V.
- b) Outside employment shall be scheduled so that the employee is available to be on the job for the Town of Lamoine during the hours required. (i.e., the transfer station operator may not be otherwise employed during the hours the transfer station is open and their presence required).
- c) The Board of Selectmen shall be notified by all full-time employees of any outside employment activity, the hours involved, and conflicts that might result from that employment. The Board shall state any objection it might have and set conditions on such employment as the Board shall deem appropriate and legal.

V. DEFINITIONS

Absence, Excused – The lack of attendance at a scheduled meeting or event at which the appointee is expected, but has given notification to a superior that they will be unable to attend.

Absence, Unexcused – The lack of attendance at a scheduled meeting or event at which the appointee is expected, but has not provided prior notification to a superior.

Appointment – An act of an appointing authority (the Board of Selectmen in most cases) of a person to a municipal official's office. Such appointment shall be made, in the case of the Selectmen, as a public vote and an appointment paper signed. In the event of appointment by a non-elected official (i.e. the Town Clerk), the appointment shall be in writing and signed by the appointing authority.

Cause – A legal reason for dismissal of an employee, including but not limited to incompetence, failure to follow instruction, absence from work, dishonesty, violation of state or federal law, violation of the policies of the Town, impairment, and causing unsafe acts.

Competence – The ability to perform a task correctly and efficiently once trained in the method to perform said task.

Conflict of Interest – Participation in any activity, decision, or contract in which the employee has a financial or legal interest, direct or indirect, or having sufficient interest to appear to influence the objective exercise of an official duty.

Executive Session – A non-public meeting of an elected or appointed body after taking a public vote pursuant to 1-MRSA §405 et seq.

Good General Conduct – The manner in which an appointed official is expected to deal with other officials and/or members of the public, including, but not limited to, use of courteous language; avoidance of confrontational interaction; being willing to assist another appointee or citizen; and acting within the laws of the state and nation, and the policies of the Town.

Notification – There are two methods of notification – formal and informal. A formal notification when required within town policy shall be in writing to the person involved with a proof of delivery of said notification. An information notification, such as notice that an appointee will be unable to attend an event due constituting an excused absence shall be by means of voice, electronic, or written form, where proof of delivery is not required, but highly recommended.

Oath – The promise of an appointee to uphold the constitution and laws of the State of Maine administered by the Town Clerk or deputy or a Notary Public. Oaths are to be made in writing.

Plurality – In a contest of more than two choices, the number of votes of the choice receiving the most votes.

Probationary – A period in which an appointee's fitness for service is tested. During the probationary period, the appointee may be discharged without cause.

Serious – In relation to a complaint, serious shall include but not be limited to an accusation of a violation of state or federal law, willful and repeated violation of Town policy, or subjecting the general public to a dangerous act.

Solicitation – The act of requesting that people donate money, goods, services or time to any cause supported by the person making such a request, regardless of whether the donation is in return for goods or services.

VI. SUGGESTIONS

Suggestions for more efficient operation of the Town are encouraged from appointees. The process need not be formal. Any appointee may suggest an efficiency idea to the Board of Selectmen directly or through the Administrative Assistant. It is preferred the suggestion be in writing, but verbal suggestions are acceptable. The appointee should be prepared to defend and explain the suggestion to the Selectmen, and help with the implementation if possible.

VII. REFERENCES

The Board of Selectmen through the Administrative Assistant shall provide references for employees on request. The reference shall include the length of employment, the type of job, the job functions, and general circumstances of separation (i.e. resigned voluntarily, terminated after hearing etc). Confidential personnel records may be released only upon written approval of the affected employee. The Board of Selectmen shall not be held liable for references regarded unfavorably by potential employers, provided such reference is truthful.

VIII. SOLICITATION

Solicitation by employees for the Town of Lamoine while on the job is not prohibited, but is discouraged. In acting in a professional manner, it is discourteous to ask customers to contribute to causes they may or may not support. Employees should ask for permission from the Board of Selectmen before soliciting at the Town Hall or on Town Property.

IX. ENGAGING IN POLITICAL ACTIVITY

By state statute, many appointed positions are prohibited from engaging in certain political activities in certain places. Appointees are not to engage in any activity involving a candidate or a cause within 250-feet of the polling place (normally the Lamoine Town Hall) at such time as balloting may be taking place. Appointees are not to represent as the position of the Town any particular political position on issues or candidates unless specifically authorized by the municipal officers, but may state a position as their own personal opinion. Notwithstanding, appointed and elected boards may, by an open majority vote advocate for a particular stand, and take means to communicate the outcome of that vote to the public by appropriate means.

X. ADOPTION

This policy is adopted as of April 21, 2010 and supersedes the General Employment Policy adopted by the Lamoine Board of Selectmen on June 29, 1994.

/s/ S. Josphine Cooper, Chair

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/s/ Cynthia Donaldson

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/s/ Richard Fennelly, Jr.

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/s/ Gary McFarland

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/s/ William Brann

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The Lamoine Board of Selectmen