

# Chapter 3 - Employment Policies & Programs

## ORIENTATION

During the first few days of employment, you will participate in an orientation program conducted by the Human Resource Office and various members of your department, including your supervisor. During this program, you will receive important information regarding the performance requirements of your position, basic Town of Milford policies, compensation and benefits programs, and any other information necessary to acquaint you with your job and the Town of Milford. You will also be asked to complete all necessary paperwork such as medical benefits enrollment plans forms, beneficiary designation forms, and appropriate Federal and State forms. At this time you will also be asked and required to present the Town of Milford with information establishing your identity and your eligibility to work in the United States in accordance with the applicable Federal law.

Please use this orientation program to familiarize yourself with the Town of Milford and our policies and benefits. We encourage you to ask any questions you may have during this program so that you will understand all of the guidelines that affect and govern your employment relationship with the Town.

## COMPENSATION

### Work Hours:

#### A. Standard Work Week:

1. The standard work week for all non-exempt employees, with due allowance for authorized holidays and leave(s) of absence with pay, shall be forty (40) hours per week.
2. Every employee shall receive a meal period of not less than one-half (1/2) hour. By law, no employee may work more than five (5) consecutive hours without a meal break ([RSA 275:30-A](#)). Unless otherwise dictated by the requirements of the position, meal periods shall not be considered paid working time. Supervisors may schedule lunch breaks so as not to interfere with delivery of services. (<https://www.dol.gov/agencies/whd/state/meal-breaks#NewHampshire>)
3. Employees are allowed to take rest periods of fifteen (15) minutes within each four (4) consecutive hours of working time, or major fraction thereof. Such rest periods shall be taken, as practical, subject to scheduling by the employee's supervisor. Rest periods are to be taken in such a manner that the normal delivery of services will not be interrupted.

- 1 4. Rest periods or lunch hours not taken do not accumulate and will not be  
2 credited towards leave time, or for the purpose of shortening the departure  
3 from the normal work day except in extenuating circumstances. (A Request to  
4 Waive Lunch form may be found in Chapter 9 – Policies.)  
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6 B. Daily and weekly work schedules may be changed from time-to-time at the  
7 discretion of the Town of Milford and its various departments to meet the varying needs,  
8 demands and resources of the Town. Changes in work schedules will be announced as  
9 far in advance as practicable.  
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### 11 **Recording Work Hours:**

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13 It is the policy of the Town of Milford to comply with applicable Federal and State laws  
14 that require records to be maintained of the hours worked by our employees. To ensure  
15 that accurate records are kept of the hours you actually work (including overtime hours,  
16 where applicable) and of the accrued leave time you have taken, and to ensure that you  
17 are paid in a timely manner, you will be required to record your time worked and your  
18 absences on the Town's official time record form(s) or through the electronic  
19 timekeeping system. These forms should be completed daily/weekly and signed and  
20 forwarded to your supervisor on a bi-weekly basis. After reviewing the form and  
21 resolving any discrepancies, your supervisor will sign the form, or approve hours  
22 electronically, and forward it to the Finance Department for processing. Please ensure  
23 that your actual hours worked and leave time taken are recorded accurately.  
24 Falsification of a time record is a breach of Town policy and is grounds for disciplinary  
25 action, up to and including termination.  
26

### 27 **Regular Pay Procedures**

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29 A. All Town of Milford employees are normally paid by check on a bi-weekly basis,  
30 usually on Fridays. All required deductions, such as for federal tax, FICA, NH  
31 Retirement System, etc., and all authorized voluntary deductions, such as for health  
32 insurance contributions, will be withheld automatically from your paychecks. Please  
33 review your paycheck for errors. If you find a mistake, report it to your supervisor  
34 immediately. Your supervisor will assist you in taking the steps necessary to correct the  
35 error.  
36

37 B. In the event your paycheck is lost or stolen, please notify your supervisor  
38 immediately. Your supervisor will, in turn, notify the Finance Department who will  
39 attempt to put a stop-payment notice on your check. If we are able to do so, you will be  
40 issued another check. Unfortunately, however, the Town of Milford is unable to take  
41 responsibility for lost or stolen paychecks and, if the Town is unable to stop payment on  
42 your check, you alone will be responsible for such loss.  
43  
44

## Overtime Pay Procedures:

If you are classified as a non-exempt employee for overtime purposes (refer to Chapter 2 for the definition of non-exempt employee), you will be eligible to receive compensation for approved overtime work as follows:

1. Non-exempt employees working a standard work week of forty (40) hours or less will be paid at straight time (i.e., the employee's regular hourly rate of pay) for all hours worked up to forty (40) hours in any given work week.
2. Non-exempt employees working a standard work week of forty (40) hours or less will be paid overtime at the rate of one and one-half (1 ½) times the employee's regular hourly rate of pay for all hours **worked** in excess of forty (40) hours in any given work week in accordance with Federal law ([RSA 279:21](#)).. Such overtime shall be authorized in advance by the Department supervisor except where, in the opinion of the Department Head or immediate supervisor, conditions may require immediate overtime work. <https://www.dol.gov/agencies/whd/overtime>
3. [RSA 275](#) 3-V.(a) allows non-exempt public sector employees to elect to receive compensatory time off in lieu of overtime pay for hours **worked** in excess of forty (40) hours. The Town of Milford may **not** require an employee to elect compensatory time in lieu of overtime pay; however, an employee may elect to receive compensatory time off – **prior to the performance of any work which would be construed as overtime work**. Compensatory time will be calculated at the same rate as overtime pay – i.e., one and one half (1 ½) hours of compensatory time off for each hour of overtime work performed. When an employee requests the use of the accrued compensatory time, the request shall be honored within a reasonable period of time unless to do so would unduly disrupt the operation of the employee's department. Mere inconvenience to the department is an insufficient basis for denial of a request for compensatory time off. Public safety/emergency response personnel may accrue no more than 480 hours of compensatory time for 320 actual overtime hours worked. Other public sector employees may accrue no more than 240 hours of compensatory time for 160 actual overtime hours worked. Any actual overtime hours worked over and above the foregoing limits shall be paid at time and one-half the employee's regular rate of pay. Compensatory time should be utilized as an exception versus the rule. Compensatory time is to be used by the end of the calendar year in which it was taken whenever possible, so there is no carryover from year to year. Carryover from one year to the next requires approval by the Town Administrator.
4. Sick, vacation, and personal days **do not** count in overtime calculations for hours worked in a work week. Holidays **do** count as hours worked because it is the employer's choice that the employee stays home. The Town will count only hours worked (including holiday time) when calculating overtime.
5. Holiday Pay - Employees will be paid in full for non-floating holidays plus, if they are called in or scheduled to work any part of a holiday, they will be paid one and one-half (1 ½ ) times their regular rate of pay for those hours worked on the holiday.

6. Multi-Departmental Employee Overtime - The Town has some employees who work for more than one department. Overtime will be calculated based on the rate of pay the employee earns for the department for which he/she has worked overtime. This includes employees who work for the Town for one or more departments and who are also “call” firefighters and/or ambulance attendants.
7. Full-time non-exempt employees working a standard work week of forty (40) hours or less, who are called back to work after leaving their duty station at the end of their shift and prior to the start of their next regularly-scheduled shift, or during any period of off-duty hours shall be paid a minimum of three (3) hours at the rate of one and one-half (1 1/2) times their regular hourly rate of pay. Employees subsequently called in within the same three (3) hour period of their initial call-in shall not receive additional call-in pay (i.e., the 3-hour period starts from the beginning of the first call-in start time, an additional call-in results in an employee only being paid for the actual hours worked). Excluded from this call back provision are calls made to an employee’s home, previously scheduled or planned work or time spent by an employee staying on duty at the end of that employee’s regular shift. Scheduled overtime is not included in this concept.
8. Seasonal, recreation employees are exempt from these overtime provisions in accordance with the [Fair Labor Standards Act, Section 13\(a\)\(3\)](#).

#### **Salary Administration Program:**

The Town of Milford’s Salary Administration Program is contained in Chapter 8 – Compensation Administration - of this Handbook.

#### **Performance Reviews:**

A. To ensure that you perform your job to the best of your abilities, it is important that you be recognized for good performance and that you receive appropriate suggestions for improvement when necessary. Consistent with this goal, your performance will be evaluated by your supervisor on an ongoing basis. You will also receive periodic written evaluations of your performance. Such evaluations will normally occur after you have been employed for six (6) months and annually thereafter. In addition, if you are promoted or transferred to a new position, your performance will normally be evaluated in writing after you have been in your new position for six (6) months.

B. All written performance reviews will be based on your overall performance in relation to your job responsibilities and will also take into account your conduct, demeanor, and record of attendance and tardiness.

C. In addition to the performance evaluations described above, special written performance evaluations may be conducted by your supervisor at any time to advise

1 you of the existence of performance or disciplinary problems. Performance reviews are  
2 conducted in accordance with the Town's Wage and Compensation Plan.

### 3 4 **DRUG FREE WORKPLACE** 5

6 The Town of Milford provides and advocates a drug-free workplace in accordance with  
7 the Drug Free Workplace Act of 1988. This policy is to reiterate and state in a formal  
8 way the Board of Selectmen's policy regarding work-related effects of drug use and the  
9 unlawful possession of controlled substances on Town of Milford premises.

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11 **NOTE: Please refer to the Town's Drug and Alcohol Policy contained in Chapter 9**  
12 **of this Handbook.**  
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### 14 **EMPLOYMENT DISCRIMINATION LAW** 15

16 Discrimination in employment on the basis of race, color, religion, national origin, sex,  
17 age, pregnancy, physical or mental disability, or sexual orientation is prohibited by both  
18 Federal and State of New Hampshire laws. Additionally, Federal law prohibits  
19 discrimination in pay (i.e., equal pay) and New Hampshire law prohibits discrimination  
20 on the basis of marital status.  
21

### 22 **POLICY REGARDING EMPLOYMENT OF RELATIVES,** 23 **DOMESTIC PARTNERS, AND / OR SIGNIFICANT OTHERS** 24

25 The Town of Milford permits the employment of qualified relatives, domestic partners  
26 and/or significant others of employees, as these terms are defined in Chapter 2.  
27 However, in order to avoid the potential appearance of favoritism or nepotism, and in  
28 order to avoid perceived conflict of interest, the Town will only permit such employment  
29 so long there is no direct disciplinary reporting relationship. Employees hired prior to the  
30 implementation of this policy shall be considered grandfathered. Please review the full  
31 policy as detailed in Chapter 9 of the Employee Handbook.

32 *(Approved by the Milford Board of Selectmen on June 22, 2015.)*

33 *(Approved by the Milford Board of Selectmen on May 12, 2014.)*  
34

### 35 **EQUAL OPPORTUNITY EMPLOYER** 36

37 It is the policy of the Town of Milford to provide equal employment opportunities to  
38 applicants and employees without regard to race, color, religion, sex, national origin,  
39 marital status, age, disability or sexual orientation.  
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### 41 **FAMILY AND MEDICAL LEAVE ACT** 42

43 A. Subject to the requirements described in Town policy, any full-time and part-time  
44 regular employee who has been employed by the Town for at least twelve (12) months  
45 and who has worked a minimum of 1,250 hours during the twelve (12) month period  
46 immediately preceding the leave, may request up to twelve (12) work weeks of unpaid

1 family or medical leave during any twelve (12) month period for one or more of the  
2 events covered under the Family and Medical Leave Act (FMLA) of 1993.

3  
4 B. The employee must request leave by contacting the Board of Selectmen's Office,  
5 through his/her Department Head, at least thirty (30) days in advance when the leave is  
6 foreseeable. If the leave is not foreseeable, the employee must provide as much notice  
7 as is practicable.

8  
9 C. The employee may elect to continue health insurance during the period of such  
10 leave and, with some exceptions, is entitled to return to the same or equivalent position  
11 upon completion of the leave.

12  
13 **NOTE: Please refer to the Family & Medical Leave Act Policy in Chapter 9 of this**  
14 **Handbook.** The entire [Family Medical Leave Act Policy \(29 CFR Part 825\)](#) is available  
15 for review online at [www.dol.gov](http://www.dol.gov)

### 16 17 **JOB POSTING**

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19 A. The Town of Milford believes in promoting employees from within whenever  
20 possible and appropriate. Through the use of a job posting program, employees have  
21 the opportunity to apply for open positions within the Town. Vacancies are normally  
22 posted on designated bulletin boards in all Town of Milford locations. Postings  
23 generally include the title, salary range, minimum hiring qualifications, essential  
24 functions of the job, and the closing date for filing applications. Qualified Town  
25 employees who apply for open positions will be given due consideration during the final  
26 job applicant review, however, a Town employee is not guaranteed selection for the  
27 open position. In addition to the foregoing job posting policy, it is the policy of the Town  
28 of Milford to use external advertising as a recruitment tool.

29  
30 B. To be eligible for consideration for a posted position, you must meet the  
31 minimum hiring specifications for the position, be capable of performing the essential  
32 functions of the job (with or without reasonable accommodation), be an employee in  
33 good standing in terms of your overall work record, and generally have been in your  
34 current position with the Town for a minimum period of six (6) months.

35  
36 C. You are responsible for monitoring job vacancy notices and for completing and  
37 filling out a Job Application Form which you may obtain from the Human Resource  
38 Office or your department's office during the posting period for a specific opening.

39  
40 D. You are not required to notify your supervisor when submitting an application for  
41 a posted position, however, if you are a finalist for the position, your supervisor will be  
42 notified prior to the completion of the application process for, among other things, a  
43 recommendation. A member of the Human Resource Office will contact you regarding  
44 your application and the status of your candidacy.

### 45 46 **MATERNITY LEAVE**



1 Maternity leave for female employees who work 1,250 hours or more in a 12-month  
2 period preceding the leave is governed by the Family and Medical Leave Act of 1993  
3 (please refer to FMLA policy in Chapter 9). FMLA allows a covered employee to be  
4 absent from work for a period of up to 12 weeks following the birth of a child.

5  
6 Full-time employees (35+/hrs/wk) will be covered by the Town's short-term disability  
7 insurance (6 weeks for normal birth / 8 weeks for caesarean). During the period of  
8 short-term disability (i.e., 6 or 8 weeks), the employee will be allowed to charge this  
9 time against sick leave (assuming sufficient sick leave balance is available).

10  
11 Any period of absence beyond the 6 or 8 week period covered by short-term disability  
12 **must** be charged against other available leave time (i.e., holiday/ personal/vacation),  
13 excepting that one-week of vacation time will remain on the books unless the employee  
14 requests to be paid for this one week during the period of absence. If no leave time is  
15 available, the employee must apply for Leave of Absence Without Pay for the remainder  
16 of the FMLA absence.

17  
18 Part-time employees who work 1,250 hours or more in a 12-month period preceding the  
19 leave and who choose to be absent for the allowable 12 weeks, will be required to  
20 utilize their available leave time and apply for Leave of Absence Without Pay for the  
21 remainder of the absence.

22  
23 Part-time employees who do not work 1,250 hours or more in a 12-month period  
24 preceding the leave will not qualify for FMLA. These employees will be granted the 6 or  
25 8 week period of absence as determined by the birth of the child and must utilize all of  
26 their available leave time during this absence. If sufficient leave time is not available, the  
27 remainder of the time will be without pay. Per NH law, the length of the maternity leave  
28 shall not be limited to the available FMLA leave time if the employee's medical condition  
29 necessitates that the period of disability be longer in which case medical certification  
30 from the attending physician will be required.

## 31 **MEDICAL EXAMINATIONS**

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34 A. As part of the Town's employment procedures, an applicant may be required to  
35 undergo a post-offer, pre-employment medical examination and, where required by law,  
36 an alcohol and drug screening conducted by a physician designated by the Town of  
37 Milford. In certain cases, a psychological examination or other medical examinations  
38 may be necessary depending on the nature of the offered position. Any offer of  
39 employment that an applicant receives from the Town of Milford is contingent upon,  
40 among other things, satisfactory completion of specified examinations and screening  
41 tests and a determination by the Town of Milford and its examination physician(s) that  
42 the applicant is capable of performing the essential functions of the position that has  
43 been offered, with or without a reasonable accommodation.

44  
45 B. As a condition of continued employment, employees may also be required to  
46 undergo periodic medical examinations and/or alcohol and drug screenings at times  
47 specified by the Town of Milford. In conjunction with these examinations, employees

are required to provide the Town of Milford with access to their medical records, if requested. Further, it should be understood that the Town of Milford receives a full medical report from its examining physician(s) regarding the applicant's or employee's state of health. All Town-required medical examinations and/or alcohol and drug screenings will be paid-in-full by the Town of Milford.

c. Questions about medical examinations or drug and alcohol screenings should be directed to your Department Head or, in his/her absence, the Town Administrator.

## **PERSONNEL FILES**

A. The Town of Milford maintains personnel files on each employee. These files contain documentation regarding all aspects of the employee's tenure with the Town including, but not limited to,: applications for employment, performance appraisals, beneficiary designation forms, disciplinary warning notices and letters of commendation. The employee may review his/her personnel file on an "as needed" basis and in accordance with State law. If you are interested in reviewing your file, please contact the Human Resource Office to schedule an appointment.

B. To ensure that your personnel file is up-to-date at all times, please notify your supervisor or the Human Resource Office of any changes in your name, telephone number, home address, marital status, number of dependents, beneficiary designation, scholastic achievements, and the individual to notify in cases of emergency, etc. Maintaining your personnel file is a very important function.

## **POLICY REGARDING PROBATION**

A. Probationary employees shall remain on probation until they have served a minimum of a six (6) month period but not longer than one (1) year from the date of hire.

B. The purpose of the probationary period is to establish a time frame during which the employee's progress is monitored to determine overall suitability for continued employment. It is noted that an employee passing this probationary period is still considered to be an employee "at will." As such, any prolonged interruption in employment (e.g.: Short-term disability, Worker's Compensation, FMLA, etc.) shall not be counted towards accumulation of time required for probationary period and will result in the extension of the probationary period to an amount of time equal to the prolonged absence.

C. A Department Head may, at his/her discretion, extend the six (6) month probationary period in the event that an employee's performance falls below expectation. The Department Head shall notify the employee and the Town Administrator in writing of any such extension prior to the expiration of the first six (6) months of employment, however, the probationary period shall not normally be extended beyond one (1) year from date of hire without prior approval of the Town Administrator.



1 D. At any time during the probationary period, a Department Head may remove an  
2 employee whose performance does not meet the expectations of the Department Head  
3 and general department standards. Such dismissal shall not be arbitrary, illegal,  
4 capricious, or in bad faith. Except in the case of alleged discrimination, a probationary  
5 employee may not appeal such action. It is the policy of the Milford Board of Selectmen  
6 that any employees hired to work for the Town of Milford and/or who are promoted to a  
7 higher position within the Town structure are to be compensated at an appropriate and  
8 competitive wage within the industry standard for that position. As such, no increase  
9 shall be granted following completion of the probationary period unless said increase  
10 has been approved in advance by the Town Administrator. Said approval may only be  
11 granted due to highly-extenuating circumstances.

12  
13 E. Any employee who is promoted to a higher-level position or who is transferred  
14 (either voluntarily or involuntarily) to another position (having an equal or lesser position  
15 grade than that employee's current position) shall serve a probationary period as  
16 outlined in Paragraph B above. If the probationary period is unsuccessful, the  
17 employee may be returned to his/her former position – or to a similar position if such a  
18 position is available.

## 19 **HARASSMENT / HOSTILE WORK ENVIRONMENT**

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22 A. The Town of Milford shall not tolerate the harassment (sexual or otherwise) of  
23 any employee, citizen, vendor, or any other person dealing with the Town. We expect  
24 all officials and employees to follow rules of conduct which will protect the interests and  
25 safety of all officials, employees and the public.

26  
27 B. The Town of Milford is committed to providing a work environment free from all  
28 forms of discrimination and conduct that can be considered harassing, coercive or  
29 disruptive. All officials and employees shall be treated with courtesy and respect at all  
30 times. Conduct that threatens, intimidates, or coerces an official, employee, or a  
31 member of the public at any time, including harassment conduct based on an  
32 individual's sex, race, age, or any characteristic protected by federal, state or local law  
33 and which can be deemed to create a hostile work environment shall not be tolerated.

34  
35 C. Any instance of harassment, any act of retaliation, or any failure to cooperate in  
36 the investigation or resolution of a harassment complaint may result in disciplinary  
37 action up to and including termination.

38  
39 **NOTE: Please refer to the Town's Harassment Policy contained in Chapter 9 of**  
40 **this Handbook.** *(Revised and Approved by the Board of Selectman on 8/8/16.)*