CHAPTER 9 – POLICIES

|  |  |  |  |
| --- | --- | --- | --- |
| **Policy #** | **Name** | **Relative To:** | **LOC** |
|  | Confined Space Entry Policy | Relative to DPW/WUD/MPD/MAS/MFD | JLMC pg 29 |
|  | Excavating and Trenching Policy | Relative to DPW/WUD/MPD/MAS/MFD | JLMC pg 32 |
|  | Flagperson Policy | Relative to DPW/WUD/MPD/MAS/MFD | JLMC pg 34 |
|  | Lock out-Tag Out Policy | Relative to DPW/WUD/MPD/MAS/MFD | JLMC pg 35 |
|  | Personal Protective Equipment (PPE) Policy | Relative to DPW/WUD/MPD/MAS/MFD | JLMC pg 37 |
|  | Traffic Control Policy | Relative to DPW/WUD/MPD/MAS/MFD | JLMC pg 43 |
| 2003 | Affirmative Action and EEO | All staff | EH |
|  | AIDS Policy | All staff | EH |
| 2001-04 | Benefits for Part-time Employees | All staff | BOS |
| 2000-06 | Cashing Out of Sick Leave due to worker’s compensation injury | All staff | BOS |
| 2000-04 | Citizen’s Complaint/Dispute Resolution Procedure | All staff | BOS |
|  | Communicable Disease Policy | All staff | JLMC pg 23 |
|  | Court Policy | All staff | EH |
| 2006-03 | Deductions from Salaries for Employees Exempt from Overtime Pay Requirements (Safe Harbor Policy) | All staff | BOS |
|  | Drug Free Workplace Policy | All staff | EH |
|  | Education Reimbursement Policy | All staff | EH |
|  | EEO - Equal Employment Opportunity Policy | All staff | EH |
|  | Electronic & Telephone Comm Policy | All staff | EH |
| 2006-01 | Email | All staff | BOS |
| 2003-002 | EMPLOYEE IDENTIFICATION BADGES | All staff | BOS |
| 2001-02 | Employee Performance Reviews | All staff | BOS |
|  | Employment of Relatives (approved by BOS 6.22.15) | All staff | BOS/EH |
| 2006-004 | Ethics - Town Officials and Town Employee Ethics - (Amended) 2006.04.08 | All staff | BOS/EH |
| 2004-02 | Exit Interview Policy & Form | All staff | BOS/EH |
|  | FMLA Policy | All staff | EH |
|  | Guidelines for Suspicious Mail | All staff | JLMC pg 27 |
| 2006-02 | Hiring Process/Criminal Record Check | All staff | BOS/EH |
|  | Infectious Disease Exposure Response | All staff | JLMC pg 25 |
| 2004-001 | Matters before State Leg | All staff | BOS/EH |
|  | No Smoking Policy | All staff | EH |
| 2015-001 | Personal Use of Town Vehicle | All staff | BOS/EH |
| 2003-01 | PROCEDURE TO BE FOLLOWED IN THE ESTABLISHMENT OF NEW POSITION(S) (revised) | All staff | BOS/EH |
|  | Request to Waive Lunch or Eating Period | All staff | EH |
| 2000-09 | Seat Belt Policy | All staff | JLMC pg21 |
|  | Sexual Harassment Policy | All staff | EH |
|  | Slip, Trips and Falls Policy | All staff | JLMC pg 38 |
|  | Social Media Guidelines | All staff | EH |
|  | Suspicious Mail/Comm Center Protocol | All staff | JLMC pg 28 |
|  | Temporary Alternative Duty | All staff | JLMC pg 22 |
|  | Toxic Substances Policy | All staff | JLMC pg 40 |
| 2000-11 | Wages for Hiring/Promotions | All staff |  |
| 2001-03 | Wages for Hiring/Promotions - (Amendment re: Policy # 2000-11) | All staff |  |
|  | Work Hrs and OT, Policy on | All staff |  |
|  | Workplace Violence Policy | All staff | JLMC pg 44 |

The above policies have been reviewed with me and I am aware of where to find said policies. I understand any questions should be directed to my supervisor, Department Head or Human Resources. I understand these policies are subject to change at the discretion of the Board of Selectmen or as determined by federal or state law.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| Employee’s Signature |  | Department |  | Date |
| Employee Name (Print) | | | | |

#### TOWN OF MILFORD POLICY ON

#### AIDS AND AIDS-RELATED CONDITIONS

The Town of Milford recognizes that persons with Acquired Immune Deficiency Syndrome (AIDS) or its related conditions, such as AIDS-Related Complex (ARC), and persons with seropositive test results pose significant and delicate issues for employees in the workplace. Accordingly, the following procedures have been established for handling employee issues that may arise when an employee is affected by this disease:

1. The Town of Milford is committed to maintaining a safe and healthy work environment for all of its employees.
2. Consistent with this commitment, the Town of Milford will treat AIDS in the same manner as other illnesses in terms of all of our employee policies and benefits, such as group health and life insurance, disability leave of absence, and other disability benefits.
3. Based on the overwhelming preponderance of currently-available medical and scientific opinion and data, including statements from the United States Public Health Service Center for Disease Control, there is no evidence that the AIDS virus is casually transmitted in ordinary social or occupational settings or conditions. Therefore, subject to changes in available medical information, it is the policy of the Town of Milford that employees with AIDS, or any of its related conditions, may continue to work and the Town will provide them with reasonable accommodation as long as they are medically able to perform the duties of their position. Employees who are affected by AIDS – or any other life-threatening illness – will be treated with compassion and understanding in dealing with their personal crisis. Co-workers will be expected to not harass or otherwise discriminate against an AIDS-infected employee.
4. The Town of Milford recognizes the need for all employees to be adequately informed about AIDS and we will make every effort to have current information available regarding the facts about this disease, how it is or is not transmitted, and how best to contain it from spreading. Employees who would like to be provided with this information should contact the Human Resources Department.
5. Employees affected by AIDS or any of its related conditions – or who are concerned about AIDS – are encouraged to contact the Director of Human Resources (673-4987), the Town Administrator (673-2257), or the Chairman of the Board of Selectmen to discuss their concerns and to obtain additional information.
6. As required by law, the Town of Milford will treat all medical information obtained from employees with AIDS – or any of its related conditions – with confidentiality.

There are free testing centers throughout the State of NH which provide anonymous testing, if requested. In the southern NH area, testing centers are located in the following cities:

* + **Manchester** : Manchester Health Department, 795 Elm Street, 3rd Floor, Tel. 624-6467
  + **Nashua** : Community Health Department, 11 Mulberry Street, Tel. 880-3355
  + **Portsmouth** : Feminist Health Center, 232 Court Street, Tel. 436-7588

The State of NH has established an AIDS hotline at 1-800-872-8909 and there is an AIDS Information Line whose number is (603) 224-3341. Additionally, the NH Department of Public Health maintains a listing of physicians who have volunteered to treat AIDS patients.

The Town of Milford reserves the right to change this policy and make appropriate revisions, additions, amendments or corrections. The Town recognizes its responsibility to notify employees of any substantive changes or new developments in the treatment of AIDS or AIDS-related diseases.

#### TOWN OF MILFORD POLICY

**Re: DRUG FREE WORKPLACE**

The Town of Milford, by and through its Board of Selectmen, provides and advocates a drug-free workplace in accordance with the Drug Free Workplace Act of 1988. This policy is to reiterate and state in a formal fashion the Board of Selectmen’s policy regarding work-related effect of drug use and the unlawful possession of controlled substances on Town of Milford premises. The Town’s policy is as follows:

* Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, healthful, safe and secure work environment.
* The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on Town of Milford premises – or while conducting Town of Milford business off Town premises – is absolutely prohibited.

Violations of this policy will result in disciplinary action up to and including termination and may have legal consequences. The Selectmen recognize drug dependency as an illness and a major health problem. The Selectmen also recognize drug abuse as a potential health, safety and security problem. Employees needing help in dealing with such problems are encouraged to seek this help through our health insurance plan or, when appropriate, through confidential discussion with their supervisor.

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug statute for violations occurring on Town of Milford premises or while conducting Town of Milford business. A report of a conviction must be made to the Department Head within five (5) days after the conviction (this requirement is mandated by the Drug Free Workplace Act of 1988).

The Town of Milford, through its Board of Selectmen, will notify the granting agency within ten (10) days after either receiving notice from an employee or otherwise receiving notice of such conviction.

Within thirty (30) days after receiving notice with respect to any employee who is so convicted, the Town of Milford will take appropriate personnel action against such employee including requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health and/or law enforcement agency or other appropriate and certified agency for this purpose and/or termination.

**Adopted** by the Milford Board of Selectmen this 13th day of February 1995.

/s/ John E. Ruonala, Chairman /s/ Marilyn S. Kenison, Vice-Chairman

/s/ Richard H. Mace, Sr., Selectman /s/ Peter R. Leishman, Selectmen

/s/ Rosario Ricciardi, Selectman

##### **TOWN OF MILFORD**

##### **EDUCATION REIMBURSEMENT POLICY**

**FOR REGULAR FULL-TIME, NON-UNION EMPLOYEES**

The Milford Board of Selectmen has approved that an allocation of funds would be included in the general fund benefits budget each year, pending approval by the voters at the Annual Town Meeting, to provide tuition reimbursement to regular, full-time, non-union employees of the Town who have successfully completed their probationary period and who participate in approved course work at an accredited college or university.

In order to apply and qualify for tuition reimbursement, the employee must complete and submit to his/her Department Head a Town of Milford “Application for Education Assistance” and an “Authorization for Deduction/Reimbursement of Tuition.” prior to attendance of any course. All courses ***must*** be pre-approved by the employee’s Department Head in order to qualify for tuition reimbursement. The Department Head ***must*** certify that the courses support or improve the employee’s proficiency in his/her current or future position with the Town. A course will not be eligible for reimbursement unless it is approved ***in advance*** by the employee’s Department Head. Once the application and authorization forms are signed by the employee and approved by the Department Head, they are to be forwarded to the Human Resources Department to be placed in the employee’s Personnel File.

As a general rule, classes or courses for which tuition reimbursement is being sought ***may not*** be taken on Town time and ***must*** be taken during hours when an employee is not scheduled to work. Prior to an employee being able to enroll in a course whose class hours ***could*** conflict with that employee’s normal work schedule, ***advance*** arrangements are to be made with the employee’s Department Head for authorization to change or modify the employee’s work schedule in order to accommodate the class hours. At no time will course attendance be permitted to cause any overtime liability for the Town.

Tuition expenses will be reimbursed after the completion of (a) course(s). Employees must submit a Town of Milford “Request for Educational Reimbursement” to their Department Head no later than January 31st of any given year for courses completed between January 1st and December 31st of the previous year. Accompanying the reimbursement request must be a copy of the college/university transcript, certificate, or diploma indicating that the employee has successfully completed the course(s) with a grade of “C” or above (or a “pass” grade if grading is pass/fail) and a receipt or statement from the college/ university showing proof of payment. Reimbursement is for tuition expenses only and does not cover the cost of books, lab fees, etc.

Reimbursement checks will be issued in February once all requests have been submitted to the Finance Office by the Department Heads. Reimbursement to each individual will be based on each individual’s total tuition expense as a percentage of the total expense of all employees requesting reimbursement times the total appropriation in the previous year’s general fund benefits budget. In no case will reimbursement exceed the amount of tuition actually paid by the employee.

As indicated on the “Authorization for Deduction/Reimbursement of Tuition,” it is expected an employee receiving tuition reimbursement from the Town of Milford will remain in the employment of the Town for a period of one (1) year following the date of reimbursement. If employment is terminated for any reason prior to the expiration of the one-year period, the employee shall be responsible for a pro-rated percentage of the tuition reimbursement. In this case, the employee agrees to repay the Town of Milford any sums due by authorizing deductions from final paycheck(s) or, if the sum due exceeds the final paycheck(s), the employee agrees to pay the amount due within sixty (60) days of termination or, at the option of the Town, to enter into a payment schedule for repayment of this debt.

All reimbursement payments are contingent upon the amount of money allocated in the budget for this purpose. Following is an example of how funds could be allocated if reimbursement requests exceed budget funding:

**EXAMPLE**

Employee A took 2 courses at $500 each. Requests reimbursement for $1,000

Employee B took 7 courses at $950 each. Requests reimbursement for $6,650

Total requests are $7,650 ($1,000 + $6,650). Appropriation was $5,000.

Employee A receives reimbursement of $ 653.59 (1000/7650 x 5000)

Employee B receives reimbursement of $4,346.41 (6650/7650 x 5000)

**TOWN OF MILFORD**

**FORM 1 – APPLICATION FOR EDUCATION ASSISTANCE**

The Town of Milford offers tuition reimbursement for eligible full-time, regular employees (i.e., employees who have successfully completed their probationary period) who pursue job-related educational courses. (For detailed information on eligibility and other guidelines, refer to the “Education Reimbursement Policy” in the Employee Handbook of Personnel Rules or contact the Human Resources Director.)

In order to qualify for course reimbursement, this form – together with the **“Authorization for Deduction/ Reimbursement of Tuition”** (Form 2), must be completed and submitted to your Department Head for approval and authorization to attend the requested course(s).

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Course Title:** |  | | | | |
| **Educational Institution:** |  | | | | |
| **Estimated Cost:** |  | | | | |
| **Employee’s Future Goals and/or Reason for Taking This Course (If additional space needed, attach documentation).** | | | | | |
| **By signing this form, employee agrees to reimburse the Town of Milford if his/her employment is terminated (either voluntarily or involuntarily) within twelve (12) months from date of education reimbursement.** | | | | | |
|  | |  |  |  |  |
| Employee’s Signature | |  | Department |  | Date |
| Employee Name (Print) | | | | | |

**DO NOT WRITE BELOW THIS LINE**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Verification by Department Head:** | | Eligibility requirements have been met: | \_\_\_\_\_\_Yes | \_\_\_\_\_\_No |
|  | | **Approval:** | \_\_\_\_\_\_Approved | \_\_\_\_\_\_Denied |
| **If denied, reason:** |  | | | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| Dept Head Signature |  | DH Print |  | Date |

**TOWN OF MILFORD**

**FORM 2 – AUTHORIZATION FOR DEDUCTION/REIMBURSEMENT OF TUITION**

I have submitted an “**Application for Education Assistance (Form 1)**” together with this “**Authorization for Deduction/Reimbursement of Tuition (Form 2)**” and will be submitting the form “**Request for Educational Reimbursement (Form 3)”** requesting tuition reimbursement from the Town of Milford upon completion of the course(s) taken under this Application. I understand and acknowledge all courses eligible for tuition reimbursement must be job-related, and that I must have completed the probationary period and be an employee in good standing prior to the start of the course(s). I understand the course(s) must be taken at an accredited institution and I must receive a minimum of a Grade “C” (or “pass” if the course is pass/fail). Tuition reimbursement is only available to full-time, regular employees of the Town of Milford.

I further understand it is expected I will remain in the employment of the Town of Milford for a period of not less than twelve (12) months following the date reimbursement is made. If my employment is terminated prior to the expiration of the 12 months, whether voluntarily or involuntarily, I authorize the Town of Milford to withhold from my last paycheck(s) a pro-rated percentage of such tuition reimbursement. I further understand I am responsible for such pro-rated percentage of tuition repayment and, in the event the tuition reimbursement owed exceeds the amount of my last paycheck(s), I agree to repay the Town of Milford any sums due within sixty (60) days or, at the option of the Town, to enter into a payment schedule.

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Employee Signature Date |  | Witness Signature Date |
|  |  |  |
| Employee (Print Name) |  |  |

**TOWN OF MILFORD**

**FORM 3 – REQUEST FOR EDUCATIONAL REIMBURSEMENT**

Note: Reimbursement is dependent upon submission of the appropriate paperwork.

In order to be reimbursed for education expenses, complete this form and submit to your Department Head for approval and submission to the Finance Department.

|  |  |
| --- | --- |
| **Employee’s Name (Print):** |  |
| **Course(s) Taken:** |  |
| **Date Completed:** |  |

Please attach the following documentation to this form:

* Tuition bill or proof of tuition cost
* Grade Report (The Town of Milford will not provide reimbursement without this item)

|  |
| --- |
|  |
| Employee Signature Date |

**DO NOT WRITE BELOW THIS LINE**

**Verification by Department Head:**

|  |  |  |
| --- | --- | --- |
| **Application for Education Assistance form completed and approved:** | \_\_\_\_\_\_Yes | \_\_\_\_\_\_No |
| **Required documentation attached:** | \_\_\_\_\_\_Yes | \_\_\_\_\_\_No |
| **Reimbursement amount approved:** (to be distributed in accordance with Education Reimbursement Policy) | $ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| Dept Head Signature |  | DH Print |  | Date |

**FINANCE**

Reimbursement Amount Paid: $

Entered in Financing: Date:

**FORM 4 – TOWN OF MILFORD PROMISSORY NOTE**

|  |  |  |
| --- | --- | --- |
|  | ($ ) | |
| TEN (10%) PERCENT INTEREST, ONE (1) YEAR TERM MILFORD, NH | | DOLLARS |

FOR VALUE RECEIVED, the undersigned

|  |  |
| --- | --- |
| **Employee’s Name (Print):** |  |
| **City, Town State Zip** |  |
| **County** |  |

State of New Hampshire(hereinafter “Maker”), does hereby promise to pay in lawful money of the United States of America to the order of the Town of Milford, a duly authorized municipal organization with a principal place of business at Town Hall, One Union Square, Milford, County of Hillsborough, State of New Hampshire, the principal sum of

($ ) **DOLLARS**, over a period of **ONE (1) YEAR** together with interest thereon at the rate of **TEN (10%) PERCENT PER ANNUM**, to be repaid in monthly installments of

($ ) **DOLLARS** per month until the entire indebtedness is repaid in full.

The first payment of this indebtedness will commence on the first of the month following Maker’s date of educational reimbursement from the Town and will continue monthly thereafter until said amount shall be paid in full or in kind according to the terms of the Education Reimbursement Agreement attached hereto and incorporated herein by reference. Said payments shall be made to the Selectmen’s Office, at the address set forth above, or at such other place as the holder hereof may designate in writing.

Maker reserves the privilege of paying the principal in full, or any portion or portions thereof, before the date of maturity without penalty.

If default be made in the payment when due of any installment of principal or interest, then the whole sum of principal and interest shall become immediately due and payable at the option of the holder of this Note without notice. Failure to exercise this option with respect to any default shall not constitute a waiver of the right to exercise the same in the event of any subsequent default.

And each and every party to this instrument, whether maker, endorser, surety, or otherwise, hereby waives presentment for payment, notice of dishonor, demand, protest, and notice of protest thereof, and agrees in case payment shall not be made at maturity to pay the costs of collection including reasonable attorney’s fees occasioned thereby.

**IN WITNESS WHEREOF** I have set my hand this day of , 20 .

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Employee Signature Date |  | Witness Signature Date |

**DATE OF TUITION REIMBURSEMENT**:

(To be completed by Finance Department)

Distribution:

Finance Department

Department Head Personnel File

Education Reimbursement Policy 07/04/rab

**FORM 5 – TOWN OF MILFORD EDUCATION REIMBURSEMENT AGREEMENT**

**Page 1**

**THIS AGREEMENT** is entered into this day of , 20 by and between

|  |  |
| --- | --- |
| Employee’s Name (Print): |  |
| City, Town State Zip |  |

(hereinafter “Employee”) and the **TOWN OF MILFORD, NEW HAMPSHIRE** (hereinafter “Town”):

**WHEREAS** The “Employee” has applied for tuition reimbursement from the “Town”; and

**WHEREAS** The “Town” has accepted the “Employee’s” Application for Education Assistance and, among other things, the “Town” has expended the sum of $ and in return for said investment the “Town” expects to receive the services of the “Employee” for a period of one (1) year from the date of tuition reimbursement; and

**WHEREAS** The “Employee” acknowledges that he/she has received said tuition reimbursement at the expense of the “Town” which could be used by him/her in future employment endeavors not necessarily limited to his/her employment with the “Town”; and

**WHEREAS** The “Town” has reimbursed the “Employee” the sum of $ and the parties hereto are desirous of having that debt represented in the form of a Promissory Note from the “Employee” to the “Town” which Note shall provide for payment of the said $ at the rate of ten (10%) percent to the extent that the “Town” does not receive twelve (12) full months of services from the “Employee.”

**NOW THEREFORE**, the “Employee” and the “Town” do hereby mutually covenant and agree:

1. That the cost of the education reimbursement is $ and that the “Town” has reimbursed this amount to the “Employee” referred to herein and, accordingly, the parties agree that the “Employee” shall, concurrently with the execution of this Agreement, execute a Promissory Note payable to the Town of Milford in the principal amount of $ \_\_\_ together with interest thereon at the rate of ten (10%) percent per annum, which amount shall be paid in the form of twelve (12) equal monthly installments of $ . Said amount shall be payable in monthly payments, as indicated, with the first such payment commencing thirty (30) days after the payment of the education reimbursement as referred to above and a like amount on the 30th day of each and every month thereafter until said amount, together with interest, is paid in full as represented by the Promissory Note, a copy of which is attached hereto and incorporated herein by reference.
2. It is understood and agreed that the “Town” shall forego each of said monthly payments to the extent that the “Employee” remains employed full-time as a Town of Milford “Employee” for a period of twelve (12) months following reimbursement and, if the “Employee” completes twelve (12) months of employment in that fashion, he/she shall be entitled to a discharge, in full, of any moneys due and owing as a result of the aforementioned Promissory Note. In the event that the “Employee” is terminated for cause during the twelve (12) month period or voluntarily resigns during said period, then the “Employee” shall be responsible to the Town of Milford for the payment of the Promissory Note to the extent that there remains an undischarged portion of the debt. It is understood between the parties that the debt shall be amortized by the forgiving and discharge of a monthly payment for each month of employment.
3. No moneys under the Promissory Note will be payable in the event that the “Employee” is required to terminate his/her employment due to a disabling illness or injury. In that event, the Promissory Note shall be discharged and forgiven in full.

**Page 2**

1. It is understood that in the event there is substantial evidence that the “Employee” has been dismissed for cause or as a result of misrepresenting his/her basic qualifications for employment or has caused his/her dismissal, failure, illness or injury in an attempt to avoid paying said Promissory Note, then said Promissory Note shall be payable in full and the exceptions referred to above shall not apply.
2. In the event the “Employee” is called to active Military Duty or is granted a Leave of Absence during the period covered by this Agreement, the period of Agreement shall be extended accordingly.
3. Should the “Employee” terminate employment with the “Town” prior to the expiration of the twelve (12) month term outlined above, then the “Employee” agrees and authorizes the “Town” to deduct any amount due and owing on the Promissory Note from any severance pay due him/her up to the amount of that severance pay, and agrees and promises to repay to the Town any balance due in excess of the amount of the severance pay. Severance pay may include, but is not limited to, accruals for sick leave, annual leave, holiday leave, and sick incentive bonus. All payroll deductions for this purpose will be made on a post-tax basis.
4. This Agreement shall become effective on , the day of execution by the “Employee” and shall remain in full force and effect for the period of time identified in the Promissory Note, unless extended as provided in Paragraph 5 above.
5. This document embodies the whole agreement between the parties hereto and there are no inducements, promises, terms, conditions, or obligations made or entered into by the “Town” other than contained herein.

11) The foregoing provisions are understood and agreed to by the undersigned.

**IN WITNESS WHEREOF**, the parties have executed this Agreement at Milford, New Hampshire, this

day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_

Witness Employee’s Signature

**MILFORD BOARD OF SELECTMEN**:

Witness Chairman

Witness Vice-Chairman

Witness Selectman

Witness Selectman

Witness Selectman

Education Reimbursement Policy 07-04/rab

**TOWN OF MILFORD POLICY ON**

**ELECTRONIC AND TELEPHONE COMMUNICATION**

**PURPOSE**

To describe the Town of Milford’s policy on the use and monitoring of its electronic and telephonic communications systems, including E-mail, voice mail, and social media sites.

**POLICY**

All electronic and telephonic communication systems and all communications and stored information transmitted, received, or contained in the Town’s information system are the property of the Town of Milford. The use of any software and business equipment for private purposes that could result in personal gain or profit, without prior permission from your Department Head, the Town Administrator, or the Board of Selectmen, is strictly prohibited. Town of Milford business equipment includes, but is not limited to, facsimiles, telecopiers, telephones, computers, copy machines, etc. It is the opinion that, at the time of this writing, no such activities are ongoing. Such equipment also may not be used to solicit other individuals for any purpose or to transmit sexually or other offensive messages. All passwords and pass codes are the property of the Town of Milford and no employee may use passwords or pass codes that are unknown to the Town.

Violations of this policy are subject to the progressive disciplinary process as outlined in the current Town of Milford Employee Handbook of Personnel Rules and/or any applicable Collective Bargaining Agreement. To ensure that the use of electronic and telephonic communication systems and business equipment is consistent with the Town’s interests, the Town – or its authorized representative(s) – may, from time to time, monitor the use of such equipment and may print out and read all E-mails entering, leaving, or stored in these systems.

**PROCEDURE**

Current employees will acknowledge receipt of this policy and its intent in a meeting with their Department Head. Said policy is hereby incorporated by reference into the current Town of Milford Employee Handbook of Personnel Rules and/or any applicable Collective Bargaining Agreement.

New employees will be required to sign for a copy of the Town of Milford Employee Handbook of Personnel Rules or applicable Collective Bargaining Agreement upon acceptance of employment with the Town of Milford.

**SOCIAL MEDIA GUIDELINES**

1. **PURPOSE**

The Town of Milford endorses the secure use of social media to enhance communication and information exchange; streamline processes; and foster productivity with its employees. These guidelines establish the Town’s position on the use and management of social media and provide guidance on the management, administration, and oversight of social media. These guidelines are not meant to address any one particular form of social media but to apply to all forms of social media including emerging technologies.

1. **SCOPE**

These guidelines shall apply to all employees and department volunteers of the Town of Milford.

1. **PHILOSOPHY**

Social media provides a valuable means of assisting the Town in providing community education, community information, emergency preparedness, and other related community objectives. It also provides citizens with a valuable tool for communicating with the Town. The Town also recognizes the role that social media tools may play in the personal lives of its employees. However, employees and volunteers must be aware that their use of social media, even in their personal lives, can have an effect on the performance of their duties and could negatively impact the Town. These guidelines provide specific restrictions and prohibitions on the use of social media when acting as a representative of the Town of Milford as well as guidance of a precautionary nature as to the use of social media by Town personnel in both their personal and professional lives.

1. **DEFINITIONS**

|  |  |
| --- | --- |
| ***Blog:*** | A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments. |
| ***Post:*** | Content an individual shares on a social media site or the act of publishing content on a site. |
| ***Profile:*** | Information that a user provides about himself or herself on a social networking site. |
| ***Social Media:*** | A category of Internet-based resources that enable the user to generate content and encourage other user participation. This includes, but is not limited to, social networking sites: Facebook, MySpace, Twitter, YouTube, Wikipedia, blogs, and other sites. |
| ***Social Networks:*** | Platforms where users can create profiles, share information, and socialize with others using a range of technologies. |
| ***Speech:*** | Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication. |
| ***Town Personnel:*** | Refers to employees and department volunteers of the Town of Milford. |

1. **PROCEDURES**
   1. Prior to creating a social media site, departments should consider the need and value of a department or program dedicated site versus relying on the Town website to disperse department or program information. Department staff should calculate the time and effort it will take to maintain a site such that the information posted will remain current and that visitors will continue to find the site useful over time.
   2. Department Heads must obtain approval from the Town Administrator and the Director of Community Media prior to creating a social media account.
   3. Department Heads must approve the creation of social media accounts within their departments and appoint specific staff members to maintain the sites. Department Heads are responsible for ensuring that their staff follows the procedures set forth in these guidelines and monitoring the sites for appropriate use by their employees.
   4. All approved uses of social media must be reported to the Town’s Director of Community Media. The Director of Community Media will maintain a list of all active Town social media sites, *including login and password information*. Passwords must not be changed without first informing the Director of Community Media of the change. The Director of Community Media must be informed if the department intends to stop operating its social media site.
   5. Department staff is responsible for monitoring comments, immediately removing any prohibited content, and saving content as required by the NH Right-To-Know law ([RSA 91-A](http://www.gencourt.state.nh.us/rsa/html/vi/91-a/91-a-mrg.htm)). In addition, when staff removes content that they deem to be inappropriate, they need to include their name, the date and time the content was removed, and a brief explanation as to why the content was removed.
2. **CONTENT**

**Town Posted Information**

1. The most appropriate uses of Town social media sites are:

* Time-sensitive and emergency information such as road closures and weather emergencies.
* As a communications/marketing tool which increases the Town's ability to broadcast its messages to the widest possible audience. Specifically this would include such things as advertising upcoming Recreation Department events, or upcoming meetings of the various Town committees, boards or commissions.

1. Information posted to the Town's social media sites is subject to the New Hampshire Right-To-Know law ([RSA 91-A](http://www.gencourt.state.nh.us/rsa/html/vi/91-a/91-a-mrg.htm)).
2. Wherever possible and reasonable, content posted to the Town’s social media sites will also be available on the Town's main website.
3. Social media sites shall clearly indicate that they are maintained by the official department and shall have the department logo and contact information prominently displayed.
4. Each social media site shall include an introductory statement that clearly specifies the purpose and scope of the Town’s presence on the site.
5. Social media sites should contain links directing users back to the Town's website for in-depth information, forms, documents, or online services necessary to conduct business with the Town of Milford.
6. Social media sites shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure.
7. Information posted on social media sites must be related to official Town business.
8. Town employees shall be professional in all social media outlets, especially when responding to criticism or negative posts.
9. Town Employees are expressly forbidden to misuse any social media access privileges in any way that may include, but are not limited to:
   1. Using social media accounts for unlawful activities, including violations of copyright law, or for activities that are malicious or have the effect of harassing other users.
   2. Violating the terms of service policies of any network to which they are utilizing. For example, when maintaining a Town Facebook page, Facebook’s published Terms of Service must be adhered to.
   3. Misrepresenting the Town's programs or policies in their communications.
   4. Conducting political activities or private business.

**Information Posted by Outside Individuals**

For all Town social media sites that allow posts and/or comments, those sites are limited public forums that are moderated by Town staff to ensure content posted by outsiders is appropriate.

1. Posted content (including comments, photos and links) must be related to the topic posted by the Town to be considered appropriate.
2. Information posted to the Town's social media sites is subject to the New Hampshire Right-To-Know law (RSA 91-A).
3. Inappropriate and prohibited content is subject to immediate removal from the site. This includes, but is not limited to, content that:
   * Is not topically related to the particular article being commented upon.
   * Promotes or advertises commercial services, entities or products.
   * Supports or opposes political candidates or ballot propositions.
   * Is obscene
   * Discusses or encourages illegal activity.
   * Promotes, fosters, or perpetuates discrimination on the basis of creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation.
   * Provides information that may tend to compromise the safety or security of the public or public systems.
   * Violates a legal ownership, including, but not limited to, copyright law.
   * Spam
4. **PERSONAL USE**

The following section provides guidance of a precautionary basis on the use of social media by Town personnel in both their personal and professional lives.

1. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair or impede the performance of their duties, impair discipline and harmony among coworkers, or negatively affect the public perception of the department.
2. As public employees, department personnel are cautioned that their speech either on or off duty, and in the course of their official duties on matters of public concern, may not necessarily be protected speech under the First Amendment.
   1. This speech may form the basis for discipline if deemed detrimental to the Town or department and the speech is not protected by the First Amendment.
   2. Employees should assume that their speech and related activity on social media sites will reflect upon their position within the Town.
3. Employees shall not post, transmit, or otherwise disseminate any information to which they have access as a result of their employment without written permission from the appropriate Board or Commission or their designee.
4. Employees may not divulge information gained by reason of their authority; make any statements, speeches, appearances, and endorsements; or publish materials that could reasonably be considered to represent the views or positions of the Town without expressed authorization.
5. Employees shall, at all times, exercise diligence to avoid holding themselves out as spokespersons for their department except when duly authorized to do so. For this reason, the use of titles, department logos, Town- owned images, or identification as an employee of the department when using social media sites is prohibited.
6. Employees and volunteers engaged in patient care are prohibited – while on or off duty – from posting federal HIPAA-defined, patient-identifiable information or information that can reasonably be used to identify a patient in any form that relates to the past, present or future physical or mental health of an individual. Additionally, employees and volunteers are prohibited from releasing scene or patient photographs or from discussing patient care, transport and activities on personal social media sites or the department’s social media site without the expressed written permission of the department Privacy Officer.
7. **DISCIPLINARY ACTION**

Any disciplinary action for violations of these guidelines will follow, and be consistent with, the Town of Milford Employee Handbook, the Town of Milford Ethics Policy and/or any applicable collective bargaining agreement.

**TOWN OF MILFORD POLICY ON EMPLOYEE BADGES**

**TO :** ALL DEPARTMENT HEADS, BOARDS, COMMISSIONS, COMMITTEES

**FROM:** KATHERINE E.L. CHAMBERS, TOWN ADMINISTRATOR

**SUBJ :** POLICY REGARDING EMPLOYEE IDENTIFICATION BADGES

**DATE :** SEPTEMBER 9, 2003 (REVISED 11/24/2003)

At a meeting of the Milford Board of Selectmen held on Monday, November 24, 2003, the Board of Selectmen voted to amend Paragraph 2 of the Policy Regarding Employee Identification Badges. The amended language appears below:

1. All employees of the Town of Milford will be issued an “Employee Identification” badge (“Badge”) which shall contain at a minimum: Town of Milford logo, photo of the employee, employee name, department, department phone number, department supervisor and the Town seal.
2. The “Badge” must be maintained securely in the employee’s possession when the employee is working. The “Badge” shall be offered as identification if requested by a member of the public or by another Town employee. Whether or not employees must wear the “Badge” in a visible location on their person during working hours shall be determined at the sole discretion of the employee’s Department Head.
3. Unauthorized or inappropriate use of the “Badge” is prohibited and may result in disciplinary action up to and including termination.
4. The Human Resources Director shall be responsible for issuing the “Badge” upon commencement of employment. Should a “Badge” be lost, damaged or destroyed, it should be immediately reported to the Human Resources Director.
5. The “Badge” shall contain accurate information at all times. Employees may request that the Human Resources Director re-issue their “Badge” – at no charge to the employee – to reflect a change in name or department. All “Badges” shall be returned to the Human Resources Director before a new “Badge” can be issued. The Town will replace lost, damaged or destroyed “Badges” one time at no cost to the employee. The employee will reimburse the Town in the amount of Five ($5.00) Dollars for the cost of issuing subsequent “Badges.”
6. All “Badges” are the property of the Town of Milford and shall be returned to the Human Resources Director during the exit interview or upon termination of employment if no exit interview is warranted.

**EFFECTIVE DATE: November 24,2003**

**TOWN OF MILFORD BOARD OF SELECTMEN POLICY NO. 2006-04.08**

**TO:** ALL DEPARTMENT HEADS, BOARDS, COMMISSIONS, AND COMMITTEES

**FROM:** GUY SCAIFE, TOWN ADMINISTRATOR

**SUBJ:** POLICY AND PROCEDURE ON TOWN OFFICIALS AND TOWN EMPLOYEE ETHICS

**DATE:** ENACTED Tuesday, December 26, 2006 (amended JUNE 25, 2012, MAY 23, 2011, NOVEMBER 2009, JULY 14, 2008, JUNE 23, 2008, MAY 27, 2008 &August 27, 2007)

At a meeting of the Milford Board of Selectmen held on Tuesday, December 26, 2006, the Board of Selectmen voted to adopt the following Policy regarding Town Officials and Town Employee Ethics (this Policy amended by the Board of Selectmen on June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 &August 27, 2007):

***2006.04.010 Definitions***

In this policy:

1. "Town official" means any elected Town official or individual appointed by the Board of Selectmen to serve on a Town board, committee, subcommittee or commission.
2. "Town employee" means any individual employed by the Town of Milford.
3. "Gift" or "Contribution" means any money, discount, or thing of value received in excess of $50 from any single source during any calendar year. “Gift” shall not include contributions as defined in RSA 664; a commercially reasonable loan made in the ordinary course of business; meals and beverages consumed in the course of official business; ceremonial gifts or awards which have insignificant monetary value; unsolicited gifts of nominal value or trivial items of informational value; reasonable expenses for food, travel, and lodging for a meeting at which a Town official or Town employee participates in a panel or a speaking engagement; gifts of tickets or free admission extended to a Town official to attend charitable or political events, if the purpose of such gift or admission is a courtesy customarily extended to the office; gifts that are purely private and personal in nature; or gifts from relatives by blood or marriage, or a member of the same household.

*Board of Selectmen Policy 2006-04.08 Ethics – Page 1*

*EFFECTIVE DATE: December 26, 2006 (Amended by Board of Selectmen June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 & August 27, 2007)*

***2006.04.020 Principles of Public Service***

The following section describes a set of values that should be aspired to by all Town officials and Town employees. These items in and of themselves *do not* form the basis for an ethics complaint.

1. Public Service as a Public Trust -

Town officials and Town employees should treat their positions as a public trust, only using the powers and resources of their positions to advance public interests, and not to attain personal benefits or pursue any other private interest incompatible with the public good.

1. Principle of Independent Objective Judgment -

Town officials and Town employees should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.

1. Principle of Accountability -

Town officials and Town employees should assure that government is conducted openly, equitably and honorably in a manner that permits the citizenry to make informed judgments and hold Town officials and Town employees accountable.

***2006.04.030 Grounds for an Ethics Complaint***

The following sections describe the items upon which an ethics complaint may be based. Any ethics complaint must specify the section or sections of this paragraph upon which the complaint is based.

1. Impression of Influence

Town officials and Town employees shall conduct their official and personal affairs in such a manner that they cannot be improperly influenced, and so as to avoid any appearance of improper influence, in the performance of their official duties.

1. Conflict of Interest

Town officials and Town employees shall avoid conflicts of interest. "Conflict of interest" means a situation, circumstance, or financial interest, which has the potential to cause a private interest to interfere with the proper exercise of a public duty. Town officials and Town employees shall not participate in any matter in which they, or their spouse or children, have a private interest which may directly or indirectly affect or influence the performance of their duties. In any instance where there is a conflict of interest or there could be the appearance of a conflict of interest, the Town official or Town employee shall disclose the circumstances prior to the time the matter arises for official consideration or decision. Such disclosures by Town officials shall be made to the board, committee, subcommittee or commission on which the official serves, and disclosures by Town employees shall be made to the Town Administrator.

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*EFFECTIVE DATE: December 26, 2006 (Amended by Board of Selectmen June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 & August 27, 2007)*

1. Misuse of Position

No Town official or Town employee shall disclose or use confidential or privileged information for personal benefit or for financial gain. Town officials and Town employees shall not use their governmental positions to secure privileges or advantages for themselves, which are not generally available to Town officials or Town employees, or to improperly secure governmental privileges or advantages for others.

1. Acceptance and Giving of Gifts

Any Town official and any Town official’s spouse or dependent, and any Town employee and any Town employee’s spouse or dependent, who gives, solicits, accepts, or agrees to accept a gift from a person or entity who is subject to any matter or action pending before or contemplated by the Town official, Town employee, or by the governmental body with which that individual is affiliated shall disclose the gift prior to the time the matter or action arises for official consideration or decision. Disclosure by Town officials shall be made to the board, committee, subcommittee or commission on which the official serves, and disclosure by Town employees shall be made to the Town Administrator. Disclosure made by Town officials or Town employees shall be recorded in the official minutes of all meetings at which the matter or action is discussed or considered. Nothing in this section shall be construed to prohibit gifts made to the Town of Milford and accepted in accordance with the law.

***2006.04.040 Supplemental Policies***

In addition to this Ethics Policy, each Town board, committee, subcommittee and commission, and each Town department, may promulgate a supplemental ethics policy to address issues specific to that organization. In the event of a conflict, the provisions of this Ethics Policy shall supersede any such supplemental policy; provided however, that for those Town of Milford departments or agencies who have established Codes of Conduct or Codes of Ethics with provisions that are more stringent than those contained herein, then those more stringent provisions shall apply.

***2006.04.050 Milford Board of Selectmen Procedure for Implementing the Ethics Policy***

1. Filing the Complaint
2. Any individual having information that any town official or town employee is or has been engaged in activities, or is or has been subject to a condition that constitutes a violation of the Ethics Policy, may present a complaint to the Ethics Committee. The conduct that is the basis for the complaint must have occurred within one year prior to the date the complaint is filed.
3. The complaint form can be obtained from the Town’s Web site or in person from the Board of Selectman’s office at Town Hall during normal business hours.

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*EFFECTIVE DATE: December 26, 2006 (Amended by Board of Selectmen June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 & August 27, 2007)*

1. A complaint shall be presented in writing and shall be signed under oath before a notary public. The complaint shall allege the specific facts constituting the alleged violation of the Ethics Policy, shall name a specific person or persons who are alleged to have violated the Ethics Policy, and shall specifically state the particular provisions of section 2006.04.030 of this document that are alleged to have been violated.
2. The complaint shall be submitted to the Board of Selectmen’s office at Town Hall during regular business hours in a sealed envelope addressed to the Ethics Committee
3. Requests for advice relating to compliance with the Ethics Policy can be submitted in writing or by email directed to the Ethics Committee. A request for advice must identify the person requesting the advice.
4. The Ethics Committee

In the event of an alleged ethics violation, the complaint will be addressed according to one of the following three scenarios:

1. If the individual being accused is a town employee (excluding the Town Administrator), the complaint will be turned over to the Town Administrator to be addressed according to established town procedures.
2. If the individual being accused is a member of the Board of Selectmen, a town official who has been appointed by the Board of Selectmen, or if the person being accused is the Town Administrator, the complaint will be heard by the Ethics Committee.
3. If the individual being accused is a member of the Ethics Committee itself, the complaint shall be heard by the Board of Selectmen, according to the procedures described herein.

In any of the above scenarios, if a member of the Ethics Committee, Board of Selectmen, or the Town Administrator feels that he or she would not be able to impartially conduct the business of the Committee/Board, he or she shall bring it to the attention of the Committee/Board chair person for replacement or recusal.

1. Formation of the Ethics Committee
2. The Ethics Committee shall consist of five (5) voting members and two (2) alternates. Members and Alternates shall be private citizens who are residents of the Town of Milford and who do not hold any town official position in the Town.
3. The first Ethics Committee shall be appointed by the Board of Selectmen with preferential consideration being given to members of the ad hoc Ethics Committee that was appointed by the Board of Selectmen in March of 2008. At the Committee’s first meeting the appointed members shall determine by lot:
   1. which member will serve for a one-year term
   2. which two members will serve for a two-year term

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*EFFECTIVE DATE: December 26, 2006 (Amended by Board of Selectmen June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 & August 27, 2007)*

* 1. which two members will serve for a three-year term

1. The two Alternate members shall be appointed by the Board of Selectmen to serve terms of three (3) years.
2. The Board of Selectmen will appoint members to the Ethics Committee after these initial terms are completed. All newly appointed and reappointed members shall serve terms of three (3) years.
3. Should a vacancy on the Committee arise, the remaining members of the Ethics Committee will nominate to the Board of Selectman a town resident to serve out the remainder of the term.
4. Purpose and Charge

The purpose of the Ethics Committee is to:

1. Educate Town Officials regarding the provisions of the Town of Milford Ethics Policy.
2. Provide advice and counsel to Town Officials regarding ethical issues with which they are confronted.
3. Hear and resolve ethics complaints which are filed against Town Officials.
4. Confidentiality
5. All regular business of the Ethics Committee, including training, working on policies, and deliberations on requests for advice shall be conducted in public sessions, in accordance with RSA 91-A.
6. All reviews of complaints, preliminary hearings, hearings, and deliberations on complaints or hearings shall be conducted in non-public session, in accordance with RSA 91-A:3(c).
7. Any complaint received by the Ethics Committee is a confidential document and is not disclosable under RSA 91-A.
8. If the person against whom the complaint is made requests that the proceedings be conducted in public session, that request will be honored only if permissible by law.
9. Preliminary Review
10. Within two weeks of receiving a complaint, the Ethics Committee shall consider the complaint at a meeting and determine if the complaint has sufficient merit to warrant a hearing or further investigation. The Ethics Committee shall dismiss the complaint if any of the following applies:
11. The complaint does not meet the requirements of section 2006.04.050 (A) of this document. If the complaint is dismissed on this basis, the committee shall invite the complainant to resubmit the complaint in proper form.

*Board of Selectmen Policy 2006-04.08 Ethics – Page 5*

*EFFECTIVE DATE: December 26, 2006 (Amended by Board of Selectmen June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 & August 27, 2007)*

1. The complaint alleges facts that, if true, would not constitute a violation of the Ethics Policy or alleges facts that constitute constitutionally protected or legally protected conduct.
2. The complaint is frivolous, scurrilous, or retaliatory in nature.
3. The complaint alleges facts that may constitute a violation of criminal law. In this case, the Ethics Committee may consult with the Town’s Chief of Police, in accordance with all confidentiality provisions of RSA 91-A, and, if necessary, shall refer the complaint to the applicable law enforcement authorities and shall take no further action on the complaint until notified of the conclusion of any criminal investigation or criminal proceeding.
4. If the complaint is being investigated by law enforcement, the Ethics Committee shall notify the complainant that the matter has been transferred to law enforcement.
5. If the complaint is investigated by law enforcement and there is a determination that no criminal activity occurred, the complaint shall be returned to the Ethics Committee and it shall follow its standard process for reviewing a complaint.
6. Regardless of whether the Ethics Committee dismisses the complaint or finds the complaint to have sufficient merit to warrant a hearing or further investigation, the Committee shall promptly notify the complainant and the person against whom the complaint is made. The notification shall be in writing and shall include a copy of the Committee‘s written finding.
7. If the complainant fails to move forward to proceed with the complaint, the Ethics Committee may, at its discretion, continue to review the complaint and make a determination if a violation of the Ethics Policy has occurred.
8. The Hearing
9. The hearing shall be held within four weeks of the date the complaint is received by the Ethics Committee.
10. The Ethics Committee shall request that the complainant and the person against whom the complaint is made attend the hearing.
11. The hearing shall provide the opportunity for all parties to be heard and to present evidence. Witnesses shall testify under oath.
12. The Ethics Committee shall determine all cases by a preponderance of the evidence in deciding whether or not there has been a violation of the Ethics Policy.
13. The Ethics Committee shall have all powers at the hearing available under applicable law, including subpoena authority.

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*EFFECTIVE DATE: December 26, 2006 (Amended by Board of Selectmen June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 & August 27, 2007)*

1. The Ethics Committee may dismiss the complaint at any stage of the proceedings if the Ethics Committee determines that one or more of the reasons for dismissal, as stated in section 2006.04.050 (F:1) of this document, are applicable.
2. The Findings
3. Within one week of the conclusion of the hearing, the Ethics Committee shall make a determination, in writing, of whether the person against whom the complaint is made has violated the Ethics Policy.
4. The Ethics Committee shall notify the complainant, the person against whom the complaint is made, and the Selectmen, in writing, of the determination of the complaint and the applicable recommendation.
5. Any determination by the Ethics Committee shall become public upon being forwarded to the Board of Selectmen. If it is determined by the Ethics Committee that a violation has occurred, the Ethics Committee shall recommend such sanctions, if any, that it deems appropriate. Such sanctions may include, but are not limited to, any one or more of the following:
6. In the case where the person who violated the Ethics Policy is a Selectman or the town administrator, the Ethics Committee may:
   1. Vote to recommend the removal of the person from office (to the extent authorized by law);
   2. Vote to recommend that the person resign from his or her office;
   3. Vote to recommend a public censure of the person;
   4. Vote to recommend a private censure of the person;
   5. Vote to recommend that a letter of counseling be issued to the person regarding the determination.
7. The factual findings and determination of the Ethics Committee shall be final and are not to be overruled or modified by the Board of Selectmen, it being further understood that the Board of Selectmen is not obligated to take action on any recommendations forwarded to it by the Ethics Committee.
8. The Board of Selectmen shall notify the complainant and the person against whom a complaint is made, in writing, of the disposition of the complaint.
9. Other Issues
10. To the extent that these procedures may conflict with the terms of any collective bargaining agreement that is binding on the Town of Milford, the terms of the collective bargaining shall apply.

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*EFFECTIVE DATE: December 26, 2006 (Amended by Board of Selectmen June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 & August 27, 2007)*

**Severability:**

If any provision of this Policy or the application thereof to any person or circumstance is held invalid, the invalidity does not affect the other provisions or applications of this Policy which can be given effect without the invalid provision or application, and to this end the provisions of this Policy are severable.

**Effective Date:**

This Policy shall become effective upon adoption by the Milford Board of Selectmen and upon its distribution to Town Departments and any other relevant governing bodies/organizations (if applicable).

Gary L. Daniels, Chairman Tim Finan, Vice Chairman

Katherine Bauer, Member Mike Putnam, Member

Mark Fougere, Member

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*EFFECTIVE DATE: December 26, 2006 (Amended by Board of Selectmen June 25, 2012, May 23, 2011, November 2009, July 14, 2008, June 23, 2008, May 27, 2008 & August 27, 2007)*

#### TOWN OF MILFORD POLICY ON

**EQUAL EMPLOYMENT OPPORTUNITY & NON DISCRIMINATION**

The Town of Milford recognizes that Equal Employment Opportunity (EEO) and non-discrimination are extremely important concepts. In accordance with Federal, State and Town policy, it is unlawful to discriminate against anyone because of sex, sexual orientation, race, color, national origin, religion, lawful political and employee organization affiliation, age, marital status, or disabilities. The Town has a legal and moral responsibility to uphold the law. You, as an employee of the Town of Milford, have a similar responsibility.

In the areas of sexual harassment and/or ethnic and racial slurs, the Town has an even greater responsibility. The Town can be held responsible for the actions of its employees.

The Town of Milford is serious in its commitment to Equal Employment and non-discrimination. All complaints of discrimination and harassment will be thoroughly and completely investigated and any worker(s) found participating in these types of activities will be disciplined in accordance with the Town of Milford Personnel Policies and applicable management/union contracts.

The Board of Selectmen hopes that you will be a strong member of the Town’s Equal Employment Opportunity/Non-Discrimination team and that you will support all of our efforts in these areas and report any incident of discrimination and/or harassment which you may learn about to your Department Head, Town Administrator, Human Resources Director, or the Chairman of the Board of Selectmen.

The Town of Milford, through its Board of Selectmen, appreciates your cooperation in this matter.

***Court Policy:*** If a Sergeant is scheduled in advance to appear in court on a non-duty day, then he/she shall be compensated from portal-to-portal for the actual time required for this court appearance plus travel time at the rate of one and one-half times his/her regular hourly rate of pay. If the notification for any court appearance is less than a 24-hour period, then this event shall be treated as “call back” and he/she shall be paid a minimum of three (3) hours time to be paid at the rate of one and one-half time his/her regular hourly rate of pay. If the travel to and from court plus the time spent at court exceeds the 3-hour minimum, then he/she shall be paid for the actual time spent for this court appearance plus travel time at the rate of one and one-half times his/her regular hourly rate of pay.

**TOWN OF MILFORD POLICY ON**

**EXIT INTERVIEWS**

**Purpose:**

To ensure that exiting employees are informed of their benefits and rights and to maintain accurate records on reasons for employee terminations.

**Policy:**

It is the policy of the Town of Milford to ensure that any employee whose employment is being terminated (voluntarily or involuntarily) receives an exit interview. The exit interview shall be held at the time of the employee’s discharge. The interview will be conducted by the Human Resources Director. The objectives of the exit interview are as follows:

* To determine the actual reason for an employee’s resignation;
* To discover any grievances the employee may have about the department in order that corrective action(s) may be undertaken;
* To discover any misunderstandings the employee may have had about his/her job, or with his/her supervisor(s) in order that corrective action(s) may be undertaken;
* To retain the goodwill of the employee toward the Town;
* To review administrative details with the employee such as benefits continuation rights and conversion privileges, if any, final pay, re-employment policy, and employment compensation; and
* To arrange for the return of any Town of Milford property which has not already been returned to the department supervisor?

**Procedure:**

1. When an employee announces his/her intention to resign, the supervisor/department head should schedule an exit interview for the employee with the Human Resources Director as soon as possible.
2. When a decision has been made to terminate an employee, the employee should meet with the Human Resources Director for an exit interview as soon as possible, as appropriate.
3. During the exit interview, the Human Resources Director will seek to meet all objectives listed in this Exit Interview Policy statement.
4. The departing employee will complete the Exit Interview Form (sample attached) as thoroughly as possible.
5. Any information obtained during the exit interview shall be disclosed to (and/or discussed with) the supervisor, the Department Head, the Town Administrator and the Board of Selectmen in order to investigate any allegation(s) made and/or to be made aware of emerging problem(s). The Department Head, the Town Administrator and/or the Human Resources Director may make recommendations to the Board of Selectmen for corrective action based on the information contained in the exit interview.

**TOWN OF MILFORD**

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**EXIT INTERVIEW FORM - VOLUNTARY**

|  |  |  |
| --- | --- | --- |
| **Employee’s Name:** | | **Job Title:** |
| **Department:** | | **Employed From:**  **Employed To:** |
| **Reason for Leaving (check one)**  **Resignation Discharge Layoff Other** | | |
| Have you accepted another position? Yes No  If yes, where? | | |
| Present Title: | New Title: | |
| Present Salary: | New Salary: | |
| Additional Fringe Benefits offered by new employer: | | |
| 1. How long ago did you begin searching for another position?  What incident or circumstance(s) made you begin looking for another job? | | |
| 2. What were the reasons you decided your career goals could not be met here or could be better met somewhere else? | | |
| 3. Did you speak with your supervisor or anyone else in management or the Administration Office concerning your career goals? Yes No | | |
| 4. If the answer to 3 above was Yes, what was the outcome of this conversation? | | |
| 5. If the answer to 3 above was No, why not? | | |
| 6. Did you get along well with your supervisor? Yes No  If No, please explain: | | |
| 7. How well did your supervisor handle any complaints or grievances you may have had? | | |
| 8. What could have been done to make your job here more rewarding? | | |

|  |
| --- |
| 9. What did you like best about your job? |
| 10. What did you dislike about your job? |
| 11. What makes the Town of Milford a good place to work? |
| 12. What makes the Town of Milford a poor place to work? |
| 13. How does your new position compare with the one you are leaving? |

14. How would you rate the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | Outstanding | Very Good | Satisfactory | Fair | Unsatisfactory |
| Job responsibilities? |  |  |  |  |  |
| Opportunity for achieving goals? |  |  |  |  |  |
| Work environment? |  |  |  |  |  |
| Supervisor? |  |  |  |  |  |
| Pay? |  |  |  |  |  |
| Benefits? |  |  |  |  |  |

|  |
| --- |
| 15. What recommendations would you have for making your department and/or the Town a better place to work? |
| 16. Would you have stayed if a more-satisfactory arrangement could have been worked out? Yes No  If yes, please explain: |
| 17. It has been explained to me that completion of this Exit Interview form is voluntary and I was given the option not to complete this form if I so desired. Yes No |
| 18. I authorize the placement of this Exit Interview form in my personnel file: Yes No |

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Employee Signature |  | Date |

Additional documentation is attached

**TOWN OF MILFORD**

**NOTICE TO EMPLOYEES REQUESTING FAMILY OR MEDICAL LEAVE**

The Family and Medical Leave Act of 1993 (FMLA) requires covered employers to provide employees who request FMLA leave with a written notice spelling out the employee’s specific expectations and obligations and explaining the consequences of failure to meet these obligations. Attached – for additional information – is a copy of the Town of Milford’s FMLA Policy and the U.S. Department of Labor’s FMLA Fact Sheet.

* 1. If the requested leave is for any of the purposes described in paragraph 2 of the attached Policy, the leave taken will be counted against the entitlement of up to twelve (12) work weeks of FMLA leave during any twelve

(12) month period.

* 1. If the requested leave is for purposes described in paragraph 2.c or 2.d of the attached Policy, the employee must submit to the Human Resource Department – through his/her Department Head – a certification from a qualified health care provider containing the information described in either paragraph 12 or 13 of the attached Policy.
  2. The employee is required to substitute paid leave for FMLA leave under conditions described in paragraph 1 of the attached Policy.
  3. If the employee elects to continue health benefits during the period of FMLA leave, the employee must continue to pay his/her share of the premiums. The requirements for the payment of such premiums are described in paragraph 6 of the attached Policy.
  4. If the leave is for the employee’s own serious health condition, the employee may be required to submit a fitness-for-duty certification before returning to work.
  5. Upon returning from an FMLA leave, unless one of the exceptions in the law applies, an employee will be restored to the position of employment held when the leave commenced or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment.
  6. If the employee fails to return to work following FMLA leave (or returns but fails to stay thirty (30) calendar days) for reasons other than the commencement or continuation of a serious health condition entitling the employee to leave under paragraphs 2.c or 2.d of the attached Policy, or for other circumstances beyond the employee’s control (as described in FMLA regulations), the employer may recover the premiums it paid for maintaining health benefits coverage for the employee during the leave period. If the employee elects to continue health benefits during FMLA leave but fails to pay his/her share of the premiums the employer may, at its discretion, either cancel the health benefits or pay the employee’s share of the premium and recover such premium payments from the employee.

**TOWN OF MILFORD POLICY ON**

**FAMILY AND MEDICAL LEAVE ACT (FMLA)**

1. As of the applicable effective date of the Family and Medical Leave Act (February 5, 1994 for employees under Collective Bargaining Agreements; August 5, 1993 for all others), an employee is eligible to request an FMLA leave if he/she has been an employee for at least twelve (12) months and has worked a minimum of 1,250 hours during the twelve (12) month period immediately preceding the leave.
2. Subject to the requirements described in this policy, an eligible employee may request – and will be granted – up to twelve (12) work weeks of ***unpaid*** FMLA leave during any twelve (12) month period for one or more of the following events:
   1. the birth and first year care of a child;
   2. the placement of a child for adoption or foster care in the employee’s home;
   3. the care of the employee’s spouse, child, or parent with a serious health condition;
   4. for employees who have service members in the Armed Forces; or
   5. the employee’s own serious health condition which renders him/her unable to perform the functions of his/her job.
3. For purposes of calculating the amount of FMLA leave an eligible employee may take, the term “during any twelve (12) month period” means a rolling twelve (12) month period measured backward from the date the requested leave will be used (but not earlier than the applicable effective date).
4. The taking of an FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commenced provided, however, that nothing in this policy shall entitle any employee who returns from leave to the accrual of any seniority or additional employment benefits during the period of the leave.
5. Unless one of the exceptions in the law applies, an employee who takes an FMLA leave for one or more of the intended purposes of the leave shall be entitled – upon timely return from the leave – to be restored to the position of employment held when the leave commenced or to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
6. At the election of the employee, during the period of an FMLA leave any group health plan as defined by the FMLA will be maintained for the duration of such leave and at the same level and under the same conditions that coverage would have been provided if the employee had continued in employment for the duration of the leave. During an FMLA leave, the employee will be responsible for paying his/her share of the premium. While on an ***unpaid*** FMLA leave, the employee will be responsible for paying this part of the premium by submitted payment to the Finance Department on or before each regular payday. The employer may recover its share of the premiums for maintaining coverage for the employee under such group health plan during the period of an FMLA leave if the employee fails to return to work (or returns but fails to stay for thirty (30) calendar days) for reasons other than the continuation or onset of a serious health condition entitling the employee to leave under paragraphs 2.c or 2.d above, or for other circumstances beyond the employee’s control. Certification of inability to return to work as specified and allowed by the FMLA may be required.
7. An employee will be required to substitute accrued paid leave – appropriate for the type of leave requested - for any unpaid FMLA leave, as permitted by the FMLA regulations, excepting that the employee will be entitled to retain one (1) week of accumulated annual leave on the books unless otherwise requested. Upon exhaustion of any accrued paid leave, the remainder of any FMLA leave will be unpaid. In no case will the combination of paid and unpaid leave used for any FMLA purpose exceed twelve (12) work weeks in any twelve (12) month period.
8. FMLA leave for the birth/care of a child – or for the placement of a child for adoption or foster care – must be taken within the twelve (12) month period which starts on the date of such birth or placement. Regardless of when such leave begins, it will end no later than the end of the twelve (12) month period. Unless specifically permitted, FMLA leave for the foregoing purpose(s) cannot be taken on an intermittent or reduced leave schedule.
9. If both spouses are employed by the Town, they shall each be entitled to twelve (12) work weeks of FMLA leave during any twelve (12) month period for purposes described in paragraph 2.a or 2.b above.
10. An eligible employee who foresees that he/she will require a leave for the birth/care of a child – or for adoption or foster care placement – must notify the Human Resource Department in writing, through his/her Department Head, not less than thirty (30) calendar days in advance of the start date of the leave. If not foreseeable, the employee must provide as much written notice as is practicable under the circumstances – generally within two (2) working days of learning of the need for the leave.
11. An employee who foresees the need for a leave of absence due to planned medical treatment for him/herself or for his/her spouse, child or parent, should notify the Human Resource Department in writing, through his/her Department Head, as early as possible so that the absence can be scheduled at a time least disruptive to the Town’s operations. Such notice should be at least thirty (30) calendar days in advance of the start of the leave, unless impractical, in which case the employee must provide the written notice as early as circumstances permit – generally within two (2) working days of learning of the need for the leave.
12. If the requested leave is to care for a spouse, child or parent who has a serious health condition, the employee will be required to file with the Human Resource Department in a timely manner – through his/her Department Head – a health care provider’s statement – as allowed by the FMLA – that the employee is needed to care for the spouse, child or parent and an estimate of the amount of time that the employee is needed for such care.
13. If the requested leave is due to a serious health condition of the employee which renders him/her unable to perform the functions of his/her position, the employee may be required to file with the Human Resource Department – through his/her Department Head – a health care provider’s statement as allowed by the FMLA.
14. Subject to the limitations and certifications allowed by the FMLA, only leaves taken under paragraphs 2.c or 2.d above may be taken intermittently or on a reduced leave schedule when medically necessary, provided a health care provider has certified the expected duration and schedule of such leave; and provided further that where such leave is foreseeable based upon planned medical treatment, the employee may be required to – or may elect to – transfer temporarily to an available alternative position for which the employee is qualified and which has equivalent pay and benefits and better accommodates recurring periods of leave than the employee’s regular position.
15. An employee on an approved leave under this policy must report to the Human Resource Department – through his/her Department Head – every thirty (30) days regarding his/her status and intent to return to work upon conclusion of the leave. An employee may also be required to submit a fitness-for-duty certification before returning to work.
16. In any case, where there is reason to doubt the validity of the health care provider’s statement or certification for leave taken under paragraphs 2.c or 2.d above, the Town may, at its expense, require second and third opinions, as specified by the FMLA, to resolve the issue.
17. The provisions of this policy are intended to comply with the Family & Medical Leave Act of 1993 and any terms used from the FMLA will be as defined in the Act or the U.S. Department of Labor (“DOL”) regulations. To the extent that this policy is ambiguous or contradicts the Act or DOL regulations, the language of the Act or regulations shall prevail.

**TOWN OF MILFORD**

**FAMILY AND MEDICAL LEAVE ACT**

#### FORM 1 – MEDICAL INSURANCE ELECTION

**For purpose of these forms health insurance will apply interchangeably to health and/or dental - insurance, whichever is applicable.**

(Sign 1, 2 **or** 3 Below)

1. While I am on unpaid Family and/or Medical Leave, **I wish to continue my health insurance**. I agree to pay my share of the premium to the Town on each regular pay day.

($ \_\_\_\_\_\_\_\_\_\_\_\_\_\_ per pay period).

* 1. I understand that if I fail to pay my share of the health insurance premium when

due, the Town may (1) cancel my health insurance for the remainder of the leave; or (2) pay my share of the premium and collect such amounts from me.

If the Town pays my share of the premiums, I hereby authorize the Town to de- duct such amounts from my paychecks when I return to work.

* 1. I also understand that if I fail to return to work at the conclusion of the leave (or return to work but fail to stay thirty (30) calendar days) unless caused by my serious health condition or that of my spouse, child or parent, or by other circum- stances beyond my control, the Town may collect from me all premiums it paid for my health insurance during the period of leave.

## WARNING: READ BEFORE SIGNING. THIS DOCUMENT CONTAINS AN AUTHORIZATION TO MAKE DEDUCTIONS FROM YOUR PAYCHECK FOR HEALTH INSURANCE PREMIUMS.

1. While I am on unpaid Family and Medical Leave, **I do not wish to continue my health insurance**.
2. **N/A** – **I have opted out of Health and/or Dental Insurance with the Town.**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
| Employee Signature |  | Print |  | Date |  | Witness Sign |

**TOWN OF MILFORD POLICY ON MATERNITY LEAVE**

**\_\_\_\_\_ Not Applicable**

Based upon the recommendation of a qualified health care provider, the Town of Milford shall permit a female employee to utilize sick leave, personal leave, and vacation leave, if any, and then take unpaid leave for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. Maternity leave taken by a female employee who is eligible for leave under the Town’s Family and Medical Leave Act (FMLA) Policy shall count as part of the twelve (12) weeks of FMLA Leave, however, the length of the maternity leave shall be governed by this Policy and shall not be limited to the available FMLA Leave time if the period of disability is longer.

**FORM 2 – TOWN OF MILFORD REQUEST FOR LEAVE OF ABSENCE**

**NAME: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Type of Leave requested (**Check all that apply**): With Pay: Without Pay:**

FMLA Medical (Self) Educational

FMLA Medical (Spouse/Child/Parent) Visit Other Government Agency

FMLA Non-Medical (Birth/Adoption) Elected Delegate to Constitutional Convention

Non-Medical (Extended Vacation/Personal) Military (Attach Copy of Orders)

Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ COVID-19 Reasons 1 – 3 Reason 4 Reason 5

(Explain)

**Start Date** (First date of leave)\_\_\_\_\_\_\_\_\_\_\_ **Return Date** (Date of return to work) \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Note:** For other than long-term Military Orders, a Leave of Absence (with or without pay) may only begranted for a period not-to-exceed three (3) months. Any Leave of Absence required beyond this 3-month period must be re-applied for by the applicant for one subsequent 3-month period.

**Reason for Requested Leave** (Explain why leave is required)**:**

**If COVID Related: Do you want to use Sick bank Sick Personal**

**Floating Holiday Vacation Any of the above / in order to make yourself whole.**

**Time will generally be used in the above order.**

**Certification from a physician or qualified health-care provider is required for leave requests due to the serious health condition of the employee or of the employee’s spouse, child or parent. This certification form is available from the Human Resource Department.**

|  |  |  |
| --- | --- | --- |
| Employee Signature: |  | Date: |
| Supervisor Signature |  | Date: |
| Town Administrator Approval: |  | Date: |

**Certification from a physician or qualified health-care provider forms (**<https://www.dol.gov/agencies/whd/fmla/forms>)

* [WH-380-E Certification of Health Care Provider for Employee’s](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-380-E.pdf)
* [Serious Health Condition](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-380-E.pdf) [WH-380-F Certification of Health Care Provider for Family Member’s Serious Health Condition](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-380-F.pdf)
* [WH-384 Certification of Qualifying Exigency For Military Family Leave](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-384.pdf)
* [WH-385 Certification for Serious Injury or Illness of Covered Servicemember -- for Military Family Leave](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/WH-385.pdf)
* [WH-385-V Certification for Serious Injury or Illness of a Veteran for Military Caregiver Leave](https://www.dol.gov/sites/dolgov/files/WHD/legacy/files/wh385V.pdf)

**TOWN OF MILFORD POLICY Re:**

**MATTERS BEFORE THE NH HOUSE OR SENATE**

At a meeting of the Milford Board of Selectmen held on Monday, July 12, 2004, the Board of Selectmen voted to adopt the following Policy regarding Town of Milford employees taking positions on matters before the State of New Hampshire House of Representative or the Senate:

1. No Town of Milford employee shall, without the prior approval of the Board of Selectmen or the Town Administrator, make statements or release for publication any written materials or photographs concerning the operations or administration of the Town to any body of the State Legislature while holding themselves out as representing the Town or the Department in such matters,.
2. When an individual is acting as a representative or employee of the Town, the use of discretion regarding public statements on governmental policy shall at all times be consistent with the philosophy, Mission Statement, goals, and objectives of the Town of Milford.
3. Any employee who is found to be in violation of this policy shall be subject to disciplinary procedures as outlined in the current Town of Milford Employee Handbook of Personnel Rules.

There is nothing in the foregoing policy to preclude an employee from taking a personal position on matters before any body of the State Legislature, so long as the employee does so solely as a private citizen and does not hold him/herself out as representing the philosophy, Mission Statement, goals or objectives of the Town of Milford or his/her Department.

**EFFECTIVE DATE:** July 20, 2004

**TOWN OF MILFORD**

**REQUEST TO WAIVE LUNCH OR EATING PERIOD**

<https://www.nh.gov/labor/documents/lunch-eating-waiver.pdf>

**RSA 275:30-a Lunch or Eating Period.** – An employer may not require an employee to work more than 5 consecutive hours without granting him a 1/2 hour lunch or eating period, except if it is feasible for the employee to eat during the performance of his work, and the employer permits him to do so.

I \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ understand that my Employer, Town of Milford, offers a lunch or eating time as defined in [RSA 275:30-a](http://gencourt.state.nh.us/rsa/html/XXIII/275/275-30-a.htm).

* I am hereby voluntarily requesting permission not to take this time as offered.
* I understand that at any time I wish to take the lunch or eating time I will be allowed to do so.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| Employee Signature |  | Print Name |  | Date |

The above request is hereby Approved Not Approved

If denied, please state reason: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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| Department Head Signature |  | Date |

**Note:** For each year the employee wishes to waive a lunch or eating period, this form needs to be signed and submitted.

**TOWN OF MILFORD POLICY**

**REGARDING DEDUCTIONS FROM SALARIES FOR EMPLOYEES EXEMPT FROM OVERTIME PAY REQUIREMENTS**

**( SAFE HARBOR POLICY)**

***Introduction:***

The US Department of Labor regulations regarding payment of overtime require – as a preliminary threshold for exemption from overtime pay requirements – that an employee be paid on a salary basis.

The Regulations review the types of deductions which may be made from an employee’s salary during any pay period and their effect on the employee’s status as exempt or non-exempt from overtime pay requirements

The Department of Labor has provided some examples of permissible deductions in Fact Sheet 17G – a copy of which is attached to this Policy and made a part hereof. As with any sampling, caution must be exercised by noting that the specific requirements in any given case will be governed by application of the laws and rules in question. Here is how the US Department of Labor describes exemptions from salary:

*Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; for penalties imposed in good faith for infractions of safety rules of major significance; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, an employer is not required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.*

***Policy:***

The Town of Milford is committed to avoiding improper deductions and will act promptly to remedy any situation in which such a deduction may have been made by reimbursing the employee for any such improper deduction not later than the first pay day upon which the reimbursement reasonably may be made following a timely final determination that the deduction was improper.

Any employee who believes that a deduction from salary is improper should discuss the matter with his/her Supervisor who will promptly (normally within twenty-four (24) hours) make an initial determination as to whether the deduction is proper, including a written explanation if it is found that the deduction was proper. The employee should ordinarily initiate this inquiry within forty-eight (48) hours after being paid or being notified of the deduction unless special circumstances justify later action. If the employee is not satisfied with the decision of the Supervisor, the employee may file a written appeal within forty-eight (48) hours to the Board of Selectmen which states the basis for disagreeing with the decision. The appeal shall be considered within seventy-two (72) hours with a final decision issued within ninety-six (96) hours whenever possible. Any final decision of the Board of Selectmen may be appealed in accordance with State or Federal requirements as applicable.

If any deduction was found to have been made improperly, the Town of Milford shall make a sincere and good faith effort to avoid any such improper deductions in the future for the employee and any similarly situated employees.

*Safe Harbor Policy/rab/2006*

**TOWN OF MILFORD POLICY BOARD OF SELECTMAN POLICY NO. 2000-09**

**TO :** ALL DEPARTMENT HEADS, BOARDS, COMMISSIONS, COMMITTEES

**FROM:** LEE F. MAYHEW, TOWN ADMINISTRATOR

**SUBJ :** SEAT BELT POLICY – POLICY NO. 2000-09

**DATE:** AUGUST 22, 2000

At their meeting on Monday, 7 August 2000, the Milford Board of Selectmen adopted the following Policy concerning the use of seat belts by Town of Milford personnel as follows:

**POLICY:**

* 1. All employees of the Town of Milford and [their] passengers are required to wear seatbelts while operating or riding in any moving, Town-owned, vehicle or operating a personal or any other vehicle while in the course of conducting Town of Milford 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 Milford Ambulance Service members 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.
  2. Any employee who, in the opinion of his/her supervisor, is found to be in violation of this policy shall be subject to disciplinary procedures as outlined in the current Town of Milford Employee Handbook of Personnel Rules.

**EFFECTIVE DATE:** 7 August 2000

TOWN OF MILFORD



POLICY ON HARASSMENT

Revised 7.15.2016

The Town of Milford, by and through its Board of Selectmen and in accordance with Title VII of the Civil Rights Act of 1964 (amended 1981) and NH RSA 354A, has determined that the Town will not tolerate the harassment of any employee, citizen, vendor, or any other person having any dealings with the Town.

1. ***Your Rights***

Harassment of any kind violates the “Civil Rights Act.” The Board of Selectmen will not permit or ignore harassment in the workplace. We are committed to providing a workplace free of harassment in any form. Violations of this policy will not be tolerated and any violation may result in disciplinary action up to and including immediate termination of employment.

1. ***Town of Milford Anti-Harassment Policy***

It is the policy of the Town of Milford that all employees should be able to enjoy a work environment free of discrimination and harassment. The Town of Milford ***will not*** tolerate harassment of any type. This policy includes – but is not limited to – harassment based on (1) age, (2) race, (3) color, (4) national origin, (5) religion, (6) sex, (7) sexual orientation, (8) marital status, (9) disability, and (10) veterans’ status. Harassment includes: display or circulation of written materials or pictures degrading to either gender or to racial, ethnic, or religious groups; verbal abuse or insults directed at or made in the presence of members of a racial, ethnic, or minority group; and behavior which is personally offensive, impairs morale, or interferes with the work effectiveness of employees.

Activities falling in the realm of sexual harassment, or harassment in general, distract employees from legitimate Milford functions and serve no useful purpose. Therefore, unwelcomed sexual advances, requests for sexual favors, or verbal or physical conduct that has sexual connotations ***will not*** be tolerated. Sexual harassment includes unwelcomed sexual advances (verbal or non-verbal), requests for sexual favors, and other offensive verbal or physical conduct that is sexual in nature. Sexual harassment undermines the employment relationship by creating an intimidating, hostile, or offensive work environment and will not be tolerated.

In fulfilling their obligation to maintain a positive and productive work environment, managers and supervisors are expected to immediately stop any harassment as soon as they are made aware of it and will take appropriate action – including disciplinary action. Said harassment will be reported ***immediately*** to the Director of Human Resources or to the Town Administrator and will be reported to the Chairman of the Board of Selectmen. Human Resources will actively investigate any allegation of harassment and, if it is determined that harassment has occurred, the Town will take appropriate disciplinary action which may include discharge of the offending employee.

1. ***Purpose of the Policy***

Title VII of the Civil Rights Act of 1964 and New Hampshire’s Law against discrimination (RSA 354-A) prohibits discrimination because of **age, race, color, religion, national origin, marital status, pregnancy, physical disability, mental disability, sex, or sexual orientation in all employment practices including terms, conditions, and privileges of employment.**  The policy of the Milford Board of Selectmen is to prevent harassment in the workplace.

Harassment by any Board of Selectmen member, Department Head, Supervisor, or others ***will not*** be tolerated. Appropriate disciplinary action will be taken against any employee who violates this policy against harassment.

1. ***What Constitutes Harassment***

**Harassment**

Harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of Town of Milford. Verbal taunting (including racial and ethnic slurs) that, in the employee’s opinion, impairs his or her ability to perform his or her job is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

* Verbal harassment includes comments that are offensive or unwelcome regarding a person’s nationality, origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
* Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital or other protected status.

**Sexual Harassment**

Acts that constitute sexual harassment include – but are not limited to – sexual advances and suggestions where:

1. submission to such conduct is either an expressed or implied term or condition of employment;
2. submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; and/or
3. the conduct has the purpose or effect of substantially interfering with an effected person’s work performance or creating an intimidating, hostile, or offensive work environment.

*In other words -*

* **Any demand** or **sexual inference connected with your job. Verbal** or **non-verbal** sexual innuendos, suggestive comments, threats, insults, jokes about specific traits, sexual propositions, suggestive or insulting noises, obscene gestures, physical body contact, or coercing of any sexual activity.
* **Any unwelcomed sexual advances** or **requests for sexual favors** as a term or condition of employment or when this conduct is used as a basis for employment decisions. Furthermore, when such conduct has the purpose or effect of unreasonably interfering with work performance thereby creating an intimidating, hostile and/or offensive work environment.
* **The above acts** are in no way the exclusive means by which sexual harassment can occur. They are merely non-exhaustive examples of potentially prohibited conduct.

Other examples of sexual harassment include – but are not limited to – repeated verbal abuse of a sexual nature, repeated offensive sexual flirtations, graphic verbal commentaries about an individual’s body, sexually degrading words used to describe an individual, repeated brushing against an individual’s body, touching/patting/pinching, sexually explicit gestures, and the display in the workplace of sexually suggestive objects or pictures.

1. ***Policy Implementation Procedures – Employee Responsibility***

Any employee who believes that he/she is being harassed by anyone on the premises of the Town of Milford shall report the harassment using the following steps:

1. Attempt to politely but firmly confront whoever is doing the harassing – state how you feel about his or her actions, and request that the person cease harassing you immediately.
2. If the harassment continues, if you believe some employment consequences may result from your confrontation or if you feel incapable of confronting the harasser directly, go to the Department Head responsible for that department. If the issue involves the Department Head, go to Human Resources. If circumstances prohibit this response, report the behavior to the Town Administrator. Verbally or in writing, state specific details of the harassing behavior.
3. If, after a reasonable length of time, you believe inadequate steps have been taken to resolve your complaint, your next line of recourse is to bring the matter to the attention of the Chairman of the Board of Selectmen for resolution of your problem. The policy of the Board of Selectmen is to listen to all complaints of harassment, investigate, and quickly apply sanctions when appropriate.
4. ***Policy Implementation Procedures – Management Responsibility***

Every member of the Town of Milford Board of Selectmen’s management team is responsible for ensuring that no harassment occurs within his/her area of authority. All Departments Heads and Supervisors, as part of their job requirements, will be responsible for preventing and eliminating harassment in their respective departments or work areas.

1. Any complaint of harassment shall be immediately reported to and receive the immediate attention of the Human Resources Director and/or the Town Administrator who will, in turn, inform the Chairman of the Board of Selectmen.
2. Investigation of a complaint of harassment normally will include conferring with the parties and witnesses named by the complaining employee.
3. Because of their sensitive nature, complaints of sexual harassment will be investigated with particular care and will remain – to the extent possible – strictly confidential.
4. In no event will information concerning a complaint of harassment be released by the Town to any third party or to anyone within the Town’s staff who is not directly involved with the investigation. More specifically, information will not be released to the employee’s family or to the news media. The purpose of this provision is to protect the confidentiality of the employee who files a complaint, to encourage the reporting of any incidence of sexual harassment, and to protect the reputation of any employee wrongfully charged with sexual harassment.
5. If the investigation reveals that the complaint is valid, prompt disciplinary action designed to immediately stop the harassment and to prevent its reoccurrence will be taken.
6. In the event that a complaint is made against a member of the Board of Selectmen, the Chairman of the Board of Selectmen will be the investigating party. In the event that a complaint is made against the Chairman of the Board of Selectmen, the Vice-Chairman or other individual as designated by the Vice-Chairman will be the investigating party.
7. ***Reporting***

Immediately report any acts that affect or interfere with your position in the workplace. All complaints of alleged harassment should be referred immediately utilizing the chain of command as outlined below:

1. Your immediate supervisor/Department Head;
2. The Director of Human Resources;
3. The Town Administrator;
4. The Chairman of the Board of Selectmen or, as appropriate, the Water Commissioners or the Board of Library Trustees.

The matter will be promptly investigated. Confidentiality will be maintained to the extent possible consistent with the need to conduct a prompt and thorough investigation of the complaint.

1. ***Retaliation is Prohibited***

Retaliation or discrimination against any employee for complaining about harassment is strictly prohibited.

Any instance of harassment as described herein, any act of retaliation, or any failure to cooperate in the investigation or resolution of a harassment complaint may result in disciplinary action up to and including immediate termination.

1. ***Corrective/Disciplinary Action***

Sanctions against harassment will be administered dependent upon the circumstances surrounding the incident. Minor first offenses will lead to oral reprimands, written reprimands, time off without pay, or other forms of disciplinary action as outlined in the Employee Handbook of Personnel Rules. Major or multiple offenses will lead to the dismissal of the offender.

1. ***Other Remedies Available***

This policy is intended to offer an in-house resolution to harassment complaints. It in no way excludes an aggrieved party from exercising his/her rights before any other appropriate forum - including the **NH Commission on Human Rights, 603-271-2767** and the **Boston Area Office of the Equal Employment Opportunity Commission,** **1-800-669-4000**. The party under investigation will not discourage or in any other manner dissuade the employee from utilizing his/her external remedies and will assist the employee in the exercise of his/her rights.

*Approved by the Board of Selectman on 8/8/16.*

**TOWN OF MILFORD NO SMOKING POLICY**

In accordance with the State of New Hampshire Indoor Smoking Act of 1991 ([RSA 155:64-77](https://www.dhhs.nh.gov/dphs/holu/documents/hom-isa.pdf)) governing smoking in public buildings, and in accordance with the votes of the 1991 Board of Selectmen and the 1997 Board of Selectmen, the following policy hereby ratifies and puts into writing these past policies as they pertain to no smoking:

1. Smoking within any Town-owned building is expressly prohibited. Smoking shall only be allowed in designated areas outside of the buildings as determined by the appropriate supervisor for that building (e.g., the Police Chief shall designate the smoking area(s) for the police station; the Fire Chief shall designate the smoking area(s) for the fire station, etc.)
2. There shall be no smoking allowed at any time within any Town-owned vehicle.
3. Any employee who in the opinion of his/her supervisor, is found to be in violation of this policy shall be subject to disciplinary procedures as outlined in either the current Town of Milford Employee Handbook of Personnel Rules or the appropriate Collective Bargaining Agreement.

EFFECTIVE DATE: October 24, 2005

TOWN OF MILFORD



POLICY REGARDING WORK HOURS AND

OVERTIME REQUIREMENTS



The Fair Labor Standards Act (FLSA) requires that non-exempt employees MUST be paid for any and all hours worked. It makes no provisions for employees who voluntarily wish to start their work day early or end their work day late in order to complete unfinished tasks. The law requires that the employer MUST pay wages for all time an employee is at his/her work station – whether or not this time is voluntary on the part of the employee.

As such, it is the policy of the Milford Board of Selectmen that employees MAY NOT and MUST NOT work ANY hours beyond their regularly-scheduled work hours without the explicit, prior approval of their supervisor. An employee MAY NOT work and NOT get paid for this work.

This Federal Law and the Board of Selectmen policy as outlined above will be absolutely and strictly enforced.

**Employee Acknowledgement**

I acknowledge that I have received the foregoing policy; that I have read and understand the policy regarding work hours and overtime requirements as outlined above; and that I agree to abide by the fore- going policy.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  |  |  |  |  |
| Employee Signature |  | Employee Print |  | Date |

**Town of Milford Board of Selectmen Policy No. 2015-001**

**Personnel Use of Town Vehicles**

|  |  |
| --- | --- |
| **Policy applies to:** | All Department Heads, Staff, Boards |
| **Approved:** | August 24, 2015 |
| **Amended:** | NA |

1. ***Authority and Purpose***

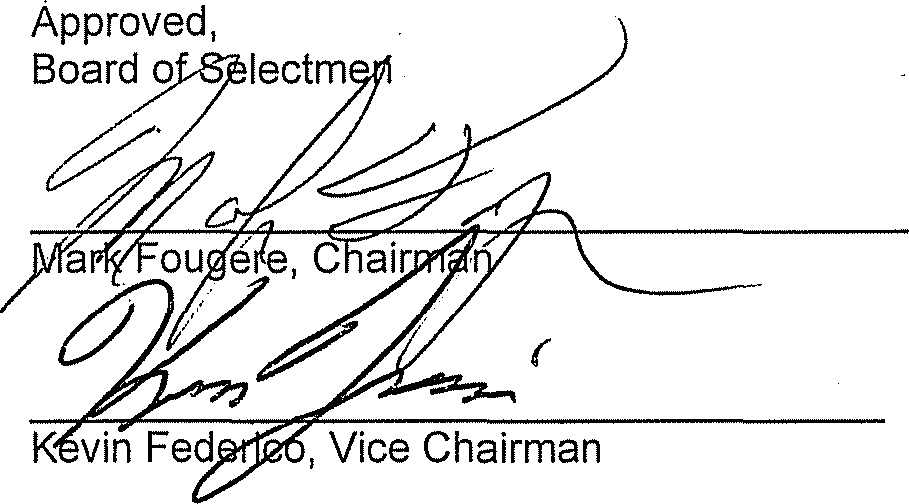
The Board of Selectmen adopted this policy to facilitate efficient and consistent administration of the personnel use of Town Vehicles.

1. ***Policy.***

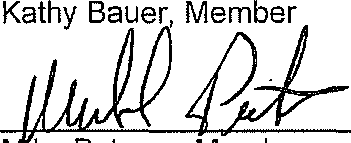
Town vehicles may be taken home by the Police Chief, Fire Chief, Ambulance Director and DPW Director, if those personnel live in town and are on call. Town vehicles may be taken home by other town employees if there is a compelling business reason and this reason has been pre-approved by the Town Administrator. The use under this section is expected to beinfrequent.

Town vehicles shall not be used for personal use.

The Town Administrator shall be responsible for ensuring that all personnel who take town vehicles home are aware of the tenets of this policy.



Gary Daniels, Member



**POLICY REGARDING EMPLOYMENT OF RELATIVES,**

**DOMESTIC PARTNERS, AND / OR SIGNIFICANT OTHERS**

The Town of Milford permits the employment of qualified relatives, domestic partners and/or significant others of employees, as these terms are defined in Chapter 2 *(see Definitions below).*

To avoid the potential appearance of nepotism, and/or any possible conflict of interest, effective June 22, 2015, the Town will only permit employment of relatives, significant others or domestic partners, so long as there is **no Direct Disciplinary Reporting Relationship.** Employees prior to the implementation of this policy shall be considered grandfathered.

That being said,

* + a Town employee **shall not** take part in the hiring process of any member of the employee’s immediate family who is seeking employment with the Town.
  + a Town employee **shall not** be allowed to evaluate, supervise or discipline any member of his/her immediate family who is currently a Town employee.
  + a Town employee **shall** recuse themselves of evaluating, supervising and/or disciplining the employee if a chain of command *currently* exists. Note: The responsibilities will be designated to and performed by the next highest person in the chain of command, provided there is no perceived conflict.

Should a situation interfere with, or conflict arise that impedes with*,* the functioning of the municipality as a result of the employment of qualified relatives, domestic partners and/or significant others of employees, the Town of Milford reserves the right to request that a) one of the employees transfer to another department, provided a position is available and feasible or b) resign. The final decision will fall upon the Town Administrator.

Furthermore,

* + any job applicant seeking employment with the Town **shall be** required to disclose family relationships and/or potential conflicts of interest with existing employees.
  + an employee who finds they fall into the category of “qualified relatives” as defined below **after** employment has been established, has the responsibility to bring this information to the attention of management in writing.
  + Town employees who are in a supervisory capacity over managers that may employ staff falling into the category of “qualified relatives”, will in no way, be allowed to coerce, intimidate, or influence the manager’s direction or discipline as it pertains to their staff. Acts of coercion or intimidation are a basis for immediate discharge.

Employees hired as part-time or seasonal may be excused from the “work schedules or locations” requirement. For example, siblings hired as lifeguards, park rangers, etc. The final decision will fall upon the Town Administrator.

Definitions - **Qualified relatives:**

**“Immediate Family”** includes spouse, children, parents, mother or father-in-law, step-parents, step-children, step-brothers, step-sisters, grandparents, grandchildren, brothers, sisters, legal guardians, sons or daughters- in-law, brothers or sisters-in-law, and wards or relatives residing with in the care of the employee.

**“Domestic Partner”** means two employees of the same or opposite gender who hold each other out as their “life partner.”

**“Significant Other”** means two employees of the same or opposite gender who are involved in a relationship, may reside together, normally with an intention to marry or to become each other’s “life partner.”

Rev: 6.16.15 / Approved by BOS 6.22.15

**TOWN OF MILFORD**

**REGARDING HIRING PROCESS/CRIMINAL RECORD CHECK**

**Purpose:** It is the intent of this Policy to establish a written guideline in order to ensure that all potential employees/volunteers meet or exceed the hiring standards of the Town of Milford.

**Policy:** The Town of Milford shall maintain a standardized hiring policy inclusive of conducting or requiring criminal record checks on potential employees/volunteers in certain job categories. In order to maintain a professional work force within the Town of Milford, the following procedures shall be used by Department Heads during the hiring process:

1. Following a conditional offer of employment being tendered, potential employees/volunteers in the following work force categories shall be required to undergo criminal records checks:
   1. Employees/volunteers working directly in contact with children (e.g., Recreation Department personnel).
   2. Employees/volunteers working around children (e.g., Library personnel)
   3. Employees/volunteers working with/handling money (e.g., Town Clerk’s Office; Tax Collector’s Office, Finance Department, etc.)
   4. Employees/volunteers having to enter residences (e.g., Building Inspector’s Office; Assessor’s Office, Welfare Office; etc.)
   5. Employees/volunteers working with sensitive/potentially hazardous equipment/chemicals (e.g., WWTF personnel)
   6. Employees/volunteers for the Police Department, the Fire Department and the Ambulance Service.
2. Following acceptance of the conditional offer of employment being tendered, the applicant will be required to complete an FBI Identification Record Request ($18.00/fee) and a State of NH Criminal Record Release Authorization Form ($15.00/fee) authorizing the release of this information to the Human Resources Director. Fees to cover the costs of these record checks will be paid out of the Human Resources budget for employees. Fees to cover costs of record checks for Volunteers will be paid by the appropriate department/office.
3. If the results of the criminal records check are negative, the Human Resources Director shall inform the Department Head that he/she may proceed with the hiring process. ~~The negative criminal record check shall be destroyed immediately as required by law.~~
4. If the criminal records check reveals any court records, the Human Resources Director shall inform the Department Head who shall review same as follows:
   1. The Department Head shall make a determination as to whether the applicant is suitable for the position applied for.
   2. The Department Head may solicit the opinion of the Chief of Police or designee relative to the criminal record check document.
   3. The Department Head shall be responsible for making the final decision as to the suitability of the candidate – taking the totality of the circumstances into consideration.
   4. Regardless of the decision of the Department Head as to whether or not to hire the candidate, the criminal record check will be destroyed within thirty (30) days as required by law.
5. Failure to comply with the foregoing process will result in the termination of the application process.

Criminal Records Check Policy/rab/2006

**TOWN OF MILFORD**



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| Policy Name: | Time Clock Policy | Policy Number: | 2017-001-HR |
| Created: | 12/26/17 | Revised Date: |  |

**I. PURPOSE**

The purpose of this policy is to outline the time clock policies of the Town of Milford.

**II. SCOPE**

All employees (exempt and nonexempt) are required to use the time clock system to record their hours worked. Nonexempt employees are required to clock in and out for payroll and attendance purposes. The time clock records will be used to track attendance for exempt employees.

**III. DEFINITIONS**

**Exempt Employees:** Exempt employees are exempt from the provisions of the Fair Labor Standards Act (FLSA).

**Non-Exempt Employees:** Non-exempt employees are not exempt from FLSA standards. Under the FLSA, these employees must be paid for travel time, on-call time and overtime. Non-exempt employees may also be referred to as “hourly” employees.

**Hours Worked:** Hours worked include scheduled hours worked and, for non-exempt employees, overtime hours and compensable travel and on-call time (please refer to the applicable CBA or non-union handbook for definitions and eligibility).

**Overtime:** “Overtime” means authorized work in excess of an established basic workweek of forty (40) hours or as otherwise authorized under the Fair Labor Standards Act.

**Paid time off:** Paid time off refers to the specific type of paid time off provided to Town employees in accordance with the applicable CBA or non-union handbook.

**Meal Periods:** Bona fide meal periods (21-30 minutes or more) are not compensated as work time. The employee must be completely relieved from duty for the purpose of eating regular meals. The employee is not relieved if s/he is required to perform any duties while eating. If a situation necessitates, a meal waiver should be placed on file.

**Rest Periods:** A rest period is between 15-20 minutes and is paid for as working time.

**Clocking in, Punching in (or out)** all denote the same meaning. They refer to the action of utilizing the electronic time and attendance software system and associated hardware to record start and end times of compensable work.

**Travel Time:** Time spent by an employee in travel as part of his/her principal activity, such as travel from jobsite to jobsite during the workday, must be considered as hours worked. An employee who travels from home before the regular workday and returns home at the end of the workday is engaged in ordinary home-to-work activity and is not considered hours worked. See Regulations 29CFR 785.33.

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**Electronic Web Services (EWS) and Mobile Access:** Employees will be required to punch using one of several devices that may include the electronic timeclock, smartphone application (mobile access) or web portal. All necessary functions related to timekeeping can be done at the timeclock. The option to utilize mobile access or web portal is voluntary and at the employee’s expense. The Town of Milford will not be reimbursing employees for the use of the personal devices.

**IV. TIMECLOCK STATIONS**

Employees can punch in or out at any of the time clock stations in any of the municipal buildings. If there is a problem with the time clock, employees should notify their supervisor, who will then notify Human Resources and Finance.

**V. RESPONSIBILITY**

* It is the responsibility of all managers and supervisors to assure compliance with Federal, State and local wage and hour regulations and recording of all hours worked. See Regulations 29CFR 785.13-Duty of Management and labor rule LAB 803.03 Notification and Records(f)1-6.
* It is the responsibility of employees to accurately record hours worked utilizing the electronic time and attendance system.
* It is also the responsibility of each employee to not allow others to punch in or out on their behalf. The employees electronic punch becomes the certified record of their time worked.
* The Human Resource Office and/or Finance Department may audit employee time and attendance data at any time in order to assure compliance with these policies and any other applicable federal, state, local and collective bargaining requirements.

**VI. PROCEDURE**

**1. Punching/Grace period**

Each employee should clock in or out on time.

In the event circumstances prevent that from occurring, employees should clock in no sooner than 7 minutes before or after the scheduled shift and clock out no later than 7 minutes before or after the scheduled shift. There is a 15 minute rounding for punches that occur 8 minutes (or more) before or after the scheduled shift start or end times. Nonexempt employees are required to clock in and out for lunch breaks in addition to at the beginning and end of the day.

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* 1. **Missed Punch**

If an employee misses the window for clocking into the timekeeping system, the employee should notify the supervisor as soon as possible. The supervisor will manually enter the employee’s work hours via the manager time clock portal (SWS) and reflect a reason for the missed punch. Employees who repeatedly miss time clock entries may be subject to disciplinary action.

**3. Lunch breaks**

When clocking in or out at lunch, the time taken will not round. The actual time used will be deducted.

**4. Requests for Time off**

Requests for time off can be done at the time clock. Once the employee submits a request, the employee’s supervisor will receive an email regarding the request. When the supervisor responds, the employee will receive a message at the time clock. If the time off had not been requested in advance, please advise the Administrative Assistant or Department Head prior to Submission of timesheets, so that s/he can make the necessary adjustment on the timesheet. The time clock system will only allow you to process a time off request if there is available time in the system.

**5. Overtime (over 40 hrs/wk for most departments)**

Nonexempt employees are permitted to work overtime only **with prior authorization** from their supervisors. Overtime includes clocking in early or late or working through the scheduled lunch period. Nonexempt employees who work overtime without prior authorization may be subject to disciplinary procedures.

**6. Adjustments to a Timesheet**

Any adjustment made to a timesheet after the employee had submitted the timesheet for processing will result in the timesheet being “re-opened”. The employee will then need to review the change that has been made and either a) approve the change and resubmit the timesheet for processing or b) speak to the manager or admin assistant or department head about the change and any concerns.

**VII. Use of EWS (Electronic Web Services) and Mobile Access**

The employee’s first attempt to punch in or out should always be the timeclock. Should an employee have to report to an external location (ie. External meeting, training, etc.) prior to coming to the work site or should s/he have to leave from a location other than the work site, the employee can use EWS or Mobile Access to punch in

*Page 3 of 4, Adopted: 12/26/17 BOS Approved: 12/26/17*

or out for a given day. If the employee does not wish to use their own devices, they can report their “in-time” or “out-time” to their respective department admin as soon as reasonably possible (within 24 hours). **NOTE:** The use of cell phone (mobile) or laptops (EWS) is voluntary and not a requirement of the Town. There will be no reimbursement for time and/or use of the personal devices as the information can be reported within the department and a manual adjustment can be made by a manager, administrative assistant or department head.

**VIII. Submission of Timesheets**

At the end of a pay period, employees may review and submit their timesheet via the time clock. If a change has been made to the timesheet after the employee has submitted the timesheet for processing, reasonable efforts will be made (24 hrs) to get the employee’s approval of the change. Employees wishing to utilize EWS or Mobile Access can approve the change(s) via these applications.

If the employee does not get back to the department before the designated timecard submittal deadline, the timecard will be “pushed through” and a print-out will need to be signed by the employee indicating agreement with the changes. Any corrections or errors will be remedied in the next payroll.

**IX. Enforcement**

Supervisors are free to use discretion in disciplinary actions when employees have various, albeit repeated, offenses to the timekeeping policy or procedure.

Disciplinary action may occur as the result of the following actions:

• Repeatedly clocking in 8 minutes (or more) early or staying 8 minutes (or more) late

• Missed punches

• Incorrectly reporting time worked

• Altering, falsifying or tampering with time records

• Working unauthorized overtime

Please refer to the Town of Milford Employee Handbook - Disciplinary Action policy for direction on the appropriate disciplinary actions.

**X. Other Departments**

Department Heads may document additional needs in regards to a time clock policy. Employees should make sure they are familiar with your specific department requirements.

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**TOWN OF MILFORD**



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| Policy Name: | Inclement Weather Policy | Policy Number: | 2017-001-HR |
| Created: | 12/26/17 | Revised Date: |  |

1. **POLICY:**

The Town of Milford will always make every attempt to be open for business during publicized work hours even during inclement weather. The municipality reserves the right to close facilities should extraordinary circumstances warrant that action.

1. **PROVISIONS:**
   1. **Essential departments/personnel:**
2. There are several departments – Department of Public Works, Milford Ambulance Services, Milford Fire Department, Milford Police Department and Water Utilities Department – that may be called on during emergency situations in inclement weather.
3. Staffing of these departments is pre-determined by the Department Head to determine best course of action as to who should be reporting to work and who would be deemed non-essential personnel. The Department Head will be responsible for notifying the Town Administrator of staffing adjustments/challenges.
4. Each department should have a phone tree or manner of conveying department closings/staffing to their respective employees.
   1. **Non-essential personnel:**
5. **In all cases, it is the employee’s decision whether s/he is comfortable driving to work in adverse weather conditions.** Anyone may choose to leave the office if he or she feels uncomfortable about driving in the weather conditions. The Department Head or Manager must be informed.
6. For time taken off due to poor weather conditions, employees must use either a personal or vacation day, or floating holiday, when accrued time is available. If accrued time is not available, the employee may designate the time as unpaid.
7. In all cases, employees need to inform their managers how their time will be recorded for that day, as well as documenting time to be used on their timecard, to ensure the manager understands and has the correct information to forward to Finance/Payroll.
   1. **Municipality Open – Delayed Start or Early Close**

All essential and non-essential staff normally scheduled to work should report to work unless otherwise instructed.

* 1. **Municipality Open – Delayed Start or Early Close – Non-essential employees**
     + - **If the Municipality delays the start of the day,**
       - **If the Municipality closes early,**
       - **If the Municipality remains open on an adverse weather day,**

For the above scenarios, employees will be paid for hours worked. To offset a delayed start or early closure, employees must use either a personal or vacation day, or floating holiday, when accrued time is available.

*Page 1 of 2, Adopted: 12/26/17 BOS Approved: 12/26/17*

If accrued time is not available, the employee may designate the time as unpaid. An employee may choose to come into work at the regularly scheduled time, or stay beyond a time the facility is closed to the public, provided there is work to be done and/or means to work is available. **Nonessential employees** may choose to leave work if they feel uncomfortable about driving in adverse weather conditions. It is the responsibility of the employee to communicate concerns/courses of action with the Department Head or Manager.

* 1. **If an employee elects not to report to work on a day the Municipality is open due to weather concerns**, the employee must either:
     1. use any accrued paid time off (vacation, personal or floating holiday) for the missed day or
     2. if accrued time is not available, the employee may designate the time as unpaid.
  2. **Declared State of Emergency** 
     1. The office will be closed following the Governor’s/State of NH directive.
     2. To offset the close of business:
        + Employees must use either a personal or vacation day, or floating holiday, when accrued time is available, or
        + if accrued time is not available, the employee may designate the time as unpaid.
     3. The Town Administrator may, at his/her discretion, authorize a closure as a paid day off in the case of a State of Emergency.
        + Should the Town Administrator authorize a paid day in the case of a State of Emergency, an employee who had already scheduled vacation, personal or holiday time would be required to use the time as requested.
  3. In the case of the **Wadleigh Memorial Library**, the Wadleigh Director, in conjunction with the Library Trustees, should determine the status of opening or closing the facility in the context of inclement weather.

1. **COMMUNICATIONS**
   1. **Reporting Tree as follows**  – **Town Administrator -> Department Heads**
2. Department Heads should follow Department Specific Protocol re: Emergency Notifications. Each Department Head, or designee, should have a current phone list of all employees within their department.
3. Notification to employees should occur using one or more of the following modalities:
4. NIXLE – will be the primary means of contact
5. Alternate means of contact – Phone, WMUR, Town Website, E-mail
6. Employees are encouraged to listen for updates on television (WMUR), check the WMUR website – [www.wmur.com](http://www.wmur.com) or check the Town website - <http://www.milford.nh.gov/>, for information regarding closure on a given day.

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