

Town of Sebago

Personnel Rules & Regulations

for

Municipal Employees

Dated: August 30, 2005

Town of Sebago

Municipal Employees Personnel Rules & Regulations

TABLE OF CONTENTS

Page 4	GENERAL PROVISIONS Article I Article II Article III	<i>Preamble & Purpose</i> <i>Severability</i> <i>Affirmative Action</i>
Page 5	Article IV Article V	<i>Application & Recruitment</i> <i>Physical Exams</i>
Page 6	Article VI Article VII Article VIII Article IX	<i>Compensation</i> <i>Types of Classifications</i> <i>Personnel Records</i> <i>Evaluation of Performance</i>
Page 7	Article X Article XI Article XII Article XIII Article XIV	<i>Employee Conduct</i> <i>Confidentiality Policy</i> <i>Attendance and Lateness</i> <i>Promotions</i> <i>Training & Education</i>
Page 8	Article XV Article XVI Article XVII Article XVIII	<i>Conflict of Interest</i> <i>Gratuities</i> <i>Reimbursement of Expenses</i> <i>Use of Town Property</i>
Page 9	Article XIX Article XX Article XXI	<i>Outside Employment & Compensation</i> <i>Political Activity</i> <i>Disciplinary Actions</i>
Page 10	Article XXII	<i>Grievance Procedure</i>
Page 11	Article XXIII	<i>Policy on Harassment</i>
Page 13	Article XXIV	<i>Infectious Disease Policy</i>

Page 16	Article XXV Article XXVI	Alcohol & Drug Use and Abuse Workplace Smoking Policy
Page 17	Article XXVII Article XXVIII	<i>Resignations</i> <i>Work Schedules</i>
Page 18	Article XXIX Article XXX Article XXXI	<i>Compensatory Time</i> <i>Holidays</i> <i>Vacation</i>
Page 19	Article XXXII	<i>Sick Leave</i>
Page 20	Article XXXIII	<i>Family Medical Leave</i>
Page 21	Article XXXIV Article XXXV	<i>Leave of Absence</i> <i>Military Leave</i>
Page 22	Article XXXVI Article XXXVII Article XXXVIII Article XXXIX Article XXXX	<i>Jury Duty</i> <i>Bereavement Leave</i> <i>All Leave Utilized</i> <i>Health Insurance</i> <i>Life Insurance</i>
Page 23	Article XXXXI Article XXXXII	<i>Flexible Reimbursement Benefits Accounts</i> <i>Worker's Compensation</i>
Page 24	Article XXXXIII Article XXXXIV	<i>Retirement</i> <i>Employee Assistance Program</i>
Page 25	Article XXXXV Article XXXXVI	<i>Rights of Employees Utilizing the Employee Assistance Program</i> <i>Video Display Terminal Training Policy</i>
Page 26	Article XXXXVII Article XXXXVIII	<i>Safety Policy</i> <i>Alcohol & Drug Policy & Testing</i> <i>Procedures for the Omnibus Transportation Employee Testing Act of 1991</i>
Page 43	Article XXXXIX	<i>Effective Date</i>

Town of Sebago

Municipal Employees Personnel Rules & Regulations

GENERAL PROVISIONS

ARTICLE I - PREAMBLE & PURPOSE

1. The Town adopts this Policy for use in the administration of the personnel activities of the employees of the Town of Sebago. These rules and subsequent modifications shall supersede any previous Board of Selectmen policy and rules, and apply to all Town employees. They do not apply to Board appointments or elected Town officials.
2. The Town of Sebago is an equal opportunity employer. As such, the Town policy is to seek and employ qualified personnel in all operations; to provide equal opportunities for advancement including upgrading, promotion and training, and to administer these activities in a manner which does not discriminate against any person because of race, color, gender, age, religion, ethnic or national origin, ancestry or physical/mental disability, or any other protected class as established by State or Federal Law.
3. The Town may delete, amend, modify or change any or all of the provisions contained in this Policy without prior notice. The provisions set forth are not contractual, but rather are for the general guidance of the Town in its relationship with its employees.
4. The general purpose of this policy is to establish a system of personnel administration that meets the social, economic and program needs of the Town of Sebago. This policy includes policies and procedures for employee hiring and advancement, fringe benefits, retirement, discipline and other related activities. All references to masculine gender as used in these rules and regulations are intended to include both male and female.

ARTICLE II - SEVERABILITY

If any provision of these Rules and Regulations or the application hereof to any person or circumstances is held invalid, this invalidity does not affect other provisions or applications of these Rules and Regulations which can be given effect without the invalid provision or application, and for this purpose, the provisions of these Rules and Regulations are severable.

ARTICLE III - AFFIRMATIVE ACTION

As an Equal Opportunity Employer, the Town of Sebago shall employ, upgrade, and promote employees without discrimination as to race, religion, age, sex, disability, national origin or political affiliation, the best qualified persons who are available at the salary level established for the position, with first preference being given to citizens of the Town, all other factors being equal.

ARTICLE IV - APPLICATION AND RECRUITMENT

1. **Responsibility.** The employment of all personnel shall be the responsibility of the Town Manager.
2. **Application.** All applicants must submit a written application for employment on forms provided by the Town of Sebago.
3. **Recruitment.** The character of the recruitment and selection process for all town positions will vary with the position. Within the limits of time during which a position must be filled, there shall be as wide a search for qualified candidates as is practicable. This may include advertising, open competitive examination, contact with state and other employment offices and contact with special sources of information. It shall be the duty of the Town Manager or the responsible body to seek out the most qualified employees for the Town. Citizens of Sebago will be given first preference for the position, all factors being equal among the candidates.
4. **Probation.** All employees are considered probationary for the first six (6) months of employment. The probationary period shall be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without cause and without right to file a grievance. This six month period does not apply to law enforcement positions.

Any employee appointed to a regular position shall be considered on probationary status for the first 180 days of employment. The object of the probationary period is to determine the ability of the employee to adhere to required work standards through a 180-day period of observation and review by the department head.

During the probationary period, the department head, with the approval of the Town Manager, may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose work habits and dependability did not merit his/her continuance of service.

After the first 180 days, the employee shall receive a formal written evaluation by his/her supervisor which will be delivered to the Town Manager. A successful evaluation will result in the employee's being transferred to regular status.

There are no provisions for employee contracts except for the position of the Town Manager. Employees are hired on an "at will" basis. This means an employee can be fired or released from the workforce at any time for any reason or for no reason at all. Each worker is hired for no specific term. The employer reserves the right to terminate the employment relationship at any time.

ARTICLE V - PHYSICAL EXAMS

After a position of employment is offered, the Town may require a physical exam by a physician of the Town's choice at the expense of the Town.

ARTICLE VI - COMPENSATION

The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees. The Town budget, which includes compensation for employees, is adopted at Town Meeting each year. Employees will receive a pay review after their first year of service and then annually prior to the start of each fiscal year.

ARTICLE VII - TYPES OF CLASSIFICATIONS

1. **Regular Full-time.** A regular full-time position shall be year-round in nature, the incumbent shall be required to work the standard work week of their particular department (at least 32 hours per week.) He/she is subject to all personnel rules and regulations and receives all benefits and rights as provided by these rules.
2. **Regular Part-time.** An employee in this classification is scheduled to work less than a full-time work week (at least 20 hours per week but less than 32 hours per week), on a continuing basis throughout the year. The employee is subject to all personnel rules and regulations. Regular part-time employees are not eligible for benefits such as vacation leave sick leave, holiday pay, personal days, retirement benefits, and health, life, or disability insurance.
3. **Temporary Employees.** Temporary employees work on a non-permanent or seasonal basis, usually within a limited time frame. Temporary employees are not entitled to benefits such as vacation leave sick leave, holiday pay, personal days, retirement benefits, and health, life, or disability insurance.
4. **On-call Employees.** On-call employees are paid hourly. Fire and rescue emergency responders are on-call employees. On-call Employees are not entitled to benefits such as vacation leave sick leave, holiday pay, personal days, retirement benefits, and health, life, or disability insurance.

ARTICLE VIII - PERSONNEL RECORDS

Personnel records are maintained for each employee of the Town and are kept in a locked file cabinet. Any employee may review his/her files in the presence of the Town Manager or her/his designee between the hours of 9:00 a.m. and 4:00 p.m., Tuesday through Friday. So as not to cause inconvenience the employee shall set up an appointment with the Town Manager for such a review in advance.

ARTICLE IX - EVALUATION OF PERFORMANCE

Any employee appointed to a regular position shall be considered on probationary status for the first 180 days of employment. After 180 days, the employee shall receive a formal written evaluation by his/her supervisor on a standardized evaluation form. A successful evaluation will result in being transferred to a regular status after 180 days.

After successful completion of the probationary period and transfer to regular status, employees will be reviewed, at a minimum, by their supervisors annually. A copy of all employee reviews shall be kept in the employee's personnel file.

ARTICLE X - EMPLOYEE CONDUCT

All employees are expected and required to treat the public and their coworkers with promptness, patience, courtesy, and respect. Employees are expected to conduct themselves at all times in a manner that will bring no discredit to their department or to the Town of Sebago.

ARTICLE XI - CONFIDENTIALITY POLICY

During the course of their duties, employees of the Town of Sebago often are privy to information about individuals which is sensitive and should be kept confidential. Examples include, but are not limited to, labor relations or personnel actions. Employees are expected to respect the confidential nature of such information.

ARTICLE XII - ATTENDANCE AND LATENESS

Employees shall be at their respective places of work in accordance with the general or departmental regulations. In the event of necessary absence because of illness or any other cause, it is the responsibility of the employee to see that his/her department head is advised of the reason for absence prior to the start of the work day and on each subsequent day so he/she may adjust the daily schedule of work as necessary. Similarly, if you are going to be unavoidably detained for some reason, phone your department head within 2 hours of your start work time, and let him/her know you will be late and when you expect to arrive at the work place. Excessive tardiness or unapproved absences may be cause for disciplinary action and/or termination.

ARTICLE XIII - PROMOTIONS

Town employees will be given maximum opportunity for advancement in the service. Present employees will be given first consideration in filling a vacancy, but it is recognized that the good of the community may require that a vacancy be filled from outside the ranks of employees of the Town of Sebago. A decision will be made only after careful review of the qualifications of all Town employees who apply for the position.

ARTICLE XIV - TRAINING AND EDUCATION

Both the Town and its employees profit from the provisions of educational training opportunities reasonably related to the employee's position for which provisions have been made in the budget. It shall be the responsibility of the Town Manager to provide to Town employees reasonable opportunities for such in-service training and attendance at schools or conferences as will improve quality of performance and bring about more efficient and more effective operations.

Employees may apply for job-related courses or training. The Town will reimburse each employee 100% of the tuition cost only upon satisfactory completion of the pre-approved course. This reimbursement will be authorized for up to 6 credit hours per fiscal year upon prior recommendation of the Department Head and approval of the Town Manger.

Reimbursement may be requested following each approved 3 credit course or program by submitting a tuition receipt and evidence of satisfactory completion to the office of the Town Manager. To insure proper budgeting for tuition reimbursement, employees shall notify their department head and the Town Manager by April 1 of each year when possible concerning anticipated course work or training.

If an employee receives tuition reimbursement but discontinues his/her employment with the Town within one year of receipt of the reimbursement, the total amount of the tuition reimbursement must be refunded to the Town.

ARTICLE XV - CONFLICT OF INTEREST

No Town employee who is authorized to make purchases shall have any pecuniary interest either directly or indirectly in any contract with the Town.

ARTICLE XVI - GRATUITIES

A Town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person, within or outside Town employment, whose interests may be affected by the employee's performance or nonperformance of his/her official duties.

Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

ARTICLE XVII - REIMBURSEMENT OF EXPENSES

Employees shall be reimbursed for reasonable and necessary expenses incurred while carrying out approved, official Town business. Such reimbursement shall be made in accordance with current, approved rates upon submission of a standard expense sheet, signed by the employee's immediate supervisor. Such reimbursement shall not apply to travel between employee's home and the Town office. Requests for reimbursement of meals, parking fees, lodging and registration fees must be accompanied by receipts of same whenever possible.

ARTICLE XVIII - USE OF TOWN PROPERTY

Employees may not, directly or indirectly, use or allow the use of Town property of any kind for other than official activities. Town telephones may be used for personal business only for matters of importance. Employees must pay for any personal long distance telephone calls made from

Town telephones. Exceptions to this rule may be approved by the Town Manager or the Board of Selectmen.

ARTICLE XIX - OUTSIDE EMPLOYMENT & COMPENSATION

A Town employee may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their department supervisor of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town, she/he shall notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside their regular working hours shall be subject to perform their regular duties first.

The Town shall in no respect be liable or grant sick leave or disability leave in cases where an employee is injured or contracts an occupational illness or develops occupational disability while engaged in outside employment.

Any employees receiving payment for services, from non-Town sources, rendered during his/her normal work day and for which work day Town compensation was given, shall turn the entire amount of that compensation over to the Treasurer, Town of Sebago. This provision does not apply to activities outside the work day or during periods of vacation.

ARTICLE XX - POLITICAL ACTIVITY

While working for the Town, all employees shall refrain from using their influence publicly in any way for or against any candidate for elective office in the Town government. Town employees shall not circulate petitions or campaign literature for elective Town officials, or be in any way concerned with soliciting or receiving subscriptions, contributions, or political service for any person for any political purpose pertaining to the Town government. This rule is not to be construed to prevent Town employees from beginning, or continuing to be, members of any political organization, from attending political meetings, from expressing their views of political matters, from voting with complete freedom in any local state or national election, or exclude them from forming a union or joining one. Town employees who accept any official position within the Town's municipal organization are expected to resign from positions where there may be a conflict of interest or an incompatibility of offices.

ARTICLE XXI - DISCIPLINARY ACTIONS

Whenever, in the supervisor's judgment, hourly employee performance, attitude, work habits, or personal conduct at any time falls below a suitable level, the supervisor shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. Disciplinary action steps may be skipped if infractions are severe.

Disciplinary action shall consist of the following:

- Verbal warning, documented in writing
- Written warning
- Suspension of one to five days
- Dismissal

Whenever, in the supervisor's judgment, salaried employee performance, attitude, work habits, or personal conduct at any time falls below a suitable level, the supervisor shall inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action.

Disciplinary action shall consist of the following:

- Verbal warning, documented in writing
- Written warning
- Suspension for a period of one week
- Dismissal

The Town Manager may demote, suspend without pay for not more than ten (10) working days, or permanently dismiss any municipal employee whose work performance and/or misconduct justifies such action.

Notice of disciplinary action against an employee must be in writing and the employee must receive such notice not later than seven (7) days before its effective date. The notice shall specify the proposed penalty and contain a statement of the evidence against the employee. The employee shall be entitled to present their evidence prior to the effective date of the action.

All employees shall have the right to appeal any disciplinary action within five (5) working days to the Town Manager. (See grievance procedure.)

ARTICLE XXII - GRIEVANCE PROCEDURE

The term "grievance" means any dispute between an employee and management concerning the effect, interpretation, application or claim of breach of violation of Town of Sebago Employment Rules and Regulations.

Excluded from consideration of grievance are those matters pertaining to: hiring, promotion of personnel, and compensation adjustments, except that regular employees may appeal performance evaluations.

Every attempt should be made to resolve any dispute as soon as possible to the satisfaction of all parties.

Steps in the grievance procedure shall be as follows:

1. An attempt should be made for an oral agreement between the individual and his/her supervisor or department head.

2. If an oral agreement is not reached, the aggrieved may within five (5) working days file a written complaint to the supervisor or department head. The department head or supervisor is required to make a determination of the merits of the complaints and give a written reply within three (3) working days.
3. If the individual is dissatisfied with the department head or supervisor's written decision, the aggrieved may within three (3) working days make a formal written appeal to the
4. Town Manager. The Town Manager will upon receipt of the written appeal, return a formal written decision within three (3) working days.
5. If the employee is still aggrieved, the employee shall, within five (5) working days, submit in writing to the Town Manager the employee's grievance for presentation to the Board of Selectmen at their next regularly scheduled meeting. At this meeting the aggrieved employee may make a statement concerning the grievance and may be required to answer any questions that the Board poses relative to the grievance. The Board of Selectmen will notify all parties involved of its decision within ten (10) working days of the final meeting.
6. The employee shall initiate any grievance not later than ten (10) working days after the occurrence of the event giving rise to the grievance, or within ten (10) working days after the time such event became known to the employee, whichever is later. Mutual agreement of the parties concerned is sufficient to extend all time limits in this section.

ARTICLE XXIII - POLICY ON HARASSMENT

It is the intent of the Town of Sebago to provide a work environment that is free from discrimination or harassment. Therefore, it is the policy of the Town that sexual and verbal harassment is unacceptable conduct in the workplace and will not be tolerated from any source, including supervisors, co-workers and non-employees. Employees are encouraged to assist the Town with its goal of maintaining a workplace free of sexual and verbal harassment and with its commitment to deal seriously with allegations of sexual and verbal harassment when they arise.

Sexual Harassment Is Illegal under State and Federal Law.

It is illegal for any employee to sexually harass another employee, and for any supervisory employee to permit any act of sexual harassment in the workplace by anyone, whether or not an employee.

Definition of Sexual Harassment under State and Federal Law.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. submission to, or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Description of Sexual Harassment.

- A. Physical assaults of a sexual nature such as:
 1. rape, sexual battery, molestation or attempts to commit these assaults; and
 2. intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another's body, or poking another employee's body.
- B. Unwanted sexual advances, propositions or other sexual comments, such as:
 1. sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated in any way that such conduct in his/her presence is unwelcome;
 2. preferential treatment or promise or preferential treatment to an employee for submitting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and
 3. subjecting or threatening to subject, an employee to unwelcome sexual attention or conduct or making performance of an employee's job more difficult because of that employee's sex.
- C. Sexual or discriminatory displays or publications anywhere in the organization by employees such as:
 1. displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work.
 2. reading or otherwise publicizing in the work environment material that are in any way sexually demeaning or pornographic; and
 3. displaying signs or other material purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/ changing rooms.)

Verbal Harassment.

Any employee who believes he or she has been harassed should take the following steps to resolve the problem:

1. If an employee finds someone's behavior offensive, they may attempt to resolve the behavior by calmly but firmly informing the individual that they find the behavior offensive and requesting that the behavior cease.
2. If the harassment continues and the employee does not feel comfortable discussing the behavior with the individual(s) involved, or if they believe some employment consequence may result from his/her confrontation with the individual whose behavior

offends them, they should register a complaint, preferably in writing, with their supervisor or with the Town Manager. All complaints will be investigated promptly, and to the extent possible, on a confidential basis. Confirmed instances of verbal or sexual harassment will be dealt with by utilizing whatever disciplinary action the Town deems appropriate, up to and including termination.

3. If what the employee considers to be a reasonable length of time has gone by and they believe inadequate corrective action has been taken by their supervisor, they should register their complaint in writing with the Town Manager.

Legal Recourse Through the Maine Human Rights Commission.

With regard to a sexual harassment complaint, if the employee does not want to make the report internally, the employee may make the complaint to the Maine Human Rights Commission which is located at the State House Station 51, Augusta, Maine, 04333, telephone number 289-2326. Any complaint must be filed with the Commission within 180 days of the act of harassment. Once a signed charge form has been received by the Commission, an investigation will be conducted and a determination will be made by the Commission of whether or not there are reasonable grounds to believe sexual harassment occurred.

If the Commission determined that sexual harassment did occur, it will attempt to resolve the situation between you and your employer through informal means. If informal means of resolution are unsuccessful, the Commission counsel may file a civil action on your behalf in Superior Court seeking appropriate relief.

Maine Human Rights Act Protection Against Retaliation for Complaining about Sexual Harassment.

Under the law, no employee may be punished or penalized in any way for reporting, complaining about or filing a claim concerning sexual harassment, or for testifying in any procedure brought by anyone else.

This notice is provided to all employees in compliance with 26 M.R.S.A. 807(2). If anyone has any questions regarding this notification, please ask your supervisor or contact the Town Manager.

ARTICLE XXIV - INFECTIOUS DISEASE POLICY

Purpose.

This is to establish the policy of the Town of Sebago for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing his/her job as a Town employee or volunteer, should immediately refer to the Town of Sebago Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Fire and Public Works Departments.

I. Policy.

- A. It is the policy of the Town to assure to the extent possible a safe and healthful work environment.
- B. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
- C. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's department head.
- D. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.
- E. The Town of Sebago shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post exposure evaluation and follow-up. Refer to the Town of Sebago Exposure Control Plan for detailed information on necessary procedures to follow.

II. Procedures.

- A. The Town will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements.
- B. Where allowed by law, the Town retains the right to test employees for infectious diseases.
- C. The Town must maintain confidentiality regarding an employee's health status, and does not have a duty to inform other individuals or organizations unless required by law.
- D. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town Manager and to carry out his/her assigned duties if reasonable accommodations can be made.
- E. Upon notification by an employee that an infectious disease diagnosis has been confirmed and is a threat to the public health, the Town Manager will:
 - 1. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
 - 2. Assist in the identification of reasonable accommodations to be made, if any.
 - 3. Assist individual departments, if necessary, in complying with this policy.
- F. The Town will treat all occupational infectious disease injuries or illnesses according to state law.

- G. The Town will provide appropriate educational opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
- H. Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.
- I. An employee cannot refuse to carry out his/her assigned duties when dealing with a co-worker or the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

III. Accidental Needle Stick Procedure.

Fire and rescue personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

- A. Wash the puncture site thoroughly with soap/disinfectant and water.
- B. Report the incident to your supervisor.
- C. Fire or rescue personnel must notify the medical facility receiving the patient of the incident.
- D. Complete Incident and/or Workers Compensation forms.
- E. Establish your potential exposure risk to infectious diseases.
- F. Notify your department head to establish your: (1) tetanus status, (2) Hepatitis B status, and (3) HIV exposure.
- G. Seek further medical attention if necessary.

IV. Procedure for Exposure to AIDS Infection.

If a Town employee is exposed to the blood or body fluid of a known or highly suspected AIDS-infected person:

- A. Wash the exposed areas thoroughly with soap and water. Clean any spills with a one (1) part bleach to ten (10) parts water solution.
- B. Report the incident to your supervisor.
- C. Complete the Incident and Workers Compensation forms.
- D. Notify your department head as soon as possible to schedule an appointment for a voluntary blood test.
- E. The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in

Augusta. Results are received approximately one week later.

You will be notified of the test results.

- F. If all three specimens are negative, you are considered not to be infected.
- G. Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
- H. Emotional counseling is available through a counselor of the employee's choice and will be provided by the Town of Sebago through the Maine Municipal Employees Health Trust.
- I. Strict confidence will be maintained in all incidences unless appropriate medical and/or information releases have been obtained.

ARTICLE XXV - ALCOHOL & DRUG USE AND ABUSE

The possession, sale, or use of alcohol or illegal drugs on the employer's premises is strictly prohibited and is grounds for immediate dismissal. If an employee is unable to effectively perform his/her duties or causes disruptions in the workplace due to the influence of drugs or alcohol, disciplinary action may be taken.

Pursuant to Public Law 100-690 Title V, Subtitle D, the Town of Sebago has established the following policy:

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Town of Sebago workplace. As a condition of employment with the Town of Sebago, all employees will abide by the terms of the policy and notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. The Town of Sebago, within 30 days of receiving notice, with respect to any employee who is so convicted, will take one of the following actions:

Taking appropriate personnel action against such an employee up to and including discharge; and/or 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, law enforcement, or other appropriate agency.

ARTICLE XXVI - WORKPLACE SMOKING POLICY

In accordance with the provisions of the Workplace Smoking Act of 1985, the Town has adopted a no smoking policy. Pursuant to this Act, smoking shall be prohibited within any municipal building, within 50 feet of any municipal building and/or within 50 feet of any Town owned vehicle. All employees shall cooperate with this policy.

ARTICLE XXVII - RESIGNATIONS

An employee may resign from Town service in “good standing.” “Good standing” shall mean the submission of a written notice 14 calendar days in advance of the last day of actual work. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the Town. The Town Manager may permit a shorter period of notice if extenuating circumstances exist. The resignation should be accompanied by a statement by the Department Head as to the resigning employee’s service performance and pertinent information concerning the cause of resignation. Employees are offered the opportunity for a voluntary exit interview in which he/she may discuss working conditions and the reasons for their resignation. The effective date of the employee’s termination with the Town is considered to be the last day actually worked.

Upon separation from service in “good standing,” the Town shall pay all wages owed as well as earned and/or pro-rated vacation pay and accumulated such time due to the employee per schedule in the Sick Leave section of the Personnel Policy, if any, on the next regular payday.

ARTICLE XXVIII - WORK SCHEDULES

Normal Work Hours.

The normal working days in the work week shall be Monday through Friday, except the normal working days in the work week for office personnel are Tuesday through Friday and Saturday until noon. It is necessary, owing to the variations in the different services provided by the Town, that there be variations in the hours and days of work per week within different departments. The hours of work, the starting and quitting time, and lunch periods will be established within each department with the Town Manager’s approval. The hours of work, the starting and quitting time, or the lunch periods may be changed by mutual agreement of the department head and the Town Manager, or at the Town Manager’s request.

It is understood, however, that salaried employees exempt from overtime shall accomplish the work assigned to the position regardless of the hours required to do the work. This policy will be applied within reason. Those employees not eligible for overtime under this section shall be determined administratively with a master list maintained in the Town Manger’s office. It is the responsibility of each department head to insure that the department’s work hours are adhered to by all employees.

Overtime.

It is the obligation of all qualified employees to accept a reasonable amount of overtime work as shall, from time to time, be required to allow for coverage of illness, vacation schedules, and continuance of Town business. Any time actually worked in excess of forty (40) hours in one week shall be compensated for by overtime pay or compensatory time off at a time and one-half rate. Sick leave, holidays, vacation time and other forms of paid leave shall not be counted as time worked. This does not apply to “on call” or part-time employees. Town employees are not authorized to work more than 16 hours during any 24 hour period.

Any time worked on a holiday, regardless of what occurs during the rest of the regular work week, shall be compensated for by overtime pay at a time and one-half rate, in addition to the employee's regular, straight holiday pay.

When an hourly paid Public Works employee has left work after the regular work day and then is called into work, he/she shall be paid a minimum of two hours of pay. If and when time worked for each particular call-in exceeds two hours, he/she shall be paid for the actual hours worked.

The Town will make every responsible effort to distribute overtime equally among employees and their respective departments.

Normal Salaried Work Week for Exempt Positions.

The normal work week for exempt salaried positions will vary with the assigned workload within a range of 38 to 42 hours per week. Hours worked by salaried employees will be managed and recorded by the Town Manager.

ARTICLE XXIX - COMPENSATORY TIME

Due to the very small number of Municipal employees in the Town of Sebago's workforce, compensatory time is not available. The Town of Sebago will fairly compensate additional work with additional pay.

ARTICLE XXX - HOLIDAYS

Holiday pay is to be considered a normal day's wages. The Town of Sebago offers the following nine (9) paid holidays to all full-time Town employees: New Year's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving and the day after Thanksgiving, and Christmas Day. Holiday pay is equal to the number of hours an hourly-paid employee normally scheduled to work. (For example, if an employee normally works 10 hours per day, his/her holiday pay equals 10 paid hours. If an employee normally works 8 hours per day, his/her holiday pay equals 8 paid hours, etc.)

If a holiday falls on a Sunday, the following Monday is considered the holiday. If the holiday falls on a Saturday, the preceding Friday is considered the holiday for employees who do not normally work on Saturday, unless otherwise regulated by law. The town office will be closed on Labor Day weekend. The town office will be open on the Saturday of Memorial Day and Independence Day weekends. Regular part-time employees, temporary and seasonal employees shall not be entitled to paid holidays. A person on a leave of absence without pay shall not be entitled to holiday pay.

ARTICLE XXXI - VACATION

Full-time employees who work at least 32 hours per week, 52 weeks per year qualify for paid vacation leave. Employees are credited their allowed vacation time on the first day of the fiscal year, (July 1st) based upon the number of years of service completed at that time. After one full year of service, employees receive five (5) days vacation. After three (3) full years of service,

employees receive ten (10) days vacation. After five (5) full years of service, employees receive fifteen (15) days vacation.

Time lost for the following reasons will be considered as credited time worked for purposes of computing vacation benefits:

1. workers compensation injury
2. military training (2 weeks)
3. funeral leave
4. jury duty
5. leave taken through the Family & Medical Leave Act

Vacations will be scheduled at such time or times as shall be mutually agreeable to the employees and their supervisors. Due consideration will be given to an employees' seniority in regard to scheduling vacations. Vacation leave will ordinarily be taken in blocks of one work day or more, but vacations for a lesser period may be permitted by the Town Manager for special reasons. In case a holiday falls within the vacation period, the employee will receive holiday leave compensation for that day.

Employees must take the vacation due them within the fiscal year (July 1 - June 30) after the vacation time is earned. Vacation time accrues beginning July 1 of each year. Employees will not be permitted to carry over vacation time from one year to the next. Vacation time not taken in that fiscal year shall be lost. Exception to this may be permitted for special reasons with prior approval of the Town Manager.

Vacation leave shall begin to accrue after the employee has completed the probationary period of employment. Employees shall not receive vacation leave until the first day of the fiscal year (July 1st), after they have completed their first year of employment with the Town. Employees who leave employment within their first year of employment will forfeit all earned vacation leave.

Employees may receive their vacation pay prior to the start of their vacation, but must advise the Town Clerk-Treasurer in writing at least ten (10) days in advance.

ARTICLE XXXII - SICK LEAVE

Regular, full-time employees earn 64 hours (eight, 8-hour days) of paid sick leave per year. Employees may accumulate up to 40 days (320 hours) sick leave over the course of their employment with the Town. Employees may not donate a portion of their accumulated sick leave to other Town of Sebago employees. Regular part-time employees and temporary employees do not earn paid sick leave.

Sick leave may be granted for any of the following reasons:

The employee's personal illness or injury of an incapacitating nature sufficient to justify absence from work.

Personal medical or dental appointments for the employee that cannot be scheduled during times other than working hours.

An employee is required to contact his/her supervisor or his/her designee prior to the start of the employee's regularly scheduled workday, but no later than two hours after the start of the regularly scheduled workday unless specific department policy requires otherwise. In the case of an emergency situation, i.e., hospitalization, the employee will make every effort to notify the supervisor or designee as soon as possible. Failure to report within this time frame will result in disallowance of sick pay for that day.

An employee is required to call the supervisor or his/her designee each day of the absence unless previous arrangements have been made between the employee and the supervisor. In the event that an employee fails to call the supervisor or designee the day of the absence, and the day of the absence falls before a holiday, the employee will not receive holiday pay for that holiday period.

The Town Manager may after 3 days, as a condition precedent to continuance of sick pay, require a certificate of a qualified physician certifying the condition of the employee to be such as to justify the continued absence from employment.

Probationary employees shall not be entitled to paid sick leave until they have completed 180 days (6 months) employment. At the completion of 180 days employment by probationary employees, cumulative sick leave days shall be computed from the original date of employment.

After any extended sick leave it may be required by the department head that the absent employee obtain a physician's statement, at his/her own cost, that he/she is physically capable to return to normal duty. It shall be the responsibility of the department head to insure that this requirement is appropriately followed before the employee is allowed to return to his/her regular duties.

Accumulated sick leave shall be paid to the employee at the time of employment separation as follows:

- 0 to 5 years of service - none
- 5 to 10 years of service - 25%
- 10 or more years of service - 50%

In the event of an employee's death, the Town will pay accrued sick leave benefits, as listed above, to the employee's most immediate family member.

ARTICLE XXXIII - FAMILY MEDICAL LEAVE

An employee who has been employed by the Town of Sebago for 12 months (does not need to be consecutive) and who has worked at least 1,250 hours during the year preceding the start of the leave is entitled to a family medical leave of up to twelve (12) weeks in any 12 month period for the birth of a child, adoption of a child 16 years of age or less, or serious illness of the employee, child, spouse, or parent of the employee. Serious illness means an accident or disease or condition that: (1) poses imminent danger of death; (2) requires hospitalization involving an organ transplant, limb amputation or other procedure of similar severity; or (3) any mental or physical condition that requires constant in-home care. Refer to the Town Manager for further details or clarification.

To be eligible for a family medical leave, the employee must give at least 30 days notice of the intended date upon which family medical leave will commence and terminate, unless the employee is prevented from giving notice because of a medical emergency. The employee requesting family medical leave must do so on a preprinted form available in the Town Manager's office.

The Town may require certification from a physician to verify the amount of leave requested by the employee.

Family medical leave is without pay. If the employee is enrolled in group medical insurance prior to utilizing unpaid leave, the Town of Sebago will pay for the employer' share of the medical insurance premium for the period of the unpaid family medical leave, said period not to exceed 12 weeks. The employee's share of medical insurance, life insurance, income protection and retirement benefits will continue during the period of unpaid leave at the cost of the employee.

The employee may use accrued holiday, vacation, and sick leave in accordance with the policies concerning such leaves to cover absences related to family medical leave; however, the total amount of family medical leave may not exceed twelve (12) weeks.

Vacation, sick leave and holidays do not accrue during an unpaid leave period.

Upon the end of the family medical leave, an employee will be restored to the position occupied by the employee immediately prior to the commencement of the leave or to an equivalent position with the same employee benefits and pay as existed immediately prior to the commencement of the leave, except in the event of conditions unrelated to the employee's taking of a family medical leave which prevents the restoration to the same or equivalent position.

An employee should return to work from the family medical leave no later than the first working day following the expiration of the leave. If the employee has not returned at the expiration of their leave, his/her termination date will be the last day she/he was entitled to group coverage.

An employee may take leave on an intermittent basis or by working a reduced schedule with prior written approval by the Town Manager.

ARTICLE XXXIV - LEAVE OF ABSENCE

An employee of regular standing may be granted a leave of absence without pay by the Town Manager on recommendation of the department head when it is in the best interest of the Town to grant the leave, with such leave not to exceed 30 days in length. The granting of the leave shall protect the employee's existing continuous service for the leave period, but vacation or sick leave may not accrue during the absence, nor will the employee receive pay for municipal holidays.

ARTICLE XXXV - MILITARY LEAVE

Full-time regular employees who are members of the organized military reserves and who are required to perform field duty will be granted a maximum of two weeks reserve service leave in addition to normal vacation leave per fiscal year. For any such period of reserve service leave, the Town will pay the difference (if any) between service pay and the employee's regular pay.

ARTICLE XXXVI - JURY DUTY

An employee will be granted special leave, as required, for jury duty or performance of other civic duty requiring appearance in court or before another public body. The employee shall be paid the difference (if any) in compensation between the amount received from the rendering of such service and his/her regular rate of pay if the service occurs during a work day. Time paid for Jury Service shall not be counted as time worked for purposes of overtime computation. These provisions shall apply only to employees who have completed their probation period who give notice of such absence.

ARTICLE XXXVII - BEREAVEMENT LEAVE

Special leave with pay shall be granted to regular full-time employees for up to three days for absence caused by the death of a member of the immediate family. "Immediate family" means parent, spouse, brother, sister, child, stepchild, grandmother, grandfather, and also includes the father, mother, brothers and sisters of the spouse. One day of bereavement leave will be authorized when absence is caused by the death of an aunt, uncle, niece, or nephew. Special exceptions to this rule may be made by the Town Manager.

ARTICLE XXXVIII - ALL LEAVE UTILIZED

When all leave including sick and vacation leave has been utilized by an employee, salary payments to the employee shall cease immediately. The Town will no longer pay any amount toward life and medical insurance. The employee will then have the opportunity to continue the benefits by paying the cost themselves.

ARTICLE XXXIX - HEALTH INSURANCE

Regular, full-time employees are eligible for health insurance coverage as provided through the Town's health insurance provider. The Town (employer) pays 80% of the cost of the premium for the single employee and 50% of any additional family coverage costs. The employee is responsible for the remainder of the cost. Participants in the Health Insurance Plan will receive Basic Life Insurance equal to one year's salary at no cost to the employee. Participants may purchase Supplemental and Dependent coverage at their expense. In addition to Health insurance, employees may elect to purchase Dental insurance at their own expense. Insurance coverage begins the first day of the month after the employee has completed six full weeks of employment.

Regular part-time employees are not eligible for benefits such as Health, Life, or Disability Insurance.

ARTICLE XXXX - LIFE INSURANCE

Participants in the Health Insurance Plan will receive Basic Life Insurance equal to one year's salary at no cost to the employee. Participants may purchase Supplemental and Dependent coverage at their expense.

ARTICLE XXXXI - FLEXIBLE REIMBURSEMENT BENEFITS ACCOUNTS

The Town of Sebago does not offer a flexible benefit program to employees.

ARTICLE XXXXII - WORKER'S COMPENSATION

The Town of Sebago provides Workers' Compensation Insurance coverage for all employees. When an on-the-job accident occurs, the affected employee is to report it immediately to his/her direct supervisor or department head and complete a "First Report of Injury" form. The department head shall notify the Town Manager's office within 24 hours of the injury or on the next following work day of the accident.

Preferred Provider Program. The Town of Sebago encourages safety in the work environment. The Town is concerned about employee well being and takes an active role to assist the employee with a proper recovery. Because of the Town's interest in employees, a preferred provider program has been coordinated with Northern Cumberland Memorial Hospital in Bridgton, Maine, for work-related medical services.

It is required that all employees seek medical treatment through Northern Cumberland Memorial Hospital unless conditions warrant transport to Maine Medical Center in Portland. Initial medical treatment is to be obtained from Northern Cumberland Memorial Hospital and is authorized by law under the Maine Workers' Compensation Act of 1992, Title 39-A, M.R.S.A., Section 206.

All initial medical treatment is to be obtained from Northern Cumberland Memorial Hospital and will be scheduled through the department manager, who in turn, will notify the Town Manager.

Medical Bills. Medical bills, when received either by the department or the employee, are to be forwarded immediately to the Town Manager's office. Medical bills are paid without any waiting period. For employee compensation there is a seven day waiting period. The Town remains responsible for employee compensation for the first seven days of the absence, charged to the employee's sick leave. Between eight and thirteen days the insurance carrier provides compensation. Fourteen days and over – the insurance carrier pays all compensation retroactively to the first day of injury; then the employee pays the seven days' worth of sick leave back to the Town, who in turn, credits the sick leave back to the employee's account. Firefighters are excluded from the waiting period and must receive compensation from the date of incapacity.

Transitional Work Program. In the case of an employee out of work due to a work-related injury, the Town Manager's office may coordinate a transitional work program with the employee, employee's doctor and department. This program may be in the employee's department, in a different department, or spread over several departments and is designed to provide less strenuous work or modified work tasks to those

employees able and approved by their doctor to return to work in some capacity. Transitional work may start at a reduced schedule with a gradual increase in hours or may include a full time work schedule as coordinated by the physician, employee, and Town. The Town reserves the right to discontinue the transitional work program or any employee's participation in this program consistent with the provisions of Workers Compensation laws.

In some instances workers' compensation payments may be held up. If this occurs, the Town will continue to pay the employee by charging his/her time to sick leave (if available), of which the employee must buy back from the compensation paid by the insurance carrier.

If a worker is receiving workers' compensation or disability insurance, he/she must continue to pay his/her share of life, medical, and disability insurances.

ARTICLE XXXXIII - RETIREMENT

Social Security. Any person who becomes an employee of the town must participate in the Social Security program as a condition of employment.

Individual Retirement Account (IRA). The Town of Sebago provides the opportunity for full-time employees who receive at least \$5,000 per year in compensation from the Town to contribute to a Simple IRA. The Town will match the employee's contribution with a contribution of up to fifty percent (50%) of the employee's first 6% of annual income in the plan, and in no case will contribute more than four percent (3%) of the employee's annual salary.

ARTICLE XXXXIV - EMPLOYEE ASSISTANCE PROGRAM

The Town of Sebago recognizes that alcohol and drug problems are problems for which there is effective treatment and rehabilitation in the majority of cases. Employee assistance is designed as a means of helping employees seek the necessary treatment to alleviate problems affecting job performance. Therefore, the Town has established an Employee Assistance Program (EAP) to service employees in dealing with drug or alcohol problems.

Employees may receive assistance from the EAP through self-referral or supervisory referral. Self-referral is a referral in which an employee initiates contact with the EAP directly. Supervisory referral is a referral in which the employee's supervisor strongly urges the employee to seek consultation with the EAP. Supervisors may refer employees to the EAP when deteriorating skills or job performance does not respond to normal supervisory action.

Employees who seek help through the EAP or who are referred to the EAP by a supervisor will be referred for diagnosis and/or evaluation by an Employee Assistance Counselor. The employee assistance counselor is a person who has a Master's Degree (or similar certification) in counseling, human services or social work who will provide counseling or refer the employee to appropriate diagnosis, evaluation and/or treatment. The employee assistance counselor will be designated by the Town.

An employee who refuses help or demonstrates little or no effort to perform satisfactorily is subject to normal disciplinary actions. Employees participating in the EAP are expected to meet existing job performance standards and establish work rules.

All EAP records are confidential and maintained separately from other personnel records. These records will be protected from disclosure to the fullest extent possible and existing state and federal regulations.

In the case of a supervisory referral, the employee assistance counselor will ask the employee to sign appropriate release forms so that the counselor can have contact with the supervisor and the referral agent, if applicable.

The counselor will be responsible for keeping a record of the diagnostic evaluation and the treatment recommendation which will be kept confidential.

The counselor will inform the supervisor as to whether the employee kept the appointment with the counselor and whether the employee was willing to follow through the treatment plan. The counselor will follow up with the employee as treatment progresses.

If the employee's performance or attendance shows no improvement within a reasonable time frame (mutually agreed up, if possible) the employee will be subject to appropriate disciplinary action.

ARTICLE XXXXV - RIGHTS OF EMPLOYEES UTILIZING THE EMPLOYEE ASSISTANCE PROGRAM

Employees using the EAP have the right to confidential services. EAP records do not become part of any personnel records and release of EAP records can only be made with the written permission of the employee.

EAP information cannot be shared with supervisors without the employee's written consent.

If the employee is using the EAP as a result of a supervisory referral, the counselor will only provide the following information to a supervisor, unless the employee signs a written consent agreeing to the release of additional information:

- A. Whether the employee made and kept the appointment;
- B. Whether the counselor assesses there is a problem (specifics will not be discussed); and
- C. Whether the employee is open to recommendations made by the counselor.

Employees have the right to have access to their records, the right and relevant information regarding their treatment and referrals, and the right to any and all information regarding benefits.

ARTICLE XXXXVI - VIDEO DISPLAY TERMINAL TRAINING POLICY

The Town of Sebago is required by a Maine training law enacted on July 1, 1989, and amended on July 17, 1991, to explain or describe the proper use of computer terminals and the protective

measures that operators of VDTs should take to avoid or minimize symptoms (i.e., carpal tunnel syndrome) that may result from extended or improper use of these terminals.

This law requires that training be done orally and in writing to all VDT users annually. Included in the training is instruction on proper use of equipment (chairs, desks, terminal holders) and lighting. All new employees must receive the training within one month of their starting date as a VDT operator.

A VDT user can request, through the Town of Sebago Safety Committee, that a professional trained in proper use of VDTs review the employee's work station and recommend any improvements. The Town of Sebago will make every effort to insure that each VDT user has the proper equipment to perform their job safely and effectively.

ARTICLE XXXXVII - SAFETY POLICY

Personal injury and property loss are needless waste and squandering of precious resources. Personal injury places the Town of Sebago at a disadvantage in its ability to provide the necessary services and functions to its citizens. Property losses place an undue burden on limited funds for services and general operations.

As an employer, the Town of Sebago is legally responsible to ensure that mandated safety regulations be enforced. It is the Town's policy that mandated safety regulations will be followed by all town employees at whatever level. This is in the interest of both the Town and the employees.

Where it is the responsibility of the Town to provide safety equipment, it shall also enforce its use. It is incumbent upon employees to utilize such equipment.

It is the responsibility of every Town employee to ensure that a safer workplace is maintained and that personal injury and property loss are minimized and/or eliminated wherever possible. This will ultimately reap benefits for the Town.

ARTICLE XXXXVIII - ALCOHOL AND DRUG POLICY AND TESTING PROCEDURES FOR THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT OF 1991

POLICY STATEMENT AND AUTHORIZATION

The Town of Sebago has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Accordingly, the Town seeks to hire and employ workers requiring a Commercial Drivers License (CDL) who are free from the illegal use and abuse of drugs and alcohol and to protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Town requires that final applicants selected for the positions requiring a CDL undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.

Any applicant with a positive pre-employment test may be denied employment with the Town by reason of the positive test.

The use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those requiring a CDL, and may endanger the employee, co-workers, the public, the Town and the public and private property. The Town seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the Town of the public. The Town also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.

This policy is designed to comply with the Omnibus Transportation Employee Testing Act of 1991 and with the Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CFR 49 Part 382, Substances and Alcohol Use and Testing (both published February 15, 1994) and related parts, and to provide guidance to Town officials on the implementation of the requirements of the Act.

PROGRAM ADMINISTRATION

It is the responsibility of the Town Manager to administer and enforce this policy and the procedures as outlined. Employment by the Town shall not be deemed to have been offered, nor shall a perspective employee have the right to accept any offer or suggestion of an offer of employment until such time as a drug test evaluation has been received and cleared by the Town Manager.

The Town will contract for specimen collection, medical review, testing, and training for supervisors and employees. It is the responsibility of each department director or manager to administer applicable sections of this policy. It is the responsibility of the Town Manager and each department head to see that supervisors are properly trained and that employees have notice of and are familiar with these drugs and alcohol policies and procedures.

SCOPE OF PROGRAM

This policy will apply to all regular full-time, part-time, temporary and seasonal employees who are required to hold a Commercial Driver's License (CDL) for their position. Compliance with this policy will also be required of successful job applicants who will be hired contingent on passing a drug test.

PARTICIPATION AS A CONDITION OF EMPLOYMENT

All employees in, or applicants for, positions defined as CDL safety-sensitive, must participate in the drug and alcohol testing program prescribed by the FHWA rules as a condition of employment. Failure to participate and comply with program requirements may result in disciplinary action up to and including termination of employment.

COMPLIANCE WITH REGULATIONS

All CDL employees subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Town. This will include all time spent operating commercial vehicles, as well as time spent maintaining or repairing these vehicles.

DEFINITIONS

Alcohol and Drug Test. A generally accepted and proven test methodology or methodologies as recommended by the Rules and Regulations under CFR 49 Part 653, Prevention of Prohibited Drug Use in Transit Operations and CFR Part 382, Substances and Alcohol Use and Testing. This test method determines whether an individual has ingested or otherwise used the substance in question within a period of time before the test.

Applicant. A person who has applied for a position with the Town of Sebago, including past employees eligible for rehire, and present employees voluntarily seeking another position.

Medical Review Officer (MRO). Physician responsible for reviewing all test results for confirmation prior to communicating same to the employer. The MRO is required to protect the confidentiality of the individual involved.

NIDA. The National Institute on Drug Abuse.

Positive Test. Alcohol and Drug tests results that meet or exceed the standards outlined under CFR 49.

Random Testing. A scientific method used to select employees for testing at random. This method will occur throughout the year, and involve a minimum of fifty percent (50%) employees/positions requiring a CDL selected for drug testing and minimum of ten percent (10%) for alcohol testing. The minimum percent to be tested may decrease in subsequent years based on the number of confirmed positive test results.

Reasonable Suspicion. A determination made by a trained supervisor that an employee is in violation of the Omnibus Transportation Employee Testing Act of 1991 concerning alcohol or controlled substances. This determination must be based upon specific, contemporaneous, articulate observations concerning the appearance, behavior, speech and body odors of the driver. Circumstances which may constitute a basis for determining “reasonable suspicion” may include, but are not limited to:

A pattern of abnormal or erratic behavior; Direct observation of drug or alcohol use; Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes); Any trained supervisor who has reasonable suspicion to believe that a violation has occurred must complete an “Observed Behavior-Reasonable Cause Record” form within twenty-four (24) hours of the observed behavior or before the results of the tests are released, whichever is earlier.

Substance Abuse. The use of alcohol, prescription or over-the-counter drugs, any of which impairs the ability of an employee to perform the job safely and effectively, or the use of illegal drugs or other controlled substances without a valid prescription.

Work-Related Vehicular Accident. Any reportable vehicular accident that damages property or involves injury to self or others for which a moving traffic violation citation is issued (does not include minor personal injury not requiring transport to a medical facility or care beyond first aid.), and all vehicular accidents involving a fatality.

DRUG AND ALCOHOL TESTING

The following circumstances shall require Drug and Alcohol Testing:

Pre-employment. Pre-employment Drug Testing shall be conducted before applicants are hired or after an offer to hire, but before actually performing safety-sensitive functions for the first time. Testing is also required when employees transfer to a safety-sensitive (driver) position. Pre-employment alcohol testing shall be required when or if the federal government requires it.

Post-Accident. Post-accident testing shall be conducted after accidents on drivers whose performance could have contributed to the accident (as determined by a citation for a moving traffic violation) and all fatal accidents even if the driver is not cited for a moving traffic violation.

Reasonable Suspicion. Reasonable Suspicion testing shall be conducted when a trained supervisor has reasonable suspicions, based upon specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors that the employee has:

Unlawfully used illicit drugs and/or abused controlled substances; or

Reported to work under the influence of or has illicitly ingested controlled substances or alcohol during work hours.

Random Testing. Random testing shall be conducted on a random, unannounced basis just before, during, or just after performance of a safety sensitive function. Fifty percent (50%) of employees in safety sensitive positions must be tested for controlled substances and ten percent (10%) of employees in safety sensitive positions must be tested for alcohol on an annual basis.

Return to Duty and Follow-Up. Return to duty and follow-up testing shall be conducted when an individual who has violated the prohibited alcohol or drug conduct standards returns to performing safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after a driver returns to duty.

Failure to report to the designated collection site within thirty (30) minutes of being notified to submit to a required test.

Failure to remain readily available for post-accident testing for eight (8) hours or until the employee undergoes testing, whichever occurs first.

TESTING FOR JOB APPLICANTS AND EMPLOYEES

Drugs to Be Tested for:

When chemical drug and alcohol screening is required under the provisions of this policy and CFR Title 49, a breath test and/or urinalysis test will be given to detect the presence of the following drug groups:

Alcohol (ethyl); Amphetamines; Cocaine; Opiates; Phencyclidine (PCP); Marijuana

Applicant Testing General Standard

Applicants for all classes of employment requiring a CDL will be required to undergo a chemical drug and alcohol test upon an offer of employment and prior to their final appointment to that position.

Current Employee Testing General Standard

The Town may require a current Town employee whose position requires a CDL to undergo drug and alcohol testing if there is reasonable suspicion by the immediate supervisor or other trained management personnel within the department that the employee is under the influence of drugs or alcohol during work hours.

Supervisors are required to document the specific facts, symptoms, or observations which formed the basis that reasonable suspicion existed to warrant the testing of an employee. This documentation shall be forwarded to the appropriate department head and the Town Manager. (See attached “Observed Behavior – Reasonable Cause Record”.)

This documentation shall be forwarded to the appropriate department director, and Town Manager. The “Observed Behavior-Reasonable Cause Record” form must be completed.

The Town will require a current Town employee in a position requiring a CDL to undergo post-accident drug and alcohol testing if he/she is involved in a reportable vehicular accident or if there is a fatality and/or receives a citation under state law for a moving traffic violation relating to the accident.

All current employees in safety sensitive positions requiring the use of a CDL will be subject to Random Testing.

Drug abuse counseling and referral services are available.

Testing of Supervisors

All supervisors requiring a CDL are subject to the testing rules and procedures outlined in this policy.

If an employee suspects a supervisor of substance abuse, the employee will notify the department head or Town Manager of the employee’s suspicions. The contacted official will act as specified above and in accordance with the reasonable suspicion section below. All employee reports are kept strictly confidential. Anonymous complains will not be investigated.

The MRO will notify the applicant of the test results, and if positive, will give the applicant an opportunity to discuss the same prior to release of the information to the Town.

After the Town Manager has received the test results from the MRO or medical facility, she/he will not inform the hiring authority or department head of the test results. This disclosure from

the MRO will state whether the test is positive or negative, and if positive, which substances were detected, and shall be kept confidential by the Town Manager.

The Town Manager will inform the department head whether or not the applicant is eligible for employment. All test results shall be kept confidential within the Personnel Department.

Record Keeping

Records shall be maintained by the department where supervisory training is given, and copies shall be forwarded to the Town Manager.

Records shall be maintained by the department documenting that employees have been provided with information required under this policy, and copies shall be forwarded to the Town Manager.

TESTING PROCEDURES

Notice and Consent

Before a drug and alcohol test is administered, employees and job applicants will be asked to sign a consent form authorizing the test and permitting the release of test results to those Town officials with a need to know. The chemical screen consent form shall provide space to indicate current or recent use of prescription and over-the-counter medication.

All recruitment announcements for any position requiring a CDL including in-house recruitment and promotion will disclose that a chemical, alcohol, and drug screening test will be required for the applicant.

Pre-employment Testing

Before any department head or other Town hiring authority makes a conditional offer of employment to an applicant, he/she will notify the Town Manager of the final or top applicant for the position. The Town Manager will schedule a chemical, alcohol, and drug screening test for the applicant.

The applicant shall be given a copy of this policy, a consent form to complete and sign, and will be informed of the test appointment.

The MRO will notify the applicant of the test results, and if positive, will give the applicant an opportunity to discuss same prior to release of the information to the Town.

After the Town Manager has received the test results from the MRO or medical facility, they will not inform the hiring department or division of the test results. This disclosure from the MRO will state whether the test is positive or negative, and if positive, which substances were detected, and shall be kept confidential by the Town Manager.

After the Town Manager has received the test results from the MRO or medical facility, she/he will inform the department head whether or not the applicant is eligible for employment. All results shall be kept confidential.

Reasonable Suspicion Testing

A supervisor may upon reasonable suspicion and after at least attempting to consult with the department head, if available, ask any on-duty employee to submit to an immediate alcohol and drug test. The department head or designee should be notified as soon as possible.

The employee's department head or designee shall immediately advise the Town Manager or designee of the determination of reasonable suspicion.

The employee shall immediately be given a "Test Consent Form" to complete and sign.

The employee will be immediately taken by the supervisor or another supervisor or management employee to the appropriate medical facility/clinic for testing.

If the employee is not able to be taken to the appropriate medical facility/clinic for testing, the supervisor shall immediately telephone the agency and primary medical facility (any time day or night) and/or call medical personnel from the primary medical facility and request that they go to where the employee has been taken to acquire the drug and alcohol test samples.

The employee shall be immediately removed from duty and assisted in getting home after the drug and alcohol test.

When "reasonable suspicion" is the grounds for requiring a drug/alcohol test, the employee shall be placed on paid administrative leave until the test results are available and a preliminary administrative review has been conducted.

An alcohol and drug test for reasonable suspicion will include the urinalysis test.

Results from the alcohol and drug screen test will be given by the laboratory to the MRO who, after confirmation, will forward to the Town Manager.

Random Testing

This procedure will occur throughout the year and will initially involve a minimum of fifty percent (50%) of the employees/positions requiring a CDL for drug testing and twenty-five percent (25%) for alcohol testing selected at random and unannounced throughout the year.

If the test yields a positive result and the positive result is confirmed by the MRO, then the employee will be subject to disciplinary action.

Post-Accident Testing

A post-accident test will be conducted on any CDL employee involved in a work-related motor vehicle accident if:

The accident results in a loss of life.

The operator receives a citation under local or state law for a moving traffic violation arising from the accident.

Return-to-Duty Testing

Any employee returning to duty following a confirmed positive test must be subjected to a return-to-duty test following the same guidelines described in the Pre-employment section. The test must show a verified negative result prior to the employee returning to duty.

Follow-Up Testing

An employee returning to work following a confirmed positive test and period of assistance/discipline will be subject to announcing testing for a period of not more than 60 months. There will be a mandatory minimum of 6 tests within the first 12 months. Follow-up tests may be used to determine whether or not any controlled substance is still being used.

BEHAVIOR THAT CONSTITUTES A REFUSAL TO SUBMIT TO A TEST

Failure to submit to testing will automatically be considered a verified positive test and he/she will have to follow the procedures outlined in this policy. Specifically, the following circumstances will be considered a refusal to test:

Refusal to take the test. This will automatically be considered a verified positive test and he/she will have to follow the procedures outlined in this policy.

Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation.

Tampering with or attempting to adulterate the specimen or collection procedure.

Refusal to Consent

Applicants. A job applicant who refused to consent to a drug and alcohol screening test will be denied employment with the Town. If the applicant is a current Town employee, the applicant will be denied employment in the position for which application was made. No denial shall be made without first attempting to discuss the impact of the refusal with the applicant.

Employees. An employee who refuses to consent to a drug and alcohol screening test when selected for random testing, post accident, or when reasonable suspicion of drug or alcohol use has been identified, is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action. No disciplinary action shall be taken without first discussing the matter with the employee, department head, and the Town Manager.

CONSEQUENCES of CONFIRMED POSITIVE TEST RESULTS – Drugs & Alcohol

Applicants. Job Applicants will be denied employment with the Town if their initial positive test results have been confirmed. Applicants who are current Town employees shall be denied employment in the position for which application was made. Applicants shall be informed in writing if they are rejected on the basis of a confirmed positive test result. Employee applicants shall be handled in accordance with Section 2 below.

The applicant will be provided an opportunity to discuss with the MRO the results of any positive test and seek a second confirmation test.

Employees. If an employee's positive test result has been confirmed for Drug or Alcohol use, the employee is subject to action as follows:

Positive Drug Test. The employee shall be referred to a Substance Abuse Professional through the Town Employee Assistance Program (EAP). The Substance Abuse Professional shall determine what assistance, if any, is needed to resolve problems associated with controlled substance abuse. In accordance with MRSA 26, Section 685, the Town is obligated to offer treatment assistance and limited financial assistance. Failure to comply with the recommended treatment, if any, however, shall be cause for disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include, but are not limited to: employee's work history, length of employment, current job performance and existence of past disciplinary actions. No disciplinary action shall be taken against any employee who voluntarily identified himself/herself as a substance abuser prior to the time that it is apparent that the use has been detected. A second positive test, should the employee continue to be employed following an initial positive test or further violation of this policy following an initial positive test shall be cause for discharge. Prior to any disciplinary action being imposed by the Town, the employee is entitled to a disciplinary hearing.

Positive Alcohol Test. The employee shall be referred to a Substance Abuse Professional through the Town Employee Assistance Program (EAP). The Substance Abuse Professional shall determine what assistance, if any, is needed to resolve problems associated with alcohol abuse and shall make those recommendations to the employee. Notwithstanding any recommendations made by the Substance Abuse Professional, the Town may take disciplinary action up to and including termination. Factors to be considered in determining the appropriate disciplinary response include, but are not limited to: employee's work history, length of employment, current job performance and existence of past disciplinary actions. No disciplinary action shall be taken against any employee who voluntarily identified himself/herself as an alcohol abuser prior to the time that it is apparent that the use has been detected. A second positive test, should the employee continue to be employed following an initial positive test, shall be cause for discharge. Prior to any disciplinary action being imposed by the Town, the employee is entitled to a disciplinary hearing.

Consequences of a Controlled Substance Test Result (Drug Test)

An employee or job applicant whose drug test yields a positive result, confirmed by the MRO, shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

If the second test confirms the positive test yields a positive result, confirmed by the MRO, shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee or applicant for use in the first test.

CONFIDENTIALITY OF TEST RESULTS

All information from an employee's or applicant's drug and alcohol test is confidential and only those with a need to know are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from

the employee or applicant or upon subpoena. The results of a positive drug test shall not be released by the MRO until confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory. All positive test results will be maintained by the MRO, and reported to the Town Manager, where they will be kept on file.

PRIVACY IN CHEMICAL DRUG TESTING

Urine samples shall be provided in a private restroom stall or similar enclosure so that employees and applicants may not be viewed while providing the sample. Employees and applicants may be required to disrobe and will be given hospital gowns to wear while they are providing test samples in order to ensure that there is no tampering. Street clothes, bags, briefcases, purses, and other containers may not be carried into the test area. The water in the commode, if any, shall be colored with dye to protect against dilution of test samples. Testing procedures which ensure privacy to employees and applicants consistent with the prevention of tampering;

Methods of analysis which ensure reliable test results, including the use of gas chromatography/mass spectrometry to confirm positive test results; Chain-of-custody procedures which ensure proper identification, labeling and handling of test samples; and Retention and storage procedures which ensure reliable results on confirmatory tests of original samples.

SECOND CONFIRMATION TEST

The applicant or employee may request from the MRO a second confirmation test of the same sample within 72 hours of notice that the first test was positive. The cost of the second confirmation test must be paid in advance by the applicant or employee. If the test is negative, the Town shall reimburse the applicant or employee for the cost of the test. The second confirmation test will be performed by a NIDA certified laboratory selected by the MRO.

PROHIBITED CONDUCT

The following conduct or behavior is determined to be unacceptable and therefore is prohibited under this policy. Violation shall be cause for disciplinary action, up to and including dismissal.

Reporting to or remaining on duty with a blood/alcohol concentration of 0.02 or greater. Any employee found to have a blood/alcohol concentration of at least 0.02 but less than 0.04 shall be immediately removed from the safety sensitive position and shall not be permitted to perform that function until the start of the driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. Any employee found to have blood/alcohol concentrations of greater than 0.04 may be subject to further disciplinary action.

Possessing alcohol on duty that is not manifested or part of a shipment.

Use of alcohol while on duty.

Use of alcohol for eight (8) hours after an accident that will require a post-accident test or until the test is performed, whichever occurs first.

Any use of alcohol within 4 hours of reporting to duty.

Refusal to submit and properly participate in a required alcohol and/or controlled substances test. A refusal is defined as:

Failing to report immediately to the identified testing site, once notified.

Failing to follow proper instructions or participate in the required testing procedures.

Reporting to or remaining on duty while using any controlled substance, except when used under the direct orders of a physician and the physician has informed the employee that the use will not affect the safety use and operation of the commercial vehicle.

Reporting to or remaining on duty after testing positive for any controlled substance under this policy.

DISCIPLINARY ACTION

Any employee who violates this policy may be subject to disciplinary action up to and including dismissal. Factors to be considered in determining the appropriate disciplinary response include, but are not limited to the following: employee's work history, length of employment, current job performance and existence of past disciplinary actions.

Specific actions which may be subject to dismissal include, but are not limited to the following:

Refusal to submit to a rehabilitation program after testing positive.

Failure to successfully complete a rehabilitation program after receiving a positive test.

The employee has twice substituted, adulterated, diluted or otherwise tampered with his/her urine sample.

While on Town premises, the employee was caught drinking alcohol or using, manufacturing, distributing, dispensing, selling or possessing any illegal or unlawfully obtained substances or drugs.

The use of alcohol while on Town premises. This includes a conviction for driving while intoxicated (OUI) during work hours.

Failure to contact the Town's approved substance abuse clinician (EAP provider) within five (5) regular working days after being notified of a confirmed (MRO certified) positive test for the use of an unauthorized substance.

Any permanent employee who tests positive the first time for either alcohol or substance misuse will be offered an opportunity for rehabilitation. The employee will be responsible for any

outstanding payments after the insurance payments have been applied. The offer of rehabilitation does not apply to job applicants, temporary or probationary employees.

Employees who test positive a second time will be suspended immediately without pay and terminated after being notified of the second confirmed (MRO certified) positive test for the use of an unauthorized substance.

Employees who are found to have an alcohol concentration of .02 or greater, but less than 0.04, will be placed on unpaid leave for a minimum of twenty-four (24) hours.

During the period the Town is awaiting an employee's test result due to a post-accident or reasonable suspicion circumstance, the Town may transfer the employee to another position with no reduction in pay or benefits. The Town also reserves the right to place an employee on paid or unpaid suspension. A determination whether an employee is placed in another position or placed on paid or unpaid suspension may be based, but not limited to, who is responsible for and/or the severity of the accident, if applicable; the observed condition of the employee, if applicable, the employee's work history, length of employment, current job performance, the existence of past disciplinary actions and the availability of another position.

EMPLOYEE/APPLICANT RIGHTS AND RESPONSIBILITIES

It is the responsibility of each employee to seek help before alcohol and drug problems lead to disciplinary action.

In the event of a positive test result, employees and job applicants shall have the opportunity to present an alternative explanation for the test result by contacting the Medical Review Officer (MRO). This shall be done no later than five (5) days after notification of the result. No further

action will be taken if there is a justified explanation or there is a reasonable doubt as to the accuracy of the result or chain of custody of the sample.

Any employee or job applicant with a positive test result may also upon written request within five (5) working days have the right to any information relating to the test result and procedure.

Any permanent employee who tests positive for a first offense and cannot provide a satisfactory explanation will be offered EAP referral to a certified rehabilitation program.

CONFIDENTIALITY OF INFORMATION

Unless the employee or applicant consents, all information acquired by the Town in the testing process is confidential and may not be released to any person other than the employee or applicant who is tested, the Program Administrator, respective department heads or designees, as well as the EAP or Rehabilitation Provider. The foregoing shall not prevent the release of information that is required or permitted by state or federal law, or the use of information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of test results.

TRAINING

Training for Supervisors

The Town of Sebago shall ensure that all supervisors and other persons designated to determine whether reasonable suspicion exists to require an employee to undergo testing must receive training on alcohol misuse and controlled substances use. The training shall include the physical, behavioral, speech, and performance indicators of probably alcohol misuse and use of controlled substances. The training shall include an overview of the program requirements, disciplinary procedures, confrontation and documentation of procedures, and rehabilitation and treatment options which are available.

Training for Safety-Sensitive Employees

The Town of Sebago shall ensure that all employees performing job functions deemed safety-sensitive shall be trained on the effects and consequences of prohibited drug use on personal health, safety, and the work environment as well as the manifestations and behavioral signs that may indicated prohibited use.

SUPERVISORY RESPONSIBILITIES

Supervisors are responsible for determining through direct observation whether an employee is capable of performing his or her assigned duties. Determinations shall be based on specific, contemporaneous, reliable observations concerning the appearance, behavior, speech, or body odor of the employee.

Employees who are suspected of being unfit for duty as a result of alcohol or drug use should be required to undergo reasonable suspicion drug and/or alcohol testing in accordance with FHWA

rules and this policy. Supervisors should immediately bring their observations to the attention of their managers in order that arrangements for testing can be implemented as soon as practicable.

Employees who are suspected of being impaired and unfit for duty may not remain at the work place. Incidents and behavior described in #1 above should be witnessed and documented immediately by completing the Reasonable Cause Record form. The Program Administrator should be consulted and advised of the incident. An employee who is impaired should not be allowed to drive home from the work place.

ACKNOWLEDGMENT

I certify that I have received a copy of the Town of Sebago Alcohol and Drug Policy and Testing Procedures and other printed material explaining the effects of alcohol and/or controlled substances.

Date

Employee's Signature

Date

Supervisor's Signature

Town of Sebago

**Alcohol and Drug Policy
Employee Breath Test & Urinalysis Consent Form**

The Town of Sebago (Town) has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Use and misuse of alcohol or drugs, whether prescribed or illegal, impairs the ability of an employee to perform assigned duties, particularly those requiring a Commercial Drivers License (CDL), and may endanger the employee, co-workers, the public, the Town, and public and private property. The Town seeks to prevent employees from using alcohol and drugs when the use of such is illegal, or in any way endangers the Town or public. The Town also wants to provide appropriate and reasonable assistance to employees whose use or misuse impairs their ability to perform their duties.

Under Title 49, CFR, the Town may require a current Town employee whose position requires a CDL to undergo drug and alcohol testing consisting of the following: random testing, post-accident testing, reasonable suspicion testing, and follow-up testing. Refusal to be tested may subject an employee to disciplinary action and possible termination.

I understand that as required by title 49, Code of Federal Regulations, the Town of Sebago is required to ensure that employees in safety sensitive positions are tested for the use of alcohol and controlled substances such tests include: Random Testing, Post Accident Testing, Reasonable Suspicion Testing, and Return to Duty/Follow-up Testing.

I consent to breath tests, and urine sample collection and testing for controlled substances.

I understand that a positive test result for controlled substances will render me unqualified to operate a commercial motor vehicle and may result in disciplinary action up to and including discharge of employment.

The Medical Review Officer contracted by the Town will maintain the results of my test. Negative and positive results will be reported to the Town. If the results are positive, the controlled substance will be identified. The results will not be released to other parties without my written consent.

I understand that disputed test results or the resulting disciplinary action will be settled by a qualified arbitrator, and that all parties of the dispute agree to abide with the decision of such arbitrator.

I UNDERSTAND THE ABOVE CONDITIONS AND HEREBY AGREE TO COMPLY WITH THEM.

Employee's Name (Please print.) Date

Employee's Signature Social Security Number

PLEASE NOTE ANY CURRENT OR RECENT USE OF PRESCRIPTION OR OVER-THE-COUNTER MEDICATION IN THE SPACE BELOW.

**Town of Sebago
Alcohol and Drug Policy
Pre-Employment and Urinalysis Consent Form**

The Town of Sebago (Town) has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Therefore, the City seeks to hire and employ workers requiring a Commercial Drivers License (CDL) who are free of illegal and abused drugs and alcohol, and protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Town requires the final applicant selected for a position requiring a CDL to undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.

Any applicant with a positive pre-employee test may be denied employment with the Town by reason for the positive test. Also, any applicant refusing to be tested will be denied employment.

I understand that as required by Title 49, Code of Federal Regulations, all applicants for positions requiring a commercial driver's license must be tested for the use of controlled substances as a precondition for employment.

I consent to a urine sample collection and testing for controlled substances.

I understand that a positive test result for controlled substances will render me unqualified to operate a commercial motor vehicle and result in my being denied employment with the Town of Sebago.

The Medical Review Officer contracted by the Town will maintain the results of my test. Negative and positive results will be reported to the Town. If the results are positive, the controlled substance will be identified. The results will not be released to other parties without my consent.

I understand that disputed test results or the resulting disciplinary action will be settled by a qualified arbitrator, and that all parties of the dispute agree to abide with the decision of such arbitrator.

I UNDERSTAND THE ABOVE CONDITIONS AND HEREBY AGREE TO COMPLY WITH THEM.

Applicant's Name (Please print.)

Date

Applicant's Signature

Social Security Number

PLEASE NOTE ANY CURRENT OR RECENT USE OF PRESCRIPTION OR OVER-THE-COUNTER MEDICATION IN THE SPACE BELOW:

**ALCOHOL AND DRUG POLICY AND TESTING PROCEDURES
GUIDELINES FOR SUPERVISORS**

All employees in CDL positions covered by this policy must be given a copy of the policy. A certification form will be provided to the covered employees indicating that they have received a copy of the policy. The signed form must be returned to the Town Manager and maintained on file.

Any time spent by the employee going to, while at, and returning from the test site shall be considered as time worked.

The procedure for Random Alcohol and Drug Testing shall be as follows:

The Town Manager will receive the random listing of employees selected to be tested from Affiliated Healthcare on a monthly basis. This information will remain confidential until the test date.

The Town Manager or designee will contact the employee’s supervisor. The supervisor will assure that the employee is working on the testing date to schedule the appropriate test. The employee will not be notified until the supervisor is ready to send the employee directly to the testing facility. If the employee is absent from work, the supervisor will notify the Town Manager who may select the next employee on the list or hold the employee’s name on file until the employee returns to work. The employee must not be notified until immediately prior to proceeding to the testing facility.

The employee will proceed immediately to the testing facility following notification of their selection.

Drug test results will not be available for at least 24 hours. The employee should return to duty following random drug testing.

Alcohol test results are immediate. The following action should be taken based on the results.

0.0 but less than 0.02	NEGATIVE TEST RESULT; employee returns to work.
0.02 but less than 0.04	POSITIVE TEST RESULT; not a violation of the policy. Employee must be removed from any safety sensitive position until the start of the next regular duty period, but not less than 24 hours following administration of the test. (They may continue to work in a non-safety sensitive position, take vacation time, or time off without pay.) Sick leave may not be used.
0.04 or greater	POSITIVE TEST RESULT; and a violation of the policy. The employee must be referred to the Employee Assistance Program for further referral to a Substance Abuse Professional, and into an appropriate rehabilitation program.

Any employee who is selected or required to undergo drug or alcohol testing must participate in the testing and cooperate during all phases of the process, including rehabilitation when recommended. Refusal to cooperate or participate in any phase as instructed will result disciplinary action up to and including termination.

No “reasonable suspicion” testing will take place until supervisors have received training in alcohol and controlled substance abuse.

Employees who will be tested must present the following at the testing facility: Picture Identification (driver’s license, passport, etc.

Consent Form. A consent form will be provided when the employee is notified to report for a test. Additional forms will be located at the testing facility. It is the supervisors' responsibility to note the time that the employee departs for the testing facility on the consent form.

This process is confidential. Supervisors are not to share or provide any information concerning the testing process, employees being tested, or any action taken as a result of the testing process.

After required training, if a supervisor has "reasonable suspicion" that an employee is impaired and potentially under the influence of drugs and/or alcohol, the "Observed Behavior-Reasonable Cause Record" form must be completed and signed prior to referral for testing. The supervisor should then complete the following:

Contact the test facility Ann Gosselin, Health Care Today, at phone number (207) 883-8100 during regular business hours, and Ann Gosselin, Health Care Today, at (207) 883-8100 after business hours and advise them that you will be transporting an employee for testing. The supervisor should transport the employee to the testing facility, wait until testing is complete, and transport the employee home following the test.

Notify the Town Manager that the employee has undergone reasonable suspicion testing.

If a "post accident" test is required due to a fatality or issuance of a citation for a moving vehicle violation, the supervisor should complete the following:

Immediately contact the testing facility Ann Gosselin, Health Care Today, by calling (207) 883-8100 during regular business hours, and Ann Gosselin, Health Care Today, at (207) 883-8100 after business hours and request that a Breath Alcohol Technician respond to the scene.

Following the breath test at the scene, the supervisor should transport the employee to the testing facility for drug testing. Once the drug testing is completed, the supervisor will accompany the employee home or back to work as appropriate.

At no time should this process interfere with the investigations of law enforcement officers at the scene or delay any necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

RESPONSIBLE TOWN OFFICIAL

The Public Works Department Head or Town Manager may be contacted for further information about this policy or its applicability.

ARTICLE XXXIX - EFFECTIVE DATE OF THESE PERSONNEL RULES & REGULATIONS

This policy shall become effective August 30, 2005.

Board of Selectmen:

Attest:

Ruth Douglas - Chairperson

Michele, Bukoveckas, Clerk-Treasurer

Robert Irish, Jr.

Allen Crabtree

David McCarthy

Jeff Harriman

Signed this 30th day of August, 2005.

Amended October 1, 2002.

Amended May 27, 2003.

Amended June 17, 2003.

Amended July 27, 2004.

Amended June 30, 2005.

Amended August 30, 2005.

I have read the amended Personnel Rules and Regulations for Sebago's municipal employees. All of my questions have been answered. I understand that I can ask the Town Manager for clarification on any topic at any time.

NAME

DATE