

**TOWN OF SANGERVILLE
BOARD OF SELECTMEN
MEETING AGENDA MINUTES**

Beginning @ 5:00 p.m.

February 21, 2018

Item 1. Open Meeting: (Pledge). Chairman Mike Wark called meeting to order at 5:01 PM, followed by the Pledge of Allegiance.

a. **Selectmen Present:** Mike Wark, Jody Cabot, Dale Gray

b. **Employees Present:** Lois Jones

c. **Residents Present:** Terri Wark, Lance Burgess, Gerald Jackson, Regina Jackson, Dyan McCarthy-Clark, Richard Clark, Steve DeGoosh, Cynthia Hall, Richard Dobson, George Nuite

Item 2. Approval of Minutes:

A. **February 7, 2018.** Tabled.

Item 3. Review of the Treasurer's Warrants:

A. **Payroll #20, 22**

B. **Accounts Payable #19, 21.** Selectman Gray made a motion and Selectman Cabot 2nd to approve all warrants. All in favor.

Item 4. Open Session: Limited to 2 Minutes – Extension per Chairman

A. **Steve DeGoosh** – Mr. DeGoosh was present to discuss the petition he submitted regarding the Food Sovereignty Ordinance. He stated that the organization he is working with has produced a new draft ordinance and there will need to be changes made after the public hearing he wants. Manager informed Mr. DeGoosh that a public hearing is not a guarantee. The Board must first decide if they will allow the question on the warrant for Town meeting, having a public hearing is a Board decision, not the petitioner's decision.

Item 5: Selectmen Concerns: None.

Item 6. Committee Reports:

A. **Road Commissioner.** Road postings were put out to close roads to heavy limits in warmer weather, until May 15th.

Item 7. New Business:

A. **Approval of overdrafts: cemetery account.** Selectman Gray made a motion and Selectman Cabot 2nd to approve the overdraft of \$265.32 to be covered by the contingency fund. All in favor.

B. **Sand.** The Town is low on sand. Manager called Lawson's and he has sand available at a cheaper price than the price listed for additional sand in the contract

with C&W Nuite. It was suggested to call Chris Nuite and ask if he would adjust his price and if he would provide less than the 300-yard requirement.

- C. FOAA policy.** The FOAA policy/request form the Town was using was outdated. This policy will require ALL requests to go through the Public Access Officer, including requests for warrants, invoices, recordings, etc. Even though this information is available in the office, it is still public information that requires a FOAA request, as some information may need redacting. An updated form is included in the policy. Selectman Cabot made a motion and Selectman Gray 2nd to approve the FOAA policy. All in favor.

Item 8. Old Business:

- A. Personnel Policy.** The following were reviewed by the Town's attorney with the following recommendations: on page 4, section 15 – it was felt that a number of infractions and the length of relevancy of infractions would be a manager's decision – the Manager shouldn't be bound to an arbitrary timeline, they should have discretion; page 7, section 24 – it was felt a letter of agreement be placed in the employee's files that currently fall under the older personnel policy; page 10, section 34 – limits are placed on personal affects based on the Town's Workers' Compensation plan – Selectboard would be setting monthly stipend for personal cell phone reimbursement. Selectman Cabot made a motion and Selectman Gray 2nd to approve the updated personnel policy. All in favor.

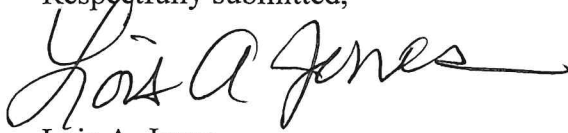
Item 9. Correspondence. None.

Item 10. Request for Additional Agenda Items. None.

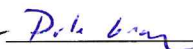
Item 11. Executive Session. None.

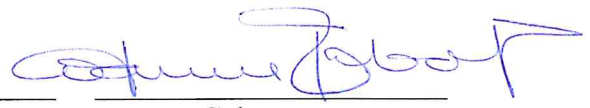
Item 12: Adjourn. Selectman Gray made a motion and Selectman Cabot 2nd to adjourn. All in favor. (NEXT MEETING MARCH 7, 2018, 5PM)

Respectfully submitted,


Lois A. Jones


Michael Wark


Dale Gray


Joanne Cabot

Draft

LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF 2017

AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE TOWN OF SANGERVILLE, PISCATAQUIS COUNTY, MAINE

SECTION 1. NAME. This Ordinance shall be known and may be cited as the "Local Food and Community Self-Governance Ordinance."

SECTION 2. DEFINITIONS.

As used in this ordinance:

- (a) "Local Food" means any food, food product, or drink that is grown, produced, or processed by individuals who sell directly to their patrons through farm- and home-based sales or buying clubs, at farmers markets, roadside stands, fundraisers, or at community social events.
- (b) "Producer" means any farmer or gardener who grows any plant or animal for food or drink.
- (c) "Processor" means any individual who processes or prepares products of the soil or animals for food or drink.
- (d) "Patron" means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.
- (e) "Home consumption" means consumed within a private home.
- (f) "Community social event" means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market, and other public events.
- (g) "Foodways" means cultural, social, and economic practices relating to the production and consumption of food.

SECTION 3. PREAMBLE AND PURPOSE. We the People of Sangerville, Piscataquis County, Maine have the right to grow, produce, process, sell, purchase, and consume local foods thus promoting self-reliance, the preservation of our local food economy, family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families, and non-corporate entities offer stability to our rural way of life by enhancing the economic, environmental, and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of Sangerville. We have faith in our citizens' ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute an usurpation of our citizens' right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals

and the community, and sustains producers, processors, and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

The purpose of the Local Food and Community Self-Governance Ordinance is to:

- (i) Provide citizens with unimpeded access to local food;
- (ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
- (iii) Protect access to farmers' markets, roadside stands, farm based sales, and direct producer/processor to patron sales;
- (iv) Support the economic viability of local food producers and processors;
- (v) Support and promote small-scale, local, and backyard farming;
- (vi) Preserve community social events where local foods are served or sold;
- (vii) Preserve local knowledge and traditional foodways.

SECTION 4. AUTHORITY. This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of Sangerville to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I, § 2 of the Maine Constitution, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefeasible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town of Sangerville.

§1-A of Title 7 of the Maine Revised Statutes which states: "The survival of the family farm is of special concern to the people of the State, and the ability of the family farm to prosper, while producing an abundance of high quality food and fiber, deserves a place of high priority in the determination of public policy."

§ 1-B of Title 7 of the Maine Revised Statutes which states: "... The preservation of rural life and values in the State {is} the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation

of programs that assist in the maintenance of family farms{...}, and improve health and nutrition. The state agencies in addition to the department include, but are not limited to, the Department of Education, Department of Health and Human Services, Department of Labor and the Department of Agriculture, Conservation, and Forestry.

§201-A of Title 7-A of the Maine Revised Statutes which states: "It is the policy of the State to encourage food self-sufficiency for its citizens. The department (Department of Agriculture, Conservation, and Forestry) shall support policies that:

1. **Local Control.** Through local control preserve the abilities of communities to produce, process, sell, purchase, and consume locally produced foods.
2. **Improved Health and Well-Being.** Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;
3. **Self-reliance and personal responsibility.** Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise, and sell foods directly to customers intended solely for consumption by the customers or their families.

SECTION 5. STATEMENTS OF LAW.

Section 5.1. **Licensure/Inspection Exemption.** Producers or processors of local foods in the Town of Sangerville are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers' markets or roadside stands; sells his or her products through farm- or home-based sales directly to a patron; or delivers his or her products directly to patrons.

Section 5.1.a. **Licensure/Inspection Exemption.** Producers or processors of local foods in the Town of Sangerville are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

Section 5.2. **Right to Access and Produce Food.** Sangerville citizens possess the right to save and exchange seed; grow, produce, process, sell, purchase, and consume local foods of their choosing.

Section 5.3. **Right to Self-Governance.** All citizens of Sangerville possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent.

Section 5.4. **Right to Enforce.** Sangerville citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

SECTION 6. STATEMENT OF LAW. IMPLEMENTATION. The following restrictions and provisions serve to implement the preceding statements of law:

Section 6.1. State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term "corporation" shall mean any business entity organized under the laws of any state or country.

Section 6.2. Patron Liability Protection. Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

SECTION 7. CIVIL ENFORCEMENT. The Town of Sangerville may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Sangerville shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

SECTION 8. TOWN ACTION AGAINST PRE-EMPTION. The foundation for making and adoption of this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter, or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government.

SECTION 9. EFFECT. This Ordinance shall be effective immediately upon its enactment.

SECTION 10. SEVERABILITY CLAUSE. To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

SECTION 11. REPEALER. All inconsistent provisions of prior Ordinances adopted by the Town of Sangerville are hereby repealed, but only to the extent necessary to remedy the inconsistency.

SECTION 12. HUMAN RIGHTS AND CONSTITUTIONALITY. Nothing in this ordinance shall be construed as authorizing any activities or actions that violate human rights protected by the U. S. Constitution or the Constitution of the State of Maine.

TOWN OF SANGERVILLE FREEDOM OF ACCESS ACT POLICY

1. **APPLICABILITY.** This policy applies if a request for information is made pursuant to the Maine Freedom of Access Act (FOAA), 1 M.R.S.A. §§400-414. This policy also applies whenever a Town of Sangerville employee has any reason to believe that the records requested may contain confidential or otherwise protected information.
2. **PURPOSE.** This policy is intended to provide a standardized method for responding to FOAA requests and to ensure that all public records are produced in an efficient, consistent, verifiable, and credible manner in accordance with State law.
3. **DEFINITIONS**
 - a. **PUBLIC ACCESS OFFICER.** The Town of Sangerville employee designated to serve as the contact person for the municipality with regard to requests for public records.
 - b. **PUBLIC RECORDS.** The term “public records” means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of the State of Maine or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business. Exceptions to this definition are outlined in 1 M.R.S.A. §402 (3)(A-V).
4. **RESPONSIBILITIES**
 - a. **ALL EMPLOYEES.** Town of Sangerville employees are responsible for knowing the general content of the files they possess, maintain, manage, or control. This policy must be followed when responding to a FOAA request.
 - b. **PUBLIC ACCESS OFFICER.** The Town Manager shall be designated as the Public Access Officer and shall be responsible for ensuring that responses to FOAA requests are made pursuant to the procedures outlined herein. In the absence of the Town Manager for three working days or longer, the Town Clerk shall act as the alternate Public Access Officer.
 - c. **TOWN ATTORNEY.** The Town Attorney shall be consulted regarding requests for information that may be privileged, confidential or otherwise believed to be subject to an exception to the definition of “Public Records” as outlined by State law.
5. **GUIDELINES AND PROCEDURES.** The FOAA requires that, except as otherwise provided by statute, a person has the right to inspect and copy any public record in accordance with 1 M.R.S.A. §408-A within a reasonable time of making that request to inspect or copy the public record.

- a. **FORM OF REQUEST.** The Town of Sangerville encourages FOAA requests be made in writing, using the “Town of Sangerville Freedom of Access Act Request Form” attached as Appendix A to the policy or submit the request in letter format.

All requests should include the date, specific information being requested, name of requester, address, phone number, e-mail address, and signature of requester. All requests should also include the preferred delivery format. If digital copies are requested, the Town will make every effort to provide the information in a format convenient and practical for the requester.

The Town of Sangerville may charge fees for public records in accordance with 1 M.R.S.A. §408-A (8).

- b. **INTAKE OF FOAA REQUESTS.** Any Town of Sangerville employee receiving a FOAA request shall forward the request to the Public Access Officer. The Public Access Officer shall acknowledge receipt of a request made according to the FOAA within five (5) working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the Public Access Officer will provide a good faith, nonbinding estimate of the time within which the Town will comply with the request, as well as a cost estimate, in accordance with 1 M.R.S.A. §408-A (3).
- c. **INSPECTION AND COPYING.** A person may inspect any public record during reasonable office hours. A person may copy a public record at the Town Office during reasonable office hours or may request that the Town provide a copy. The Town may charge a fee for copies.
- d. **REFUSAL OR DENIAL.** The Town of Sangerville may refuse permission to inspect or copy or abstract a public record and shall provide within five (5) working days of the receipt of the request, written notice of the denial, stating the reason for the denial or the expectation that the request will be denied in full or in part following a review.

A request for inspection or copying may be denied, in whole or in part, on the basis that the request is unduly burdensome or oppressive if the procedures established in 1 M.R.S.A. §408-A (4-A) are followed.

Failure to comply with 1 M.R.S.A. §408-A or failure to allow inspection or copying is subject to appeal as provided in 1 M.R.S.A. §409.

Approved by the Sangerville Select Board at the regular meeting February 21, 2018.

_____ Michael Wark, Chair

_____ Dale Gray

_____ Joanne Cabot

**APPENDIX A
TOWN OF SANGERVILLE
FREEDOM OF ACCESS ACT REQUEST FORM**

DATE:
NAME OF REQUESTER:
MAILING ADDRESS:
CITY/STATE/ZIPCODE:
PHONE:
EMAIL:

Pursuant to 1 M.R.S.A. §§400-414 and the Freedom of Access Act, I would like to request a time to inspect and/or copy the following public records:

Preferred Delivery Format:

The Town of Sangerville may charge fees for public records in accordance with 1 M.R.S.A. §408-A (8), including but not limited to:

1. The cost of copying.
2. The actual cost of searching for, retrieving, and compiling the requested public record (not more than \$15.00 per hour after the first hour of staff time per request). Compiling the public record includes reviewing and redacting confidential information.
3. The cost of converting a public record into a form susceptible to visual or aural comprehension or into a usable format.
4. The actual mailing costs to mail a copy of a record.

Signature of Requester:

RETURN TO: Town Manager, Town of Sangerville
One Town Hall Avenue, P.O. Box 188, Sangerville, Maine, 04479
tmsangerville@myfairpoint.net

FOR OFFICE USE ONLY:	
Date Acknowledged:	Date Completed:
Cost Estimate:	Final Cost:

TOWN OF SANGERVILLE - PERSONNEL POLICY
Amended February 21, 2018

GENERAL PROVISIONS

1) PURPOSE

The following guidelines have been established by the Board of Selectmen to ensure the orderly, uniform and fair system of personnel administration. This Personnel Policy and any following modifications shall replace all previous policies and rules. Any portion of this Personnel Policy that is inconsistent with a particular employee's contract of employment shall not apply to that employee. The Board of Selectmen may adopt guidelines specific to certain positions when necessary to provide for the overall needs of the town and/or department.

2) EQUAL EMPLOYMENT OPPORTUNITY

The Town of Sangerville is committed to providing equal employment opportunities for all persons making application for employment to the Town and for equal treatment and advancement opportunities for its employees. Sangerville, therefore, sets forth a policy of non-discrimination in hiring, employment, and personnel actions based upon religion, age, sex, sexual orientation, marital status, race, color, ancestry, national origin, physical or mental handicap.

3) HARASSMENT AND UNLAWFUL DISCRIMINATION

It is the policy of the Town of Sangerville that all employees have the right to work in an environment free of illegal discrimination, which includes freedom from sexual harassment. The Town will not tolerate any form of sexual harassment by Supervisors, co-workers, members of the general public or other visitors to the workplace.

Sexual Harassment is outlined in the EEOC Sexual Discrimination Guidelines and the Maine Human Rights Act.

Supervisors and managers are responsible for monitoring behavior which could be construed as harassment and for initiating necessary action to eliminate such behavior. Any employee who believes that he or she has been the victim of sexual harassment, or any other kind of harassment or discrimination, or who has knowledge of that kind of behavior, should immediately report the matter to the Town Manager

The Town Manager, or designee, will immediately investigate any complaints and take disciplinary action if warranted.

4) WHISTLEBLOWER PROTECTION

The Town of Sangerville strives to conduct its business with integrity and in strict compliance with all applicable federal, state and local laws and regulations. Accordingly, any employee is encouraged to bring to the attention of the employee's supervisor or the Town Manager any actions of town officials or employees that the employee believes may be improper. The Town will not retaliate against any employee who makes a report in good faith to the employee's supervisor, the Town Manager or a regulatory body.

5) EMPLOYMENT APPLICATION

Applications for employment must be submitted on forms prescribed by the Town, when requested. Such forms may require whatever information is deemed necessary and all applications must be signed by the applicant. Applications and resumes shall only be accepted during the time set forth in the announcement of the vacancy.

6) PHYSICAL EXAMINATIONS

Pre-employment physical examinations may be required for those employees whose positions require them to perform physical labor. The Town will be responsible for the costs of the required physical exams if performed by a physician designated by the Town. Employees who have had a physical exam within the past year may be exempted from this policy, providing that they furnish a copy of the doctor's report.

7) PROBATION

All new employees will serve a six month probationary period. All full time employees will be allowed all Town benefits while serving their probationary period. At any time during the probationary period the Town may terminate employment on a no fault basis" which will require neither a hearing nor a determination of cause. On a rare occasion, the Town may deem it necessary to extend the probationary period for an additional three months, however, both parties must agree to the extension in writing. Employees who are promoted or move into another position for the town will be considered a new employee in that position and will serve a six month probationary period in that position.. Upon successful completion of the probationary period, all employees will be assigned to one of the following classifications.

8) TYPES OF APPOINTMENTS

- A. **FULL TIME EMPLOYMENT** - A full time employee works full time and on a continuing, indefinite basis. He/she is subject to all personnel policies and receives all benefits and rights as provided by these policies.
- B. **PART-TIME EMPLOYMENT** – A part-time employee works less than 30 hours per week. He/She is not eligible for any employment benefits such as retirement, health insurance, or seniority. He/she is subject to all personnel and department rules and regulations.
- C. **SEASONAL OR TEMPORARY EMPLOYMENT** –A seasonal or temporary employee works the normal work week or less, but for a limited period of time, typically less than four months. He/she is not eligible for any employment benefits such as retirement, health insurance, accrual of sick leave and vacation time, or seniority. He/she is subject to all personnel rules and regulations.
- D. **VOLUNTEER** – A volunteer does not receive any compensation other than reimbursement for out-of-pocket expenses. Volunteers are subject to all personnel and department rules and regulations and are not eligible for any employment benefits.

- E. **ON-CALL** – On-call denotes an employee who is subject to call in (such as firemen). He/she shall be compensated for hours worked at a rate set by the Board of Selectmen for actual on-call time, training and practice sessions. On-call employees are not entitled to benefits as outlined in this policy. They are, however, subject to the personnel policy rules and regulations.

9) PROMOTION

Present employees shall be given consideration in filling a vacancy, but it is recognized, from time to time, the good of the service will require that a vacancy be filled from outside the service.

10) COMPENSATION

All employees of the Town shall be compensated based upon their range of duties responsibilities, and level of work performed, as established by the Town Manager and reviewed annually by the Budget Committee and Select Board, for approval at Town Meeting.

Additional performance based compensation may be allocated at the discretion of the Town Manager, with the approval of the Select Board.

11) TRAINING

The Town will attempt to make opportunities available to employees within the constraints of the Town budget for the further development of specific skills and expertise deemed of mutual benefit to employee and the Town. Approval of staff development involving expenditure of funds must be obtained from the Department Head, Town Manager and Board of Selectmen. Reimbursement for costs for required tuition relating to approved continuing education course work shall be made on a case-by-case basis. The Town Manager must approve training required by the State of Maine or Federal Government.

12) TIMESHEETS

A weekly time sheet shall be completed by every employee and submitted to the employee's Supervisor for approval. Every employee shall keep accurate record of their time, to include vacation, sick and compensatory time used. No employee shall be paid for lunch breaks, but are entitled to a fifteen (15) minute break in the morning and in the afternoon.

Intentional falsification of any payroll records or timesheets may be just cause for disciplinary action, up to and including dismissal.

Employees shall be at their respective places of work at the appointed starting time. All departments shall keep daily attendance records and furnish the records to the Town Manager on request. In the event of a necessary absence, it is the responsibility of the employees to inform their department head of the reason for the absence within a reasonable amount of time or before the employee is expected to report to work. If a department head is to be absent from work he/she is expected to inform the Town Manager prior to the start of the workday

13) OVERTIME

- A. **HOURLY NON-EXEMPT EMPLOYEES** – Occasional overtime work in excess of forty hours per week shall be compensated at the rate of 1 ½ times the regular hourly rate or, upon mutual agreement in writing, by compensatory time off at the rate of 1 ½ hours of CTO for each hour of overtime work.
- B. **SALARIED EXEMPT EMPLOYEES** – It is understood that all salaried positions are paid on the basis of job responsibility of the person filling the position to accomplish the work assigned to the position regardless of hours required to do the work. To the extent possible and subject to the approval of the Town Manager, exempt employees may be permitted to adjust their schedules to compensate for periods when they work an extraordinary number of hours.

14) **HOLIDAYS**

The Town has adopted the State of Maine holiday schedule for full-time employees. If a regular holiday falls on a Sunday, the following Monday is considered a holiday; if on Saturday, the preceding Friday, unless otherwise regulated by law. Part-time employees who have attained one year of service are eligible to receive regular pay during holidays when the holiday falls on the employees regularly scheduled workday.

HOLIDAY SCHEDULE-

NEW YEARS DAY	M.L. KING DAY	PRESIDENTS' DAY
PATRIOTS' DAY	MEMORIAL DAY	INDEPENDENCE DAY
LABOR DAY	COLUMBUS DAY	VETERANS DAY
THANKSGIVING DAY	DAY AFTER THANKSGIVING	CHRISTMAS DAY
DAY BEFORE/AFTER CHRISTMAS DAY		

15) **DISCIPLINARY ACTION**

The Town has a policy of progressive discipline for employees, which means that repeated instances of poor job performance or misconduct will be subject to progressively more severe sanctions, which may include oral warnings, written reprimands, suspension with or without pay, demotion or dismissal. Progressive discipline does not mean that the initial disciplinary response to unsatisfactory job performance or misconduct will always be the same. Serious job performance problems or misconduct such as, but not limited to, dishonesty, violence or theft, may result in more severe disciplinary sanctions, up to and including dismissal, even on the first occurrence.

The Town Manager shall have the authority to take necessary disciplinary action which may include such remedies as oral warnings, written reprimands, suspension with or without pay, demotion or dismissal.

Before making a final decision to suspend without pay for more than two (2) days, demote or dismiss an employee, the Town Manager or designee shall hold an informal hearing. The employee shall be given written notice of the proposed disciplinary action and the reasons therefore in advance of the hearing. The employee shall have the opportunity at the informal hearing to respond to the reasons and to present reasons why the employee believes the discipline or discharge is not justified. A prior informal hearing shall not be required when in the judgment of the Town Manager the employee's conduct or job performance creates an

immediate threat of injury to the employee, any other Town employee, or members of the public, or is otherwise detrimental to the Town, provided that the employee shall be suspended with pay until such time as an opportunity for an informal hearing is offered.

Should an employee be dissatisfied with the Town Manager's decision with respect to suspension without pay for more than two (2) days, demotion or dismissal, the employee may file an appeal of the decision to the Board of Selectmen. The appeal shall be in writing and shall be filed with the Town Manager within seven (7) days of the decision. The appeal shall set forth the relief sought. The Board of Selectmen shall conduct a hearing on the matter within fourteen (14) days of receipt of the appeal. The Board shall render a written recommendation based on its findings within seven (7) days from the conclusion of the hearing.

16) JOB PERFORMANCE EVALUATION

Employee performance evaluations shall be in writing utilizing a standard form and shall be made part of the employee's personnel file. In all cases, the evaluations will be discussed with the employee by the Supervisor and signed by both parties. A copy will be kept in the personnel file.

1. Probationary employees shall be evaluated prior to the conclusion of their probationary period. The Supervisor shall recommend to the Town Manager whether the employee should be retained.
2. Commencing with the employee's anniversary date, performance evaluations shall be conducted annually.

17) PERSONNEL RECORDS

Appropriate records will be maintained for each employee of the Town. Any employee may review his/her records, between the hours of 8:30 a.m. and 4:45 p.m., Monday through Friday.

An employee that wishes to look at his/her file(s) may make an appointment with the Town Manager. The file(s) can be examined on the premises. Employees may not remove anything from nor add to anything in the file(s). Additions may be placed in the file(s) upon written request and with the approval of the Town Manager.

18) POLITICAL ACTIVITY

Due to the nature of the employees as the servants of local government, it is expected that employees would act with discretion in regard to their activities in politics at any governmental level. Political activities including running for office, working on campaigns, circulating petitions, etc., should be discussed with the Manager before they are undertaken. This rule is not to be construed to prevent the Town employees from becoming, or continuing to be, members of any political organization, from attending political organization meetings, from expressing their views on political matters, or from voting with complete freedom in any election.

19) LAY-OFFS

An employee may be laid off for lack of work, lack of funds, reductions in staff, or other legitimate reasons. All employees shall be furnished a written statement setting forth the reasons for the lay-off.

Full-time employees shall be given one (1) week notice before the effective date of the lay-off. Employees who are not full-time and full-time employees who have not completed the probationary period may be laid off at any time without recourse to the grievance procedures set forth in this Policy.

20) RESIGNATION

An employee may resign by submitting in writing a notice of intent. The Town requests two weeks notice in advance of termination. Failure to submit two weeks notice in writing may be cause for denying future employment with the Town.

21) GRIEVANCE PROCEDURE

The grievance procedures below are intended to provide full opportunity for employees to bring to the attention of management; complaints, grievances, or situations that the employee feels need either adjustment or information. It is the intent and desire of the Town to adjust complaints or grievances informally as problems arise. However, it is recognized that there will be matters which can only be resolved by a formal grievance. A grievance by an employee shall in no way affect the employee or his/her future employment with the Town. In order to insure the employee of a method in which he/she may obtain review of his/her particular grievance rapidly, fairly and without reprisal, the following steps are provided:

Step 1: The aggrieved employee shall, within ten (10) working days of the incident discuss and explain any problem he/she may have orally with his/her department head. If necessary, his/her immediate department head may consult with others in an effort to achieve a prompt satisfactory adjustment of the matter. The department head will make a decision and notify the employee of the decision within ten (10) days after discussion.

Step 2: If the aggrieved employee feels that the matter has not been settled to his/her satisfaction by his/her department head, he/she then may submit the matter in writing to the Manager within ten (10) days from receipt of the decision of his/her department head. The Manager shall schedule a meeting within ten (10) working days after receipt of the grievance from the employee and the Manager shall give his/her written decision on the matter within ten (10) days after the meeting.

Step 3: If the aggrieved employee feels that the matter has not been settled to his/her satisfaction by the Manager, he/she then may submit the matter in writing to the Board of Selectmen within ten (10) days from the receipt of the decision of the Manager. The Board of Selectmen shall call and conduct a hearing of all parties involved within thirty days after submission of a grievance to it. The Board of Selectmen shall provide the employee with a written decision within fourteen (14) days of the hearing. The Town may designate the Board of Appeals instead of the Board of Selectmen as the committee to hear grievances by amendment of the Board of Appeals Ordinance.

22) PERSONAL TIME:

1. Each regular full-time hourly and salaried employee is credited with five (5) days of personal time for the year of his/her employment with the Town. Only 8 hours of unused personal time may rollover to the next year. This is time that must be used for

sickness or as personal time off. No one will be paid for unused personal time at the time of their departure from the Town.

2. Any employee who needs to use sick/personal leave must notify his/her department head of their illness/personal time use prior to or at the normal day's starting time. Failure to notify will result in loss of that day's sick/personal time pay.

23) SICK LEAVE

1) SALARIED EXEMPT EMPLOYEES - Salaried exempt personnel and employees who work more than 30 hours per week on a regular basis will be provided with a Town-funded income protection benefit in the amount of the difference between any Town-provided disability insurance and their regular wages for up to six months of continuous sick leave subject to the following conditions:

- A. Sick leave in excess of five (5) consecutive working days must be substantiated by a doctor's certificate.
- B. The employee must apply for all insurance benefits available to him/her.
- C. If the employee does not receive income protection benefits under a Town-provided insurance policy during his/her sick leave or if the benefits received under such a policy are less than the employee's regular wages, he/she will be paid from his/her Personal time account the difference between the insurance benefits and his/her regular wages.
- D. No salaried exempt employee shall receive any payment in lieu of any unused personal time benefits.
- E. An extension of the sick leave entitlement may only be granted by a majority vote of the Board of Selectmen.

24) VACATIONS

The Town offers paid vacations in accordance with the formula below:

REGULAR FULL-TIME SALARIED AND REGULAR FULL TIME HOURLY
NONEXEMPT

One Year	5 working days
After Three Years	10 working days
After Nine Years	15 working days

Yearly intervals are calculated based on date of hire rather than calendar year.

Employees who do not take their vacation time will forfeit it if it is not taken within twelve months of being earned. No one will receive pay in lieu of vacation time.

In the event of separation from employment, employees may be paid for accrued unused vacation time in no case to exceed Five (5) weeks.

25) FAMILY MEDICAL LEAVE

The Family & Medical Leave Act (29 U.S.C. §2601 et seq.) is a federal law that requires unpaid leave for employees who have worked for the Town for at least twelve (12) months and at least

1,250 hours during the prior twelve (12) months to deal with family and personal matters. Eligible employees may take up to twelve (12) weeks of job protected unpaid leave in a twelve (12) month period for the following reasons:

1. Birth and/or care of a child of the employee;
2. Placement of a child into the employee's family by an adoption or by a foster care arrangement;
3. Care of the employee's spouse, child or parent who has a serious health condition;
4. Inability of the employee to perform the functions of the employee's position due to a serious health condition;
5. To address a qualifying exigency arising out of the fact that the employee's spouse, child or parent is on covered active duty (or has been notified of an impending call to order to covered active duty) in the Armed forces;
6. To care for a covered servicemember who is the spouse, child, parent or next of kin of the employee (for up to 26 workweeks in a 12-month period).

This law guarantees certain rights to eligible workers:

1. Restoration to the same position upon return to work, or one that is equal in pay, benefits and responsibility.
2. Protection of employee benefits while on leave.
3. Protection from retaliation from an employer by exercising this right.

Under the Maine Family Medical Leave Act (26 M.R.S.A. §843 et seq.), employees who have worked for the Town for 12 consecutive months but for less than 1,250 hours, and are therefore ineligible for Federal family and medical leave, may be eligible for up to 10 work weeks of unpaid leave in any 2 years for the following reasons:

1. Serious health condition of the employee;
2. Birth of the employee's child or the employee's domestic partner's child;
3. Placement of a child 16 years of age or less with the employee or with the employee's domestic partner in connection with the adoption of the child by the employee or the employee's domestic partner;
4. A child, domestic partner's child, parent, domestic partner, sibling or spouse with a serious health condition;
5. Donation of an organ of the employee for a human transplant; or
6. Death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child, as a member of the state military forces (as defined in 37 M.R.S. §102) or of the United States Armed Forces, including the National Guard and Reserve, dies or incurs a serious health condition while on active duty.

If both Federal and State leave are applicable, the time on leave will count toward the leave limits under both the Federal and the State laws, as it is the Town's intent for leave to run concurrently under both laws.

26) OTHER LEAVES

- A. **JURY DUTY** - If an employee is called to jury duty he/she will be paid the difference between his/her jury pay and his/her regular pay so that no loss of gross income will be

suffered. Employee may retain jury pay in an amount necessary to cover mileage and meal expenses and still receive regular pay.

- B. **BEREAVEMENT** - Up to three (3) working days at any one time in the event of death in an employee's immediate family. Immediate family is to include parents, grandparents, grandchildren, parent-in-law, brother, sister, children, spouse, and step-parents. If the death or funeral falls on a regular day off an employee may not take additional working days off to reach the 3 day maximum. Special consideration may be made by the Town Manager when exceptional or unusual circumstances are a factor. Additional leave may be granted by the Manager when deemed necessary.
- C. **RESERVE SERVICE LEAVE** – Full-time employees who are members of the organized military reserves, and who are required to perform field duty, will be granted reserve service leave in addition to vacation time, but not to exceed seventeen (17) days in any calendar year. For any such period of reserve leave, the Town will pay employee the difference between his/her service pay and regular salary or forty (40) hours per week at his regular hourly rate of pay. Other military leave is granted in compliance with federal and state laws.
- D. **ADDITIONAL LEAVES** – Leaves of absence with or without pay may be granted at the discretion of the Board. Upon return from such leave, employee may, at the discretion of the Board, be considered as if they were actively employed by the Town during the leave and may be placed on the salary schedule at the level they would have achieved if they had not been absent. All leave requests and grants shall be in writing.

27) **TRAVEL EXPENSES**

Per diem at the rate of \$50.00 per day, individual room at the Holiday Inn or its equivalent, actual mileage at a rate to match and not exceed the Maine State rate for Privately Owned Vehicle (POV) reimbursement and the actual cost of the training session or convention paid by the Town.

28) **SMOKING POLICY**

In keeping with the Town of Sangerville intent to provide a safe and healthful work environment, smoking is prohibited throughout all municipal buildings and vehicles and near all public entrances to municipal buildings.

This policy applies equally to all employees, customers, and visitors.

29) **ALCOHOL AND DRUG TESTING**

Employees who operate vehicles on public highways as a part of their job duties will be subject to compliance with United States and Maine Department of Transportation drug and alcohol testing programs. Employees refusing to comply with required drug and alcohol testing will be subject to disciplinary action up to and including termination.

30) SAFETY

The Town of Sangerville provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board posting, memos, or other written communications. .

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate Department Head. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or where appropriate, remedy such situations, may be subject to disciplinary action up to and including dismissal. Compliance with safety rules and procedures will be a subject of employee evaluations.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the Town Manager or the appropriate Department Head. Such reports are necessary to comply with laws and initiate insurance and worker's compensation benefits procedures.

31) SOCIAL SECURITY

The Town participates jointly with employees in Social Security payments. Participation is Mandatory. Benefits provided include a retirement feature, survivor's benefits payments if death occurs before retirement, disability insurance, and Medicare coverage.

32) HEALTH INSURANCE AND INCOME PROTECTION

The Town may participate in health, dental and income protection plans. Individual coverage and plan offerings will be reviewed annually and presented to employees during the annual enrollment period. Hourly employees cannot decline coverage in lieu of increased pay.

When enrolled in the MMEHT health insurance, employees are eligible for life insurance equal to one year's wages or salary. Life insurance offerings will be reviewed annually by the Board of Selectmen.

33) RETIREMENT

The Town currently provides the option of participation in the American Funds deferred compensation plan. Participation is optional. Details of these plans are available at the Town Office. Employees will receive atown match for American Funds contributions in the amount of a maximum of 3% of gross income.

34) PERSONAL EFFECTS CLAUSE

The Town agrees that personal effects will be replaced within the limits and conditions set forth in the Town's Workers' Compensation Plan.

Approved Town employees will receive a stipend for cell phone usage at the discretion of the Board of Selectmen.

35) TOWN VEHICLE POLICY

Town owned vehicles shall be used for official Town business only. Town employees or their designees may only operate vehicles and equipment owned by the Town of Sangerville if such operation is within the scope of their employment. Use of Town vehicles and equipment for personal reasons or benefit is prohibited.

Approved by the Sangerville Select Board at the regular meeting February 21, 2018.

_____ Michael Wark, Chair

_____ Dale Gray

_____ Joanne Cabot

SIGN-IN SHEET

EVENT

Select Board / Public Hearing

DATE

2/21/18

PLEASE PRINT

Terri Wark

Cynthia Hall

Dylan McCarthy-Clark

Richard Clark

Richard Dabson

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David Jackson

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