



FRANKLIN COUNTY PERSONNEL POLICY HANDBOOK

Adopted: May 16, 2000
Amended: November 14, 2025

COUNTY
PERSONNEL POLICIES

EMPLOYEE ACKNOWLEDGMENT FORM

RESPONSIBILITIES- Personnel Policies provide information about working conditions, policies affecting employment, and employee benefits available to eligible employees.

You should read, understand, and comply with all provisions of the Personnel Policy as soon as possible. The Policies describe your responsibilities as an employee and outline the programs developed by Franklin County to benefit its employees.

ACKNOWLEDGMENT- Since policies and benefits described herein are necessarily subject to change, I acknowledge that revision to the personnel policies may occur. All such changes will be communicated through official notices. I understand that revised information may supersede, modify, or eliminate existing policies. Only the Franklin County Commissioners have the authority to adopt any revisions to the policies in this handbook.

I acknowledge that I have received a copy of the Personnel Policies and understand that it is my responsibility to read and comply with the Policies and any revisions made to the Policies.

DATE _____

EMPLOYEE NAME (Print or Type)

EMPLOYEE SIGNATURE

WITNESS (Print or Type)

SIGNATURE OF WITNESS

This acknowledgment will be placed in the employee's personnel file.

**COUNTY OF FRANKLIN
PERSONNEL POLICIES**

Section	Topic	Page
	Statement of Purpose	4
	Non-Discrimination Policy	4
1.	Employee Definitions	5-6
2.	Employment	7-9
3.	Work Standards	10-21
4.	Conduct of Employees	21-24
5.	Leave Benefits – Full-Time Employees	24-30
6.	Leave Benefits – Part-Time Employees	30
7.	Employee Benefits	31-34
8.	Discipline, Grievance & Appeal	34-35
9.	Job Classification & Compensation	36
10.	Policies	
	Americans with Disabilities Act	36-37
	Fitness for Duty	37-41
	Workers Compensation-Return to Work	41-42
	Family Medical Leave	42-45
	Safety Policy	46-48
	Workplace Bullying	48-49
	Discrimination and Harassment	50-51
	Anti-Fraternization	52-53
	Anti-Retaliation	53-54
	Tobacco Use	55
	Drug-Free Workplace	55
	Salary Administration	56-59
	Computer and Email Use	59-62
	Artificial Intelligence Usage	62-63

FRANKLIN COUNTY
PERSONNEL POLICIES
STATEMENT OF PURPOSE

The purpose of the following personnel policies is to provide uniform and equitable guidelines for employee conduct and performance and for County Commissioners, County Officials, and Department Heads to administer the personnel activities of Franklin County.

Presentation of this information to all employees will serve to instruct the employees concerning their rights and responsibilities while employed at Franklin County.

No personnel policy can anticipate every circumstance or question about policy. The need may arise to change policies from time to time. The Commissioners reserve the right to revise, supplement or rescind any policies as they deem appropriate. Employees will be notified of such changes as they occur. The Commissioners shall review the Personnel Policy at least once annually.

This policy intends to promote the efficiency and economy of the County government and assure that County employees are treated consistently and fairly.

NON-DISCRIMINATION POLICY

Franklin County is an equal opportunity employer. Franklin County does not discriminate in any phase of employment based on race, color, religion, ancestry, national origin, sex, age, sexual orientation, familial status, gender identity, physical or mental disability, or domestic violence victims, and is committed to complying with all applicable state and federal laws prohibiting discrimination. Franklin County is committed to hiring and conducting all phases of employment based on merit, ability, and qualifications.

Commissioner Signature 1

Commissioner Signature 4

Commissioner Signature 2

Commissioner Signature 5

Commissioner Signature 3

Date Signed

1. EMPLOYEE DEFINITIONS

- 1.1 **FULL-TIME EMPLOYEE**--A full-time position shall be on a continuing or indefinite basis. The employee shall be required to work the standard work week as determined by the County Commissioners as listed in the attached Appendix A of at least thirty-two and one-half (32.5) hours or more. The employee shall have completed a probationary period and shall receive all benefits provided herein.
- 1.2 **PART-TIME EMPLOYEE**--A part-time position may be on a continuing or indefinite basis. The incumbent shall be required to work a standard work week of less than thirty-two and one-half (32.5) hours per week. The work schedule will vary depending on operational needs. The employee may be called in to fill vacancies due to leaves or absences of full-time employees. The employee will be paid an hourly wage and is not entitled to benefits provided herein, except earned paid leave as outlined in section 6.1.
- 1.3 **ON-CALL EMPLOYEE**--An on-call position shall not have a definite schedule of standard hours and is subject to call based upon an operational need. The work is intermittent, and the employee will be paid an hourly wage. This position is not entitled to the benefits provided herein.
- 1.4 **PER DIEM EMPLOYEE**--A per-diem position is an as-needed position. This position is less than full-time and does not require a standard schedule. Employees in this position are paid an hourly wage and are not entitled to the benefits provided herein.
- 1.5 **PROGRAM EMPLOYEE**--A program position is created in accordance with a specific federal, state, or other program authorized by the Commissioners. Program employees will receive wages and benefits following the specific regulations of the program. Program employees may be full-time or part-time.
- 1.6 **TEMPORARY EMPLOYEE**--A temporary position may be appointed for a project for a finite period, to fill a specific need of less than a permanent nature, or to fill a temporary vacancy of a full-time or part-time position. Department heads will make a recommendation to the County Commissioners when a need arises.
- 1.7 **ELECTED POSITION**--Elected positions are those established by the Constitution of the State of Maine or by Maine Revised Statutes Annotated. The positions are for a fixed term of office and the incumbents must take an oath of office. The Commissioners will decide the appropriateness of benefits for the position.
- 1.8 **DEPARTMENT HEAD**--Franklin County recognizes the following positions as department heads: Registrar of Deeds, Registrar of Probate, Treasurer, EMA Director, Chief Deputy, Detention Center Manager, Sheriff, Judge of Probate, Communications Director, District Attorney County Clerk. The Commissioners will decide the appropriateness of benefits for the position.
- 1.9 **APPOINTED EMPLOYEE** – The Maine Revised Statutes Annotated Title 30-A § 81 – The County

Commissioners in each county may appoint a suitable person to serve as Clerk to the County Commissioners. The Clerk of the County Commissioners shall be known as the County Clerk. A. The County Clerk serves at the will of the County Commissioners. B. When a Clerk is absent, the Clerk may appoint a clerk pro tempore to the commissioners for whose actions the Clerk is responsible.

1.10 SALARIED EMPLOYEE – A salaried employee is one in which the wages are fixed from one pay period to the next. The number of hours a salaried employee works may fluctuate from week to week; however, the employee would be required to work as many hours as it takes to satisfactorily meet the needs and demands of that position. A salaried employee shall be considered exempt from overtime and is not eligible for compensatory time.

1.11 EXEMPT EMPLOYEE - A salaried employee may also be considered an exempt employee if the employee meets all of the following criteria:

Must be paid at least \$845.21 per week.

Must be paid on a salary basis.

Must perform exempt job duties called “executive”, “professional” or “administrative”.

Exempt executive job duties include regularly supervising two or more other employees, having management as the primary duty, and also having input into the job status of other employees (such as hiring, firing, promotion, or assignments).

Exempt professionals include lawyers and accountants that may pertain to county operations.

Exempt administrative job duties include office work that is directly related to management or general business operations of Franklin County or the County’s customers, and a primary component of which involves the exercise of independent judgment and discretion about matters of significance.

1.12 NON-EXEMPT EMPLOYEE – Non-exempt employees are paid on an hourly basis for hours worked and are entitled to overtime pay following the provisions of the FLSA.

1.13 ESSENTIAL EMPLOYEE – Non-exempt employees who are designated as essential employees are required to work when a closing is authorized, usually in operations that must provide services around the clock.

2. EMPLOYMENT

2.1 RECRUITMENT--It will be the policy of the Franklin County Commissioners to have employees recommended by the personnel who will be responsible for their subsequent daily supervision, i.e. Department Heads. County Commissioners shall fulfill their statutory requirements as they may pertain to hiring and termination procedures, as noted in Title 30 A, M.R.S.A., Subsection 501.

2.2 NOTICE & APPLICATION--Department Heads will notify the County Commissioners' Office of any existing or potential position vacancies. Such vacancies will be posted in-house- for ten days. Local advertisement of vacancies is the responsibility of the Commissioners' Office. All candidates who wish to apply for employment with Franklin County must secure and complete an official application form and submit it and/or a resume to the Department Head before the closing date for submission of applications.

2.3 SELECTION & APPOINTMENT-- Standardized forms shall be provided by the individual department. See attached employment application Appendix B. Regardless of where responsibility for selecting a potential employee resides, no employee will be hired without the prior approval of the County Commissioners, who also establish the employee's rate of pay following the compensation plan, if applicable.

The County Commissioners have the authority to consider prior Franklin County employment experience in setting the pay of rehired employees. The County Commissioners have the discretion to give the rehired employee no credit, partial credit, or full credit for their prior Franklin County job experience.

The County Commissioners may establish appropriate testing procedures to facilitate the determination of employee qualifications.

2.4 PROBATIONARY PERIOD--Once hired, each new county employee will serve a six-month (6) probationary period unless a longer probationary period is required by law. The object of the probationary period is to determine the ability of the employee to adhere to required work standards through a period of observation and review. The Department Head will ensure that the employee is advised in writing if work is not being performed satisfactorily. The Department Head may recommend to the Commissioners the removal of an employee who is unable or unwilling to perform the duties of a position satisfactorily or whose work habits and dependability do not merit continuance in County service.

The Department Head will notify the Commissioners' Office in writing before the probationary period expires:

- A. The probationary employee's performance was satisfactory, with an accompanying evaluation report, and the employee is recommended for a permanent position. The Department Head may also upon the employee successfully completing the probationary period recommend a salary

adjustment that may include considering outside employment experience relevant to the current position.

- B. The probationary employee's performance or conduct was unsatisfactory, and that removal is proposed as of a recommended date. The Department Head will furnish reasons and an evaluation report for the recommended removal, as well as indicate to the Commissioners that efforts to aid the employee to correct deficiencies have been made. The Commissioners may terminate the employee upon the Department Head's recommendation.
- C. An extension of the probationary period is desired for additional observation and the employee will continue in the position during the extension if granted. The extension shall not exceed six (6) months.

At any time during the probationary period, an employee may be removed in accordance with this policy. The probationary employee will be given written notification with a copy sent to the Commissioners' Office stating the reasons for termination. Removal of a probationary employee is final, and the employee has no right to appeal.

2.5 PROMOTION--The County encourages employees to attain a greater knowledge of their work and make known their qualifications for promotion to more responsible and challenging positions. No Department Head shall deny a qualified employee permission to apply for a promotional opportunity or a request for a transfer in any County Office or department.

The Department Head shall apply the following standards concerning promotions and the filling of job vacancies: the job-related skills, knowledge, abilities, experience, education, past performance, seniority, and attendance which will contribute to the satisfactory performance of duties of the position. Promotion shall follow the established policies herein.

2.6 DEMOTION--A demotion is a voluntary or involuntary transfer to a job in a lower pay grade. The employee's longevity as it relates to sick and vacation leave will remain unchanged, and the wage rate will be determined by the new pay grade. If demotion is based on sub-standard performance, it will be supported by a performance evaluation. If a demotion is for a disciplinary reason, it will be supported by documentation. All demotions will be initiated by the Department Head, reviewed, recommended by the Department Head, and approved by the Commissioners.

2.7 LATERAL TRANSFER--A lateral transfer is a transfer of an employee from a job in a particular pay grade to another job in the same pay grade, with no change in the hourly rate. The employee's anniversary date shall not change. The first thirty (30) calendar days under the new departmental classification shall be deemed the transferred employee's training period. Within the training period, the employee shall have the right to return to his/her former position. If within the training period, the Department Head determines the employee is failing to perform in his/her new position at an acceptable level, the Department Head may return the employee to his/her former position.

2.8 RESIGNATION & RETIREMENT--All employees will provide written notification of their intent to resign or retire ten (10) working days before the last day to be worked. The ten (10) day period may include benefit time off. The notification will be presented to the Department Head who in turn will notify the Commissioner's Office so that proper paperwork and termination payment may be computed. The County Commissioners may permit a shorter period of notice if extenuating circumstances exist.

Compliance with this policy will be considered "separation in good standing". Failure of a resigning employee to comply with this policy may be cause for denying future employment with the County. The effective date of an employee's termination with the County is the last day worked. Health insurance benefits (if any) will be terminated effective the 1st day of the following calendar month. Employees participating in the Maine Public Employees Retirement System (Maine PERS) and who have vested vacation and terminate employment in "good standing", those wages are subject to a Maine PERS deduction following the County's Consolidated Plan.

2.9 SENIORITY & LAYOFFS--Seniority, for the purpose of this Policy, shall be interpreted to mean the length of continuous service with the County from the first day worked as a regular full-time employee. Seniority shall be a factor affecting promotions if employees are otherwise substantially equally qualified. In the case of layoff or reduction in force for lack of work or because of budget reductions, the laying off or demotion of employees within job classification shall be determined by job classifications needed by the County, by the length of continuous service with the County and by the criteria used in standards for PROMOTION (Section 2.5). Employees shall be given ten (10) business days' written notice in advance of the effective date of the layoff.

2.10 PERSONNEL FILES - The County will maintain a personnel file for each employee. Personnel files are considered confidential documents and only those persons with the right to know or the need to know may have access to the personnel files. Any employee has the right to review his/her personnel file by submitting a written request to review said file to Human Resources.

3. WORK STANDARDS

3.1 COUNTY OFFICE HOURS-- The standard work week for full-time employees in the Registry of Deeds and Probate Court, is 6.5 hours per day or 32.5 hours per week. Normal office hours shall be from 8:30 A.M. to 4:00 P.M.

The Standard workweek for EMA, Detention Center Administration and Food Service Manager, Communications Center Administration, Sheriff Department Administration, Facilities, District Attorney's Office Staff, and IT Department is 40 hours per week.

The office hours for EMA, District Attorney's Office, and County Commissioners/Treasurer's office shall be 8:00 A.M. to 4:00 P.M.

Any changes to these schedules must be approved by the County Commissioners.

No Department Head may close a county office during scheduled working hours without prior approval of the County Commissioners.

3.2 TIMEKEEPING POLICY

The purpose of this policy is to outline the timekeeping policies of Franklin County. Accurately reporting time worked is the responsibility of every nonexempt employee. Franklin County must keep an accurate record of time worked to calculate employee pay and benefits.

TIME WORKED

Time worked includes all time that an employee is required to perform duties for the county. Time worked is used to determine overtime pay required for nonexempt employees. The following provisions are included:

- **Work away from the premises or at home.** Work performed off the premises or job site or at home by a nonexempt employee will be counted as time worked. A nonexempt clerical employee will not be permitted to perform work at home unless approved in advance in writing by the County Commissioners per the Telecommuting Agreement. Employees who cannot perform the essential functions of their position off-site will be ineligible for working off-premises. See Section 10 in the handbook for the Telecommuting Policy.
- **Break time.** Rest periods of 20 minutes or less are counted as time worked. Maine labor law requires employers to provide employees the opportunity to take an unpaid rest break of thirty (30) consecutive minutes after six (6) hours worked except in cases of emergency when there is a danger to property, life, public safety, or public health; or the nature of the work done by employees allows the employee frequent paid breaks of shorter duration during the workday. Rest time can be used by the employee as unpaid mealtime, but only if the employee is completely relieved of duty. The County recognizes that not all departments have designated rest periods.
- **Travel which is all in a day's work.** Time spent by an employee in travel as part of their principal activity, such as travel from job site to job site during the workday, is work time and must be counted as hours worked.
- **Waiting Time.** Whether waiting time is hours worked under the Act depends upon the particular circumstances. Generally, the facts may show that the employee was engaged to wait (which is work time) or the facts may show that the employee was waiting to be engaged (which is not work time). For example, a secretary who reads a book while waiting for dictation or a fireman who plays checkers while waiting for an alarm is working during such periods of inactivity. These employees have been "engaged to wait."

- **Training.** An employee who attends a training, conference, or seminar during the regular work day as required by the employer is considered hours worked. See Section 3.6 for more information.

TIME NOT WORKED

Per the Fair Labor Standards Act (FLSA), Franklin County does not count the following provisions as time worked:

- **Paid leave.** Approved paid absences, including sick leave, vacation leave, holiday leave, Family and Medical Leave Act (FMLA) leave, military leave, jury and witness duty, funeral/bereavement leave, and voting time off are not counted as time worked.
- **Lunch or dinner periods.** Employees with a designated meal period of thirty (30) minutes or greater must punch in and out for the allotted time. Uninterrupted time off for lunch or dinner is not counted as time worked.

TIME TRACKING

Nonexempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period where applicable. They must also record the beginning and ending times of any split shift or departure from work for personal reasons.

It is the employee's responsibility to clock in and out through the use of the web-based platform, hard clock, or in some departments utilize the daily timesheet function to certify the accuracy of all time recorded.

Exempt (salary) employees will use the timekeeping platform to request time off for vacation, sick, banked, and converted time only.

The web-based platform will be used for all departments listed below who employ nonexempt staff.

- Deeds
- Probate
- Facilities
- Commissioners Office
- District Attorney's Office
- EMA

The following departments utilize the hard clock:

- Corrections Department
- Communications Department

OVERTIME

Nonunion nonexempt employees who clock in for their shift are expected to clock in no earlier than 7 minutes before a shift, 7 minutes following the end of a shift, and 7 minutes on either end of lunch periods as this is rounded up or down when applying 15-minute increments to hours worked. According to the FLSA, the time between 1-7 minutes will be rounded to 0, and the time between 8-14 minutes will

be rounded to 15 minutes. Overtime outside of the normal shift must be approved by the Department Head or designee and documented in the system.

- Nonunion employees will reference Section 3.5 for the overtime calculation guidelines, and Section 3.6 for Compensatory Time.
- Union employees will follow their collective bargaining agreements regarding overtime calculation and conversion to compensatory time (if applicable).
- All overtime hours must be captured in the timekeeping system accurately.

ENFORCEMENT

All recording of time worked must be captured accurately through the web-based system. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including suspension and/or termination of employment following the disciplinary process. Union employees will refer to their CBA for disciplinary procedures.

SYSTEM ISSUES

If an employee is unable to enter time into the system due to network/internet issues; it is the employee's responsibility to immediately notify their Department Head or Manager. In the event of network/internet issues, the Department Head or Manager will track the employee's time for the downtime period and document this time in the system as soon as possible with an explanation. As soon as the issue is resolved, the employee is expected to enter time periods for the remainder of the day.

DEPARTMENT HEAD AND MANAGER RESPONSIBILITIES

The Department Head or designee will review and approve the time record before submitting it for payroll processing.

All absences (scheduled and unscheduled) shall be verified on the time detail record by the Department Head or designee.

Discrepancies in work hours contained in the detail record shall be reviewed with the employee's Department Head or designee who will resolve the issue and authorize any changes to the timekeeping data if deemed necessary before the processing of payroll.

Enforcement of unapproved overtime will be the responsibility of the Department Head; and disciplinary actions taken will align with current disciplinary procedures within the union agreements or Section 8 in the Handbook, whichever applies.

3.3 ATTENDANCE--Employees shall be at their respective places of duty at the appointed starting times. In the event of a necessary absence because of illness or other legitimate cause, it is the responsibility of the employee to see that his or her Department Head is advised of the reason for any absence not previously arranged for before the beginning of the work shift to be missed or as soon as possible thereafter. Failure to comply may result in forfeiture of paid leave benefits or other disciplinary action.

3.4 ATTENDANCE RECORDS--All departments shall keep daily time sheets for payroll purposes for all employees, except elected and salaried officials. The payroll time sheets shall show starting time, meal breaks, ending times, use of leave time, etc. Courthouse time sheets shall be approved by the Department Head, and summary payroll time sheets from the Sheriff's Office, Detention Center, and Communications Center also approved by the Department Head will all be forwarded to the County Treasurer's office by noon every other Monday following the end of the pay period. The Sheriff's office and Detention Center are responsible for maintaining the daily timesheets for their employees and will be retained as defined in the Maine State Statute for record retention.

3.5 FLEXIBLE WORK SCHEDULE

Franklin County is committed to helping employees face the demands of juggling work, family, and personal obligations by offering flexible work schedules. These schedules provide employees with increased flexibility while allowing Franklin County to retain a productive work environment.

Available Flexible Work Schedule Options

Employees may be eligible for a flexible work schedule as follows:

- **Flextime:** Eligible employees must be regularly scheduled to work (6.5-8) hours per day but may alter their start and end times to provide alignment with their personal obligations.
- **Compressed workweek:** Eligible employees may choose to work up to 10-hour workdays, four days per week.
- **Hybrid:** Eligible employees may work in the office a set number of hours per day or days per week and telework the remainder of the time.
- **Meal breaks:** Meal breaks will follow the language in Section 3.9 in the Handbook.

Eligibility for a Flexible Work Schedule

Employees will be eligible for flexible work schedules on a case-by-case basis. Every employee requesting flexible work must demonstrate they can accomplish their core duties within the altered schedule, at the same or higher level of performance, without a reduction in the quality of work. To be eligible, an employee must be an employee in good standing whose core job duties won't be affected by the difference in the schedule.

An employee requesting a flexible work schedule must meet with their manager to discuss and identify their individual eligibility requirements. Considerations for eligibility may include the impact on the department, whether the employee's duties require their presence in the office during certain hours, and the employee's historical performance, among other factors to be determined by the supervisor and/or County Administrator.

A flexible work schedule cannot interfere with day-to-day services provided to the public. The

department must have coverage and be open to the public during their regular business hours each week. Additionally, an employee may not flex their work schedule within a week that falls on a county-recognized holiday, or when taking a vacation day or planned sick day. If you utilize a flex day and need to use unplanned sick time later in the same week, you must deduct the appropriate hours to make up your department's regular weekly schedule per Section 3.

The County Administrator must approve all requests for flexible work schedules. Once an employee has met with his/her supervisor to discuss eligibility for a flexible work schedule and the employee's supervisor has determined the impact of the request on the department, the employee's performance, requirements for office hours and office coverage, the request shall be submitted to the County Administrator for final approval. The County Administrator may approve the request with or without additional conditions, propose a modification to the requested flexible work schedule or deny the request. Employees shall not be permitted to begin working a flexible work schedule until the County Administrator has issued written approval of the same.

Conditions for Flexible Work Schedule

An employee who is approved to work a flexible work schedule shall remain subject to all terms and conditions of employment and shall be responsible to report to his/her/their supervisor at times and in the manner required by the supervisor or County Administrator regardless of the employee's physical presence in the office. Non-exempt employees may be required to track and report hours worked remotely for purposes of monitoring work productivity and overtime. The County reserves the right to prohibit employees from working remotely at certain times or without prior approval.

Flexible Work Schedule Probationary and Renewal Process and Revocation

Upon approval of the employee's flexible work schedule request, a six-month trial period will apply to assess the impact and effectiveness of the arrangement. After successful completion of the trial period, the flexible work schedule shall be reviewed at least annually to ensure continued success. The employee's manager must request and approve any changes to the approved flexible work schedule in writing. Franklin County is not required to allow an employee, or continue to allow an employee, to utilize a flexible work schedule if the arrangement is found to be ineffective. The County Administrator retains the discretion to revoke an employee's eligibility for a flexible work schedule at any time effective immediately upon notice to the employee.

Disclaimer

Flexible work schedules are not possible for all positions at Franklin County. We do not intend the flexible work schedule options under this policy to be a universal employee benefit. The nature of the employee's core duties and responsibilities must be conducive to a flexible work schedule without causing significant disruption to Franklin County. Franklin County reserves the right to discontinue a flexible work schedule for employees at any time.

3.6 PAY PERIODS--The normal pay period is Sunday through Saturday. All employees will be paid on a biweekly basis the Thursday following the end of the work period unless unavoidable delays are

caused by unforeseen or uncontrollable circumstances. When a payday falls on a holiday, employees will be paid on the last workday before the holiday subject to the exceptions noted above. If the holiday falls on the first day of a calendar year (January 1st), employees will be paid on the next workday after the holiday.

3.7 OVERTIME--Overtime will be paid only to employees who are eligible for overtime pay in accordance with the Fair Labor Standards Act. The Act does not require overtime pay for work on Saturdays, Sundays, holidays, or regular days of rest, unless overtime is worked on such days. Overtime pay is only applicable to those employees whose department has budgetary authorization for overtime compensation in the form of cash payment. Accordingly, an employee working a 32.5 hour week will be eligible for straight time up to 40 working hours. Only after 40 hours of actual work will an eligible employee be entitled to compensation at time and one-half.

Employees may not start work before the appointed time, or work past the appointed time without prior authorization from the Department Head. For this section, hours compensated for sick, vacation, converted leave, banked time, bereavement, and compensatory time shall not be computed as hours worked in the computation of overtime hours.

3.8 COMPENSATORY TIME--Employees may request to receive compensatory time off at a rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required by the Fair Labor Standards Act. A maximum of forty (40) hours of compensatory time may be accumulated. Employees desiring to use accrued compensatory time must make a specific request to their Department Head in advance. Use of such time will be allowed within a reasonable period following the request as long as the use does not disrupt the operations of their department.

Overtime and compensatory time payments are subject to current and future provisions of Federal and State law. In the event of a conflict or future change, federal and state requirements will take precedence over the above policy.

3.9 INCLEMENT WEATHER—It is the general policy of the County for offices to remain open for business during inclement weather, unless extreme weather events or conditions would threaten the safety of employees and the community. In the absence of an extreme weather event, employees are expected to report for work on days when weather or other similar conditions make travel difficult, or travel advisories are in effect. When inclement weather conditions exist, Department Heads shall apply the following rules:

- A. Employees who elect not to report to work must notify their Department Head within one hour of the start of the workday. Employees who provide proper notice will receive an excused (unpaid) absence through proper notification of their Department Head. Employees can choose to use benefit time or take the hours as unpaid.
- B. Employees are expected to plan accordingly when inclement weather arises to ensure they leave adequate time to get to work on time. If an employee arrives late, they may use benefit

time to compensate for missed time.

- C. An employee who exercises their judgment and elects to leave work early due to the conditions will only be paid for the hours worked. They may, however, receive an excused absence (unpaid) upon approval from their Department Head and must use benefit time to compensate for their missed time.

Continuously Operating Facilities: To maintain County operations, employees working in facilities that must operate twenty-four (24) hours per day shall make every reasonable effort to report to work as scheduled, even during officially declared emergencies, unless it is not possible for the employee to do so in a safe manner.

Should the County decide to close due to inclement weather conditions, emergency, and/or an extreme weather event, all full time, nonessential employees will be compensated for their regular scheduled hours. Part-time employees who were scheduled to work during the closure may, with approval from their Department Head, make up the missed hours within the same payroll period. If an employee had pre-approved time off which overlaps with the closure, the requested leave time will still be deducted. Essential employees, outside of the continuously operating facilities explained above, who are called to work will be compensated for their hours worked and receive 8 hours of comp. time to be used at a later date.

Nonessential employees are defined as employees whose job does not support the critical infrastructure required to maintain public health and safety.

Procedure: The County Administrator will contact the Communications Director as well as the Sheriff's Department to assess the road conditions, and in addition, consider local closures in determining whether the County should close the offices. The County Administrator will then contact the Board of Commissioners and notify them of the results of the road condition evaluation and recommend closure when appropriate. When a decision is made to close, the County Administrator or designee will then contact, at a minimum, each Department Head. Department Heads will then be responsible for contacting employees if work is canceled before the start of the workday. The County Administrator or designee will be responsible for contacting TV and radio stations to post announcements of closings. Announcements will be communicated to the public on WCSH 6, Daily Bulldog, social media, as well as by radio on WKTJ 99.3.

3.10 TELECOMMUTING

OBJECTIVE

Telecommuting allows employees to work at home, on the road or in a satellite location for all or part of their workweek upon approval per this Policy. Franklin County considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs but not for others. Telecommuting is not an entitlement, and it in no way changes the terms and conditions of employment with Franklin

County.

PROCEDURE

Telecommuting arrangements will be a formal, set schedule of working away from the office as described below. An employee or a supervisor can suggest telecommuting as a possible work arrangement when appropriate. The employee must complete the telecommuting application and submit this to their immediate supervisor to present to the Department Head, Human Resources, and lastly the Commissioners for review and approval.

Any telecommuting arrangement made will be on a trial basis for up to three months and may be discontinued at will and at any time at the request of either the telecommuter or the Department Head or Commissioners. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, child care and other issues that may arise from the termination of a telecommuting arrangement. There may be instances, however, when no notice is possible.

ELIGIBILITY

Before entering into any telecommuting agreement, the employee and supervisor, with the assistance of Human Resources, will evaluate the suitability and eligibility of such an arrangement, reviewing the following areas:

- The employee has worked for Franklin County a minimum of 12 months of continuous, regular employment, and has a satisfactory performance record.
- The supervisor and Human Resources will assess the situation that has created the need for a telecommuting agreement, and evaluate the length of time requested to ensure there will be minimal business interruption.
- The employee and manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.
- The employee, manager, and Human Resources will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement. Considerations include: interactions with the public, accessibility to data bases and files, collaborative work, and communication.
- Evaluate whether the employee would be able to perform all essential, customary and otherwise assigned tasks from their telecommuting location, without requiring a reassignment of tasks or regular assistance by another employee of the County.
- Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs for the type of work to be completed and the appropriate location for the telework to ensure that the employee can provide any such workspace or equipment needed to work remotely.
- Tax and other legal implications. Notwithstanding the fact that the County remains responsible for certain tax obligations, including payroll tax deductions, under state and federal law, the employee must determine any personal tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office.

- Responsibility for fulfilling all personal obligations in this area rests with the employee.
- Employees are prohibited from teleworking outside the state of Maine without express permission from the County.

If the employee, manager, and Human Resources agree, the proposal will then be presented to the Commissioners for approval, and a telecommuting agreement will be prepared and signed by all parties, and a designated trial period will commence, not to exceed three months.

Evaluation of telecommuter performance during the trial period will include regular interaction by phone, video conference, and e-mail between the employee and the manager, and weekly face-to-face meetings at the County offices to discuss work progress and problems. At the end of the trial period, the employee and manager will each complete an evaluation of the arrangement and make recommendations for continuance or modifications. Evaluation of telecommuter performance beyond the trial period will be consistent with that received by employees working at the office in both content and frequency but will focus on work output and completion of objectives rather than on time-based performance.

An appropriate level of communication between the telecommuter and supervisor will be agreed to as part of the discussion process and will be more formal during the trial period. After the conclusion of the trial period, the manager and telecommuter will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

GENERAL EXPECTATIONS

- Remote employees are expected to be available and communicative during scheduled work hours.
- Franklin County work rules and other policies continue to apply to offsite work locations.
- Consumption of alcohol or any other substances, including illegal drugs and prescription or lawful drugs such as marijuana that impair the employee's ability to perform the essential functions of his/her job during work hours is never acceptable, regardless of work location.
- Employees should seek a quiet and distraction-free working space, to the extent possible.
- Employees are expected to maintain their workspace in a safe manner, free from safety hazards.
- Equipment

On a case-by-case basis, Franklin County will determine, with information supplied by the employee and the supervisor, the appropriate equipment needs (including hardware, software, modems, phone and data lines and other office equipment) for each telecommuting arrangement. The information system departments (IT) will serve as resources in this matter. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. Franklin County accepts no responsibility for damage or repairs to employee-owned equipment. Franklin County reserves the

right to make determinations as to appropriate equipment, subject to change at any time and shall not be required to provide equipment to an employee solely for the purpose of enabling an employee to telework. All equipment supplied by the County shall be offered at the sole discretion of the County, subject to availability and budgetary considerations. Equipment supplied by the organization is to be used for business purposes only. The telecommuter must sign an inventory of all Franklin County property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment, all company property will be returned to the company, unless other arrangements have been made.

Franklin County will supply the employee with appropriate office supplies (pens, paper, etc.) as deemed necessary. Franklin County will also reimburse the employee for business-related expenses, such as phone calls and shipping costs that are reasonably incurred in carrying out the employee's job.

The employee will establish an appropriate work environment within his or her home for work purposes. Franklin County will not be responsible for costs associated with the setup of the employee's home office, such as remodeling, furniture or lighting, nor for repairs or modifications to the home office space.

SECURITY

Consistent with the organization's expectations of information security for employees working at the office, telecommuting employees will be expected to ensure the protection of proprietary company and customer information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

VIRTUAL MEETINGS

- While distractions are often unavoidable, try to keep them to a minimum. No music or television in the background during meetings.
- Keep yourself muted during video or audio conferencing unless you are speaking.
- Turning on video is encouraged but not required unless otherwise specified by a supervisor.
- Avoid eating a meal during a virtual meeting unless invited to do so by the meeting host.
- Smoking or vaping and drinking alcoholic beverages is not permitted during a video conference.
- Casual dress is acceptable; however, use discretion. No sleeveless tops, pajamas or other apparel that would not be appropriate to wear outside of your home.
- Avoid multi-tasking. Give your full attention to the meeting as if you were face to face.

RECORDS

Employees shall also be required to maintain all work product and records in a manner consistent with regular County recordkeeping practices and in full compliance with the Maine Freedom of

Access Act and Record Retention Rules established by the Maine State Archivist. Employees shall not delete or destroy any records that are otherwise required to be maintained by the County per these laws and rules. It shall be the responsibility of the employee to ensure that he/she can satisfy these recordkeeping requirements while teleworking.

SAFETY

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in a home office location and in conjunction with his or her regular work duties are normally covered by the company's workers' compensation policy. Telecommuting employees are responsible for notifying the employer of such injuries as soon as practicable. The employee is liable for any injuries sustained by visitors to his or her home worksite. The County discourages use of the telework site for conducting meetings or engaging in work activities with coworkers or members of the public.

Telecommuting is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care needs, the focus of the arrangement must remain on job performance and meeting business demands. Prospective telecommuters are encouraged to discuss expectations of telecommuting with family members prior to entering a trial period.

TIME WORKED

Telecommuting employees who are not exempt from the overtime requirements of the Fair Labor Standards Act will be required to accurately record all hours worked using Franklin County's time-keeping system. Hours worked in excess of those scheduled per day and per workweek require the advance approval of the telecommuter's supervisor. Failure to comply with this requirement or falsification of time records may result in the immediate termination of the telecommuting agreement and/or disciplinary action.

AD HOC ARRANGEMENTS

Temporary telecommuting arrangements may be approved for circumstances such as inclement weather, special projects or business travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider, if appropriate.

All informal telecommuting arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

3.11 MEAL BREAK— The MRSA Title 26 § 601 - An employee may not work more than 6 consecutive

hours at one time unless he/she is provided the opportunity to take at least 30 consecutive minutes of rest time. Meal breaks will be scheduled, if possible, in such a way as to ensure office coverage. Meal breaks are not compensated.

3.12 TRAINING--Any employee required to attend a seminar, conference, or course of training during working hours shall be considered "working" and will receive their normal wages or salary as well as expenses (transportation, meals, lodging, tolls, etc.) incurred for same. If a seminar, conference, or course is held after working hours, the employee will only be compensated for the time expended for required training. Following completion of the seminar, conference, or training, employees must submit proof of their expenses so that payment may be reimbursed. In certain circumstances, with prior approval of the Commissioners, the employee may receive an advance for expenses.

3.13 PERSONAL VEHICLE--Any employee required to use his or her personal vehicle in the course of their work, to attend a conference, or for other authorized use shall submit a signed voucher to the Department Head for audit and payment at the prevailing IRS mileage rate. No employee shall use his or her personal vehicle on county business without having insurance with limits in compliance with the Maine State Financial Responsibility Law and Maine Tort Claims Act.

4. CONDUCT OF EMPLOYEES

4.1 GENERAL POLICY--Employees of the County must be governed by the highest ideals of honor and integrity to merit the respect and confidence of the general public. Employees shall conduct themselves in such a manner as to avoid any action which might result in or create the impression of using the public office for private gain, giving preferential treatment to any person, or losing complete impartiality in conducting County business.

4.2 RECEIPT OF GIFTS--A County employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan, or any other thing of monetary value from any person who has or is seeking to obtain business with Franklin County or from any person within or outside County employment whose interest may be affected by the employee's performance or nonperformance of his or her official duties. Acceptance of nominal gifts in keeping with special occasions, or unsolicited advertising or promotional materials is permitted. Contribution to a flower fund or gift to a fellow employee is allowable, provided the contributed funds are wholly voluntary on the part of the employee and that the gift is of nominal value in keeping with the spirit of the event.

4.3 OUTSIDE EMPLOYMENT--A County employee may engage in outside employment with prior notice to the Department Head. However, no employee may engage in outside employment that in any manner interferes with the proper and effective performance of the duties of the position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the County to public criticism or embarrassment. If the County Commissioners determine that such outside employment is disadvantageous to the County, upon notification in writing by the County Commissioners, the outside employment shall be terminated. Any employee who engages in employment outside their regular working hours shall be subject to a call to perform their regular duties first.

The County reserves the right to limit vacation, sick or other leave benefits as appropriate when an employee is unable to work for the County because of an injury or illness incurred as a result of outside employment.

- 4.4 COUNTY PROPERTY**--Employees shall not, directly or indirectly, use or allow the use of County property of any kind for other than official activities.
- 4.5 POLITICAL ACTIVITIES**--County employees shall conform to all State and Federal laws. Political activities are not permitted during work hours. Employees may not:
 - A. Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or,
 - B. Directly or indirectly coerce, attempt to coerce, command, or advise a State or County officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.This policy is not to be construed to prevent any employee from becoming, or continuing to be, members of any political organization, from attending political meetings, from expressing their views on political matters, or from voting with complete freedom in any election.
- 4.6 OTHER ACTIVITIES (SOLICITATION)** --Non-employees are not permitted to engage in solicitation or distribution of literature for any purpose in or on County property. Employees may not engage in solicitation or distribution of literature that is disruptive to the workplace. From time to time, the County may conduct or sponsor charitable solicitations, for the purpose of acquiring or maintaining goodwill in the community, consistent with its interests.
- 4.7 NEPOTISM** No immediate family member of any Department Head or Elected Official may be gainfully employed to work in his/her department. Immediate family member is defined as son, daughter, spouse, domestic partner, parent, grandchild, grandparent, brother, sister, brother-in-law, sister-in-law, mother-in-law, father-in-law, half- or step-brother, half- or step- sister; or the spouses to any of them, and foster children. All relationships include those arising from adoption. Grandfathered employees (employees hired before enactment of this provision) shall not be promoted or transferred to a position where they are responsible for the supervision of an immediate family member.
- 4.8 STRIKES**--It is recognized that the need for continued and uninterrupted operation of the County department and agencies is of paramount importance to the citizens of the County and that there should be no interference with such operation.

Adequate procedures have been provided in this policy for the equitable settlement of complaints and grievances. No employee shall engage in, encourage, sanction, or suggest strikes, slowdowns, mass absenteeism, mass resignations, or other similar work action that would involve suspension or interference with normal work activities. It is illegal for a County employee to engage in a work stoppage, slowdown or strike. (26 M.R.S.A. Section 964(2)

The County Commissioners shall have the right to discipline or discharge any employee encouraging, suggesting, or participating in a strike, slowdown or other work actions.

4.9 POLYGRAPHS-- Except as permitted by State law, the Employer shall not require, request, or suggest that an employee take a polygraph or any other form of lie detector test. Further, the employer shall not be required to allow an employee to take a polygraph or any other form of lie detector test.

4.10 DRESS CODE POLICY

Employee appearance contributes to Franklin County's culture and reputation. Employees are expected to present themselves in a professional manner that results in a favorable impression by the community.

PROCEDURES

Franklin County department managers may exercise reasonable discretion to determine appropriateness in employee dress and appearance. Employees who do not meet a professional standard may be sent home to change, and nonexempt employees will not be paid for that time. Reasonable accommodations will be made where required.

Business casual attire

Traditional business casual attire is expected of all employees. Basic elements for appropriate and casual business attire include clothing that is in neat and clean condition.

Appropriate workplace dress does *not* include clothing that is too tight or revealing (i.e. muscle shirts and tank tops, halter tops, or crop tops); clothing with rips, tears, or frays; improper footwear such as flip flops or shoes that cause a safety concern; or any strong fragrances. The leggings shown below are acceptable only if a long shirt is worn, no waistline shirts will be acceptable with these types of pants.

Inappropriate for the workplace: (Examples)





Although it is impossible and undesirable to establish an absolute dress and appearance code, Franklin County will apply a reasonable and professional workplace standard to individuals on a case-by-case basis. Management may make exceptions for special occasions or in the case of inclement weather, at which time employees will be notified in advance. An employee who is unsure of what is appropriate should check with his or her manager or supervisor before wearing said clothes to work.

5. LEAVE BENEFITS – FULL-TIME EMPLOYEES

5.1 HOLIDAY LEAVE--Employees will be paid for holidays from their date of hire. Full-time employees will be paid for holidays only if their regularly scheduled work hours fall on a holiday and they are working his or her regular scheduled day prior to the holiday and the day immediately following the holiday. If a holiday falls within taken sick time, a written statement from a Doctor may be required for payment of the holiday. Employees on vacation when a holiday falls will be entitled to that additional day beyond their established vacation period.

The following holidays will be observed:

- New Year's Day (January 1)
- Martin Luther King Day (Third Monday in January)
- Presidents Day (Third Monday in February)
- Patriots Day (Third Monday in April)
- Memorial Day (Last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (First Monday in September)
- Columbus Day (Second Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day (December 25)

If a holiday falls on Saturday or Sunday, the observance will be Friday or Monday as determined by the County Commissioners.

If an hourly employee is needed to work a scheduled holiday, that employee will be compensated at a rate of 1.5 times his or her hourly rate plus holiday pay.

5.2 PARTIAL VESTING OF PAID LEAVE PREVIOUSLY EARNED

- 1.) Paid time off (“PTO”) is abolished, except as specified hereinafter concerning the banking of certain PTO that has accrued on or before June 30, 2018. Paid leave accruing on and after July 1, 2018 shall take the form of Vacation Leave, Holiday Leave, Sick Leave, and Converted Leave.
- 2.) With respect to unused paid leave that has accrued as of July 1, 2018:
 - a.) The County agrees that the employee’s hours of unused PTO that accrued between PTO April 1, 2016, and June 30, 2018, will be banked in hours and, upon separation in good standing, the employee shall receive compensation at the following rate:
 - i.) for all employees -- 100% (full), to be paid at the separating employee’s June 30, 2018, hourly pay rate.
 - b.) The County agrees that all paid leave accrued on or before April 1, 2016, will be banked in hours and treated as follows upon separation:
 - i.) The County agrees that, with respect to his or her unused banked hours of Sick Leave on the books as of the PTO start date, upon separation in good standing, an employee shall receive compensation at the following rates:
 - aa.) an employee with fewer than ten (10) years of service as of PTO start date -- no compensation;
 - bb.) an employee with ten (10) years of service as of PTO start -- 50% (one half), to be paid at the separating employee’s June 30, 2018, hourly pay rate;
 - ee.) Any hours of accrued Personal Leave for which no compensation is payable by the County upon separation under aa, bb, will be credited to the affected employee’s new Sick Leave account established and governed by Paragraph D herein below.
 - ii.) The County agrees that, with respect to his or her banked hours of unused Vacation Leave on the books as of the PTO start date, upon separation in good standing, an employee shall receive compensation at the following rate:
 - aa.) for all employees employed as of PTO start date -- 100% (full), to be paid at the separating employee’s June 30, 2018, hourly pay rate.

c.) The hours of paid leave banked in accordance with paragraphs a and b hereinabove with respect to each employee shall be called Banked Time. All Banked Time may be used by the Employee in accordance with the rules governing Annual Vacation Leave (B.5. below) or the rules governing Sick Leave (D Below).

5.3. ANNUAL VACATION LEAVE

Annual Vacation Leave is credited to each employee on January 1 of each calendar year. Vacation leave is based on years of service with the County: Beginning on January 1, 2024, the employer shall place a newly hired probationary employee on the vacation schedule equivalent to the employee's prior relevant full-time experience. This language will be inclusive of current employees as of the date stated above.

Period of Employment	40 Hour Week	37.5 Hour Week	32.5 Hour Week
0-36 Months Completed (3 weeks)	120 hours	112.5 hours	97.5 hours
48-96 Months Completed (4 weeks)	160 hours	150 hours	130 hours
108-156 Months Completed (5 weeks)	200 hours	187.5 hours	162.5 hours
168 + Months Completed (6 weeks)	240 hours	225 hours	195 hours

2.) Vacation leave for new employees will be prorated in accordance with the table below. Upon completion of 120 days of continuous employment, an employee may use up to forty (40) hours of vacation time under the Earned Paid Leave (EPL) Law. The first 40 hours of vacation time used will be considered earned paid leave. The remaining balance of vacation time may be used upon completion of six (6) months of employment.

Date of Hire:	40 Hour Week	37.5 Hour Week	32.5 Hour Week
January	120 hours	112.5 hours	97.5 hours
February	110 hours	103.125 hours	89.375 hours

Vac. Leave Schedule Cont'd

Date of Hire:	40 Hour Week	37.5 Hour Week	32.5 Hour Week
March	100 hours	93.75 hours	81.25 hours
April	90 hours	84.375 hours	73.125 hours
May	80 hours	75 hours	65 hours
June	70 hours	65.625 hours	56.875 hours
July	60 hours	56.25 hours	48.75 hours

August	50 hours	46.875 hours	40.625 hours
September	40 hours	37.5 hours	32.5 hours
October	30 hours	28.125 hours	24.375 hours
November	20 hours	18.75 hours	16.25 hours
December	10 hours	9.375 hours	8.125 hours

3.) No Annual Vacation Leave will be carried over from one calendar year to the next calendar year. Any Annual Vacation Leave credited on January 1 and not used by December 31 will be lost, without compensation therefore. On or before November 30 written notice to the County, an employee may cash out one week of Annual Vacation Leave in December of each year, paid by the County at the employee's rate of pay at the time of the cash out. In December of each year, with two weeks prior written notice to the County, an employee may convert up to 100 hours of current Annual Vacation Leave to Converted Leave, which shall be governed by paragraph F below.

4.) At the time of separation from employment, an employee will be eligible for compensation for unused vacation time, but only if the employee has completed six (6) full months of continuous service within the current calendar year. Employees who separate from employment and have not completed six (6) full months of continuous service within the current calendar year will not be eligible for compensation for unused vacation.

5.4 SICK LEAVE

1.) Full time employees shall earn Sick Leave at the rate of one (1) day per month from the date of their initial employment. Temporary disability due to pregnancy shall be treated as Sick Leave. The County may require a doctor's certificate for the use of Sick Leave after three (3) consecutive days of absence. Such certification shall be paid for by the County. The County, at its own expense, may request a medical doctor's certificate for absence at any time it suspects abuse of Sick Leave. Sick Leave is defined as being for personal illness, medical appointments, or immediate family member (as defined below) illness.

2.) Employees may be eligible for leave under the Maine Medical Family Leave Act or Family Medical Leave Act.

3.) An employee shall be granted up to five (5) work days per calendar year to be deducted from sick leave if the employee is needed to attend to the medical needs of an immediate family member who is ill unless the employee is taking leave under the Maine Medical Family Leave Act or Family Medical Leave Act. Immediate family shall mean the spouse, children, and parents of the employee.

4.) Sick leave accruing under paragraph 1 above is capped at 480 non-vested hours. Once the cap has been reached, no sick leave shall accrue. At the time of separation, no compensation will be paid by the County with respect to the separating employee's unused sick leave.

5.5. CASH OUT OF BANKED PAID LEAVE

Annually the Commissioners, after reviewing the County's financial position, will decide if they will allow employees to cash out up to 100 hours banked paid leave. All hours of paid leave that are cashed out pursuant to this paragraph E shall be paid by the County at the employee's June 30, 2018 pay rate or, with respect to an employee hired after March 1, 2018, at the employee's date of hire pay rate.

5.6. CONVERTED LEAVE

1.) Vacation Leave converted to Converted Leave pursuant to paragraph B.4 shall be treated as follows:

- a) Converted Leave may be used by the employee in accordance with the rules governing Annual Vacation Leave or the rules governing Sick Leave
- b.) Converted Leave is capped at 100 hours total and no Converted Leave that would exceed the employee's cap of 100 total hours shall accrue.
- c.) Converted Leave is not vested and no compensation for an employee's unused Converted Leave shall be paid at the time of the employee's separation from County employment.

5.7. TRANSFER OF SICK AND CONVERTED LEAVE TIME

An employee with a minimum of two hundred (200) hours of Sick Leave, who wishes to transfer Sick Leave to another employee to be used for a current illness, may do so by requesting in memo form delivered to the Personnel Director. The request to transfer the Sick Leave time shall include the amount of Sick Leave time to be transferred, up to a maximum of forty (40) hours, and the specific employee to the Sick Leave time is to be transferred. An employee may also transfer any, up to 40 hours of Converted Leave to another employee to be used for illness under the same provisions as Sick Leave above.

5.8. LEAVE WITHOUT PAY-- Leave without pay for a period not to exceed ninety (90) days may be granted. Leave without pay is subject to the recommendation of the Department Head and the

approval of the County Commissioners. If an employee has been approved for leave without pay, he or she will not be eligible for the monthly flex dollar benefit (applicable only to current employees who received Flexible Benefits prior to December 1, 2023 and who opted to maintain Flexible Benefits under the County's prior policy) and will need to reimburse the county for any health insurance premium or any other premiums unless coverage is canceled. The Department Head may approve not more than three (3) consecutive days without pay. Employees who are granted leave without pay for more than three (3) consecutive days will not accrue sick time.

At the conclusion of the leave without pay period, the employee may return to his or her original position; provided the employee returns to work on the designated date or an extension is approved by the County Commissioners.

5.9 MILITARY LEAVE-- Time off for active duty for training shall be granted pursuant to the following provisions:

1. By granting a leave of absence without pay for a regular active duty training period not to exceed fourteen (14) working days with no time deducted for vacation time, sick, banked time or converted leave.
2. By a request for days off with pay, which shall be deducted from accumulated vacation time, banked time or converted leave.
3. With full rights of re-employment at the expiration of said active duty training period without loss of seniority, status, pay, vacation time, sick, banked time or converted leave unless deducted pursuant to paragraph 2. Any person called to active duty for a period exceeding the normal annual training period shall be granted a leave of absence without pay for that period and be entitled to all re-employment rights upon release from active duty.

All military leave and leave without pay must be requested 14 days in advance in writing to the Department Head and approved by the County Commissioners.

The Maine Family Military Leave Act applies to employers of any size. Employees who have worked at least 1,250 hours over the previous 12-month period are eligible and may take up to 15 days of leave immediately prior to, during, or immediately following the deployment into military service of a spouse, domestic partner, or child, if that deployment will last for longer than 180 days.

Military leave shall be granted to employees who are members of the military on active duty pursuant to the Federal Uniformed Services Employment and Re-employment Rights Act (USERRA) which applies to employers of any size.

5.10 BEREAVEMENT LEAVE—The County will grant bereavement leave for a period up to three (3) calendar days meaning that the employee will be paid at his/her regular rate for whatever hours the

employee is scheduled to work that calendar day, per event, for the death of a spouse, son, daughter, mother, father, stepchild, or stepparent. The county will also grant paid leave up to a period of three (3) calendar days, per event, for the death of a brother, sister, grandfather, grandmother, or grandchild. Use of bereavement leave must be taken at the time of death with the exception of one day if needed for a spring interment.

- 5.11 JURY DUTY**— Employees who are called for or serve jury duty shall receive their regular rate of pay for all hours they serve, not to exceed the number hours they are scheduled to work for that day, in addition to jury duty pay.
- 5.12 LEAVE RESPONSIBILITY & SCHEDULING**-- It will be the responsibility of the Department Head to approve the employee's request for leave except leave without pay in excess of three days.
- 5.13 LEAVE RECORDS**-- Leave records will be placed in the personnel file. Leave actions will be reported to the Commissioners' Office by the Department Head, and filed with the County Treasurer's office through payroll records.

Salaried employees who accrue sick and vacation leave shall report all leave time on a monthly basis to the Commissioners' Office and filed with the County Treasurer's office (see appendix 1).

6. LEAVE BENEFITS-PART TIME EMPLOYEES

- 6.1 EARNED PAID LEAVE**- Eligible part-time employees will earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins at the start of employment, but the employee may not use the leave before the employee has been employed for 120 days of continuous employment. Earned paid leave may be used in increments of a minimum of one hour and may be used for any reason, such as illness, personal and family emergencies, personal time, or vacation. Absent an emergency, illness, or other sudden necessity for taking earned leave, all requests for earned paid leave shall be submitted in writing to the department head 5 days in advance. Earned paid leave may be denied during defined peak work periods where approval of such leave would inhibit the ability of a department or the County to safely maintain adequate levels of staffing or service. Employees can roll over all accrued unused earned time to the following year; and the roll over may not reduce earened time accruals in the present year. Upon separation of employment from the County, the employee will not be paid for any accrued but unused earned paid leave. If an employee returns to work within 12 months of separation, the balance of accrued unpaid earned paid leave will be available for use after 120 days have passed from the new date of reemployment. Certain employees may be excluded from this benefit as provided under Maine's Earned Paid Leave law (26 M.R.S. § 1043).

7. EMPLOYEE BENEFITS

7.1 HEALTH, VISION, AND DENTAL INSURANCE—Full-time employees, working an average of thirty (30) hours or more per week on a regular basis, and elected officials are eligible for health insurance. A comparable health insurance plan will be paid by the employer for all eligible employees at the employee's request. The employer will pay the full cost for the individual employee's health insurance coverage. Employees have the option to pay additional for child, spouse, or family coverage through payroll deduction; the employer will pay 85% of the cost for medical coverage for additionally-insured persons. Employees may join the health insurance program within the first 30 days of employment. Coverage will be effective on the first day of the calendar month following their date of hire.

Full-time employees, working an average of thirty (30) hours or more per week on a regular basis are also eligible for individual vision and dental coverage. Vision and dental coverage will be paid for at the employee's expense. Coverage will be effective on the first day of the calendar month following their date of hire.

NOTE: Current employees who receive health coverage pursuant to the County's prior Employee Benefits Policy (before December 1, 2023) may choose to (1) maintain their current coverage and be grandfathered into the County's prior Employee Benefits package as it relates to health coverage, or (2) opt to enroll in the new Employee Benefits package as it relates to health, vision, and/or dental coverage articulated in this section during the next open enrollment season (November 15-December 15, 2023). New employees, or employees hired after December 1, 2023, are only eligible for the health, vision, and dental benefits articulated in this Employee Benefits package, and do not have the option to be grandfathered into previously-offered health coverage.

Any nonunion full-time employee who declines the option to enroll in employer-sponsored coverage and who provides proof of comparable minimum essential coverage (other than coverage in the individual market, whether or not obtained through the Marketplace) shall receive a payment in lieu of the benefit equals to 75% of the total cost of the premium for a single subscriber as determined by the Franklin County Commissioners. Employees who decline the option to enroll in employer-sponsored health insurance shall also be eligible to participate in the flexible benefit plan set forth in Section 7.2.

The County Commissioners and Treasurer shall receive a monthly in lieu of benefit at 35% of the total benefits package provided to full-time employees. Part-time salaried Department Heads and the Judge of Probate shall receive a monthly in lieu of benefit equal to 70% of the total benefits package provided to full-time employees.

7.2 FLEXIBLE BENEFITS PLAN--

NOTE: Flexible Benefits were provided by the County pursuant to its prior Employee Benefits policy (before December 1, 2023). Flexible Benefits under this policy apply only to employees who previously received flexible benefits before December 1, 2023, and who chose to be grandfathered into the County's prior Employee Benefits package. Employees hired after December 1, 2023 are not eligible for Flexible Benefits.

The purpose of the flexible benefits plan for employee benefits is to provide County employees with the opportunity to select the benefits package that best meets their needs.

1. The County agrees to pay each employee monthly benefit dollars, to be determined annually by the Franklin County Commissioners.

Employees shall annually make their flexible benefit selections for the ensuing year.

Employees shall make their selections from the following insurance programs: family medical coverage, employee and children medical coverage, dependent or supplemental life insurance, vision, dental and income protection plan as currently administered by the Maine Municipal Employees Health Trust; and a Public Employee 457 Deferred Compensation Plan.

Employees who participate in the County's health insurance program must comply with all the insurance provider's program rules and guidelines. Employees should refer to their enrollment guides for detailed information. Employer's contribution to any health plan shall be payable when due.

2. Employees who elect to participate in the 457 Deferred Compensation Retirement Plan must meet all plan guidelines as set forth by plan provider. Employees shall be responsible for Federal and State contribution limitations. The employer's contribution in the form of flex benefits shall be remitted to the 457 Deferred Compensation Plan within a reasonable amount of time in accordance with the Internal Revenue Service Code. This contribution shall be pro-rated based on the number of days and/or hours worked.
3. The County shall allow employees to make changes to their flexible benefit plan annually during the open enrollment period. Any other request for flexible benefit plan changes must meet the plan provider's program rules and requirements.

7.3 BENEFIT CONTINUATION (COBRA)—The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage when a “qualified event” would normally result in loss of eligibility. Some common qualifying events are resignation, termination of employment, death of an employee, a reduction in an employee's hours, leave of absence, an employee's divorce or legal separation, and a dependant child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rate plus an administrative fee. The County's health insurer provides a written notice in the certificate of coverage describing rights granted under COBRA when an employee becomes eligible for the County's health insurance plan. The notice contains important information about the employee's

rights and obligations.

7.4 **SOCIAL SECURITY**— All employees of the County shall participate in Social Security through payroll deduction in accordance with Federal Law. The rate of contribution for the County and employee will be as determined by Federal regulation. Retirement, survivor, and disability benefits will be as determined by federal regulations.

7.5 **UNEMPLOYMENT INSURANCE**—The County provides unemployment insurance as required by law.

7.6 **WORKERS COMPENSATION**—The County provides workers' compensation insurance for all employees in accordance with the laws of the State of Maine. Benefits are as established by law. An employee who sustains a work-related injury or illness arising out of and in the course of his or her employment **shall immediately notify** his or her Department Head and the County Clerk. No matter how minor an on-the-job injury may appear, it must be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the employee is enrolled in the health insurance plan provided by the County, the employee's insurance will be paid for while the employee is still employed by the County. If for any reason the employee resigns or is terminated while on workers' compensation leave, the health insurance benefit will be terminated. Any payroll deductions will be the responsibility of the employee while on workers' compensation leave.

Neither Franklin County nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in an off-duty recreational, social, or athletic activity sponsored by any Franklin County agency.

7.7 **MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM**—The County participates in Maine Public Employees Retirement System (MPERS) at the "Regular Plan AC" level for all non-union employees and members of the Teamsters Local 340. The Sheriff's Office and Fraternal Order of Patrol participate in the MPERS Special Plan 3C. Members of the National Correctional Employees Union participate in Special Plan 2C. Employees who opt to enroll in MainePERS at the start of employment are not permitted to additionally enroll in the 457 Deferred Compensation Retirement Plan offered by the County.

7.8 **457 DEFERRED COMPENSATION RETIREMENT PLAN** –

A. This paragraph reflects the County's New Benefits Package (effective December 1, 2023). The County offers a 457 Deferred Compensation Retirement Plan that is available to benefit-eligible employees. Employees who elect to participate in the 457 Deferred Compensation Retirement Plan must meet all the plan guidelines as set forth by the plan provider. Employees shall be responsible for Federal and State contribution limitations. The County will match up to 6% on employee contributions. An employee is prohibited from enrolling in both the 457 Deferred

Compensation Retirement Plan with a matching contribution and MainePERS at the same time; however, an employee may choose to opt out of the 457 Deferred Compensation Retirement Plan and into MainePERS if the employee is eligible to do under MainePERS eligibility requirements.

B. This paragraph reflects the County's prior Benefits Package, and only applies to employees who chose to be grandfathered into the County's prior Employee Benefits Policy. Contributions pursuant to this paragraph are provided through an employee's available flexible benefits. *See* Section 7.2. An employee is prohibited from enrolling in both the 457 Deferred Compensation Retirement Plan and MainePERS at the same time; however, an employee may choose to opt out of the 457 Deferred Compensation Retirement Plan and into MainePERS if the employee is eligible to do so under MainePERS eligibility requirements.

8. DISCIPLINE, APPEAL & GRIEVANCE PROCEDURES

8.1 EMPLOYEE DISCIPLINE—Maine Revised Statutes Annotated 30-A §501: A County officer or Department Head may dismiss, suspend, or otherwise discipline a department employee only for cause except as provided in paragraph A. Cause for dismissal, suspension, or disciplinary action must be a just, reasonable, appropriate and substantial reason for the action taken that relates to or affects the ability, performance of duties, authority or actions of the employee or the public's rights or interests.

- A.** An employee may be dismissed by a county officer or Department Head only for cause and only with the prior approval of the County Commissioners or personnel board, except that county employees may be laid off or dismissed, with the approval of the County Commissioners or personnel board, to meet the requirements of budget reductions or governmental reorganization.
- B.** In every case of suspension or disciplinary action other than dismissal, at the employee's request, the County Commissioners or personnel board shall investigate the circumstances and fairness of the action and, if they find the charges unwarranted, shall order the employee's reinstatement to the employee's former position with no loss of pay, rights or benefits resulting from the suspension or disciplinary action.

RESPONSIBILITY- The initiation of disciplinary action is the responsibility of the Department Head.

PROCEDURES- Where disciplinary actions beyond oral reprimands are required, the Department Head may elect to:

1. Place a formal, written reprimand stating the specific disciplinary action in the employee's official personnel file.
2. Demote the employee in grade, step, or position where applicable.

3. Place the employee in suspended leave without pay status.
4. Dismiss the employee with cause and prior approval of the County Commissioners.

8.2 DISCHARGE AND SUSPENSION-- The employer shall not discipline nor suspend nor discharge any employee without just cause. The employer must notify the employee in writing of his/her discharge or suspension and the reason. The employee will sign the written notification acknowledging receipt of said disciplinary action.

In all instances, disciplinary action will be documented in writing, specifically stating the circumstances warranting the disciplinary action, with a copy provided the employee and a copy sent to the Commissioners' Office. Copies of all disciplinary proceedings will be permanently included in the employee's official personnel file.

8.3 APPEAL-- Any county employee has the right to appeal in accordance with the grievance procedure. A discharged employee must be paid in full for all wages owed him by the employer, including vacation, banked time and holiday pay, if any, on the next regular payday.

8.4 GRIEVANCE PROCESS

1. The employee should first discuss any problem or complaint with his or her immediate supervisor, who will respond within 5 working days.
2. If the supervisor's reply does not solve the problem, the employee may within five (5) working days of receipt of the reply, discuss the matter with the next level of supervisor. That supervisor will meet with the employee to discuss the matter. That supervisor will respond within five (5) days of meeting with the employee.
3. If the employee continues to be dissatisfied with the response, the employee may, within five (5) working days, submit a written complaint to the County Clerk/County Commissioners. The County Administrator/County Commissioners will review the matter and may schedule a meeting with the employee to discuss the matter. The County Administrator/County Commissioners will issue a written response after review of the matter. The decision of the County Clerk/County Commissioners shall be final.

9. JOB CLASSIFICATION & COMPENSATION

- 9.1 **WAGE SCALE**—A compensation pay plan will be maintained by the Commissioners. The plan is designed to recognize job value and also differences in performance and length of service. The County recognizes that all jobs have a maximum value to the employer beyond which additional pay increase is not warranted regardless of performance or length of service. Maximum pay rates will normally change with the annual revision of the plan.
- 9.2 **WAGE SCALE UPDATES**—The compensation plan will be reviewed annually by the County Commissioners or their designee to determine if adjustments are necessary. Such adjustments may take into account, but not be limited to or bound by, such factors as: cost of living, recruitment requirements, rates paid by similar employers, and the financial ability and policies of the County. Market adjustments will usually be made on a percentage basis, and are intended to preserve the basic structure of the pay plan.
- 9.3 **PERFORMANCE EVALUATIONS** - Written performance reviews of employees should be conducted annually to provide both the Supervisor and the employee the opportunity to review and discuss job performance, goals/objectives, strengths/limitations, training/development and achievements. A copy of each evaluation shall be given to and reviewed with the employee, after which a copy shall be placed in the employee's personnel file.

10. POLICIES

10.1-AMERICANS WITH DISABILITIES ACT

POLICY OF NON-DISCRIMINATION--Franklin County does not discriminate on the basis of disability in admission or access to, or treatment or employment in, its programs or activities. The County Clerk has been designated to coordinate compliance with non-discrimination requirements contained in the Americans with Disabilities Act (ADA). Information concerning the provisions of the Americans with Disabilities Act and the rights provided thereunder are available from the ADA coordinator.

GRIEVANCE PROCEDURE--The purpose of this grievance procedure is to provide for prompt and fair resolution of complaints alleging any violation of the Federal Americans with Disabilities Act or the disability discrimination provisions of the Maine Human Rights Act. Franklin County is committed to investigating and resolving such complaints or questions in full compliance with the law and as expeditiously as possible. Any question or complaint of discriminatory treatment based on disability should be brought to the ADA Coordinator. The complaint may be filed in writing or orally and shall contain the name and address of the person filing it and a description of the alleged violation or complainant. The complaint should be filed within sixty (60) calendar days after the complainant becomes aware of the alleged violation. All complaints will be investigated promptly and thoroughly.

The ADA Coordinator will meet with the complainant within fifteen (15) working days after receipt of the

complaint to discuss the complaint and possible resolutions. The ADA Coordinator will respond in writing, and, where appropriate, in a format accessible to the complainant. The determination will address the validity of the complaint, explain the position of the County, and offer options for resolutions when appropriate. The response will be issued within fifteen (15) working days of the date of the meeting with the complainant unless the nature of the complaint requires a longer time period to investigate and assess.

APPEAL--If the response of the ADA Coordinator does not satisfactorily resolve the issue, the complainant may appeal the determination to the Franklin County Commissioners within fifteen (15) working days after receipt of the determination. The appeal must include an explanation of the grounds for the complainant's disagreement with the determination. The County Commissioners will meet with the complainant within fifteen (15) working days after receipt of the appeal to discuss the complaint and possible resolutions. The County Commissioners will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint within fifteen (15) working days of the date of the meeting.

RIGHT TO OTHER REMEDIES--The right of an individual to prompt and fair resolution of the complaint filed under this procedure shall not impair the individual's right to seek other remedies or avenues of resolution, including filing an ADA complaint with the responsible Federal or State agency. This includes an employee's right to file a complaint with the Maine Human Rights Commission; please see **Policy 10.5 – Discrimination and Harassment Policy** for additional information.

RECORDS--All written complaints received by the ADA Coordinator, appeals to the County Commissioners and responses will be kept by the County of Franklin as required by law.

10.2 FITNESS FOR DUTY POLICY

REASON FOR POLICY: Franklin County is committed to promoting a safe and healthy environment for its employees and the public. Such an environment is possible only when each employee is able to perform his or her job duties in a safe, secure, and effective manner, and remains able to do so throughout the entire time they are working. Employees who are not fit for duty may present a safety risk to themselves and to others.

POLICY SUMMARY: This policy outlines the responsible parties and necessary actions when an employee's fitness for duty is in question, the steps necessary to assess the employee's physical or mental capabilities, necessary follow-up, and return to work.

POLICY STATEMENT: This policy covers only those situations in which Franklin County has a reasonable belief, based on objective evidence, that an employee is (1) impaired by a medical condition in the performance of his/her essential job duties, or (2) posing a direct threat to self or others due to a medical condition. This policy may also be implicated when an employee makes a request for a reasonable accommodation and the employee's disability or need for accommodation is not known or obvious to the County. The policy prescribes the circumstances under which an employee may be referred to an independent, licensed health care evaluator for a fitness for duty evaluation should either of those situations be present.

An employee shall not be allowed to work unless he/she maintains a fitness for duty required for the safe performance of essential job functions, with or without reasonable accommodation. Each employee is required to report to work in an emotional, mental and physical condition (including free of the effects of alcohol and drugs) necessary to perform his or her job in a safe and satisfactory manner.

This policy does not apply to employees with short term, infectious/communicable diseases (e.g., flu, colds). If an employee exhibits symptoms of an infectious/communicable disease, the supervisor may ask the employee to leave the workplace in order to have his/her symptoms evaluated by the employee's own health care provider or by Franklin County's occupational medicine provider.

A fitness for duty evaluation is designed to address behavioral changes in an employee that may pose a potential threat to self or others in the workplace. Application of this policy is not intended as a substitute for Franklin County's policies or procedures related to chronic performance or behavioral problems or as a substitute for discipline. Supervisors shall continue to address performance or behavioral problems through the performance appraisal process and to implement appropriate corrective or disciplinary action.

Franklin County is required to comply with federal disability law (primarily the Americans with Disabilities Act of 1990 [ADA]). In general, the ADA prohibits: (1) employers from requiring an employee to submit to a medical examination; and (2) employer inquiries into whether an individual has a disability. However, the protections afforded to employees by the ADA are not without limits. Federal law permits the employer to require a medical examination of an employee if the requirement for the examination is job-related, consistent with business necessity, and if the employer has a reasonable belief that:

- (1) the employee's ability to perform essential job functions may be impaired by a medical condition; or
- (2) an employee may pose a direct threat (i.e., significant risk of substantial harm to the health and safety of self or others) due to a medical condition.

REQUIREMENTS:

An employee is expected to perform essential job functions in a safe and effective manner, and to discuss with his/her supervisor any circumstances that may impact his/her ability to do so. Franklin County may require professional evaluation of an employee's physical, emotional or mental capacities to determine his or her ability to perform essential job functions. Such evaluations are conducted by an independent, licensed health care professional and are undertaken only after review by Human Resources. The employee's department is responsible for paying the cost of an evaluation(s). To the extent allowed by law, Franklin County shall protect the confidentiality of the evaluation and the results.

Employees who have the responsibility for on-call shifts must meet the fitness for duty standard during the entire on-call period.

Non-compliance with a request for a fitness for duty evaluation may be cause for disciplinary action. The employee's satisfactory work performance is the basis for continued employment. Participation in a treatment or rehabilitation program does not guarantee continued employment and may not necessarily prevent disciplinary action for violation of Franklin County's policies. An employee must comply with all treatment recommendations resulting from a fitness for duty evaluation to be allowed

to return to work. A salaried employee referred for an evaluation will be prohibited from appearing for work pending the completion of the evaluation and approval for return to work. During this time, applicable leave policies shall apply. An hourly wage employee (including a temporary employee) referred for an evaluation will be prohibited from working or appearing for work until an evaluation is completed and the employee has been approved to return to work (compensation during this time shall be discontinued, but employees may be entitled to use leave in compliance with applicable County policies).

HUMAN RESOURCES:

Before initiating an evaluation, Human Resources shall consult with the employee's supervisor to gain a clear understanding of the behavior/circumstances or other objective evidence that have raised questions about the employee's fitness for duty. Human Resources shall also notify the employee of the opportunity to provide any relevant previous medical or psychological treatment information prior to evaluation. Human Resources shall determine the appropriateness of fitness for duty testing within a reasonable time after notification from the supervisor. The employee may be prohibited from appearing for work until completion of the FFD evaluation and approval to return to work is provided at the discretion of Human Resources.

RESULTS OF EVALUATION:

The results of FFD evaluations performed by qualified, licensed health care professionals shall be presumed to be valid. Results of the evaluation will be received by Franklin County Human Resources as appropriate and shall be limited to the information necessary for the County to determine whether the employee can perform the essential functions of his/her job without posing a direct threat. The employee shall be notified of the results of the FFD by the evaluator and/or Human Resources. Only necessary information shall be shared with Human Resources. Human Resources will communicate whether the employee may return to work to the employee's supervisor and the department director.

After an evaluation, information given to the employee's supervisor and department director shall be limited to whether the employee may:

- Return to full duty;
- not return to full duty, in which case the employee will be referred to Human Resources for further discussion; or
- Return to duty with reasonable accommodations to meet the evaluator's recommendations.

RETURN TO WORK:

In conjunction with the employee and the employee's supervisor, Human Resources shall discuss whether any reasonable and necessary accommodations need to and can be made. Continued employment shall be contingent upon the employee's compliance with recommendations provided by the evaluator, such as periodic testing, participation in professional counseling and treatment programs. During this time, applicable leave policies and health plan benefits shall apply. In consultation with, the supervisor and employee should engage in an interactive process to determine

if any reasonable accommodations (e.g., re-assignment of duties for a specific period of time, a flexible work schedule) are necessary and can be implemented. The employee's failure to comply with the recommendations of the health care provider or agreed upon reasonable accommodations may result in disciplinary action up to and including possible termination from employment.

If an employee is not cleared to return to work following an fit for duty evaluation and/or no reasonable accommodation can be identified or made to enable the employee to perform the essential functions of his/her job, Human Resources will discuss leave options and eligibility with the employee. If an employee is placed on leave pending further treatment or evaluation, the employee is required to keep Human Resources informed of his/her status and ability to return to work with or without reasonable accommodation. Franklin County may require one or more evaluations by the employee's provider or its own provider prior to the employee's return to work.

CONFIDENTIALITY/PRIVACY OF FITNESS FOR DUTY EVALUATIONS:

Under the Health Insurance Portability and Accountability Act (HIPAA), individually identifiable health information related to an employee's physical or mental health, the provision of health care or the payment for the provision of health care to that employee any is considered protected health information and is regarded as confidential. Records of fitness for duty evaluations shall be treated as confidential medical records as required by HIPAA and applicable Maine law and maintained by Franklin County as appropriate. This information may be shared only on a "need to know" basis. Employees may obtain a copy of the medical report from Franklin County upon written request.

RESPONSIBILITIES:

An *employee* is responsible for:

1. Performing his/her job responsibilities in a safe and effective manner, with or without reasonable accommodations during the entire time at work;
2. Notifying the supervisor when not fit for duty;
3. Notifying the supervisor when a coworker is observed acting in a manner that indicates the coworker may not be fit for duty;
4. Informing the upper level manager or calling Human Resources for further guidance, if the supervisor's behavior is the focus of concern.
5. Providing relevant medical and psychological information pursuant to a lawful request for the same; and
6. Complying with this policy and any authorized request to submit to an evaluation.

A *supervisor* is responsible for:

1. Observing the attendance, performance, and behavior of the employees under his/her supervision;
2. Notifying Human Resources between the hours of 8 a.m. and 4:00 p.m. when an employee is exhibiting behavior that suggests he/she may not be fit for duty;
3. Following this policy's procedures for completing an initial observation report when presented with circumstances or knowledge that indicate that an employee may not be fit for duty;
4. Removing and escorting an employee deemed not fit for duty from the worksite unless he/she

poses an immediate safety threat in which case the supervisor should call 911;

1. Arranging transportation for the employee from the work site if necessary;
5. Maintaining the confidentiality of an employee's medical information; and
6. Implementing any reasonable accommodation deemed necessary by Human Resources.

The ***Human Resources Department*** is responsible for:

1. Soliciting information from the supervisor regarding employee behaviors or performance, and from the employee regarding any medical or psychological condition or treatment information that is job-related and consistent with business necessity;
2. Identifying who will conduct the fitness for duty evaluation;
3. Receiving the results of the fitness for duty evaluation;
4. Communicating the results to the employee if not done so by the evaluator;
5. Maintaining confidentiality except as detailed in the Confidentiality/ Privacy section above;
6. Coordinating payment by the employee's department for the fitness for duty evaluation;
7. Implementing any recommendations proposed by the FFD evaluation;
8. Discussing recommendations and subsequent accommodations with the employee and supervisor; and
9. Communicating with the employee as to their rights, responsibilities and employment status.

The employee's department is responsible for: Paying the costs associated with a recommended fitness for duty evaluation.

10.3-WORKERS COMPENSATION RETURN TO WORK POLICY STATEMENT

Franklin County cares about the health and well-being of its employees. We are committed to working with our employees and their healthcare providers to find work designed to assist injured workers in transitioning back to the workplace by performing meaningful work within their capabilities.

At any time, Franklin County may require written documentation from a licensed physician describing the limitations, progress, and physical abilities of the employee. The employee is expected to actively participate in this process by providing an M-1 Diagnostic Medical Report following medical appointments and communicating changes in their restrictions to Franklin County.

Work consistent with temporary work restrictions may be assigned to the employee for a defined period of time or until the employee is capable of returning to full duty. In the event that a modified duty assignment becomes available, the employee is expected to accept the assignment, provided that the modified duty assignment is consistent with any applicable temporary work restrictions an employee may have. Note that modified work under this policy is not intended to be used as a permanent reasonable accommodation.

o
mmodation under the Americans with Disabilities Act, and no temporary work assignments described or covered under this policy are intended or offered as permanent assignments.

This policy recognizes and is pursuant to federal and state law, including but not limited to, Maine's

Workers' Compensation Act, the federal Family and Medical Leave Act (FMLA), Maine's Family Medical Leave statute, the Americans with Disabilities Act, and the Maine Human Rights Act. This policy also recognizes Franklin County's Personnel Policy, along with Standard Operating Procedures (SOPs) that Franklin County departments may have.

10.4-FAMILY AND MEDICAL LEAVE POLICY

The purpose of this policy is to provide a family and medical leave policy in compliance with Public Law 103-3, entitled Family and Medical Leave Act of 1993 and 26 M.R.S.A. Chapter VI-A:

DEFINITIONS

- A. **Eligible Employee:** Eligible employees are those who have been employed for at least 12 months, who have provided at least 1,250 hours of service during the 12 months before leave is requested, and who work at a work site where at least 50 employees are on the payroll.
- B. **Parent:** Mother or Father of an employee, or an adult who had day to day responsibility for caring for the employee during childhood years in place of natural parents.
- C. **Son or Daughter/Child:** Biological, adopted or foster child, a stepchild, legal ward, or child of a person standing in loco parentis, who are under the age of 18 years. Children who are 18 years or older qualify, if he or she is incapable of self-care because of mental or physical disability.
- D. **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition involving either inpatient care or continuing treatment by health care provider. Examples of serious health conditions include but are not limited to heart attacks, heart conditions requiring heart bypass or valve operations, most cancers, back conditions requiring extensive therapy or surgical procedures, strokes, severe respiratory conditions, spinal injuries, severe arthritis, etc.
- E. **Health Care Provider:** A doctor of medicine or osteopathy who is licensed to practice medicine or surgery in this State or any other person determined by the Secretary of Labor to be capable of providing health care services.

LEAVE PROVISIONS

- A. An eligible employee may take up to 12 weeks of leave in a 12 month period for the birth of a child or the placement of a child for adoption or foster care. Leave may also be taken to care for a child, spouse, or parent who has a serious health condition.
- B. The right to take leave applies equally to male and female employees who are eligible.

- C. Leave for the purpose of care for a newborn child or a newly placed adopted or foster child may be taken before the end of the first 12 months following the date of birth or placement.
- D. An expectant mother may take leave upon the birth of the child, or prior to the birth of the child, for necessary medical care and if the condition renders the employee unable to work. Similarly for adoption or foster care, leave may be taken upon the placement of the child or leave may begin prior to the placement if absence from work is required for the placement to proceed.
- E. An employee may take leave to care for a parent or spouse of any age who, because of a serious mental or physical condition, is in the hospital or other health care facility. An employee may also take leave to care for a spouse or parent of any age who is unable to care for his or her basic hygiene, nutritional needs or safety. Examples include a parent or spouse whose daily living activities are impaired by such conditions as Alzheimer's disease, stroke or who is recovering from major surgery, or who is in the final stages of a terminal illness.
- F. Eligible employees, who are unable to perform the functions of the position held because of their own serious health condition, may request up to 12 weeks leave. The term serious health condition is intended to cover conditions or illnesses that affect an employee's health to the extent that he or she must be absent from work on a recurring basis or for more than a few days for treatment or recovery.
- G. Employees requesting medical leave due to their own or a family member's illness or injury must use any balance of vacation leave, sick leave, banked time, converted leave or compensatory leave concurrently with FMLA. The combination of vacation leave, sick leave, banked time, converted leave or compensatory leave and/or unpaid leave may not exceed 12 weeks.
- H. During periods of unpaid leave, an employee will not accrue additional seniority or similar employment benefits
- I. If both parents are employed by Franklin County and wish to take leave for the care of a new child or sick parent, their aggregate leave is limited to 12 weeks. For example, if the father takes 8 weeks of leave to care for a child the mother would be entitled to 4 weeks leave, for a total of 12 weeks of leave.

NOTIFICATION AND SCHEDULING

- A. An eligible employee must provide at least 30 days advance notice of the need for leave for birth, adoption or planned medical treatment when the need for leave is foreseeable. The 30 day advance notice is not required in cases of medical emergency or other unforeseen events, such as premature child birth, or sudden changes in a patient's condition that require a change in scheduled medical treatment.

- B. Parents who are awaiting adoption of a child and are given little notice of the availability of the child may also be exempt from this 30-day notice.

CERTIFICATION

- A. The County reserves the right to verify an employee's request for family medical leaves.
- B. Employee requests for leave because of a serious condition or to care for a family member with a serious health condition shall be supported by certification issued by the health care provider of the eligible employee or the family member as appropriate. If the County has reason to question the original certification, the County may, at its expense, require a second opinion from a different health care provider chosen by the County. The health care provider may not be employed by the County on a regular basis. If a resolution of the conflict cannot be obtained by the second opinion, a third opinion may be obtained by another provider and that will be final and binding.
- C. The certification must contain the date on which the serious health condition began its probable duration, and appropriate medical facts within the knowledge of the health care provider regarding the condition. The certification must also state the employee's need to care for the son, daughter, spouse, or parent and must include an estimate of the amount of time that the employee is needed to care for the family member.
- D. Medical certification given will be treated as confidential and privileged information.
- E. An employee will be required to report periodically with a medical certification form from the employee's health care provider that the employee is able to resume work before return is granted.

MAINTENANCE OF HEALTH & COBRA BENEFITS DURING UNPAID LEAVE

- A. The County shall maintain health insurance benefits paid by the County for the employee during period of unpaid leave without interruption. The employee must pay any payment for family coverage premiums, or other payroll deductible insurance policies, or the benefits may not be continued.
- B. The County has the right to recover from the employee all health insurance premiums paid during the unpaid leave period if the employee fails to return to work after leave. Employees who fail to return to work because they are unable to perform the functions of their job because of their own serious health condition or because of the continued necessity of caring for a seriously ill family member may be exempt from the recapture provision.
- C. Leave taken under this policy does not constitute a qualifying event that entitles an employee to COBRA insurance coverage. However, the qualifying event triggering COBRA coverage may occur when it becomes clearly known that an employee will not be returning to work,

and therefore ceases to be entitled to leave under this policy.

REDUCED AND INTERMITTENT LEAVE

- A. Leave taken under this policy can be taken intermittently or on a reduced leave schedule when medically necessary as certified by the health care provider. Intermittent or reduced leave scheduled for routine care of a new child can be taken only with approval of the County Commissioners. The employee and the County Commissioners must mutually agree upon the schedule.
- B. The County may temporarily transfer employees on intermittent or reduced leave schedules to an equivalent alternate position that may better accommodate the intermittent or reduced leave schedule.
- C. Intermittent or reduced leave may be spread over a period of time longer than 12 weeks; it will not exceed the equivalent of 12 work weeks of total leave in one 12-month period.

RESTORATION

- A. Employees who are granted leave under this policy will be reinstated to an equivalent or the same position held prior to the commencement of their leave.
- B. Certain highly compensated key employees, who are salaried and among the 10% highest paid employees, may be denied restoration. Restoration may be denied if (a) the County shows that such denial is necessary to prevent substantial and grievous economic injury to the County's operation, (b) the County notifies the employee that it intends to deny restoration on such basis at the time the County determines that such injury would occur, and (c) in any case in which the leave has commenced, the employee elects not to return to work within a reasonable period of time after receiving such notice.

THE 12-MONTH FMLA PERIOD

- A. The 12-month period during which an employee is entitled to 12 work weeks of FMLA leave is measured forward from the date the employee's first FMLA leave begins. An employee is entitled to 12 weeks of leave during the 12-month period after the leave begins. The next 12-month period will begin the first time the employee requests FMLA leave after the completion of the previous 12-month period.

10.5-SAFETY POLICY & INJURY MANAGEMENT POLICY

SAFETY POLICY--It is the policy of Franklin County to provide all employees with a safe and healthy workplace encourage safe work practices and prepare employees to work in a safe manner.

The success of any safety policy depends primarily on the cooperation and active support of everyone. Employees are expected to recognize their obligation to conduct themselves with due regard not only for their own safety but for the safety of fellow employees as well. To ensure that a safe working environment is maintained, all employees shall actively promote safety and accident prevention as an integral part of their normal job functions.

Employees shall report all identified hazards and unsafe practices immediately to their Department Head/supervisor, and/or the County Clerk.

EMERGENCY SITUATIONS & PROTOCOL - Emergencies can threaten the safety and health of employees or the public as well as cause damage to buildings, equipment and documents. Knowing in advance what actions to take in the event of an emergency and being able to take that action quickly are the keys to minimizing injuries, loss of life and property damage. For further details including Occupational Safety and Health Standards please refer to the Emergency Action Plan developed and adopted Nov. 17, 2009.

INJURY MANAGEMENT--All workplace injuries or illnesses should be reported in accordance with procedures outlined under **WORKERS' COMPENSATION** (Section 6.6). If it is an emergency, employees should go to the local hospital emergency room. Employees shall continue to notify their supervisor and the County Clerk so that the required reporting may be completed.

VDT (VIDEO DISPLAY TERMINAL) TRAINING From M.R.S.A. Title 26 Labor and Industry Chapter 5: Health and Safety Regulations § 251. Definitions:

Employer. “Employer” means any person, partnership, firm, association or corporation, public or private, that uses 2 or more terminals at one location within the State.

Operator. “Operator” means any employee whose primary task is to operate a terminal for more than 4 consecutive hours, exclusive of breaks on a daily basis.

Terminal. “Terminal” means any electronic video screen data presentation machine, commonly called video display terminals VDTs...

The M.R.S.A. Title 26: Labor and Industry Chapter 5: Health and Safety Regulations §252 Education and Training ~ Every employer shall establish an education and training program for all operators as provided in this section.

Requirements. An employer’s education and training program must be provided both orally and in writing, except that an employer that uses fewer than 5 terminals at one location may provide the education and training program in writing only. The program must include, at a minimum:

- A. Notification of the rights and duties created under this subchapter by posting in a prominent location in the workplace a copy of this subchapter and a written notice that explains these rights and duties in plain language;
- B. An explanation or description of the proper use of terminals and the protective measures that the operator may take to avoid or minimize symptoms or conditions that may result from extended or improper use of terminals; and
- C. Instruction related to the importance of maintaining proper posture during terminal operation and a description of methods to achieve and maintain this posture, including the use of any adjustable work station equipment used by the operator.

Training schedule. Employers shall provide all new operators with the education and training program within the first month of employment as operators and annually thereafter.

10.6-HAZARD COMMUNICATION POLICY:

Franklin County has a sincere concern for the welfare and safety of its employees and the public it serves. As an employer, Franklin County recognizes its obligation to provide the safest possible working conditions for its employees. Accordingly, Franklin County has established a Hazard Communication Program. It is our intention to provide information about the dangers of all hazardous chemicals used by Franklin County to all affected employees, provide a hazardous chemical list, provide Safety Data Sheets (SDS), ensure that containers are labeled, and provide employee training to ensure compliance.

The Facilities Department and Human Resources have defined responsibilities outlined in the Hazard Communication Plan. All employees (full-time, part-time and seasonal) of Franklin County will participate in the hazard communication program. This written program will be available in the SDS books located at the County Commissioners Office, Jail, Dispatch, Courthouse, and Custodian's office for review by an interested employee.

Employee Training and Information

The Facilities Department and Human Resources are responsible for the Hazard Communication Program. They will ensure that all program elements specified below are carried out.

Prior to starting work, each new employee will attend a health and safety orientation that includes the following information and training:

- An overview of the requirements contained in the Hazard Communication standard, Section 1910.1200. This includes the labeling requirements under Global Harmonization System (GHS).
- Chemicals present in workplace operations.
- Location and availability of our written hazard communication program, including our list of hazardous chemicals, and safety data sheets.

- Physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as hazards not otherwise classified, of the chemicals in the work area.
- Methods and observation techniques used to determine the presence or release of hazardous chemicals in the work area.
- How to lessen or prevent exposure to these hazardous chemicals through usage of control/work practices and personal protective equipment.
- Steps the employer has taken to lessen or prevent exposure to these chemicals.
- Safety emergency procedures to follow if they are exposed to these chemicals.
- How to read labels on shipped containers, as well as workplace labeling systems and review SDSs format and how to obtain appropriate hazard information.

Prior to introducing a new chemical hazard in that department, employees will be given information and training as outlined above. The training will be conducted online through Safety Works and in person with Human Resources.

10.7-WORKPLACE BULLYING POLICY

OBJECTIVE

The purpose of this policy is to communicate to all employees, including supervisors, managers, and officials, that Franklin County does not support and will not tolerate bullying behavior in the workplace.

DEFINITION

Franklin County defines bullying as repeated, unreasonable mistreatment of one or more people by one or more perpetrators. Bullying is further defined under this policy to be behavior that embarrasses, intimidates and/or threatens another person. In addition, bullying may interfere with an employee's ability to conduct their work, and sabotage work from getting done.

EXAMPLES

Franklin County considers the following types of behavior examples of bullying:

- Verbal bullying. Hurtful comments directed toward an employee or his or her family;
- name-calling or remarks that are hurtful, insulting, or embarrassing; using a person as the butt of jokes.
- Physical bullying. Pushing, shoving, kicking, poking, tripping, damage to a person's work area or property, and threats regarding the same.
- Gesture bullying. Nonverbal gestures that can convey threatening messages.
- Exclusion. Socially or physically excluding or disregarding a person in work-related activities.

Below is a non-exhaustive list of examples that may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Conduct intended to publicly embarrass another person.
- Criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.

Individuals who feel they have experienced bullying should report this to their supervisor or to Human Resources. All employees are strongly encouraged to report any bullying conduct they experience or witness as soon as possible to allow Franklin County to take appropriate action. Franklin County reserves the right to issue appropriate discipline if any employee is found to be in violation of this policy.

10.8-DISCRIMINATION AND HARASSMENT POLICY

It has always been the policy of Franklin County that all employees should be able to enjoy a work environment free from all forms of discrimination based on race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin or familial status, and any other protected status.

This policy is intended to prohibit offensive conduct, either physical or verbal, that threatens human dignity and employee morale, and which interferes with a positive and productive work environment.

SEXUAL HARASSMENT FORBIDDEN BY LAW--Maine Law requires that employers provide all employees with a written notice on an annual basis that sexual harassment in the workplace is forbidden by law and will include the following:

- the definition of sexual harassment,
- a description of sexual harassment, utilizing examples,
- the employer's internal complaint process,
- the legal recourse and complaint process available through the Maine Human Rights Commission,
- directions on how to contact the Maine Human Rights Commission,
- protection against retaliation for employees who file sexual harassment allegation.

Training programs for new employees will be conducted within one year of their date of hire, and additional training is required for supervisors and managers also within one year of their date of hire.

DEFINITION OF SEXUAL HARASSMENT--The definition of sexual harassment under the Regulations of the Maine Human Rights Commission is as follows:

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

- A. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment is a form of misconduct, which undermines the integrity of the employment relationship.

DESCRIPTION OF SEXUAL HARASSMENT--Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior which is not welcomed, which is personally offensive, which damages morale, and which therefore interferes with work effectiveness. Such conduct whether committed by supervisors, non-supervisory personnel or clientele, is specifically prohibited.

Examples of sexual harassment include but are not limited to: 1) repeated offensive sexual flirtations, advances or propositions; 2) continued or repeated verbal abuse of a sexual nature; 3) graphic or degrading verbal comments about an individual's appearance; 4) the display of sexually suggestive objects or pictures; and 5) any offensive or abusive physical contact.

In addition, no one should suggest, imply, or threaten that an applicant's or employee's cooperation of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any condition of employment.

COMPLAINT PROCESS--Department Heads or supervisors are responsible for monitoring behavior which could constitute either discrimination or harassment and for initiating necessary action to eliminate such behavior. Any employee, who feels that he or she is a victim of discrimination or harassment, including sexual harassment, or who has knowledge of that kind of behavior, is urged to report such conduct immediately to his/her supervisor or, if the employee would prefer, to the County Clerk.

Complaints of discrimination and/or harassment will be investigated and, where warranted, disciplinary action will be taken against any employee engaging in sexual harassment. Disciplinary action will be in accordance with DISCIPLINE procedures outlined in the "Franklin County Personnel Policies". Any questions regarding the Sexual Harassment Policy should be addressed to the County Clerk.

There will be no retaliatory measures taken against any employee who makes a complaint of discrimination or harassment, including sexual harassment.

MAINE HUMAN RIGHTS COMMISSION-- Employees who feel they have been subject to either discrimination, harassment, or workplace retaliation are encouraged to report any incidents to the County in order for these matters to be addressed. In addition, employees have the right to file a complaint with the Maine Human Rights Commission within 300 days of the date of the alleged discrimination, harassment and/or retaliation. For more information, please visit <https://www.maine.gov/mhrc/>. The Commission may be contacted by mail at 51 State House Station, Augusta, ME 04333, or by telephone at (207) 624-6290.'

10.9 ANTI-FRATERNIZATION POLICY

I. PURPOSE

The purpose of this policy is to establish guidelines regarding fraternization of employees of Franklin County (the “County”).

II. POLICY

It is the policy of the County to encourage limited fraternization of employees throughout its organizational structure.

III. PROCEDURES

- a. The County understands that social relationships may develop between employees from time to time. Although consensual relationships are a matter of personal choice and privacy between the employees involved, any adverse effect that such relationships may have in the workplace will not be tolerated. A relationship will be considered to have an adverse effect in the workplace if:
 - i. The employees involved have a direct or indirect reporting relationship at work; or
 - ii. It unreasonably interferes with or materially or adversely affects either employee’s work performance, objectivity, judgment, professionalism, business reputation or ability to conduct themselves in an appropriate business manner; or
 - iii. It unreasonably interferes with or materially and adversely affects the work environment of other employees; or
 - iv. It results in sexual harassment.
- b. **SUPERVISORS AND SUBORDINATES**
 - i. Supervisors are prohibited from engaging in an intimate, dating, or romantic relationship with any subordinate employee of the County.
- c. **NOTIFICATION TO COUNTY**
 - i. In the event that two County employees are engaged in an intimate, dating, or romantic relationship, the employees are required to report this relationship to the Human Resources Director immediately. Once reported, the County will determine whether action is necessary to ensure effective County operations, and/or whether the existence of the relationship is in conflict with the provisions of this policy, and/or any other applicable rules and regulations promulgated by the County.

IV. ENFORCEMENT

All employees are expected to adhere to this policy. Any violations may result in corrective action up to and including termination. Employees with concerns about this Policy should contact the Director of Human Resources to discuss further.

10.10 Anti-Retaliation Policy

PURPOSE

The purpose of this Anti-Retaliation Policy is to ensure a safe and supportive environment within Franklin County where employees can report concerns without fear of retaliation. This policy underscores our commitment to ethical conduct and compliance with applicable laws.

SCOPE

This policy applies to all employees of Franklin County.

DEFINITIONS

Retaliation: Any adverse action taken against an employee due to their engagement in protected activities. This includes but is not limited to termination, demotion, harassment, or unfavorable work assignments.

Protected Activities: Actions protected under federal, state, or local laws, including but not limited to:

- Reporting discrimination, harassment, or other unlawful conduct.
- Participating in investigations or hearings related to such reports.
- Requesting reasonable accommodation for disabilities or religious practices.

POLICY STATEMENT

Franklin County strictly prohibits retaliation against any employee who reports a concern or participates in an investigation related to protected activities. Retaliation is a serious violation of our policies and will not be tolerated.

EXAMPLES OF RETALIATION

Examples of retaliatory actions include, but are not limited to:

- Termination or demotion of an employee.
- Negative performance evaluations or adverse job references.
- Unfair job assignments or increased/decreased workloads.
- Harassment, intimidation, or exclusion from work-related activities.

INVESTIGATION PROCESS

Upon receiving a report of retaliation, Franklin County will:

- Conduct a prompt, thorough, and impartial investigation.
- Ensure that all parties involved are treated respectfully and that confidentiality is maintained to the extent that it is reasonably possible to do so.

CONSEQUENCES OF RETALIATION

Any employee who has engaged in retaliatory behavior may face disciplinary action up to and including suspension and/or termination of employment.

EMPLOYEE RIGHTS

Employees have the right to report concerns and participate in investigations without fear of retaliation. This policy protects those rights and aligns with applicable laws, including the Whistleblower Protection Act and other relevant statutes.

TRAINING AND AWARENESS

Franklin County will provide training to employees and management regarding this policy to ensure understanding and compliance. Training will be conducted annually in conjunction with Harassment and Anti-Bullying training.

REVIEW AND UPDATES

This policy will be reviewed annually and updated as necessary to ensure compliance with applicable laws and to promote a safe and respectful workplace.

REPORTING PROCEDURES

Employees who believe they have experienced retaliation must report the incident promptly. Reports can be made to:

Human Resources Director at 207-860-4251 or by email at tbaker@franklincountymaine.gov

All reports will be treated confidentially to the extent that it is reasonably possible to do so, and employees are encouraged to provide detailed information regarding their concerns.

MAINE HUMAN RIGHTS COMMISSION

In addition to reporting incidents to the County, employees may also file a complaint with the Maine Human Rights Commission within 300 days of the date of the alleged retaliation. The Commission may be contacted at 51 State House Station, Augusta, ME 04333, or by telephone at 207-624-6290. For more information, please visit <https://www.maine.gov/mhrc/>.

CONTACT INFORMATION

For questions or concerns regarding this policy, please contact:

Tiffany Baker, HR Director

207-860-4251

TBaker@franklincountymaine.gov

By adhering to this policy, Franklin County aims to foster a culture of trust, accountability, and integrity, encouraging all employees to voice their concerns without fear of retaliation.

10.11-TOBACCO POLICY

It is the policy of Franklin County to comply with all applicable federal, state and local regulations regarding smoking and tobacco products in the workplace and in public places. The County maintains a smoke free and tobacco free environment for its employees and visitors to County facilities. There is no smoking or use of tobacco products in any County facility, vehicle, or piece of equipment. Employees and other visitors shall not smoke or use any tobacco products within 30 feet of any entranceway to any building.

10.12-DRUG FREE WORKPLACE

It is the policy of Franklin County to maintain a drug-free workplace. The purposes of this policy are to eliminate use of controlled substances and abuse of alcohol among all employees of the County, to: promote greater health of the employees; prevent impairment of employees' ability to perform their duties; reduce the risk of injury to employees and third parties; reduce the risk of liability for injuries and the resulting publicity which might damage the County's reputation and goodwill in the community; and to insure compliance with the Federal Drug Free Workplace Act

The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace. The consumption, use, distribution, or sale of marijuana, alcohol or alcoholic beverages is prohibited in the workplace. Employees are prohibited from working or reporting to work under the influence of alcohol, marijuana or drugs, or to otherwise engage in conduct involving alcohol or drugs that affects their ability to perform the duties of their position. The workplace is defined as any location where an employee is or might be expected to perform work or render services on behalf of the County.

Compliance with these policies is a condition of employment with Franklin County. Violation of this policy shall be in accordance with DISCIPLINE (Section 8.) procedures in these personnel policies. When the County obtains information concerning an employee's activities on County time or premises which suggests that the employee may be engaging in illegal activity, the County reserves the right to report such information to appropriate law enforcement agencies. Information concerning the dangers of drug and alcohol abuse, counseling, rehabilitation and employee assistance services will be made available to employees.

Prescription drugs may affect an employee's performance, or present a hazard to the employee's safety or the safety of others. The County will make a reasonable effort to accommodate an employee's need to use prescription drugs. However, it is the responsibility of the employee to notify the immediate supervisor if the employee is reporting to work under the influence of prescription drugs, or will be taking drugs that may affect work performance and/or the safety of others. Failure to provide such notification shall be grounds for disciplinary action. Prescription drugs must be kept in their original container, which identifies the drug, dosage, date of prescription and authorizing physician.

10.13 Salary Administration Policy

PURPOSE/SCOPE:

The purpose of this Policy is to outline the policies and procedures governing the administration of compensation for all county employees not covered by a collective bargaining agreement and those elected to office.

STATEMENT OF COMPENSATION OBJECTIVES:

It's the County's objective to establish and maintain a compensation system that will:

- Attract, retain, and reward qualified personnel at all levels of responsibility;
- Reflect the relative difficulty and responsibility-level of positions;
- Be externally competitive, as well as internally consistent and fair;
- Foster good employee communication by providing individual employees with information on the pay structure and its administration;
- Motivate employees to work toward achievement of the County's goals;
- Control and predict salary expense;
- Be straightforward to administer; and
- Comply with applicable federal and state laws.

POLICY:

The following statements express the County's objectives and policies with respect to base pay of all employees. The County recognizes that not all these objectives may be completely achieved at all times for employees (due to budget constraints, etc.), but they are set forth herein to serve as guidelines against which proposed actions are to be evaluated.

- Establish grades and salary ranges that reflect the relative value to the County of the various positions.
- Ensure that, for comparable positions, pay rates and benefits are competitive with those offered by other employers providing similar employment;
- Adjust pay ranges when warranted by changing economic and competitive factors, as determined by an analysis of cost of living and/or periodic compensation surveys; and
- Ensure that compensation is not influenced by race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin or familial status, or other protected characteristic.

WAGE AND SALARY SURVEYS

At the discretion of the Franklin County Commissioners, the County will periodically compare salary rates to those of other Maine counties and municipalities that are similar in structure and size.

FAIR LABOR STANDARDS ACT PROVISIONS

Each position (and each employee performing that position) must be classified as "exempt" or "non-exempt," according to guidelines established under the provisions of the Fair Labor Standards Act (FLSA). Those employees in positions classified as "exempt" are exempt from the overtime provisions of the Act. Those employees in positions classified as "non-exempt" are subject to the payment of overtime, according to wage and hour regulations.

GRADE AND SALARY RANGE STRUCTURE

In 2018, as a result of a comprehensive compensation and benefits survey, and with the assistance of an outside, independent Human Resources consultant, a new Grade and Salary Range Structure was developed. This system was mathematically built, with a 35% range spread, 7.5% between the midpoint and maximum to designate a competitive rate, and an average of 11% between grade levels. From this structure, we added the approved increases from 2019-2022, and built in step increases with a cap at 15 years. The steps were built with a 2.95% increase per step and the average percentage between ranges remained the same at 11%. Positions were "slotted" into the new Salary Structure factoring in the market data and job responsibilities of each role.

Guidelines for Administering Pay within Established Pay Ranges:

- Minimum of the Range: An employee performing the duties of a position, as described in his/her job description, shall be paid not less than Step 1 of the salary range applicable to that position.
- Maximum of the Range: An employee will not receive a base pay that exceeds the maximum of the salary range applicable to that position. Once an employee's salary reaches the maximum of the salary range at Step 15, s/he will not have the opportunity to receive an increase in base pay until: 1) the pay ranges are adjusted and the maximum of the range exceeds the base pay; or 2) the employee is promoted to a higher grade level where the base pay does not exceed the top of the salary range.

HIRING GUIDELINES

- New employees will be hired into the salary range for the position, provided they meet the minimum qualifications for the job.

VALUE OF PRIOR EXPERIENCE

1. Full years of prior identical work experience within the county, as recommended by the Department Head/Office Holder (as applicable) and determined by the County Administrator, dating back 15 years (corresponding to 15 Steps in each salary range) is valued at 100%. Prior relevant external experience, in the same position classification, will be counted at 75% of years of service.
2. Experience will be calculated at the inception of the new Salary Structure (07/01/2022) for all current employees. This calculation takes the prior related experience, calculated as described above, and is added to Step One to determine the proper Step. If there is a fraction related to the experience calculation, it is rounded up.
3. Prior related experience will be calculated in the same manner for new employees hired on or after July 1, 2022.

SALARY INCREASES

The Franklin County Commissioners will consider salary increases under the following guidelines:

1. Salary Range Adjustments. Salary ranges will be adjusted each year based on approved cost of living increases (see below).
2. Cost of Living Increases. Employees may be eligible to receive annual cost-of-living increases based on the CPI-W (Consumer Price Index for Urban Wage Earners &

Clerical Workers), as determined on December 31 of each calendar year. Any increase must be approved by the County Commissioners, and if approved, will be applied to the Salary Structure ahead of the new fiscal year. Approved COLA increases will be effective the first day of the County's next fiscal year.

3. Step Increase. The County Administrator will recommend to the Commissioners, in addition to a Cost of Living Increase, a Step Increase for all employees who are assigned a pay grade and range, which means that each employee's salary would be increased by approximately 3% (as long as the employee is not already at Step 15). Employees who are hired in the second half of any fiscal year are not eligible for a Step increase until the first day of the following fiscal year; however they will be eligible for a COLA increase.

SALARY INCREASES AT THE TIME OF PROMOTION

When an employee is promoted to a position in a higher pay grade, the employee's salary will be increased to the new grade according to the following chart:

Grade Change	Step in New Grade
Up One Grade between Grade 3 and Grade 10	Same Step in New Grade

If the promotion is more than 2 grades higher, the salary increase will be determined on a case-by-case basis. If the new Step would be below the minimum of the Salary Range, the salary will be at Step 1. In no event will the employee's salary be increased to exceed the Maximum of the Grade Range.

Promotions are recommended by the Department Head/Office Holder and must be submitted to the County Administrator, and approved by the County Commissioners.

SALARY DECREASES AT THE TIME OF DEMOTION

When an employee is voluntarily or involuntarily demoted, the employee's salary will be decreased to the new grade according to the following chart:

Grade Change	Step in New Grade
Down one Grade between Grade 3 and Grade 10	Same Step in New Lower Grade

If the demotion is more than 2 grades lower, the salary will be determined on a case by case basis.

SALARY ADJUSTMENTS DUE TO POSITION RECLASSIFICATION

When a current position is reclassified to a different grade by the County Administrator and Human Resources through the periodic evaluation of job responsibilities, the following guidelines will be followed and the County Administrator will make the final decision:

- If a position is reclassified to a higher grade, incumbents will be moved to the new grade and receive an increase in pay to the same step in the higher grade. The effective date will be the beginning of the pay period following the effective date of the reclassification, or the first day of the following fiscal year when reclassifications are the result of a market study.
- If a position is reclassified to a lower grade, incumbents will be grandfathered in the

current grade, and there will be no change in pay as a result of the reclassification. Any new employees hired into the position will be placed in the new, lower grade.

Questions:

Questions about this Policy should be directed to the County's Human Resources Director or the County Administrator.

10.14 Computer Use and E-mail/Internet Access

Objective: To guide the appropriate use of electronic mail, Internet, or other means of access to or use of resources made available to Franklin County employees to communicate with each other, other governmental entities, companies, and individuals for the benefit of the county.

Policy:

Franklin County's computer network, electronic mail system (e-mail), and internet connection is designed to facilitate association business and to provide for communications among employees and other governmental and business associates for messages and/or memoranda. Since no computer system is completely secure, the email/internet system is not intended to transmit sensitive materials such as personnel decisions and other similar information that may be more appropriately communicated by written memorandum or personal conversation.

This computer network, email, and internet systems are Franklin County's property and intended for association business. Although some incidental use of the computer email and internet access for personal use is expected, it must be understood that such use is a privilege, which may be limited or removed if the privilege is abused or at any time, for any reason, at the discretion of the Department Head.

Except for incidental personal use, no part of the system is to be used for employee personal gain or to support or advocate for non-business-related activities or purposes. All data and electronic messages within this system are the property of Franklin County. Such, no computer files, or communication of any type through the county's electronic mail system or internet connection can be considered private. Electronic communications are public records and may be subject to the freedom of access laws, depending on their content.

While you may have a confidential password, users should be aware that this does not mean that the system is for personal confidential communication, nor does it suggest that e-mail is the property right of the employee.

In addition, consistent with any confidential relationships or obligations with clients or program participants that may exist, Franklin County reserves the right to authorize its directors, managers, and/or supervisors to review the contents of the employee's computer files, or email/internet communications whenever it may deem necessary for business or performance purposes. Employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' email messages or computer files without proper authorization. Passwords should be periodically changed to ensure the security of the system. Users should not share their passwords with anyone else, other than as managers may require.

Employees may not provide or use alternative software to access the systems. Employees may be held

responsible for any damages caused by authorized software or viruses they introduce into the system. Please keep note that messages are also subject to network security procedures and spam filters, which may inadvertently isolate or delete valid emails since these functions are not foolproof.

The internet provides Franklin County with significant access and dissemination of information to individuals outside of the organization. The use of the internet for access and dissemination is intended to serve county business. Like all e-mail messages, internet messages are capable of being forwarded without the express permission of the original author. Messages are also routinely passed through routers before they reach their final destination. A message is “touched” many times before it gets to its recipient, and the message author should be aware of this. Therefore, users must use caution in the transmission and dissemination of messages outside of the association and must comply with all state and federal laws.

GENERAL PROHIBITIONS:

The county’s email and internet systems may be used only for lawful purposes. The transmission, distribution, or storage of any information, data, or material in violation of any applicable law or regulation or this policy is prohibited. Without limitation of the foregoing, it is prohibited to create, transmit, distribute, or store any information, data, or material which:

- Is libelous, defamatory, hateful, or constitutes an illegal threat or abuse, or contains ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on race, color, sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin or familial status, or any other protected status under state or federal law.
- Is obscene or constitutes child pornography, contains sexually explicit images or messages, or may be construed as offensive, abusive, or threatening.
- Infringes any copyright, trademark, trade secret, or other intellectual property right.
- Is solicitation for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations except for incidental personal use.
- Is or encourages conduct that would constitute a criminal offense or give rise to civil liability.

GUIDELINES:

Employees are expected to abide by the generally accepted rules of computing and network etiquette. These include (but are not limited to) the following:

A. General guidelines:

- Be polite
- Use appropriate language. Do not swear, use vulgarities, or any other inappropriate language.
- Do not reveal the address or phone numbers of others. Providing both internal and your address or phone number is a personal choice but be aware that internet transmissions can be monitored by others.
- Note that electronic mail (e-mail) is not private. Both internal and internet transmissions can be easily intercepted by others and can be altered en route.
- Do not use computers or networks in such a way that you would disrupt their use by others. This includes being aware that you can create significant network traffic and consume scarce computing resources

through your use of the internet. Do not send large files needlessly.

- Use only services you have the authorization to access.
- Always represent yourself as yourself-never someone else.
- Do not send unencrypted association confidential or proprietary information over the internet. If you are uncertain whether the material is confidential or proprietary, consult your supervisor. If you need to utilize encryption, please contact the IT Department for directions.
- Material that would be considered inappropriate, offensive, or disrespectful to others should not be accessed or stored.
- Respect copyrights and licenses.

B. Security Responsibilities:

- If you identify a security problem, notify the IT Department immediately.
- Do not show or identify a security problem to others.
- Do not reveal your account password or allow another person to use your account.
- Do not use another individual's account.
- Any user identified as a security risk or having a history of problems with other computer systems may be denied access.

C. Vandalism/Harassment:

- Vandalism is defined as any malicious attempt to harm or destroy the data of other users, the internet, or other networks. This includes, but is not limited to, creating and/or knowingly uploading computer viruses.
- Vandalism and/or harassment will result in the cancellation of the offending user's account and/or further disciplinary action.
- Harassment is defined as the persistent annoyance of another user or interference in another user's work. This includes, but is not limited to, the sending of unwanted e-mails.

D. Internet Use Filtering System:

The Technical Services Department shall block access to internet websites and protocols that are deemed inappropriate for Franklin County's environment. The following protocols and categories of websites shall be blocked:

- Adult/sexually explicit material
- Advertisements and pop-ups
- Chat and instant messaging
- Gambling
- Hacking
- Illegal drugs
- Intimate apparel and swimwear
- Personals and dating
- Social network services
- SPAM, phishing, and fraud
- Spyware
- Multi-user games and interactive virtual simulators
- Tasteless and offensive content
- Violence, intolerance, and hate
- Peer-to-peer file sharing

Generally, messages are intended to be temporary communications that are non-vital and may be discarded

routinely. However, depending on the content of the message, it may be considered a more formal record and should be retained according to a department's record retention schedule. As such, these messages are similar to printed communication and should be written with the same care. Each department's retention schedule for other forms of communication should apply to electronic communications as well.

Employees should be aware that when they have deleted a message from their workstation mailbox, it might not have been deleted from the centralized systems. The message may be residing in the recipient's mailbox or forwarded to other recipients. Furthermore, the message may be stored on the system's backups for an indefinite period. Employees should delete personal messages as soon as possible after reading them. An accumulation of files will degrade system performance and response times. This policy applies to all employees, contractors, part-time employees, volunteers, and other individuals who are provided access to the association's system. Third parties should only be provided access to the system as necessary for their business purpose with the association and only if they abide by all applicable rules.

Employees who leave employment with Franklin County have no right to the contents of their email messages and are not allowed access to the e-mail system. Supervisors or management may access an employee's e-mail if employees are on leave of absence, vacation, or are transferred from one department to another department and it's necessary for the association's business purpose.

The misuse of the internet or e-mail privileges may be considered sufficient cause for discipline per the personnel policies and procedures, collective bargaining agreements, and/or other applicable rules or laws. In addition, in the event of suspected, alleged, or actual illegal activity, the association may notify or cooperate with applicable law enforcement authorities for potential civil or criminal investigation or prosecution.

10.15 POLICY ON ARTIFICIAL INTELLIGENCE USAGE

OBJECTIVE

Establish a framework for the secure and responsible implementation of artificial intelligence (AI) in Franklin County. The objectives are to safeguard sensitive information, promote transparency, and foster public trust.

PURPOSE

Set guidelines for the use of AI in Franklin County to minimize risks, protect privacy, and ensure ethical AI practices within local government operations.

DEFINITIONS

Generative AI: AI systems that automatically process data and information in ways that resemble intelligent human behavior, producing uncontrolled results. These include large language models, image generators, music composers, and similar technologies.

AI Systems: Software or hardware that utilizes AI techniques such as machine learning, deep learning, and neural networks.

POLICY GUIDELINES

1. Risk Assessment and Approval Process

- All Franklin County agencies planning to adopt AI systems must undergo a comprehensive risk assessment.
- Exceptions or pilot projects involving AI require approval from the County's IT Department.
- The IT Department will evaluate proposed AI implementations for security, privacy, and ethical considerations.

2. Security and Privacy Considerations

- Generative AI systems can lack transparency, leading to data privacy and security concerns.
- Their use may result in unintentional collection or dissemination of business or personal data.
- Security vulnerabilities can exist, such as generating misinformation, spreading malware, or executing phishing techniques.

3. Human-Centered Approach

- Franklin County will emphasize human judgment in critical decisions related to local government operations.
- AI should be used to augment human expertise, not replace it.

COMPLIANCE

1. All Franklin County agencies must comply with this policy.
2. The IT Department is responsible for overseeing compliance with AI-related decisions.

REVIEW AND UPDATES

This policy will be reviewed annually to ensure it remains in line with evolving AI regulations and industry best practices.