TOWN OF HAMPTON

PERSONNEL POLICY

100 Winnacunnet Road
Hampton, NH 03842

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Personnel Policies and Procedures

These regulations are set forth as the Town's official declaration of personnel policies, adopted by the Board of Selectmen as a resource for carrying out these responsibilities and directing all departments and personnel.

Life in Hampton – A Secret Worth Sharing

INTRODUCTION

The Town of Hampton is committed to creating and supporting a staff devoted to providing the best services available with the best interests of the Town's residents as the priority.

The personnel policy is intended to be responsive to both the Town and employees' needs. As changes take place, new or revised policies will be issued to meet the changing needs. All such changes will be promulgated by the Board of Selectmen. The policies and procedures described herein are subject to change by the Board of Selectmen without prior notice to employees.

This personnel policy manual has been prepared to provide policies, procedures and information concerning the Town of Hampton's policies for all employees and shall not apply in those areas that are found to conflict with collective bargaining agreements, individual employee contracts, or State and/or Federal statutes. Non-union positions are listed in Appendix 1. All non-union, individual employee contracts entered into after August 8, 2011, must be approved and signed by the Board of Selectmen. The contents of this policy are not to be construed as part of any employment agreement and do not alter contracts or labor agreement provisions.

The Town of Hampton employees are considered to be employees at-will. Employment at-will status enables both the Town of Hampton and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not prohibited by law. Neither the policies contained in this manual, nor any other written or verbal communication by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

Chapter 1

ADMINISTRATION

A. Town Manager

It shall be the duty of the Town Manager to see that the policies and procedures set forth herein are carried out and updated. The Town Manager will participate in development and implementation of these policies.

B. Department Heads

Department Heads are expected to supervise the employees and maintain proper working conditions and relations. Departmental policies and procedures shall be consistent with this policy, and will become effective only upon approval by the Board of Selectmen. It is the responsibility of the Department Heads to advise the Town Manager of any changes in the duties or responsibilities of their employees and annually to submit recommendations for salary adjustments for those not covered by a collective bargaining agreement.

Department Heads are expected to promulgate Department policies and procedures which shall include, but not be limited to standard operating procedures, detailed job descriptions, seniority lists and the responsibilities of each department member, including standard pay scale and each member's standing. Copies of all such Policies and Procedures, including updates and revisions, must be filed promptly with the Town Manager's Office for approval in accordance with the law.

C. Employment Practices

1. Equal Opportunity

The Town of Hampton is an equal opportunity employer. The Town desires to hire and retain qualified individuals for each employment opportunity. In compliance with State and Federal laws, it will endeavor to insure that all personnel actions, including promotion, transfer, termination, layoff, training, compensation, benefits and any Town activities are administered fairly and objectively without regard to age, sex, race, creed, color, marital status, physical or mental disability, sexual orientation, national origin or veteran status.

2. Accommodations for Individuals with Disabilities

In accordance with the Americans with Disabilities Act of 1990 ("ADA") and RSA 354-A, the Town of Hampton prohibits any form of discrimination in hiring as well as in all terms and conditions of employment against individuals with physical or mental disabilities. We will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process and in performing essential job functions, so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Please notify your Department Head or the Town Manager if, because of a disability, you require an accommodation to perform the essential functions of your job. You may be asked to provide medical information regarding your disability and possible accommodations, and we expect that you will engage in this interactive process in good faith so that we may determine eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with the ADA, and will provide reasonable accommodations as required by law. The Town may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

3. Harassment

It is the policy of the Town of Hampton to treat all employees with dignity and respect. Harassment of employees on account of age, sex, race, creed, color, marital status, physical or mental disability, sexual orientation or national origin will not be tolerated. All employees have the right to be free from racial or ethnic slurs, unwelcome sexual advances, or any other verbal or physical conduct which constitutes harassment. Sexual, racial and ethnic harassment of employees will not be permitted. All members of management and supervisory personnel have the explicit responsibility and duty to take immediate corrective action to prevent such harassment of employees. Any complaints or instances of such harassment must be reported immediately to the Legal Department or the Finance Director. The complete policy in this regard, along with complaint procedures, is contained in Appendix 2 of this policy.

4. Dismissal

The Town Manager may dismiss an employee as warranted and appropriate after consultation with the Town Attorney. Such action shall be preceded by notice and an opportunity to be heard.

5. Personal Dress

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Tight-

fitting clothing, low cut shirts or low riding pants, tank tops, bare midriff (half) shirts, shirts with bare backs, and short skirts (3 inches above the knee) or dresses are not considered workplace appropriate clothing. Exceptions to the personal dress policy may be made for inclement weather.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law.

6. Smoking Policy

The Town is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, we have declared a no smoking policy within our buildings and in Town vehicles. Smoking is only allowed in the designated smoking areas. If you have a concern or complaint with respect to any employee, visitor, or vendor violating this policy, please report such concern or complaint to your Department Head or the Town Manager.

If an employee fails to comply with these rules, the employee will be subject to disciplinary action, up to and including termination.

D. Administrative Procedures

1. Personnel Records

The Town of Hampton maintains certain records containing job-related information on all employees to ensure compliance with state and federal law and to keep a record of your progress as an employee. Your personnel file is our record of information relative to your employment. You may inspect your own personnel file during regular office hours, upon reasonable request. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement. File inspection must be done on your own time, and must be arranged through your Department Head or the Town Manager. You may read your personnel file, but you may not remove any portion of the file. Upon request, you will be provided with a copy of all or part of your personnel file.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written statement explaining your version of the information together with evidence supporting such version. The Town will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Please notify the Finance Department as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

2. Town Forms

All Departments shall use official Town forms. No departmental forms shall be used in lieu of official Town forms, unless authorized by the Town Manager.

3. Expense Reimbursement

a. Travel: Travel by car will be reimbursed at the current U.S. Internal Revenue Service rate per mile, round trip, by the most direct route, portal to portal. Travel by air will be authorized when appropriate. Payment will be made directly to the agency handling the travel or to the employee as a reimbursement. Travel will be by the most efficient method of travel unless otherwise authorized by the Town Manager.

b. Lodging: Receipts must be presented to verify rates, duration of stay and other charges. Double occupancy accommodations must be used when available and appropriate. It is the expectation that all Town employees will exercise prudent judgment in choosing lodging and room rates.

c. Meals: Reimbursement for meals away from Town, when on over-night Town business, or if previously approved, will be reimbursed upon submittal of itemized receipts, not to exceed the per diem allowance of $30.00. Alcoholic beverages, tips and related charges are not reimbursable. Exceptions to the above may be authorized by the Town Manager.

d. Training: Authorized expenses in addition to the cost of the training course may include but are not limited to travel, mileage, lodging and food. Requests for reimbursement require approval of the Department Head and Town Manager prior to incurring the expense. Reimbursable expenses are not to include social activities that are not an integral aspect of the training curricula or those which are paid for separately and as an adjunct to training or work related programs.

e. Travel Request Form: Prior approval for travel and associated reimbursement is obtained through the use of the Travel Request form from the Finance Department.

E. Hiring

1. Appointments

No appointments of Department Heads or Deputies shall be effective until approved by the Town Manager or his/her designee.

2. Recruitment

It is the policy of the Town of Hampton to meet its workforce needs through systematic recruitment, selection and career support programs that identify, attract and select from the most

qualified applicants for Town employment. The employment of individuals for Town positions shall be carried out with forethought for the balance of skills needed to sustain growth and assure future leadership. Practices fostering internal advancement opportunities for current employees shall be earnestly attended.

When a position is to be filled, a search for the best qualified candidate shall be conducted. The character of the search will vary from position to position, but may include direct recruitment, advertising, open competitive examination, contact with the State and other employment offices and contact with special sources of information. In each case it shall be the responsibility of the Department Head and Town Manager to seek out the most desirable employee for the Town. Employment shall be offered based upon the job-related qualifications and interviews of applicants for employment using fair and valid selection criteria and not on political affiliation or political influence.

3. Vacancy Announcements

Vacant positions to be filled may be described in an announcement which includes the position title, salary range, essential duties, job description, minimum application qualifications and closing date of applications.

4. Advertising

The Town Manager may advertise vacancies in the appropriate media. All open positions shall be posted on the Town web site for a minimum of one week prior to closing the acceptance of applications. Positions that are advertised shall also be posted by the Town Manager or his/her designee on employee bulletin boards and the public bulletin board at the Town Office for a minimum of five working days. Applications for advertised positions shall be received for at least one week after the date of any advertisement. Department heads shall submit recommended advertising and media contact information to the Town Manager's Office for processing.

5. Career Advancement

All employees shall be eligible to apply for promotion. Employees wishing to be considered should make application for the position as required in the posting. Filling of positions will be by selection from among the qualified candidates on the basis of capacity for the position, experience, ability to perform job tasks and other criteria appropriate for the position to be filled. Employees can apply for positions for which they are qualified, provided it is not during their probationary period, and they have not had discipline or performance issues within the past 6 months.

6. Temporary/Seasonal Positions

Temporary/seasonal employees are persons hired for a specific purpose during a specified period to perform the duties in the appropriate job description. Temporary/seasonal positions are intended to be short in duration to fill seasonal, unforeseen or extraordinary needs and shall

include a start date and end date – not to exceed six months. Department Heads may request extensions to temporary positions no later than thirty (30) days prior to expiration. Temporary/seasonal employees may work up to forty (40) hours; hours beyond forty (40) are subject to the provisions of the Fair Labor Standards Act and may require time and one-half payments. Temporary/seasonal employees are covered by liability and workers compensation insurance, but are not eligible for other benefits. All temporary/seasonal employees are considered employees "at-will" and may be terminated with or without cause

7. Layoffs

When it is necessary to reduce the number of employees because of lack of work or funds, layoffs will be made within each Department by classification on the basis of job performance ratings and merit records. Decisions concerning which employees will be laid off will be made by the Department Head and the Town Manager. Employees laid off through no fault of their own will be first to be considered for re-employment on the basis of seniority within each department by classification.

F. Employment of Relatives

The Town of Hampton establishes the following employment clauses regarding the employment of immediate family in order to assure reliability, accountability, fairness in fact and appearance, and to avoid conflicts of interest.

Parents, children, step-children, spouses, brothers and sisters, grandparents, grandchildren, uncles, aunts, nephews and nieces, father/mother-in-law, brother/sister-in-law, step-father/-mother, step-brother/-sister or partners sharing living quarters of current full-time, regular Town employees are not eligible to be hired for full-time Town employment, unless approved by the Town Manager or given a waiver.
Employees who become related or begin sharing living quarters as partners with one another subsequent to employment, will not both be permitted to continue working for the Town. If the Town Manager determines that the employees are not in positions where the possibility of favoritism or conflicts of interest might arise, a waiver may be granted by the Town Manager. If a waiver is not granted, the decision as to which relative will remain with the Town must be made by the two employees within thirty (30) calendar days of the date they marry, become related, or begin sharing living quarters as partners with each other. If no decision has been made by them during this time, the Town Manager reserves the right to terminate either employee. Such decision is not subject to appeal or the grievance procedure.

An employee who is involved in a personal relationship with another employee may not occupy a position in the same department as, work directly for or supervise the employee with whom he or she is involved. A personal relationship is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature. Hampton reserves the right to take prompt action if a conflict of interest arises concerning individuals who occupy

positions at any level (higher or lower) in the same line of authority that may affect employment decisions. Supervisors are prohibited from dating subordinates and may be disciplined for such actions, up to and including termination.

When a conflict arises because of a personal relationship between employees, even if there is no line of authority or reporting involved, the employees may be separated by reassignment or terminated from employment. If such personal relationship is established after employment, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to the Department Head or the Town Manager. When a conflict or a potential for conflict arises because of the relationship affecting employment, the individuals concerned will be given the opportunity to decide who is to be transferred to another position or terminated if no position is available. If the decision is not made within 30 calendar days, management will decide who is to be transferred or, if necessary, terminated from employment.

Chapter 2

CONDITIONS OF EMPLOYMENT

A. Introductory Period

All appointments duly authorized are made for an introductory period of one year. During such time, the employee's performance will be subject to close review and evaluation to determine his/her competence to perform the assignments of the position. Regular status will be given to any employee who satisfactorily completes the introductory period. All employees are considered employees at-will and may be terminated with or without cause.

B. Performance Evaluations

All department heads will receive an annual performance appraisal by the Town Manager. All other non-union employees will receive an annual performance review by their immediate supervisor, with copies forwarded to the Town Manager The quality of the service rendered by an employee in the Town of Hampton will be given due consideration on such matters as promotions, terminations and merit salary adjustments. The review must include whether previously assigned goals and objectives have been accomplished. Documentation of exhibited strengths and areas in need of improvement should also be explained on the review form.

C. Work Hours

The minimum work-week for all full-time employees shall vary according to the department in which they are employed, but shall be no less than forty (40) hours. All work schedules shall meet the approval of the Town Manager, with the intent to provide the services necessary to meet the needs of the residents of Hampton. As the need arises, supervisors may schedule work days and hours that differ from the standard established. Supervisors are responsible for scheduling work hours that will provide the maximum coverage of the department during the work day. At the same time, the needs of the employee should be given consideration. Flexibility of the hours worked will be at the discretion of the supervisor. Employees may receive disciplinary action for abuse of the work schedule.

Administration of Overtime A Department Head may assign overtime work to meet operational requirements. Such overtime work shall be reported on payroll records and justified by the Department Head if required by the Town Manager.

Employees paid on an hourly basis (non-exempt) shall be paid 1 ½ times their normal hourly rate for hours worked beyond forty (40) hours in a pay period. Exempt (salaried) employees are not paid for overtime.

D. Resignations

Employees resigning a position should provide a minimum of two weeks notice of their intentions in order for the Town to make proper provisions for filling the position. Department Heads are requested to provide a minimum of four weeks notice of an impending resignation/retirement. Employees must return all Town property including keys and cell phones, on their last day of employment.

E. Disciplinary Process

It is the policy of the Town of Hampton to exercise fair, impartial and progressive discipline to ensure the development and/or correction of its employees. All employees are employees at will.

1. Types of Infractions

a) Commission of a crime or misdemeanor under any statute, law or ordinance.
b) Disobedience or violation of any department regulation, rule, order, instruction or memorandum.
c) Violation of Town or departmental anti-harassment policy.
d) Insubordination.
e) Disobedience of a lawful order.
f) Neglect of duty.
g) Incompetence.
h) Inefficiency.
i) Arrogance, oppression or tyranny in discharge of duty.
j) Unnecessary violence or indignity to a citizen.
k) Indecent, profane, or unnecessary harsh language.
l) Evidence of possession or consumption of alcohol or drugs while on duty or when reporting for duty.
m) Conduct prejudicial to the public peace or welfare.
n) Conduct tending to cause ill repute on the Town.
o) Conflict of interest/failure to disclose a conflict of interest.
p) Failure to be at appointed work place, ready to work, at the regular starting time.
q) Abuse of the work and leave schedule.
r) Failure to report for overtime work without just cause after being scheduled for same.
s) Falsifying any Town record, application for employment or report.

t) Threatening, intimidating or interfering with any fellow employee on Town premises or during working hours.
u) Unauthorized use of public property.
v) Engaging in physical combat or dangerous horse play.
w) Disregard of safety rules and/or specific instructions.
x) Any act or omission that jeopardizes the work of the Town.
y) Violation of computer usage policy.

2. Types of Discipline

The specific types of discipline listed here are illustrative. Progressive discipline shall not require imposition of every type of discipline described below. The nature and sequence of the discipline may be dependent on the type and severity of the infraction.

a. COUNSELING AND TRAINING – This disciplinary action is generally taken when an employee has difficulty adjusting to the work environment or job requirements. A written memo documenting the need for counseling or training and what counseling or training was given may be made and may be discarded after one year.

b. ORAL WARNING - This disciplinary action is given verbally to any employee by a supervisor. This action is generally taken to correct an error or the potential for error or infraction. A written notice documenting such action should be created and may be discarded after one year if no other disciplinary action has been imposed.

c. WRITTEN REPRIMAND – This disciplinary action is a written notice of error. The notice may contain a directive to correct the deficiency and a deadline for corrective action, if appropriate. Depending on the nature and severity of the infraction, the notice may contain a provision for purging the record after no less than one year if no other disciplinary action is imposed during said period.

d. DEMOTION – Department Heads, with the approval of the Town Manager, may reduce an employee to the next or lower rank in the employee classification plan for just cause. If the employee is moved to a lower paying position as a result of a demotion, the pay for the employee shall be reduced to the lower classification at the step which is consistent with the length of service for the employee involved.

e. SUSPENSION – Suspension may be invoked without pay for any of the infractions set forth in this personnel policy. Suspension action shall be documented by a detailed report, and a due process hearing will be granted if requested by the employee. Such due process hearing shall be conducted by the Department Head.

Authority to Relieve from Duty

Department supervisors as designated in departmental procedures or special orders, may relieve from duty an employee for the balance of the work day, when in the supervisor's judgment, there is sufficient cause to do so. Such relief is for an act or omission which jeopardizes the work, or is a gross violation of the rules and procedures of departmental personnel, or special and general orders. Such relief shall be of temporary nature, pending the report of the incident to the Department Head. Whenever such authority is exercised, notification of such relief shall be made to the Department Head or his/her designee as soon as practicable. In the absence of the Department Head, the report shall be forwarded immediately to the Town Manager. The Department Head may then determine if further action is necessary.

Authority to Suspend

1. Department Heads may relieve from duty and/or suspend an employee for a period of not more than seven work (7) days for any violation of department or Town rules, regulations, procedures or ordinance.

2. The Town Manager or the Board of Selectmen, whichever is appropriate in accordance with the Organizational Chart, may suspend an employee with or without pay for a period not to exceed thirty (30) calendar days in any twelve (12) month period for violation of any law, rule or regulation, including but not limited to Federal, State or local laws or rules and the provisions of this policy.

3. Notification of such suspension action taken shall be in writing and a copy may be placed in the employee's personnel file. The employee's personal copy shall be sent certified mail to the last known address of the employee, if it is not hand delivered.

DISMISSAL

The Town Manager may dismiss an employee as warranted and appropriate after consultation with the Town Attorney. Such action shall be preceded by notice and an opportunity to be heard.

The appropriate Department Head shall send to the Town Manager in writing, with a copy to the employee, their recommendation for demotion, suspension in excess of seven days, or dismissal and the reasons therefor.

Drug-Free Workplace

The Town believes strongly that all employees should be able to work in an environment free from alcohol and drug abuse. Accordingly, the Town expects all employees to report for work and to perform their duties in a manner which does not jeopardize the health, safety and well-being of co-workers or citizens.

No employee shall possess, use, sell, distribute, or be under the influence of alcohol, illegal drugs, unauthorized prescription drugs or any substance that affects the employee's behavior or ability to perform his/her job responsibilities during work hours or during any period of time an employee is engaged in Town business, whether on or off Town property.

Employees may possess and take prescription drugs prescribed for them by a medical practitioner. Employees are expected to inform their supervisor if they are taking any medication (over-the-counter or prescription) which may cause the employee to be a danger to themselves or others in performing their job duties, or which may otherwise interfere with the performance of their job duties.

Employees who violate this policy are subject to discipline, up to and including discharge from employment.

Any employee who suspects that he/she may have an alcohol or drug dependency problem is strongly encouraged to contact his/her supervisor, to seek a confidential referral to appropriate community resources. Any referrals for treatment under this policy will not preclude disciplinary action.

In accordance with federal law, an employee is required to notify the Town of a criminal or civil conviction for a drug violation occurring in the workplace no later than five calendar days after such conviction. In turn, the Town within 10 calendar days of learning of such a conviction, must give written notification to any federal agency from which the Town receives grant funds.

Chapter 3

COMPENSATION

The Town's pay period is a weekly pay period that runs from Wednesday through Tuesday for each week (except for Police, which runs Monday through Sunday). An accurate and signed time sheet must be submitted to the Finance Department by Tuesday at 5:00 p.m. for all non-union employees. Please contact the Finance Department if there is a problem with your paycheck. Also, direct deposit is available.

A. Payroll Deductions

There are two categories of payroll deductions, those required by state or federal law and those authorized by the employee. Payroll deductions required by state and federal law include federal withholding, income tax, social security tax, and wage garnishments as required by law (i.e. child support payments, court-ordered payments, IRS garnishments.) If authorized by an eligible employee, the Town of Hampton will also make payroll deductions for health insurance, savings plans, and voluntary contributions to a retirement plan. These deductions will be itemized on your check stub.

Under New Hampshire law, the Town may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except, with appropriate authorization, as follows: union dues; health, welfare pension, and apprenticeship fund contributions; medical, surgical, hospital and other group insurance benefits without financial advantage to the employer; voluntary contributions to charities; housing and utilities; payments into savings funds held by someone other than the employer; voluntary payments for the recovery of tuition for non-required education costs; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; and voluntary payments by the employee for the following: child care fees by a licensed child care provider; parking fees; pharmaceutical items, gift shop, and cafeteria items purchased on the site of a hospital by hospital employees; fees for the employee's use of a qualifying fitness facility; contributions to a political action committee; installment payments of loans made by the employer to the employee; voluntary repayment of accidental overpayments made to the employee; repayment of unearned advances on vacation or other paid time off where supported by appropriate documentation; required clothing not considered to be uniforms; the use of a demonstrator vehicle as defined in RSA 261:111; and legal plans and identity theft plans without financial advantage to the employer.

B. Payroll Deductions for Salaried Exempt Employees

The Town complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried exempt employees receive a predetermined salary which is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by the Town or due to the operating requirements of the Town. The Town recognizes that under federal and state law there are only limited times when a salaried employee's salary can be subject to deductions.

The Town prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Exempt employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities change, and at other appropriate times. Exempt employees should also note that it is permissible for an employer to apply vacation, sick, personal and other forms of paid time off to partial or full-day absences for personal reasons, sickness, or disability, and that applying paid time is not considered a deduction from salary.

C. Questions Regarding Paychecks and Deductions

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Department as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the Town Manager.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. The Town will not tolerate retaliation against employees who have expressed concerns using this procedure.

D. Breaks and Meal Periods

Generally, all Town of Hampton employees will be provided with a thirty (30) minute meal period/break after five consecutive hours of working, unless it is feasible to eat while working and the employee is permitted to do so. Fire protection and law enforcement personnel will receive meal breaks as established by their respective Departments. One or two paid break periods of fifteen (15) minutes will be granted during the work day if possible, but these breaks are not guaranteed.

Break Time for Nursing Mothers: Non-exempt employees will be provided with a reasonable break time for the employee to express breast milk for her nursing child for 1 year after the

child's birth each time such employee has need to express the milk. A private area will be provided. These breaks are unpaid.

E. Holidays

Full-time employees of regular or introductory standing shall be entitled to the following paid holidays:

New Year's Day
Presidents' Day
Martin Luther King Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving
Friday after Thanksgiving
Christmas

Part-time employees shall receive their regular rate of pay for their regular number of hours for any holiday that falls on a day for which they are regularly scheduled to work.

Regular or introductory, non-exempt employees who actually work on a holiday will receive pay at time and one half for hours worked over 40 hours in the pay period, or shall receive one and one half compensating hours off for all hours worked in excess of 40 hours worked in the pay period. To be eligible for holiday pay, the employee must work on the scheduled workday before and after a holiday, unless on an approved leave. New employees will be eligible for holiday pay after the first day worked. When a holiday falls on a Saturday, the preceding Friday shall be considered the holiday; when a holiday falls on a Sunday the following Monday shall be considered the holiday.

Full time regular or introductory employees shall receive two non-cumulative Personal Days that shall lapse if not used during that calendar year. Personal Days are to be used as full work-days only. There is no pay for unused personal days upon termination, resignation or retirement.

F. Annual Leave

All regular or introductory full-time, non-union employees will be granted annual leave based on the length of prior service in the following manner. Temporary and seasonal employees shall not be eligible for annual leave. Annual leave may be used for any purpose and replaces traditional sick leave and vacation leave. Part time employees, hired before August 8, 2011, shall receive annual leave on a prorated basis, based on regularly scheduled hours.

1. Leave Accrual

Leave time is accrued on a monthly basis, credited on the first of each month, and may not be used until accrued. Emergency exceptions may only be granted with the prior written approval of the Town Manager.

Non-union employees classified as 40 hours per week hired before August 8, 2011

Years of Employment	Monthly Accrual Hours	Total Annual Hours
Start to the completion of five years	14.66	176
Six to the completion of ten years	18.00	216
Eleven to the completion of fifteen years	21.32	256
Sixteen to the completion of eighteen years	24.65	296
Nineteen to the completion of twenty years	26.32	316
Twenty-one years to the completion of twenty-five	28.00	336

Department Heads will accrue an additional 3.33 hours per month for employees hired before August 8, 2011.

Non-union employees classified as 35 hours per week hired before August 8, 2011

Years of Employment	Monthly Accrual Hours	Total Annual Hours
Start to the completion of five years	12.83	154
Six to the completion of ten years	15.75	189
Eleven to the completion of fifteen years	18.66	224
Sixteen to the completion of eighteen years	21.58	259
Nineteen to the completion of twenty years	23.00	276
Twenty-one years to the completion of twenty-five	24.50	294

Department Heads will accrue an additional 2.91 hours per month for employees hired before August 8, 2011.

Employees hired on or before the 15th of the month will receive credit for their initial month. Employees hired after the 15th of the month will not be credited with annual leave for that initial month.

Annual Vacation Leave Effective August 8, 2011

Vacation leave shall be in accordance with the following schedule for non-union employees hired after August 8, 2011:

Start through 5 years of continuous service	2 weeks
6 years through 10 years of continuous service	3 weeks
After 10 years 1 day per year, maximum	4 weeks

Vacations must be taken in the calendar year that they are earned in accordance with the above schedule, except that one week may be carried forward for one year with written permission from the Department Head and the Town Manager.

Vacations are to be requested and approved in advance with the employees respective Department Head and in the case of Department Heads with the Town Manager.

Part time employees hired after August 8, 2011 shall accrue annual vacation leave on a pro-rated basis, based on their regularly scheduled hours, in accordance with the above vacation leave schedule for full-time, non-union employees hired after August 8, 2011.

Annual Sick Leave Effective August 8, 2011

Sick leave shall be in accordance with the following schedule for non-union employees hired after August 8, 2011:

8 days per calendar year accumulated to a maximum of 400 hours. Accumulated sick leave shall not be paid out at the time of separation from employment.

Part time employees hired after August 8, 2011, shall accrue sick leave, based on their regularly scheduled hours in accordance with the above sick leave for full-time, non-union employees hired after August 8, 2011.

Employees shall notify their Department Head at the start of the work period if they are not reporting to work due to illness. The Department Head shall check on the employee after the third day of illness and may require the employee to present a doctor's note upon return to work.

After August 8, 2011 all non-union full-time employees hired will work 40 hours per week.

2. Leave Use

A standard leave request form must be completed and approved by your supervisor for any leave taken in advance of the requested time. Specific Departmental policies may be established to set notice requirements. Supervisors should schedule leave in such a manner as to have adequate coverage available for their department. In the case of leave used for illness, family medical leave, care for a family member or other unanticipated need, a leave form must be submitted with the payroll of that current week.

Annual Leave shall accrue from year to year but in no event shall accrual exceed 1,500 hours on December 31st of any year for employees hired before August 8, 2011, or 400 hours for employees hired after August 8, 2011. The Town of Hampton recognizes the importance of annual leave, while at the same time recognizes the difficulty of those in management positions to utilize earned leave. In that regard, employees earning 180 or more hours leave annually shall be allowed to sell back to the Town unused leave hours, provided they have used at least a minimum of ten (10) work-days charged to annual leave during that calendar year. If an employee desiring to sell back annual time has not used the required leave during the year, they shall not be allowed to sell back any of their annual leave accrual.

3. Leave Sell-Back

Employees covered by this agreement can sell back to the Town unused annual leave on an annual basis, according to the following:

A) An Employee shall have a balance greater than 210 hours for employees scheduled 35 hours per week and a balance greater than 240 hours for employees scheduled for 40 hours per week as of September 1st. After accumulation of two hundred ten (210) hours or two hundred forty (240) hours as appropriate, the employee can, at the employee's option, sell back to the Town any unused annual hours over the minimum balance, accumulated during that year up to a maximum of 500 per year.

B) Employees wishing to take advantage of the sell back program must declare their intentions to sell back time. The total amount of hours available to be sold back shall be indicated to each employee in writing by September 15th of that year. By October 1st of that year the employee shall notify their respective Department through the completion of the election distribution form the number of hours they wish to sell back. Each employee must state the number of hours they are selling back and list in writing which distribution option is being selected. Each employee shall have seven (7) calendar days to revise an election form that may be returned by the Finance Department due to an error. The Town shall buy back time at the employee's current hourly rate.

C) The value of the hours sold back to the Town can be used in any of the following combinations.

   a. Purchase the employee's annual contributions to Health Insurance, Dental Insurance, Short-Term, Long-Term Disability Insurance or Colonial Insurance. It is understood that if an employee opts to fund insurance programs they must fund the entire amount from annual leave sell back (e.g. currently the employee contributes 10 percent of the annual premium of the Blue Choice or Matthew Thornton health insurance policy). Thus if the employee opts to fund their share of the insurance they must fund the entire 10 percent.

   b. Make contributions to the employee's Individual 457 Tax Deferred Retirement Plan.

   c. For the purpose of paying family educational expenses. The employee will be allowed to convert hours into a cash payment, which would be a taxable event for the employee withdrawing the funds.

D) In the case of Employees who have reached their cap, as outlined in Section C. 3 entitled "Annual Leave", if no response is made by October 1st, then the hour amount over the employee's cap shall be deemed to have lapsed as of December 31st and the employee's annual leave balance shall revert to the cap amount of 1,500 hours.

E) It is each employee's responsibility to notify the Finance Office of their desire to sell back annual leave. Employees that have reached the maximum amount of accrual and do not exercise their right to sell back excess leave hours will lose the amount of hours over the cap on December 31st of each year.

F) Upon voluntary quit the Town will pay employees hired before August 8, 2011, 100% of their accumulated, unused leave up to a cap of 1,500 hours. For employees hired after August 8, 2011, the Town will pay employees 100% of their unused vacation leave upon voluntary quit.

4. Grandfather Clause

Employees with current personal sick leave balances of over 1,000 hours as of January, 2004, have the option of choosing to remain with the vacation and sick leave benefits in effect prior to adoption of this personnel plan. There are no annual sell-back provisions with those plans prior to resignation or retirement. Upon voluntary quit (after five years of continuous service) the Town will pay the employee an amount representing 25% of the unused sick time up to the cap of 1,750 hours and 100% of unused vacation leave. Upon retirement the Town will pay the employee an amount representing 75% of the unused sick leave up to the cap of 1,750 hours and 100% of the unused vacation time.

C. Workers' Compensation Benefits

Employees with an injury arising out of and in the scope of their employment with the Town of Hampton are eligible for Workers' Compensation benefits. The Town, consistent with the Town Meeting vote of 1979, will make up the difference between the weekly disability benefits received by such employee under Workers' Compensation and the employee's base salary with the Town, for up to one (1) year subject to the following condition: employee shall return to work when medically approved or when required by the Department of Labor. The Town will pay the employee his or her normal salary until such time as the employee receives his or her first insurance check concerning such disability. The employee shall reimburse the Town for the amount of the weekly Workers' Compensation benefits paid for the period the employee received full salary from the Town of Hampton. Payments by the Town for a claim ultimately found not to be eligible for Workers' Compensation benefits shall be repaid by the employee in cash or unused leave.

A Workers' Compensation claim which results in lost time must be supported by a doctor's statement outlining the nature of the disability, prognosis for recovery and probable length of disability. The Town reserves the right to get a second opinion, if deemed appropriate by the Town Manager. Prior to returning to work, the employee shall provide a doctor's statement clearing the employee to return to his/her regular duties.

Employees who are out of work due to a work-related injury, which is compensable as set forth above, may not engage in any outside work without reporting it to the Town Manager's Office and the insurance carrier.

Employees out on work-related injury leave, having been initially denied benefits by the Town's insurance carrier may be entitled to reasonable legal fees and other un-reimbursed costs or leave charges incurred by the employee in presenting their claim after a successful overturning of the denial.

D. Leaves of Absence

1. Bereavement Leave

Special leave of a total of three (3) consecutive working days with pay preceding, during or right after the funeral, shall be granted an employee in the event of the death of his/her:

Spouse	Sister	Brother
Father/Step Father	Mother/Step Mother	Child/Step Child
Mother-in-Law	Father-in-Law	Grandchild

Relative domiciled in the employee's household.

Special leave of one (1) working day with pay, for the purpose of attending the funeral shall be granted an employee in the event of the death of his/her:

Grandmother	Grandfather	Brother-in-Law
Sister-in-Law	Aunt	Uncle
Niece/Nephew		

If the employee must travel more than 500 miles one way, two (2) additional days with pay may be granted under the categories above with the written approval of the Town Manager. Should additional time be needed and approval is granted by the supervisor, the employee may utilize accrued leave for that purpose.

The Town Manager may grant bereavement leave in circumstances other than those listed herein upon written request by the employee. Granting or denying such additional bereavement leave shall not be subject to the grievance procedure.

2. Maternity Leave

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when she is medically able to return to work. Employees will be required to take FMLA leave, if they are eligible for such leave, concurrently with maternity leave, as described in our FMLA policy.

Employees must use their accrued vacation and sick/personal time before taking unpaid leave under this policy. Employees on maternity leave may also be eligible for short-term disability benefits. An employee out on maternity leave does not accrue additional leave time while out on leave.

Employees on maternity leave who are not eligible for FMLA leave or who have exhausted their FMLA available leave weeks will be allowed to continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue medical insurance coverage by making arrangements with

the Finance Department to pay the entire amount of the appropriate monthly premium in advance each month.

When the employee is physically able to return to work, her original job or a comparable position will be made available to her unless business necessity makes this impossible or unreasonable. An employee who cannot be returned to her original or a comparable position will remain eligible to apply for any available position within the Town.

3. Military Leave

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as "uniformed services") will be provided with leaves of absence for such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA").

Military leaves of absence will be unpaid, unless otherwise required by law. You may elect to take part of, or all of, your accrued vacation time with pay during your military leave of absence, but you are not required to do so.

Notice of Leave Request: An employee needing time away from work for service or training in the uniformed services should make their Department Head and the Finance Department aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

An employee's request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the Department Head or the Town Manager based on a case by case basis.

Health Coverage: If a military leave lasts less than 31 days, the employee's health insurance will be continued and the employee will pay his/her regular contribution for the cost of health insurance. Payment for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions.

If a military leave lasts 31 days or more, then the employee's health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage at his or her own expense for up to 24 months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a 2% administrative fee may also be charged.

When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

Pension: Upon reemployment the employee is treated as if there was no break in service for participating, vesting and accrual purposes. If applicable, the employee may elect to make up any missed contributions or elective deferrals, but is not required to do so.

Reinstatement: Employees wishing to be reinstated following military leave should promptly notify their Department Head and the Town Manager of their desire to be reinstated. If the leave is for service of less than 31 days, then the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify their Department Head or the Town Manager of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify their Department Head or the Town Manager of the desire for reinstatement within 90 days of completing service.

The Town of Hampton will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying.

Employees cannot waive their reemployment rights in advance of being released from uniformed service.

Disabled Service Members: If a returning employee was disabled or a disability was aggravated during uniformed service, the Town will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

Statement Against Discrimination and Retaliation: The Town will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. The Town also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

4. Leave of Absence for Victims of Crime

The Town of Hampton will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee was a victim. For purposes of this policy, a "victim" is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, "immediate family" means the father, mother, stepparent, child, stepchild, sibling, spouse, civil union partner, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify their Department Head or the Town Manager and the Finance Department as far in advance as possible. The employee may be

asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on the Town. An "undue hardship" for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee's position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued, unused vacation time, sick leave, or personal days.

The Town will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

5. Authorized Leave

Leave Without Pay Town employees may, with the approval of the Town Manager, be granted a leave of absence without compensation for a valid reason, for a period not to exceed one (1) year. When an unpaid personal leave is granted, vacation and sick leave benefits do not accrue. Such leave shall not adversely affect the employee's continuous service.

Administrative Leave – The Town Manager may place an employee on administrative suspension for an extended period of time, with pay, when determined to be in the best interest of the Town.

Professional Leave Town employees may, with the approval of the Town Manager be granted a leave of absence with pay for attendance at conferences, seminars, schools, training courses, or other reasons deemed to be in the best interest of the Town within budgetary restraints. Such leave shall not adversely affect the employee's continuous service. Employees desiring to attend out of town training or conferences must submit a travel/training request form for approval by the Town Manager prior to making any attendance commitments.

Jury Duty Town employees summoned for jury duty shall be paid straight time earnings provided that they turn over to the Town jury pay received, excluding mileage reimbursement. Leave time shall not be charged for such service. Jury duty by employees should be encouraged rather than evaded.

Family Medical Leave Act The Town of Hampton is subject to the Family and Medical Leave Act of 1993, as amended, by providing up to twelve (12) weeks of leave in a twelve (12) month

period with the guarantee of the same or an equivalent job upon return to work. Family or medical leave may be taken to care for a newborn or newly adopted child, for the employee's own personal illness, or to care for an immediate family member who is seriously ill. To be eligible, the employee must be employed for twelve (12) months and have provided 1,250 hours of service during the twelve months prior to the leave requested. A Family Medical Leave Request Form must be completed and approved in advance. The Town will pay its portion of the employee's medical benefits while on an approved FMLA leave and the employee is responsible to provide their percentage in lieu of the payroll withdrawal prior to the due date of the premium.

See Town of Hampton FMLA Policy and related forms which are attached hereto as Appendix 3 and are incorporated herein as part of this plan.

E. Life Insurance

The Town shall provide all full-time, regular or introductory employees (after 30 calendar days employment) with term life insurance at no cost to the employee in an amount equal to at least one year's salary (rounded to the nearest thousand). Employees are allowed to purchase additional insurance at their own expense through the Town's vendor.

F. Health Insurance

The Town offers the following insurance options to all full-time, non-union employees, with the exception of those covered by individual employment contracts:

MTB15IPDED-R3/15M$1	90% of the cost paid by the Town
BC3T5RDR-R$10/20/45	85% of the cost paid by the Town
BC3T5RDR-R$3/15M$1	Town pays 85% of the cost of BC3T5RDR-R$10/20/45 above

The Town may, in its sole discretion obtain such insurance from any insurance carrier. In cases where both spouses are employed by the Town, the Town shall only pay a two-person or family plan for one. Employees shall pay their percentage of the premium through payroll deduction for each pay period; such amount may be deducted in accordance with Section 125 of the IRS Code. Employees may elect to have their cost deducted from accrued leave time in accordance with the accrued buy-back program.

Any employee who provides to the Town evidence of current, comparable insurance coverage may decline or withdraw from the Town's coverage under the Town's medical plan. The employee shall receive a pro-rated yearly payment of $500.00 if the employee is eligible for single coverage, $750.00 if the employee is eligible for two-person coverage and $1,000 if the employee is eligible for family coverage. Payment shall be made during the first week of December for the current year. Proration shall be in accordance with the percent of the year's annual premium saved by the Town.

Upon employment the employee shall make an election regarding the health insurance plan in which they wish to participate. The employee contribution towards the first month's coverage, based on the date of hire, may be paid by increased payroll deduction or direct payment. Changes to that election may be made annually during the month of December through the Finance Department. The employee has the responsibility to inform the payroll office via an enrollment change form of a divorce, legal separation, death of a spouse or dependent, or a child losing dependent status under the Town's insurance plan within 30 days of such an event or the date on which coverage would end under the Plan. Failure to report an event that would result in a policy reduction will result in the employee being responsible to reimburse the Town the amount of the higher premium that would not otherwise have been incurred.

If the event causing the loss of coverage is a termination of employment or a reduction in work hours, each qualified beneficiary will have the opportunity under COBRA to continue coverage for eighteen months from the date of the qualifying event.

G. Dental Insurance

Dental Insurance is provided as an option to full-time employees with payment options as outlined below.

If an employee elects to have the BC/BS-JY Plan, (or equivalent), dental insurance may be purchased with the employee paying 100% of the cost. Employees opting to subscribe to the lower cost Blue Choice or Matthew Thornton Plans (or equivalent) may subscribe to dental insurance for a single, two-person or family plan with the Town paying 90% of the premium and the employee paying 10%.

H. Tuition Reimbursement

Full time regular employees will be eligible to apply for tuition subsidy following the end of their introductory period. Courses, not to exceed two per semester must have been recommended by the Department Head, be pre-approved by the Town Manager and be considered job-related. Incentives shall include full or partial (50%) tuition, books and course related fees, for the purpose of furthering the job related skills and abilities of the employee. In cases of economic hardship as determined by the Town Manager, tuition payments may be made in advance of course completion. In all cases tuition benefits shall only be provided for attainment of course grades of "C" or better, as long as budgeted funds are available. A certified copy of the college transcript must be produced when application for reimbursement is made. Tuition reimbursement for graduate level courses will only be made after pre-approval by the Town Manager, upon recommendation of the Department Head. These incentives are not automatic and shall be negotiated with the Town Manager. If an employee voluntarily leaves the Town's employ within six months of receiving a tuition reimbursement, the employee may be required to reimburse the Town that amount.

I. Safety

Employee safety is a concern of the Town of Hampton and every reasonable effort is made to provide a safe place in which to work. If an accident occurs on the job, the supervisor must be notified immediately and the Supervisor must file a First Report of Injury form with the Finance Department within 48 hours. Unsafe conditions or employee conduct which jeopardizes safety must be reported immediately to a supervisor or management personnel. Such reports will be investigated and appropriate action will be taken, including disciplinary action, where appropriate.

The Town of Hampton requires the use of seatbelts in all Town vehicles and in personal vehicles when being used for Town business.

All employees shall abide by all safety procedures as set forth in the Town's safety policies and applicable departmental policies.

Where the union contracts are silent, this Personnel Policy governs.

All employees, except the Tax Assessor and the Town Attorney, report to the Town Manager. The Town Manager, Tax Assessor and the Town Attorney all report directly to the Board of Selectmen.

HAMPTON BOARD OF SELECTMEN

_____

_____

_____ _____

Date

_____

_____

HAMPTON TOWN MANAGER

_____

Appendix 1.

The non-union personnel plan includes the following positions.

Town Manager
Administrative Assistant to the Town Manager
Town Attorney
Assistant Town Attorney
Building Inspector
Building and Rental Housing Inspector
Finance Director
Network Systems Engineer
Computer Technician
Fire Chief
Police Chief
Deputy Chief of Police
Police Department Administrative Assistant
Police Lieutenants (2)
Police P/T Communication Specialists
Public Works Director
Public Works Deputy Director
Engineering Intern
Recreation and Parks Director
Program Coordinator
Recreation Secretaries (2)
Town Planner
Planning Secretary
Conservation Coordinator
Tax Assessor
Data Collectors (2)
Assessing Assistant
Records Archive Clerk
Seasonal employees
Part time employees

Appendix 2.

ANTI-HARASSMENT IN THE WORKPLACE

1. Introduction

The Town of Hampton is committed to assuring that each individual employed by the Town has the right to be free of illegal discrimination or harassment because of race, color, religion, sex, national origin, age, pregnancy, disability, veteran status, marital status or sexual orientation. All employees of the Town should be able to work in an environment free from all forms of discrimination, intimidation and harassment, including sexual harassment. All employees must treat each other with courtesy, consideration and professionalism.

To achieve the Town's goal of providing a workplace free from sexual and other illegal harassment or discrimination, the conduct that is described in this policy will not be tolerated. Where inappropriate conduct is found, the Town will act promptly to eliminate the conduct and impose such corrective actions as are necessary, including disciplinary action or termination where appropriate.

Please note that while this policy sets forth the Town's goals of promoting a workplace that is free of sexual or other illegal harassment, or other forms of illegal discrimination, the policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct that we deem unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment or discrimination.

2. Definition of Sexual and Other Illegal Harassment:

Illegal Discrimination may include, but is not limited to, jokes, offensive behavior, inequitable treatment, retaliation, or unfair employment practices (e.g. hiring, advancement, discipline, or firing) on the basis of the employee's or applicant's age, gender, race, national origin, color, religion, disability, marital status or sexual orientation.

Harassment refers to unreasonable conduct or behavior which is personally offensive or threatening, impairs morale or interferes with the work effectiveness of employees. Examples of harassment include conduct or comments that threaten physical violence; offensive, unsolicited remarks; unwelcome gestures or physical contact; display or circulation of written materials, items or pictures degrading to any gender, racial, ethnic, religious, age, handicap or other group listed above; and verbal abuse or insults about or directed at any employee or group of employees because of their relationship in any of the groups listed above.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

a. submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or

b. Such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating or humiliating to male or female workers may also constitute sexual harassment. While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which, if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

Verbal: sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;

Visual/Non-verbal: derogatory posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering or obscene gestures;

Physical: unwanted physical contact including touching, interference with an individual's normal work movement or assault; and

Retaliation: making or threatening reprisals as a result of a negative response to harassment.

Each employee must exercise his/her good judgment to avoid engaging in conduct that may be perceived by others as harassment.

Harassment can come from supervisors, fellow employees, clients, visitors or vendors. Men as well as women can be victims of sexual or other harassment. **It cannot be stressed enough that the Town of Hampton will not tolerate any form of illegal discrimination or harassment. Violations of this policy, whether intended or not, will not be permitted.**

All employees should take special note that retaliation against an individual who has complained about sexual or other harassment, and retaliation against individuals for cooperating with an investigation of a sexual or other harassment complaint, or other discrimination complaint, is unlawful and will not be tolerated by the Town.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature such as but not limited to: a friendly smile; complimenting a person's work; making social invitations; asking for a date or other behavior not inherently offensive or sexist; so long as it is not repeated after a person has made it clear it is unwelcome.

The making of a deliberate, untruthful accusation of harassment is very damaging and is likewise considered a serious offense. Any person who files a false accusation of harassment will be subject to serious disciplinary action up to and/or including termination.

3. Harassment Complaint Procedure

If an employee feels s/he is being harassed, or an employee observes harassment, or has been the victim of or observed other forms of illegal discrimination, the following guidelines should be followed to help remedy the problem:

- Harassment and/or discrimination by other employees or by residents or vendors should immediately be brought to the attention of the Legal Department or the Finance Director.

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the problem. No employee of the Town is exempt from this policy.

- If, at any point in the process, a complaining employee is dissatisfied with the investigation being conducted, the employee should bring it to the attention of the Town Manager.

4. Harassment Investigation

When a complaint of harassment or discrimination is received, an investigation will promptly begin. Complaints will be kept confidential to the extent consistent with our obligation to look into and remedy any harassment or discrimination. For most matters, the investigation will include an interview with the person filing the complaint, an interview with the person alleged to have committed the harassment or other alleged challenged conduct, and to the extent necessary, interviews with co-employees or other witnesses. All employees are expected to be truthful, forthcoming, and cooperative in connection with a complaint investigation.

Once the investigation is complete, the Town will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation. If it is determined that inappropriate conduct occurred, the Town will act promptly to eliminate the offending conduct and, where it is appropriate, the Town will impose disciplinary action.

There may be instances when, depending upon the nature of the allegations of harassment or discrimination, the alleged harasser, or person charged with bad conduct, will be placed on administrative leave pending investigation. Administrative leave pending investigation should not be considered as a conclusion of wrongdoing.

5. Disciplinary Action

The Town of Hampton will not condone, permit or tolerate harassment of employees or illegal employment discrimination in any manner whatsoever. Any employee who is found to have engaged in harassment or discrimination contrary to this policy will be subject to disciplinary action, up to and including suspension or termination, depending, among other things, on the nature of the conduct. As stated previously, this anti-harassment policy is not designed or intended to limit the Town's authority to discipline or take remedial action for workplace conduct which is deemed unacceptable, regardless of whether that conduct satisfies the definition of illegal or sexual harassment, or discrimination.

6. Retaliation

The Town of Hampton also prohibits any form of retaliation against any employee for filing a good faith complaint under this policy or for assisting in a complaint investigation. Anyone found to have engaged in such retaliation against a person who has registered a complaint under this policy or to have retaliated against anyone for assisting in the investigation of a complaint, will be subject to disciplinary action up to and including suspension or termination. Any employee who believes s/he is being retaliated against should bring it to the attention of the Legal Department or the Finance Director, so appropriate action may be taken.

7. Public Notice

All employees of the Town should be able to work in an environment free from all forms of discrimination, intimidation and harassment. All employees are expected to treat each other with courtesy, consideration and professionalism. The Town of Hampton expects all vendors, patrons, residents and others who have dealing with our employees to abide by this anti-harassment policy. Failure by such persons to honor this policy will not be tolerated. The Board of Selectmen will take appropriate action against any such conduct to ensure its prompt termination and to obtain other appropriate sanctions and/or penalty(ies).

Appendix 3

TOWN OF HAMPTON

FAMILY AND MEDICAL LEAVE POLICY

STATEMENT OF POLICY

In accordance with the Family Leave Act, effective August 5, 1993, the Town of Hampton will grant job protected unpaid family and medical leave to eligible male or female employees for up to 12 weeks per 12 month period for any one or more of the following reasons:

A. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or

B. In order to care for an immediate family member (spouse, child or parent) of the employee if such immediate family member has a serious health condition; or The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.

DEFINITIONS

A. "12-Month Period"- means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.

B. "Spouse"- includes domestic partners. If both spouses work for the Town of Hampton, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent.

C. "Child"- means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for such care and includes a biological, adopted, foster or step-child.

D. "Serious Health Condition"- means an illness, injury, impairment, or a physical or mental condition that involves:

1. Inpatient care; or

2. Any period of incapacity requiring absence from work for more than three calendar days, AND which involves continuing treatment by a health care provider ; or

3. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity or more than three calendar days; or

4. Prenatal care by a health care provider.

E. "Continuing Treatment"- means:

1. Two or more visits to a health provider, or

2. Two or more treatments by a health care practitioner or referral from, or under the direction of, a health care provider; or

3. A single visit to a health care provider that results in a regimen of continuing treatment; or

4. In the case of a serious, long term or chronic condition or disability, that cannot be cured, being under the continuing supervision of, but not necessarily being actively treated by, a health care provider.

INTERMITTENT OR REDUCED LEAVE

A. An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when "medically necessary".

1. "Medically necessary" means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule.

2. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.

B. An employee may take leave intermittently or on a reduced leave schedule for birth or placement for adoption or foster care of a child only with their Department Head's consent.

C. For part-time employees and those who work variable hours, the family and medical leave entitlement is calculated on a pro-rated basis. A weekly average of the hours worked over the 12 weeks prior to the beginning of the leave should be used for calculating the employee's normal workweek.

SUBSTITUTION OF PAID ANNUAL TIME

A. An employee will be required to substitute accrued paid annual leave for any part of a family/medical leave taken for any reason.

B. When an employee has used accrued paid annual leave for a portion of family/medical leave, the employee may request an additional period of unpaid leave so that the total of paid and unpaid leave provided equals 12 weeks.

NOTICE REQUIREMENT

A. An employee is required to give 30 days notice in the event of a foreseeable leave. A "Request for Family/Medical Leave" form (see attached) should be completed by the employee and returned to the Town Manager's Office for approval. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed Request for Family/Medical Leave form.

B. If an employee fails to give 30 days notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides notice.

MEDICAL CERTIFICATION

A. For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit a completed "Physician or Practitioner Certification" form (see attached) and return the certification to the Town Manager's Office. Medical certification must be provided by the employee within 15 days after the leave request or as soon as is reasonably possible.

B. The Town of Hampton may require a second or third medical opinion (at Town expense), periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report upon return to work.

C. All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's separate medical records file.

EFFECT ON BENEFITS

A. An employee granted a leave under this policy will continue to be covered under the Town of Hampton's benefit package applicable to the position in question under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.

B. Required employee contributions to such programs will continue and must be made through payroll deductions or to the Town of Hampton directly. Employee contribution amounts are subject to any changes in rates that may occur while the employee is on leave.

C. If an employee's contribution is more than 30 days late, the Town may terminate employee's relevant benefit(s).

D. An employee is not entitled to seniority accrual or other benefit accrual during periods of unpaid leave, but will not lose anything accrued prior to the leave.

JOB PROTECTION

A. If the employee returns to work within 12 weeks following a family/medical leave, he/she will be reinstated to his/her former position or a position with equivalent pay, benefits, status and authority.

B. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for leave, the employee would not have the right to be reinstated upon return from leave.

C. If the employee fails to return within 12 weeks following family/medical leave, the employee will be reinstated to his/her same or similar position, only if available, in accordance with applicable laws. If the employee's same or similar position is not available, the employee may be terminated.

FAMILY/MEDICAL LEAVE REQUEST FORMS TO BE SUBMITTED BY THE EMPLOYEE

1. Request for Family/Medical Leave

2. Physician or Practitioner Certification-Family Member/Employee Serious Health Condition

TOWN OF HAMPTON
REQUEST FOR FAMILY/MEDICAL LEAVE

Employee Name: _____ Date of Request:_____

Department: _____ Position Title: _____

Hire Date: _____

I hereby request a Family/Medical Leave for the following reason (check one):

A. The birth of a child and in order to care for such child or the placement of a child for adoption or foster care. _____

B. In order to care for an immediate family member if such family member has a serious health condition. Circle one: CHILD / PARENT / SPOUSE (Must submit "Physician or Practitioner Certification within 15 days). _____

C. Employee's own serious health condition that makes the employee unable to perform the functions of his/her position. (Must submit "Physician or Practitioner Certification within 15 days.) _____

Method of Leave Requested

__ A. Consecutive Leave

__ B. Intermittent or Reduced Leave Schedule. Specify anticipated schedule below.

Date leave is to begin: _____ Expected duration of leave _____

If the duration of my family/medical leave (total of paid and unpaid time) does not exceed 12 weeks, I will be returned to my same or equivalent position. I understand that if my family/medical leave should exceed 12 weeks I will be returned to my same or similar position only if available, in accordance with applicable laws. If my same or similar position is not available, I understand that I may be terminated.

_____
Employee Signature

_____
Date

PHYSICIAN OR PRACTITIONER CERTIFICATION OF SERIOUS HEALTH CONDITION

1. Employee's Name : _____

2. Diagnosis: _____

3. Date condition commenced: _____

4. Probable duration of condition: _____

5. Regimen of treatment to be prescribed (indicate number of visits, general nature and duration of treatment, include referral to other provider of health services. Include schedule of visits or treatment if it is medically necessary for the employee to be off work on an intermittent basis or to work less than the employee's normal schedule of hours per day or days per week.)

A. By physician or Practitioner: _____
_____
_____
_____

B. By other provider of health services, if referred by Physician or Practitioner:
_____
_____
_____

Check Yes or No in the space below, as appropriate.

6. Yes ___ No___ Is inpatient hospitalization of the employee required?

7. Yes__ No ___ Is employee able to perform work of any kind? (If "No", skip to Item 9)

8. Yes __ No___ Is employee able to perform the functions of employee's position? (Answer only after reviewing the employee's job description, if available or after discussion with employee.)

9. Signature of Physician or Practitioner: _____

10. Date: _____

11. Type of Practice (Field of specialization, if any): _____

Appendix 4

Tuition Reimbursement Application

Name: _____ Department: _____
Date of Hire: _____ Date of Application: _____

I request approval to take the following course(s) under the Tuition Reimbursement program.

Course name: _____ School: _____
Reason for taking course: _____
Beginning Date of Course: _____ Ending Date: _____
Schedule: _____

I understand that I must pay the cost of tuition and fees in advance, and upon successful completion of the course(s) with a grade of C or better, the Town of Hampton will reimburse me at the appropriate rate as outlined in the policy. I understand that I must furnish a grade report and receipts of expenses before reimbursement will be made. I also understand that if I leave the Town of Hampton within 6 months of reimbursement, I may be required to repay any amount received.

Employee signature: _____ Date: _____

Department Head Recommendation: _____ Date: _____

Town Manager Approval: _____ Date: _____

I have completed the course(s) and submit my expenses and grade report for reimbursement (receipts attached).

Course _____ Expenses _____ Grade _____

Employee signature: _____ Date: _____

Department Head Recommendation: _____ Date: _____

Town Manager Approval: _____ Date: _____

Reimbursement Rate Approved: _____%

Appendix 5

TOWN OF HAMPTON
INFORMATION TECHNOLOGY USE POLICY
(COMPUTER USE POLICY)

•PURPOSE

•The Town of Hampton has established a policy with regard to general computer and local area network use, access and disclosure of electronic mail messages created, sent or received by employees using the Town of Hampton's computer equipment. The Town of Hampton strives to be progressive in its use of technology to streamline Town operations, improve service to our citizens, and manage information across all departments and functions. This policy applies to all computer systems, printers, peripherals, electronic mail and Internet communication systems. The following policy establishes guidelines on acceptable use.

•POLICY

General:

Access to the Town's computer equipment and electronic mail system is provided to employees for the purpose of advancing the work of the Town and for communication with business contacts solely for job related purposes. Employee's personal information and computer software programs should not be stored on the Town's computer equipment. All work generated on and information stored in the Town's computer equipment is deemed to be the Town's property, which the Town may examine at any time. The Town Manager or his designee reserves the right to monitor, review, audit, intercept, access and disclose all messages sent and received, except for confidential information under State/Federal law. There is no right of privacy in material generated on and stored in the Town's computer equipment.

No computer software (including software programs and drivers downloaded from the Internet), computer hardware, peripheral devices or changes to individual desktop computer configurations shall be installed and/or performed on the Town's computers by Town employees without the prior consent of the Town Manager or his designee. Only the Town Manager's designee shall perform work and/or maintenance of any type on the Town's computer equipment. This is to ensure compliance with overall system architecture, applicable copyright law, and to minimize support requests. Any violations of this policy will be dealt with in accordance with the discipline procedures for the Town of Hampton.

World Wide Web Access:

While Internet access is important to advancing the mission and goals of the Town, it is a privilege, which may be revoked. Town employees should be aware that a transaction log is maintained of every Internet site each employee visits. This log may be reviewed to identify inappropriate use of the Internet. The Town Manager or his designee reserves the right to restrict access to certain Web sites.

•ACCEPTABLE USES

The Town of Hampton believes that the use of information technology resources makes jobs more fulfilling by allowing users to deliver better services to the community. Employees are encouraged to use this technology to the fullest in pursuit of completing their missions. Acceptable uses:

- Announcing or sharing news laws/ rules or regulations;
- Applying for or administering grants or contracts for Town research or programs;
- Communicating and exchanging information directly related to the goals of the Town of Hampton.

•NON-ACCEPTABLE USES

The electronic mail communication system may not be used to solicit for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations nor is it to be used to create or perpetuate any offensive or disruptive messages. Among those that are considered offensive are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability. Non-acceptable uses:

- Activities unrelated to the Town's mission;
- Activities unrelated to official assignments or job responsibilities;
- Any illegal purpose, including, but not limited to fraudulent, harassing or obscene messages;
- Unauthorized distribution of Town of Hampton data and information;
- Interfering with or disrupting of network users, services or equipment;
- Unauthorized not for profit business activities;
- Revealing or publicizing proprietary or confidential information;
- Installing personal software on Town computers;
- Uploading or downloading copyrighted materials, proprietary information, or similar materials without prior authorization of the Town Manager or his designee; and
- Playing computer games.

This list is not all-inclusive and the Town Manager or designee may restrict other uses, or with approval, certain exceptions on usage can be allowed.

•COPYRIGHTS

Infringement of copyrighted information is prohibited. Staff on the Internet may not transmit copyrighted materials. Users are not permitted to copy, transfer, rename, and/or delete information on programs belonging to other users unless given express permission by the owner. Failure to observe copyright and license agreements may result in disciplinary action by the Town and by the copyright owner. Nothing in this policy protects the user from prosecution for prohibited uses from the copyright owner.

•SECURITY

- Passwords should be kept confidential. No staff member should give out his/her password to others.
  - Passwords should not be so obvious that others could easily guess them, and shall be changed on a regular basis to be determined by the individual department's security requirements.
  - Using the login and/or passwords of others is strictly prohibited.
  - Never leave your computer workstation unattended while logged onto the network.
  - Any electronic files/information obtained from outside the Town (i.e. information o CD-ROM, diskette, e-mail messages, etc.) must be checked for viruses prior to use.

•FUTURE TECHNOLOGY

The Town is aware that technological advancements are fast paced. In an attempt to keep pace with these advancements the Town realizes that changes in this use policy may need to be made on a frequent basis. Revisions to this policy can and will be made on an as needed basis.

•EMPLOYEE ACKNOWLEDGEMENT OF INFORMATION TECHNOLOGY USE POLICY

I acknowledge that I have read the Town's Information Technology Use Policy and agree to the terms therein. I understand that:

- The Town's computer equipment and communication systems are for Town business use only; personal use is prohibited;
- My activity on the World Wide Web may be monitored and that my World Wide Web access may be revoked at the discretion of my Department Head, Town Manager or his designee; and
- Any information transmitted by, received from or stored in the Town's computer equipment is the property of the Town.

_____ _____

Employee Signature Department Director Signature

_____

Printed Name

Date _____

Password _____ must have one number and one letter and a minimum of 6 characters.

This password information shall only be given to the Information Technology Department.