

# Town of Westport

## PERSONNEL POLICIES AND PROCEDURES HANDBOOK

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## **INTRODUCTION**

**THIS HANDBOOK PROVIDES INFORMATION AND GUIDANCE FOR TOWN OF WESTPORT EMPLOYEES REGARDING THE TOWN'S PERSONNEL POLICIES AND BENEFITS.**

It does not apply to employees of the Westport Board of Education, the Westport Library or the Westport Weston Health District.

This Handbook has been written to assist you in understanding the practices and procedures of the Town of Westport (hereinafter "the Town") and applies to all employees. It is to be used as a reference to provide a general overview and is intended for informational purposes only. *Union employees are also advised to refer to their union contracts which, in all instances where a conflict exists between the two documents, take precedence over this Handbook. In addition to union contracts, work rules and Standard Operating Procedures ("SOP") in place will take precedent over this Personnel Policies Handbook.*

### **THIS HANDBOOK IS NOT A CONTRACT OF EMPLOYMENT**

This Employee Handbook is provided for informational purposes only. It should not be interpreted as a promise or guarantee to handle a situation in any particular way. No provision or portion of this Handbook constitutes an implied or express contract, guarantee, or assurance of employment or any right to an employment-related benefit or procedure. The Town reserves the right to change, modify, eliminate, or deviate from any policy or procedure in this Handbook at any time with or without notice.

It is the Town's policy that its relationship with its employees is "at-will." This means employment with the Town is not for a fixed term or definite period and either the Town or the employee may terminate the relationship at any time, for any lawful reason or no reason, subject only to the notice and hearing requirement of the Town Charter. As such, no policy or provision in this Handbook or any other Personnel Department document, (including policies, procedures, memoranda or benefit plan descriptions,) is intended to create a contract binding the employee or the employer to an employment agreement for a specific period of time. No representative or agent of the Town, other than the First Selectman, can authorize or sign an employment agreement contrary to the above terms or otherwise make any binding offer of employment for a specific term whether orally or otherwise. To be effective, any agreement altering the at-will nature of the employment relationship must be in writing and signed by the First Selectman.

No employee of the Town has the authority to make promises or statements to the contrary.

### **EXCEPTIONS AND THE RIGHT TO MODIFY, CHANGE, SUSPEND OR CANCEL**

*The Town reserves the right at any time and without notice to modify, change, suspend or cancel all or any part of this Handbook's contents. Policies specified in the Westport Town Charter may be modified, changed, suspended or cancelled only by amendments to the Charter. Exceptions to the provisions of this Handbook may only be authorized by the First Selectman.*

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## **HANDBOOK SECTIONS**

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The Sections of this handbook are the following:

### **I - PERSONNEL POLICIES AND PROCEDURES FOR ALL EMPLOYEES OF THE TOWN OF WESTPORT**

These policies and procedures supersede all prior policies and procedures of the Town of Westport and apply to all employees of the Town, including employees covered by collective bargaining agreements. If the terms of the collective bargaining agreement are in conflict with a particular policy in this Section the language of the collective bargaining agreement will apply to employees covered by that agreement. In addition to union contracts, work rules and SOP in place will take precedent over this Personnel Policy.

### **II - STATE OF CONNECTICUT RECORD RETENTION & DISPOSAL**

**This section contains information regarding the retention and disposal of documents and records.**

### **III - NON-UNION EMPLOYMENT PROVISIONS**

This Section contains additional policies applicable to non-union employees.

### **IV -NON-UNION INSURANCE AND OTHER BENEFITS**

This Section outlines the benefits available to non-union employees.

### **V -NON-UNION EMPLOYEES AT RETIREMENT**

This section includes general information relative to retirement.

## **I - PERSONNEL POLICIES AND PROCEDURES FOR ALL EMPLOYEES OF THE TOWN OF WESTPORT**

### **1.1 EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION/ADA**

It is the policy of the Town to provide equal employment opportunity to ensure that no person, employed or seeking employment with the Town, will be discriminated against on any basis including but not limited to religious creed, race, color, national origin, ancestry, marital status, sex, sexual orientation, gender identity or expression, military status, disability (including learning or mental disability), age, genetic information, or any other legally protected characteristics (except where such characteristics constitute a necessary bona fide position qualification) or any other legally protected status in accordance with state and federal law.

Equal employment opportunities will be provided in employment, recruitment, selection, compensation, benefits, promotion, demotion, layoff, termination and all other terms and conditions of employment.



The Town makes reasonable accommodations, if requested, in compliance with state and federal law. Any employee who believes he or she may require a reasonable accommodation for his/her disability or religion must contact his or her department head or the Town's Personnel Director.

The Town recognizes its moral responsibility and legal obligations to abide by the letter and spirit of equal employment opportunity laws and philosophy as found within federal and state laws, executive orders and judicial mandates.

Prejudice and its various manifestations cannot be eliminated by any policy the Town might adopt. However, the Town takes very seriously its responsibility to protect its employees as far as it is able, from any outward expressions of prejudice as may be exhibited on occasion within the work environment.

Quite often such expressions are made thoughtlessly, without any consideration that a fellow employee may be seriously offended or even outraged by such behavior.

Intolerance and insensitivity to another's feelings have been the reason for too much conflict and disharmony in the world already, and we ask that each and every employee make a conscious effort to eliminate any possible traces of these particular human failings from his/her life.

It is, and shall continue to be, the policy of the Town to fully investigate any complaint of sexual harassment and other types of harassment, or behavior that is considered to reflect prejudice against any employee because of religious creed, race, color, national origin, ancestry, marital status, sex, sexual orientation, gender identity or expression, military status, disability (including learning or mental disability), age, genetic information, or any other legally protected characteristics; and the Town shall consider any such behavior to be a serious matter and will take appropriate remedial action including disciplinary action when warranted.

## **1.2 NATURE OF EMPLOYMENT**

All non-union represented employment with the Town of Westport is on an "at will" basis and does not guarantee employment for any specific period of time or for any specific type of work. As such, either the Town or the employee may terminate the relationship at any time, for any lawful reason or no reason. The Town of Westport Charter §C4-5, referenced under the section of this Handbook titled **TERMINATION**, outlines the notice and hearing rights of employees who are removed from their positions by the First Selectman.

## **1.3 EMPLOYMENT OF RELATIVES**

The Town is concerned about the impact that employment of relatives may have on job performance. For this reason, the Town will not place one relative in a direct reporting relationship with another relative. The Town will attempt to accommodate employees who are or become relatives by transferring one relative to an available position in another department or location for which he or she is qualified. (This applies to all employees hired after 3/20/13)

Relatives are defined to include a spouse, siblings, children, step-children, parents, parents-in-law, grandparents, grandchildren, aunts, uncles and first cousins.

#### **1.4 INTRODUCTORY PERIOD**

All employees are subject to an introductory period when they are hired. For non-union employees the first six (6) months of employment are considered the normal introductory period, although that period may be extended (an additional 3 months) by the department head with the approval of the First Selectman. If a current employee is promoted or transferred then the normal introductory period will be three (3) months, although that period may be extended (an additional 3 months) by the department head with the approval of the First Selectman. Typically during the introductory period, a two-way evaluation is conducted. The new employee decides whether or not he/she likes his/her job well enough to remain with the Town and the Town determines how well the new employee adapts and performs on the job, and whether further employment is warranted. Satisfactory completion of the introductory period does not entitle an individual to employment for any specific term, or any specific position but does allow the individual to participate in those Town sponsored benefit programs for which he or she becomes eligible.

#### **1.5 ATTENDANCE**

Regular attendance is extremely important to the operation of Town departments and an essential condition of employment. Excessive absenteeism and/or a pattern of absenteeism will not be tolerated and may subject the employee to disciplinary action up to and including termination.

If an employee is unable to report to work because of illness or injury or an emergency, he or she is required to telephone, or in some way notify his or her supervisor, within thirty (30) minutes of his or her normal scheduled arrival time. If an employee intends to be away from work for personal reasons, permission must be obtained from his or her supervisor in advance except in cases of extreme emergency.

#### **1.6 PUNCTUALITY**

Employees are expected to be at work on time prepared to begin working. Repeated tardiness, and/or a pattern of tardiness is not permitted and may subject the employee to disciplinary action up to and including termination.

#### **1.7 CONFLICT OF INTEREST**

No Town employee or any member, whether elected or appointed, of any Board, Commission, Agency, Committee, Department or of the Representative Town Meeting of the Town shall participate in any official capacity in the hearing or decision upon any matter in which such person, spouse or other immediate family member has, directly or indirectly, a personal or financial interest. In the event of such disqualification, such fact shall be entered on the records of the commission or board.

Any Town employee or any member, whether elected or appointed, of any Board, Commission, Agency, Committee, Department or of the Representative Town Meeting of the Town shall disclose any financial interest or any personal beneficial interest, either directly or indirectly, in any contract or purchase order for supplies, materials, equipment or services furnished to or used by the Town. Such disclosure shall be immediate and thereafter shall be made annually to the Office of the Town Clerk of the Town of Westport. This disclosure shall not apply to the mere ownership of up to five percent (5%) of the outstanding shares or publicly traded companies.

No Town employee or any member, whether elected or appointed, of any Board, Commission, Agency, Committee, Department or the Representative Town Meeting of the Town shall accept or receive, directly or indirectly, from any person, firm or corporation to which any contract or purchase order has been awarded by the Town, any money, or anything of value whatsoever, or any promise for future reward. This prohibition shall not apply to political contributions made in accordance with applicable laws and regulations, nor to items of de minimus value.

### **1.8 GIFTS**

Except as provided below, employees shall not give or receive gifts to or from supervisors, staff or members of the public. Minor gifts given to Town departments that can be shared on the premises may be accepted (e.g. candy, cheese and crackers. food and flower arrangements). Beer, wine, malt beverages and distilled spirits are not to be accepted under any circumstances.

### **1.9 OUTSIDE ACTIVITIES**

Employees are expected to use their best judgment, highest ethical standards and honesty in all of their business ventures and volunteer activities. If employees find themselves engaged in, or they expect to become engaged in, any activity, which might be considered a conflict of interest with their duties with the Town, they should speak to their department head or the Personnel Director.

### **1.10 SEXUAL HARASSMENT & ANTI-HARASSMENT POLICY**

It is the policy of the Town to maintain a professional business environment and a workplace that is free from harassment and from any intimidation of a verbal or physical nature. The Town prohibits harassment of any employee, member of the public, visitor, vendor, or third party contractor by an employee, member of the public, third party contractor, vendor or visitor on the basis of race, religion, creed, color, national origin, ancestry, citizenship, sex military status, age, marital status, sexual orientation, gender identity or expression, genetic information, disability (including learning or mental disability) or any other legally protected characteristic.

It is the goal of the Town to promote a workplace that is free of unlawful harassment including sexual harassment. Sexual harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by the Town. Further, any retaliation against an individual who has complained about sexual harassment or retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from sexual harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

#### **Definition of Sexual Harassment**

In Connecticut, the legal definition for sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

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

- 3) such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile or offensive working 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 constitute 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 work place 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:

- 1) Unwelcome sexual advances -- whether they involve physical touching or not;
- 2) Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- 3) Displaying sexually suggestive objects, pictures, cartoons;
- 4) Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- 5) Inquiries into one's sexual experiences; and,
- 6) Discussion of one's sexual activities.

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

### **Complaints of Sexual Harassment**

Any employee who feels he or she is being subjected to sexual harassment should immediately contact one of the persons below with whom the employee feels the most comfortable. Complaints may be made orally or in writing to:

- 1) The employee's immediate supervisor.
- 2) The employee's department head or other department heads.
- 3) The Personnel Director.
- 4) The First Selectman.

### **Sexual Harassment Investigation**

When the Town receives the complaint, we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a

private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed sexual harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

### **Disciplinary Action**

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

### **State and Federal Remedies**

While we encourage employees to file any complaints of sexual harassment with the Town through the above process, there are also state and federal agencies that investigate sexual harassment claims. If an employee believes he or she has been subjected to sexual harassment, he or she may file a formal complaint with either or both of the government agencies set forth below. Using the Town's complaint process does not prohibit an employee from filing a complaint with these agencies. Each of these agencies has a short period of time for filing a claim (EEOC – 300 days; CHRO 180/300 days).

- 1) The United States Equal Employment Opportunity Commission (“EEOC”)  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
Phone: 1-800-669-4000  
Fax: 617-565-3196  
TTY: 1-800-669-6820
  
- 2) The Connecticut Commission on Human Rights and Opportunities (“CHRO”)  
25 Sigourney Street  
Hartford, CT 06106  
Phone: 860-541-3400  
Connecticut Toll Free: 1-800-477-5737  
TDD: 860-541-3459  
Fax: 860-246-5068

All supervisory employees receive training concerning sexual harassment in compliance with state law.

An employee who makes a report that is determined to be false or frivolous may subject the employee to disciplinary action.

## **1.11 GENERAL STANDARDS OF EMPLOYEE CONDUCT**

As public service workers, employees are expected to subscribe to the highest standards of personal conduct in performing their duties.

The Town cannot anticipate all situations that may necessitate disciplinary action. As such, these rules are only a sampling of the kinds of conduct that may result in discipline. This should not be interpreted as an all-inclusive list and there may be other circumstances not enumerated below in which an employee may be subject to discipline. The Town reserves its right to terminate or discipline any employee at its sole discretion as well as to determine the nature and level of discipline.

- Excessive/abusive absenteeism or tardiness or failure to report an absence.
- Commit a criminal offense.
- Theft or attempted theft of another's property.
- Destruction of, or damage to, Town property or the intentional damage of property belonging to someone else.
- Unauthorized use of Town funds, equipment, vehicles or property.
- Insubordination, including any failure to comply with a work assignment or instructions given by any supervisor or disrespectful behavior toward a supervisor.
- Using obscene, abusive, or threatening language.
- Harassment or intimidation of any other employee, contractor, or member of the public.
- Failure to immediately report harassment or intimidation of any other employee, contractor, or member of the public.
- Failure to cooperate with an internal investigation.
- *Dishonesty or falsification of Town records, including time sheets, employment applications and benefit applications.* This includes signing or marking another employee's time sheet, or allowing another to sign or mark yours.
- Immoral, indecent or unlawful conduct.
- Careless waste of materials or mishandling of supplies or equipment.
- Distributing, dispensing, possessing, selling, or using a controlled substance in the workplace or while engaged in Town business or on Town property. Being intoxicated or under the influence of illegal or unauthorized prescription drugs in the workplace or during working time.
- Carrying or possessing a weapon of any kind on Town property.
- Gambling or soliciting gambling on Town property.
- Smoking in prohibited areas.
- Sleeping on the job.
- Horseplay, fighting or other disorderly conduct.
- Littering.

- Violation of safety regulations or creating hazardous or unsafe conditions.
- Unauthorized disclosure, use or theft of the Town's confidential information.
- Performance which does not meet the requirements of the position or the Town's expectations or that is otherwise unsatisfactory. Violation of any Town policy, practice, rule or procedure.

Nothing in this provision should be construed as modifying the at-will nature of the employment relationship. Further, the above standards are not intended to interfere with or restrain protected activity or to infringe upon employees' statutory rights.

### **1.12 ALCOHOL AND DRUGS – DRUG FREE WORKPLACE**

It is the policy of the Town to create a drug-free workplace in keeping with the spirit and intent of the Drug-Free Workplace Act of 1988. The use of controlled substances (including alcohol and illegal/prescription drugs, as defined in federal law, Schedules I – V of Section 202 of the Controlled Substances Act, 21 U.S.C. § 812, and 21 C.F.R. §§ 1300.11 - 15) is inconsistent with the behavior expected of employees, subjects all employees and visitors to our facilities to unacceptable safety risks, and undermines the Town's ability to operate effectively and efficiently. The unlawful manufacture, distribution, dispensing, possession, sale, or use of a controlled substance in the workplace or while engaged in Town business and on or in Town property, including Town vehicles, is strictly prohibited. Such conduct is also prohibited during non-working time to the extent that in the opinion of the Town, it impairs an employee's ability to perform on the job or threatens the reputation of the Town.

Notwithstanding the foregoing, the legal consumption, possession or sale of alcoholic beverages may be permitted by individuals twenty-one (21) years of age or older, including Town employees who are not on duty, at events approved by the Board of Selectmen or as may be permitted at recreational areas designated in the regulations of the Parks and Recreation Commission.

Employees convicted of controlled substance-related violations outside the workplace (including pleas of nolo contendere, i.e., no contest) must inform the Town within five (5) days of such conviction or pleas. The Town may impose disciplinary action, up to and including termination, and require employees who violate this policy to successfully complete a drug abuse assistance or rehabilitation program as a condition of continued employment. Employees may be referred to Employee Assistance Programs to deal with substance abuse issues or other personal problems. Personnel actions will be taken within 30 days of receipt of a report of conviction.

The Town, in compliance with the Act and with the goal of maintaining a drug free environment, has established the following Drug Free Awareness Program to help make employees aware of the dangers of drug abuse and the available counseling, rehabilitation, and employee assistance programs.

Employees needing help in dealing with drug and/or alcohol dependency are encouraged to use the Town's Employee Assistance Program ("EAP") and health insurance plans, as appropriate. EAP can be contacted by calling 203-227-7751.

Employees are encouraged to contact Human Resources for more information on available programs and to obtain contact information for current providers.

The Town will provide on-going training and education for all employees through its EAP program. Such training and education will include information about this Policy, the consequences of violation the Policy, and available drug counseling and employee assistance programs.

Employees will be given a copy of this Policy and be kept informed of any further steps in our Awareness Program, including information on rehabilitation programs.

### **1.13 WORKPLACE THREATS & VIOLENCE POLICY**

The Town regards the safety and security of its employees as critical. There is a zero tolerance policy towards any threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals on Town property or in relation to employment with the Town. It is the intent of this Policy to ensure that everyone associated with the Town, including employees and the public, never feel threatened by any employee's action or conduct. In addition to discipline, violations of this policy may be reported to the police and lead to criminal prosecution.

“Violence” includes physically harming another, shoving, pushing, harassing, intimidating, coercing, brandishing weapons (other than appropriate police personnel), and threatening or talking of engaging in those activities. The Town specifically prohibits the possession of dangerous or hazardous weapons, devices or substances by employees (other than appropriate police personnel) while on Town property or off-site while on Town business or at a Town activity. Town property includes parking lots. Therefore, a dangerous weapon may not be stored in an employee's vehicles while on Town property. Any individual who is uncertain whether an instrument or device is prohibited is obligated to request clarification.

For purposes of this Policy, prohibited conduct includes, but is not limited to, the following behaviors while at the workplace, on Town property, or while conducting Town business:

- Direct or indirect (veiled) threats, acts or gestures of violence or harm;
- Making inappropriate references to firearms, weapons, or any other dangerous or hazardous devices or substances;
- Physical assault or battery, actual or attempted, such as hitting or shoving an individual;
- Aggressive or unwanted contact, including horseplay;
- Threatening to harm an individual or his/her family, friends or associates, or their property;
- The intentional destruction or threat of destruction of property owned, operated, or controlled by the Town; and
- Making harassing or threatening telephone calls, letters, or other forms of electronic or written communications (voice mail, e-mail, etc.).

Any employee who threatens another employee (such as harassment, intimidation, displaying a weapon, etc.), or engages in violent acts on Town property shall be removed from the premises as quickly as safety permits, and shall remain off Town premises pending the outcome of an



investigation. The Town will initiate an appropriate response which may include disciplinary action and/or initiating legal proceedings.

All Town personnel are responsible for notifying the management representative designated below of any threats or other actions that they believe violate this policy, which they have witnessed, received, or have been told that another employee has witnessed or received. This includes behavior by employees, as well as by visitors or other members of the public. Employees are responsible for making this report regardless of the relationship between the employee and persons who initiated the threat or threatening behavior and the employee or persons who were threatened or were the focus of the threatening behavior. If the designated management representative is not available, the employee should report the threat to their supervisor (or that individual's supervisor if the threat is made by the supervisor). There will be no retaliation against an employee who makes a good faith report under this Policy.

In an emergency, employees should not hesitate to contact the police by calling 911.

Employees with personal problems are encouraged to access the Town's Employee Assistance Program. By working together, EAP may assist in addressing potential violence before it occurs.

All individuals who apply for or obtain a protective or restraining order which lists Town locations as being protected areas, must provide to the designated management representative a copy of the petition and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, and a copy of any protective or restraining order which is made permanent.

The Town understands the sensitivity of the information requested and has developed confidential procedures, which recognizes and respects the privacy of the reporting employee(s).

The designated management representative is: Personnel or First Selectman's Office.

## **1.14 POLICY ON USE OF COMPUTER SYSTEMS**

### **Purpose**

This guideline establishes the policies and procedures for use of Town electronic equipment and computers, including all hardware, software, Internet access, E-mail, social media, telephone, cell phones, handheld computers (e.g. iPad), cameras, facsimile and voicemail (collectively, the "Computer Systems"). The Computer Systems are provided to employees to assist and facilitate Town business communications. Inappropriate use may result in loss of access privileges and/or disciplinary action, in accordance with the personnel handbook or appropriate collective bargaining agreement.

### **Privacy & Confidentiality**

The Computer Systems and their contents are the property of the Town and they are intended for use in conducting official Town business. The Office of Information Technology (IT) will implement and enforce administrative procedures to assure the internal security of computerized data and networks.

Privacy in the use of the Systems is not a reasonable expectation. All electronic messages are public records and are subject to disclosure under the Freedom of Information Act (FOIA). Since messages may be retained at different locations or levels of the Computer Systems, users must remember that their messages can be retrieved. Therefore, discretion is an important consideration when using electronic messages to send, record and/or retain communications.

The Town has the right to access, and does access, any information on any Computer System at any time to monitor the use of the systems in accordance with all applicable federal and state laws, including Connecticut General Statute 31-48d. In this regard, the Town may require from employees passwords to files that have been password protected. Employees are responsible for safeguarding their passwords, which should not be printed, stored online, or given to others. Employees are responsible for all transactions made using their passwords.

### **Unacceptable Use of the Computer Systems**

The Computer Systems shall not be used for the following purposes:

- Downloading onto any Computer System any material that is copyrighted and/or programs you are not licensed to use.
- Transmitting or distributing any software licensed to the Town.
- Hacking into any Computer System that you are not authorized to use.
- Installing programs on any computer without the approval and/or assistance of a member of the technical staff.
- Illegal activities, threats, harassment, sexual harassment, slander or defamation.
- Transmitting or downloading obscene or suggestive messages or offensive graphic images.
- Political endorsements.
- Commercial activities (i.e. conducting a private business)
- Use for personal gain.
- Copying of electronic files without permission.
- Distributing Town of Westport private or confidential information to unauthorized users. (Such as confidential personal information or medical information)
- Electronic communications cannot be sent that attempt to hide the identity of the sender or represent the sender as someone else.
- Fundraising activities.
- Chain letters, lotteries, games, etc.

The Town recognizes that employees cannot control communications received through the Internet or emails and some communication may be received that are against this Policy. Employees should delete the items and contact person(s) sending the item to inform them that such items are unacceptable.

You should know that certain violations of these rules, e.g. copyright violation, may also constitute a violation of state and or federal law.

### **Personal Use of Computer Systems**

The Town recognizes family matters and emergencies may occur from time to time; in such instances use of the Computer Systems for personal matters is permitted. Otherwise, personal use must be occasional and shall not interfere with the employee's performance of his or her job duties. Employees may use the Computer Systems for personal use during non-working/unpaid hours. However, this does not include personal social networking systems; they should only be used by employees on their own equipment and own time. Employees who use off duty Internet systems and social networking venues should make sure they comply with the Town's Social Media Policy and that they include a disclaimer stating that any opinions are the employees and not as an official of the Town or represents the Town's opinion. Employees are expected to comport themselves professionally on and off duty.

### **1.15 MEDIA POLICY**

All press releases shall be issued through the First Selectman's Office unless previously authorized. Department heads or their designated representatives may speak to the media and provide requested documentation but should notify the First Selectman as soon as possible of such media contacts when they involve controversial or other matter they deem of interest to the First Selectman. All Freedom of Information Act requests shall be forwarded to the Town Attorney's Office for a response with a copy to the First Selectman's Office.

### **1.16 SOCIAL MEDIA POLICY**

#### **Purpose**

The Town recognizes that online social media can be a highly effective tool for sharing ideas and exchanging information. However, use of social media also presents certain risks and carries with it certain responsibilities.

The Town adheres to all relevant constitutional rights, federal and state laws and regulations regarding electronic communications, including, but not limited to the Municipal Employee Relations Act. This Policy is not intended to interfere nor should be interpreted or applied in a manner that would interfere with an employee's right to engage in protected concerted activity.

#### **Policy**

This Policy governs social media utilized in the workplace as well as social media utilized for personal purposes.

#### **A. General Social Media Guidelines**

##### **a) Definitions of Social Media**

The Town defines social media broadly to include online platforms that facilitate activities such as professional or social networking, posting commentary or opinion, and sharing pictures, audio, video, or other content. Social media includes personal websites

and all types of online communities (for example, Facebook, LinkedIn, Yelp, Youtube, Twitter, Blogs, message boards and chat rooms).

**b) Employer-owned Electronic Communication Systems and Devices**

The Town's electronic communication systems and devices should be used for business-related purposes and in compliance with the Town's *Policy on Use of Computer Systems*. Employees should not expect any privacy when using such systems and devices for social media purposes. Employees should review the Town's *Policy on Use of Computer Systems* regarding permitted use of the Town's electronic communication systems and devices.

**c) Use of Social Media**

The same principles and guidelines found in the Town's policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before posting online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects members of the public, contractors, people who work on behalf of the Town or the Town's legitimate business interests may result in disciplinary action up to and including termination. Additionally, conduct that interferes with the Town's effective and efficient operation may also result in disciplinary action up to and including termination. Each situation will be addressed on a case-by-case basis consistent with the Town's Discipline Policy and in compliance with state and federal laws, regulations and constitutional protections.

Carefully read this policy, as well as other Town polices including, but not limited to, *Use of Computer Systems, Equal Employment Opportunity/Affirmative Action/ADA, Conflict of Interest, and Sexual Harassment/Anti-Harassment* policies. Ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated.

**Additional Guidelines to Follow:**

- Be mindful that once content is posted online, it is no longer under your control; online postings can remain on the internet indefinitely and content posted to private websites does not always stay private.
- Violations of the Town's polices that occur via social media are subject to discipline in compliance with the Town's Employee Discipline Policy and/or relevant collective bargaining agreement.
- Firefighters, ambulance drivers, emergency medical responder, emergency medical technician or paramedic responding to requests for medical or other assistance from the public in performance of his or her duties must ensure compliance with Public Act 11-47 which prohibits the taking of photographic or digital image of such person without the

consent of such person or a member of such person's immediate family. The Act also prohibits transmission or dissemination of a photographic or digital image of such person without the consent of such person or a member of such person's immediate family.

- Be fair and courteous to fellow co-workers, managers, members of the public, contractors, suppliers or people who work on behalf of the Town. If you decide to post complaints or criticism via social media, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or Town policy.
- Be honest and accurate when posting information or news, and if you make a mistake, correct it quickly.
- Never post any information or rumors that you know to be false about the Town, fellow co-workers, managers, the general public, contractors or people working on behalf of the Town.
- Maintain the confidentiality of the Town's private and/or confidential information.
- Do not use Town email addresses to register on social networks, blogs or other online tools utilized for personal use.
- Express only your personal opinions. Never represent yourself as a spokesperson for the Town. If you do publish a blog or post online related to the work you do or subjects associated with the Town, make it clear that you are not speaking on behalf of the Town. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the Town".
- Do not engage in activities that violate federal and/or state law, ordinances or regulations when using social media.

The Town respects employee's right to express personal opinions when using personal social media and does not retaliate or discriminate against employees who use social media for political, organizing, or other lawful purposes, such as activities protected under the Municipal Employee Labor Relations Act.

**B. Social Media Use for Work Purposes**

2.1 Official sites of the Town are maintained in an official social media site. Examples include, but are not limited to:

- A. Facebook
- B. Twitter
- C. LinkedIn

- D. Blogs
- E. Myspace

Information made public via the official social media sites must first be approved by your **Department Head** and must be in accordance with any state or federal laws. This includes digital imagery.

Negative posts by employees about personnel or other agencies are prohibited on the Town's official social media sites.

**C. Security and Monitoring of Social Media**

As the Town owns and operates the Computer Systems, the Town monitors employee use of social media over its Systems and devices, whether accessed at work or elsewhere, to ensure that the Computer Systems and devices are being used in compliance with federal and state laws and regulations, this Policy, and other Town rules.

In addition to being subject to disciplinary action, employees who engage in illegal activity via social media over the Town's electronic communication systems, whether at work or elsewhere, may be subject to appropriate legal action by the Town or other governmental entities.

**D. Reporting Violations**

The Town encourages employees to use official Department communication tools to report all perceived or actual violations of Town policies, including violations of the Town's Social Media Policy. Employees can report actual or perceived violations to supervisors, other managers, or to the Town Personnel Department.

The Town prohibits taking negative action against any employee for reporting, in good faith, a possible deviation from this Policy or for cooperating in an investigation. Retaliation against an employee for reporting a possible deviation from this Policy or for cooperating in an investigation is strictly prohibited.

**1.17 PERSONAL TELEPHONE CALLS**

Employees are expected to limit their personal telephone calls during office hours and excessive time spent on personal calls is prohibited. The occasional personal use of Town telephones for outgoing calls is permitted. Long distance calls may not be charged to the Town and should be billed to a home telephone or personal credit card.

**1.18 NO SMOKING**

In accordance with State law, the Town has implemented a No Smoking policy in all Town buildings and working areas and all Town trucks or vehicles. As such, there will be no smoking or use of tobacco products within Town facilities at any time, including, but not limited to, restrooms, employee lounges/break rooms, private offices, and similar areas within all Town facilities and offices.

The decision to provide or not provide designated smoking areas outside Town buildings and other work locations is in the discretion of management.

### **1.19 DRESS CODE**

As an employee you are also a representative of the Town in the eyes of the public. Therefore, it is important that you exercise good judgment and report to work properly groomed and wearing appropriate attire. It is expected and a necessary part of your job duties that you dress neatly and in a manner consistent with the nature of the work you are performing. Any employee who reports to work inappropriately dressed may be asked to leave and return properly groomed and attired.

Attire should be conducive to a professional environment, maintain office decorum and enable the employee to interact with the public and fellow employees in a professional manner.

When determining appropriate dress, employees are expected to consider, among other factors, the following:

- The nature of work;
- The nature of public contact, if any, and the normal expectations of the public;
- The safety considerations of the work environment (e.g. safety shoes, eye and ear protection, hard hats, high visibility safety-wear etc.) Employees are required to wear proper safety equipment at all times, with no exceptions; and
- Whether the appearance is distracting or disrespectful of other employees.

Acceptable attire includes slacks with shirts and sweaters or jackets for men and dresses, slacks or skirts with shirts, sweaters or jackets for women. For all employees, tee shirts, tank or halter tops, athletic shorts, sweat pants or other clothing more suitable for a gym, and worn or tattered clothing, including shoes or sneakers are not acceptable. All clothing should be clean and without rips or holes. If your position entails outside work, closed toed or safety shoes should be worn as directed by your department head. Employees that are provided with a uniform are required to wear such uniform.

### **1.20 FAMILY AND MEDICAL LEAVE**

The Town is covered under the federal Family and Medical Leave Act ("FMLA") and complies with all FMLA requirements. This policy addresses FMLA leave for eligible employees who meet one or more of the qualifying reasons discussed below. Should a portion of this Policy be found to be inconsistent with the law, as amended, the language of the law shall prevail.

#### **Employee Eligibility:**

To be eligible for FMLA leave, employees must have worked for the Town for twelve (12) months and have worked at least 1,250 hours in the twelve (12) months prior to taking FMLA leave.

Previous periods of employment with the Town may be counted to meet the 12-month service requirement under certain conditions. Thus, seasonal employees and rehired employees may be eligible for leave.

### **Reasons for FMLA Leave:**

Eligible employees can take up to twelve (12) weeks of unpaid FMLA leave in a twelve (12)-month period:

- for the birth and to care for a newborn child;
- for the placement of a child with them for adoption or foster care;
- because they want to care for their spouse, child, or parent who has a serious health condition;
- because their own serious health condition prevents them from performing their job duties; or
- for qualifying exigencies (e.g., short-term notice deployment, military events, child care and school activities, financial and legal arrangements, counseling, post-deployment activities) arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or call to active duty status as a member of the National Guard or Reserves in support of a contingency operation ("qualifying exigency leave").

Eligible employees can take up to twenty-six (26) weeks (calculated from the first day of the leave for this reason) of unpaid FMLA leave in a twelve (12)-month period:

- to care for spouse, son, daughter, or next of kin who is in the armed services and is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. ("Military Caregiver Leave").

Twenty-six (26) weeks in a twelve (12)-month period may be used for military caregiver leave only. Qualifying exigency leave is limited to twelve (12) weeks in a twelve (12)-month period

Employees can take FMLA leave for their biological children; adopted children; foster children; stepchildren; legal wards; or children for whom employees have day-to-day responsibilities to care for or financially support. Children must be under age 18 unless they are incapable of self-care because of a physical or mental disability (as defined under the federal Americans with Disabilities Act) at the time that FMLA leave begins.

Employees cannot take FMLA leave for parents-in-law.

### **Amount of FMLA Leave:**

The Town designates the twelve (12)-month period to start on the first day in which employees can take FMLA leave for qualifying reasons (except in the case of military caregiver leave discussed above).

If two spouses work for the Town, they are limited to a combined total of (twelve) 12 weeks (or 26 weeks if eligible) of FMLA leave because of the birth, adoption, or foster care placement of a child, to care for a parent with a serious health condition, or to care for a covered service member with a serious injury or illness. Spouses remain eligible to take FMLA leave individually for



other FMLA-qualifying reasons from the time that remains out of the original twelve (12)-week leave designation.

### **Requesting FMLA Leave:**

Employees who request FMLA leave must give thirty (30) days advance notice to their supervisors. Employees, who cannot provide at least thirty (30) days advance notice of their need for leave, must notify their supervisors as soon as practicable.

After employees submit requests for leave, the Town will provide the following notices:

- *FMLA Eligibility:* Notice that states whether employees are eligible for FMLA leave. Employees do not receive additional eligibility notices for subsequent FMLA leaves during a twelve (12)-month leave period if their eligibility status remains unchanged.
- *FMLA Rights and Responsibilities:* Notice that describes employees' rights and responsibilities under FMLA and consequences for failing to comply.
- *FMLA Leave Designation:* Notice that describes whether leave is designated and counted as FMLA leave. Employees will receive one designation notice for each FMLA-qualifying reason per twelve (12)-month leave period.

### **Medical Certification:**

If FMLA leave is taken because of employees' or their family members' serious health condition, employees must provide a completed Certification of Health Care Provider form which can be obtained from the Personnel Department. If leave is foreseeable, employees must provide at least 30 days in advance of the leave. Failure to provide certification, when foreseeable, will result in a denial of leave until such certification is obtained. If the need for leave is not foreseeable, employees must complete and submit medical certifications to the Town within fifteen (15) calendar days from the date of the Town's request or as soon thereafter as practicable under the circumstances.

The Town may require employees to obtain a second medical certification from a health care provider that is selected and paid for by Town. If the Town receives a medical opinion from the second health care provider that is different from employees' health care provider, the Town may require employees to obtain a third medical certification from a third health care provider also paid for by the Town. The third health care provider's medical opinion is considered to be the final medical opinion.

Under certain circumstances, the Town can require recertification of employees' or their family members' medical conditions. The Town will not require second or third opinions or recertification of a covered service member's serious injury or illness or qualifying exigency.

### **During FMLA Leave:**

During FMLA leave, employees must keep their supervisors informed of the estimated duration of leave and their intended date to return from leave. If employees need to take more or less FMLA leave than originally anticipated while on leave, they must notify their supervisor within two (2) business days.

### **Scheduling FMLA Leave:**

FMLA leave can be taken all at once or, under certain circumstances, on an intermittent or reduced leave schedule. Employees who request intermittent leave or a reduced leave schedule must arrange medical treatments and appointments to minimize work disruptions. The Town can transfer such employees temporarily to positions that permit them to take intermittent leave or reduced leave schedules with limited work interruptions.

### **Pay and Benefits During FMLA Leave:**

FMLA leave is unpaid. However, the Town requires employees to substitute all accrued vacation, sick and personal time for FMLA unpaid leave. Employees may leave one week of vacation and one week of sick leave on the books if they do not wish to use up all their time. Employees must comply with the Town's policies on accrued paid leave when such leave is substituted for unpaid FMLA leave. Employees who are not eligible for the Town's accrued paid leave are still eligible to take unpaid FMLA leave. FMLA leave taken after employees' accrued vacation, personal, and sick time is exhausted, is unpaid.

The Town maintains group health plan benefits for employees on FMLA leave. Employees must continue to pay their portion of the premium while they are on FMLA leave and are notified how to make the payments for their share of their group health plan premiums during leave. Employees can be required to reimburse the Town for any group health insurance premiums paid during leave if employees do not return to work from leave.

### **Return from FMLA Leave:**

Employees who return from FMLA leave will be reinstated to their former positions or to positions with equivalent pay, benefits, and other employment terms and conditions. Employees who return from FMLA leave retain all benefits they accrued prior to the start of leave. Taking FMLA leave does not count as a break in service for pension or retirement plan purposes.

Employees returning from leave who were on leave because of their own serious health condition may be required to submit proof of their ability to return to work in the form of a medical certification.

### **Additional Provisions Relating to Military FMLA Leave:**

*Definitions applicable to Qualifying Exigency and Military Caregiver FMLA leave:*

- A *call for active duty* refers only to a federal call to active duty; a state call for active duty is not covered unless under order of the President according to federal law in support of a contingency operation.
- A *contingency operation* refers to a military operation that is designated by the Secretary of Defense as an operation in which members of the armed forces are or can become involved in military actions, operations, or hostilities against an enemy of the United States or opposing military force or a military operation that results in the call, order to, or retention on active duty of members of the uniform service according to federal military law or any other provision of federal law during a war or national emergency that is declared by the president or Congress.

- A *serious illness or injury* is an illness or injury that service members receive while they are in the line of duty on active duty and makes them medically unfit to perform the duties of their office, grade, rank, or rating.
- *Next of kin* of a service member is the nearest blood relative other than the service members' spouse, parent, son, or daughter in the following order of priority: blood relatives who have legal custody of service members; brothers and sisters; grandparents; aunts and uncles; and first cousins, unless service members have specifically designated in writing another blood relative as their nearest blood relative. If no designation is made and there are multiple family members with similar levels of relationship to service members, all such family members are considered to be next of kin.

***Special Certification Requirements:***

Employees who request leave under these circumstances may be required to:

- support the need for qualifying exigency leave by providing a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party; and
- support the need for military caregiver leave by providing a certification completed by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

**Discrimination Prohibited**

It is the Town's policy not to discriminate against an employee who has requested a leave or for otherwise exercising rights pursuant to this policy. Any complaints in this regard should be brought to the attention of the Personnel Director and/or First Selectman's Office.

**1.21 MATERNITY LEAVE**

Maternity leave applies to those who do not fall under the Family and Medical Leave (not enough time in their position).

Absences related to pregnancy and/or child birth are paid in accordance with the sick leave policy applicable to the employee, as specified in the appropriate collective bargaining agreement, or Town policy for non-union employees.

Sick leave may be used in the case of incapacity due to pregnancy, prenatal medical care or childbirth.

After the baby's birth the employee must provide the supervisor with a medical release from her attending physician stating that she is physically able to return to work on a full time basis. Such release is generally four to six weeks after delivery. In the event of complications, an employee is expected to notify her supervisor of her expected return to work date. In no event will an employee be eligible to return to work without a medical release from her attending physician.

## **1.22 MILITARY LEAVE FOR ANNUAL TRAINING**

A regular employee who is a member of the Military Reserve, and is ordered to report for annual active duty for training, will be granted a leave of absence to a maximum of thirty (30) days per year and will be paid regular base pay less military pay.

## **1.23 MILITARY ACTIVATION OF RESERVES AND NATIONAL GUARD FOR ACTIVE DUTY**

For active duty: The federal Uniformed Services Employment and Reemployment Rights Act (USERRA) establishes job rights of employees who voluntarily or involuntarily leave the Town to undertake military service or certain types of service in the National Disaster Medical System. These rights include reemployment after such military service, providing the following criteria are met:

- The Town receives advance written or verbal notice of service;
- The employee has five years or less of cumulative service in the uniformed services while with the Town;
- The employee returns to work or applies for reemployment in a timely manner after conclusion of service (within 3 month of date of discharge); and
- The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

Other USERRA provisions include an employee's right to elect to continue existing employer-based health plan coverage for up to twenty-four (24) months while in the military. If continued coverage is not elected by the employee during military service, the employee has a right to be reinstated in the Town's health plan upon reemployment, without waiting periods or exclusions, other than for service-connected illnesses or injuries. Employees who are reinstated within the three (3) month period discussed above will not lose any seniority or rights and privileges under these personnel rules. Employees who are covered under USERRA will not be discriminated or retaliated against.

## **1.24 NON-RETALIATION AND WHISTLEBLOWER POLICY**

The Town is committed to lawful and ethical behavior and requires its employees, officials, volunteers and contractors to conduct themselves in a manner that complies with all applicable laws and regulations.

For purposes of this policy, "Whistleblowing" means reporting what one reasonably and genuinely believes is wrongdoing by another Town employee, contractor, official or volunteer in the course of his or her employment or service for the Town.

Wrongdoing includes, but is not limited to, actual or suspected mismanagement, dishonesty, unethical practices, fraud, neglect, falsification of records, danger to the public safety of health, malfeasance, bribery, theft of government property, unauthorized use, or other forms of misconduct and/or violation of state or federal law or regulation, or any municipal ordinance, regulation, rule and/or policy.

Any person having knowledge of any wrongdoing occurring in any Town department, Board or Commission of the Town or any contractor must report such matter(s) to the Personnel Director.

If the employee is not comfortable speaking with the Personnel Director or is not satisfied with the response, the report should be directed to the First Selectman.

Whistleblowers have a responsibility to be prepared to be interviewed by, and candid with, those to whom they make a report of alleged improper activities and shall cooperate by setting forth all known information regarding any reported allegations. The Town will make efforts to protect, but cannot guarantee, confidentiality.

Once reported, the Personnel Director and/or First Selectman shall commence an investigation, as deemed warranted. In the case of suspected criminal conduct, the Town may elect to refer such allegations to an appropriate public agency for potential investigation before any internal investigation is undertaken by the Town. In such cases, if determined appropriate, the employee(s) suspected of criminal misconduct may be placed on administrative leave.

An employee who makes a report that is known to be false is not a Whistleblower and such false reporting is itself considered an improper governmental activity which may subject the employee to disciplinary action.

Retaliation of any kind toward any employee or applicant who in good faith perceives violations of the Town's policies or participates in any related proceedings will not be tolerated. In the event that a Town employee is found to have retaliated against a Whistleblower, he/she will be subject to discipline, up to and including termination of employment.

Any individual that feels he/she has been retaliated against under this Policy is encouraged to report such retaliation using the reporting guidelines set forth above. Employees also retain the right the right to file a complaint as provided by law, including with the State of Connecticut Commission on Human Rights and Opportunities.

### **1.25 PAYDAY**

Employees are paid twice each month--on the 15th, and the last working day of the month. When a weekend or holiday makes it impossible to be paid on the scheduled payday, employees will receive their paychecks on the last workday prior to the weekend or holiday. Employees are encouraged to have their paychecks directly deposited into their personal checking or savings account(s). Such election must be made in writing on a form provided by the Town.

The following deductions are required by law from each employee's paycheck:

- Federal/State Income Tax Withholding
- Social Security
- Deductions authorized by law (i.e. garnishments)
- Pension deductions (if applicable)
- Medicare

Additional deductions which are optional and may be requested by the employee include:

- Charitable contributions
- Deferred Compensation
- Payment of health/dental insurance premiums (if applicable)

It is the employee's responsibility to maintain current payroll deduction information with the Town.

An employee's paycheck may be released to the employee's spouse, designated family member, or to another person only if authorized in writing by the employee.

### **1.26 EMPLOYEE RECORDS**

On their employment applications, employees provide the Town with a number of facts regarding themselves, their families and their previous work experience. It is each employee's responsibility to keep this personal data up to date. That data will be available for the employee's review and will be kept confidential by the Personnel Department, subject to Freedom of Information requirements. While the Town does not voluntarily offer to the public information regarding its employees found in personnel and medical files, under the Freedom of Information Act the Town may be required to disclose information in these files.

All records maintained by the Personnel Department are the property of the Town and subject to the State's Record Retention Requirements, and the requirements of the Connecticut Freedom of Information Act. Employees may view their personnel files at mutually agreeable times. When reviewed, personnel files may not be taken from the Personnel Department and must be reviewed with the supervision of an employee of the Personnel Department.

### **1.27 BULLETIN BOARDS**

The Town provides bulletin boards for posting job openings and official notices as well as informal information. The boards are located in Personnel (1), Public Works (3), Parks and Recreation (3), Police (1), and Fire (3).

### **1.28 SAFETY / INJURY ON THE JOB / WORKERS' COMPENSATION**

It is the policy of the Town that every employee is entitled to work under the safest possible conditions for each of the occupations represented in our workforce. To this end, every reasonable effort will be made to provide and maintain a safe and healthy workplace, safe equipment, proper materials and to establish and insist upon safe methods and practices at all times.

The safety rules and regulations which have been established in various departments are to be considered directive in nature and applicable to all employees.

- Safety is an important part of everyone's responsibility and the Town is committed to do all that is possible to make work areas safe.
- It is each employee's responsibility to develop safe working habits, and observe the rules and practices of safety.
- Safety equipment should be used whenever available.
- Any unsafe condition should be immediately reported to the supervisor or department head.
- All injuries and accidents even if without injuries sustained while at work should be reported immediately to the supervisor or department head and a written injury report

should be completed and submitted to the Personnel Department. Failure to do so may jeopardize rights to benefits.

The Town complies with the provisions of Connecticut's Workers' Compensation Law and provides benefits consistent with such law. Any time off relating to a Worker's Compensation claim will count toward the employee's entitlement under the FMLA (see **Section 1.2 Family Medical Leave Act**).

### **1.29 RETURN TO WORK PROGRAMS / LIGHT DUTY**

Employees with injuries (work connected or otherwise) may be eligible for light duty assignments within their department or outside of their department. Such assignments are at the discretion of the Town as determined by the needs of the department and are made in compliance with the Americans with Disabilities Act and comparable state law. Light duty assignments are temporary in nature, generally less than three (3) months.

Employees with work related injuries must have their doctors complete a Town **WORK AUTHORIZATION FORM** at the time of treatment. Employees must provide the completed form to their supervisor or department head as soon as possible. Earnest efforts will be made to provide employees with work connected injuries light duty assignments. If the doctor indicates that the injury has resulted in a work limitation, but that some form of light duty work is possible, and the department makes available work for the employee that conforms with the doctors prescribed limits, the employee is expected to perform the light duty assignment in order to be eligible to receive further salary or workers' compensation payments.

Employees whose injuries are not work connected and who seek a light duty assignment can request one from their supervisor or department head and must provide their supervisor or department head medical certification establishing such.

### **1.30 CREDIT UNION/LOANS**

All employees are eligible for membership in the Tri-Town Teacher's Credit Union. Membership information is available in the Personnel Department. The Town does not make loans to employees.

### **1.31 TOWN RECREATION FACILITIES**

All regular Town employees are eligible to obtain recreation permits and beach parking stickers as if they were residents of the Town. Employees interested in using these facilities should call the Parks and Recreation Department prior to obtaining the permits at the Parks and Recreation Building at Longshore Club Park.

### **1.32 EMERGENCY CLOSINGS**

It is assumed that all offices and facilities of the Town will be open on scheduled workdays unless employees are specifically notified otherwise or a general announcement is made by the First Selectman. Please also refer to the Town web site ([www.westportct.gov](http://www.westportct.gov)) for up-to-date information on emergencies.

During weather-related emergencies, the Town Hall will endeavor to open as usual. Employees should use their best judgment with regard to the condition of roads while traveling to work. An employee's personal safety is paramount. In the interest of fairness, employees who come in late, or leave before the end of their scheduled work day, will have this lost time counted against their

entitlement of time off with pay, (e.g. personal or vacation days), at the determination of their department head. This does not apply to the Police, Fire, Public Works and Parks and Recreation Departments, which follow their own scheduling procedures.

### **1.33 OPEN DOOR POLICY**

Employees who have problems at work are encouraged to discuss them with their supervisors, or department heads. In addition, they may request to meet with the Personnel Director or the First Selectman.

### **1.34 EMPLOYEE ASSISTANCE PROGRAMS**

Any Town employee or immediate family member may receive confidential, outside professional assistance for problems that affect their work and/or their personal lives through the Employee Assistance Program (“EAP”) sponsored by the Town. The EAP is equipped to advise employees about such problems as drug or alcohol abuse, family or marital problems, financial worries and emotional stress. The employee may schedule a voluntary meeting with an EAP counselor on a confidential basis. Employees whose work performance has deteriorated for no apparent reason may be requested to meet with an EAP counselor by their department head or the Personnel Director. The telephone number for EAP is: 203-227-7751.

### **1.35 CONTINUATION OF HEALTH CARE COVERAGE - COBRA**

In accordance with State and federal law, including the Consolidated Omnibus Budget Reconciliation Act of 1985, commonly referred to as “COBRA,” employees and eligible dependents covered under the Town’s health insurance plan may elect to continue their health care insurance coverage at group rates under certain conditions when coverage would otherwise be terminated. Please contact the Personnel Department for additional details regarding continued coverage.

### **1.35 MOTOR VEHICLE USE**

All Town employees that operate a Town vehicle or his/her personal vehicle for Town business are required to:

- Maintain a valid Connecticut driver’s license at all times;
- Abide by all motor vehicles laws;
- Not be under the influence of drugs and/or alcohol;
- Permit the Town to verify his/her license; and
- Promptly notify his/her supervisor should his/her license expire, be revoked or suspended for any reason and immediately cease operating any Town vehicle or his/her own vehicle for Town business.

All new employees who are assigned work entailing the operation of a Town vehicle shall be required to submit to a Department of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be cause to deny or terminate employment. Periodic checks of employees’ drivers’ licenses shall be made.



Any employee unable to perform the duties of his/her position because he/she no longer holds a valid license, may be subject to disciplinary action, including reassignment, demotion, or termination of employment.

Employee use of Town vehicles is subject to the following conditions:

- Town owned motor vehicles shall be used for official Town business only.
- Town owned motor vehicles shall not be taken home or overnight unless authorized by the First Selectman.
- Town owned motor vehicles shall be legally and appropriately operated and/or parked at all times. Violations issued to the driver of the vehicle shall be the responsibility of the driver, not the Town.
- Seat belts shall be used by the driver and all passengers at all times when the vehicle is in motion.
- Employees with Town owned motor vehicles are responsible for maintenance and general upkeep.

### **Collision Investigations**

If, while operating a Town vehicle or a privately-owned vehicle in the performance of official duties, an employee is involved in an accident resulting in personal injury or property damage, he/she shall:

- Request that all parties and properties concerned remain at the scene of the accident if possible until a law enforcement representative has investigated and released them;
- Refrain from making statements regarding the accident to anyone other than the investigating law enforcement representative, appropriate Town officials and representative, and representatives of his/her own insurance company if the employee's privately-owned vehicle is involved. Statements made to investigating authorities should be confined to factual observation; and
- Forward a copy of all police reports and any documents/statements attached thereto to his/her supervisor and/or Department Head.

## **II – STATE OF CONNECTICUT RECORD RETENTION & DISPOSAL**

### **2.1 SCOPE**

This policy provides guidance for the disposition of public records, including destruction or transfer. It applies to all employees of state agencies within the executive department, towns, cities, boroughs, districts, and other political subdivisions of the state.

### **2.2 AUTHORITY**

The Office of the Public Records Administrator is authorized to approve disposition of public records, under the authority granted by §11-8, §11-8a, §11-8b, and §7-109 of the *General Statutes of Connecticut* (CGS).

### **2.3 DEFINITIONS**

"Agency" means a state agency, municipality, or political subdivision falling under the authority of the records management program administered by the Connecticut State Library as referred to in CGS §11-8.

"Public record" means any recorded data or information relating to the conduct of the public's business prepared, owned, used, received or retained by a public agency, or to which a public agency is entitled to receive a copy by law or contract under section 1-218, whether such data or information be handwritten, typed, tape-recorded, printed, photo copied, photographed or recorded by any other method.

"Official record copy" means the original or official copy of a record that is retained for legal, operational, or historical purposes. For example, if records are kept in both electronic and hard copy format, the agency must identify the official record copy.

"Non-record" means any item that is not usually included within the scope of official records. Examples of non-records are extra (duplicate) copies kept only for convenience, reference materials, and blank forms.

### **2.4 AGENCY RESPONSIBILITY**

Agencies are responsible for providing all employees with a copy of this policy, obtaining a signed acknowledgment of receipt from each employee, and keeping the signed acknowledgment on file.

### **2.5 RETENTION OF RECORDS**

Records must be retained for the established retention periods as listed on published records retention schedules, available at [Retention requirements apply only to the official record copy.](#)

## **2.6 DISPOSITION OF RECORDS**

Disposition of records refers to either destruction of records or transfer of records to the custody of another entity. Records may not be destroyed or transferred until the Office of the Public Records Administrator has returned a signed *Records Disposition Authorization* form to the requester. If a record does *not* appear on a records retention schedule, it does *not* mean that an agency may dispose of the record without permission from this office.

## **2.7 LEGAL FRAMEWORK**

Pursuant to CGS §11-Sb and §7-109, records shall not be removed, destroyed, mutilated, transferred or otherwise damaged or disposed of, in whole or in part, except as provided by law or under the rules established by the Office of the Public Records Administrator. Pursuant to CGS §1-240 and §53-153, unauthorized removal or destruction of records is a misdemeanor or felony offense and is punishable by fine or imprisonment. In addition, the destruction of records is an illegal subject of collective bargaining pursuant to *Lieberman v. Board of Labor Relations* [216 Conn. 25 (1990)]. Therefore, a union agreement that involves the destruction of public records prior to the retention period established by this office would conflict with the relevant provisions of the *General Statutes of Connecticut*.

## **2.8 DESTRUCTION HOLDS**

No record may be destroyed if there are pending or active litigation; investigations; audits; Freedom of Information Act (FOIA) requests; or other cases, claims, or actions. If there is a destruction hold placed on a record, the retention period does not change, but is suspended until the action is resolved and the hold is lifted. Once the hold is lifted, the record may be destroyed after the Office of the Public Records Administrator has returned a signed *Records Disposition Authorization form* to the requester.

## **2.9 REMOVAL OF PERSONAL DATA**

Pursuant to CGS §4-193(e), an agency shall maintain information about a person which is relevant and necessary to accomplish the lawful purposes of the agency. To obtain permission to destroy or remove records classified as "irrelevant" and "unnecessary" under these provisions, agencies may submit a *Request for Removal of Public Records Personal Data Files* (Form RC-076 or Form RC-077).

## **2.10 DESTRUCTION OF RECORDS APPROVAL**

Once records have met the retention period, agencies should submit the appropriate ***Records Disposition Authorization form*** to this office at least thirty days prior to the proposed date of destruction. The Public Records Administrator and the State Archivist will review the form to ensure the records have fulfilled the retention requirements and that no record of enduring historical value will be destroyed. This office will return the form to the agency indicating approval or denial. This form serves as evidence of authorized legal destruction if the records are audited, investigated, or subpoenaed as evidence.

## **2.11 METHOD OF DESTRUCTION**

The records may be destroyed after receipt of the signed disposition form. This office recommends a method that ensures the total destruction of the record. The format of the record dictates the method by which it should be destroyed:

- Hard copy formats, such as paper, microfilm, microfiche, and x-rays, should be shredded with a cross cut shredder and recycled.
- Electronic media, such as floppy disks, Compact Disks, VHS tapes, audiocassettes, hard drives, and rewritable disks, should be degaussed, overwritten, or erased. Agencies should be aware of special conditions associated with confidential or sensitive electronic records as erasure does not always ensure data destruction. Physical destruction of the media may be the only secure way to destroy data permanently.

At the time of disposal, the agency should record the actual date of destruction on the ***Records Disposition Authorization form*** and attach any supporting documentation, such as a Certificate of Destruction. Please note that if the organization contracts with a commercial vendor, the vendor should provide a Certificate of Destruction attesting to the actual destruction of the records. Retain these records for the retention period for Records Disposition Authorization records.

## **2.12 TRANSFER OF RECORDS APPROVAL PROCESS**

Agencies should submit the appropriate ***Records Disposition Authorization form*** to this office at least thirty days prior to the proposed date of transfer. The Public Records Administrator and the State Archivist will review the form to ensure the records are eligible for transfer and that the new custodian is approved for transfer. This office will

return the form to the agency indicating approval or denial. This form serves as evidence of authorized transfer of legal custody of records if the records are audited, investigated, or subpoenaed as evidence.

### **2.13 TRANSFERS TO ARCHIVAL REPOSITORY**

For records that have a retention period of "permanent/archival," the agency should transfer the records to the Connecticut State Archives or another approved archival repository. All agencies should use the appropriate Records *Disposition Authorization form*, as well as the State Archives' *Memorandum of Transfer* or an equivalent form from an archival repository.

### **2.14 TRANSFERS TO ANOTHER ENTITY**

Many agencies have faced or will face consolidation, relocation, or reorganization. Agencies must consider how records will be handled and plan accordingly. Pursuant to CGS §11-8b, "Public records shall be delivered by outgoing officials and employees to their **successors** and shall not be otherwise removed, transferred, or destroyed unlawfully."

State agencies should refer to *Public Records Policy 06: Retention of Records for Agency Closures, Mergers, and Consolidations*. Pursuant to CGS §4-38d (f), "Unless otherwise expressly provided by law, the head of a department, institution or agency, the functions, powers or duties of which are so assigned or transferred, shall deliver to the department, institution, agency or authority to which such assignment or transfer is made all contracts, books, maps, plans, papers, records and property pertaining to or used in connection with the functions, powers or duties so assigned or transferred."

Records should be organized for transfer to the successor agency or program. Agencies should utilize the *Records Disposition Authorization* form to request transfer of records to another entity (e.g., from one agency to another). Agencies may choose to establish a written agreement, such as a Memorandum of Understanding, and should include a copy of any agreement when submitting the *Records Disposition Authorization* form.

## **III - NON-UNION EMPLOYMENT PROVISIONS**

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### **3.1 TYPES OF EMPLOYMENT / BENEFIT ELIGIBILITY**

All employment with the Town is “at will” and the Town does not guarantee employment for any specific period of time or for any specific type of work.

Regular Full Time employees are those individuals who regularly work 35 hours per week or more. Regular Full Time employees are eligible for all benefits of employment.

Regular Part Time employees (with some benefits) are those individuals who regularly work 20 - 34 hours per week. Regular Part Time employees are eligible for all benefits of employment other than health benefits, pro-rated as necessary. (Those employed before September 1, 2012 who now receives health benefits are grandfathered).

Part Time employees (with only sick leave benefits) are those individuals who regularly work 10 - 19 hours per week. Part Time employees are eligible for sick leave benefits only.

Temporary employees are those individuals who regularly work part-time or full-time hours, for a season or an anticipated period of no more than six (6) months per year. Temporary employees are not eligible to participate in any benefit plans. They may be eligible for sick leave if they meet the requirements listed under the sick leave section.

### **3.2 WORK WEEK / HOURS WORKED / LUNCH PERIODS**

The typical workweek for Town employees is from Monday through Friday. Regular full time employees generally work five (5) days per week, seven (7) hours each day (35 hours per week) with one (1) unpaid hour for lunch. Starting times vary by Town department; however, for Town Hall offices, the hours are generally from 8:30 a.m. to 4:30 p.m. Employees are expected to arrive to work on time prepared to begin their work. Employees should speak with their supervisor to discuss and review requirements and expectations.

### **3.3 EXEMPT AND NON-EXEMPT EMPLOYEES / OVERTIME ELIGIBILITY**

The Federal Fair Labor Standards Act (“FLSA”) provides minimum wage and overtime pay standards for certain employees based on their job duties. Under state and federal law, non-exempt employees must be paid at least state minimum wage for all hours worked and must receive time and one-half (1.5) their regular hourly rate of pay for all hours worked in excess of forty (40) hours in a given workweek.

Exempt employees receive predetermined salaries and are not eligible for additional pay or overtime regardless of hours worked.

If you are uncertain whether you are classified as exempt versus non-exempt or are eligible for payment of overtime, please consult with your department head or the Personnel Director.

### **3.4 OVERTIME**

The Town may require employees to work overtime as a condition of employment. All overtime is at the discretion of the department head and must be authorized in advance. Non-exempt employees eligible for overtime pay may not work overtime without the prior authorization of their department head.

### **3.5 TIME RECORDS**

All Town departments are required to keep written daily and/or weekly time sheets or time cards to record absences and all hours worked for all employees.

All employees are responsible for being to work on time and for completing their time sheets or time cards on time and accurately. Employees are prohibited from signing or marking the time sheets or time cards of another employee. Falsification of time records is basis for disciplinary action, up to and including termination of employment.

### **3.6 PERFORMANCE EVALUATIONS**

Regular full-time and regular part-time employees receive performance evaluations during their employment with the Town. Performance evaluations for new employees are usually prepared at the end of three (3) and six (6) months of employment and annually thereafter.

### **3.7 SALARY REVIEWS**

Regular full-time and regular part-time employees generally receive annual salary consideration at the end of the fiscal year. This review may, or may not, result in a salary increase depending upon the past performance of the individual and/or the level of salary already reached and is contingent upon the Town budget. Salary increases are determined in the sole discretion of the Town.

### **3.8 PROMOTIONS / TRANSFERS**

At times, promotion and/or transfer opportunities become available and are posted on the Town bulletin boards. Any employee who meets the requirements of the posted position and is interested in the position may apply.

In addition to transfers and promotions initiated by the employee, the Town may also initiate a transfer of an employee for the best interest of the Town. When an employee is promoted or transferred, a new pay rate commensurate with the position may be determined in the sole discretion of the First Selectman, and as approved in the budget.

A three (3) month trial period applies to all promotions and transfers of non-union employees.

If, after being promoted or transferred, the employee fails to complete the required three (3)-month trial period successfully, he or she may be returned to the prior position or transferred to a position comparable to his/her previous position if a vacancy exists for which the individual is qualified. If neither of these options is available, the employee may be laid off. See Introductory Period section (page 4) for more details.

### **3.9 EMPLOYEE DISCIPLINE**

It shall be the duty of Town employees to maintain high standards of cooperation, efficiency and integrity in their work with the Town. If an employee falls below standard, including as set forth in the “Conduct” policy herein, he/she may be subject to disciplinary action, up to and including termination of employment.

Supervisors may take disciplinary actions deemed to be appropriate and in the best interests of the Town, up to and including termination. Discipline will be determined on a case-by-case basis and may include, but is not limited to:

- Verbal warnings;
- Written letters of warning: such letter will be made part of the employee’s official personnel file;
- Suspensions with or without pay;
- Demotion; and
- Recommendations to terminate may be made to the First Selectman.

### **3.10 TERMINATION**

The First Selectman, at his or her discretion, may remove any employee of the Town and any officer or member of any appointed Board or Commission, except as otherwise provided by statute. Such person shall first be given notice in writing of the First Selectman’s intention and an opportunity to be heard personally or by counsel, at a hearing before the Board of Selectman held not less than ten (10) nor more than fourteen (14) days after such notice, unless such time period is extended by written agreement between the First Selectman and the person to whom such notice has been given. Such hearings shall be conducted in public at the option of the officer, member or employee whose removal is at issue. Following such notice and pending such hearing, the person in question may be suspended by the First Selectman without compensation. If such employee shall be reinstated following such hearing, the compensation withheld shall be paid to the employee. (See Town of Westport Charter §C4-5.)

### **3.11 LAYOFF**

In the event of a reduction in workforce or the abolishment of a position, an employee, or employees, may be laid off. An employee in layoff status is ineligible for any Town benefits, but can elect to maintain health insurance under the Town’s COBRA provisions.

### **3.12 VOLUNTARY TERMINATION**

This is a resignation of employment that is initiated by the employee. All employees are requested to submit a written letter of resignation at least two (2) weeks in advance of their last day of employment.

### **3.13 INVOLUNTARY TERMINATION**

This action is initiated by the Town to terminate an employee in cases of reductions in workforce, or the abolishment of a position (See Layoff) and when an employee, or employees, are terminated by the Town pursuant to the policy of “at will” employment.



## **IV - NON-UNION INSURANCE AND OTHER BENEFITS**

The following is a summary of the insurance and other benefits to which non-union employees of the Town are or may become eligible. In all cases, the actual insurance policy, pension plan, or other plan document is the controlling determinate of eligibility and plan benefits and not this summary. As such, in the event there is a conflict between Plan documents and the informal wording of this Handbook, the Plan documents shall govern. As is the case with all Town policies and procedures, the Town reserves the right to modify and/or discontinue Town sponsored benefits at any time without notice within the confines of the law.

### **4.1 MEDICAL, PRESCRIPTION, DENTAL INSURANCE**

The Town provides the following benefits to regular full-time employees, their spouses, and their dependents to age 26.

See Attachment A

### **4.2 PRESCRIPTION DRUG COVERAGE**

See Attachment A

### **4.3 DENTAL COVERAGE**

See Attachment A

### **4.4 EMPLOYEE CONTRIBUTIONS**

See Attachment A

### **4.5 MEDICAL**

See Attachments A and B

### **4.6 VACATIONS**

Starting July 1 of each year, regular employees who regularly work twenty (20) or more hours per week accrue vacation according to the following schedule. Employees accrue vacation in one fiscal year to be taken in the subsequent year.

<b>Years of Service on July 1</b>	<b>Vacation Earned for Use in Subsequent Fiscal Year</b>
Less than one year*	1 day for each month of credited service (Max.10)
Completion of 1 full year	10 days
Completion of 2 full years	15 days
Completion of 10 full years	20 days
Completion of 21 full years	21 days
Completion of 22 full years	22 days
Completion of 23 full years	23 days
Completion of 24 full years	24 days
Completion of 25 full years	25 days

\*In calculating service for vacations the employee's hire date will be considered to be the first day of the month if employment commences on or before the 20th of the month. For employment beginning the 21st of the month or later, service for vacation eligibility will begin the first of the following month.

Part-time employees' vacation time is prorated based on their regularly scheduled hours.

Use of vacation time must be approved in advance by the employee's supervisor. Employees should try to provide two (2) weeks notice when requesting a week or more of vacation. Employees also should note that vacation leave does not entitle individuals to take time off without notice or call in at the start of a work shift and announce that they are taking vacation leave. Employees are expected to use all their annual vacation in the fiscal year of entitlement. In extraordinary circumstances, the First Selectman may allow unused vacation, up to the total entitlement for one (1) year, to be carried over to the next fiscal year. If vacation days are not approved to be carried over and are not used by the end of the fiscal year, they are forfeited.

Employees who terminate employment with the Town are eligible for payment at termination for their unused vacation including days carried over with the approval of the First Selectman and including the vacation earned in the current fiscal year, prorated as necessary. Employees terminated for cause may not be eligible for an unused vacation payout.

Police and Fire Department non-union supervisory employees follow the same vacation policy as the officers and firefighters they supervise, i.e. the vacation policy contained in the collective bargaining agreement covering their union personnel.

#### **4.7 HOLIDAYS**

Regular full-time and regular part-time employees receive the following thirteen (13) paid holidays per fiscal year. Part-time employees 20-34 hours a week will have pro-rated holiday pay.

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

In the event a holiday falls on a Saturday, it will be observed on the proceeding Friday. Holidays falling on Sunday will be observed on Monday. An employee who calls in sick or has not previously scheduled to be off on a personal or vacation day on the days before or after the holiday will not be paid for the holiday. An employee on vacation or hospitalized during a week in which a holiday falls will not be charged a vacation day for the holiday.

If a non-union supervisory employee is required to work on a day when one of the above Holidays is observed by the Town, or if one of the above Holidays is observed by the Town on a

day that is normally a scheduled day off, the supervisory employee will be allowed to take another day off in lieu of the Holiday, to be scheduled with the approval of the department head.

#### **4.8 PERSONAL DAYS**

Regular full-time and regular part-time employees are eligible for three (3) paid personal days during each full fiscal year. Regular part-time employees will have their available personal days pro-rated. During the first year of employment, the eligibility is for three (3) days if employed between July 1 and Oct. 31; two (2) days if employed between Nov.1, and Feb. 28; and one (1) day if employed between March 1 and June 30. These days are provided to deal with emergencies, religious requirements and/or to take care of personal business. They cannot be taken without the approval of the department head nor may they be carried over to the next fiscal year.

#### **4.9 JURY/CIVIL LEAVE**

The Town recognizes the civic responsibility of employees to perform jury duty when called. The Town provides paid absences to eligible employees for jury duty, which are not charged to vacation time, sick time, personal time, etc. An employee who is contacted to serve on a jury is required to advise his or her supervisor and furnish a copy of the notice from the court. Employees are to report to work on any full day or half day that the court is not in session or when their services are not required. Employees who have been absent for jury duty on a working day(s) and who receive compensation from the Town pursuant to this provision are required to refund to the Town any money received from the court for that day(s) with the exception of money received for travel expenses. Failure to refund the money to the Town will result in having the day(s) charged to personal days, vacation or leave without pay, and may result in disciplinary action. This also applies to employees who are subpoenaed as a witness in a court of law.

#### **4.10 FUNERAL LEAVE**

Regular employees will be granted up to three (3) days of paid leave to attend the funeral of a member of their immediate family (wife, husband, sister, brother, father, mother, children, grandparents, grandchildren, mother-in-law, father-in-law, brother-in-law, sister-in-law), and one (1) day of paid leave to attend the funeral of other family members. The First Selectman, at his/her sole discretion, may extend such leave upon the request of the employee. Funeral leave will be prorated for regular part-time employees (20-34 hours/week).

#### **4.11 UNPAID PERSONAL LEAVE**

A personal leave of absence without pay may be requested by regular employees in writing to the First Selectman. A leave will generally only be considered for educational, professional development, or charitable, humanitarian, or health reasons, and for a maximum of one (1) year. The leave will not be granted to take another job. During an approved Personal Leave, the employee may continue the health insurance in effect at the beginning of the leave by paying fifty percent (50%) of the total cost of such insurance. During the period of the leave, the employee will not accrue service for pensions, vacation, sick leave, or any other purpose. Reemployment following a personal leave is not guaranteed and will be based on the needs of the Town at that time. If a position is not available, the employee will be terminated.

## **4.12 FAMILY AND MEDICAL LEAVE – See Page 17**

### **4.13 SICK LEAVE**

The Town provides paid sick leave for its regular full-time and regular part-time employees. The specific eligibility for sick leave varies based on the hours the employee regularly works. Sick leave is generally to be used only for health and medical problems affecting the employee, however, employees may use up to three (3) of their earned sick days per year to care for a sick child or other dependent.

#### **Regular Full Time & 20-34 Hour Part Time Employees:**

Regular full time employees and regular part-time employees who regularly work 20-34 hours/week accrue sick leave at the rate of one (1) day per month worked. Employees who begin their employment after the twentieth of the month do not receive credit for the month. Part-time employees who regularly work 20-34 hours/week receive prorated sick leave.

#### **10-20 Hour Part Time Employees:**

Regular part-time employees who regularly work between ten (10) and twenty (20) hours per week are eligible to accrue one (1) hour of paid sick leave for every forty (40) hours worked per state statute. These part time employees may carry over sick leave but are not permitted to use more than forty (40) hours of sick leave in one (1) year. To be eligible for sick leave, part-time employees who were hired prior to or on January 1, 2012 must work 680 hours starting from January 1, 2012. Part time employees who were hired after January 1, 2012 must work 680 hours starting from their hire date to be eligible for sick leave. Additionally, to be eligible to use any accrued time, an employee must have averaged at least 10 hours per week during the most recently completed calendar quarter. Employees are permitted to use accrued time for the reasons set forth in state statute.

#### **All Employees Eligible For Sick Leave:**

Employees are required to notify their supervisor(s) no later than thirty (30) minutes after the start of scheduled work if they will be absent due to illness.

When an employee has been absent for three (3) days or more a medical certificate, indicating the nature of the illness and the prognosis for the employee's expected return to work, may be required for that period.

Unused sick leave is carried forward to the following year(s). No more than one hundred and twenty (120) days will be carried forward (this is a form of short term disability for employees). However, unused sick leave days will not be paid out when employee leaves for any reason or retires.

### **4.14 SICK LEAVE/ HALF DAY BANK**

In addition to the sick leave eligibility above, regular full-time and regular part-time employees (20-34 hours a week employees pro-rated) are eligible for an additional sick leave allowance of six (6) months at one-half pay as a protection against extended illness. This is a one-time allowance and cannot be re-earned. Eligibility begins at the end of the introductory period and during the first two (2) years of employment may be used only for illness or medical leaves in

excess of one (1) week (i.e. 6 days or more) after regular sick leave has been fully utilized. After two (2) years of employment, the half-day bank may be utilized for any period of authorized sick leave.

To alleviate possible hardship, the First Selectman, at his or her sole discretion, may authorize use of the half day bank for illness or medical leaves of less than six (6) days during the first two (2) years of an individual's employment and may at any time authorize the use of the half pay allowance as fully paid sick leave, up to three (3) months, in lieu of the six (6) months at half pay.

#### **4.15 ADDITIONAL SICK LEAVE REQUESTS**

If the employee has used all of his or her sick leave, including the half pay allowance, a request for additional sick leave may be made to the First Selectman. Depending upon the circumstances, the First Selectman may grant additional sick leave at full or one-half salary.

**Any paid leave will run concurrent with an employee's entitlement under the FMLA (see Section 1.2 Family Medical Leave Act)**

#### **4.16 UNEMPLOYMENT BENEFITS-- STATE OF CONNECTICUT**

The Town is a covered employer under the State of Connecticut Unemployment Compensation law. An employee who is "laid off" by the Town due to a reduction in the workforce, or the abolishment of a position, or who is involuntarily terminated by the Town, may be eligible for unemployment benefits.

#### **4.17 LIFE INSURANCE**

The Town provides regular employees, while they are actively employed, term life insurance and AD&D at no cost to the employee, in the amount of one (1) times annual base salary, rounded to the nearest \$1,000 (e.g., an annual salary of \$48,400 would result in insurance of \$48,000). Employees whose annual salaries are in excess of \$50,000 annually may elect to cap their life insurance at \$50,000 in order to avoid IRS imputed income for such excess coverage. This election can be made through the Personnel Department. The life insurance contract requires that insurance be reduced by 50% for working employees age 70 and above.

#### **4.18 PENSION PLANS**

The Town currently funds and administers two (2) non-union pension plans for its regular employees; **THE RETIREMENT PLAN FOR NON-UNION AND NON-SUPERVISORY EMPLOYEES** and **THE RETIREMENT PLAN FOR NON-UNION SUPERVISORY EMPLOYEES**. Eligibility requirements for participation are detailed in the plan documents. Employee contributions are 3¼% of base salary for **NON-UNION NON-SUPERVISORY EMPLOYEES AND 4% for NON-UNION SUPERVISORY EMPLOYEES** and are automatically deducted from salary payments.

The non-union pension plans are defined benefit plans and pension benefits are determined by a formula based on years of credited service, compensation and the percentage specified in the plan.

Employees should refer to their Pension Plan document for specific Plan information. Notwithstanding the above, employees hired after January 1, 2012 will be part of the Town's Defined Contribution Plan – contact Personnel for details.

The Town reserves the right to make changes, such as to a plan administrator or plan terms, at its sole discretion and without further discussion with employees, as permitted by law.

#### **4.19 DISABILITY PENSION**

Disability benefits are provided for participants in the non-union pension plan(s) which provide: “A participant under age 65 who becomes disabled and remains continuously disabled for a period of at least 6 months shall be eligible for a disability benefit.” The plan(s) define “Disabled” as “having a Disability” and “Disability” as “the inability to perform the duties of any occupation for which [the Participant] is reasonably fitted by reason of training, education or experience.”

For further details, please refer to the appropriate plan document. In the event there is a conflict between Plan documents and the informal wording of this Handbook, the Plan documents shall govern.

#### **4.20 DEFINED CONTRIBUTION PLAN (Town Match)**

Regular employees hired after January 1, 2012 are automatically enrolled in the Town’s WESTPORT 401(k) Plan for 3.5% of salary effective the date of hire. The employees may make additional voluntary contributions in increments of .5% up to a maximum of 1.5% which will be matched by The Town. The employees’ tax-deferred savings in this account are intended to supplement retirement income. Information regarding the plan is available from the Personnel Department. The total contributions are limited to the lesser of the IRS limit of \$17,500 in 2013 or the plan limit 3.5%.

Eligible employees may choose from among several investment options and invest their pre-tax contributions from their semi-monthly paychecks.

#### **4.21 401(k) PLAN (Deferred Compensation Plan- Voluntary – No Town Match)**

Regular employees are eligible to join the Town’s 401(k) Plan effective date of hire. Tax-deferred savings in this account are intended to supplement retirement income. Information regarding the plan is available from the Personnel Department.

Eligible employees may choose from among several investment options and invest their pre-tax contributions from their semi-monthly paychecks. Contributions are limited to the IRS regulations.

#### **4.22 TUITION, BOOKS & PROFESSIONAL DEVELOPMENT**

Courses requested by regular employees and approved by the Department Head and the First Selectman as being job-related and beneficial to the professional development of the employee, and which are taken on other than working time, shall be eligible for reimbursement up to 100% of the cost, including the cost of books upon successful completion of the course. Tuition and books shall be subject to funds specifically identified and appropriated in the budget for this purpose. Therefore, courses should be anticipated and requested during the budget preparation period. Course time is not considered time worked and will not be compensated.

The Town will promote professional development by assisting employees with the cost of membership to appropriate professional associations depending on budget allocations.

**4.23 DEATH BENEFIT**

In the case of the death of an active employee, the spouse of the deceased, or the estate of the deceased if there is no surviving spouse, is eligible to receive payment for unused vacation and for the next four (4) weeks pay otherwise due to the deceased employee as a death benefit.

## **V - NON-UNION EMPLOYEES - - AT RETIREMENT**

Normal retirement date: The first of the month coinciding with or next following the attainment of age 55 with ten (10) years of service or age 65, provided not less than 5 years of service have been completed.

Employees planning to retire should notify the Benefits Administrator three (3) months or more before their planned date of retirement so that the necessary paper work can be completed. Upon retirement, participants in one of the pension plans may be eligible for some or all of the following:

### **5.1 PENSION BENEFIT**

Regular employees who are eligible will receive a monthly pension benefit payable to them in accordance with the terms of the plan in which they were participants. Employees eligible for a benefit will have the option of electing one of a number of monthly benefit options.

### **5.2 ADDITIONAL CREDITED SERVICE**

Employees who are retiring may be eligible to receive additional credited service under their pension plan if they have accrued sixty (60) days or more of unused sick leave exclusive of any half days. The two non-union pension plans provide such additional credited service as follows:

#### **Accrued Sick Leave Additional Credited Service**

60 days to 79 days	3 months
80 days to 99 days	4 months
100 days to 119 days	5 months
120 days and over	6 months

### **5.3 VACATION PAY**

Retiring employees are eligible to receive a lump sum payment in their final paycheck for any accrued but unused vacation, including any vacation carried over with the approval of the First Selectman, and vacation accrued, if any, towards the following year's vacation.

### **5.4 LIFE INSURANCE CONVERSION**

Employees will be eligible, upon retirement, to convert their group life insurance to a personal policy paid by them directly to the insurance company.

### **5.5 MEDICAL, DENTAL AND PRESCRIPTION DRUGS (Hired prior to 7/01/2012)**

In accordance with the terms of their pension plan, retiring employees may be eligible to elect to continue the medical insurance coverage and dental and prescription drug coverage in effect prior to their retirement date. If eligible, their election to continue coverage must be made on or before their retirement date, and will require a monthly premium contribution according to the following schedule:



Under 49 years	100% of the cost of coverage determined each year.
Over 49 years	Beginning July 1 following his/her 49th birthday 40% of the cost of coverage determined each year not to exceed the prior year's cost by more than 10%.

When the retiree or spouse reaches the age of Medicare eligibility (presently 65), Medicare becomes the primary insurer and the retiree or spouse must be transferred to the Town's Medicare supplemental plan, at forty percent (40%) of the full cost of coverage determined each year not to exceed the prior year's cost by more than ten percent (10%). The retiree and spouse must pay the full amount of the Medicare Part B premiums.

*Employees hired after July 1, 2012 will not be eligible for any post retirement health benefits*

**5.6 POST RETIREMENT WORK**

If the Town or Board of Education needs supplementary help on a limited basis, a retiree may be offered temporary employment for a period not to exceed two (2) months or forty-four (44) days (including partial days) in a fiscal year without forfeiture of pension benefits.



## ATTACHMENT A

### NON-UNION EMPLOYEE MEDICAL BENEFITS (08/01/2013)

Non Union employees, who work 30 or more hours per week, on a continuous 52 week schedule, are entitled to family medical benefits between the two plans shown below by contributing the percentage of the allocated costs. Employees under the age of 66 who chose the PPO Plan must pay the difference between the contributions and the actual premium required.

#### **Health Insurance**

Eligible employees contribute 10% of the fully allocated cost of the premium share

Basic Description of Benefits includes:

#### **Anthem Blue Cross Century Preferred Medical Plan**

##### **In Network:**

- \$15 office visit co-pay
- \$0 co-pay for preventative care (see anthem schedules)
- \$100 emergency room co-pay
- \$200 deductible per hospital admission
- \$100 co-pay for Out-Patient Surgery
- \$50 co-pay for Urgent Care

##### **Out of Network:**

- \$200/\$400/\$500 deductible – hospital admission and medical procedures
- \$80% / 20% co-pay; out of pocket maximum \$3500 single; \$7000 single plus one & \$8750 family

**Vision Care** – Exam once every 2 years

**Eye Glasses** - \$100 reimbursement for employees only

**Hearing Exam** – once every 2 years with office visit co-pay

#### **Flexible Dental Plan**

\$1500/per person, 100% Diagnostic & Preventive, 80% Basic service, 50% major service- Deductible \$50 individual & \$100 Family; \$1500 per member, per lifetime Orthodontic payable at 50%

#### **Prescription Drug Plan**

Cost of prescriptions at local preferred pharmacies:

- \$5 co-pay for 30 day supply of generic prescriptions
- \$15 co-pay for 30 day supply of formulary branded prescriptions
- \$30 co-pay for 30 day supply of non-formulary branded prescriptions

Cost for Mail Order prescriptions:

- \$5 co-pay for 60 day supply of generic prescriptions
- \$15 co-pay for 60 day supply of formulary branded prescriptions
- \$30 co-pay for 60 day supply of non-formulary branded prescriptions

Non-union employees hired prior to 7/01/2012 who retire on or after their normal retirement date are entitled to participate in the retiree medical/dental prescription plans provided by the Town, by paying 40% of the fully allocated cost of such plans.



**ATTACHMENT B**  
**HEALTH SAVINGS ACCOUNT**

**Health Savings Account:** With the Health Savings Account (HSA), you can contribute pre-tax dollars to your HSA account. Others may also contribute dollars to your account. You can use these dollars to help meet your annual deductible responsibility. Unused dollars can be saved or invested and accumulate through retirement.

**Contributions to Your HSA**

For 2013, contributions can be made to your HSA up to the following:

\$3,250 individual coverage

\$6,450 family coverage. The Town will contribute \$1000 for an individual and \$2,000 for an individual plus one or a family for 2013.

**Earn More Money for Your Account**

What's special about the HSA plan is that you may earn additional funds for your health account through the **Healthy Rewards** incentive program. If you do this currently you can earn this in your HSA:

Complete the Health Assessment online	\$50
Enroll in the Personal Health Coach Program	\$100
Graduate from the Personal Health Coach Program	\$200
Complete our Smoking Cessation Program	\$50
Complete our Weight Management Program	\$50

**Preventive Care:** To help you stay healthy coverage for nationally recommended services are covered at 100%. Included are the preventive care services that meet the requirements of federal and state law, including certain screenings, immunizations and physician visits. No deductions from the HSA or out-of-pocket costs for you as long as you receive your preventive care from an in-network provider. If you choose to go to an out-of-network provider, your deductible or Traditional Health Coverage benefits will apply.

**Bridge Responsibility**

The Bridge is an amount you pay out of your pocket until you meet your annual deductible responsibility. Your bridge amount will vary depending on how many of your HSA dollars, if any, you choose to spend to help you meet your annual deductible responsibility. If you contribute HSA dollars up to the amount of your deductible and use them, your Bridge will equal \$0. HSA dollars spent on covered services plus your Bridge responsibility add up to your annual deductible responsibility. Your Bridge responsibility will vary. Currently the Annual Deductible Responsibility is \$2,000 for individual coverage or \$4,000 for family coverage. After the deductible is achieved, Traditional Health Coverage benefits will apply.

**Traditional Health Coverage**

Your Traditional Health Coverage begins after you have met your Bridge responsibility. The plan then pays 100% for in-network providers or 80% for out-of-network providers.

**Annual Out-of-Pocket Maximum In-Network and Out-of-Network Providers**

\$ 4,000 individual coverage

\$ 8,000 family coverage

Your annual out-of-pocket maximum consists of funds you spend from your HSA, your Bridge responsibility and your cost share amounts.

**Additional Protection**

For your protection, the total amount you spend out of your pocket is limited. Once you spend that amount, the plan pays 100% of the cost for covered services for the remainder of the plan year.

**Prescriptions**

The prescription plan remains unchanged except that drug expenses are subject to the required deductibles.

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**TOWN OF WESTPORT EMPLOYEE HANDBOOK ACKNOWLEDGEMENT**

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I acknowledge that I have received a copy of the Town of Westport Employee Handbook. I understand and accept my responsibility to read it and ask my supervisor any questions that I may have concerning the policies it contains.

I understand that this Handbook is not intended as a legal document or contract of employment, expressed or implied, or a promise to handle a situation in any particular way. I further understand that employment with the Town is “at will” and that either the Town or I may terminate the relationship at any time, for any reason or no reason, subject to the notice and public hearing provisions of the Town of Westport Charter.

I understand that if I am an employee represented by a union the terms of the collective bargaining agreement applicable to me will apply, including as it relates to termination of employment. I also acknowledge that no official, supervisor, department head or employee of the Town, other than First Selectman, has the authority to promise or agree to any substantive terms or conditions of employment (whether in writing or orally) different from those stated in the written guidelines and policies contained in the employee handbook I received from the Town. I understand that any different employment agreement or arrangement entered into by the First Selectman must be clearly stated in writing and signed by both of those individuals.

I understand that the policies and procedure in this Handbook supersede all of the Town’s prior policies and procedures and may be modified, changed, suspended, or cancelled at any time, at will, without prior notice. Policies specified in the Westport Town Charter may be modified, changed, suspended or cancelled by amendments to the Charter.

Printed Name \_\_\_\_\_

Union \_\_\_\_\_

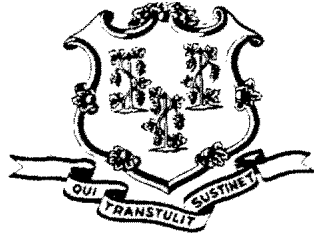
(If applicable)

Signature \_\_\_\_\_

Date \_\_\_\_\_

PLEASE SIGN AND DATE THIS PAGE. AND SEND IT TO THE PERSONNEL DEPARTMENT

IT WILL BECOME PART OF YOUR PERSONNEL FILE



STATE OF CONNECTICUT

Records Retention and Disposition Policy

Acknowledgment of Receipt

Pursuant to §1-240 and §53-153 of the *General Statutes of Connecticut*, unauthorized removal or destruction of public records, as defined in §1-200(5), is a misdemeanor or a felony offense and is punishable by fine or imprisonment.

I, \_\_\_\_\_ have received a copy of the **State of Connecticut Public Records Policy 05: Disposition of Public Records**. I understand the records retention and disposition requirements.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**PLEASE SIGN AND DATE THIS PAGE. AND SEND IT TO THE PERSONNEL DEPARTMENT  
IT WILL BECOME PART OF YOUR PERSONNEL FILE**