

Maine
Cumberland **County**

Personnel Policy

December 12, 2022

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**CUMBERLAND COUNTY
PERSONNEL POLICY**

ARTICLE I. GENERAL

Section 1.1 ADMINISTRATION

The rules, regulations and procedures in this Personnel Policy constitute the County of Cumberland Personnel Policies and Procedures, and they are for use by the Cumberland County Commissioners, supervisory personnel and non-union employees of the County. This Personnel Policy is authorized by the County Commissioners and becomes effective upon an affirmative vote of the County Commissioners. The promulgation of any modifications to this policy shall be the responsibility of the County Manager after consultation with appropriate personnel.

This manual is not intended to create contractual rights with regard to employees of Cumberland County. No one has the authority to make promises which vary from these policies and procedures without an exception in writing from the County Manager or his/her designee. Those employees whose positions fall under union contracts will follow the rules as outlined in the appropriate contract. When the contract is silent on an issue, the County Personnel Policies will prevail.

The County Manager is responsible for the administration of the provisions of this policy and has the authority to take appropriate action in dealing with cases of violations of this policy. In implementing this policy, the County Manager is authorized to prepare administrative regulations on personnel management not inconsistent with this policy. Administrative regulations may be promulgated by the County Manager and will generally itemize or detail specifics relating to a personnel management subject. They may be implemented in conjunction with this policy and will bear the same authority. County offices will remain open unless designated as a Holiday or closed as authorized by the County Manager. Each Department Head shall maintain a book of current administrative regulations that will be available to employees for review.

In addition to these regulations, employees may be subject to administrative regulations of the County Manager and to departmental regulations and policies. The County Manager maintains final responsibility for personnel administration. The Human Resources Director, subject to the direction of the County Manager, is responsible for administering personnel rules and regulations.

Section 1.2 COUNTY PERSONNEL BOARD

The County Commissioners reserve the right under 30-A M.R.S.A. Section 501, 521-524, as may be amended from time to time.

Section 1.3 DISSEMINATION OF RULES

Department Heads will be furnished complete copies of all Policies and Procedures and changes, as well as administrative regulations and they are responsible for maintaining a complete, current set of such rules. They shall make the existence of these rules known to all employees under their supervision. Copies of such rules shall be made available to employees covered under this policy during normal business hours.

Section 1.4 COUNTY OFFICE HOURS

County offices will remain open continuously from 8:00 a.m. to 4:30 p.m. each working day. Department Heads are responsible to ensure the work schedules of employees comply with these hours. Any deviation to these hours is at the sole discretion of the County Manager.

Section 1.5 TOBACCO FREE WORKPLACE

Smoking and tobacco use is prohibited within all Cumberland County buildings, satellite offices, parking areas, County vehicles, and personal vehicles when parked on Cumberland County property, and on adjacent sidewalks. This policy applies to all employees and visitors.

Smoking and tobacco use is defined as the smoking, vaping or use of any tobacco products, including but not limited to cigarettes, cigars, pit and smokeless tobacco, chew, snuff, snus, electronic cigarettes and other Non-FDA approved nicotine delivery devices.

Employees are not being asked to quit tobacco. However, any employee who chooses to continue the use of tobacco must comply with the Cumberland County Tobacco Free Workplace policy.

All staff are responsible for supporting the Tobacco Free policy and are encouraged to inform fellow employees and visitors of posted tobacco free signs in a courteous and non-confrontational manner.

Violation of the administrative regulation will result in disciplinary action in the same manner as all other violations of Cumberland County regulations.

Assistance will be provided to any employee who is interested in tobacco cessation.

ARTICLE II. DEFINITIONS

For the purposes of this policy, the following words and phrases shall have the meanings respectively ascribed to them:

Anniversary Date: The anniversary is the initial employment date. For the purpose of performance evaluation and/or merit salary adjustment, the anniversary date shall mean the date of employment. An employee's regular hire date shall be used for leave accrual or employment verifications only.

Break in Service: Any separation from County service, whether by resignation, removal, layoff, dismissal, disability or retirement. An authorized leave without pay will not constitute a break in service.

Classification Specification: A written narrative detailing the typical duties, responsibilities and minimum qualifications of a position. Information indicating desirable qualifications above the minimum required may also be included.

Classified Employee: Any employee of the County, other than a temporary employee, who holds a position in the employment service of the County the base salary of which is regulated by a pay plan adopted by the County Commissioners.

Continuous Service: Employment without a break in service.

Demotion or Reduction in Rank: Assignment of an employee from one position to another which has a lower maximum rate of pay.

Disability: A disabling condition, partial or complete, temporary or permanent, which prevents, hinders or adversely affects an individual's performance of his/her normal routine of work. A formal determination of disability may be based on the disability policy then in place.

Dismissal: Separation from County employment for cause.

Domestic Partner: As defined by the Maine Municipal Employees Health Trust.

Exempt: Designation of employment status in accordance with provisions of the Fair Labor Standards Act.

Good Standing: Written notice fourteen (14) calendar days in advance of the effective date of resignation. Leave time may be granted during this 14-day period with approval of the County Manager.

Grievance: Generally, a complaint or dispute of an employee, real or not, relating to his/her employment that is grievable under these rules and regulations.

Immediate Family: The employee's spouse, natural or adopted children, parents, brothers, sisters, grandparents or dependents residing in the household that qualifies as a dependent for federal income tax purposes.

Non-Exempt: Designation of employment status in accordance with provisions of the Fair Labor Standards Act.

On-Call Employee: An on-call position shall be less than year-round, shall not have a definite schedule of standard hours, and the employee is subject to call based upon a need and not a work schedule, and the need for on-call work is intermittent in nature.

Pay Grade: A level in the pay schedule with a common pay range for all classes assigned thereto.

Paid Status: An employee is considered to be in paid status if the employee is receiving any compensation for that week, and was in paid status for the prior week as well. For any employees in unpaid status, paid status begins on the day in which the compensation earned occurred.

Probationary Period: A period of six (6) months from the date of employment, during which a newly-hired employee hired to fill a regular position is employed on a trial or test basis prior to approval of regular status. The probationary period for incumbent employees who have been promoted, or transferred will be six (6) months from the date of reassignment.

Promotion: Assignment of an employee from one position to another, which has a higher maximum rate of pay.

Reclassification: Reassignment of a position from one pay grade, class or title to another pay grade, class or title in the classified service of the county to more accurately reflect the duties and responsibilities involved.

Redline: An employee whose wage is a greater amount than the maximum rate for the salary grade. Salary shall be frozen and will continue to earn the same salary until the salary grade reaches the employees rate of pay.

Regular Hire Date: Is the effective date on which a regular full-time or part-time employee is employed.

Regular Full-Time Employee: A regular full-time position shall be year round in nature and the incumbent shall be required to work the standard work week of thirty (30) hours or more, and the employee shall have completed the probationary period.

Regular Part-Time Employee: A part-time position shall be year round in nature, and the incumbent shall be required to work a standard work week of less than thirty (30) hours per week, and the employee shall have completed the probationary period.

Seasonal Employee: A seasonal position shall be less than year round, appointed for a period of time for which the project or task is known, with fixed starting and ending dates, and of less than a permanent nature.

Suspension: Any enforced leave of absence with or without pay for disciplinary purposes or pending investigation of charges made against an employee.

Temporary Employee: A temporary position shall be less than year round, appointed for project for a finite period of time, or to fill a specific need of less than a permanent nature.

Title change – Change in job duties which new title would more accurately reflect without a pay change

Unpaid Status: An employee is considered to be in unpaid status for any week in which an employee is not receiving any compensation. Employees in unpaid status do not earn any accruals that would have been accrued that week had the employee been in paid status. When employee returns from unpaid status to paid status, personal and earned time that was not accrued during the unpaid period will be accrued on a pro-rated basis for the accrual period. Employees in unpaid status for the entirety of an accrual period do not receive any accruals or that period upon their return to paid status. For monthly accrual periods, any employee returning after the 16th day of the month does not receive any accruals for that month.

Work Week: Non-union work week is from Sunday 7:00 am to Sunday 6:59 am.

ARTICLE III. CENTRALIZED HIRING PROCEDURE

Section 3.1 PURPOSE

The purpose is to standardize the hiring practices of the various County departments in order to achieve greater efficiency and equity in the processing of applications for employment with the County of Cumberland Government.

The Human Resources Office will be responsible for maintaining a list of vacant County positions as authorized by the approved budget.

Section 3.2 JOB DESCRIPTIONS

Job descriptions shall be developed and maintained for all County positions.

Job descriptions shall be on file in the Human Resources Office and available to all interested persons without charge. The position shall be described as to classification, whether full-time or part-time, or some other category, whether exempt or non-exempt and identify essential duties and other necessary special requirements.

Job descriptions shall be utilized in all postings and advertisements for job openings and shall be one consideration for employee evaluations.

Job descriptions shall be reviewed by the Human Resources Director and Department Heads on a periodic basis and recommendations made to the County Manager for modifications as needed.

Section 3.3 PROCESS

- A. Following the receipt of a completed Personnel Requisition Form approved by the appropriate Department Head, the HR Director and the County Manager, the Human Resources Office will be responsible for posting the position opening according to Personnel Policy or the appropriate collective bargaining agreement, as well as conducting the recruitment process including placing necessary advertisements. All costs for advertisements will be charged to the department, which has the vacancy.
- B. All applications, resumes, and other application materials for posted or advertised positions will be received by the Human Resources Office. The application form of a person who is hired will be entered into their personnel file. Application forms and accompanying documents such as resumes', etc. of a person not hired shall be retained for one year from the date of application, and discarded. After six months, however, applications will no longer be considered current. Applicants for employment will be notified by HR of the status of their request for employment. The Human Resources Office will screen applications received for minimum qualification and forward qualified applications to the appropriate department.
- C. The Department Head or selecting official will select a reasonable number of applicants to be interviewed. The Human Resources Office will be available to assist in necessary scheduling. Three to five applicants at a minimum should be interviewed. When a County employee applies for another position within County government, he or she should be interviewed if qualified. The list of questions to be asked of each applicant will be reviewed and approved by the Human Resources Office prior to interviews being held. At the time of the interview, the interviewer will provide each applicant with a list of available benefits if requested.
- D. Any necessary pre-employment testing and/or backgrounds checks will be approved and administered by the Human Resources Office with the assistance of departmental personnel. If physical agility testing, polygraph testing, or a background check is required, HR will supply the candidate with a conditional offer, a background check consent form, and any other appropriate accompanying paperwork to be signed and returned to HR before testing takes place.
- E. Once an individual has been chosen for recommended hire, an Applicant Selection Form must be completed by the selecting official and sent along with the application material of the recommended applicant to the Human Resources Office. The Department Head will ensure that references of the person recommended for hire have been checked. The Department Head will then extend a tentative offer of employment pending confirmation by the Human Resource Director. The Human Resources Office will then notify the department that the hire has been approved by the HR Director at the pay rate indicated on the Applicant Selection Form. The Department Head will notify HR of the applicant's acceptance or rejection of the employment offer along with the starting date of employment. Application materials of individuals not selected must also be returned to the Human Resources Office. A notification will then be sent from the Human Resources Office to those interviewed regarding their status.
- F. It should be noted that a false or incomplete answer on the employment application may be grounds for non-employment or dismissal. Other additional criteria are grounds for denial of law enforcement positions.

A Personnel Action Form will be prepared by the Human Resource Office for the selected candidate and forwarded to the appropriate Department Head for approval. Approval of the Personnel Action Form will not be granted unless the Applicant Selection Form is fully completed and signed by the appropriate individuals. Only after the Human Resource Director approval is granted shall the employment offer be confirmed and a confirmation letter is sent by the Human Resources Office.

ARTICLE IV. EMPLOYMENT

Section 4.1 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION

The County of Cumberland, Maine shall recruit, hires, upgrade, train and promote in all job titles without regard to race, color, religion, sex, national origin, disability, age, genetics, sexual orientation, gender identity, ~~or~~ status as a protected veteran, or any other protected category, except where age is a bona fide occupational qualification or where a disability is a bona fide occupational disqualification.

All personnel actions including compensation, benefits, County-sponsored training, and social and recreational programs shall also be administered on the principles of Equal Opportunity.

Through the Affirmative Action Plan, Cumberland County annually reviews and identifies areas where individuals protected under EEO/AA laws are underutilized. The County of Cumberland will make good faith efforts to correct any inadequacies and recruit individuals from these protected categories who have the required qualifications.

All employees are encouraged to inform friends and family who are qualified minorities, veterans and/or disabled to apply for employment with the County of Cumberland.

The Director of Human Resources has been designated as the EEO Coordinator and will ensure Equal Employment Opportunity policies are implemented in accordance with the intent of all the applicable laws and regulations.

Section 4.2 USE OF ARREST AND CONVICTION RECORDS

An arrest record standing alone shall not be the basis for denying an employment opportunity. The County of Cumberland shall rely on a fact-based analysis of the underlying circumstances related to an arrest to determine if the conduct makes the individual unfit for the position.

The County of Cumberland may take into account conviction records in making employment decisions in accordance to the EEOC Enforcement Guidance and standards of the EEOC's Uniform Guidelines on Employee Selection Procedures.

Targeted screening shall be based on three considerations, which are (a) the nature of the crime; (b) the time elapsed since the offense, conduct, or completion of the criminal sentence; and (c) the nature of the job. Candidates excluded by the screen may be provided an opportunity for an individualized assessment to determine whether the conviction is job-related and consistent with business necessity.

Section 4.3 REGULAR APPOINTMENT

A regular appointment is to a position in County service after satisfactory completion of the probationary period. A regular full time position, entitled to benefits, will be year round in nature and the incumbent will be scheduled to work the standard work week of thirty (30) hours or more. Effective June 20, 2008, a part-time position regularly scheduled to work-a standard work week of less than thirty (30) hours per week is not benefit-eligible. Current part-time employees hired prior to June 20, 2008 will be considered "grandfathered" in regards to the benefits they are receiving.

Section 4.4 TYPES OF EMPLOYMENT

- A. **Full-time Employment** is appointment to a position to work a standard work week of no less than 30 hours per week, as set forth in the pertinent job description, on a continuing basis (i.e., with no pre-set termination date). Such full-time employees receive all benefits as provided herein upon the effective date of employment unless otherwise specifically provided for in this policy.

Whenever an employee works in two or more regular part-time positions, and their total hours worked consistently equal or exceed 30 hours per week, that employee shall be considered a full-time employee, and be eligible for all of the benefits of a full-time employee.

- B. **Part-time Employment** - at least 20 hours per week is appointment to a position to work less than the standard work week on a continuing basis. Part-time employees who are regularly scheduled to work at least 20 hours but less than 30 hours per week shall receive the benefits as described herein. For the purposes of calculating earned leavetime benefits, a pro-rated accrual (based on 40 hours per week) will be applied to determine the annual accruals.
- C. **Part-time Employment** - less than 20 hours per week is appointment to a position to work less than the standard work week, but on a continuing basis. Part-time employees who are regularly scheduled to work less than 20 hours per week are ineligible for vacation, sick, MainePERS and deferred compensation benefits and shall only receive the benefits as described herein. Part-time employees who are regularly scheduled to work less than 20 hours per week and were employed with the County prior to December 1, 2010, and previously received earned leave time, or deferred compensation benefits, shall continue to do so until their employment with the County ends.
- D. **Temporary employment** is appointment to work a standard workweek or less on a regular basis but for a limited period of time, usually not to exceed six months. Extensions may be granted by the County Manager or the Human Resources Director for up to three additional months. All temporary appointments require the prior approval of the County Manager or the Human Resources Director. Temporary employees are paid for hours worked and receive no other benefits except those mandated by State or Federal law. (Example: an appointment to temporarily fill the position of a full-time or part-time employee on an approved leave of absence.)
- E. **Seasonal employment** is appointment to a position in an industry designated by the State of Maine as a seasonal industry. Employees are terminated at the end of the applicable season. They are paid only for hours actually worked and are not eligible for any other benefits except those mandated by State or Federal law.
- F. **On-call employment** is appointment to work on an intermittent and as- needed basis. Employees who are on-call do not have a regular schedule, but work as available and as needed. Such employees are paid only for hours worked or by annual stipend and are not eligible for any other benefits except those mandated by State or Federal law.
- G. **Contract employment** is employment under a written personal services contract between the County and an individual. Such an individual receives compensation benefits pursuant to the negotiated contract, and has no claim to the benefits of this Policy, except as specifically negotiated or as required by law. Contract employment shall be permitted only in unique and limited circumstances and shall not be used to avoid membership in a collective bargaining unit, applicability of this Policy, or workers' compensation coverage.
- H. **Employment Contract Disclaimer** - All employees, except for the County Manager, shall have no employment contract with the County, written, verbal, implied or otherwise. Employment is at will, and

terminable at will by either the employee or the County at any time, for any lawful reasons and without advance notice. Any verbal statements of any person of the County to the contrary are void.

Employees may be discharged for reasons of performance or conduct under the provisions of Article X, Disciplinary Action.

Employees may be laid off from employment for economic or budgetary reasons at any time.

Section 4.5 PROBATION EXPIRATION

Within (10) days prior to the expiration of a regular full-time or part-time employee's probationary period, the respective Department Head will notify the County Manager in writing that:

- A. The probationary employee's performance was satisfactory, with an accompanying completed evaluation report, and that s/he is recommended for a permanent position;
- B. The employee's performance or conduct was unsatisfactory and that his/her removal is proposed as of a recommended date. The Department Head will furnish reasons and an evaluation report for the recommended removal, as well as indicate to the County Manager that he/she has made every effort to aid the employee to correct his/her deficiencies. The County Manager may remove such probationary employee upon the Department Head's recommendation.
- C. Under very limited circumstances, an extension of the probationary period is desired for additional observation and the employee will continue in his/her position temporarily during the extension, if granted. The extension of the probationary period shall not exceed six (6) months.

Section 4.6 PERFORMANCE EVALUATIONS

All employees of the County are to be fairly evaluated as to their performance in their respective positions. Such written evaluations shall be conducted annually on the employee's anniversary date as well as at least five (5) days prior to the six (6) month probationary periods. Beginning at the first one-year anniversary, the written performance evaluation shall be conducted on an annual basis.

All employees shall be evaluated on an annual basis on or around their anniversary date. This provides the employee the opportunity to regularly discuss their performance and performance criteria with their supervisors. This program also provides supervisors with a uniform practice of performance management to identify employee's strengths and weaknesses and a format to recommend specific performance objectives. This program does not cover elected officials. Employees covered by a union shall also be evaluated on an annual basis, however, are not included in any authorized incentive program.

A. Procedure

The Human Resources Office shall distribute a list of probationary and performance appraisal dates to Department Heads for employees within their department at least 30 business days in advance of the employee's anniversary date. Annual appraisal forms will be located on the intranet for the department's use. Supervisors shall provide a copy of the completed evaluation form to the employee immediately prior to the scheduled evaluation meeting. During the evaluation meeting, the supervisor and employee will mutually agree upon the rating factors additional to the six core factors. Selection of the additional six rating factors is to be performed on an annual basis and may change or remain the same from year to year. In the case of multiple department personnel within a particular job

classification, however, the six additional criteria shall be consistent for all employees within that classification unless a unique circumstance warrants it, and the Department Head has authorized the variance.

Department Heads shall return the completed evaluation rating forms to the Human Resources Director no later than 30 business days after the anniversary date. Ratings substantially above or below “commendable” must be significantly documented. Ratings of unsatisfactory or needs improvement should be discussed with the Human Resources Director prior to meeting with the employee. This will eliminate any difficulty associated with amending an evaluation after the rated employee has reviewed the evaluation. The Human Resources Director shall monitor compliance with due date and shall send a quarterly list of the overdue evaluations to the County Manager for corrective action.

The County desires to ensure employee evaluations are processed within the 30-business day timeframe in order to limit the amount of retroactive changes required. It is the Department Head’s responsibility to ensure these are done timely and they shall be accountable.

B. Annual Performance Training

In order to assist with the effectiveness of the performance appraisal program, the Human Resources Director shall ensure that all supervisors receive annual performance appraisal training. The Human Resources Director shall make suggestions, as needed, for program modifications, which will be submitted to the County Manager.

Section 4.7 REMOVAL OF AN EMPLOYEE

At any time during the probationary period, an employee may be removed for any lawful reason in accordance with Section 4.5. Removal of a probationary employee is final and the probationary employee has no right to appeal.

Section 4.8 ANTI-NEPOTISM

The Department Head and County Manager, shall determine that the best interests of the County shall be served. The following relatives of any elected or appointed officer or other County employee are disqualified from employment, promotion or transfer within the same department: son, daughter, spouse, parent, grandchild, grandparent, brother, sister, half or step sister/brother, registered domestic partner or spouses of any of them. All relationships shall include those arising from adoption. The provisions of this Section shall not apply to any County personnel employed as of the date of Section’s adoption. In applying this section, a level of discretion should be considered in the decision of employment. Factors such as the inability of a family supervising another family member, hours worked, current job market and type of work shall be considered in the interpretation of this section.

Section 4.9 WORKPLACE ROMANCE

The County respects the private relationships of its employees. However, in an effort to avoid actual or potential conflicts, favoritism, sexual harassment, and other adverse impacts on the work environment that may result from romantic and/or physical relationships within the workplace, the County prohibits supervisory employees from becoming romantically or physically involved with employees directly under their supervision. Supervision includes authority to assign and evaluate work, grant benefits such as vacation leave, hear grievances, discipline an employee, or review assignments, evaluations, and benefit determinations.

Any romantic, physical relationship between a supervisory employee and any employee directly under his or her supervision that adversely impacts either the employee’s ability to perform his or her job or the general productivity and

environment of the workplace may be addressed by reassignment and/or discipline. Adverse impacts include, but are not limited to, decreased productivity, unprofessional work behavior, favoritism, conflicts of interest, decreased morale, negative or hostile work environment and sexual harassment. Any situation that arises, such as hiring, promotion or transfer, that would cause an employee to be either the supervisor of, or under the supervision of another employee with whom he or she is involved in a romantic and/or physical relationship, shall be communicated to the Human Resources Director for review and appropriate action taken.

Section 4.10 PROMOTION POLICY

The County encourages employees to develop skills, attain greater knowledge of their work, and make known their qualifications for promotion to more responsible and difficult positions. No Department Head shall deny a qualified employee permission to apply for a promotional opportunity in any County department. When the Human Resources Director determines that an insufficient number of well-qualified employees is available from within County employment ranks, he/she may consider outside applicants along with employees in order to provide an adequate number of candidates for consideration. Department Heads shall consider the following factors with respect to promotions: job related skills, knowledge, abilities, experience, education, work ethic, teamwork, and past performance that may contribute to the satisfactory performance of duties of the position.

Section 4.11 DEMOTION

An employee may be demoted to a lower position for which he/she is qualified for any of the following reasons:

- A. When an employee would otherwise be laid off because his/her position is being abolished through lack of work, or cutback in County personnel due to the County's financial condition;
- B. When an employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds;
- C. When an employee voluntarily requests such demotion.

When an employee is demoted to a lower position, the incumbent shall be placed in the applicable pay scale and the salary shall be reduced by a minimum of five (5%) percent. If, however, the rate of pay in the previous position minus the five (5%) percent is more than the maximum rate established for the new position, the employee will be paid at the highest rate of the new position.

Section 4.12 RESIGNATION

An employee may resign from County service in "good standing" by the submittal of a written notice fourteen (14) calendar days in advance of the effective date of resignation. Failure of a resigning employee to comply with this rule may be cause for denying future employment with the County and the withholding of certain termination pay to which the employee would normally be entitled. The employee may request to withdraw his/her resignation during the first five (5) days of the notice. The acceptance of this request is at the sole discretion of the County. The County Manager may permit a shorter period of notice if extenuating circumstances exist including approval of pay for notice.

Section 4.13 SENIORITY

For the purpose of this policy, seniority shall be interpreted to mean the length of continuous service with the County from the date of last hire. Seniority shall be a factor affecting promotions if employees are otherwise substantially equally qualified and shall be a factor in all matters affecting layoff, recall from layoff, and vacation preference.

Section 4.14 LAYOFFS

When the Commissioners determine that a reduction in force is necessary, the reduction in force will proceed as follows:

- A. The County Manager recommends which job classifications, in each department, are to be abolished or funding eliminated.
- B. Employees with the least seniority, within that classification, will be laid off.
- C. In those instances where there is a vacancy in a lower classification within the County, the affected employee may be demoted first, provided they have the qualifications to perform the job.
- D. Those employees who demote to the new wage scale will have at least five (5%) percent pay reduction.
- E. A laid off employee will retain recall rights for one (1) year from the date of layoff.

Section 4.15 RECALL

Should a job vacancy occur, within one (1) year of an employee's layoff date, in a classification held by the laid off employee, that employee shall be offered the position prior to advertising. Recall to work within a classification will be in reverse order of seniority; that is, the employee with the greatest seniority will be recalled first.

Section 4.16 RIGHT TO BE RE-HIRED

It is understood that layoff under this section shall, in all respects except the right to be rehired under this section, constitute a termination of employment by the County. The right to be rehired shall exist for a period of one (1) year from the date of layoff. If a vacancy occurs within one (1) year of an employee's layoff date from that position, said employee shall be offered the position prior to advertising for applicants. Rehired employees within one (1) year from the date of layoff shall be restored to service with full seniority rights.

Section 4.17 EMPLOYMENT AND DISMISSAL OF COUNTY EMPLOYEES

A. Employment

All Department Heads shall submit to the County Manager the name of any person they propose to employ. If approval is withheld or a selection not made, the Department Head shall be notified within 14 days of the reasons for disapproval or failure to make a selection.

B. Dismissal

An employee may be dismissed by a Department Head only for cause and only with the prior approval of the County Manager who will inform the Commissioners.

Section 4.18 CIVIL RIGHTS OBLIGATIONS

1. Cumberland County is a subrecipient of federal funds for programs/services/activities under contract/grant or other agreement through the Maine Department of Public Safety (DPS).
2. The County will not exclude, deny benefits to, or otherwise discriminate against any person in the admission to, participation in or receipt of services or benefits, or in employment practices, on the basis of race, color, national origin, age, religion, disability, sex and other relevant protected categories set forth in federal law, including laws that prohibit retaliation.
3. The County shall follow these procedures when responding to discrimination or retaliation complaints from clients, beneficiaries, program participants, and employees:
 - a. Investigating the complaint internally, or forwarding the complaint to the Maine Department of Public Safety Complaint Coordinator, the Office for Civil Rights (OCR), or another appropriate external agency such as the Maine Human Rights Commission (MHRC);
 - b. Notifying the Maine Department of Public Safety (DPS) Complaint Coordinator of any discrimination complaint that is not referred to the DPS; and
 - c. Notifying the complainant, that he/she may file a complaint directly with the DPS Complaint Coordinator or the OCR.
4. The County shall provide public notice of these discrimination complaint procedures by referencing the procedures in County personnel policies. For Maine DPS, OCR or MHRC contact information, and/or complaint procedures, please contact the Human Resources Director

ARTICLE V. PAY

Section 5.1 MAINTENANCE OF THE PLAN

It shall be the responsibility of the Human Resources Director to review the position classification plan periodically to ascertain whether it corresponds to existing conditions in the County service and to make sure the classification specifications are current and realistic. It is the responsibility of all Department Heads to inform the Human Resources Director of any changed conditions in their respective departments, which may affect classification specifications and/or the position classification plan.

The Human Resources Director shall prepare and recommend to the County Manager a pay plan in accordance with an annual review made. The County Manager shall then review and recommend a pay plan to the County Commissioners. The County Commissioners shall adopt a pay plan simultaneous with the adoption of the annual budget. The County Manager may recommend to County Commissioner's adjustment of the pay plan during the year as necessary by reclassification or a title change in conjunction with the continual review of revisions of classification specifications and comparable salary information. The pay plan shall consist of two (2) basic parts as follows:

- (A) A schedule of pay grades showing a minimum and maximum rate for each grade.
- (B) A list of all classification titles showing the allocation of each class to the appropriate pay grade.

All departments and/or offices of Cumberland County are required to follow proper policy with timely notification and authorization of payroll and personnel changes to the Human Resources Office by having the Personnel Action Form approved prior to implementation.

Only after approval of the Department Head, the Human Resources Director and the County Manager, or their designees, will the payroll and personnel changes be implemented.

Section 5.2 HOURS OF WORK

Exempt employees. Positions exempt from the Fair Labor Standards Act [FLSA] shall be identified in the Pay Plan as salaried positions. Salaried employees are compensated on a salaried basis for their regularly scheduled work week, as defined in the job descriptions. Such employees are expected to be flexible about working hours other than their regular schedule and are not entitled to overtime compensation. At the discretion of the Department Head, such employees may be granted exempt employee leave; or, in the case of Department Heads, at the discretion of the County Manager.

The County will make deductions from salary in accordance with FLSA standards for absences from work of one or more full days for personal reasons, sickness, or disability. For absences from work of less than one full day, the County will substitute the employee's regular salary pay with accrued paid leave as designated by the employee in an amount equal to the hours during which the employee was absent from work.

Safe Harbor Policy: It is the County's policy to comply with the salary basis requirements of the Fair Labor Standards Act (FLSA). Therefore, the County prohibits the making of improper deductions from the salaries of exempt employees that violate the FLSA. The County's Safe Harbor Policy is located in Appendix E. If you believe an improper deduction has been made to your salary, you should immediately report this information to your direct supervisor, Department Head, or Human Resources Director. Reports of improper deductions will be promptly investigated.

Section 5.3 HOURS OF WORK DETERMINED

The hours of work for all non-union employees shall be determined by the County Manager. The non-union workweek is from Sunday 7:00 am to Sunday 6:59 am.

Non-exempt employees shall receive overtime pay at a rate of time and one half for time worked in excess of forty hours in one week. Non-exempt employees may not work outside of their regularly scheduled working hours, or during unpaid meal periods, without the prior authorization of a supervisor. This includes volunteered work not requested but performed at the work site, or away from the premises. Employees shall record all hours worked on their timesheets. It is misconduct for an employee to fail to record all time worked and for a supervisor to discourage an employee from recording all time worked. Employees and/or supervisors shall notify the Human Resources Director of any violations of this rule, which may result in disciplinary action.

Employees regularly scheduled to work less than forty hours will be paid at their regular hourly rate of pay for all time worked up to forty hours in any one work week. Such employees authorized to work beyond forty hours shall be paid time and one half, for all hours worked in excess of forty hours.

Section 5.4 ALTERNATIVE WORK SCHEDULES

Alternative work schedules, including the compressed workweek, are consistent with Cumberland County's efforts toward work/life balance.

All non-union, non-exempt County employees may be considered for flextime/compressed workweek options; however, not all employees will be eligible based on departmental operations or functional needs. This policy applies to employees permitted to work a compressed work schedule.

This policy does not apply to requests for a reasonable accommodation under the American's with Disabilities Act (ADA). Employees requesting an alternative schedule as an ADA accommodation should contact the Human Resources Department.

A compressed workweek allows full-time employees to work longer days for part of the week in exchange for shorter days or a day off each week.

- A. Compressed workweek schedules must be set (not varying from pay period to pay period), and may be any of the following (the compressed schedules should include Monday as a day of work):
 - 1. Four ten-hour days each week and a day off each week.
 - 2. Four nine-hour days and one four-hour day each week (one afternoon or morning off each week).
- B. Compressed workweek schedules must meet the following requirements for consideration:
 - 1. All eligible employees must work a 40-hour week, which will include ½ hour paid lunch.
 - 2. Operational requirements must be met.
 - 3. Service to the customer must be maintained or improved.
 - 4. Costs to Cumberland County will not be increased.
 - 5. Each office or operation must be covered during normal business hours.
- C. Requirements for compressed workweek approval include:
 - 1. Employees must request a compressed workweek schedule in writing. The decision of the departmental Director is final.

2. Departmental Directors are encouraged to approve employees' requests for compressed workweek whenever it is possible to do so without compromising the organization's goals.
3. In positions where a compressed workweek schedule is permitted, all new requests from employees or any type of change in work schedule or work hours will be considered on the basis of the above requirements for consideration and the workload of Cumberland County.

An alternative work schedule is not a right conferred upon an employee. Any individual's alternative work schedule may be rescinded at the discretion of the departmental Director at any time with a minimum two weeks written notice provided to the individual employee, except in cases of emergency.

A. Approved compressed workweek schedules will meet the following standards;

1. Compressed workweek schedules will not diminish the ability of Cumberland County to assign responsibility and accountability to individual employees for the provision of services and performance of their duties.
2. When a paid holiday falls on an employee's regularly scheduled day off, 8 hours of holiday pay will be banked to be scheduled at a later date later with authorization of the employee's supervisor.
3. When a snow day falls on an employee's regularly scheduled workday, the employee will be paid the regular scheduled day hours. Those employees with pre-scheduled days off will use their personal accruals.

The County Manager or his designee will review exceptions on a case-by-case basis.

Section 5.5 PAYROLL

In the event that the County overcompensates an employee through employer error, pursuant to State law, the County may withhold up to ten [10%] percent of the net amount of the overcompensation during subsequent pay periods without the employee's written permission until the overcompensation error is corrected in full. If the employee voluntarily terminates employment before the total amount of overcompensation has been recovered, the County may deduct the full amount or remaining balance of overcompensation from final wages and benefits accrual pay-out. The County may deduct more than ten [10%] percent of net pay if:

1. The employee agrees in writing;
2. The employee voluntarily quits, or
3. The employee "knowingly accepts" the overcompensation.

"Net pay" means the amount of money due an employee as compensation after any deductions or withholdings other than an employer's withholding for the purpose of recovering any overcompensation.

Section 5.6 OVERTIME PAY

Overtime premium rate will be paid in accordance with the Fair Labor Standards Act provisions as applicable to various groups of County employees. In general, overtime will be paid at one and one-half times the base hourly rate of pay for all hours worked beyond forty (40) hours per week. For the purpose of this section, hours compensated for by paid leave time shall not be computed as hours actually worked in the computation of overtime hours. Hours compensated for by base holiday pay shall be computed as hours actually worked for overtime purposes. Overtime work must be pre-authorized by a Department Head.

Section 5.7 NON-UNION HOLIDAY PAY

For all non-union hourly/non-exempt employees who are required to work on the actual holiday, the employee shall receive 8 hours holiday pay in addition to straight time pay for hours worked on the actual holiday. Holidays shall be computed as time worked for purposes of overtime. Employees will not be allowed to bank their holiday.

Section 5.8 WORK OUTSIDE OF CLASSIFICATION

- A. **Short-term work:** For a period not to exceed six (6) months, employees may be assigned to perform work out of their job classification on a short-term basis by the Department Head or the County Manager. If such an assignment extends beyond ten (10) consecutive work days, the employee will be compensated for the work performed at the entry level rate of pay for the higher classification or four percent (4%) above the current pay step, whichever is higher, commencing with the fourth day. Non-productive time (i.e., sick leave, holidays, personal leave, bereavement leave, earned time and vacation leave) shall be paid during the short-term work assignment at the higher classification rate except termination pay upon termination of employment.
- B. **Acting Capacity of Department/Division Heads:** Employees who are appointed in an "acting capacity" by the County Manager during the period of the acting capacity shall be compensated at the lowest step of the higher classification or at least eight percent (8%) above the current base weekly rate except upon termination of employment and termination pay. Acting shall be defined as more than one (1) week.

Section 5.9 MERIT AND PAY INCREASES

Except for the six-month performance evaluation occurring during the probationary period, employees are eligible to receive a merit increase in connection with their annual performance evaluations commencing with the twelve-month evaluation. Whether a merit increase will be granted shall depend upon the accomplished written evaluation of an employee's job performance. Merit increase must be reviewed and approved by the County Manager. The merit program may be suspended based upon budgetary restrictions.

The Human Resources Office will be responsible for processing all salary/wage adjustments for County employees.

A Personnel Action Form will be completed by Human Resources for all salary/pay rate changes. The approved Personnel Action Form will be signed by the appropriate individuals and forward to the finance office for the payroll adjustment.

All across-the-board increases, including cost-of-living adjustments, will be effective on the first day of a pay week.

Pay rate changes such as merit increases, step increases, grade increases, etc. will be effective on the first day of a pay week. Those pay changes based on an anniversary date or seniority date which falls from the first day of a pay week through Wednesday of that week will be effective as of the first day of that pay week. Otherwise the pay rate change will be effective on the first day of the next pay week.

Section 5.10 PAY AT TIME OF TERMINATION

Upon termination of employment, employees are entitled to payment for authorized but unused leave, in accordance with County policy, less any deductions for debts outstanding to the County. The Finance Department Director will deduct and withhold from the final paycheck of an employee's pay any amount owed the County in payment for group insurance premiums, lawful deductions or unreturned equipment

ARTICLE VI. EMPLOYEE BENEFITS

Section 6.1 MainePERS

All full-time and part-time regular Cumberland County employees may, at their discretion, participate in MainePers. Employees who do not elect to participate in the defined plan will be required to sign a refusal form.

Employees who choose to join the System shall contribute a percentage of their wages, as determined by statute, the contribution being in the form of a deduction from each paycheck. Cumberland County shall, in turn, contribute at a level to be determined annually by the actuary for the MainePers.

Any participating employee terminating from Cumberland County may, at his/her discretion, withdraw his/her contributions by filing proper application to MainePers.

Section 6.2 SOCIAL SECURITY

In addition to MainePers, the County participates jointly with employees in the Social Security System. The rate of contributions for both the County and the employee will be determined by statute.

Section 6.3 DEFERRED COMPENSATION PROGRAM

Effective July 1, 2018, a County 401A/457 Plan is administered through the International City Manager's Association (ICMA). Current employees who are participating in a 457 Plan with providers other than ICMA may continue their contributions with those companies.

Employees who participate in the 401A/457 plan but chose not to participate in the defined plan of MainePers will have a County match up to eight (8%) maximum contribution of base pay.

Those employees who participate in MainePers may defer a dollar amount or percentage of total salary up to a maximum set by federal law towards the 457 Plan with no County match.

Employees will also have the opportunity to contribute to a ROTH IRA if they wish to do so.

Section 6.4 GROUP LIFE INSURANCE

Group Life Insurance is available to all elected, appointed or regular County employees, at the employee's option. Employees who do not elect to participate in the Group Life Plan will be required to sign a "Refusal of Insurance" form. Once the insurance is refused, an employee, at his/her option, may request to enroll the Group Life Plan, subject to filing an "Evidence of Insurability" form to the policy underwriting company.

Section 6.5 WORKERS' COMPENSATION

Cumberland County shall provide workers' compensation insurance for all full-time and part-time employees in accordance with Maine law.

An employee who sustains a personal illness or injury arising out of and in the course of his/her employment shall immediately report the injury to their supervisor. The employee will complete the "Employee's First Report of Injury" Form, and the Supervisor will complete the "Supervisors Report of Injury Form and submit both to Human Resources within 24 hours. The Supervisor and/or Human Resources will direct the employee to be evaluated by the County's Occupational Health Provider if necessary. Failure to file a report may result in lost benefits.

Human Resources will complete the First Report of Injury form and submit it to the MMA Office.

If necessary, based on the nature of the injury, an ergonomic assessment will be conducted by a representative of Cumberland County Human Resources or Safety Works Maine.

Section 6.6 GROUP HEALTH PROGRAM

The County provides health insurance to employees who work an average of at least thirty (30) hours a week and are regularly scheduled on a year-round basis.

New employees, are eligible to enroll effective the first of the month following their date of hire.

The County pays the single subscriber premium for all eligible employees. In addition to the single subscriber premium, the County pays ninety percent (90%) of the total premium towards the cost of single with dependent coverage and eighty percent (80%) of the total premium towards the cost of family coverage. This is subject to change based upon budgetary restrictions.

Coverage under the County's medical insurance is available to domestic partners of employees subject to the rules of the Maine Municipal Employees Health Trust and the continuation by the County in that program. The premium payment for domestic partner coverage will be the same percentage as the County pays for the family premium cost for medical insurance.

Eligible employees who choose not to participate in the County's health insurance or who elect to withdraw from the health insurance and can show proof of other current health insurance are entitled to receive a stipend in lieu of the insurance benefit. The amount of the stipend is set by the County Commissioners.

For a period not to exceed one (1) year, the County shall continue to pay the single subscriber premium for an employee collecting workers' compensation for an injury or occupational illness directly related to his/her employment with Cumberland County. The employee shall be responsible for paying the total additional premium for single with dependent, family, or domestic partner coverage.

Section 6.7 CONTINUATION OF HEALTH INSURANCE

Pursuant to a Federal law, commonly referred to as (COBRA), as may be amended from time to time, employees and their dependents who are covered under the County's group health plan can elect to continue medical coverage up to 18 months at their own cost if they lose coverage because of the termination of employment (other than for gross misconduct), change in status from full-time to part-time, or other qualifying life event. Employees and their qualified beneficiaries who no longer qualify for the County's group health insurance coverage shall be notified in writing from the Maine Municipal Employees Health Trust (MMEHT) of their health insurance continuation (COBRA) rights. The County reserves the right to charge up to two percent of premium administrative handling fee during the applicable COBRA coverage period.

COBRA establishes required periods of coverage for continuation of health benefits. COBRA beneficiaries generally are eligible for group coverage during a maximum period of 18 months for a qualifying event of employment termination or reduction of employment hours. Other qualifying events may entitle a spouse and dependent children to a total of 36 months of COBRA coverage.

COBRA Continuation Coverage		
Qualifying Event	Beneficiary	Coverage
Employee termination (other than by reason of "gross" misconduct) or reduced employment hours	Employee, Spouse, Dependent child	18 months
Employee enrolled in Medicare	Spouse / Dependent child	36 months
Divorce or legal separation	Spouse / Dependent child	36 months
Death of covered employee	Spouse / Dependent child	36 months
Loss of "Dependent child" status	Dependent child	36 months

Also, events that occur during a period of COBRA coverage may extend or reduce the coverage period. Coverage and benefits are all determined by Federal law.

The employee with family member coverage has the responsibility to inform the County within 30 days of a divorce, legal separation, or of a child losing dependent status.

COBRA coverage may be terminated for any of the following reasons:

- (1) Failure to pay any required premium;
- (2) Coverage under another group health plan;
- (3) Entitlement to Medicare;
- (4) Expiration of the 18 to 36-month period, as applicable;
- (5) The County no longer provides group health coverage for employees.

Section 6.8 UNEMPLOYMENT COMPENSATION

As required by law, Cumberland County provides Unemployment Insurance on a self-insured basis. All Cumberland County government employees are covered at such time when they may be without employment as defined by law.

Section 6.9 INCOME PROTECTION INSURANCE

This is an optional benefit that protects against loss for a non-occupationally incurred illness or injury. The premiums are employee paid. The County simply handles payroll deduction. This insurance is in addition to sick leave and protects income when an illness or injury occurs off the job.

Section 6.10 DENTAL INSURANCE

This is an optional benefit offered to employees who work an average of at least thirty (30) hours a week and are regularly scheduled on a year round basis.

The County shall fund fifty percent (50%) of the employee only rate and apply this amount to family and dependent coverage towards the cost of whatever level of dental insurance selected by the employee.

Coverage under the County's dental insurance is available to domestic partners of employees subject to the rules of the Maine Municipal Employees Health Trust and the continuation by the County in that program. The premium payment for domestic partner coverage will be the same percentage as the County pays for the family premium cost for dental insurance.

Section 6.11 VISION INSURANCE

Effective February 1, 2011, this is an optional benefit offered to non-union employees who work an average of at least thirty (30) hours a week and are regularly scheduled on a year round basis will be permitted to purchase vision insurance offered through the Maine Municipal Health Trust. The premiums are employee paid.

Section 6.12 EMPLOYEE ASSISTANCE PROGRAM

Cumberland County will provide its full-time and part-time employees with an Employee Assistance Program (EAP) and will fund this benefit one hundred (100%) percent. Employees and their families have 24-hour services through Work Force EAP. Your EAP provides experienced counselors to talk with in person or by phone confidentially when you have personal concerns and also includes online Work/Life services with articles, personalized child and elder care locators, videos, and other materials, financial and legal consultations, and a commitment to always being there when you have a question or need help.

Experienced Counselors are available 24 hours a day by calling the EAP toll-free number, 1.800.769.9819. You and your household members can call EAP any time, night or day, and speak with a counselor on the phone and we can help you access 1-3 in-person assessments, short-term counseling and/or referral sessions with a conveniently located licensed mental health professional at no cost to you. Clients call and come in to talk about a wide variety of concerns including couples/marital, family issues, workplace stress, anxiety, depression, substance abuse, grief, life transitions, and many other matters. These sessions are confidential. No problem is too small for EAP.

Section 6.13 FLEXIBLE BENEFIT PROGRAM

The County will provide a flexible benefit program and fund the administrative fee for premium conversion and reimbursement accounts. The cafeteria plan as set forth in Section 125 of the Internal Revenue Code is to allow full-time and benefit-eligible part-time employees the ability to select and pay for County offered health benefits through pre-tax (gross income) payroll deduction. Some of the qualified health benefits include health insurance, flexible spending accounts, dental insurance, and vision insurance. Employees may choose not to make such premium contributions on a pre-tax basis.

The County may offer to eligible employees a flexible spending account (FSA) through a provider selected by the County. A FSA allows employees to annually set aside through payroll deduction pre-tax dollars up to an established maximum amount to reimburse themselves for a variety of out-of-pocket medical and/or dependent care expenses throughout the year. Employees may use this money to pay for health expenses that are not covered as part of a medical insurance plan, such as co-pays and deductibles. Eligible expenses may include additional medical, dental, vision, prescription and dependent care costs. Money set aside in a FSA has to be used in the same calendar year. Remaining balances do not roll over to the next calendar year.

Section 6.14 EDUCATIONAL ASSISTANCE PROGRAM

This program is a benefit designed to attract and retain qualified persons for County service, to improve the quality of employee leadership and productivity, and to encourage employees to continue their education as a means of improving job skills and enhancing promotional opportunities.

Policy

- A. The administration of the Educational Assistance Program is assigned to the Human Resources Director, with final approval given by the County Manager.
- B. Each course must be approved prior to enrollment. To be approved, a course must directly relate to the employee's job responsibilities and the anticipated benefit to the County.
- C. Assistance is limited to a maximum dollar amount equivalent to the in-state tuition rate for three credit hours at the University of Southern Maine. Reimbursement will be made for tuition only. Reimbursement will not be made for laboratory fees, textbooks, supplies, transportation, parking stickers, registration, etc.
- D. Employees forfeit reimbursements if they fail to remain employed with the County for one year following reimbursed course(s). A sum pro-rated equivalent to the reimbursement will be deducted from the employee's final paycheck.
- E. Specific training and workshops related to an employee's position shall be provided through the department's training account rather than the Educational Assistance Program.
- F. If budgeted monies are not adequate to fund all applications, the County Manager shall establish priorities based on the needs of the County. Based on budgetary restrictions, the County Manager may suspend the reimbursement.

Procedure

- A. Eligibility
 - 1. Regular full-time employees (excluding temporary/seasonal) are eligible to participate in this program.
 - 2. If an employee is eligible for, or is receiving educational benefits under the G.I. Bill, scholarships, or

other forms of tuition assistance, any assistance paid by the County shall not exceed either two-thirds of tuition only or the difference between the amount paid under the G.I. Bill, scholarships, or other forms of tuition assistance and the total cost of the course(s).

3. Course work earning a grade of “B” or better is eligible for 100% reimbursement.
4. All course work must be administered by an accredited institution. Audited courses will not be approved.

B. Application Procedure

1. Applications must be submitted to the Human Resources Director prior to enrolling in the class.
2. The application will be reviewed and submitted to the County Manager for final approval.
3. The decision of the Human Resources Director and the County Manager is final and non-grievable and non-appealable.
4. A copy of the processed application will be returned to the employee. If approved, the employee will be authorized to take the listed course(s).

C. Reimbursement Procedure

1. Within 60 days of course completion, the employee will forward to the Human Resources Office proof of cost of the course, receipt or canceled check, and evidence of final grade from the educational institution.
2. Following review of documents submitted, the Human Resources Office shall forward a request for payment to the Finance Office.

Responsibility

- A. Every employee who participates in this program and receives tuition reimbursement is obligated to a one year employment commitment to the County following the completion of the last course. If the employee is terminated or leaves the County’s employment prior to the one-year obligation, that employee will be required to reimburse the County for the pro-rated tuition assistance provided. Reimbursement shall be made from the remaining salary due from accrued leave or work. If sufficient funds are not available for the deduction the employee shall pay the County directly.

Section 6.15 TRAVEL

Employees required to travel and/or use personal conveyances on official business for the County will be reimbursed for such expenses as food, lodging and transportation as may be incurred while on such official business of the County. Reimbursement for use of personal conveyance shall be set at such rate as may be set forth by County administrative regulations.

Section 6.16 PARKING

Parking for Cumberland County employees may be provided, as space is available. This benefit shall be provided to regular full-time and part-time employees.

Section 6.17 EMPLOYEE REFERRAL BONUS

The County of Cumberland has established Employee Referral Bonus Program to aide in the recruitment effort. This program only applies to non-management positions. Referrals will be accepted for both full-time and part-time positions. Any applicant who has a family member who works within the Sheriffs' office will not be entitled to participate in this program. Bonuses are for recruiting new employees not for rehires. Family members are not entitled to receive bonus for recruiting other family members for openings within their department. Due to a conflict of interest, employees who are part of the human resource application process will not be eligible to receive a bonus. The funds for bonuses will be charged to the advertising account of the department which has the position vacant.

A. Correction Officer Positions:

Due to the nature of this position, the total bonus paid to an employee is (\$1200.00). \$600.00 paid at the completion of training and \$600.00 paid at the 12 month anniversary date of the new hire.

B. All other positions:

A total bonus paid to an employee is (\$200.00). \$100.00 paid at the time of hire and \$100.00 paid at the completion of six months.

Procedure

The employment application personal data question #14 must be completed with the name of the County employee making the referral. The referral information must be included in question #14 at the time the application is received by Human Resources. Referral information cannot be added after the application is submitted to Human Resources. The Human Resources Director will verify when an applicant referred by an employee is hired and will issue the bonus checks as they are required. Names included under the "reference" section of the application only apply to question #14 and do not constitute a professional referral.

ARTICLE VII. RECLASSIFICATION

Section 7.1 RECLASSIFICATION REQUESTS OR PAY ADJUSTMENTS

A reclassification is the procedure of assigning or reassigning a non-union position to a classification and pay range because the assigned range is significantly different from a comparable position in the current labor market; negatively impacting recruitment; the retention of qualified employees; the relationship to other positions within the range; or when substantive changes are made in the responsibilities of a non-union position and the job description is amended.

When substantive changes are made in the responsibilities of a non-union position, a new job description, and a narrative describing the changes and justification for why a classification change should be approved must be completed by the Department Head and submitted to the Human Resources Director during the month of February. The proposed reclassification will be reviewed and evaluated in anticipation of the upcoming budget review process. Based on the information received from the Human Resource Director's review of the submitted request on the Reclassification Request Form, the County Manager will make the final decision regarding the request.

When a reclassification request to a higher pay grade is approved, the employee will be placed at the lowest step in the higher pay grade or receive a five percent (5%) increase, whichever is greater. The effective date of the approved reclassification and pay increase will begin the first pay period at the start of the new fiscal year in January. A July 1st implementation can occur if the following occurs: 1) is acceptable to the County Manager; and 2) if funds are available in the current budget to cover the increase. The annual performance review date for reclassified employees will be adjusted accordingly to coincide with the effective date of the reclassification.

Request Criteria

It shall be mandatory that the requesting Department Head provide the Human Resources Director a memo of the request accompanied by a redlined version of the job description showing the additional and/or deleted responsibilities. If a market rate adjustment is requested, the Department Head shall provide a minimum number of three comparisons from competing employers with similar job responsibilities. If no comparison data exists, the Department Head shall clearly justify the request, but ultimately the decision will be that of the County Manager with the recommendation of the HR Director. No request will be processed without the required submitted paperwork from the Department Head.

Procedure

- A. Upon upward reclassification of a position, an incumbent shall be placed in the new pay grade in the step closest to a minimum increase of five (5%) percent. If there are no steps, a five (5%) percent increase will be implemented.
- B. When an employee is demoted to a lower position, the incumbent shall be placed in the applicable pay scale and the rate of pay shall be reduced by a minimum of five (5%) percent. If, however, the rate of pay in the previous position minus the five (5%) percent is more than the maximum rate established for the new position, the employee will be paid at the highest rate of the new position.
- C. When the incumbent is redlined, the rate of pay will not be adjusted by COLA or Merit while the incumbent's rate is above grade. The exception is when the merit is a bonus. The bonus will be given because this does not adjust the base rate of pay.

D. All requests for reclassification will be submitted by the Department Head to the Human Resource Director by the end of February and will be reviewed by the Human Resource Director for the appropriateness of the request with a recommendation to the County Manager, who will make the final decision by the first of May.

ANNUAL REVIEW OF CLASSIFICATIONS

The County may review non-union salary classifications from time to time assuring that non-union positions with the County are appropriately placed on the County's Position Classification Plan. Depending upon the review of findings, a position's classification may move on the grade table.

ARTICLE VIII. REQUEST FOR TIME OFF

Section 8.1 POLICY

The use of all types of paid leave, including but not limited to earned time, vacation, holidays, and bereavement leave require the use of an electronic or paper Request for Time Off submission. The use of paid sick leave for a period longer than three (3) days also requires notification to the Human Resources Office. Requests for time off need to be made within the time limits established by the personnel policy or collective bargaining agreements. All time off requests will be responded to and signed by the employee's supervisor or Department Head. If the request is not approved, the reason for not approving the request will be given to the employee. An approved request for time off is contingent upon the existence of adequate accumulated leave time when the leave is to be taken.

In the case of sick leave for a period longer than one week and bereavement leave, if an employee is not at work to complete a Request for Time Off submission on a timely basis, the employee may telephone the appropriate supervisor who may complete the form for the employee.

Copies of any of the completed paper Request for Time Off submission will be sent to the payroll department, to the employee and a copy will be retained by the employee's department.

ARTICLE IX. LEAVE

Section 9.1 GENERAL POLICY

Leave is any authorized absence during regularly scheduled working hours that is approved by prior authority of a Department Head. Leave may be authorized with or without pay and shall be granted in accordance with these rules, on the basis of the work requirements of the department and, whenever possible, the personal wishes of the employee. Leave can be used in ½-hour increments provided that a minimum of 1 hour leave time is utilized for each period of leave.

The Cumberland County Personnel Policy and the current collective bargaining contracts provide for leaves of absence for various reasons. All such leaves require approval of the County Manager upon recommendations of the Department Head. Requests for leave of absence must be made by memo to the County Manager and submitted to the Human Resource Office as soon as the need for the leave is known.

Leaves of absence for illness or other disability must be processed in accordance with the federal or state Family Medical Leave Act (FMLA), Americans with Disabilities Act (ADA), or other state/federal law as may apply. No period of leave of absence, including paid and unpaid portions, may extend beyond one (1) year in total.

This policy does not supersede the terms of any leave provisions of current collective bargaining agreements or subsequently bargained revisions of them. If any provisions of this policy become contrary to any law, such invalidity will not affect the remaining valid provisions.

Section 9.2 HOLIDAY LEAVE

The following days shall be recognized and observed as paid holidays when falling on normal working days. (If they fall on Sunday, they will be observed on the following Monday; if they fall on Saturday, they will be observed on the preceding Friday): [Amended December 13, 2021]

New Year's Day	Patriots Day	Independence Day	Indigenous Peoples Day
Martin Luther King Memorial Day	Memorial Day	Labor Day	Veterans Day
Presidents Day	Juneteenth		Thanksgiving Day
			Day after Thanksgiving
			Christmas Day

An employee shall be eligible for holiday pay if he/she is on authorized earned time or an authorized leave of absence with pay.

To be eligible for holiday pay, the employee must have worked his/her last scheduled work day prior to the holiday and his/her first scheduled day after the holiday, unless the employee is excused by the Department Head or is absent for any reasonable purpose. Reasonable purpose shall include illness. The Department Head, however, may require a physician's certificate if an employee claims that the illness prevented the employee from working on his/her last scheduled work day prior to the holiday and/or his/her first scheduled work day after the holiday.

If a holiday is observed on an employee's scheduled day off the employee shall bank the holiday.

Additional legal holidays or deletion of a holiday, when designated by the President of the United States, the Governor of Maine, or the County Commissioners, shall also be recognized for County employees.

Section 9.3 EARNED TIME

Earned time leave is provided for the purpose of vacation, personal time, illness, medical and dental appointments, and emergencies. As long as employees remain in paid status they will accrue earned time.

Requests for leave are made to one's supervisor for each day used. The Director of Human Resources will be notified by the employee if the leave is due to an extended illness or injury which will cause the employee to be out of work for more than three (3) consecutive days. Any employee who fails to report to work, and whose supervisor has not been notified, may be considered absent without leave, receive no pay for the time absent and be subject to disciplinary action or termination.

Definitions

Planned earned time is time off which is requested by the employee. Request for this leave privilege must be in writing on a request for time off slip or electronically at least 24 hours in advance of the leave. Based upon operational needs, the supervisor may or may not approve the leave request.

Unplanned earned time is time off requested by the employee with less than 24 hour notice. Request for this leave privilege will be monitored to ensure there is no misuse. Request for time off slip or electronically will be completed by the supervisor. Based upon operational needs, the supervisor may or may not approve the leave request. Abuse of this leave may result in disciplinary action.

Earned Time Leave Accrual - Non-union, regular full-time employees of Cumberland County Government accrue leave with pay under the County's Earned Time Plan. Temporary, on-call and employees working less than 30 hours per week do not accrue Earned Time. Regular employees who are hired to work at least 30 hours but less than 40 hours per week accrue pro-rated Earned Time amounts. Part-time employees who were accruing time as of December 31, 2005, will continue to accrue on a prorated basis if their work schedule remains between 20 and 30 hours per week.

As of January 1, 2023, **all employees** will accrue Earned Time on an annual basis. Accruals will be awarded proportionally on a monthly basis based upon hours per week worked. Other schedules will be pro-rated as needed. Employees will be credited with Earned Time accumulation from the date of employment.

Earned Time Scale:

40 hour week	37.5 hour week
Years 1-5: 200 hours per year	187.5 hours per year
Years 6-20: 240 hours per year	225 hours per year
Years 21+: 280 hours per year	262.5 hours per year

Employees who were hired into management positions as defined by the Cumberland County Position Classification Plan prior to January 1, 2023, shall accrue Earned Time on an annual basis. Accruals will be awarded in total January 1 and combined with unused earned time from the previous year. Less than a 40 hour per week schedule will be prorated annually as needed. The calculation of advanced hours will include any increase to the employee accrual rate, which occurs during the year for which the calculation is made. Employees who separate before the end of a year for whom hours have been advanced will have hours prorated to the date of separation.

General

As of December 31 of each year, any amount of Earned Time over two (2) times an employee's annual accrual shall be forfeited.

The month in which employment begins or ends will be counted as a month of service if employment begins before the 16th or ends on or after the 15th days of the month.

Accrued Earned Time shall be paid to employees who separate from County service, or to beneficiaries or estates upon an employee's death. Payments will not be made prior to the employee's completing his/her last day of work, but will be paid within a reasonable amount of time from the last day worked.

Employees may choose to receive payment of accrued time up to a maximum of 80 hours annually. Payment will be made on the 1st Friday in June and on the 1st Friday in November. Request for payment must be in the finance office two (2) weeks prior to the payment date. The Director of Finance will develop procedures for making requests for cashing out of Earned Time.

Conversion of Previous Leave Time

On January 1, 2006, employees' vacation balances were rolled into their Earned Time accounts. Sick leave time no longer accrued, but the balance left on the books was available for use for absences through December 31, 2006.

Effective January 1, 2007 sick leave time remaining on the books was frozen and may be used only if an employee is out of work for a serious illness (as defined under Family Medical Leave Act) of the employee or immediate family. The Director of Human Resources may authorize the use of the frozen sick time to pay for that period of time. Once the historic sick leave is exhausted, Earned Time will be fully utilized.

Payment of Unused Earned Time and Sick Leave Bank Balance on Termination

Upon separation, County employees will be paid the unused portion of their Earned Time bank. Additionally, if the separation is in good standing, they will be paid their frozen sick leave bank balance to a maximum of 45 days.

Section 9.4 EARNED PAID LEAVE

Accrual of Earned Paid Leave: Effective January 1, 2021, in accordance with the Maine Earned Leave Time Law, employees are entitled to earn a minimum 1 hour of paid leave for every 40 hours worked, up to 40 hours in one year of employment. Accrual of leave begins at start of employment. Earned paid leave will be paid at the employee's regular rate of pay as established in the week immediately prior to taking Earned Paid Leave.

Use of Earned Paid Leave: Once employees have been employed for 120 calendar days, they may use accrued earned paid leave for any reason and can use in increments of 1 hour or more. Employees may carry over up to 40 hours from one defined year (based on the anniversary date of hire) to the next. Employees can use up to 40 hours in any defined year (based on the anniversary date of hire.)

Notice Requirement: Employees must provide at least 4 weeks' prior notice to their supervisor of their intent to use this earned paid leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible. Notice must be given as soon as practicable.

Leave Accrual upon Separation: Unused accrued leave (up to 40 hours) will be paid to the employee at time of separation.

Section 9.5 FAMILY MEDICAL LEAVE

- Consistent with the applicable state or federal Family Medical Leave law, employees may be eligible to take unpaid, job-protected leave of up to 12 weeks for specified family and medical reasons. Eligible employees may take up to 12 work weeks of leave during any 12-month period for qualifying family and medical reasons and up to 26 work weeks of leave during a single 12-month period for military caregiver leave. Requests for leave pursuant to this provision shall be made to the Human Resources Department and will be administered in accordance with the applicable law, as may be amended from time to time.
- An employee who has been employed for twelve (12) months and who has worked 1250 hours in the last twelve months may be entitled to up to a total of twelve (12) weeks of Family Medical Leave in any twelve (12) month period. The twelve (12) month period during which this entitlement may occur is a rolling twelve (12) month period measured backward from the date an employee uses any FMLA leave. The employee shall give at least thirty (30) days' notice of the intended date upon which Family Medical Leave will commence and terminate, unless prevented by exigent circumstances from giving that notice. Leave may be consecutive, intermittent, or on a reduced hourly schedule, as medically necessary. The employee shall provide medical certification of the need for the leave. FMLA leave is governed by the requirements of state and/or federal FMLA laws, as they may apply. If the requirements, benefits, definitions and/or scope of either the federal or state FMLA changes during the term of this Agreement, such changes are automatically incorporated into this Agreement.

Basic Leave Entitlement:

Federal FMLA provides up to twelve (12) weeks of unpaid, job-protected leave per 12-month period to eligible employees for the following reasons:

- The birth of a child or placement of a child with the employee for adoption or foster care, and to bond with the newborn or newly-placed child;
- To care for a spouse, son, daughter, or parent who has a serious health condition, including incapacity due to pregnancy and for prenatal medical care;
- For a serious health condition that makes the employee unable to perform the essential functions of the employee's job, including incapacity due to pregnancy and for prenatal medical care; or
- For any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a military member on covered active duty or call to covered active duty status.

An eligible employee may also take up to 26 work weeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness when the employee is the spouse, son, daughter, parent, or next of kin of the service member.

Maine's Family Medical Leave law provides up to ten (10) weeks of unpaid leave in a 2-year period to eligible employees for the reasons listed above as well as the following reasons:

- To care for the employee's domestic partner, domestic partner's child, or sibling with joint living or financial arrangements who has a serious health condition;
- For incapacity due to the employee's donation of an organ for transplant.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

Qualifying Reasons for Leave:

- Inpatient Care
- A period of incapacity of more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves two or more in-person visits to a health care provider for treatment within 30 days of the first day of incapacity; or at least one in-person visit to a health care provider for treatment within seven days of the first day of incapacity, which results in a regimen of continuing treatment with the health care provider.
- Substitution Provision - Paid Leave for Unpaid Leave:

The County requires the use of accrued paid benefit leave, including sick leave, vacation leave, and personal leave to the extent that it is available while the employee is on a Family Medical Leave or extended medical/disability leave of absence.

An employee on Family Medical Leave (FMLA) who remains in paid status as a result of income derived pursuant to a disability benefit / income protection plan (IPP) may elect to use accrued and available benefit time, but is not required to do so.

- Failure on the part of an employee to return to work on the expiration of the granted leave without having arranged for an extension, or absence from work without a written request for and approval of an extension of the leave, shall be deemed a resignation from service.
- For leaves of absence taken in accordance with this Article, the County will continue the employee's health insurance coverage, and the employee may use accrued sick, vacation, or personal leave during such leave. Employees are responsible for making payment of their portion of weekly benefits premiums and dues that may apply after accrued benefit time being used to pay for said premiums has been exhausted. Failure of the employee to keep current with weekly benefits premiums as applicable may result in termination of benefits/health insurance. Employees on an approved leave of absence shall inform the Finance Department as to how they wish to pay for their portion of benefits premiums.

Section 9.6 EXTENDED MEDICAL LEAVES OF ABSENCE WITHOUT PAY FOR ILLNESS OR INJURY

- 1.) Should an employee not be eligible for or have otherwise exhausted other available leave, such as FMLA, or require an extension of leave due to a disability or serious health condition, the employee may be eligible to take a leave of absence pursuant to this section where medically necessary. All leave requests will be reviewed pursuant to applicable state and federal law including but not limited to the Family Medical Leave Act and the Americans with Disabilities Act (the "ADA").
- 2.) When an employee is unable to work, and has been absent continuously from work for a period of twelve (12) weeks, or for periods of absence within a twelve (12) month period totaling the equivalent of twelve

(12) weeks, under FMLA, including any combination of paid or unpaid sick leave or approved leave of absence for medical reasons including FMLA, the employee's status is changed to "inactive." That change maintains the person's status as an employee while allowing the County to fill the position from which he or she is absent. Inactive employees may apply as internal applicants for future vacancies. During the "inactive" status current benefits may be maintained. The County will continue to pay its portion of the benefits premium as long as the inactive employee is in pay status. Once the inactive employee is no longer in pay status, benefits may be maintained at the employee's expense, with no County contribution.

- 3.) Pursuant to the Americans with Disabilities Act and other applicable Maine law, the County shall provide a reasonable accommodation for a qualified employee with a disability, unless such accommodation would cause an undue hardship on the County. In some instances, a reasonable accommodation may take the form of an extended unpaid leave of absence. The employee shall inform the County of the need for an accommodation as quickly as practicable upon becoming aware that a workplace barrier exists. If the need for an accommodation is not obvious, or the employee has not already provided sufficient information to substantiate his or her qualifying medical condition, the County may request documentation of the individual's medical condition. The County may request clarification concerning the nature of the medical condition and the employee's limitations in order to identify an appropriate reasonable accommodation. The County and the employee shall engage in an interactive process to determine an effective reasonable accommodation within as quick a timeframe as is practicable under the circumstances.
- 4.) Employees seeking an extended medical leave of absence should notify the Human Resources Department and County Manager. If leave is determined to be necessary, the initial period of disability leave will be processed as Family Medical Leave, twelve (12) weeks under the Federal law or ten (10) weeks under the Maine law, if the disability is a serious health condition as defined by the Family Medical Leave Act and the employee is otherwise eligible.
- 5.) Absent exigent circumstances, the employee shall submit written notification to the Human Resources Department and County Manager at least thirty (30) days prior to their anticipated departure stating the probable duration of the leave. If this is not feasible, then the employee shall provide as much advance notice as possible. The County Manager will review written requests for extended medical leaves and may require the employee to furnish written medical certification from an attending physician justifying the need for the leave and setting forth the anticipated duration, and any limiting conditions or restrictions under which work may be performed before and/or after the leave.
- 6.) Prior to an employee being allowed to return to work from an extended medical leave of absence the County may send an employee to a physician or occupational health provider of its choosing for a Fitness For Duty physical exam.
- 7.) Two weeks prior to the expiration of an approved leave, the employee may request a thirty (30) day extension, or an additional period of time, from the County Manager. The employee shall be required to furnish written medical certification for the need for the extended leave.
- 8.) Extended medical leaves of absence, including extensions and renewals, shall not exceed a total combined period in excess of twelve (12) months from the start of the leave, including FMLA. If the employee does not return to work, or is unable to return to work, at the end of the twelve (12) months of leave, the employee shall be terminated.
- 9.) Approved medical leaves of absence shall immediately be discontinued in the event an employee is

approved for disability retirement benefits.

- 10.) Failure on the part of the employee to return to work after the expiration of an approved leave is deemed an unauthorized absence from work and a voluntary resignation from County employment.
- 11.) Accrued sick, vacation and personal leave shall be paid out to an employee on an approved medical leave of absence.
- 12.) Should an employee's attendance or work performance be unsatisfactory due to a disability or serious health condition, the County may require the employee to take an unpaid medical leave of absence pursuant to this section.
- 13.) While out of work on an approved medical leave of absence, if an employee performs work for any other employer, or as a self-employed person, the leave will be immediately cancelled.

Section 9.7 EDUCATIONAL LEAVE

Employees covered by this Agreement may be granted a leave of absence with full pay for enrollment in a special institute or courses of study which will be beneficial to the employee and the Employer, with the approval of the Employer.

Section 9.8 LIGHT DUTY

Employees absent due to illness or disability may be assigned to a light duty assignment for which the employee is qualified and able to perform based on any medically documented work restrictions, provided such light duty work is available. Employees who refuse such assignment shall be denied sick leave pay. If the employee is absent and receiving Workers Compensation, assignment to light duty shall be in accordance with the provisions of the Maine Workers Compensation Act regulations.

In any event, light duty is considered to be a temporary assignment, generally not lasting more than two (2) months. Such duty may be extended when necessary. Employees shall not incur a reduction in their wage rate when assigned to light duty.

Section 9.9 MILITARY LEAVE

Military Leave and rights to re-employment after such leave are available to employees under the terms and conditions of applicable Federal and State law, as may be amended from time to time.

The County Manager will grant any eligible full-time or part-time employee military leave. Such military leave will be for employee attendance at any military training. Employees serving their weekend and or two-week training will not have their benefit time reduced.

Employment rights for employees reporting back to work are as follows: For those who have been on active duty from 1 to 30 days, the limit for reporting is the next regular scheduled work period after the employee had time to travel safely and an eight-hour rest period. For military service from 31 to 180 days, employees must notify the employer of their return no later than 14 days after being released from active duty. For military service of 181 days or more, employees must notify the employer of their return no later than 90 days after being released from active duty.

When, in instances of any such military training, the total pay received for such training shall equal or exceed that which would be earned by the employee in service to the County, such leave shall be without pay. When, in

instances of any such military training, the total pay received for such training shall be less than that which would be earned by the employee in service to the County; the County Manager shall grant compensatory pay to the amount of the employee's regular County salary, subject to approval by the County Commissioners. In such instances, the employee shall furnish the Human Resources Office with an official statement by the supervising military authority specifying rank, pay, and allowance.

Section 9.10 RESERVE MILITARY LEAVE

Reserve military service leave and rights to re-employment after such leave is available to employees who are members of the military reserve or National Guard under the terms and conditions of applicable Federal and State law as may be amended from time to time. For any period of reserve service up to two weeks in any calendar year, the County will compensate employees the difference between their gross regular weekly wages and their gross military pay. Employees utilizing reserve service leave must furnish the Finance Department with an official statement of reserve service pay received.

Employees who are reservists or National Guard members must provide a copy of their annual drill schedule to the Department Director as soon as it is published. Employees who may be requesting military leave should give advance notice and provide a copy of their orders as soon as they are received.

Section 9.11 WORKERS' COMPENSATION LEAVE

All accidents or injuries to County employees arising out of or during the course of employment, no matter how minor, or for an occupational disease, must be reported immediately upon the employee's knowledge of the injury or occupational disease to the Department Head and Human Resources Office. A written report shall be made on forms for that purpose, and immediately forwarded to the Human Resources Department. The Human Resources Department is required to file a "First Report of Injury" with the Maine Municipal Association and Workers' Comp Board within seven (7) days after knowledge or notice of injury resulting in lost time or loss of a day's pay.

A special case of medical leave is that of workers' compensation. Nothing in this policy is intended to conflict with or interfere with an employee's rights under the workers' compensation laws.

Once an employee who has been absent because of a work-related illness or injury is able to return to his or her regular position or to another position in Cumberland County Government for which the employee is qualified and which the County has vacant and intends to fill, the employee has the right to return to work. Fitness for duty medical certification may be required by the County before the employee returns to work.

The return to work by an inactive employee from workers' compensation will be considered a reinstatement to employment rather than a rehire. The seniority the employee had accumulated before the workers' compensation leave will be reinstated upon the employee's return to work. The employee will not have to serve an additional probationary period and will not have to take any screening tests which may be required of prospective new employees. The rate at which the returning employee accumulates vacation time, longevity pay, and preference for vacation scheduling, etc. will be based on his or her total time working for the County according to personnel policy or applicable collective bargaining agreements. The returning employee will be required to become updated on relevant existing policies and procedures as they may have changed during the period of absence.

Section 9.12 BEREAVEMENT LEAVE

The County Manager shall grant to a County employee a leave of absence without loss of regular pay for a period of up to five (5) working days for the death of that employee's spouse, child or stepchild, brother, sister, parent, stepparent or domestic partner. The employee must have filed an Affidavit of Domestic Partnership with the

County's Human Resource Department prior to the request for the leave. Affidavits are located in the Human Resource Department. Any such leave shall include the day of the funeral.

The County Manager shall grant to a County employee a leave of absence without loss of regular pay for a period of up to three (3) working days for the death of that employee's grandparent, grandchild, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, or daughter-in-law. Any such leave shall include the day of the funeral.

The County Manager shall grant to a County employee a leave of absence without loss of regular pay for a period of up to two (2) working days for the death of that employee's aunt or uncle. Any such leave shall include the day of the funeral.

The County Manager shall grant to a County employee a leave of absence without loss of regular pay for a period of up to one (1) working day for the death of any other person with whom that employee enjoyed a close personal relationship. Any such leave shall include the day of the funeral.

Section 9.13 COURT LEAVE

Jury Service

An employee shall be excused from work when required to respond to a summons for jury duty or to serve as a juror. The County will pay the employee the difference between their regular pay and juror's pay, pursuant to the following conditions:

- A. Employees continue to be paid their regular weekly wages during the time they are fulfilling their obligations as a juror;
- B. Employees provide the Human Resources Director with an official statement of their juror's pay as soon as possible.
- C. If such juror's pay is less than the employee's regular pay for the period served as juror, the employee submits the entire amount of the juror's pay to the County.
- D. If such juror's pay is equal to or greater than the employee's regular pay for the period served as juror, the employee refunds to the County that amount of the juror's pay, which is equal to the amount, paid to the employee by the County for the period served as juror.
- E. If an employee fails to turn applicable jury duty pay over to the County, the County may deduct such pay from the employee's paycheck.

Required attendance in Court

In the event the County requires an employee to attend a court proceeding, the employee shall suffer no loss in regular pay as a result of such attendance, and hours required to be spent at court at the County's request shall be considered "hours worked" for the County for purposes of overtime eligibility for non-exempt employees. Employees who are compensated by the County for attendance at court are required to turn over to the County any witness fees or other compensation received for such appearances.

Private Litigation

Any employee subpoenaed to appear in court as a witness in private litigation or as a party in private litigation unrelated to County employment will be given time off without pay for such attendance. Employees may use available vacation, personal or earned time.

Notice Requirement

Employees required to report for possible jury duty or as witnesses shall inform the Human Resources Director and respective Department Head as soon as possible of such notice to report and of any subsequent obligations. Employees shall return to work promptly to work the remainder of their regular shift after such jury or witness duties are completed.

Section 9.14 LEAVE OF ABSENCE

An employee of regular standing may be granted a leave of absence without pay by the County Manager upon recommendation of the respective Department Head.

Leave without pay shall not exceed one (1) year in length and shall be granted only when it appears feasible, because of the past record of the employee or because of the purpose for which the leave is requested, provided that the best interest of the County shall be served. During the leave of absence without pay, at the discretion of the County Manager, seniority may accrue and paid benefits may be continued.

Section 9.15 ADMINISTRATIVE LEAVE

The County Manager may excuse employees from duty for short periods of time with pay and without charge to leave. Examples would be extreme weather conditions, disaster and days of national mourning or celebration.

Employees who are on paid or unpaid leave will not be entitled to the administrative leave credit and will be charged with the appropriate leave time.

Section 9.16 ABSENCE WITHOUT LEAVE

Any absence of an employee from duty that is not authorized by a specific grant of leave shall be deemed to be absence without leave. Such absences shall be without pay and may be grounds for disciplinary action.

In the absence of such disciplinary action, any employee who absents themselves for three (3) consecutive days without leave shall be deemed to have resigned.

Section 9.17 COUNTY EMPLOYEES WHO SEEK COUNTY ELECTIVE OFFICE

County employees may seek or accept nomination to an elective county office, provided that such employees must take a leave of absence 14 days immediately preceding the general election for the office the employee is a candidate. Employees may use accrued vacation or earned time during such leave. The leave of absence requirement does not apply to incumbent County elected officials or when the general election is not contested.

Employees must comply with the Standards of Conduct contained here within Section 14.1 of the Non-Union Personnel Policy.. The Sheriff, Chief Deputy and all full-time and part-time deputies must comply with the provision of title 30-A M.R.S.A. 355.

ARTICLE X. DISCIPLINE

Section 10.1 PROCEDURE

The function of disciplinary action shall serve to correct an employee's attitude and/or performance, which have been inadequate that he/she may become a satisfactory employee. The employee's respective Department Head shall be responsible for providing appropriate disciplinary action. Disciplinary action for inadequate service shall be taken in situations including, but not limited to the following, when:

- A. An employee allows his/her work habits, production, or ability to handle the duties of his/her position to fall below an adequate level of competence;
- B. An employee acts in a manner which tends to lower the morale of other County employees;
- C. An employee has received an unsatisfactory evaluation;
- D. An employee acts in a manner deemed not in the best interest of the County;
- E. An employee exhibits gross insubordination, including deliberate disobedience of a proper and reasonable instruction from one's supervisor;
- F. An employee steals property from other employees or the County or destroys the personal property of other employees or that of the County;
- G. An employee is absent without leave;
- H. An employee knowingly gives false statements to his/her supervisor or the public, or when an employee knowingly falsifies public records;
- I. An employee reports to work under intoxication of alcohol or under the influence of drugs;
- J. An employee accepts gifts and/or gratuities for the performance of his/her regular duties;
- K. An employee exerts undue political influence or unethical pressure on any County employee in securing elected office, promotions, reclassification, leaves of absence, increased pay and/or other favors;
- L. An employee removes County property (e.g. vehicle, tools, machinery, etc.) without permission of the proper authority;
- M. An employee willfully violates any policy and procedures prescribed in this Personnel Policy.

Section 10.2 FITNESS FOR DUTY

Employees are expected to be physically and mentally fit to perform their jobs in a safe and efficient manner at all times. If an employee is not able to perform his/her job or he/she is taking any medication that might affect his/her ability to do his/her job, the employee must inform his/her supervisor immediately.

If a supervisor believes an employee is not fit to perform his/her duties, the employee may be relieved from duty and requested to undergo a medical examination to determine their fitness for duty. The exam will be performed by a physician of the County's choosing and will focus on the employee's actual duties as set forth in his/her job

description. This exam will be paid for by the County, and the employee will be compensated during the exam period. Any employee who refuses to cooperate with a determination of whether he or she is fit for duty may be subject to disciplinary action, up to and including termination. The County may also require an employee to undergo a “fitness for duty” exam with a physician of the County’s choosing upon his/her return from an approved leave of absence.

If an employee is not “fit for duty”, he/she may be eligible for benefits, including sick leave, family medical leave, intermittent family medical leave, workers’ compensation, group health care, employee assistance program, or other benefits as provided in this Personnel Policy. This policy will be interpreted and applied so as to conform to applicable law, including the Americans with Disabilities Act and the Family and Medical Leave Act.

Section 10.3 LICENSING, CERTIFICATIONS AND INSURANCE

Losing or failing to attain required licenses and certifications can effectively prevent employees from performing their job duties as required for their position and as identified in their job description.

Employees who need special licenses or certifications to meet their job requirements as set forth in the job description are required to (1) obtain the license or certification(s); (2) maintain them in good standing; (3) alert their Department Head, manager or supervisor immediately regarding any change in their license or certification status; and (4) notify their Department Head, manager or supervisor immediately if they lose (or may lose) their required license or certification, or if they become uninsurable. Loss of a required license or certification as set forth in the employee’s job description may result in demotion, reduction or loss of pay, or disciplinary action up to and including termination.

Section 10.4 ATTENDANCE, PUNCTUALITY AND ABSENTEEISM

Employees are expected to be reliable and punctual in reporting for work each day and to complete the full work day. Effective and efficient County operations and service delivery takes cooperation and commitment from all employees. Unnecessary absences and tardiness are disruptive and place an undue burden on fellow employees and supervisors who may have to perform the extra work, and adversely affects the County’s ability to provide necessary services to the public.

Excessive absenteeism, tardiness, leaving work early without authorization, and abuse of sick leave may result in progressive disciplinary action up to and including termination. Prior to any disciplinary action, supervisors will meet with employees to address attendance issues, inform the employee of the expectation of sustained improvement needed in their attendance at work, and then monitor for such improvement in attendance over the next several weeks or couple of months.

The County recognizes there are times when absences and tardiness cannot be avoided. However, this should be the exception and not the norm. In such instances, employees are expected to notify their supervisor as early as possible before the start of the work day. Unless otherwise approved by the Department Head or County Manager, time in excess of fifteen (15) minutes for which an hourly/non-exempt employee arrives late to or leaves early from work shall be deducted from the employees paid leave.

The County encourages employees to stay at home when sick, potentially contagious, emotionally distraught, or otherwise unable to perform their job duties for these or other legitimate reasons.

Prior to disciplinary action taken place, the Department Head should consult with the Human Resources Director.

Section 10.5 DISCIPLINARY PROCEDURE

The County uses progressive discipline where warranted, including oral counseling, written warnings, written reprimands, unpaid suspension days, demotion and termination of employment for cause.

Depending upon the attendant circumstances, such as the nature, severity and frequency of problems, and any previous discipline imposed, the County reserves the right to use non-progressive discipline and bypass progressive steps and proceed directly to greater discipline, suspension and termination.

Section 10.6 HEARING FOR SUSPENSION, DEMOTION OR TERMINATION

Depending upon the circumstances, an employee recommended for an unpaid suspension, demotion or termination by his or her Department Head may initially be placed on paid administrative leave. The Department Head will forward the recommendation to the Human Resources Director. The Human Resources Director will give notice to the employee of the recommendation and conduct a pre-determination hearing to provide the employee with an opportunity to be heard before any disciplinary decision is made to impose a demotion, unpaid suspension or termination of employment. After the hearing, the Human Resources Director will decide whether or not to demote, suspend or terminate employment. The Human Resources Director in conjunction with the respective Department Head will notify the employee of the decision. The Human Resources Director shall take action as the Department Head with respect to employees under his or her direct supervision, and such employees may appeal the action taken to the County Manager.

An employee may appeal the decision of the Human Resources Director in writing to the County Manager in accordance with Article XVI, Grievance Procedure.

Section 10.7 DISCHARGE

An employee may be discharged either because of unsatisfactory job performance or a violation of County regulations as outlined in this Article and only with prior approval of the County Manager.

The Department Head shall inform the employee, in writing, of the discharge and the reasons for the action. The discharge will be made only after every effort has been made by the Department Head to correct the situation, unless the violation of this Article is willful.

ARTICLE XI. DRUG-FREE WORKPLACE

Section 11.1 PURPOSE

The County of Cumberland advocates for all employees and members of the public to be able to work and conduct business in an environment free from alcohol and drug abuse. Accordingly, the County expects all employees to report to work and to perform their duties in a manner which does not jeopardize the health, safety and well-being of co-workers and the public.

The purpose of this policy is to assure the County's compliance with the Federal Drug-Free Workplace Act of 1988. All employees will be provided with a copy of this policy. Employees shall abide by this policy as a condition of employment.

Section 11.2 STATEMENT

The County of Cumberland certifies and assures that it will continue to provide and maintain a drug-free workplace by notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the workplace and specifying the actions that will be taken against employees for violation of such prohibitions.

The County of Cumberland shall provide an on-going drug-free awareness program to inform employees about the dangers of alcohol and/or drug abuse in the workplace; the County's policy of maintaining a drug-free workplace; identifying available drug and alcohol counseling, rehabilitation, and employee assistance programs; and the sanctions that may be imposed upon employees for drug and/or alcohol abuse violations in the workplace. For purposes of this policy, the workplace shall include all County of Cumberland buildings, land, property and vehicles.

No employee of the County of Cumberland shall distribute, dispense, possess, store, use or be under the influence of any alcoholic beverage, malt beverage, fortified wine, intoxicating liquor, illegal drugs, intoxicants, controlled substances, drugs requiring a prescription in which the employee does not have a prescription, or other substances of abuse during working hours, including rest breaks and meal periods.

County of Cumberland law enforcement and jail/corrections personnel shall not be in violation of this Drug-Free Workplace Policy by temporarily storing, or being in possession of, any illegal drugs, alcohol and other substances referenced above, which may be confiscated in the performance of their job duties, provided that such employee is authorized by law to perform such a duty.

The County of Cumberland abides by the Maine Medical Use of Marijuana Act, as may be amended from time to time, and will not discriminate against an employee or applicant solely on the basis of his or her status as a qualifying patient or primary caregiver. However, the County may refuse to employ any person who uses marijuana if doing so would cause the County to be in violation of federal law or to lose a federal contract or funding. Pursuant to the Maine Medical Use of Marijuana Act, the County prohibits the smoking and use of marijuana on all County property, unless otherwise expressly permitted by the Maine Medical Use of Marijuana Act.

Employees shall not possess, smoke, ingest or be under the influence of marijuana in the workplace, on or within any County property, or at any time during which the employee is working, expected to work, and/or on duty. The prohibitions in this paragraph apply to all marijuana usage, medicinal and recreational, whether or not lawful under Maine law.

Any employee who suspects that he or she may have an alcohol and/or drug dependence problem is strongly encouraged to contact the County's Human Resources Department at 207-775-6809 for information and referral to an Employee Assistance Program, and assistance in seeking treatment. The employee will be provided confidential referral services to an outside agency upon request, and assisted in determining the extent to which insurance coverage may help pay for such services. All voluntary referrals shall be kept confidential.

Any violation of this policy shall constitute just cause for employee discipline, up to and including termination of employment, immediate referral to the appropriate law enforcement agency and immediate suspension without pay pending the results of an investigation. Employees convicted for drug activity in the workplace will be immediately terminated from employment with the County of Cumberland for just cause.

Section 11.3 EMPLOYEE NOTIFICATION TO THE COUNTY OF CUMBERLAND

As provided in the Drug-Free Workplace Act of 1988, employees are required to notify the Human Resources Director of a criminal or civil conviction for a drug violation occurring in the workplace no later than five (5) calendar days after such conviction.

The County Manager, or his/her designee, within ten (10) calendar days of receiving actual notice of such conviction,

will provide written notification, including position title of any such convicted employee, to any Federal agency from which the County of Cumberland receives grant funds.

Within 30 days after receiving notice with respect to any employee who is so convicted, the County Manager, or his/her designee, will:

1. Take appropriate personnel action against such employee up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and/or,
2. Require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or Local health, law enforcement, substance abuse professional, or other appropriate agency.

Section 11.4 PROCEDURE

All employees will be given a copy of this policy.

All new employees will be given a copy of and training on this policy during their orientation period.

Any supervisor who is aware of an employee's violation of this policy must immediately inform the Human Resources Director. The Human Resources Director shall promptly meet with the employee to inform the employee of the steps to be taken under this policy, and as appropriate, to assist the employee in obtaining or seeking resources for Employee Assistance, treatment or rehabilitation.

ARTICLE XII. EMPLOYEE PERSONNEL RECORDS

Section 12.1 PERSONNEL RECORDS MAINTAINED

Employee's personnel records shall be kept in the Human Resources Office and/or the office of the department for which the employee works.

- A. The County Manager maintains final responsibility for human resources administration. The Human Resources Director, is responsible for keeping and maintaining the official employee personnel files.
- B. The following employee and former employee information is considered public information and is available for public verification without authorization from the employee: class, title, employment date, salary, any finding of uncontested discipline, letters of accommodation and/or recommendation and offer letter and/or application.
- C. Information contained in the personnel file includes the original application of employment; the results of all tests and examinations for employment; current status and title; commendations; record of disciplinary actions; training records; formal and informal evaluations and reports relating to the employee's character, credit and work habits; sick leave; vacation; and other records found pertinent to the employee's service.
- D. The Human Resources Director and/or his/her designee shall maintain the County's official personnel files. County departments that maintain separate supervisory files shall adhere to these same policies and procedures. Both central and department files shall be confidential and maintained in a locked, secure location.
- E. All material to be placed in an employee's file shall be made known to the employee and the employee's

Department Head. Employees have the right to review their individual personnel file. Employees have the right to prepare and submit rebuttal to any material in the file.

Section 12.2 PROCEDURE

- A. Employees may view their individual personnel files by scheduling an appointment with the Human Resources Director.
- B. Written requests for information shall comply with all requirements of State and Federal law.

ARTICLE XIII. EMPLOYEE CONFIDENTIALITY

Section 13.1 CONFIDENTIAL INFORMATION

During the course of employment, staff may have access to Confidential Information. Any Confidential Information, whether oral, written or electronic, should be maintained in a manner that ensures its confidentiality. The release of any such information may result in negative actions to the County.

Confidential Information must be treated with respect and care by any County employee who is authorized to have access to this information. Employees who are authorized to use or disclose Confidential Information also have the responsibility to safeguard access to such information. Employees who are authorized have the responsibility to limit access to those that are allowed by permission and/or by law. A breach is a violation of the Personnel Policy resulting in disciplinary actions up to termination.

Section 13.2 TYPES OF CONFIDENTIAL INFORMATION

Confidential Information is any communication, information, or reception of knowledge and includes facts, documents, data, or opinions that may consist of numerical, graphic or narrative forms-whether oral, printed, or electronic including in databases or on papers. Confidential Information includes but is not limited to employee records, inmate records, financial records, human resources/payroll records, legal documents, and research data. Alternatively, any other information not defined as “public information” by Maine State Statute.

ARTICLE XIV. EMPLOYEE CODE OF CONDUCT

Section 14.1 EMPLOYEE CODE OF CONDUCT

The County has established the following guidelines regarding employee behavior while at work in order to ensure the efficient operation of County business and services to its residents, as well as to create a safe and productive environment for all employees. The following list provides illustrative examples of the behavior and conduct expected of employees and is not intended to be all-inclusive. Departments may establish additional regulations to supplement this policy with regard to the conduct of its employees, which regulations shall be binding on the employees of that Department. In the case of a conflict between this policy and the departmental regulations, the more restrictive provision shall apply. In the event an employee is uncertain as to whether certain behavior or conduct is appropriate or in keeping with this policy, he or she should contact his or her supervisor or the Human Resources Director.

All employees are expected and required to:

1. Uphold the Constitution, laws and regulations of the United States and the State of Maine and the Charter, codes and regulations of Cumberland County.
2. Regard service to the public as the mission of all County employees, and always place service to the public above service to self.
3. Report for work at the time and place required, physically and mentally prepared, and properly dressed and equipped unless proper notification has been made.
4. Treat all co-workers and members of the public with respect, courtesy, concern and responsiveness, without dispensing special favors or privileges.
5. Never use or disclose information obtained as a result of employment with the County for personal gain for oneself or another, to place oneself or the recipient in a position of advantage, or to spread rumors and/or accusations about County employees and elected officials.
6. Devote on-duty time and energy to fulfilling the duties and responsibilities of the assignment by acting professionally in a non-hostile manner, regardless of provocation; avoiding intentionally profane, violent, or insulting language; and promptly and courteously returning phone calls, e-mails, or other inquiries from the public, supervisors, co-workers or others.
7. Resolve disagreements internally by working through the appropriate chain-of-command. Do not debate issues in public or through the media.
8. Demonstrate the highest standards of personal integrity, honesty and conduct in all activities in order to inspire public confidence and trust in County employees. Engage in no activity, either directly or indirectly, which is inconsistent with the conscientious performance of County duties.
9. Expose corruption, misuse of official authority or any action, which harms the public interest wherever and whenever, discovered.

Section 14.2 OFF-DUTY CONDUCT

Cumberland County respects its employees' right to privacy with regard to activities and conduct outside of the

workplace and regular working hours. The County does not prohibit employees from engaging in lawful activities while off-duty, nor discriminate against employees for the same. However, such lawful off-duty conduct shall be subject to other applicable provisions of this policy or other County regulations, including but not limited to the use of County equipment, computers or vehicles, the use of social media and other electronic communications and the County's workplace violence policy. Inappropriate behavior, workplace violence, misuse of County equipment, electronic communications or social media, or any other violation of the County's policies, although not unlawful, may be cause for discipline or termination.

Off-duty conduct of employees that is illegal may be cause for discipline or termination if the illegal off-duty conduct or consequences of the illegal off-duty conduct directly impact the employee's ability to meet the essential functions and other requirements of his or her job. Similarly, an employee's illegal off-duty conduct or consequences of the illegal off-duty conduct that directly impact working conditions, required licenses, normal business operations or the professional reputation of the organization may be cause for discipline or termination.

Section 14.3 POLITICAL ACTIVITY

While in the employ of the County, an employee shall not:

- A. Engage in political activity while on duty;
- B. Use the influence of his or her employment capacity for or against any candidate for any county, state, federal or local elective office; or;
- C. Use County facilities, equipment, materials or supplies to communicate, organize, assist or advocate for or against any candidate for any county, state, federal or local elective office, or for or against a political cause, regardless of whether he or she is on or off duty

For purposes of this Section 13.3 (B), political activity means to advocate expressly for or against any candidate for any county, state, federal or local elective office; to circulate nomination papers, petitions or campaign literature for any county, state, federal or local elective office; to advocate expressly for or against a political cause; and/or to knowingly give, solicit, accept or receive a political contribution for any candidate for any county, state, federal or local elective office or for a political cause on County time.

This provision is not to be construed to prevent County employees from carrying out the duties and responsibilities of an employee's position, including, but not limited to, advocacy on political issues or legislation; from becoming, or continuing to be, members of any political organization; from attending political organization meetings; from donating personal time, service or resources to a political cause or candidate for any county, state, federal or local elective office; from expressing their views on political matters; or from voting with complete freedom in any election.

Employees who are working directly or indirectly under a federal funding status must check with the Hatch Act Unit of the U.S. Office of Special Counsel as to the extent to which participation in state or federal political activity is allowed under Federal law.

Section 14.4 PERSONAL RECEIPT OF GIFTS

Employees are prohibited from soliciting or accepting any gift, gratuity, favor, installment, loan or any other item of monetary value from any person, within or outside the County government, when given or received under circumstances indicating the hope or expectation of receiving preferential treatment to that accorded the general public, or whose interests may be affected by the employee's performance or nonperformance of their official duties, or is intended as a reward for action on the part of the employee, thus creating the appearance of undue influence, indebtedness or expectation of future favors.

Items of nominal value, such as food and refreshments or unsolicited promotional materials such as pens, note pads, conference tote bags, etc., given or received within the ordinary course of business may be accepted by employees so long as the employee's acceptance of such items does not otherwise have any actual or perceived influence over the employee's performance of the duties or tasks required of his or her job.

Section 14.5 USE OF COUNTY RESOURCES

Employees shall use County vehicles, equipment, tools, supplies and other County property for County work and not to promote any financial or personal interest.

- A. County property may be issued to employees at the beginning of employment with Cumberland County as well as periodically during the course of employment.
- B. Property issued includes keys, parking permit cards, building security cards, uniforms, equipment, tools and a variety of other County property pertinent to various positions and departments of County government.
- C. Departments that issue property shall be responsible for the inventory maintenance of what has been issued and returned.
- D. Upon employment, each department shall be responsible for issuing property within their own department and shall maintain an inventory of what has been issued.
- E. The County Property Form must be signed upon receipt of property and submitted to the Human Resources Office for inclusion in their personnel file. The form may be found within the Administrative Regulations.
- F. Upon termination, the Human Resources Office shall verify with the appropriate department(s) all property is returned to the County prior to the issuance of the last paycheck. If property is not returned, appropriate payroll deduction shall be made. The Payroll Supervisor shall verify the status of property with the Human Resources Office prior to the release of the last paycheck.

Section 14.6 CONFLICTS OF INTEREST

In addition to adhering to general standards of conduct for an employee of any organization, a County employee is expected to treat everyone he/she serves with complete impartiality and is prohibited from using his/her official position for personal profit or the profit of his/her family.

No County employee authorized to make purchases shall have any interest directly or indirectly in any contract with the County.

No County employee shall sell goods and/or services to the County, unless approved by the County Manager.

Section 14.7 OUTSIDE WORK

A County employee may engage in outside employment if the employment does not interfere with the proper, safe and effective performance of the duties of the County position, and does not constitute a conflict of interest.

Section 14.8 FRAGRANCES, PERFUMES, COLOGNE, SCENTED PRODUCTS IN THE WORKPLACE

The use of scented products (i.e., perfume, after shave lotion, cologne, scented lotions, etc.) is a personal choice. However, the fragrance from these products may, at times, cause discomfort, sensitivity or allergic reactions to other employees or visitors to County offices and facilities. The County strives to maintain a workplace environment that is conducive to efficiency, productivity and free from unnecessary distractions. To maintain a comfortable work environment employees are asked to limit or refrain from the use of fragrances and scented products in the work area. Employees should be receptive to feedback and requests from others who may have adverse reactions, discomfort and sensitivities to fragrances and scented products being worn.

ARTICLE XV. WORK STANDARDS

Section 15.1 COUNTY OFFICE HOURS

County offices shall remain open continuously from 8:00 a.m. to 4:30 p.m. each working day. Department Heads are responsible for the work schedules of employees within their departments.

Section 15.2 MEAL PERIOD

A 30-minute paid meal period shall be taken during each working shift of 6 hours or more. The meal period hours shall be determined by the Department Heads in order to insure coverage within departments.

Section 15.3 PHYSICIAN'S CERTIFICATION

When an employee is absent for more than three (3) consecutive days due to illness or injury, the Department Head may request the attending physician's statement to certify the reason for absence. In addition, whenever abuse of earned time is suspected, the County Manager may require proof of illness or injury.

Section 15.4 PERSONAL VEHICLE

Any employee required to use their personal vehicle in the course of work, or to attend a conference or other authorized use shall submit a signed travel reimbursement form to the Department Head for audit and payment at a rate not to exceed the maximum non-taxed rate allowed by the Internal Revenue Service.

Section 15.5 TRAVEL TIME

The principles which apply in determining whether time spent in travel is compensable time depends upon the kind of travel involved.

Travel time away from home for approved, work-related purposes is work time when it occurs on regular working days during normal working hours, in addition to corresponding hours on non-working days as both a driver and passenger.

Time spent in travel away from home for approved, work-related purposes as a driver of a vehicle outside of regular working hours is counted as work time and is compensable.

Time spent in lectures, meetings or training programs may not be counted as time worked if such meeting or other program is attended voluntarily outside normal working hours, is not job-related and no other work is performed while in attendance. For example, certain dinners or reception functions at meetings or conferences may not be considered compensable time worked if all four of the above criteria are met.

Time spent in travel away from home for approved, work-related purposes outside of regular working hours as a passenger on/in an airplane, train, bus or automobile is not counted as work time and is not compensable.

Employees and supervisors with questions on how an employee should be compensated and/or reimbursed for out of town or overnight travel time for work-related purposes (both as a driver or passenger) should contact the Human Resources Director. The County abides by guidelines established by the US Dept. of Labor Wage and Hour Division.

Section 15.6 DISTRACTED DRIVING

Employees shall refrain from using cell phones and texting while driving a County vehicle. Employees should proceed to a safe location off the road and stop the vehicle before placing or accepting a call or text message. If acceptance of a call is absolutely necessary while the employee is driving, the employee shall use a hands-free option and advise the caller that they are unable to speak at that time and will return the call shortly when it is safe to do so.

Section 15.7 REST BREAKS

Employees are entitled to rest breaks during the workday as required by Maine law and as otherwise permitted by this policy. Rest breaks of fifteen (15) minutes maximum duration may be granted to employees during the first half of their work shift and one time during the last half of their work shift. All other breaks shall be at the discretion of the employee's direct supervisor or Department Head, and shall be scheduled such that break times do not interfere with employee productivity, staffing levels, or County operations. Rest breaks may not be granted during periods of emergency operations affecting the health, safety, and welfare of Cumberland County citizens.

Section 15.8 CHILDREN IN THE WORKPLACE

Employees shall not bring children into the workplace for any period of time beyond stopping to pick up or deliver information. Employees should utilize earned time when childcare arrangements create difficulties. This policy is necessary due to liability and safety issues as well as the confidential nature of some material and work in our offices. The exception are those days that celebrate taking your "son" or "daughter" to work day. Employees shall seek approval from their supervisor for those days.

Section 15.9 PETS IN THE WORKPLACE

Employees are not allowed to bring pets to the workplace. Service animals, as defined by the Maine Human Rights Act (5 M.R.S.A. §4553(9-E)) may be permitted to assist an employee with a disability as a reasonable accommodation, provided that the presence of the service animal does not create an undue hardship on the County or pose a direct threat to the health and safety of employees or the public. The employee must inform the County of the need to be accompanied by the service animal and should do so as quickly as practicable upon becoming aware that a workplace barrier exists. If the need for the accommodation of being accompanied by a service animal is not obvious or the employee has not already provided sufficient information to substantiate his or her qualifying medical condition, the County may request documentation of the individual's medical condition. The County may request clarification concerning the nature of the medical condition and the employee's limitations in order to identify an appropriate reasonable accommodation. The County and the employee shall engage in an interactive process to determine an effective reasonable accommodation, which may or may not include the use of a service animal, within as quick a timeframe as is practicable under the circumstances.

Section 15.10 DRESS CODE

The County has adopted a business casual dress policy for the comfort of its employees who work in an office environment, including but not limited to all County offices. It is important that a 'business casual' dress policy not be interpreted by employees as a 'casual' dress policy.

Appropriate business casual attire should allow employees to maintain a very high level of professionalism while conducting business in a more relaxed and flexible environment. If you have any questions about appropriate business

attire for any occasion, be sure to discuss the issue with your Supervisor. Please help ensure that this policy is maintained by strictly observing the approved guidelines for business casual dress.

Departments may establish additional regulations or accommodations to supplement this policy with regard to the conduct of its employees.

1. Clothing must be clean, neat and appropriate for the work site.
2. When representing the County at training or meetings, attire should be in conformance with the attire expected at the meeting as communicated by the host of the meeting or otherwise generally established by the industry or setting. At no time should an employee dress in attire that is inappropriate for a business gathering.
3. Attire issued by a County Department with the approved County logo shall be considered acceptable and appropriate for the work site.
4. Appropriate business casual attire does not include:
 - Clothing that is too tight, short or revealing
 - Clothing that is faded, frayed, worn or torn
 - Clothing that is not clean
 - Overalls
 - Non-collar casual tee shirts or tee shirts with non-county logos or slogans
 - Undershirts or tank tops
 - Sports attire including sweat shirts, sweat pants or warm up suits
 - Leggings/yoga pants not covered by a dress, long sweater, blouse, shirt, etc to at least mid thigh.
 - Halter-tops or strapless tops
 - Sneakers in generally poor condition
 - Casual or athletic sandals, flip flops of any kind
 - Shorts for men or women (except skorts or knee-length pantsuits for women)
 - Hats (except as required by religious custom or for medical reasons), sports headbands, or other unprofessional headwear. Exemption being hats with approved County logo and issued by Department.
 - This list is not inclusive. Inappropriate attire is subject to the determination of the employee's Department Head and/or supervisor, in accordance with the general guidance of this policy
5. Body art/tattoos and body piercing are a personal choice and are allowed. However, for roles in which face-to-face customer contact is required, supervisors have discretion to let employees know that based on customer interaction needs it may be necessary to remove facial or other body jewelry or cover up areas of body art when meeting with customers. Tattoos containing images or words that may be considered derogatory or offensive to others shall be covered at all times while in the workplace.

6. It shall be the responsibility of supervisors to enforce the business casual dress policy in their respective work areas or departments and to send employees who are dressed too casually or inappropriately home to change. Supervisors are also expected to enforce the provisions related to fragrances, body art and piercings in the work area. In the event a supervisor is unable to enforce or an employee is unwilling to cooperate with the provisions of this policy, the Human Resources Director shall be notified as soon as practicable and will be responsible to determine the appropriate course of action (discipline) in order to ensure compliance with this policy.

ARTICLE XVI. GRIEVANCE PROCEDURE

Section 16.1 EMPLOYEE RIGHTS AND OBLIGATIONS

It is the policy of the County to address employee complaints or grievances promptly. Full-time or part-time non-union employees of Cumberland County who have completed their six (6) – month probationary period shall have the right to file a grievance and have access to an appeal process regarding any personnel actions which he/she may deem unjustified or adverse in effect which are governed by this Personnel Policy. Affected employees shall bring matters of concern to the attention of their supervisor as soon as practicable so they may be addressed and dealt with as expediently as possible.

Section 16.2 DEFINITION OF A GRIEVANCE

A grievance, for purposes of this Personnel Policy, shall be defined as any dispute as to the meaning or application of the specific terms of this Policy.

“Days” shall mean calendar days, exclusive of Saturdays, Sundays, and legal holidays.

Section 16.3 INFORMAL COMPLAINT PROCEDURE

An aggrieved employee should make every effort to resolve their grievance or complaint through informal discussion with their immediate supervisor. The presentation and discussion of employee grievances and complaints shall take place during normal work time. If the grievance or complaint is not resolved after informal discussion with the immediate supervisor, the grievance shall be reduced to writing and appealed according to the following formal grievance procedure:

Section 16.4 FORMAL GRIEVANCE PROCEDURE

- A. Within five (5) days from the time the Supervisor rendered a decision, the employee may file a formal written grievance with the Department Head. The written grievance shall specify any and all provisions of the Personnel Policy which the aggrieved employee contends have been violated, and any proposed remedies to resolve the complaint. The Department Head will attempt to schedule a meeting with the employee within ten (10) days to hear the grievance, and render a written decision within ten (10) days after meeting with the employee, or, depending on the nature of the grievance, may refer the matter directly to the Human Resources Director.
- B. If the grievance remains unresolved after the written decision of the Department Head, the employee may appeal to the Human Resources Director within five (5) days of receipt of the Department Head’s decision. The Human Resources Director shall attempt to schedule a meeting with the employee to hear the grievance within ten (10) days, and render a written decision within ten (10) days after meeting with the employee.

- C. If the grievance remains unresolved after the employee receives the written decision of the Human Resources Director, the grievance may be appealed in writing to the County Manager within five (5) days from receipt of the Human Resources Director's written decision. The employee shall provide to the County Manager with the written decisions of the Department Head and/or Human Resources Director. The County Manager ~~may~~ shall attempt to schedule a meeting with the employee to hear the grievance within ten (10) days, and render a written decision within ten (10) days after meeting with the employee. The written decision of the County Manager shall be final and binding.
- D. This sequence shall not apply when the grievance concerns the conduct or decision of the Human Resources Director. The aggrieved employee may appeal directly to the next level.

Section 16.5 FAILURE TO COMPLY WITH TIME LIMITS

If a formal grievance is not appealed to the next higher level within the time limits so specified, the grievance shall be considered settled, unless the parties have mutually agreed in writing to waive the aforementioned time limits for extenuating circumstances.

ARTICLE XVII. LEGAL

Section 17.1 SEXUAL HARASSMENT

The County of Cumberland has an affirmative duty to afford employees a work environment free of sexual discrimination and intimidation of all types. Harassment on the basis of sex may be a violation of Title VII of the Civil Rights Act of 1964, as amended. Appendix C of this document outlines the County's Sexual Harassment Policy.

Section 17.2 DOMESTIC VIOLENCE IN THE WORKPLACE

It is County policy to support to the fullest extent possible employees who are victims of domestic violence. All Cumberland County employees including those covered by collective bargaining agreements must conduct themselves in a manner consistent with the spirit of this policy. Cumberland County will use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. Cumberland County addresses the needs of employees with domestic violence concerns that arise in the workplace whenever possible as part of our contribution to combating domestic violence as a societal issue. This process is outlined in Appendix B attached.

Section 17.3 ALCOHOL AND CONTROLLED SUBSTANCES TESTING

PURPOSE

The purpose of this policy is to protect our employees, passengers, and the public from the risks posed by the misuse of alcohol and use of prohibited drugs. This policy is also intended to comply with all applicable federal regulations contained in 49 CFR, Parts 40, 382 and 383 of the US Department of Transportation's Federal Motor Carrier Safety Regulations governing workplace antidrug and alcohol testing of safety-sensitive employees who are required to hold a Commercial Driver's License (CDL) and who may operate a commercial motor vehicle (CMV) for the County.

STATEMENT OF POLICY

The safety and well-being of our drivers, employees and the general public requires that our drivers perform their duties free from the effects of alcohol and/or drugs. A drug-free workplace is especially important to the transportation industry. A driver who uses or abuses alcohol and/or drugs is a hazard to our organization, the general public, other employees and him/herself.

In order to ensure safe transportation and provide for an efficient and drug-free workplace while complying with the Federal Motor Carrier Safety Regulations, the County of Cumberland has adopted this policy.

PROGRAM ADMINISTRATOR

The Cumberland County Human Resources Director has been designated as the Alcohol/Drug Testing Program Administrator. In this function, the Human Resources Director will be responsible to answer any questions from the drivers, administrators or the public in general.

The Program Administrator will handle information on all tests of covered drivers confidentially. The Program Administrator may provide such information as necessary to the supervisor to enable him/her to take proper disciplinary action as warranted. The Program Administrator may also release test information to Cumberland County's Substance Abuse Professional to use to evaluate and recommend appropriate follow-up.

DRIVERS SUBJECT TO TESTING

All drivers who must have a commercial driver's license to perform duties, which are considered as safety-sensitive will be subject to the alcohol and/or drug testing as outlined in this policy and required by Title 49 Code of Federal Regulations Parts 40, 382 ad 383.

DRIVER COMPLIANCE WITH REGULATION

All drivers subject to alcohol and drug testing must be in compliance with the regulations and this policy at all times while in a working status for Cumberland County. This will include all time spent driving a commercial vehicle as well as time spent performing safety-sensitive functions or just before or just after performing safety-sensitive functions.

Safety-sensitive function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer;
2. All time inspecting equipment as required by Part 392.7 and 392.8 of 49 C.F.R., and otherwise inspecting, servicing or conditioning any commercial motor vehicle at any time;
3. All time spent at the driving controls of a commercial motor vehicle in operation;
4. All time, other than driving time, in or upon any commercial motor vehicle except time resting in a sleeper berth (a berth conforming to the requirements of Part 393.76 of 49 C.F.R.);

5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded, remaining in readiness to operate the commercial motor vehicle or in giving or receiving receipts for shipments loaded or unloaded;
6. All time repairing, obtaining assistance or remaining in attendance upon a disabled commercial motor vehicle.

SUBSTANCES TESTED FOR

The following substances will be tested for to determine their presence:

1. Alcohol
2. Marijuana Metabolites
3. Cocaine Metabolites
4. Amphetamines (Amphetamine and Methamphetamine)
5. Phencyclidine (PCP)
6. Opiates (Morphine, Codeine, 6-Acetylmorphine, Hydromorphone, Hydrocodone, Oxycodone, Oxycodone)
7. MDA-Analogues (MDA and MDMA (Ecstasy))
8. 6-Monoacetylmorphine (Heroin)

PROHIBITED CONDUCT

During the time that drivers are performing safety-sensitive functions, they shall not:

1. Report to and/or remain on duty with an alcohol concentration of 0.04 or greater;
2. Possess any alcohol;
3. Use any alcohol;
4. Use any alcohol within four hours of going on duty;
5. Use any alcohol for eight hours after an accident, which will require the driver to be tested for alcohol or until tested;
6. Refuse to submit to a required alcohol and/or controlled substances test;
7. Report to or remain on duty when using any controlled substance, except when under a physician's orders **AND** the physician has informed the driver that the use will not affect the safe operations of a commercial vehicle;
8. Report to or remain on duty if he/she has tested positive for controlled substance.

TESTS REQUIRED

All drivers who are required to be tested for alcohol and/or controlled substance use or misuse will be tested under the following circumstances:

1. **Pre-employment or pre-use.** All applicants for jobs requiring a commercial driver's license and/or current employees transferring to a job which requires a commercial driver's license will be required to be tested for the use of controlled substances.
2. **Random.** All drivers are subject to random testing for alcohol and controlled substance at rates determined by the Federal Motor Carrier Safety Administrator. These random tests will be unannounced and will be spread throughout the calendar year. Except as provided in Paragraphs (c) through (e) of Part 382.305, the minimum alcohol testing shall be ten (10%) percent of the average number of driver positions. Except as provided in

Paragraphs (f) through (h) of Part 382.305, the minimum average percentage rate for random controlled substance testing shall be fifty (50%) percent of the average number of driver positions. If the County has entered into a consortium pool the ten (10%) and fifty (50%) percent levels will apply to the entire pool of drivers in the consortium.

3. **Post-accident.** Drivers will be alcohol and controlled substance tested in **all** accidents involving a fatality. The employee will also be post-accident tested if the accident is one where one or more vehicles were towed from the scene of the accident, or involves somebody being injured to the degree that the injury must be treated immediately away from the scene of the accident, or if the commercial vehicle driver receives a summons for a “moving traffic violation” as a result of the accident.
4. **Reasonable suspicion.** All drivers that exhibit signs and/or symptoms of alcohol and/or controlled substance use or misuse, which are observed by a trained supervisor while performing safety-sensitive functions or just before or just after performing safety-sensitive functions will be required to submit to an alcohol and/or controlled substance test.
5. **Return to duty.** A driver who previously tested positive for alcohol and/or controlled substance must submit to a return-to-duty alcohol and/or controlled substance test. The results of the test must be obtained by the motor carrier and be negative before the driver may be allowed to perform a safety-sensitive function.
6. **Follow-up.** A driver who previously tested positive and has returned to duty must submit to at least six (6) alcohol and/or controlled substance tests during the first 12 months after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work. Any follow-up tests will be at the direction of the Substance Abuse Professional (SAP).

TESTING PROCEDURE

Cumberland County has contracted with MMTA and Advanced Workplace Strategies, Inc. (AWSI) as our drug and alcohol program provider and Certified Third Party Administrator. The collection site will be chosen by the Program Administrator.

Once a driver has been directed to submit to an alcohol and/or controlled substance test, he/she will proceed immediately to the testing area directed by the Program Administrator named in this policy. Drivers must comply with the lawful requests of the technician doing the alcohol and/or controlled substance test.

The selected driver will be required to provide a urine specimen for controlled substance testing and/or a breath or saliva sample for analysis of alcohol concentration.

The driver will be required to provide photo identification prior to testing. Privacy will be ensured at the facility by means of voiding in a private enclosure. A split sample will be procured and both samples will be sent to the lab.

Proper chain of custody procedures will be followed to ensure that the specimen submitted is indeed the specimen that belongs to the selected driver. The specimen will be sealed to prevent tampering during transport to the laboratory. Federal certified laboratories will be utilized for testing (drugs) and two separate methodologies will be performed to verify all specimens as positive prior to controlled substances reporting to the medical review office (MRO).

The MRO is a licensed physician that reviews all test results prior to reporting to the County. Should the specimen test positive, the MRO will contact the driver to discuss the test findings and afford the driver an opportunity to discuss his/her test results and any factors that could have attributed to the positive test. Should the driver question

the test findings, the driver can request that the split sample be forwarded to another certified laboratory for re-analysis.

All test results are treated confidentially and no results will be released to outside parties without the drivers express consent or when required by law, rule or regulation or expressly authorized.

All testing for alcohol use or misuse will be conducted only by devices which have been approved by the National Highway Traffic Administration and conducted by trained Breath Alcohol Technicians (BATs) or trained Screening Test Technicians (STT).

REQUIREMENT THAT DRIVER MUST SUBMIT TO TESTS

All drivers who are required by Federal Motor Carrier Safety Regulations and this policy to be subjected to alcohol and/or controlled substances testing must fulfill that requirement when so directed by the Alcohol/Drug Testing Program Administrator or a trained supervisor. Failure to comply with the regulations or this policy will be grounds for disciplinary action up to and including dismissal.

REFUSAL TO TEST

No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under §382.303, a random alcohol or controlled substances test required under §382.305, a reasonable suspicion alcohol or controlled substances test required under §382.307, or a follow-up alcohol or controlled substances test required under §382.311. No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Refusal to submit (to an alcohol or controlled substances test) means that a driver:

- (1) Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the employer, consistent with applicable DOT agency regulations, after being directed to do so by the employer. This includes the failure of an employee to appear for a test when called by a C/TPA (see §40.61(a) of this title);
- (2) Fails to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences (see §40.63(c) of this title) for a pre-employment test is not deemed to have refused to test;
- (3) Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see §40.63(c) of this title) for a pre-employment test is not deemed to have refused to test;
- (4) In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of the driver's provision of a specimen (see §§40.67(l) and 40.69(g) of this title);
- (5) Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see §40.193(d)(2) of this title);
- (6) Fails or declines to take a second test the employer or collector has directed the driver to take;

- (7) Fails to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under §40.193(d) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment;
- (8) Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
- (9) Is reported by the MRO as having a verified adulterated or substituted test result.

DISCIPLINARY ACTION

Any driver who violates either the Federal Motor Carrier Safety Regulations or this policy may be subject to disciplinary action up to and including dismissal.

Any driver who has tested positive for either drugs or alcohol, has performed a prohibited act, or has refused to submit to a drug or alcohol test, will be removed from the safety-sensitive position immediately and directed to a substance abuse professional. The substance abuse professional will:

- Provide a comprehensive face-to-face assessment and clinical evaluation of the driver; and
- Recommend a course of education and/or treatment with which the employee must demonstrate successful compliance prior to returning to a DOT safety-sensitive function.

Drivers who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be taken out-of-duty for a minimum of 24 hours. It is the County's policy that such time out-of-duty will be without pay.

INFORMATION

Cumberland County will provide each driver subject to the Federal Motor Carrier Safety Regulations a copy of this policy. In addition, the county will provide printed material, which describes the effects of alcohol and/or controlled substance use or abuse on the individual's health, work and personal life, as well as the information on the signs and symptoms of an alcohol or controlled substances problem.

CERTAIN PERSONAL INFORMATION SHALL BE REPORTED TO THE CLEARINGHOUSE AS REQUIRED:

Drivers should be aware that the employer is required to collect, maintain, and report certain information to the Clearinghouse as required:

- A verified positive, adulterated, or substituted drug test result;
- An alcohol confirmation test with a concentration of 0.04 or higher;
- A refusal to submit to any test required by subpart C of this part;
- An employer's report of actual knowledge, as defined at §382.107;
- On duty alcohol use pursuant to §382.205;
- Pre-duty alcohol use pursuant to §382.207;
- Alcohol use following an accident pursuant to §382.209; and

- Controlled substance use pursuant to §382.213;
- A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;
- A negative return-to-duty test; and
- An employer's report of completion of follow-up testing.

Section 17.4 INFECTIOUS DISEASE POLICY

This is to establish the policy of the Cumberland County for managing infectious disease issues as they relate to employees and/or prospective employees, including but not limited to, the following diseases: HIV, Chickenpox, Coronavirus, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations.

POLICY

- A. It is the policy of the County to assure to the extent reasonably possible a safe and healthful work environment.
- B. It is the policy of the County to ensure full compliance with State, Federal, and Local requirements dealing with infectious diseases.
- C. County procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the Human Resources Department, Emergency Management Agency, or the employee's Department Head.
- D. It is the obligation of all County employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.

PROCEDURE

- A. The County will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform the essential functions of their job with or without reasonable accommodation. Employees with infectious diseases will be treated under existing policies, State, Federal, Local requirements, and collective bargaining agreements.
- B. Where allowed by law, the County retains the right to test employees for infectious diseases.
- C. The County must maintain confidentiality regarding any employee's health status, and does not have a duty to inform other individuals or organizations unless required by law.
- D. Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the County's Human Resources Director.

- E. Upon notification by an employee that an infectious disease diagnosis has been confirmed and is a threat to the public health, the Human Resources Director will:
 - 1. Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired;
 - 2. Assist in the identification of reasonable accommodations to be made, if any;
 - 3. Assist individual departments, if necessary, in complying with this policy.
- F. The County's Human Resources Office will provide to employees appropriate educational opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
- G. Individual departments have the right to develop protocols regarding infectious disease control provided that these protocols conform to this policy.

ARTICLE XVIII. SAVINGS CLAUSE

If any provision of this Policy shall be contrary to any local ordinance, state or federal law, or the County Charter, such invalidity shall not affect the validity of the remaining provisions.

Cumberland County Personnel Policy

Revision Date

Effective Date: January 1, 1998

Adopted Date: February 23, 1998

Amended Date: January 1, 1999

Amended Date: January 1, 2002

Amended Date: January 1, 2006

Amended Date: March 14, 2008

Amended Date: June 1, 2009

Amended Date: January 1, 2011

Amended Date: December 9, 2013

Amended Date: January 1, 2015

Amended Date: January 14, 2019

Amended Date: February 11, 2019

Amended Date: January 11, 2021

Amended Date: July 27, 2021

Amended Date: December 13, 2021

Amended Date: June 13, 2022

Amended Date: November 7, 2022

APPENDIX A

WORKPLACE VIOLENCE POLICY

The Cumberland County maintains a zero tolerance policy toward violence or the threat of violence by any of its employees, customers, vendors, the general public and/or anyone who conducts business with the County. The County strives to maintain a respectful work environment free from intimidation, threats, physical attacks, harassment, property crimes, or any other violent attacks. This includes, but is not limited to intimidating, threatening or hostile behaviors, physical abuse, vandalism, use of weapons, possessing weapons on the premises, or any other act, which in management's opinion, is inappropriate to the workplace. In addition, bizarre or offensive comments regarding violent events and/or behavior will not be tolerated.

The County has a general no weapons on the premises rule, which prohibits all weapons of any type, including loaded firearms, unloaded firearms, knives, explosives, ammunition, and other weapons, except as specifically authorized by Maine law.

Employees who feel subjected to any of the behaviors listed above should immediately report the incident to their supervisor or the Human Resources Office. Employees who observe or have knowledge of any violation of this policy should immediately report it to their supervisor. Complaints will receive immediate attention and will be investigated. Based upon the results of the inquiry, disciplinary action which management feels appropriate will be taken.

As with any effective safety and health program, there are five (5) main components to a program for preventing Workplace Violence:

- Management commitment
- Employee involvement
- Worksite analysis
- Hazard prevention and control
- Training

The objective of this policy is to achieve the following:

- Reduce the potential for violence in and around the workplace;
- Encourage and foster a work environment that is characterized by respect and healthy conflict resolution;
- Mitigate the negative consequences for employees who experience or encounter violence in their work lives.

All employees are responsible for:

- Refraining from acts of violence;
- Seeking assistance to resolve personal issues that may lead to acts of violence in the workplace; and
- Reporting to Managers and Supervisors any dangerous or threatening situations that occur in the workplace.

Employees are encouraged to report to their Managers/Supervisors situations that occur outside of the workplace, which may affect workplace safety, instances where protection orders have been issued.

Managers and Supervisors are responsible for assessing situations, making judgments on the appropriate response, and then responding to reports of or knowledge of violence and for initiating the investigation process.

The County Manager or the County Manager's designee is responsible for developing procedures that are designed to reasonably achieve:

- Prompt and appropriate responses to any act of violence;
- Accountability among employees for acts of violence committed in the workplace;
- Establishment of oversight of investigations of violence;
- Establishment of a Crisis Management Team to provide immediate response to serious incidents;
- Establishment of avenues of support for employees who experience violence;
- Communication of this policy and administrative procedures to employees, managers and supervisors.

When a violent act occurs:

- If the act or altercation constitutes an emergency, call 911. In instances that are not emergency situations, contact your immediate Manager or Supervisor. In the event that 911 is contacted, notify an immediate Manager or Supervisor.
- The Department Head will contact the Human Resources Director, who will take responsibility for coordinating response to the incident.
- In instances that involve emergency situations or criminal activity, the Human Resources Director will contact the County Manager and the Sheriff's Department. Incidents involving emergency situations and/or criminal activity will be referred to the local Police Department for assessment.
- In instances when it is not appropriate to refer an incident to the Sheriff's Department, the Human Resources Director will evaluate the situation and make a recommendation regarding the need for an investigation. If an internal investigation is recommended, the Human Resources Director will coordinate the investigation process.

The Cumberland County Human Resources Director shall maintain confidentiality of investigations of workplace violence to the extent possible. The County will act on the basis of anonymous complaints where it has a reasonable basis to believe there has been a violation of this policy and the safety and well-being of members of the County community would be served by such action.

Violation of this policy by an individual on County property, or by any individual involved in County business off of County property when his/her actions affect the public interest or the County's business interests will not be tolerated and will be followed by legal actions, as appropriate.

APPENDIX B

DOMESTIC VIOLENCE POLICY

I. PURPOSE

The County of Cumberland has a zero tolerance for domestic violence. It is County policy to support to the fullest extent possible employees who are victims of domestic violence. All Cumberland County employees including those covered by collective bargaining agreements must conduct themselves in a manner consistent with the spirit of this policy. Cumberland County will use early prevention strategies in order to avoid or minimize the occurrence and effects of domestic violence in the workplace. Cumberland County addresses the needs of employees with domestic violence concerns that arise in the workplace whenever possible as part of our contribution to combating domestic violence as a societal issue.

II. DEFINITION

Domestic violence is a pattern of coercive behavior that is used by a person against family or household members to gain power or control over the other party in the relationship. This behavior may include any of the following: physical violence, sexual abuse, emotional and psychological intimidation, verbal abuse and threats, stalking, isolation from friends and family, economic control, and destruction of personal property. Domestic violence occurs between people of all racial, economic, educational, and religious backgrounds. It occurs in heterosexual and same-sex relationships, between married and unmarried partners, between current and former partners, and between other family and household members.

III. REMEDY/RELIEF FROM DOMESTIC VIOLENCE

Cumberland County aims to maintain the well-being of all victims of domestic violence by:

1. Respecting the privacy of victims and preserving confidentiality;
2. Aiding the victim in receiving assistance and supportive services;
3. Helping the employee feel safer by developing workplace safety accommodations to prevent the accused from having access to the victim in the workplace to the extent possible;
4. Facilitating other referrals and securing appropriate local services such as emergency relocation into a shelter setting;
5. Allowing vacation, sick or personal leave to be used for the purposes of victim counseling, obtaining medical treatment, attending legal proceedings or carrying out other necessary activities;
6. Assisting employees to maintain a safe workplace; and
7. Taking into account during performance evaluations the impact of domestic violence on an employee's performance.

IV. SUPPORT AND REFERRALS

Cumberland County will provide available support and assistance to employees who are victims of domestic violence. This support may include confidential means for coming forward for help, resource and referral information, additional security at the workplace, work schedule adjustments or leave necessary to obtain medical, counseling or legal assistance, and workplace relocation. Other appropriate assistance will be provided based on individual need. In all responses to domestic violence, Cumberland County will, to the fullest extent possible, respect the confidentiality and autonomy of the adult victim.

V. CONFIDENTIALITY

Cumberland County Government recognizes and respects a victim's need for confidentiality and autonomy. To the extent permitted by law and unless the substance of the disclosure demands otherwise, the Cumberland County Government will maintain the victim's disclosure as confidential. Whenever possible, the employee will be given notice of necessary disclosures. Disclosure may be necessary if, in the opinion of the person to whom the initial disclosure is made, an abuser presents a threat to the safety of any person, the victim has expressed homicidal or suicidal intention, or there is reasonable cause to suspect abuse, neglect or exploitation of children or incapacitated or dependent adults.

VI. PERPETRATION OF DOMESTIC VIOLENCE IN THE WORKPLACE

Cumberland County Government is committed to providing a workplace in which the perpetration of domestic violence is neither tolerated nor excused. Any act of domestic violence, including, but not limited to, physical assault, violation of a protection from abuse order or threat made by an employee while on County premises, during working hours, or at a County-sponsored event, is a serious violation of our policy. This also includes use of workplace phones, faxes, e-mail, County vehicle or other means to commit acts of domestic violence. This policy applies not only to acts against other employees, but to acts against all other persons, including intimate partners. Employees found to have violated this policy will be subject to corrective or disciplinary actions, up to and including discharge.

An employee must immediately disclose to his or her Department Head, any order for protection from abuse or harassment, or any criminal charge or condition of bail or probation applicable to the employee that includes: 1) Conditions prohibiting or limiting contact with other Cumberland County employees; or 2) Conditions that may interfere with the employee's ability to perform job duties. **Note:** Any final protection order entered against an employee required to carry a firearm as a condition of employment is considered to interfere with that employee's ability to perform assigned duties of the position and the existence of the order must be reported immediately. Failure to disclose the above information will result in corrective or disciplinary action, up to and including discharge.

Any employee required a firearm as a condition of employment who is a named defendant in a final or permanent protection order, or who is otherwise prohibited by court order, bail condition, criminal conviction or protection order from carrying a firearm, will be subject to corrective or disciplinary action, up to and including discharge.

VII. RESOURCES

Employees who wish information or assistance are encouraged to reach out to any contact below:

Through These Doors, www.throughthesedoors.org, 1-800-537-6066, free, confidential Domestic Violence Resource Center.

Sexual Assault Response Services of Southern Maine, www.sarsonline.org, 1-800-871-7741, Services for survivors of sexual assault.

Pine Tree Legal Assistance, www.ptla.org, 207-774-8211, free civil aid legal services, including help with protection from abuse orders

Maine Behavioral Health, www.MaineBehavioralHealthcare.org, (207) 874-1030

A Different Choice, Certified Batterer Intervention Program (Windham, Portland), (207) 730-3641

Choices- The Men's Group, Certified Batterer Intervention Program (Brunswick), (207) 240-4846

APPENDIX C
SEXUAL HARASSMENT POLICY

It is the policy of Cumberland County that all of its employees should be able to enjoy a work environment free from all forms of discrimination and harassment, including sexual harassment.

Sexual harassment is a form of misconduct, which undermines the integrity of the employment relationship. Sexual harassment can be defined as the attempt to control, influence, or affect the career, salary, or job of an individual in exchange for sexual favors, or, the creation of an intimidating, hostile, or offensive working environment based on unsolicited and unwelcome sexual overtures or conduct either verbal or physical. Sexual harassment is illegal.

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

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

In addition, no one should imply nor threaten that an applicant's or employee's "cooperation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development, or any other condition of employment.

All supervisory personnel of Cumberland County are responsible for eliminating any and all forms of sexual harassment and intimidation of which they are aware. Failure to do so will be considered a failure to fulfill all the responsibilities of the supervisor's position.

Further, the County Commissioners request that all employees who have any questions regarding this policy, or who have experienced sexual harassment, contact their immediate supervisor or the Human Resource Office at 207-775-6809. Employees may also contact the Maine Human Rights Commission directly at State House Station 51, Augusta, ME 04333, Telephone 207-624-6050. There will be no retaliatory measures taken against any employee who makes a complaint of sexual harassment.

Any employee who is determined, after investigation, to have engaged in sexual harassment in violation of this policy will be subject to appropriate sanctions up to and including termination.

APPENDIX D

LACTATION BREAKS POLICY

In recognition of the well documented health advantages of breastfeeding for infants and mothers, and 26 M.R.S. §604 (“Nursing mothers in the workplace”) the County seeks to provide a supportive environment to enable breastfeeding employees to express their milk during work hours (as defined below) for their nursing child for up to three (3) years following child birth.

Organization Responsibilities

Breastfeeding employees who choose to continue providing their milk for their infants after returning to work shall receive:

- **Milk Expression Breaks:** Breastfeeding employees shall be allowed to express milk during work hours using their normal paid breaks and meal times. If this time is insufficient, the employee should discuss the situation with their supervisor and the supervisor may consider granting the employee flexible working arrangements. Additional unpaid breaks shall be provided each time the employee has the need to express breast milk. Employees may use earned paid time (vacation, personal, compensatory, sick) to cover the lactation breaks. There is no minimum or maximum limit on the number of breaks per day or the duration of the breaks.
- **A Place to Express Milk:** A clean room or other location (not a toilet stall or restroom) shall be available for employees to express milk. The room will be private and will have an electrical outlet. Human Resources will work with each nursing mother and their Department to determine a private and secure area where they may express milk. If employees prefer, they may also express milk in their own private offices, or in other comfortable locations agreed upon in consultation with the employee’s supervisor.

Employee Responsibilities

- **Communication with Supervisors:** Employees who wish to express milk during the work day shall keep supervisors informed of their needs so that appropriate accommodations can be made to satisfy the needs of both the employee and the County.
- **Maintenance of Lactation Rooms:** Employees shall be responsible for keeping the general lactation break rooms they use clean for the next user.

APPENDIX E

SAFE HARBOR POLICY

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees be paid at least the federal minimum wage for all hours worked and overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek. However, Section 13(a)(1) and Section 13(a)(17) of the FLSA provide exemptions from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional, outside sales and certain computer employees. These categories are for descriptive purposes only; job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. An exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked.

It is the County's policy to comply with the salary basis requirements of the FLSA in order to ensure that employees are properly compensated for all time worked. Therefore, we prohibit all supervisors or payroll personnel from making any improper deductions from the salaries of exempt employees in violation of the FLSA.

Employees classified as exempt will receive a salary that is intended to compensate the employee for all hours worked for the County. This salary will be established at the time of hire or when the employee otherwise becomes classified as an exempt employee and will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed by the employee.

Exempt employees will receive full salary for any workweek in which work is performed. However, exempt employees do not need to be paid for any workweek in which they perform no work and there are certain exceptions in which deductions from pay of otherwise exempt employees are permissible. Those exceptions include when an exempt employee is absent from work for one or more full days for personal reasons including vacation, sickness and disability in accordance with the County's applicable policies. Deductions may also be taken for: unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions; to offset amounts employees receive as jury or witness fees, or for military pay; during the first or last week of employment in the event an employee works less than a full workweek; and for any insurance premiums, taxes, social security, or voluntary contributions to retirement plans.

An exempt employee's salary will not be reduced for a partial day absence for personal reasons; however, the exempt employee will be required to use accrued vacation, sick or personal time equivalent to the amount of such partial day absence. In the event an exempt employee does not have accrued paid time off, the employee's salary may not be reduced for a partial day absence. It is the responsibility of employees to maintain and submit time cards that accurately account for all time worked. It is a violation of this policy for any employee to falsify a time card, alter another employee's time card or instruct another employee to inaccurately report hours worked.

If any employee believes that a violation of this policy has occurred or that an improper deduction has been made to his or her salary, that employee should immediately report this information to his or her direct supervisor, Department Head, or to the Human Resources Director. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made. The County will not tolerate any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the County's investigation of such reports. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

APPENDIX F

INCLEMENT WEATHER POLICY

I. PURPOSE

The County recognizes that weather may temporarily prevent the availability and operations of normal county services, as these situations can create difficult and dangerous travel and work conditions. The County places a high value on the safety of the employees. The County will strive to balance the safety of its employees with the continued delivery of essential services to the public in determining the application of this policy.

This Policy applies to all County employees, including but not limited to regular, temporary and contract employees, in addition to volunteers, students and interns.

The Policy runs separately from the State of Maine Court System.

II. DEFINITIONS

Essential Personnel - staff who are required to report to their designated work location, to ensure the operation of essential functions or departments when the County has suspended operations.

Inclement Weather - Severe or harsh environmental conditions that can include, but not limited to, snowstorms, ice storms, hurricanes, tornados or flooding.

Standard Business Hours - The standard business hours within County work locations are 8:00 a.m. to 4:30 p.m. Monday through Friday

III. INCLEMENT WEATHER

All employees shall make every reasonable effort, consistent with personal safety, to report to work unless instructed otherwise.

All employees will make a good faith effort to report to work on time. This includes, but is not limited to, allowing sufficient travel time and using alternate routes or alternate methods of transportation.

The County recognizes that some employees have greater distances to travel (i.e. home to work) than others and may live well outside of the City of Portland and Town of Windham. The County also recognizes that inclement weather can vary considerably from one region to another, and as such, employees can be impacted differently depending on where they live. Because weather conditions can vary significantly from the Portland to Windham areas, the County Manager or his/her designee may opt, in unique situations, to delay or cancel by campus.

In the event that a non-essential employee is unable to arrive at their workplace at their normal starting time as a result of inclement weather conditions, the non-essential employee must make every reasonable effort to call their supervisor within a half hour of their start time to advise that he/she is unable to report to work or will likely be late due to weather conditions.

In the event that a non-essential employee is unable to report to their workplace because of inclement weather, and County Government remains open, non-essential employees will be required to use Earn Time hours equivalent to those of their regularly scheduled work day, regardless of whether the County subsequently closes at some point during the day.

IV. COUNTY-WIDE CLOSURE

The decision to close county-wide workplaces due to inclement weather will be made by the County Manager or his/her designee.

In the event of inclement weather, the County Manager may make a decision to close all non-essential County workplaces or to operate at a reduced level. This decision needs to be inclusive, coming only from the County Manager or his/her designee; departments cannot unilaterally decide or send employees home early.

The County Manager's decision will be based on a variety of information sources, including, but not limited to: 1) Weather reports; 2) Accessibility of local roadways and parking lots; 3) Reports of road and highway conditions; 4) Closure of the State Court System.

Every effort will be taken to make a decision regarding closures and cancellations due to inclement weather and to communicate that decision before the start of the County's standard business hours. As this may not always be possible, in the event that there is inclement weather employees are advised to monitor local news and websites.

When a decision is made to close the County before the start of standard business hours due to inclement weather, employees will not be required to attend work that day unless their position has been pre-determined by their department to be an essential service.

Employees not required to be at their workplace on the date of a closure will be paid at their normal rate for the period of time that they were scheduled to work.

Employees who come to work during a closure will not be compensated beyond their normal rate of pay.

When a decision is made by the County Manager to close or cancel services during the workday, because of inclement weather, a statement will be released to employees indicating the reason for the closure and the time at which the closure will be in effect.

At the hour designated for closing, all non-essential employees in the workplace will be entitled to leave without loss of pay.

Non-essential employees who choose to remain at work following a closure announcement will not be compensated beyond their normal rate of pay.

V. COMMUNICATION OF COUNTY-WIDE CLOSURES

Communication regarding closures will be made as soon as possible following the decision of the County Manager.

County-wide closure and cancellation information for employees will be communicated via:

- Postings on local news channels/websites
- Text message through the County's Regional Communication Center
- Employees need to sign up through Communications Center and provide their cell phone #, cell carrier and email address.
- Countywide employee email

VI. ESSENTIAL SERVICES

Each department is responsible for specifying, in advance, which positions are “essential” in the event of a closure due to inclement weather and clarify internal procedures.

Employees must have an understanding of their status as “essential” in advance of an inclement weather event.

When an employee who has been deemed “essential” fails to show up for work as expected during an inclement weather event, the employee may be subject to disciplinary action.

Positions predetermined by their department to be “essential”, and who work during an inclement weather event will not be compensated beyond their normal rate.

VII. EMPLOYEES NOT SCHEDULED TO BE IN THE WORKPLACE DURING A CLOSURE

Closures and cancellations are made to County workplaces and services during an inclement weather event to protect the safety of employees and community members who otherwise are expected to travel to County offices.

Employees who had a leave pre-approved, and as such were not scheduled to report to their workplace on a day where a closure or cancellation occurred, will not have their leave day reinstated or be compensated as a result of the closure or cancellation. This includes, but is not limited to, leaves such as:

- Earned Time Leave

Employees whose scheduled time off falls on a day that their work location is closed due to inclement weather (whether for the full day or partial day); will not be compensated as a result of the closure.

APPENDIX G
SOCIAL MEDIA USE POLICY

Effective Date: August 14, 2017

I. PURPOSE

To address the fast-changing landscape of the Internet and the way the general public communicates and obtains information online, Cumberland County Government (“the County”) departments may consider using social media tools to reach a broader audience. The County encourages the use of social media to further the goals of the County and the missions of it’s departments, where appropriate.

I. POLICY

1. The County’s website (*www.cumberlandcounty.org*) will remain the County’s primary and predominant internet presence.
 - (a) The best, most appropriate County uses of social media tools fall generally into two categories:
 - (i) As channels for disseminating time-sensitive information as quickly as possible (for example, emergency information).
 - (ii) As marketing/promotional channels that increase the County’s ability to broadcast its messages to the widest possible audience.
 - (b) Wherever possible, content posted to the County’s social media accounts will also be available on the County’s main website.
 - (c) Wherever possible, content posted to the County social media accounts should contain links directing users back to the County’s official website for in-depth information, forms, documents or online services necessary to conduct business with the County.
2. No County employee, elected official, appointed official, contractor, department, board or committee may establish any social media identity, account, profile, page, or site (collectively, “social media account(s)”) in the name of or on behalf of the County or any County department unless the County Manager or his/her designee, the IT Director and the Department Head, and, as appropriate, the Public Information Officer, have all approved the account. This requirement applies regardless of whether the account is established, accessed, or used by means of the County information systems or by means of the employee’s or others’ information systems, and regardless of whether the account is established, accessed, or used from the County or non-County premises.
3. Following approval under Section 2 above, Department Heads or their designee will be responsible for the content and upkeep of any social media accounts their department may create.
4. All County social media accounts shall comply with all appropriate County policies and standards, including, but not limited to, the County’s Personnel Policy and the Acceptable Use Agreement.
5. The County social media accounts are subject to Maine’s public records disclosure law, the Freedom of Access Act (“Right-to-Know” law). Any content maintained in a social media format that is related to the

County business is a public record. The department maintaining the account is responsible for responding completely and accurately to any public records request for public records on social media, with assistance, if necessary, from the County's Public Information Officer. Content related to County business shall be maintained in an accessible format and so that it can be produced in response to a request. Wherever possible, such accounts shall clearly indicate that any articles and any other content posted or submitted for posting are subject to public disclosure. Users shall be notified that public disclosure requests must be directed to the relevant Department Head.

6. Maine law and relevant record retention schedules apply to social media formats and social media content. The department maintaining an account shall preserve records required to be maintained pursuant to a relevant records retention schedule for the required retention period on a County server in a format that preserves the integrity of the original record and is easily accessible.
7. Users and visitors to social media accounts shall be notified that the intended purpose of the account is to serve as a mechanism for communication between County employees and members of the public relating to the transaction of County business. The County social media account articles and comments containing any of the following forms of content shall not be allowed:
 - (a) Comments not topically related to the particular social medium article being commented upon;
 - (b) Profane language or content;
 - (c) Content that promotes, fosters or perpetuates discrimination on the basis of race, creed, color, age, religion, gender, marital status, national origin, physical or mental disability, sexual orientation or any other status protected by law;
 - (d) Sexual content or links to sexual content;
 - (e) Solicitations of commerce;
 - (f) Conduct or encouragement of illegal activity;
 - (g) Information that may tend to compromise the safety or security of the public or public systems;
or
 - (h) Content that violates a legal ownership interest of any other party;
 - (i) Political endorsements or commentary.

These guidelines must be displayed to users or made available by hyperlink. Any content removed based on these guidelines must be retained, including the time, date and identity of the poster when available. Violators will be notified of violation and may be removed from any administrative rights to social media accounts without notice. Violators may also be subject to disciplinary actions from the HR Department.

8. Administration of County social media accounts.
 - (a) IT Director and Public Information Officer will maintain a list of social media tools that are approved for use by County departments and staff.
 - (b) Public Information Officer will maintain a list of all County social media accounts. Department Heads must submit to the IT Director and Public Information Officer a list of all social media accounts maintained by the department, including the following information: (1) the name,

hosting site and Internet address and date of inception for the account, and a statement of the purpose and scope of the department's use of the account; (2) all user names, passwords, and other log-in credentials for the account; (3) all authorized social media users for the department that have access to and/or responsibility for the account; and (4) the administrative contacts and contact information for the account. The Department Head must promptly notify the IT Director and Public Information Officer of any changes in any of the foregoing, and of any new department social media accounts or pages and any termination of accounts or pages.

- (c) Social media accounts will be created to keep personal accounts separated. Accounts will follow the County standard:
 - User first name
 - Cumberland last name
 - The County email address
 - Password will be the word County and the start date (Month/day) and must contain at least one symbol and one capital letter.
 - (d) Administrative rights will be given upon creation of County account to the PIO and IT Director's social media accounts. Notification must be given by Department Head to the Public Information Officer and IT Director upon employee's termination.
 - (e) All social media account login information will be maintained in a Google document shared by the County Manager, IT Director, Department Head and Public Information Officer, as well as the users of the social media accounts.
 - (f) Department Heads, or their designee, shall ensure that all department-approved social media accounts and social media content are periodically reviewed for compliance with this policy. Department Heads are responsible for all social media content created, received, transmitted, stored, deleted, destroyed, and/or printed in the name of or on behalf of the County or the department.
 - (g) The County must be able to immediately edit or remove content from social media accounts.
 - (h) The County Manager, IT Director, Department Heads and Public Information Officer may monitor content on each of the social media accounts to ensure adherence to this Social Media Policy for appropriate use, message and branding consistent with the goals of The County.
 - (i) Violation of these standards may result in the removal of pages from social media outlets. The IT Director and Public Information Officer retain the authority to remove information.
9. The County reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable law. Removed content will be stored in a Google document and shared with the employees with administrative rights to the social media platform, the Department Head, Public Information Officer and IT Director. In the event of a FOAA request, the required contents of the page will be provided via the social media site's download archive function.
10. The County will approach the use of social media tools as consistently as possible, enterprise-wide.

APPENDIX H

DIVERSITY, EQUITY AND INCLUSION POLICY

Effective Date: December 13, 2021

County leadership is committed to fostering and preserving a culture of diversity, equity and inclusion for the employees of Cumberland County government.

Our employees are one of our most valuable assets. The individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talents invested in the work of our employees represents a significant part of our culture, reputation, achievements, and services.

To recognize and protect this strength, we embrace and encourage our employees' differences in age, color, ability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other unique characteristics.

Cumberland County government's diversity initiatives are applicable - but not limited to – practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions and transfers; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

- Respectful communication and cooperation between all employees;
- Teamwork and employee participation, permitting the representation of all groups and employee perspectives;
- Work/life balance that seeks to accommodate both the employees' and the County's varying needs;
- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for diversity.

All employees of Cumberland County government have a responsibility to treat others with dignity and respect at all times. Employees shall exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other County-sponsored and participative events. All employees shall participate in diversity awareness and implicit bias training to enhance their knowledge to fulfill this responsibility.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action.

Employees who believe they have been subjected to any kind of discrimination conflicting with the County's diversity policy and initiatives should seek assistance from a supervisor or the Human Resources Director.