

# County of Hancock

## Personnel Policies



With amendments through September 7, 2022

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(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

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(Adopted 12/06/11)

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(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

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(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **GENERAL POLICIES**

### **I. INTRODUCTION**

These policies describe the current terms and conditions of employment for employees in Hancock County government. Like other employers in both the private and public sectors, Hancock County government may from time to time experience changes in operational needs, changes in fiscal or personnel resources, new legal obligations or other circumstances that require modification of some or all of these policies. Modification may supersede or change these policies, in whole or in part.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **II. NON-DISCRIMINATION**

Hancock County is an equal opportunity employer. Hancock County does not discriminate in any phase of employment on the basis of race, color, religion, national origin, sex, age or disability and is committed to complying with all applicable state and federal laws prohibiting discrimination. Hancock County is committed to hiring and conducting all phases of employment on the basis of merit, ability and qualifications.

Reference in this and all County policies to the male gender means both male and female genders.

### **III. DRUG FREE WORKPLACE POLICY**

#### **PURPOSE AND GOAL**

**The County of Hancock** is committed to protecting the safety, health and well-being of all employees and other individuals in our workplace. Alcohol abuse and drug use pose a significant threat to our goals and we have established a drug-free workplace policy that balances our respect and concern for individuals with the need to maintain an alcohol and drug-free environment.

The County of Hancock encourages employees to voluntarily seek help with drug and alcohol problems.

#### **APPLICABILITY**

Our drug-free workplace policy applies whenever anyone is representing or conducting business for the County of Hancock. Therefore, this policy applies to all personnel- elected, appointed, exempt, and non-exempt- during all working hours, whenever conducting business or representing the County of Hancock; while on call, paid standby, while on County of Hancock property and at County of Hancock-sponsored events.

#### **It is a violation of our drug-free workplace policy to:**

- Use, possess, sell, trade, and/or offer for sale alcohol, recreational marijuana, illegal drugs or intoxicants while at work or representing the County of Hancock
- Use possess, sell, trade, and/or offer for sale medical marijuana while at work or representing the County of Hancock
- Use unauthorized prescription medications while at work or representing the County of Hancock (unauthorized means not prescribed to you by a medical doctor)
- To intentionally misuse and/or abuse prescription medications while at work or representing the County of Hancock
- Operate or be in control of any County of Hancock-owned motor vehicle while under the influence of any substance of use that can cause impairment, including but not limited to prescription medications and medical marijuana.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription.

- Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to determine whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

employee's responsibility to use appropriate personnel procedures (e.g. call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

- While Maine law expressly prohibits employees from being discriminated against for lawfully engaging in conduct involving the medical use of marijuana, the law does not require the accommodation of an employee's ingestion of medical marijuana in the workplace or the permission of an employee to work while under the influence of medical marijuana. As with prescription medications, it is the employee's responsibility to use appropriate personnel procedures if he/she is not able to perform his/her job safely.

### **Consequences of violating policy:**

The County of Hancock encourages employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

- Employees: if he or she violates the policy, the employee will be subject to progressive disciplinary action and may be required to enter rehabilitation and/or a treatment program. An employee required to enter rehabilitation that fails to complete the program successfully and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

If an employee is found to be impaired by any substance while on duty, it will be considered a safety infraction. This may result in disciplinary action, up to and including termination.

The County of Hancock recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation / treatment. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they may have a drug and/or alcohol problem,
- Allows the use of accrued paid leave while seeking treatment for alcohol and other drug problems,
- Treatment for alcoholism and/or other drug use disorders may be covered by employee benefits. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

### **CONFIDENTIALITY**

All information received by the County of Hancock through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **SHARED RESPONSIBILITY**

A safe and productive drug-free workplace is achieved through cooperation and shared responsibility. Both employees and management have important roles to play. All employees are required to report to work while not under the influence or while their ability to perform job duties is impaired due to on- or off-duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment
- Support fellow workers in seeking help
- Report dangerous behaviors to their supervisor

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy
- Remind employees periodically of policy compliance (*e.g. annually, quarterly, etc.*)
- Observe employee performance. The *Observed Behavior Checklist* may be used as a supporting document.
- Investigate reports of dangerous practices
- Document negative changes and problems in performance
- Counsel employees as to expected performance improvement
- Clearly state consequences of policy violations

## **COMMUNICATION**

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program:

- All employees will receive a written copy of the current policy
- The policy will be reviewed in orientation with new employees
- The policy will be reviewed again annually with employees

*Adopted 12/05/2019*

## **IV. RESPONSIBILITIES FOR PERSONNEL POLICY ADMINISTRATION**

### **1. Commissioners**

The Hancock County Commissioners are responsible for the enactment, oversight and implementation of these Personnel Policies. Modifications of these policies are the responsibility of the Commissioners, after consultation with department heads as appropriate. Modification of policies affecting the Sheriff's Department will occur only after consultation with the Sheriff and, to the extent practical and appropriate, with the Hancock County Sheriff's Department Employees' Association. The Commissioners are responsible for approving hiring and termination decisions prior to the implementation of those decisions. (See also Hiring Authority, Section VII, and Termination, Section XLI.)

### **2. County Clerk/Personnel Coordinator**

The County Clerk/Personnel Coordinator is the administrator of these policies. As administrator, the County Clerk interprets and oversees compliance of the policies, ensuring their equitable application. The County Clerk should be cognizant of the wishes of the Board of County Commissioners as well as all laws governing personnel. The Board of County Commissioners shall have the final authority in matters of dispute.

### **3. Department Heads<sup>1</sup>**

Department heads are responsible for the day-to-day, consistent and uniform administration of these policies. Department heads are also responsible for recruitment and selection of employees in their department, with final approval by the Commissioners. Department heads are responsible for evaluating the performance of each employee under their direction at least once annually. (See also Annual Performance Evaluations, Section X.) Department heads will provide training to employees as appropriate or at the direction of the Commissioners. Each department head will provide a written report to the County Commissioners for inclusion in the Hancock County Annual Report, giving a comprehensive overview of the department's activities and accomplishments for the year.

Appropriate disciplinary action is the responsibility of the department heads, except for terminations. Terminations require the approval of the Commissioners. (See Termination, Section XLI.) Department heads will collect and forward to the Commissioners departmental reports

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<sup>1</sup> The term "department head" includes the Sheriff of Hancock County and, when acting in their role as supervisors of direct appointees, the Hancock County Commissioners.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

regarding all personnel actions including disciplinary actions, leaves, resignations and related personnel actions, as the actions transpire. Department heads are responsible for adherence to all policies and procedures of the Personnel Policies. Department heads are responsible for advising the Commissioners regarding any Personnel Policy that requires modification.



## **V. EMPLOYEE DEFINITIONS**

### **1. Regular Full-Time Employee**

Regular full-time employees hold an ongoing position and works a regular schedule of 40 hours, or more, per week.

Adopted October 4, 2011. *Supersedes prior definition.*

### **2. Regular Part-Time Employee**

Regular part-time employees hold an ongoing position and are scheduled to work fewer than 40 hours per week and are not eligible for benefits except as specifically granted herein.

Adopted October 4, 2011. *Supersedes prior definition.*

### **3. Temporary Employee**

Temporary employees are hired on either full-time or part-time basis for a period not to exceed 52 weeks.

### **4. On-Call, As-Needed Employee**

On-call as-needed employees do not work a regular reoccurring schedule, are not guaranteed a specific number of work hours, and are called to work on an as-needed basis. Employees working a schedule of ten (10) hours or less weekly will be classified as part-time on-call as-needed.

### **5. Part-Time Deputy**

A part-time deputy is an on-call as-needed employee appointed by the sheriff pursuant to 30-A MRSA Section 381, who does not earn more than \$10,000 in any one calendar or fiscal year.

### **6. Exempt and Non-Exempt Employees**

#### **A. Exempt Employee**

An exempt employee is one who holds a position that, by virtue of the nature of the position and compensation on a salaried basis, is exempt from the coverage of the federal Fair Labor Standards Act and/or its state law counterpart.

#### **B. Non-Exempt Employee**

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

A non-exempt employee is one who holds a position that, by virtue of the nature of the position and compensation on an hourly basis, is subject to the federal Fair Labor Standards Act and its state law counterpart.

## **7. Contract Employee**

A contract employee is an individual engaged by the County, by contractual agreement, for a specific period of time to carry out objectives for a specific and restricted purpose without obligation on the part of the county or expectations that the county will continue employment beyond the terms of the contract. An employer-employee relationship is established pursuant to the terms and conditions of a written employment contract. The contract delineates the length of employment and the salary.

*Adopted: January 17, 2012*

## **8. Per Diem Employee**

Definition: By the day, per day. A per diem employee is an individual engaged by the County that is paid a specific amount of money, by the day, for completing a task in connection with work for the County.

*Adopted: February 7, 2012*

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **BECOMING A COUNTY EMPLOYEE**

### **VI. APPLICATIONS FOR EMPLOYMENT**

Applications for employment with the County may be obtained from the County Clerk or appropriate department head. Vacant positions will be posted on the Commissioners' bulletin board and other public sites and/or advertised in the media as appropriate. The Commissioners or a department head, with the Commissioners' concurrence, may decide for a particular vacancy to establish a period reserved for internal postings and applications prior to seeking outside applicants. If so, that will be indicated on the internal posting notice. If a specific application period has been established, applications will generally be accepted only during that period.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **VII. SELECTION PROCESS**

### **POLICY ON PERSONNEL VACANICES AND HIRING PROCEDURES**

(Supersedes all prior guidelines)

If a personnel vacancy occurs in a department of the County, the department head shall follow the approved procedure for notifying the commissioners of the vacancy, soliciting applications from the public, and securing the county commissioner's approval for the employment of the applicant.

#### **DEFINITIONS:**

**Vacancy:** A vacancy occurs when either an existing employee vacates their employment or a new position is established and that position needs to be filed.

**Posting:** A posting occurs when a written notice is prominently displayed in specified areas that solicit applications from existing county employees for filling a vacancy.

**Justification:** Justification for filling a vacancy shall be that documentation by the department head to the county commissioners that assures them a position, which is currently vacant, is absolutely required for their department.

**Job Change Statement:** A job change statement is the form completed by the department head and submitted to the county clerk that alerts the commissioners of a vacancy and contains the data necessary to complete the termination of the individual's employment.

#### **WHEN A VACANCY OCCURS:**

When a vacancy occurs within a department as a result of an employee vacating a position, the department head shall, as soon as possible, provide the county clerk with a job change statement and a copy of the employee's resignation, if one was provided to the department head.

Before deciding to fill the vacancy, the department head shall consider restructuring the department with the idea of eliminating the position or converting it to a part-time status.

If filling the vacancy is required by the department head, they shall develop an advertisement which, at a minimum, identifies the vacant position, briefly describes the duties, establishes a deadline for filing applications, and lists any minimum qualifications the applicants need to have to qualify for the position.

All advertisements for vacancies shall be posted for a minimum of ten (10) days on the public bulletin boards located at the county clerk's office, the Andrew Peters Office Building, the county jail, the sheriff's office and the Hancock County-Bar Harbor Airport. In addition to the postings, the advertisement shall be carried in one edition of a countywide or weekly newspaper.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

### **SELECTING AN APPLICANT:**

It is the policy of the Hancock county government to hire the best-qualified people for employment with the county. In keeping with this policy, the department head may use one, or more, of the following means, as deemed appropriate, to determine the best-suited individual to fill a vacancy.

- A. Conduct background investigations
- B. Use job related testing
- C. Conduct oral interviews
- D. Conduct polygraph examinations

### **EMPLOYING AN APPLICANT:**

Once the department head has made a final selection from the list of applicants, they shall notify the county clerk who shall schedule the hiring on the next county commissioner's meeting agenda. The agenda shall specify the name of the applicant or if the department head is unable to make a final selection in time for the name to be specified on the agenda that is to be submitted to the press, the agenda shall simply state that an applicant will be hired. Prior to the county commissioner's meeting, the department head shall notify each county commissioner in writing of the name of the person they intend to submit as a finalist for the vacancy and a justification as to the necessity of filling the vacancy. Written notification may occur by e-mail, fax, postal letter, or memo to the commissioner's box. When selecting a method to notify the commissioners of an applicant, each department head shall consider the likelihood that their notice will reach each commissioner prior to the meeting.

If the Commissioner's approve justification, the department had shall submit a written request of their choice of an applicant. This request shall stipulate the effective date of hire and the pay rate for the new hire.

Adopted: November 12, 2002

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **VIII. HIRING AUTHORITY**

After an appropriate selection process, final candidates are recommended to the Commissioners by the department head. No candidate may be hired without prior approval of the Commissioners.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **IX. PROBATIONARY PERIOD**

### **1. General Government Employees and Non-Commissioned Employees of the Sheriff's Department**

Each employee will serve in a probationary period for six (6) months from the date of beginning work in a new or different position. At any time during the probationary period, an employee may be terminated with or without cause and without recourse. Other provisions of these policies apply to probationary employees, as applicable.

At least ten (10) days before the last day of the probationary period, if the employee is still employed, the department head will notify the Commissioners of the employee's status. The department head's determination that the employee will be given regular status should be supported by a performance evaluation. The employee should be given an opportunity to review the evaluation.

### **2. Commissioned Employees of the Sheriff's Department**

Full-time law enforcement officers will serve a probationary period that lasts one year after the date of their graduation from the Maine Criminal Justice Academy, as required by Maine law (25 M.R.S.A. § 2804-C(2-A)), and six months from the date of beginning work in a new or different position. They will be evaluated at the end of six months of employment, or earlier if deemed appropriate, and at least once a year thereafter.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **X. SENIORITY**

### **1. Definition**

Seniority is defined as the length of continuous regular employment with the County. Seniority begins to accrue when an employee enters paid status in either a full-time or part-time regular position.

### **2. Seniority Accrual**

Seniority continues to accrue when an employee is laid off because of a reduction in force, so long as the employee is recalled to County employment within one (1) year from the date of lay off. (See Lay Offs, Section XXV.) Seniority continues when an employee is on an authorized leave of absence that does not exceed one year or during the entire duration of military leave so long as the employee returns to County employment on the day that authorized leave ends or within thirty (30) days of the date of discharge from the military. (See Leaves, Section XV.) Seniority continues to accrue when an employee is promoted, demoted, or transferred. (See Promotion, Demotion, Transfer, Section XXIV.) Seniority terminates when an employee is separated involuntarily or voluntarily from employment with the County.



## **PERFORMANCE STANDARDS**

### **XI. ANNUAL PERFORMANCE EVALUATIONS**

#### **1. General**

All employees of the County will be evaluated at regular intervals, and at least once a year. Annual evaluations will be in writing and will generally be conducted at least thirty (30) days prior to the employee's eligibility for step increase. Evaluations will be conducted by the department head or the department supervisor.

#### **2. Criteria and Effect of Evaluation**

Annual performance evaluations shall indicate whether:

- I. the employee should be advanced one step in grade; or
- ii. the employee should remain at his current classification and wage/salary level;
- iii. the employee needs a trial period and/or a program of improvement, corrective action, or other action to bring his performance to an acceptable level; or
- iv. the employee has such severe, pervasive or serious performance problems that discipline, including termination, is warranted.

Annual step increases are not automatic and depend on satisfactory performance. No step advancement or denial of step advancement will occur without a written performance evaluation.

#### **3. Unsatisfactory Performance**

A non-probationary employee receiving an unsatisfactory performance evaluation may be given a trial period, normally not to exceed three months, in which to correct performance problems. A follow-up evaluation will be conducted at the end of the trial period. If the employee's performance continues to be unsatisfactory or has not improved sufficiently, further action may be taken by the department head, with the approval of the Commissioners, including suspension, demotion or dismissal. If performance problems are so severe, pervasive or otherwise of such a serious nature that a trial period for improvement is not warranted, the department head may

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

suspend, demote or dismiss the employee without a trial period. Terminations require the approval of the Commissioners. (See Discipline, Section XL, and Termination, Section XLI.)

## **HOURS OF WORK**

### **XII. HOURS OF WORK/WORK WEEK**

#### **1. Work Week/Time Sheets/Pay Day**

The work week begins on Saturday and ends on Friday at midnight. Time slips are to be completed by each employee and signed by the employee and the employee's immediate supervisor and turned in on Monday during business hours. Employees must indicate clearly their work time and/or status on each day and explain any circumstances as necessary to ensure the appropriate time or pay status. Checks will normally be distributed on Thursday.

#### **2. Hours of Work**

Offices within the Courthouse will be open to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday. The District Attorneys office will remain open until 5:00 p.m. Lunch hours should be staggered to accommodate public usage. Exterior Courthouse doors will be unlocked at 7:00 a.m., or shortly thereafter, and locked at 4:00 p.m. Hours of operations may be changed at the discretion of the Commissioners.

Adopted: August 14, 2007

##### **A. Courthouse Employees**

The standard work week for employees within the courthouse complex is forty (40) hours excluding the required, unpaid meal period of one hour, unless this work week is changed at the direction of the Commissioners.

Adopted October 4, 2011. *Supersedes prior language.*

##### **B. Certain Other Employees**

The standard work week for the airport maintenance staff, courthouse maintenance staff, and employees in the District Attorney's office is forty (40) hours, excluding the required unpaid meal period.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

C. County Clerk

The standard work week for the County Clerk is forty (40) hours per week, excluding the unpaid meal period.

D. Sheriff's Department

The work week for employees in the Sheriff's Department is determined by the Sheriff.

## **COMPENSATION AND BENEFITS**

The purpose of any benefit time (i.e. vacation, sick, personal, holiday) is to substitute hours normally worked, when an employee's usual schedule is altered, in order to make the employee whole.

### **XIII. COMPENSATION**

#### **1. Job Classification and Compensation Program**

Hancock County maintains a comprehensive job classification and compensation program. Each job or position is assigned a compensation level based on the skills, responsibility, effort, and working conditions of that position. Job descriptions are maintained in the Commissioners' office. The salary scale contains general pay ranges or grades; each range is divided into steps.

#### **2. Human Resources and Compensation Advisory Committee**

The Commissioners, at their discretion, have established a Human Resources and Compensation Advisory Committee (HR&CAC). The Committee, at the Commissioners' request, reviews human resource and personnel policies and the compensation program for non-exempt employees. The Committee consists of all elected and hired department heads, including the county clerk, and one Commissioner, who serves ex-officio. The Committee makes recommendations to the Commissioners. The Commissioners maintain and execute final authority on all compensation and other personnel policy issues.

#### **3. Salary Scale Placement**

##### **A. General Pay Range**

A pay range for each job classification or position and each step in that classification is established by the Commissioners, consistent with the job classification and compensation program. To the extent practical and as finances allow, the pay range for each job or position will be reviewed periodically to determine whether changes are appropriate.

##### **B. Initial Step Placement**

A new non-exempt employee is generally placed at Step A of the pay range for his classification. An employee who exceeds the minimum qualifications and possesses highly desirable experience may begin at a level up to and including Step C, with prior approval by the Commissioners. A former employee who is re-employed, who left County employment in good standing after a

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

substantial period of employment and whose experience is considered significant and relevant to the position he is filling may be placed at a level up to and including Step C, with prior approval by the Commissioners.

#### **4. Step Increases**

Each regular full-time employee who is scheduled to work forty (40) hours or more per week is eligible to advance one (1) step on the salary scale upon completion of one (1) year of creditable and satisfactory service. The increase, if any, will be effective in the work week following the anniversary date of the employee's date of hire, or in the case of an employee who has been promoted or demoted, the anniversary date of the employee's assumption of his current position. Step advancement within the pay range must be supported by a performance evaluation indicating satisfactory service. (See Annual Performance Evaluations, Section X.) No step increase will be denied without a performance evaluation that documents the reasons for denial and without the prior approval of the Commissioners.

Adopted October 5, 2011. *Supersedes prior language.*

#### **5. On-Call As-Needed Employees**

On-call as-needed employees will be paid a flat rate per hour as established by the Commissioners. No holiday, vacation, or sick pay will be available to on-call employees, but earned paid leave is available.

#### **6. Temporary Employees**

Full-time and part-time temporary employees will be paid at a rate of pay and benefits proposed by the respective department head and approved by the Commissioners.

#### **7. Cost of Living Pay Increases**

The Commissioners may determine, at their discretion and on a periodic basis, whether an adjustment to the pay scale is appropriate based on cost of living factors.

#### **8. Reclassification**

##### **A. Request for Reclassification or Pay Rate Change**

An employee and/or his department head may request review of the employee's pay rate or classification. The request should be made to the Commissioners through the County Clerk/Personnel Coordinator. The request should state specifically why the review is appropriate and the outcome sought by the employee. If the request is within the scope of the Human

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

Resources and Compensation Advisory Committee, the Commissioners will refer it. If the request is not within the Committee's scope, the request may be processed through the grievance procedure. (See Complaint Procedure, Section XLII.)

B. Review Procedure

Reviews of reclassification requests are conducted by five voting members of the Human Resources and Compensation Advisory Committee and a quorum of the Commissioners. The ex-officio member of the Committee will chair the review process. The employee and/or department head will present information to support the request. Committee members and Commissioners may ask questions or seek additional information as they deem necessary.

C. Decision

At the close of the review meeting(s), Committee members will vote and convey their recommendation and opinion to the Commissioners. The Commissioners will consider the Committee's recommendation and will return their decision at the next scheduled Commissioners' meeting. The Commissioners' decision is final.

## **XIV. OVERTIME AND COMPENSATORY TIME**

### **1. Payment for Overtime Hours**

#### **A. General Policy**

As a general rule, overtime is paid to non-exempt employees who actually work more than forty (40) hours in a work week. Exceptions and modifications to this general rule are explained in this section. Overtime may be paid in cash or compensatory time, subject to these policies.

#### **B. General Government Non-Exempt Employees**

Overtime is paid to general government non-exempt employees at the rate of one and one-half (1½) times the hourly base wage for hours actually worked over forty (40) in a work week. Additionally, employees covered in Subsection (C) below will be compensated according to that section. All hours worked which do not exceed 40 hours in a work week will be paid in cash at the employee's hourly base wage.

#### **C. Airport and Courthouse Maintenance Employees**

Airport maintenance employees who are non-exempt and who are compelled to work on Saturdays, Sundays, holidays, or other non-standard hours that do not adjoin their regular work schedule, are compensated at the rate of one and one-half (1½) times the hourly base wage for all such hours worked, regardless of whether they have worked in excess of forty (40) hours, with a minimum of two (2) hours per each call back/call in event. The courthouse maintenance supervisor, as a department head, is compensated according to "B" above and such overtime compensation is in the form of compensatory time.  
(Section C Adopted: December 10, 2010)

#### **D. Exempt Employees**

Overtime is generally not paid to exempt employees. When excessive work over a prolonged period of time is required from an individual or a group of exempt employees, the Commissioners at their discretion may determine that some form of overtime compensation, including but not limited to compensatory time, is appropriate.

#### **E. Sheriff's Department**



(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

(1) Voluntary Overtime

Voluntary overtime occurs when a non-exempt employee volunteers to work beyond his or her regular schedule (for example, by signing up for a vacant shift or volunteering for extra duty) and is paid as follows:

(a) Law Enforcement and Corrections Employees

For law enforcement and corrections employees covered by Section 7(k) of the Fair Labor Standards Act who volunteer to work beyond their regular schedule, overtime is paid at the rate of time and one-half for hours actually worked according to the appropriate cycle, not to exceed 171 hours in a 28 day cycle.

(b) Other Sheriff's Department Employees

Dispatchers, cooks, administrative assistants and record administrator and any other non-exempt employee not covered by Section 7(k) of the Fair Labor Standards Act are paid overtime at the rate of one and one-half (1½) times the hourly base wage rate for hours actually worked over forty (40) in a work week.

(2) Compulsory Overtime

Compulsory overtime occurs when a non-exempt employee is specifically requested to work overtime by a supervisor with authority or when, with prior approval by a supervisor, an employee must perform extra work to complete his duties before or after the employee's current shift. Compulsory overtime is paid at time and one-half, whether or not the Fair Labor Standards Act would require time and one-half.

(3) Cash or Compensatory Time

A Sheriff's Department employee may elect to take his overtime pay in compensatory time or cash. If overtime pay is required by the FLSA or is the result of compulsory work under Subsection (2) above, and such pay is taken in cash, the cash must be paid in the work week in which it was earned.

(4) Rate of Pay for Other Work in Department

A regular full-time employee who works in another division of the Sheriff's Department (example: corrections officer working as patrol deputy) will receive the rate of pay for his regular position.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **2. Compensatory Time**

### **A. General Policy**

Overtime is normally paid in cash. The County does not encourage the substitution of compensatory time for cash compensation in overtime situations.

### **B. Accumulation Limits**

Non-exempt, non-union employees may accumulate up to 100 compensatory hours per year. Compensatory time may be used or bought down at any time during the year. Not more than forty (40) hours may be carried over annually.

Adopted: September 11, 2007

### **C. Scheduling Compensatory Time Off**

All employees must schedule compensatory time off in advance and with the prior approval of the department head.

### **D. On Call Compensation**

Jail Duty Officer will receive two (2) day's compensatory time or cash equivalent (16 hours) each week they are on call. If they are actually called to service during non-working hours they will also be paid on an hour for hour basis at time and one half of their regular rate of pay for those hours worked during call out.

## **XV. HOLIDAYS**

### **1. Observed Holidays**

The following holidays will be observed:

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

If a holiday falls on a Saturday, it will be observed for leave purposes on the preceding Friday. If a holiday falls on a Sunday, it will be observed on the following Monday. For employees of the Sheriff's Department, the holiday will be observed on the actual day on which the holiday falls.

### **2. Commissioners' Discretion**

The Commissioners may at their discretion decide to close the courthouse on an additional day in conjunction with a holiday observance. In that event, employees may decide to use a personal leave, compensatory time, vacation day or to be in unpaid status.

### **3. Eligibility for Holiday Benefit**

To be eligible for a holiday benefit, an employee must normally have worked his last scheduled workday prior to the holiday and his first scheduled workday after the holiday, unless he is on authorized sick leave or other authorized leave with pay. (See also Leaves, Section XV, Subsection (2)(C).) Sheriff's Department employees must have worked the holiday if scheduled to work on that day unless the employee is excused by the Sheriff or is absent on legitimate grounds. A physician's certificate or other documentation satisfactory to the department head may be required if an employee claims that illness prevented him from working on the last scheduled workday prior to the holiday and/or the first scheduled workday after the holiday or on the holiday. Eligible employees shall receive holiday pay proportionate to the number of hours normally scheduled to work that day.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

A. Regular Part-Time Employees

Holiday pay will not be paid to regular part-time employees. Every effort will be made to reschedule work days lost due to holiday closures.

B. On-Call As-Needed Employees

No holiday pay will be available to on-call employees.

C. Temporary Employees

Holiday compensation will be paid to temporary full-time employees. Every effort will be made to reschedule temporary part-time work days lost due to holiday closures.

**4. Rate of Holiday Pay**

A. General Government Employees

Full-time regular and full-time temporary employees are eligible for holiday pay. Each eligible employee will receive one (1) day's regular pay for each holiday. If an employee is required to work and actually works on the holiday, he will receive, in addition to holiday pay, one and one-half (1½) times his regular rate for all hours actually worked on that holiday.

B. Sheriff's Department Employees

Each employee who works on a holiday will be compensated at the rate of one and one-half (1½) times his regular hourly rate for each hour actually worked on that holiday and will also receive an additional compensatory day for working on the holiday. The additional half-time benefit may be taken as compensatory time off, or as cash in the pay week in which it was earned. Each officer who was scheduled to have the holiday off will receive compensation for that holiday in the form of one compensatory day in the amount of the actual hours that employee works each shift. Each employee who does not work on the holiday due to holiday observance will receive holiday pay.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **5. Holiday/Vacation Day Option**

When an employee is scheduled to work but does not work on a holiday for reasons other than illness, he may elect to use a vacation day and to take the holiday benefit in compensatory time, to be used at a time mutually agreeable to the employee and department head.

## **XVI. LEAVES**

### **1. Vacation Leave**

Employees must work for one (1) full year before vacation leave is accrued. An employee who is terminated within one (1) year of hire has accrued no vacation leave. Vacation leave is accrued in weekly increments. An employee must actually work or be on paid leave status a minimum of twelve (12) days in the month in order for the weekly vacation benefit to accrue.<sup>2</sup>

#### **A. Benefit Rate and Maximum Accruals**

Vacation leave accrues and balances are capped as follows:

##### **(1) 40-hour work week**

<u>Length of service</u>	<u>Weekly Accrual</u>	<u>Max. Annual Accrual</u>	<u>Max. Unused Balance</u>
After one year	1.5385 hrs.	80 hrs.	160 hrs.
After eight years	2.4616 hrs.	128 hrs.	200 hrs.
After fifteen years	3.3847 hrs.	176 hrs.	200 hrs.

##### **(2) 42 and 42.5 hour work week**

<u>Length of service</u>	<u>Weekly Accrual</u>	<u>Max/ Annual Accrual</u>	<u>Max. Unused Balance</u>
After one year	1.6385 hrs.	85.2 hrs.	170 hrs.
After eight years	2.6193 hrs.	136.2 hrs.	200 hrs.
After fifteen years	3.6000 hrs.	187.2 hrs.	200 hrs.

Adopted: December 15, 2020 *Supersedes prior language*

#### **B. Minimum Vacation Period**

Employees are encouraged to take at least one (1) week of vacation each year.

#### **C. Scheduling**

Vacation leave must be scheduled at a time acceptable to the department head and with advance notice, generally four (4) weeks prior to the requested leave.

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<sup>2</sup> For purposes of vacation leave accruals, a “day” is defined as the average number of hours in the employee’s regular work week divided by the number of work days. For example, for an employee who is typically scheduled to work 40 hours in a five day week, a “day” is eight (8) hours.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

D. Vacation Accrual While on Leave of Absence

An employee who is on an unpaid leave of absence (longer than four (4) weeks) does not accrue vacation or other leave during the period that he is absent.

E. Vacation Leave on Paid Holiday

When one (1) day of an employee's vacation falls on a paid holiday, the employee will receive an additional paid day which will be recorded as either a vacation day or holiday, in accordance with the Holiday/Vacation Day Option.

F. Unauthorized Use of Vacation

Use of vacation time without authorization may be grounds for disciplinary action.

G. Separation

On separation, an employee will be paid for accrued and unused vacation time, subject to the maximum accruals described above. Such payment shall be made within two weeks of the employee's last day of work.

Adopted January 5, 2021 *Supersedes prior language.*

## 2. Sick Leave

### A. Benefit Rate

For full-time employees, sick leave is earned at the rate of one (1) day per month, accrued in weekly increments, commencing with the first week of employment.<sup>3</sup> An employee must actually work or be on paid leave status a minimum of twelve (12) days in the month in order for the monthly sick leave benefit to accrue. A maximum of ninety (90) days of sick leave may be accrued. Unused balances up to a maximum of 90 days will be carried forward to the next calendar year.

### B. Sick Leave Usage

#### (1) Employee

An employee is entitled to use sick leave when, by reason of a non-work related illness or injury, (s)he is unable to perform the duties of his/her position.

#### (2) Family Sick Leave

An employee may charge up to 40 hours annually to his/her sick leave bank for absences necessitated to care for the employee's child, spouse or parent.

#### (3) Sick Time Donation

Each employee may donate up to twenty (20) hours of sick time annually, and on a voluntary basis, to any county employee who has exhausted his or her own sick leave and has no more than forty (40) hours of total accrued benefit time. No employee will be allowed to donate more than twenty (20) hours of sick time to an individual employee requesting a donation for each given event. Donations may be from one county department to any other county department, union or non-union.

Adopted: September 1, 2015 *Supersedes prior language.*

Sick Time Donation approved October 2, 2018

### C. Reporting Requirement

#### (1) General Government Employees

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<sup>3</sup>For purposes of sick leave accruals, a “day” is calculated at the number of hours in the employee’s regular work day: for example, for an employee who is typically scheduled to work 40 hours per week, a “day” is eight (8) hours.



(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

An employee must report all absences to his supervisor prior to the start of his regularly scheduled workday and in no instance later than one-half (½) hour after the start of the regularly scheduled day. Failure to report within this period may result in losing sick leave for that day.

Unless otherwise specified by the supervisor, employees must call on each day of absence. When the employee must take an extended sick leave, longer intervals of reporting may be established by the supervisor.

Any need to use sick leave during an employee's shift must be approved by his/her supervisor.

(2) Sheriff's Department Employees

A Sheriff's Department employee must report all absences to his supervisor prior to the start of his regularly scheduled workday and in no instance later than two (2) hours before the start of the regularly scheduled shift. Failure to report within this period may result in losing sick leave for that day.

(3) Recording of Sick Leave

Sick leave is to be taken in quarter hour increments. Sick leave is to be deducted from the employee's normal workday. For example, an employee who works a normal eight (8) hour day would deduct the amount of time used for sick leave from their scheduled work time.

Employees who work shifts of ten (10) or twelve (12) hours and generally have one weekday between Monday and Friday off are encouraged to schedule appointments during those off-days.

Adopted: September 1, 2015 *Supersedes prior language.*

D. Before or After Holiday

An employee who reports sick the day before and/or the day after a holiday will normally not be paid for the holiday unless the employee provides documentation or information that satisfies the department head; he or she may receive holiday pay at the discretion of the department head.

E. Sick Leave Accrual While On Leave of Absence

An employee who is on an unpaid leave of absence longer than four (4) weeks does not accrue sick leave during the period he/she is absent.

F. Retirement Benefit/Sick Leave

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

On retirement, accrued unused sick leave will be paid to full-time regular non-exempt employees up to a maximum of ninety (90) days. Such payments shall be made within two weeks from the last day worked. For the purposes of this subsection, an employee is eligible for this benefit only if he meets all criteria for retirement established by the Maine Public Employees Retirement System). (See Retirement, Section XXVII.)

Adopted: October 4, 2011 *Supersedes prior language.*

G. Doctor's Certificate

A signed doctor's certificate may be required for sick leave at the discretion of the department head. Subsequent to the notification of resignation, the department head may require a doctor's certificate for all use of sick leave. An employee's failure to provide such certification, if required, may result in loss of compensation.

3. Bereavement Leave

An employee may take leave with pay for up to three (3) days<sup>4</sup> for the death of the employee's husband, wife, significant other, son, daughter, father, mother, brother, sister, grandparents, grandchild(ren), step-parent, step-child, son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law or sister-in-law. Leave will include the day of the funeral.

An employee may take leave with pay for one (1) day for the death of the employee's uncle, aunt, nephew, niece, or for any other person living in the employee's personal household. Leave will include the day of the funeral.

If such a death occurs during an employee's vacation, the vacation may be extended correspondingly; however, in no event may the extension exceed three (3) calendar days unless the department head and County Commissioners give prior approval for additional time.

Adopted: May 1, 2012 *Supersedes prior language.*

4. Family Medical Leave

A. Eligibility for Leave

In compliance with federal and state law, the County grants an unpaid leave of absence under the Federal Family and Medical Leave Act (FMLA) for up to twelve (12) weeks in a twelve (12)

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<sup>4</sup> For purposes of bereavement leave, a "day" is calculated at the number of hours in the employee's regular work day: for example, for an employee who is typically scheduled to work 40 hours per week, a "day" is eight (8) hours.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

month period for any employee who has been employed for at least 1,250 hours during the preceding twelve (12) months. Family medical leave may be requested for any one of the following reasons:

- i. the birth or care of a child;
- ii. the placement with the employee of a child for adoption or foster care;
- iii. to care for the employee's spouse, son, daughter or parent with a serious health condition; or
- iv. because of a serious health condition that makes the employee unable to perform the function of that employee's job.

A "serious health condition" is a condition that requires inpatient care at a hospital, hospice or residential medical care facility or a condition that requires continuing care by a licensed health care provider.

An employee's entitlement to leave for the birth or placement of a child expires twelve (12) months after the birth or placement.

**Military Caregiver Leave.** Eligible employees may take up to 26 workweeks of unpaid leave within a 12-month period for the purpose of caring for a "covered servicemember." The employee must meet the basic FMLA eligibility requirements discussed below and must also be the spouse, son, daughter, parent or "next of kin" of a covered servicemember.

- *"Next of kin"* for the purposes of Military Caregiver leave, is the nearest blood relative of that individual other than the servicemember's spouse, parent, son or daughter according to list of priorities in the regulations at C.F.R. § 825.127.
- *"Covered servicemember"* means a member of the Armed Forces (including the National Guard or Reserves), or a veteran of the Armed Forces, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. Veterans must have been members of the Armed Forces within the preceding 5 years.

#### B. Requesting Family Medical Leave

When an employee and/or department head believe that family medical leave may be applicable to an absence or a request for leave, the County Clerk/Personnel Coordinator should be notified immediately. The employer is required to designate eligible time as FMLA leave.

The employee will complete the form provided by the County Clerk/Personnel Coordinator not less than thirty (30) days in advance of the requested leave, unless prevented by a medical emergency from doing so. The request for leave should include the intended date upon which the leave would commence and the intended date of return.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

If the leave is based on planned medical treatment, the employee, in addition to providing not less than thirty (30) days' notice, must make a reasonable effort to schedule the treatments, subject to the approval of the health care provider, so as not to unduly disrupt the County's operations. Leave will begin on the first day of absence (or partial attendance).

C. Certification of a Serious Health Condition

When the reason for absence involves a serious health condition of the employee or the employee's child, spouse or parent, the employee should obtain from the County Clerk a certificate to be given to the physician which will provide the following information:

- i. the date the condition began;
- ii. its expected duration;
- iii. diagnosis; and
- iv. a brief statement of treatment.

If the requested leave is based on a serious health condition of a family member, a statement that the patient requires assistance and that the employee's presence would be beneficial or required.

When a family medical leave involves the disability or illness of an employee, a physician's certificate is required before the employee returns to work or resumes a full work schedule, stating that the employee is able to resume normal job responsibilities or detailing any work limitations which the employee's condition may require.

D. Intermittent Leave - Serious Health Condition

Family medical leave may be requested for twelve (12) consecutive weeks, or on an intermittent basis, under certain conditions that may be used to reduce the work week or workday. In all cases, the leave may not exceed the total of twelve (12) weeks over a twelve (12) month period.

If the employee wishes to take intermittent leave or work a reduced schedule, the medical certification provided by the physician must indicate the dates and the expected duration of treatment and a statement of medical necessity for an intermittent leave or reduced work schedule.

E. Intermittent Leave - Birth, Adoption or Foster Care

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to a schedule before the employee may take intermittent leave or reduce his or her work schedule.

F. Transfer to Accommodate Intermittent or Reduced Schedule

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule needed by that employee.

G. Return to Work

On returning to work on or before the expiration of leave, an employee is entitled to return to the same or equivalent position, so long as the position or its equivalent has not been eliminated for operational or business purposes.

H. Failure to Return

Failure to return when leave has expired may result in termination.

I. Benefits While on Family Medical Leave

While an employee is on family medical leave, the County will continue the employee's group health insurance benefits at the same level and under the same conditions as if the employee had continued to work. Employees must make arrangements with the County to pay their share of health insurance premiums while on leave.

If the employee chooses not to return to work for reasons other than a continued serious health condition, the employee will be required to reimburse the County the amount the County paid for the employee's health insurance premium during the leave.

Employees may elect to substitute accrued paid leave for unpaid FMLA leave; and the employer may require them to substitute accrued paid leave; provided however that employees may only use accrued sick leave in accordance with the sick leave usage policy set forth in section 2 (A) above. During periods of unpaid leave, an employee will not accrue any additional vacation, sick leave and/or other leave benefits.

J. Calculation of Leave Time

Employees who work on a rotating schedule will have their benefit banks charged for FMLA leave on the same basis that they are charged for the use of vacation time. For example, if an employee is only scheduled to work three days during a particular week, he will only be charged for three days of FMLA leave. Similarly, if the employee is scheduled to work six days in a particular week, he or she will be charged for six days of FMLA leave during that week. All other employees will be charged for FMLA leave in equal proportion to their usage.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

In the event that while on FMLA leave an employee's paid leave time expires during a work week, he or she will only be paid for that portion of the week for which he or she has accrued paid time. The balance of the work week and the leave will be unpaid.

## **5. Earned Paid Leave**

For the purpose of this section, a "year" is the 12 consecutive month period following an employee's date of hire.

### **A. Accrual for Part-Time, Per Diem, and On-Call Employees**

All part-time, per diem, and on-call employees earn one (1) hour of paid leave for every forty (40) hours worked, up to a maximum of forty (40) hours of leave per year. Accrual of leave starts immediately upon hire, but employees may not use leave before the employee has been employed for 120 calendar days.

### **B. Accrual for Full-Time Employees**

All full-time employees earn forty (40) hours of paid leave per year. Upon date of hire, an employee will be given an amount of paid leave based on (1) hour of paid leave for every forty (40) hours of scheduled work through the end of the calendar year (the accrual will be adjusted if the employee works sufficient overtime). Thereafter, all 40 hours of earned paid leave will be made available to the employee on the first day of January of each year. Employees may not use leave before the employee has been employed for 120 calendar days.

### **C. Carry-Over**

An employee may carry-over up to forty (40) hours of accrued paid leave from year to year. If 40 hours of leave is carried over to a new year, the employee will have reached the forty (40) hour cap and will not be eligible to accrue more leave that year.

### **D. Minimum Leave Period**

Leave may be taken in increments of one-quarter (1/4) hour.

### **E. Notice and Scheduling**

i. Absent an emergency, illness or other sudden necessity for taking earned leave, an employee must give four (4) weeks' advance notice to the department head of the employee's intent to use earned leave. Use of leave must be scheduled to prevent undue hardship on the County as reasonably determined by the County.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

ii. Notice required for an emergency, illness or other sudden necessity must be reasonable under the circumstances, recognizing that advance notice may not be feasible. In such circumstances, an employee shall make a good faith effort to provide as much notice as is feasible under the circumstances to the County of the employee's intent to use earned paid leave.

**F. Use of Leave**

Leave may be used for any purpose.

**G. Separation**

Accrued earned paid leave remaining upon separation will not be paid out, but in the event an employee returns to work for the County within twelve (12) months, the leave will be restored.

Adopted: January 5, 2021 *Supersedes prior language*

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **6. Storm Related Staff Reduction and Courthouse, Annex, and Airport Closure**

### **Storm Related Staff Reduction:**

In the event of an adverse incident, such as a snow storm, which makes traveling hazardous, any non-essential employee, with the consent of their department head, may take their work time off without pay or may elect to use their accrued benefit time.

Whenever a department's staff has been reduced due to an adverse accident, the department head will assure that minimal staff remains to keep the office open. Whenever an office experiences an incident related staff reduction, the County Administrator's office will be notified as to what office is at minimum staffing levels and the expected duration of the reduction.

### **Courthouse, Annex, and Airport Closure**

Whenever a catastrophic incident occurs that either limits use of the courthouse (i.e. disabled heating system, broken pipes, etc.) or in exercising good judgement considering a significant storm, or next-day blizzard warning, and traveling becomes hazardous, the County Offices may be closed to access by the public and non-essential operations will cease pursuant to the following:

- a) The County Administrator has consulted with the courts, including the District Attorney's Office, who have indicated they are closed or will be closing;
- b) The County Administrator, in consultation with the Commission Chair, has determined that it is more prudent to close the courthouse that day or the next day;
- c) The Commissioners will be notified;
- d) That only essential personnel will be required to continue to work;
- e) That non-essential personnel will not be required to use benefit time to be compensated during the closure;
- f) That all efforts will be made to give non-essential employees as much notice as possible regarding the court closure:
  - a. The County Administrator will notify Department Heads and the media
  - b. Department Heads will notify non-essential staff of the closure

Adopted: November 9, 1999

Amended: March 21, 2017

Amended January 5, 2021

## **7. Jury Duty or Witness Leave**

Full-time and part-time regular employees of Hancock County will not lose regular pay or benefits (full-time employees) while serving as a juror or witness, except that no employee will be given paid leave to serve as a witness in a case brought by himself. If the amount received for jury or witness service is less than the employee would earn from the County during the same period, the employee will receive pay sufficient to make him whole. The employee must furnish an official voucher showing the amount received, and pay that amount to the County. The employee will then be given the amount of his regular pay.



## **8. Court Leave (Sheriff's Department Employees Only)**

A Sheriff's Department employee who is off his shift and must attend as a witness for the State of Maine in any case pending in District Court, Superior Court or Grand Jury or who must-attend an administrative hearing or a conference called by the District Attorney's office for the purpose of court preparation will receive not less than three (3) hours of pay at the rate of one and one-half (1½) times the hourly rate. Each hour over three hours will be compensated at straight time.

## **9. Leave of Absence Without Pay**

A full-time or part-time regular employee may be granted a leave of absence without pay or benefits (full-time) by the Commissioners at the recommendation of the department head.

Leave without pay may not exceed one (1) year. It may be granted, at the Commissioners' discretion, because of the past record of the employee or the purpose for which the leave is requested, when the best interests of the County will be served. The employee must notify the department head of his planned return to work thirty (30) days in advance of the scheduled return date. Failure to report to work following a leave of absence will result in termination of employment.

The Commissioners may elect to continue health coverage for participants while on an unpaid leave of absence. The employee share of contributions will be based on the method normally used during any paid leave (for example, if the employee contributed on a pre-tax basis prior to the leave, they may continue to contribute on a pre-tax basis, with Commissioner approval, while on an unpaid leave of absence. This includes health, life and AFLAC insurances.

While on a non-FMLA leave of absence (e.g., personal leave, sick leave, etc.) that does not affect eligibility in the flexible Benefit Plan or a Benefit Plan Option offered under the flexible Benefit Plan, the participant will either:

- continue to participate in the plan with the employee contributions paid by pre-payment prior to going on leave,
- by after-tax contributions while on leave, or
- with catch-up contributions after the leave ends.

Determination of such will be made in coordination with Office of Financial Affairs and the employee and approved by the Commissioners.

Vacation and sick leave will not be earned during a leave of absence, and other employee benefits, including seniority, will not be accrued.

Revised: March 5, 2013

## **10. Military and Reserve Leave**

On written request, the Commissioners will grant any full-time or part-time regular employee military leave for attendance at any military training or activity with the United States Government or its subdivisions.

Employees who return from military service are normally entitled to reinstatement. An employee on military leave must report to work and reapply for employment after military service is completed within the following time limits:

### **A. Reporting to Work**

If an employee's period of military service was less than thirty-one (31) days, the employee must notify the County orally or in writing of his intent to return to his position no later than the first full regularly scheduled work period on the first full calendar day after the military service plus eight (8) hours to return home. The same deadline applies to any person who is absent from employment for any length of time for an examination to determine the person's fitness for uniformed service.

### **B. Notification Provision**

An employee whose military service was longer than thirty (30) days but less than 181 days must submit an application for re-employment within fourteen (14) days after completing the military service. If meeting this time limit is impossible or unreasonable through no fault of the person, the deadline is the next first full calendar day when submission of the application becomes possible. If the employee's military service was longer than 180 days, the employee must apply for re-employment no later than ninety (90) days after completing service.

### **C. Hospitalized Employees**

If the employee is hospitalized for or convalescing from an illness or injury incurred or aggravated during military service, the above deadlines apply at the end of the period (a maximum of two (2) years) that is necessary for the employee to recover, unless circumstances beyond the person's control make reporting within the applicable time limits impossible or unreasonable.

### **D. Paid Leave**

When the total pay for military training will equal or exceed what would be earned by the employee in working for the County, leave will be without pay. When the total pay received for such training will be less than the employee's earnings from the County, the Commissioners will grant compensatory pay up to the amount of the employee's regular County base wage rate or salary for a period of up to fifteen (15) days. In such instances, the employee will furnish the Commissioners with an official statement by the supervising military authority specifying rank, pay and allowance.

Application for military leave should be made thirty (30) days before leave is taken.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

**11. Leave Without Authorization**

When an employee is absent from work without authorization and has not contacted the department head for three (3) consecutive days, this will be considered cause for termination.

**12. Leave Records**

Written leave records will be maintained in the Commissioners' office.

## **XVII. HEALTH AND MAJOR MEDICAL INSURANCE**

Hancock County participates in an insurance plan providing high-level medical, surgical and major medical coverage. Full-time regular employees may choose coverage ranging from single to a family plan. Employee contribution rates will be set by the county commissioners.

**Eligibility requirements and eligibility date:** Each employee who works **40 hours per week** will be eligible to participate in the health insurance plan on the **first day of the month following employment**. Beginning January 1, 2015, fulltime employees that cannot prove coverage with another health insurance carrier **MUST** participate in the county health plan.

Commencement of participation in the health insurance plan is conditioned on the employee properly completing and submitting a Salary Reduction Agreement as summarized in this Summary Plan Description.

*Revised September 7, 2022*

## **XVIII. HEALTH INSURANCE BUY-OUT / BUY-DOWN POLICY**

### Health Insurance Buy-Out/Buy-Down Policy

The County of Hancock will offer buy-out/buy-down stipends to all full-time county employees, employees of a bargaining unit, and full and part-time elected officials who decide not to enroll or participate in the county's health insurance plan due to the availability of outside coverage. Stipends are prorated on a monthly basis and will be paid starting on the first pay period of the new quarter in which the employee qualifies. Employees are not provided stipends for dropping dependents who are no longer eligible for health insurance coverage under the county's health plan. Employees who qualify for a stipend by dropping the county's health insurance for themselves, or dependents who are eligible for county health insurance, must be able to demonstrate that they or their dependents have other health insurance coverage. Stipends are not available if other health insurance coverage is provided through the State Exchange and the employee is eligible for premium subsidies/tax credits. Stipends are intended to assist the employee with payment of non-county health insurance and will not be awarded to employees until verification of new insurance is provided to the Deputy County Administrator. Stipends will be reviewed and adjusted in accordance with yearly benefit rates set by the county insurer. Refer to the Hancock County Health Insurance Buy-Out/Buy-Down Policy rates set annually by the Commission.

***Employees must notify the county commissioners' office immediately upon termination of alternative coverage.***

### Reenrollment

Employees may reenroll in the county provided health plan during the annual enrollment period (December) or if/when they demonstrate a loss of coverage due to a qualifying event.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

### Retiree Benefit

Employees participating in the health insurance buy-out plan continue to be eligible for enrollment in the county retiree health plan upon retirement, as long as they meet the health insurer's retirement criteria and are on the regular health plan at the time of retirement.

**Employees participating in the health insurance buy-out plan at the time of retirement are not eligible for a retirement health insurance buy-out.**

### Life Insurance

Regular full time employees who are enrolled in Allegiant Care will receive a death benefit of 1X the employee's annual salary at time of death. \$25,000 of this benefit is funded by the life insurance policy through Allegiant Care; the County will self-fund the remainder.

Regular full time employees who are not enrolled in Allegiant Care will not receive a death benefit from the County.

Retirees who are eligible for Medicare will receive a death benefit of \$2,000; this will be self-funded by the County.

Retirees who are not eligible for Medicare but are enrolled in Allegiant Care through the County will receive only the \$25,000 death benefit through Allegiant Care.

For the purposes of this benefit, elected officials are considered regular full time employees.

## **XIX. MAINE PUBLIC EMPLOYEES RETIREMENT SYSTEM**

All full-time employees have the option to contribute a percentage of their wages, as determined by Maine law, to the Maine Public Employees Retirement System. The employee contributions will be deducted from each paycheck. The County will contribute at the level to be determined annually by the MAINEPERS. Time restrictions for joining may apply. Interested employees should seek additional information from the county clerk.

An employee may withdraw his savings contribution consistent with the rules established by the Maine Public Employees Retirement System.

Adopted: October 4, 2011 *Supersedes previous language.*

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XX. TRAVEL AND SUBSISTENCE REIMBURSEMENT**

### **1. Mileage Rate**

Employees who are properly authorized to use their personal vehicles in the performance of their duties will be reimbursed at the mileage rate annually established by the Commissioners. Reimbursements will be paid monthly. Mileage reimbursement, if otherwise applicable, will be given for travel from the normal work location or residence, whichever is closer, to the destination and return. Mileage reimbursement is not applicable for commuting to and from work at the normal work location.

Employees whose job task requires them to use a 4 wheel-drive vehicle will be reimbursed at a higher rate set by the County Commissioners.

Amended January 5, 2021

### **2. Work-Related Activities**

Employees who, with proper authorization, participate in conferences, official meetings, examinations, seminars, and other professional and work-related activities will be reimbursed for actual and reasonable tuition, fees, transportation costs, meals and lodging. Employees, who elect to travel to a professional activity by car, when air travel would normally be appropriate, will be reimbursed at the lower of the mileage reimbursement rate or the cost of air travel.

### **3. Reimbursement Procedure**

Reimbursable expenses will be paid only when accompanied by a receipt for expenses. Expense reports must be submitted no later than forty-five (45) days after the expenses are incurred.

### **4. Approval and Authorization**

Employees must have explicit approval and authorization from the department head or the Commissioners to attend a work-related activity covered by this section in order to receive reimbursement.

All out of state travel paid for by county funds and/or use of County assets must be approved by the county commissioners. Department heads traveling out of state are encouraged to notify the County Administrator of their absence.

Portions adopted: March 14, 2006, May 16, 2006 and March 21, 2017

Amended January 5, 2021

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXI. UNIFORMS AND EQUIPMENT (Sheriff's Department Employees)**

1. Each full-time and part-time uniformed officer will be provided with complete appropriate summer and winter uniforms as specified by the Sheriff.
2. Each regular full-time uniformed (Class A and B) officer's uniform cleaning will be paid for by the County.
3. The Chief Deputy, Jail Administrator, Assistant Jail Administrator and Detectives will receive one hundred fifty dollars (\$150.00) per year for purchase of personal clothing.
4. The Cook will receive one hundred fifty dollars (\$150.00) per year for the purchase of work uniforms as specified by the Sheriff.
5. Any personally owned uniforms or equipment (not including personal vehicles) damaged or lost in the performance of the officer's duties will be replaced at the County's expense.
6. Each commissioned deputy will receive a sufficient number of rounds necessary to qualify with his service weapon. Officers who carry weapons that use more expensive ammunition than the regular ammunition may be requested to pay the difference in price.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXII. EDUCATION AND TRAINING**

Full-time may receive reimbursement for approved educational programs and courses of study related to their work for the County. Request for approval must be submitted to the department head in writing in advance of beginning the study and must contain an estimate of the costs that will be incurred. Actual and reasonable cost of tuition, fees, necessary materials and necessary travel may be reimbursed, so long as approval has been obtained in advance and upon the submission of receipts or other acceptable verification that the cost has been incurred. Reimbursement applies to attendance at conferences, courses or programs sponsored by institutions of higher education, and training and courses sponsored by government agencies.

Adopted: October 4, 2011 *Supersedes previous language.*



(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **STATUTORY BENEFITS**

### **XXIII. WORKERS' COMPENSATION**

Hancock County will provide workers' compensation insurance coverage for work-related injury or illness for all full-time and part-time employees as specified by state law.

An employee must report any work-related injury or illness on designated forms to his or her supervisor immediately following the injury or illness. For time lost and covered by workers' compensation, the employee will not be charged for, nor receive, compensation from the County. If the employee receives workers' compensation, he may charge the first three (3) days to sick leave if he has the time accrued. Where the employee has charged the first three (3) days of incapacity to sick leave but has insufficient sick leave accrued, sick leave accrued on return to work will be deducted to cover that charge.

While not working for Hancock County and while also receiving workers' compensation benefits, vacation, sick leave and all benefits based on the accrual of work time will not be accrued. Normally, an employee who is unable to return to work as a result of his or her work-related injury for one (1) year or longer will be terminated, but the period of retention may be shorter or longer depending on the operational needs of the department and other business reasons. Medical insurance benefits will continue until termination.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXIV. UNEMPLOYMENT COMPENSATION**

Hancock County will provide unemployment compensation coverage for all eligible employees consistent with state and federal law.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXV. SOCIAL SECURITY**

All employees of Hancock County will participate in Social Security in accordance with Federal law. The rate of contributions for both the County and the employee will be determined by statute.

## **CHANGES IN EMPLOYMENT**

### **XXVI. UPWARD TRANSFER, DOWNWARD TRANSFER, LATERAL TRANSFER, TEMPORARY TRANSFER / WORKING OUT OF CLASSIFICATION**

#### **1. Upward Transfer**

An upward transfer is a transfer of an employee from a job in the pay grade of his/her department to another job in a higher pay grade in any department. When an employee receives an upward transfer, (s)he will be placed at the appropriate step that gives not less than a 5% increase in his/her hourly rate of pay. Upward transfers will be recommended by the supervisor and/or department head, reviewed by the department head and approved by the Commissioners. Upward transfer decisions will be based on factors that include past performance, as indicated by performance evaluations; the ability to perform the duties of the higher classification or position; and the candidate's qualifications compared to other who seek the same opportunity. When criteria are equal among two or more candidates, seniority will be used as a tie breaker. The anniversary date of the employee receiving the upward transfer is the date (s)he began work in the new job. Employees upwardly transferred to a new position may be subject to a probationary period (See Probationary Period, Section VIII.)

#### **2. Downward Transfer**

A downward transfer is a transfer of an employee from a job in the pay grade of his/her department to another job in a lower pay grade in any department. The employee's longevity step will remain unchanged and the wage rate will be determined by the new pay grade at that longevity step. The wage rate will be reduced by not more than 10% every 6 months until the employee's wage rate does not exceed the actual longevity step on the new pay grade. If a downward transfer is based on sub-standard performance, it will be supported by a performance evaluation. If a downward transfer is for disciplinary reasons, it will be supported by documentation. All downward transfers will be initiated by the supervisor and/or department head, reviewed by the department head and approved by the Commissioners. The anniversary date of the employee receiving the downward transfer is the date (s)he began work in the new job.

#### **3. Lateral Transfer**

A lateral transfer is a transfer of an employee from a job in the pay grade of their current department to another job in the same pay grade, within any department with no change in hourly rate. The employee's anniversary date will not change.

#### **4. Temporary Transfer/Working Out of Classification**

A temporary transfer is a transfer of an employee to a job in a higher, lower or at the same pay grade for a period not to exceed twenty (20) work days. Working out of classification is defined

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

as an assignment to a job in a higher, lower or the same pay grade for a period that exceeds twenty (20) work days. Temporary transfers or assignments out of classification may be voluntary, at the discretion of the Commissioners, or involuntary, at the direction of the department head.

The rate of compensation will not change unless the twenty (20) work day period is exceeded. When an employee is assigned to a job in a higher pay grade for a period that exceeds twenty (20) work days, the employee's rate of compensation will be increased by three (3) percent over the employee's regular rate for the remainder of time the employee works out of classification. At the conclusion of such time, the employee's normal wage rate will be restored. The employee's anniversary date will not change. When the employee is assigned to a job in a lower pay grade for a period which exceeds twenty (20) work days, the employee's hourly rate will not change as a result of the assignment. When an employee works out of classification for sixty (60) work days, the Commissioners will review the circumstances to determine whether further or other action is needed.

## **XXVII. LAY OFFS**

### **1. Determination of Lay Off**

For operational, budgetary or other unavoidable reasons, employees may be laid off, either temporarily or permanently. When it is necessary to determine which employee(s) will be laid off, consideration will be given to factors that include (1) the position held by the employee; (2) the employee's ability to perform the duties of his current position; (3) the employee's past performance; and (4) the employee's ability to perform the duties of the position or classification or the remaining work in the department as modified by the lay off and related changes. When all factors are equal among incumbents, seniority will be used as a tie breaker.

### **2. Recall**

Employees who have been laid off will have preference for recall for one (1) year from the effective date of layoff when a vacancy occurs in the classification from which the employee was laid off. If the employee declines an offer of recall to the same classification or position, no further recall rights exist. At the County's option, an employee on lay off may be offered a position through recall that is different in nature or in classification from his former position but for which he is qualified. In that event, restoration of benefits (see below) is discretionary.

### **3. Recall Benefits**

When an employee is recalled to the same classification or position within the one year recall period, benefits will be restored, including sick leave that had accrued on the effective date of lay off. The employee will be placed on the wage schedule consistent with the employee's seniority, which is maintained for one (1) year after the effective date of lay off. When an employee is offered recall to a different class or position (see Recall, above), restoration of benefits is discretionary.

### **4. Severance**

In addition to other benefits that the employee may be entitled to under these policies or relevant law, an employee who has been employed by the County for more than one (1) year on the effective date of lay off will receive two (2) weeks' salary or wages as severance pay.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXVIII. SEPARATION**

Employees who are separated from employment are normally entitled to the following benefits: pay for accrued and unused vacation leave, subject to the applicable maximum accruals; pay for unused compensatory time that has been accrued by operation of the overtime provisions of the Fair Labor Standards Act; and group insurance continuation rights by operation of COBRA (*Consolidated Omnibus Budget Reconciliation Act*). In addition, employees who are laid off after one year of service and on other than a temporary, short-term basis receive two (2) weeks' severance pay. (See Lay Offs, Section XXV.) Compensatory time that has been accrued by operation of these policies (for example, for work on a holiday) and is not subject to the overtime provisions of the FLSA is not paid at separation.

## **XXIX. RETIREMENT**

### **1. Health Insurance**

Regular full-time employees who retire (under the guidelines of the Maine Public Employees Retirement System Plan) from service with Hancock County and who have ten (10) or more consecutive years of service as *regular full-time employees* with Hancock County on or before December 31, 1996, and who are in service with Hancock County as *regular full-time* employees at the time of retirement, will continue to receive, for life, health insurance coverage (single subscriber plan) comparable to that provided from time to time for county employees at contribution levels equal to those of active employees. Coverage shall be considered comparable if, when taken together with Medicare (if available), it provides coverage comparable to the health insurance provided to current employees.

Regular full-time employees who have ten (10) consecutive years of service as regular full-time employees at the time of retirement; who retire under the guidelines of the Maine Public Employees Retirement System; who have attained age 55 by December 31, 1996; and who are employees of the County at the time of retirement will receive coverage's as described above.

Regular full-time employees who have not met all the eligibility criteria as described above but who retire with ten (10) years of consecutive service as regular full-time employees at the time of retirement; who retire under the guidelines of the Maine Public Employees Retirement System; and who are employees of Hancock County at the time of retirement will receive the health insurance benefit on a pro-rate basis, as follows:

<u>Years of Consecutive Service as a Regular Full-Time Employee</u>	<u>Benefit Level</u>
10	50%
11	55%
12	60%
13	65%
14	70%
15	75%
16	80%
17	85%
18	90%
19	95%
20	100%

All employees hired after November 1, 2011 shall be ineligible for retiree health insurance upon retirement. The above schedule does not apply to employees hired after November 1, 2011.

Adopted: November 1, 2011 *Supersedes previous language.*



(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

**2. Severance Pay**

A regular, full-time employee who has been consecutively employed by the County for ten (10) years as a regular full-time employee at the time of retirement and who meets all criteria for retirement established by the Maine Public Employees Retirement System will be given one week's severance pay on retirement. To be eligible for this benefit, the employee must indicate in writing his intention to retire at least 60 days in advance of retirement.

**3. Sick Leave Benefit**

A regular, full-time employee who meets all criteria for retirement established by the Maine Public Employees Retirement System will receive pay for a maximum of ninety (90) unused sick leave days.

Adopted: October 4, 2011 *Supersedes previous language.*

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

### **XXX. RESIGNATION**

A full-time or part-time regular employee who intends to resign is expected to give a notice of at least two (2) work weeks before the effective date of resignation. Other employees are expected to give notice of at least one (1) work week. Employees are expected to return all County-owned equipment and other property, including but not limited to files, documents, tapes, computer disks, credit cards, or keys that are in the employee's possession.

Adopted: October 4, 2011 *Supersedes previous language.*

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **ACCESS TO PERSONNEL INFORMATION**

### **XXXI. PERSONNEL FILES**

An employee may review his personnel file at reasonable times during business hours and with reasonable notice. A request should be given to the County Clerk/ Personnel Coordinator in writing so that a time and place for review may be scheduled. Copies of personnel file documents may be obtained at a reasonable cost per page.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **EMPLOYMENT POLICIES**

### **XXXII. NEPOTISM**

No person will be employed, promoted or transferred to a position where he or she is supervised by or supervises a family member with the following relationship: father, mother, husband, wife, brother, sister, son, daughter, grandfather, grandmother, grandson, granddaughter (including in-law or step relationships), niece, nephew, significant other and/or persons sharing the same primary residence.

Adopted: December 10, 2010

*Supersedes: 12/10/06 Nepotism Policies*

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

### **XXXIII. OUTSIDE EMPLOYMENT**

An employee may engage in outside employment only if it does not interfere with job performance for the County and does not conflict with the interests of the County. Any full-time, part-time or temporary employee must notify the department head prior to accepting or working in outside employment. Approval of the outside employment will not be unreasonably denied.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXXIV. POLITICAL ACTIVITIES**

Political activities for County employees will be permitted within the scope of state and federal law.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXXV. WORKPLACE SMOKING**

### **TOBACCO-FREE CAMPUS**

The goal of the Tobacco-Free Campus policy is to improve the health of county employees and visitors by promoting cessation of tobacco use. This policy is designated to include all tobacco products including cigarettes, cigars, pipes, smokeless tobacco, and other tobacco products.

Effective January 1, 2013, the County of Hancock campus has been designated as a tobacco free campus.. Use of tobacco products **will not be allowed** on the courthouse campus. The campus is defined as all county owned property.

This policy applies to everyone who works for or visits the County of Hancock campus.

In general, supervisors are responsible for ensuring that employees under their direction are aware of the policy and comply with it and for taking appropriate action to correct noncompliance. Contractors in violation of this policy will be reported to their supervisors at the contracting organization. It is the responsibility of all employees to make visitors aware of this policy.

Smoking cessation programs are available to all employees through the county-provided health insurance program. Interested parties are also encouraged to contact their primary care physicians for more options.

The County of Hancock understands that tobacco is a legal product and further recognizes that, as an employer, this workplace may not require that employees or prospective employees refrain from tobacco use when not at work, and will not discriminate against employees who use tobacco outside of county property.

Adopted: October 2, 2012

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXXVI. RECEIPT OF GIFTS**

No employee may accept a gift, gratuity, favor, loan or other item or service of monetary value from any person, within or outside County government, whose interests may be affected by the employee's performance or non-performance of official duties. Any employee who has a concern or question regarding the offer or receipt of a gratuity, or who reasonably should have such a concern, must raise the concern with his department head prior to accepting a gratuity that falls within the circumstances covered by this policy.



(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXXVII. SOLICITATIONS OF EMPLOYEES**

So that employees may perform their duties for the County, no individuals or agencies may contact or solicit employees during an employee's work time or in a work area. This policy applies to but is not limited to community organizations, vendors, insurance companies, social organizations, labor organizations and fund raising efforts. Employees must refrain from contacting or soliciting other employees during work hours and in work areas consistent with this policy.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXXVIII. HAZARDOUS MATERIALS**

Material Safety Data Sheets are maintained in accordance with state and federal law and are available to employees. If employees have questions or concerns about materials or substances to which they are exposed in the workplace, they should raise the concerns with the department head so that adequate information and investigation may be provided. A copy of the county's hazardous chemicals communication program policy, including material safety data sheets and emergency information, is available in the County Commissioners' Office, the courthouse maintenance supervisor's office, and the sheriff's department booking area.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XXXIX. VIDEO DISPLAY TERMINALS**

In accordance with State law, the County will inform all employees of health and safety aspects of using video display terminals (VDTs). Employees whose primary task is to operate a VDT for at least half or more than half of the normal workday will be scheduled for periodic training sessions.

## **XL. HARASSMENT**

### **A. Sexual harassment**

Sexual harassment on the job is illegal and prohibited by Hancock County. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

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

Examples of sexual harassment may include suggestive or lewd remarks, unwanted hugs, touches, or kisses, offensive or degrading jokes, name calling or slurs, unwelcome touching or pulling on a person or their clothing, graffiti, posters, photographs or book covers, notes or cartoons, insults, threats, intimidating conduct, or violent acts, because of or arising out of the person's protected status.

### **B. Other prohibited harassment**

Hancock County also prohibits other forms of harassment based upon a status protected by law, including sexual orientation, race, creed, color, national origin, gender, age, religion, disability, veteran status, status as a recipient or former recipient of workers compensation benefits, whistleblower status, status as one who has used the protection of fair employment laws, or harassment based on other status protected under state or federal law.

Unwelcome verbal or physical conduct related to the protected status of a person constitutes prohibited harassment when:

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

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

c. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of such harassment may include offensive or degrading jokes, name calling or slurs, graffiti, posters, photographs or book covers, notes or cartoons, insults, threats, intimidating conduct, or violent acts, because of or arising out of the person's protected status.

### **C. Policy and commitment**

Hancock County takes all complaints of harassment seriously. It is our policy that all employees be free from sexual and other prohibited harassment by any person in any form while at work. Violations of this policy may lead to disciplinary action including suspension or termination. Any employee who experiences or observes sexual or other prohibited harassment of another person must report it immediately to his or her Department Head, the County Clerk, or any County Commissioner.

In addition, state law makes a procedure to file a timely charge of unlawful employment discrimination, including sexual harassment, available through the offices of the Maine Human Rights Commission in Augusta, and the law provides for the filing of a legal action in Maine Superior Court. The Commission can be contacted at 51 State House Station, 19 Union Street, Augusta, ME 04333, (t) 207.624.6290; or (fax) 207.624.8729.

### **D. Investigation**

All complaints will be investigated promptly and thoroughly. Information obtained during the investigation process will be kept as confidential as possible under the circumstances. When the investigation is complete, we will advise the person who brought the complaint and the alleged harasser of the outcome of the investigation. If an investigation results in a finding that this policy has been violated, we will take whatever appropriate corrective action is warranted under the circumstances, which may include discipline and/or termination.

Individuals who knowingly provide false information in an investigation, or refuse to cooperate in an investigation without good cause, may also be subject to disciplinary action.

### **E. Retaliation Prohibited**

Hancock County strictly prohibits retaliation against any employee on the basis of his/her good faith report of harassment or participation in an investigation related to alleged harassment. If you feel you are being retaliated against because you have reported harassment or participated in a harassment investigation, please report it immediately to one of the persons listed above.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

Adopted: December 10, 2010

*Supersedes: July 11, 2006 Harassment Policy*

## **DISCIPLINE AND TERMINATION**

### **XLI. DISCIPLINE**

#### **1. General Principles**

The County generally follows a corrective or progressive approach to employee discipline. When the department head or Commissioners, acting as department heads over employees who report directly to them, determines that there is a just, reasonable, appropriate and substantial basis for discipline, the disciplinary measure selected will be the one which is most likely, in the view of the decision-maker, to correct the conduct, performance deficiency or other problem. In determining the appropriate discipline, the decision-maker will consider the nature of the problem, the employee's past record, the nature of the position held by the employee, the effect of the employee's conduct or performance on the operations of the County, the effect on the public's interest and other relevant factors. Forms of discipline include oral warning; written reprimand; suspension without pay; final written warning; and termination. Discipline need not be imposed or selected in any order, so long as it is likely, in the view of the department head, to correct the problem.

#### **2. Decision-Making Authority**

Appropriate discipline will be determined initially by the department head. In the case of termination, the Commissioners will give prior approval before the action is implemented. In the case of lesser discipline, the Commissioners will, at the request of the employee, investigate the circumstances of the action.

#### **3. Examples of Conduct Invoking Discipline**

##### **A. Progressive Discipline**

The following are examples of conduct that will generally result in a lesser form of discipline than termination. However, in an unusual case, and if the decision-maker is satisfied that the circumstances so warrant based on the standards and factors described above, termination can result. These examples are illustrations and not exclusive.

## **B. Terminable Offenses**

Terminable offenses include but are not limited to:

- i. Using illegal drugs or alcohol on the job or arriving to work in a state impaired by the use of illegal drugs or alcohol.
- ii. Refusal to follow orders of a supervisor.
- iii. Willful damage to County property or negligent damage that results in serious expense or disruption to County operations.
- iv. Mistreatment of inmates, arrestees or any person in custody.
- v. Dishonesty, including but not limited to falsification of records, reports or official documents.
- vi. Acceptance of money or a gift under any circumstances indicating a hope or expectation of receiving better treatment than a member of the public.
- vii. Endangering the safety of other employees, inmates or the public.
- viii. Sleeping on duty.
- ix. Conviction of a crime or conviction of a civil infraction which, in the judgment of the department head, adversely affects the employee's job performance.
- x. Conviction of any traffic-related offense resulting in the loss or suspension of the employee's right to operate a motor vehicle in the State of Maine, where a license is required to perform the duties of the position.

## **4. Record-Keeping**

Records of discipline, including memoranda of oral counseling, written warnings, suspension records and any other record, will be provided to the employee and maintained in the personnel file.



(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

## **XLII. TERMINATION**

Employees may be terminated involuntarily for disciplinary reasons when there is a just, reasonable, appropriate and substantial basis that relates to or affects the ability, performance of duties, authority or actions of the employee or the public's rights or interests. Termination decisions based on cause are generally made by the department head with the prior approval of the commissioners.

## **COMPLAINT PROCEDURE**

### **XLIII. COMPLAINT PROCEDURE**

#### **1. Availability**

A full-time or part-time regular employee who has successfully completed his probationary period may use the complaint procedure when a misunderstanding, grievance or dispute has arisen between the employee and the department head or commissioners over the meaning or application of the County's personnel policies, or in the event that one employee files a complaint against another.

#### **2. Procedure**

##### **A. Immediate Supervisor**

Unless there are compelling reasons why the immediate supervisor would not be the appropriate first step, the complaint must be brought, in writing, to the supervisor within ten (10) calendar days after the employee knew or should have known of the action giving rise to the complaint. The supervisor will meet with the employee and every reasonable effort will be made to resolve the complaint at this level. The supervisor will respond, in writing, to the employee within five (5) days of the meeting.

##### **B. Department Head**

If, in spite of the best efforts of the employee and the supervisor, the complaint is not resolved, or if there are compelling reasons why the supervisor would not be the appropriate first step, the complaint may be brought to the department head within five (5) calendar days after the supervisor's response has been made or, if the supervisor step is not invoked for compelling reasons, within ten (10) days after the employee knew or should have known of the complaint. The department head will meet with the employee and respond within ten (10) calendar days after the complaint has been filed. The department head's response will be in writing and will set out the factual basis and the reasons for his decision.

##### **C. Commissioners**

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

If the complaint is not resolved at the earlier steps, the employee may submit it in writing to the Commissioners. The statement of complaint must describe the nature of the complaint; the steps the employee has taken to resolve the complaint at the first two levels; and indicate whether the employee is represented by counsel or is acting on his own behalf. The Commissioners will consider the complaint within thirty (30) days from receipt. At their discretion, the Commissioners may determine to meet with the employee; to ask the employee to submit additional written information or relevant documentation; to interview the department head or other involved persons or witnesses; to hold a hearing; and/or to take whatever action and use

whatever process is appropriate to investigate and resolve the complaint. The Commissioners will give to the employee a response in writing no later than ten (10) calendar days after their formal consideration of the complaint, unless they notify the employee, in writing, that a longer period is necessary in order to fairly and thoroughly assess and respond to the complaint. If an extension is required, the Commissioners will inform the employee of a date certain for the response. The Commissioners' response will set out the factual basis and reasons for the decision.

### **3. Finality**

The decision of the commissioners will be final.

## APPOINTED/EXEMPT EMPLOYEE POLICY

### XLIV. APPOINTED/EXEMPT EMPLOYEE POLICY

#### INTRODUCTION

##### A. APPLICABILITY.

This policy applies only to Appointed/Exempt staff. Unless otherwise stated below, the Appointed/Exempt staff will follow the *Hancock County Personnel Policies* that are contained elsewhere in this policy manual.

##### B. OLD POLICY REPEALED

The “Appointed/Exempt Employee Policy” contained in the *County of Hancock Management and Procedural Policies* is hereby repealed as of the date this Section takes effect.

#### 1. VACATIONS

##### A. PRE-JULY 1, 2014 EMPLOYEES:

Years of Service	Days Earned	Maximum
0 – 10	13 days	18 days
11 – 20	18 days	23 days
21+	23 days	28 days

##### B. POST-JULY 1, 2014 EMPLOYEES:

Years of Service	Hours Earned	Maximum
After 6 months of employment through 2 years	80 hours	120 hours
3 – 10	104 hours	144 hours
11 – 20	144 hours	184 hours
21+	184 hours	224 hours

##### C. VACATION USAGE

Vacation (Earned hours) is posted on January 1<sup>st</sup> of each year. In addition, 5 days / 40 hours may be carried forward from prior years’ allotment not to exceed the “Maximum” hours chart above. ALL other Vacation time MUST be used in the year in which it is granted.

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

**2. SICK LEAVE**

Sick Leave will be earned at the rate of 1.846 hours per week, with a maximum accrual of 720 hours. For staff hired prior to July 1, 2014, the new accrual level will begin on January 1, 2016.

**3. SEPARATION/RETIREMENT**

Appointed/Exempt employees will not be paid for accrued and unused sick leave or vacation upon early separation or upon retirement. Appointed/Exempt employees hired or elected officials first elected on or after January 1, 2008 will not be eligible for health insurance benefits upon retirement.

**4. INCOME PROTECTION PLAN**

The County will provide an Income Protection **Plan** paid by the County for those who were eligible for it prior to the adoption of this revised policy. A list of eligible staff will be maintained by the Personnel Office.

**5. SALARY PAYMENTS**

Appointed/Exempt staff are paid an annual salary divided by 52 weeks in a predetermined amount each pay period. If a year has 53 pay periods, employees will receive an additional week's salary.

**6. SPECIAL COMPENSATION**

The Commissioners have determined that some form of overtime compensation is appropriate for the Chief Deputy and Jail Administrator because their positions require them to be on call 24/7 and restricts their movements within the boundaries of Hancock County.

- A. The Chief Deputy will earn 12 hours of straight time pay for each weekend this person is designated as the Patrol Duty Officer.
- B. The Jail Administrator will earn 8 hours of straight time pay for each weekend this person is designated as the Jail Duty Officer.

Adopted: December 11, 2015 *Supersedes previous language.*

Amended: January 7, 2020

Amended: January 5, 2021

(Adopted 12/06/11)

(Portions revised 1/14/97, 8/12/09, 12/10/10, 10/04/11, 11/01/11, 5/1/12, 10/2/12, 11/6/12, 3/5/13, 12/13/13, 2/18/14, 4/1/14, 12/11/15, 3/21/17, 2/6/18, 12/5/19., 01/05/21, 09072022)

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William Clark, Chairman

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John Wombacher

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Paul Paradis