

Personnel
Policies & Procedures Manual
for the
Town of Gorham
New Hampshire



Adopted November 22, 2021

This document supersedes all personnel policies previously established or approved by Town of Gorham.

WELCOME TO THE TOWN OF GORHAM!

Starting a new job is exciting, but at times can be overwhelming. This Personnel Policies and Procedures Manual has been developed to help you get acquainted and answer many of your initial questions.

As an employee of the Town of Gorham, the importance of your contribution cannot be overstated. Our goal is to provide residents with the finest and most efficient service possible. You are an important part of this process.

This Personnel Policies and Procedures Manual explains our personnel policies and benefits. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to the Town Manager.

We are glad you have joined us, and we hope you will find your work to be both challenging and rewarding.

Sincerely,

Denise M. Vallee

Town Manager

ABOUT THIS MANUAL

The policies outlined in this Manual should be regarded as guidelines only, which may require changing from time to time. Town of Gorham retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town of Gorham. This Manual supersedes and replaces any and all prior Manuals, policies, procedures, and practices of the Town of Gorham.

This Manual also summarizes the current benefit plans maintained by the Town of Gorham for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Manual. The Manual (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This Manual is not and should not be construed as an express or implied contract, does not modify any existing at-will status of any Town of Gorham employee, and should not create any due process requirements in excess of federal or state constitutional or statutory requirements, nor does it guarantee any fixed terms and conditions of employment and/or benefits. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and the Town of Gorham has similar rights and can terminate the employment relationship at any time, with or without cause or notice, except as provided by law.

Please also be aware that the Town of Gorham reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Manual at any time, in its sole discretion. If and when provisions are changed, you will be given replacement pages for those that have become outdated. A copy will also be placed on our bulletin boards.

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I. GENERAL PROVISIONS

OUR WORKPLACE

As you review this Manual, you will notice that terms such as “workplace” and “premises” appear in many of the Town of Gorham’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, as you know, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this Manual, you must understand that we are discussing, not only, Town of Gorham buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle which you may be using for Town of Gorham related business.

EQUAL EMPLOYMENT OPPORTUNITY

The Town of Gorham is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. The Town of Gorham will not discriminate against employees or applicants for employment on any legally recognized basis including, but not limited to: veteran status, marital status, physical or mental disability, age, race, color, religion, sex, gender identity, sexual orientation, pregnancy, national origin or ancestry. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, and leaves of absence, compensation, benefits and training.

In support of our commitment to equal employment opportunities, the Town of Gorham prohibits harassment of one employee by another employee or supervisor on any of the basis discussed above. Any employee who harasses another employee, citizen, or visitor on any of the basis discussed above will be subject to discipline, up to and including discharge. The Town of Gorham defines harassment as follows:

Harassment is verbal and physical conduct that denigrates or shows hostility or aversion toward an individual or another Town employee because of his or her race, color, sex, pregnancy, national origin, ancestry, age, religion, disability, marital status, sexual orientation, gender identity or veteran status, or that of his or her relatives, friends, or associates, or that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (3) otherwise adversely affects an individual’s employment opportunities.

It is not possible to list all of the circumstances and behaviors that may constitute unlawful harassment in violation of Town of Gorham policy. However, the following are some examples of conduct, which may constitute harassment:

- epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, ancestry, pregnancy, age, disability, sexual orientation, marital status, or veteran status; and
- Written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, ancestry, age, and disability, sexual orientation or veteran status.

The Town of Gorham prohibits all of the activities discussed above, whether engaged in by a supervisor, agent, co-worker, or non-employee who is on our premises or who comes in contact with our employees. Any employee who harasses or discriminates against another employee or any non-employee on any basis discussed above will be subject to discipline, up to and including termination of employment.

If you believe that you have been subjected to harassment and/or discrimination in violation of this policy, you should report the incident in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated, and appropriate action will be taken, depending on the nature and severity of any proven incident.

Retaliation against an employee who complains in good faith about harassment and/or discrimination or who participates in good faith in an investigation of a complaint is a violation of this policy. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. If you believe that you have been subjected to retaliation, you should report the incident in accordance with the Reporting Procedure contained in this Manual.

POLICY ON SEXUAL HARASSMENT

All employees of the Town of Gorham are entitled to work in an environment free of sexually inappropriate behavior. The Town of Gorham is committed to preventing and eliminating such misconduct in the workplace before it rises to the level of sexual harassment. To accomplish these goals, the town's policy against sexual harassment shall be clearly and regularly communicated to all town employees, both supervisory and non-supervisory, through periodic educational programs and training. In addition, this policy shall be implemented through the complaint investigation procedures set forth below. This policy shall also serve as a guideline for the investigation of any other type of discrimination prohibited by law.

All complaints of sexual harassment or retaliation shall be promptly and thoroughly investigated. Particular care shall be taken in the course of investigations to protect the confidentiality of all involved to the extent possible. Should it be determined that a town employee has violated this policy, immediate and appropriate corrective and/or disciplinary action shall be taken. This may include discharge and/or other forms of discipline such as administrative leave without pay. The

type and extent of corrective action regarding non-employees will depend on the amount of control the Town of Gorham has over the non-employee.

Harassment and discrimination in employment based on sex are illegal under federal and state law and shall not be tolerated in town employment. Maintenance of a discriminatory work environment is also prohibited. Every town employee has a duty to observe the law and shall be subject to appropriate disciplinary or corrective action for failing to do so.

SEXUAL HARASSMENT: An unwelcome sexual advance, a request for a sexual favor or other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.

Any supervisor who threatens or suggests, either explicitly or implicitly, that an employee's refusal to submit to sexual advances or other conduct of a sexual nature will adversely affect the employee's job and/or working conditions has committed sexual harassment.

In order to rise to the level of legally actionable sexual harassment, conduct creating a hostile work environment must be severe or pervasive. However, it is the intent of the town to prevent conduct from escalating to the point that a hostile work environment exists. To that end, the following conduct is considered inappropriate and is prohibited in the workplace regardless of whether it rises to the level of being severe or pervasive: verbal abuse of a sexual nature; unwelcome, offensive sexual flirtation; unwelcome graphic verbal comments about an individual's body; sexually degrading words to describe an individual; unwelcome brushing, touching, patting, or pinching an individual's body; sexually explicit gestures; the display in the workplace of sexually suggestive, sexually demeaning or pornographic objects, pictures, posters, or cartoons; unwelcome inquiry or comment about sexual conduct or sexual orientation or preferences; or verbal abuse consistently targeted at only one sex, even if the content of the abuse is not sexual. Whether the conduct is severe or pervasive shall be considered in determining the level of appropriate corrective action required.

I. PROCEDURES FOR MAKING INVESTIGATION AND RESOLVING SEXUAL HARASSMENT AND RETALIATION COMPLAINTS

A. COMPLAINTS

Complaints of sexual harassment or of retaliation for making such complaints shall be made, whether in writing or verbally, to the Director of Finance & Administration or the Town Manager. Complaints may also be submitted to the employee's supervisor who shall be responsible for transmitting any complaint received to the Director of Finance & Administration.

If the employee's supervisor is involved in the alleged harassment, the employee may submit the complaint to the next supervisor in their direct chain of command, who shall be responsible for transmitting any complaint received to the Director of Finance & Administration. No employee shall be required to file a complaint with a supervisor who is hostile to that employee and/or who engages in conduct or has been alleged to have engaged in conduct which could be considered sexual harassment.

During the pendency of the investigation, the Director of Finance & Administration, in consultation with the Town Manager, shall promptly take such action as is reasonably calculated to prevent further harassment from occurring.

B. INVESTIGATIONS-CONFIDENTIALITY

All complaints shall be investigated with reasonable thoroughness and as expeditiously as possible by the investigator(s). Subject to the limits or requirements of the law, investigations shall be conducted with particular care to preserve the confidentiality of all persons involved. Only those who need to know in order to accomplish the purposes of the investigation shall be provided with the identity of the complainant and the allegations. All parties including the complainant and the alleged harasser contacted in the course of an investigation shall be advised of the necessity of confidentiality and that any breach of confidentiality shall be treated as misconduct subject to disciplinary action. Copies of the investigator's final report shall be submitted to the Director of Finance & Administration, who shall share it with the Town Manager. The complainant and the alleged harasser shall be advised of the findings reached on the complaint. If a violation of this policy is found to have occurred, the complainant will be advised that appropriate corrective action will be taken. This is in accordance with RSA 91-A, which provides that specific personnel actions must remain confidential.

All individuals are required to be truthful, forthcoming, and cooperative in connection with the complaint investigation. An investigation shall begin promptly. The investigators shall provide the Director of Finance & Administration with progress reports every thirty days.

Upon completion, a written report shall be prepared and submitted to the Director of Finance & Administration who will share it with the Town Manager. The Town Manager shall make a determination as to whether or not disciplinary or corrective action is warranted.

C. RETALIATION PROHIBITED

Retaliation of any kind against anyone who is involved in the investigation or in making an allegation of sexual harassment is prohibited and may result in disciplinary action against the retaliator, up to and including termination from employment.

II. TOWN EMPLOYEE EDUCATION AND TRAINING

The town's policy against sexual harassment shall be communicated in writing to all employees. Educational posters communicating the town's opposition to sexual harassment shall be conspicuously and continuously displayed in the workplace. Such notices shall advise employees of the right to initiate a sexual harassment complaint through the procedures outlined in this policy as well as the right to initiate complaints with the New Hampshire Commission on Human Rights and/or the Equal Employment Opportunity Commission.

Each town department or agency shall conduct periodic training to inform employees of the town's policy prohibiting sexual harassment and retaliation and the complaint and investigation procedure set forth herein. Such training shall include the following components:

- A. For all employees; As part of general orientation, each recently hired employee shall be provided a copy of this policy and during their first year of employment shall attend a training session regarding this policy.
- B. For all supervisory employees: All supervisory personnel shall annually participate in a training session on sexual harassment and other forms of discrimination which includes information about the types of conduct which will not be tolerated in the workplace.

THE AMERICANS WITH DISABILITIES ACT

The Town of Gorham is committed to complying with all applicable provisions of the Americans with Disabilities Act (ADA). It is the Town of Gorham's policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job.

Consistent with this policy of nondiscrimination, the Town of Gorham will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town of Gorham aware of his or her disability, provided that such accommodation does not constitute an undue hardship on the Town of Gorham.

The Town of Gorham encourages individuals with disabilities to come forward and request reasonable accommodations. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should approach the Town Manager to make appropriate arrangements. The Town of Gorham will maintain all medical information in a confidential manner in accordance with the ADA.

II. EMPLOYEE CLASSIFICATIONS

EMPLOYMENT AT-WILL

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

EMPLOYMENT CLASSIFICATIONS

At the time that you are hired, you are classified as full-time, part-time, or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in this Manual or as required by law, the benefits described in this Manual apply only to full-time employees. All other policies described in this Manual apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of which job classification into which your position fits, please ask the Director of Finance & Administration.

FULL-TIME EMPLOYEES: Individuals who are regularly scheduled to work 30 or more hours per week.

PART-TIME EMPLOYEES: Individuals who are regularly scheduled to work less than 30 hours per week.

TEMPORARY EMPLOYEES: Individuals who are hired for specific periods of time or for the completion of a specific project. Temporary employees are not eligible for benefits described in this Manual except to the extent required by state or federal law.

NON-EXEMPT AND EXEMPT EMPLOYEES: All employees will be classified as either "exempt" or "non-exempt". Exempt employees are paid on a salary basis and meet the other requirements necessary to be considered exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA"). Therefore, these employees are not eligible to receive overtime pay. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA and Town of Gorham policy.

Upon hiring, employees are told whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If you have questions about whether you are classified as exempt or non-exempt under the FLSA, please contact the Director of Finance & Administration.

EXCLUSION: Elected officials and uncompensated volunteers or appointed board and committee members are not considered employees of the Town of Gorham.

III. COMPENSATION AND HOURS OF WORK

REPORTING OF TIME WORKED

It is important that your time be accurately reported so that you are compensated for the hours that you work. All hourly employees will be required to complete time sheets, including beginning, and ending times for lunch breaks. No one is authorized to falsify any time records. Doing so could lead to disciplinary action, up to and including termination from employment. Your supervisor will provide you with details concerning your obligation to report all time you have worked. Any changes to a time sheet must be initialed by the employee next to each individual change.

PAY/PAY PERIODS

New Hampshire law requires that employees be paid within eight (8) days after they have performed the work. The New Hampshire Department of Labor, upon written request, will permit employers to extend the payment of wages beyond the eight (8) days.

Employees are paid on a BIWEEKLY basis on Wednesday for all hours worked during the calendar weeks preceding pay period. Please review your paycheck for errors. If you find a mistake, report it to the Director of Finance & Administration immediately. Paychecks will be distributed only to you. On call firefighters are paid monthly on the first payroll of the month following the month that was worked.

WORK WEEK/HOURS OF WORK

The Town of Gorham's workweek begins on Sunday at 12:00 a.m. (midnight) and ends on Saturday at 11:59 p.m. Because of the nature of our business, your work schedule may vary depending on your job and department. When hired, your Department Head or the Town Manager will inform you of your hours of work.

PAYROLL DEDUCTIONS

A. Payroll Deductions for All Employees

The Town of Gorham is required by law to make certain deductions from your paycheck, including federal income taxes and your contribution to social security. The Town of Gorham may also be required to make deductions from your paycheck pursuant to a federal or state agency or court order, such as for child support. These deductions will be itemized on your check stub. The Town of Gorham may make additional deductions for insurance and other purposes to benefit the employee. Arrangements for these voluntary deductions can be made with the Director of Finance & Administration.

Under New Hampshire law, the Town of Gorham may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except:

- For payroll taxes, or as otherwise required by statute;

- When the deduction is authorized in writing by the employee for: Installment payments of legitimate loans made by the employer to the employee;
- Voluntary payments for the recovery of tuition for non-required education costs paid by the employer for the employee to an educational institution;
- Voluntary payments for the recovery of accidental overpayment of wages;
- Union dues;
- Health, welfare pension and apprenticeship fund contributions;
- Strictly voluntary contributions to charities;
- Contributions to a political action committee;
- Housing and utilities;
- Payments into savings funds held by someone other than the employer;
- Voluntary rental fees for non-required clothing;
- Voluntary cleaning of uniforms and non-required clothing;
- For the employee's use of a demonstrator vehicle;
- Voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; and/or
- Voluntary payments by the employee for the following:
 - (a) child-care fees by a licensed child-care provider;
 - (b) parking fees;
- For medical, surgical, hospital and other group insurance benefits having no financial advantage for the employer, when the employee has given his/her written authorization and deductions are duly recorded;
- For required clothing not covered by the New Hampshire Department of Labor's definition of "uniforms;" and
- From final wages at the termination of employment, for any amount the employee may owe for voluntary payments for vacation pay, paid time-off pay, earned time pay, personal time pay, annual pay, sick pay, sick dependent pay and bereavement pay made pursuant to a written employment policy as required by RSA 275:49, III, when the payments have been requested and paid to the employee in advance of eligibility and when the employee has given his/her written authorization.

B. Payroll Deductions for Salaried Exempt Employees

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

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

C. Questions Regarding Paychecks and Deductions

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

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

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

REIMBURSABLE EXPENSES

With prior approval by the Town Manager, the Town of Gorham will reimburse legitimate expenses to the employee per their submitted receipt and not to exceed the amounts listed in the U.S. GSA Schedule that can be found here: <https://www.gsa.gov/travel/plan-book/per-diem-rates>. The employee must submit receipts in order to be reimbursed. Reimbursement may be in the form of petty cash, or a separate check. See the Town Manager with any questions as to whether and what expenses may be reimbursed.

OVERTIME

Under the Fair Labor Standards Act, the Town of Gorham is not obligated to pay overtime to those employed in fire protection or law enforcement activities if the public agency employs during the work week less than five (5) employees. Towns can extend the usual work period of seven (7) days for fire protection and law enforcement employees for any period of at least seven

(7) days but not more than 28 consecutive days. For fire protection employees, no overtime compensation is required until the number of hours worked exceeds the ratio of 212 hours to 28 days. For law enforcement employees, no overtime compensation is required until the number of hours worked exceeds the ratio of 171 hours to 28 days. A table showing how this ratio translates into hours based on the length of the work period is provided in 29 C.F.R. § 553.230.

From time to time, it may be necessary for you to perform overtime work. All overtime must be approved in advance by the Department Head. Except in the event of an emergency, the Town of Gorham will attempt to provide you with advance notice of the necessity for overtime work. Most non-exempt employees, with the exception of certain law enforcement and fire protection employees, are entitled to be paid one and one-half (1-1/2) times their average rate of pay for all time worked in excess of forty (40) hours per week. Sick days, holidays, vacation time, leaves of absences, and other time off benefits are not counted as time worked for purposes of overtime. You will be advised when you are hired if you are entitled to overtime pay. Non-exempt employees should not access job-related e-mails or conduct other business outside of work hours.

COMPENSATORY TIME

Compensatory time in lieu of overtime will not be allowed except in special circumstances and only with written prior approval by the Town Manager. There is no compensatory time for salaried employees.

BREAKS AND MEAL PERIODS

New Hampshire law requires that employees who work more than five (5) consecutive hours be given a thirty (30) minute unpaid meal break unless they can perform their duties while eating their meal and agree to do so.

IV. TIME AWAY FROM WORK AND OTHER EMPLOYEE BENEFITS

With respect to time away from work, employers with a certain number of employees may be required, under the law, to provide FMLA leave (50 or more employees), victims of crime leave (25 or more employees), maternity leave (6 or more employees), jury duty (1 or more employees), and military leave (1 or more employees). The remainder of the forms of leave provided below are discretionary. Accordingly, the Town has the discretion to determine (1) how much time to which employees are entitled; (2) how they will accrue it; and (3) whether and how they will be compensated for it.

HOLIDAYS

Full-time and part-time employees are entitled to the paid holidays listed below, provided that the employee is scheduled to work on that day. For hourly employees who do not work the holiday, eight (8) hours of holiday pay will be paid at the straight time hourly rate. If an hourly employee works on the holiday, they shall be paid for the hours they work during their shift at the regular rate, and either eight (8) hours of holiday pay or they may elect to take an 8-hour floating holiday. Holiday pay will be pro-rated for employees that regularly work fewer than eight (8) hours on that day. Temporary employees are not entitled to paid holidays.

Some employees may be required to work on holidays. Employees who are required to work on a holiday may take a floating holiday. The floating holiday must be scheduled at least one week in advance and approved by the department head. The Public Works Department will have Martin Luther King (Civil Rights Day) and President's Day as eight (8) hour floating holidays. Christmas Eve is a four (4) hour floating holiday. The department head will clearly indicate a floating holiday (FH) on the employee's timesheet when taken. Any floating holidays must be used before the end of the year and prior to any termination of employment or they will be forfeited.

HOLIDAYS:

New Year's Day	(January 1)
Civil Rights Day	(3rd Monday of January)
President's Day	(3rd Monday of February)
Memorial Day	(Last Monday of May)
Independence Day	(July 4)
Labor Day	(1st Monday in September)
Columbus Day	(2nd Monday of October)
Veterans' Day	(November 11)
Thanksgiving Day	(4th Thursday in November)
Thanksgiving Friday	(4th Friday in November)
Christmas Eve	Half (1/2) Day (December 24)

*When Christmas falls on Tuesday through Saturday: one half day off,
when Christmas falls on Sunday or Monday, no half day off.*

Christmas Day (December 25)

All holidays will be observed on the day designated by the Federal Government.

VACATION

Vacation is a time for you to rest, relax, and pursue special interests. The Town of Gorham provides paid vacation as one of the many ways in which we show our appreciation for your loyalty and continued service.

Full-time and part-time employees are eligible for paid vacation. Temporary employees are not entitled to paid vacation time.

Vacation time is granted to eligible employees based upon length of service and anniversary date. If there is a break in service, eligibility for vacation will be based on the employee's most recent hire date.

No part of an employee's scheduled vacation may be converted to sick leave. If illness or injury occurs during a vacation, sick leave benefits will not begin until the employee is scheduled to return to work.

Vacation is earned during the calendar year and is accrued according to the following schedule:

<u>Years of Continuous Service</u>	<u>Vacation Time</u>
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Any employee hired after July 1, 2019 will be capped at three (3) weeks of vacation time after five (5) years of service.

After One (1) Year	1 Week
After Two (2) Years	2 Weeks
After Five (5) Years	3 Weeks

The Board of Selectmen reserves the right to negotiate with salaried employees a compensation package that includes more than three (3) weeks' vacation.

Any employee hired after January 1, 2015 will be capped at four (4) weeks of vacation time after ten (10) years of service.

Any employee hired prior to December 31, 2014 will be capped at five (5) weeks of vacation after fifteen (15) years of service.

A part-time employee will be paid for vacation time on a pro-rated basis in accordance with his/her regular hours of work. For instance, if a part-time employee regularly works 5 hours per day, then the part-time employee will only be entitled to five (5) hours of pay when he/she takes a vacation day. If work hours vary during the course of the previous year, the average number of hours worked per week will determine the number of vacation hours paid per week.

You are expected to take your vacation during the year in which it is earned. Vacation time may be taken in full day or half-day increments. The Town of Gorham will not pay employees for unused, accrued vacation time at the end of the year. Vacation time may not be carried over and accumulated in subsequent years, unless approved in writing by the Town Manager. An employee will not be paid accrued, unused vacation pay upon termination from employment unless the employee has been actively employed for at least six (6) months prior to the termination and: (1) in the event of resignation or retirement, the employee has given two (2) weeks' notice of his/her intent to resign or retire; or (2) in the event of involuntary discharge, the termination was not "for cause," as determined by the Town of Gorham.

An employee will not accrue any vacation time for those pay periods in which the employee is entitled to no wages, unless required under law. Generally, this will occur when the employee is on unpaid leave, such as FMLA leave or disability.

All employees must submit requests for vacation time to their respective Department Head (Supervisors shall submit requests to the Town Manager) in writing. Requests should be submitted at least two weeks in advance of the requested vacation dates. Vacation may be taken only if the request is approved by the Town Manager or Department Head respectively.

PERSONAL DAYS

The Town of Gorham will provide two (2) paid personal days to all full-time and part-time employees each. Temporary employees are not entitled to any paid personal days. A part-time

employee will be paid for personal days on a pro-rated basis in accordance with his/her regular hours of work. Personal days may not be accumulated from year to year, and employees will not be paid for personal days not taken either during the year or upon termination of employment. Personal days may be used in no less than half-day increments and all personal days must be approved in advance by the respective Department Head or the Town Manager.

SICK LEAVE

The Town of Gorham provides paid sick days to all full-time and part-time employees who work at least 24 hours per week. Temporary employees are not entitled to any paid sick days. Sick time may be used in hourly increments, and employees will be paid at the normal straight time rate for the number of hours the employee was scheduled to work. Sick pay may not exceed the employee's regular workday and/or workweek hours.

Sick leave accrues at the rate of one (1) day per month up to a maximum of thirty-two (32) days. Accrual commences on the date of hire, but cannot be taken during the first ninety (90) days of employment. A part-time employee that works a minimum of 24 hours per week will be paid for sick days on a pro-rated basis in accordance with his/her regular hours of work.

Sick days are to be used for absences due to illness; either the employee's personal illness or the illness of an immediate family member. "Immediate family" includes spouse, domestic partner, children (including biological or by adoption), stepchildren, parents, brothers, sisters, step-parents, step-brothers, step-sisters, grandparents, and grandchildren of the employee. Mother-in-law, father-in-law, brother-in-law, and sister-in-law are considered "Extended Family" and use of sick time for the illness of an extended family member would have to be pre-approved by the Town Manager.

The Town of Gorham may, at any time, ask you to get satisfactory medical verification of an illness from your own doctor. Failure to provide verification may result in loss of sick leave benefits or disciplinary action.

An employee will not accrue any sick leave for those pay periods in which the employee is entitled to no wages, unless required under law. Generally, this will occur when the employee is on unpaid leave, such as FMLA leave or disability.

In the event all accumulated sick leave has been used, the employee may take any accumulated vacation days. Employees who have a minimum of fifteen (15) years of service with the Town shall receive 75% of their accrued sick leave upon retirement or voluntary resignation.

Employees who do not report to work due to illness must contact their Department Head on a daily basis relative to the need for and status of their absences, unless otherwise directed. If you are out three (3) days, you may be required to provide a doctor's note. Reporting of the absence to any employee other than their Department Head will not be accepted as compliance with the daily reporting requirement. Employees who fail to report to work or call in for three (3) consecutive workdays will be considered to have voluntarily resigned from their employment.

DONATION OF SICK LEAVE: In cases where a regular full-time or part-time employee because of illness or injury has used up, or is about to use up, all of his/her accumulated sick

leave and has a balance of vacation time of no more than two (2) weeks, the Town Manager may, where he/she determines that said employee has kept a good attendance record and a good work record, invoke this paragraph and authorize the start of the procedure for the donation by other interested Town employees of sick days to said employee. The following provisions and restrictions shall be incorporated into any such sick leave donation procedure set up by the Town Manager in addition to any other restrictions or requirements he/she deems appropriate at the time.

1. In order to be eligible to donate sick days, employees will have to have accrued at least fifteen (15) days of accumulated sick time as of the donation.
2. Employees who have accumulated the minimum of fifteen (15) days may donate no more than five (5) days of their total sick leave accumulation in any one instance.
3. All sick days donated will be deducted from the accumulated sick leave of the donor.
4. All sick days donated, but not used, for the purpose of the original donation will be returned to the donor(s) on a prorated basis rounded to the nearest half day.

FAMILY AND MEDICAL LEAVES OF ABSENCE

Eligible employees may take up to twelve (12) weeks of unpaid family/medical leave within a 12-month period and be restored to the same or equivalent position upon return to work. These twelve (12) weeks will be tracked beginning on the first day of leave. To be eligible for family/medical leave, you must have worked for the Town of Gorham: for at least twelve (12) months; must have worked at least twelve hundred fifty (1,250) hours in the past twelve (12) months; and must work at a work site where the Town of Gorham employs 50 or more employees within a 75-mile radius.

Eligible employees may take family/medical leave for any of the following reasons:

- the birth of your child and in order to care for the child (leave must be taken within 12 months of the birth);
- the placement of a child into your home for adoptive or foster care (leave must be taken within 12 months of the placement);
- to care for your spouse, parent, minor child, or adult child (when the adult child is not capable of self care and the employee is needed for such care) with a serious health condition; or
- due to your own serious health condition which renders the employee unable to perform the functions of his or her position.

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

The Town of Gorham has the right to designate FMLA leave any time an eligible employee requests time off for a qualifying reason. For example, if an eligible employee suffers a work-related injury that qualifies as a serious health condition, the Town of Gorham has the right to designate any time away from work as FMLA leave.

Tracking Leave: As stated above, an eligible employee is entitled to a total of twelve (12) workweeks of leave during any twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks an employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2017, four weeks beginning June 1, 2017, and four weeks beginning December 1, 2017, the employee would not be entitled to any additional leave until February 1, 2018. Beginning on February 1, 2018, the employee would be entitled to four weeks of leave; on June 1, 2018, the employee would be entitled to four additional weeks; and so on.

FMLA leaves for the birth or placement for adoption or foster care of a child, as described in paragraphs A and B above, must be taken all at once unless otherwise agreed to by the Town of Gorham. If medically necessary, FMLA leaves due to illness as described in paragraphs C and D above may be taken on an intermittent or reduced leave schedule. If FMLA leave is requested on this basis, however, the Town of Gorham may require the employee to transfer temporarily to an alternative position which better accommodates periods of absence or a part time schedule, provided that the position has equivalent pay and benefits.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers' compensation, short-term disability, or other benefits. If you are a salaried employee, the Town of Gorham will adjust your salary based on the amount of time actually worked.

Employee Benefits: Employees are required to use any accrued, unused vacation and sick/personal days during FMLA leave unless the FMLA leave is otherwise paid through workers' compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the 12-week FMLA leave period. Also, your FMLA leave may run concurrently with other types of leave, such as maternity leave.

During an approved FMLA leave, the Town of Gorham will maintain your health benefits under the same terms and conditions applicable to employees not on leave.

- If paid leave is substituted for unpaid FMLA leave, the Town of Gorham will deduct your portion of the health plan premium as a regular payroll deduction.
- If your leave is unpaid, or is paid through workers' compensation, short-term disability benefits, or other benefits not provided through the Town's payroll system, you must pay your portion of the premium by making arrangements with the Director of Finance & Administration.
- Your health and other benefit coverage may be canceled if your premium payment is more than thirty (30) days late.
- If you elect not to return to work at the end of the leave, you will be required to reimburse the Town of Gorham for the cost of the premiums paid by the Town of Gorham for maintaining coverage during your unpaid leave, unless you cannot return to work because of a serious health condition or because of other circumstances beyond your control.

If the FMLA leave is for a condition that is covered under the Town's short or long-term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

Requesting Leave: If your need for leave is foreseeable such as for the birth of a child or planned medical treatment, you must give your Department Head and the Director of Finance & Administration at least 30 days' prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting the Town's operations.

If the need for leave is not foreseeable, you must give notice to your Department Head and the Director of Finance & Administration as soon as practicable (within 1 or 2 business days of learning your need for leave). Failure to provide such notice may be grounds for delaying the leave. If you are not able to notify the Town of Gorham of the need for leave personally because of illness, you should ask someone else to call on your behalf.

Medical Certifications: If you are on leave because of your own or a covered family member's serious health condition, the appropriate health care provider must supply a medical certification. Please obtain a medical certification form from Director of Finance & Administration for the health care provider to use. If possible, you should provide the medical certification before your leave begins. If that is not possible, you must provide the medical certification within 15 days of beginning your leave. If you do not provide the required medical certification in a timely manner, your leave may be delayed. If certification is not provided at all, the Town of Gorham will not be able to determine whether you are eligible for FMLA leave and your leave will be denied.

The Town of Gorham, at its expense, may require an examination by a second health care provider designated by the Town of Gorham. If the second health care provider's opinion

conflicts with the original medical certification, the Town of Gorham, at its expense, may require a third health care provider agreed upon by the employee and the Town of Gorham to conduct an independent medical examination and provide a final and binding opinion.

The Town of Gorham may also require subsequent medical re-certification. Failure to provide requested re-certifications within 15 days may result in delay of further leave.

Reporting While on Leave: You must contact the Town of Gorham on a regular basis to provide updates about the status of the medical condition and your intention to return to work. In addition, you must give notice as soon as practicable (within two business days if feasible) if the dates of leave change or are extended or initially were unknown.

No Work While on Leave: The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including termination of employment.

Returning to Work: At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or “key employees” may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to the Town of Gorham. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the work site.

If you take leave because of your own serious health condition, you will not be reinstated until you provide a fitness for return-to-duty certificate from your health care provider confirming that you are medically able to resume work. The return-to-duty medical certification forms are available from the Finance Department.

Coordination with Maternity Leave: As stated in our Maternity Leave Policy, the Town of Gorham provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work.

Maternity disability will be treated in the same manner as a type D FMLA leave of absence. However, maternity leaves are not limited by any measure other than the period of medical disability. If a maternity disability is for the number of available FMLA leave weeks or less, the employee will be reinstated in accordance with this policy. If a maternity disability exceeds the available FMLA leave weeks, the employee will be reinstated unless business necessity makes reinstatement impossible or unreasonable.

An employee who uses less than the Available Leave Weeks for type D leave for maternity may take additional type A FMLA leave after the end of the disability period for a period not to exceed the Available Leave Weeks.

Coordination with Other Company Policies; Reference to FMLA and Federal Regulations: In the event of any conflicts between this policy and other Town of Gorham policies, the provisions of this policy will govern. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. The Town of Gorham reserves the right to apply the terms of the FMLA and the FMLA regulations to any individual circumstances.

MATERNITY LEAVE

A female employee may continue working so long as she is physically able to do her job. A female employee shall be permitted to take a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions (doctor's certification). When the employee is physically able to return to work as per a doctor's certification, her original job or a comparable position shall be made available to her by the Town unless business necessity makes this impossible or unreasonable. For all other employment related purposes, including receipt of benefits under fringe benefit programs, pregnancy, childbirth, and related medical conditions shall be considered temporary disabilities, and a female employee affected by pregnancy, childbirth, or related medical conditions shall be treated in the same manner as any employee affected by any other temporary disability. Employees will be required to take FMLA leave as set forth above if they are eligible for such leave. In addition, employees will be required to exhaust any accrued sick leave or accrued, unused vacation leave before taking any unpaid leave. Employees on maternity leave should contact the Finance Director to make arrangement for payment of their health insurance premiums during their leaves. An employee on maternity leave, who states that she will not be returning to work will be considered to have resigned as of the date that her leave commenced. It shall be the policy of the Town to comply with applicable federal and state laws existing at the time of absence.

NOTE: In the event of any conflicts between this policy and other Town policies, the provisions of this policy shall govern. The FMLA contains many limitations and qualifications for entitlement and governance of FMLA leave not stated herein. The terms of the FMLA are incorporated herein and will be applied in all instances of requested or designated FMLA leave. The full text of the FMLA is available at www.dol.gov/esa/whd/fmla.

PERSONAL LEAVE OF ABSENCE

The Town of Gorham recognizes that due to personal circumstances, it may be necessary for an employee to request more time off than is provided under our policies concerning holidays, vacation, sick, and personal days, and FMLA and maternity leave. A personal leave of absence may be granted at the sole discretion of the Town Manager to employees who have exhausted their leave available under our other leave policies.

Personal leaves of absence will be unpaid, and an employee on a personal leave of absence is not entitled to accrue any benefits, including, but not limited to, holidays, vacation time, sick leave, and personal days. However, eligible employees may apply for workers' compensation or short-term disability benefits. The forms for these benefits are available from the Finance Department.

Employees who are granted a personal leave of absence may continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue health insurance coverage by making arrangements with the Director of Finance & Administration to pay the entire amount of the appropriate monthly premium in advance each month.

To request a personal leave of absence, please contact the Town Manager. You may be asked to provide a written request for the leave and/or a doctor's certificate stating the reason for the leave and the expected date of return to work. If granted, personal leaves typically will not exceed 30 days.

Requests for leave will be considered on a case-by-case basis, taking into account the Town's staffing needs and other factors. If a personal leave is granted, you may not accept other employment of any kind, including a business of your own, while you are on leave. If you are granted a personal leave of absence, you must inform us when you are able to return to work, and you may be required to submit a doctor's certificate stating that you are medically able to return to work. We reserve the right to require a physical examination by a physician of our own choosing prior to your resumption of duties.

We will make reasonable efforts to reinstate employees returning from personal leaves to the same or similar job as held prior to the leave of absence, subject to our staffing needs and other requirements. Please understand that we cannot guarantee reinstatement from a personal leave. If the Town of Gorham is not able to reinstate an employee returning from leave, the employee's employment will be terminated, and the employee will remain eligible to apply for employment in the future. If an employee fails to return to work following the expiration of the leave, the employee will be considered to have voluntarily resigned from his or her employment with the Town of Gorham.

MILITARY LEAVE

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

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

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

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

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

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

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

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

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

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

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

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

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

Questions regarding this policy should be directed to the Director of Finance & Administration.

BEREAVEMENT LEAVE

Full-time and part-time employees bereaved by the death of a relative will be granted time off from work without loss of pay in accordance with the following policy:

In the event of the death of a member of a full-time or part-time employee's immediate family or domestic partner, the Town of Gorham provides three (3) days paid time off. Pay for part-time employees will be pro-rated based on the number of hours, if any, the employee regularly works on those days. "Immediate family" includes spouse, children (including biological or by adoption), stepchildren, parents, brothers, sisters, stepparents, stepbrothers, stepsisters, grandparents and grandchildren of the employee. Three (3) days of paid leave shall be granted in the event of death of an extended family member: mother-in-law, father-in-law, brother-in-law, and sister-in-law. One (1) day of paid leave shall be granted in the event of death of any other relative. One-half (1/2) day of paid leave shall be granted to serve as a pall bearer. If additional time is required, an employee may use sick, vacation or personal leave, with prior approval of the Town Manager.

JURY DUTY/WITNESS LEAVE

The Town of Gorham considers it a civic duty to serve on a jury if summoned and will grant you leave in order to serve on a jury. An employee shall be excused from employment for the day or days required in serving as a juror or witness in any court created by the United States or the employee's state of residence. For part-time and temporary employees, jury or witness duty should be considered an excused unpaid absence. A full-time employee called for jury duty (or subpoenaed as a witness) shall be granted (paid/unpaid) leave for the first three (3) days for the period of the civil involvement, and any absence thereafter will be unpaid leave, unless otherwise required by state or federal law. Employees who are compensated for jury duty shall be paid the difference between their regular day's pay and the amount of compensation they receive for performing their jury duty.

Employees summoned for jury duty must inform their Department Head and the Town Manager as soon as possible and must present a copy of the summons to their Department Head. If released from jury duty on any day, the employee is expected to return to work.

SECURITY

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with the alarm systems and the proper steps to take upon hearing them. Any suspicious person or event(s) should be called to the immediate attention of your supervisor. See something, say something.

LEAVE OF ABSENCE FOR VICTIMS OF CRIME

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

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

An employee needing time off under this policy should notify their Department Head as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. The Town of Gorham will maintain any such notices or records in confidence and will disclose them only on a need-to-know basis.

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

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

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

MEDICAL BENEFIT PLAN

Eligible employees may participate in our medical insurance plan. Full-time employees may enroll in either a single, two-person, or family contract after meeting the eligibility criteria stated in our plan documents. Information and enrollment forms may be obtained from the Finance Department. Under the Affordable Care Act, part-time employees who work an average of thirty (30) hours per week or more may enroll during the Town's open enrollment period in either a single, two-person, or family plan. To assist eligible employees with the cost of this insurance, the Town of Gorham currently pays seventy-five (75) percent of a single, two-person, or family contract. The twenty-five (25) percent balance is to be paid by the employee through authorized payroll deduction.

For any full time, employees hired before July 1, 2015, the Town will pay eighty (80) percent of the premium and the employee will be responsible for twenty (20) percent paid through authorized payroll deduction.

The Town of Gorham hereby reserves the right to make any and all changes that it deems necessary, in its sole discretion, so that the health insurance it provides complies with the Affordable Care Act and is not subject to any related fees, fines, taxes or penalties, including, but

not limited to “Cadillac” taxes (a.k.a. the excise tax on high-cost, Employer-sponsored health coverage). This will include, but not necessarily be limited to, the right of the Employer, in its sole discretion, to adopt and offer a health insurance plan that is not subject to any such fees, fines, taxes or penalties.

Prior to the beginning of each Health Reimbursement Arrangement plan year, the Board of Selectmen will determine the amount, if any, of the non-elective contributions to be made by the Town to HRA accounts to assist employees with covering their health care deductible.

Eligible employees may also participate in the Town’s Cafeteria Plan, which includes pre-tax treatment of deductions for Flexible Spending Account, Dependent Child Care Account, Medical Insurance, Dental Insurance and Disability Insurance.

HEALTH INSURANCE OPT OUT POLICY

A Town of Gorham employee eligible for Town of Gorham’s Group Health Insurance, who elects NOT to enroll in the Town of Gorham’s plan for the health plan may opt out of coverage.

The employee must have and anticipate continuing to have other health insurance coverage for the plan year. It is a requirement to provide the Town of Gorham proof of other health insurance coverage, with a signed statement from the health insurance provider showing the information listed below. This documentation must be attached as proof to the Opt-Out Agreement.

- The name of insurance carrier
- Copy of approved enrollment form
- Employee name listed as a dependent or subscriber
- Period of coverage and/or date of eligibility
- Type of coverage (Family, Two-Person, Single)
- If, with proof of coverage provided for other health insurance plan and with the Town of Gorham’s approval, the employee does not participate in Town of Gorham’s health insurance plan, the employee will be eligible to receive a taxable stipend in accordance with the terms, conditions, and limitations of Town of Gorham’s Health Insurance Stipend Policy.
- The opt out amount is \$1,000 per year, paid in two installments of \$500. The first installment is paid the first pay period in July and the second installment is paid the first pay period of December. For any new or departing employee, these payments will be prorated.
- The employee must notify Town of Gorham’s Director of Finance & Administration within thirty (30) days if the other health insurance coverage is lost or terminated for any reason.
- The employee agrees to hold Town of Gorham harmless of any error or omission on the employee’s part for failure to notify the Town of Gorham’s Director of Finance & Administration in writing within thirty (30) days of a qualifying event or other event that causes the employee to lose their other health insurance coverage.
- There is an annual agreement that must be signed by the employee every year as well as providing the proof of other health coverage. The agreements will expire at the end of the plan year every June 30th. Renewal is not automatic. If the employee wishes to enter

into an agreement for the following plan year, they must apply by May 30th every year and that agreement shall be subject to review and approval by the Town of Gorham.

Please see the Finance Department for more details.

RETIREMENT PLAN

The Town participates in the New Hampshire Retirement System. An employee must work thirty-five (35) hours per week to be eligible to participate in the New Hampshire Retirement System.

The Town recognizes the importance of saving for retirement and also offers eligible employees participation through payroll deduction in the NH Deferred Compensation Plan. Eligibility, vesting, and all other matters relating to these plans are explained in the Summary Plan Document that can be obtained from the Finance Office.

SHORT-TERM AND LONG-TERM DISABILITY

Full-time employees are eligible to enroll in our short-term and long-term disability insurance after completing three (3) months of employment. This insurance is designed to provide some income for you in the event that you suffer a non-occupational illness or injury. There are applicable waiting periods that apply before the benefits will begin.

Our short-term and long-term disability benefits are governed by detailed plan documents that are available from the Finance Director.

If you are enrolled in our short-term or long-term disability benefits and you suffer an illness or injury, please notify your supervisor and the Finance Department immediately. The Finance Department will tell you which forms must be completed and the medical information that must be supplied to apply for the benefits.

COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA") provides eligible employees and their covered dependents with the opportunity to continue medical and dental insurance for a period of time, at their own expense, if they would otherwise lose coverage for certain qualifying reasons. Please see the Finance Department for more information about COBRA.

WORKERS' COMPENSATION INSURANCE AND REPORTING WORKPLACE INJURIES

On-the-job injuries are covered by the Workers' Compensation Insurance Policy provided at no cost to the employee.

Reporting Injuries: If you are injured on the job, no matter how slightly, you must report the incident immediately to your department head and the Director of Finance & Administration. We ask for your assistance in alerting the Town of Gorham to any condition, which could lead or

contribute to an employee accident. Employees must complete the necessary workers' compensation forms within three (3) days following any injury. The Workers' Compensation carrier must also be contacted prior to seeking medical attention (unless it is a life-threatening injury).

Weekly Income Benefits: The amount of the weekly worker's compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee's average weekly wages. These benefits are paid by our workers' compensation carrier to eligible employees.

Temporary Alternative Duty: Employees with work-related injuries may also be entitled to temporary alternative duty in accordance with New Hampshire's workers' compensation laws. Employees with non-work-related disabilities who require accommodations to perform their jobs should make accommodation requests to the Town Manager. Please refer to The Americans with Disabilities Act policy in this Personnel Manual for more information.

Reinstatement: A full-time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A return-to-duty certificate from the employee's physician shall be required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if he/she has accepted a job with another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to his/her former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

EMPLOYEE ASSISTANCE PROGRAM

The Employee Assistance Program (EAP) is a resource designed to provide highly confidential and experienced help for employees, and their household members and dependents, in dealing with issues that affect their lives and the quality of their job performance. The Town wants employees to be able to maintain a healthy balance of work and family that allows them to enjoy life. The EAP is a confidential counseling and referral service that can help employees successfully deal with life's challenges, including child and elder care, drug & alcohol counseling, depression or other emotional concerns and financial and legal consultations. A toll-free number is provided to speak confidentially with a counselor who cares and is professionally trained to help you, 24 hours a day, seven days a week. A complete program description is available from the Finance Office. 1-800-759-8122, www.allonchealth.com (user name: healthtrust; password: member).

UNEMPLOYMENT INSURANCE

The Town of Gorham pays into the unemployment compensation fund established by the State of New Hampshire. Individuals laid off from employment by the Town of Gorham may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security.

SOCIAL SECURITY

Social Security is a payroll deduction representing your contribution to the federal government's Social Security Program. The Town of Gorham also contributes money on your behalf to the Social Security Program.

LONGEVITY PAY

Any Town employee after ten (10) years of service to the Town of Gorham upon state retirement or medical retirement will be eligible for longevity pay. The longevity pay will be a sum of \$100 per year for all years worked. The employee will notify the Town of his/her intention to retire, unless disability retirement applies, one (1) year in advance of their retirement and receive the longevity pay in the pay period following the last date of employment.

V. ON THE JOB

ATTENDANCE

From time to time, it may be necessary for an employee to be absent from work. The Town of Gorham is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise.

If you are unable to report to work, or if you will arrive late, you must contact your Department Head. In the case of a Department Head, contact should be made with the Town Manager. Your supervisor should be given as much time as possible to arrange for someone else to cover your position. If you know in advance that you will need to be late or absent, you are required to request, in writing, this time off directly from your Department Head or the Town Manager.

For late arrivals, you should indicate when you expect to arrive for work. If you are unable to call in because of an illness, emergency or for some other reason, the employee should arrange to have someone call on his or her behalf.

Absence from work for two (2) consecutive days without notifying your Department Head or the Town Manager will be considered a voluntary resignation. Furthermore, three (3) absences in a 90-day period, or a consistent pattern of absence, will be considered excessive, and the reasons for the absences may come under question.

Tardiness or leaving early is as detrimental to the Town of Gorham as an absence. Three (3) such incidents in a 90-day period will be considered a "tardiness pattern" and will be considered excessive, and the reasons for tardiness or leaving early may come under question. Other factors, like the degree of lateness, may be considered.

All employees should be aware that excessive absenteeism, lateness, or leaving early may lead to disciplinary action, up to and including dismissal from employment.

Attendance records will be considered when evaluating requests for promotions, transfers, leaves of absence, and approved time off, as well as disciplinary, termination, and layoff decisions.

CONFIDENTIALITY

Information and records relating to Town of Gorham business, operations, plans, projects, strategies, employees, or citizens may be confidential. Therefore, employees must treat all matters accordingly.

No Town of Gorham information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of the Town of Gorham) may be removed from the Town's premises without permission from the Town Manager.

Additionally, the contents of the Town's records may not be disclosed to anyone, except as required by law.

Employees unsure about the confidential nature of specific information are expected to seek clarification from the Town Manager. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

COMPUTER USE AND COMMUNICATIONS EQUIPMENT POLICY

The Town of Gorham provides communication tools including computers, fax machines, telephones, voice mail, e-mail, and access to the Internet to help you do your job. This policy is designed to help you understand our expectations for the use of these resources and to help you use these resources wisely.

All employees should be aware that the Town of Gorham has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail and Internet use of all employees. For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail and voice mail systems. The Town of Gorham reserves the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy.

The following guidelines apply to all employees:

- Employees should be aware that in addition to monitoring e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), we have the ability and the right to monitor such things as each Internet web site visit, newsgroup discussions, chat room discussions, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created on them are the property of the Town of Gorham and may be monitored by the Town of Gorham at any time.

- Our computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Town of Gorham resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any legitimate law enforcement investigation.
- The Town of Gorham reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document on any Town of Gorham system is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, religion, national origin, disability, veteran status, or anything else that may be construed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
- Transmission of any religious or political messages is strictly prohibited.
- Access to non-Town of Gorham related, obscene, or offensive web sites is strictly prohibited.
- Any personal use of our computers or other communications equipment for any commercial activity (other than Town of Gorham business) is strictly prohibited, as is the use of our computers and communications equipment for anything that may not be in the best interest of the Town of Gorham including, but not limited to, activities that disclose any confidential or proprietary information of the Town of Gorham.
- Town of Gorham computers and other communications equipment are to be for the Town of Gorham use only by authorized users. Non-employees may not use the Town's computers, network, or other communications equipment for any reason.
- Use of another employee's account, username, or password, or access to their personal files without their consent (by anyone other than authorized personnel) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited.
- All passcodes and passwords are the property of the Town of Gorham. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by the Town of Gorham or that is unknown to the Town of Gorham. Users of the Town's computers, network, and other communications equipment must take reasonable precautions to prevent unauthorized access to our systems. Passwords should not be divulged to unauthorized persons.
- Destruction, theft, alteration, or any other form of sabotage of the Town's computers, programs, software, hardware, networks, websites, files, data, and other communications

equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.

- The breaking into and/or corrupting of any of the Town's computer, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Town/City's technology is also prohibited and will be reported to the authorities.
- Any vulnerability in the Town's computers, network, or other communications equipment or resources should be reported immediately to the Town Manager.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the Town Manager,
- Accessing the Town's files or any other files on the network or the system that you did not create is prohibited unless you have prior authorization from the Town Manager.
- Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, or hacking, or introducing malware or spyware is strictly prohibited.
- Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All Town of Gorham data and information is considered confidential unless the Town of Gorham has granted permission for an employee to disclose that information or unless required by law. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should be used only for its intended purpose. Employees' responsibility for confidentiality continues outside of work.
- All employees are responsible for taking precautions to safeguard the physical security of the Town's network, Internet, computers, and other communications equipment. Disks, CDs, USB portable drives, Zip drives, and other removable drive devices containing sensitive, confidential, or proprietary information should be stored in a locked drawer, whenever possible. Computers should be turned off when not in use for an extended period of time or when an employee is out of his or her office, unless the computer needs to be on for remote access.
- Employees are not allowed to introduce to our network, Internet, computers, or other communications equipment media from any external sources, including, but not limited to, CDs, disks, Zip drives, smart phones, USB portable drives, and other removable drive devices without prior permission from the Town Manager.
- Employees also may not copy, transmit, or otherwise remove any information from our network, Internet, computers, or other communications equipment to CDs, disks, Zip drives, smart phones, USB portable drives, or other removable drive devices without prior authorization from the Town Manager.

- All downloaded files or applications are to be scanned for viruses before being saved on the Town's network. The Department Head must review all downloaded applications before being installed on the network.
- The Town of Gorham retains the copyright to any Town of Gorham-related material posted to any forum, newsgroup, chat, World Wide Web page or social media site by any employee in the course of his/her duties. Employees have no right of privacy while accessing social media at work or on company-owned equipment.
- All information on the network, Internet, computers, and other communications equipment is the property of the Town of Gorham. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, smart phones, tablets and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for the Town of Gorham to continue using its equipment.
- Employees shall not download applications onto a device that contains employer information and shall not click on links in unsolicited e-mails.
- Employees shall not leave a device used for work in a car and shall report a lost or stolen town-provided phone, tablet or lap-top immediately.
- All employees are required to report any violations, or suspected violations, of this policy.

PERSONAL DRESS / JEWELRY / TATTOOS

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing, "business casual attire". Dress requirements may vary by department, ie: uniform, or other job-specific clothing (like coveralls), however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Exceptions to the business attire policy may be made for inclement weather.

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

Any questions concerning dress should be directed to the Town Manager.

The Town of Gorham expects all employees to exercise appropriate judgment with regard to personal appearance and grooming to be most effective in the performance of their workplace duties. The Town recognizes that personal appearance is an important element of self-expression and strives not to control or dictate appropriate employee appearance, specifically with regard to jewelry or tattoos worn as a matter of personal choice.

INCLEMENT WEATHER

Employees generally are expected to report to work during inclement weather. However, there may be occasions when the Town of Gorham will be closed due to severe inclement weather. You should contact the Town Manager for information as to whether the Town of Gorham will be open for business.

If you are an hourly employee and you come to work and the Town of Gorham closes because of weather, loss of electricity or an emergency beyond our control, you will be paid a minimum of two (2) hours or the time you worked, whichever is greater.

MOTOR VEHICLE VIOLATIONS

All employees who operate Town of Gorham vehicles are required within 72 hours to notify the Department Head if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Town of Gorham vehicles is suspended, revoked, or otherwise restricted, the employee must notify the Department Head within one working day of learning of the suspension, revocation, or restriction. Employees who are required but unable to drive and/or who fail to comply with this policy may be subject to discipline, up to and including termination of employment.

CODE OF ETHICS

It is the policy of the Town of Gorham to uphold, promote and demand the highest standards of ethics and conduct from all of its employees and officials, whether elected, appointed or hired. The Board of Selectmen, all Town of Gorham employees and all members of Town boards, commissions, and committees shall maintain the highest standards of personal integrity, truthfulness, honesty, and fairness in discharging their public duties, and never abuse their positions or powers for improper or personal gain.

PURPOSE

The purpose of this code is to establish guidelines for the ethical standards of conduct for town officials, board members and employees.

We expect our public servants and volunteers to act in the best interest of the town.

We expect town officials, board members and employees to disclose any personal, financial or other interests in matters affecting the town that come before them for action.

We expect town officials, board members and employees to remove themselves from decision making if they have a conflict of interest.

We expect town officials, board members and employees to be independent, impartial, and responsible to their fellow townspeople in their actions.

We expect that the town's official decisions and policies be made through the proper channels of government.

We expect that public office or a volunteer position in our town not be used for personal gain. It is important that the public has confidence in the integrity of its government and that town officials, board members, volunteers and employees have an opportunity to protect their personal reputation.

This code establishes a process by which one may obtain guidance regarding potential ethical issues, and it establishes a course of action for resolving disputes in a manner that is fair to all of the parties involved.

CODE PROVISIONS

I. No Conflicts of Interest

Officials, board members and employees of the Town of Gorham shall avoid conflicts of interest.

As a town official, board member or employee, you shall not participate in any matter in which you, or a member of your family, have a personal interest that may directly or indirectly affect or influence the performance of your duties. In such instances, you shall recuse yourself from discussion and decision-making. Recusal means to remove yourself completely from all further participation in the matter in question.

Officials, board members or employees who have been recused shall immediately leave the room or shall seat themselves with the other members of the public who are present. When recused, you shall not participate in further discussions, unless you clearly state for the record that you are doing so only as a general member of the public.

As a recused person, you shall not deliberate or vote on the matter in question.

II. A Duty to Recuse in Quasi-Judicial Actions

A "quasi-judicial action" is any action where the board or committee you are a member of is acting like a judge or a jury. For example, when your board or committee has a duty to notify the potential parties, hear the parties, and can only decide on the matter after weighing and considering such evidence and arguments as the parties choose to lay before you, you are involved in a quasi-judicial action. The work of the planning and zoning boards is largely quasi-judicial. Not only do officials, board members and employees of the Town of Gorham have a duty to recuse themselves as outlined in the section above, you must recuse yourself in a quasi-judicial action if you would not be qualified to sit as a juror in that case. For example, jurors are not qualified to sit in a case if they have advised or assisted either party in a matter being decided, are prejudiced to any degree regarding the pending matter, or believe they cannot for any reason be totally fair and impartial. As a representative of the Town of Gorham, you are expected to hold yourself to this same standard.

III. A Duty to Disclose

As an official, board member or employee of the Town of Gorham, you shall not participate in the conduct of business on behalf of the Town or enter into discussion or deliberation of any

matter without first, publicly and on the record, stating all possible conflicts that may exist between you and your family, and the principals or the issue under consideration.

IV. No Unfair Personal Use of Town Property

No official, board member or employee of the Town of Gorham shall use town property, services, or labor personally, or make the same available to others unless such use is available to other residents upon request on equal terms.

V. No Misuse of Confidential Information

No official, board member or employee of the Town of Gorham shall use any confidential information acquired by virtue of that individual's official position for personal benefit, or for the benefit of any other person or business. This does not apply to information, which is readily available to the general public.

In addition, no official, board member or employee of the Town of Gorham shall violate the privacy of others by publicizing, gossiping, or discussing information confidentially acquired in the course of official duties without a legitimate reason to do so.

VI. No Improper Gifts

No official, board member or employee of the Town of Gorham shall accept a gift (or allow acceptance of such gift by a family member) from any individual, group, or corporation that has or is likely to have a matter pending before the board, committee, or commission on which the official or employee serves. This provision of the code is not meant to apply to gifts traditionally exchanged between family members at holidays or birthdays, for example.

VII. A Duty to Cooperate

All officials, board members and employees of the Town of Gorham shall cooperate with the Ethics Committee regarding any complaint or inquiry alleging violation of this Code of Ethics.

VIII. Fair and Equal Treatment

Acting in their official capacity, all officials, board members and employees of town government shall give each and every person fair and equal treatment. No official, board member or employee shall in the course of their official duties give or deny any person special consideration, advantage, or treatment as a result of the person's public status, position, sex, race, religion, creed, sexual orientation, or national origin.

DEFINITIONS OF TERMS

As used in this ordinance, the following terms shall have the meanings indicated:

Board: Any board, committee or commission, permanent or special, established by the Selectmen under New Hampshire law.

Complainant: Any person or individual or business representative entity who has submitted a petition to the Town Manager's Office (in the case of the Town Manager submit the petition to the Board of Selectmen) requesting an inquiry or alleging a violation of the Code of Ethics.

Conflict of Interest: A situation, circumstance, or financial interest that has the potential to cause a private or personal interest to interfere with the proper exercise of a public duty.

Employee: A person who is paid by the Town of Gorham for his/her services, but who is not an independent contractor.

Family: Any person who is related to the official, board member or employee in one of the following ways: spouse, parent, grandparent, child, grandchild, sibling, or similar relation to the individual's spouse. This includes all persons who are members of the same household as the official, board member or employee in question, regardless of whether they are related by blood or marriage.

Interest: Any legal or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but without limitation, a right, share or claim to land.

Official: Any elected or appointed officer, board member, or agent of the Town of Gorham.

Principals: Those people who are the subject of the action or application that is before the board.

Public Servant: A person who serves the Town of Gorham in an official capacity, whether elected or appointed, paid or unpaid, any town official, board member or employee.

Recuse: Officials, board members or employees who have been recused from a matter, shall remove themselves completely from all further participation in the matter in question. Officials, board members or employees who have been recused shall immediately leave the room or shall seat themselves with the other members of the public who are present. The recused persons shall not participate in further discussions, unless they clearly state for the record that they are doing so only as general members of the public. Recused persons shall not deliberate or vote on the matter in question.

Respondent: Board member or employee named in a petition submitted to the Ethics Committee as an inquiry or alleging a violation of the Code of Ethics.

Resident: A resident of the Town of Gorham.

Quasi-judicial Action: Any action where the board or committee has a duty to notify the potential parties, hear the parties, and can only decide after weighing and considering such evidence and arguments as the parties choose to lay before them.

Town: The Town of Gorham, including all of its departments, boards, commissions, and committees.

EXCLUSIONS

The provisions of this Code of Ethics shall not be interpreted so as to bar:

- A. Any official, board member or employee who is a resident of the Town of Gorham from fully participating in any Town Meeting;
- B. Acceptance of donations for the expressed purpose of financing a political campaign, provided such contributions are reported in accordance with all local, state and federal laws that pertain to such donations;
- C. Participation in a matter that relates to a person or business from which an official, board member or employee has merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business;
- D. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments; and,
- E. Supervisors of Town employees from appropriately carrying out personnel policies.

Adopted at the Annual Town Meeting (Articles 3,5,10 & 12) held on March 13, 2007.

Per RSA 31:19-a This Code of Ethics must be approved by the legislative body at a regular Town Meeting.

CHAPTER 673 LOCAL LAND USE BOARDS

673:14 Disqualification of Member. –

I. No member of a zoning board of adjustment, building code board of appeals, planning board, heritage commission, historic district commission, agricultural commission, or housing commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

II. When uncertainty arises as to the application of paragraph I to a board member in particular circumstances, the board shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.

III. If a member is disqualified or unable to act in any particular case pending before the board,

the chairperson shall designate an alternate to act in the member's place, as provided in RSA 673:11.

Source. 1983, 447:1. 1988, 26:1. 1992, 64:9. 1996, 42:11. 2007, 266:6. 2008, 391:6, eff. Sept. 15, 2008. In applying these rules, the State Supreme Court has held that in land use cases, being an abutter to land under consideration is always a conflict and requires recusal. *Totty vs. Grantham* 120 N.H. 388, 390 (1980)

STANDARDS OF CONDUCT

Any group of people who have come together for a common purpose must have rules that promote consistency, harmony, and support the objectives and missions of the Town of Gorham.

There are certain standards of common honesty and decent behavior that all employees are expected to follow. We believe that the following rules, which are not set out in any particular order, are necessary and reasonable for the proper conduct of our business.

We all know that no list of rules can be all-inclusive. The following areas, however, are expressly described to guide you in the recognition of certain behaviors which are clearly prohibited and which can result in disciplinary action, up to and including discharge.

1. Absence and Lateness

Excessive absences and/or lateness; failure to report when absent; overstaying allotted break time.

2. Employment/Town of Gorham Records

Making a false statement on the application form; falsifying Town of Gorham and employment records.

3. Attitude

Abusive language, uncooperativeness, abuse or neglect of visitors or residents, and abuse, neglect, or intentional destruction of Town of Gorham property.

4. Safety

Violation of safety regulations or endangering the health or safety of other persons.

5. Employee Relations

Abusive or profane language to another employee; intentional destruction of another employee's personal possessions; threatening bodily harm; intent to strike; striking another employee.

6. Crime

Conviction of a crime.

7. Dishonesty

Dishonesty to a coworker, resident, visitor or to the Town of Gorham.

8. Incompetence

Repetition of avoidable mistakes to a point that the mistakes demonstrate a disregard for the Town of Gorham's interest.

9. Intoxicants

Bringing, possessing, or using alcoholic beverages or illegal drugs on Town of Gorham property or while on the job; being under the influence of or testing positive for these substances during working hours may result in immediate discharge.

10. Neglect of Duty

Negligence in the performance of duties, which conflict with the Town of Gorham's interest.

11. Unsatisfactory Job Performance

Failing to demonstrate the requisite skills or abilities to satisfactorily discharge the employee's duties.

12. Telephone, Facsimile, Computer, E-Mail, Copier

Excessive use of a Town of Gorham telephone, facsimile, computer, e-mail, and copier for personal purposes.

13. Theft or Destruction of Property

The theft or negligent or intentional destruction of any Town of Gorham property or the personal property of a coworker, resident or visitor.

14. Sexual or Other Unlawful Harassment

Discrimination, sexual or other unlawful harassment, and inappropriate conduct in violation of Town of Gorham policies.

15. Insubordination

Acting in an insubordinate manner toward any supervisor or any other directive of the Town of Gorham.

16. Violation of the Town's Policies, Procedures or Rules

Failing to follow the Town's policies, procedures, or rules.

DISCIPLINE

It is the policy of the Town of Gorham to take corrective action against employees who violate rules, regulations, standard of conduct, endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by the Town of Gorham: documented verbal warning, written warning, suspension, and dismissal. While the Town of Gorham will apply the concept of progressive discipline when appropriate, it reserves the right to determine the appropriate level of discipline in any circumstance. In addition, nothing in this policy or Personnel Manual undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. The Town of Gorham may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under federal and state law.

DISPUTE RESOLUTION PROCEDURE

Grievance and internal complaint procedures are voluntary. However, many municipal employers include these procedures in their personnel policies in the hopes that disputes can be resolved without having to resort to litigation. Some employers limit grievances to disputes over wages, hours, leaves of absences, and administration of compensation plans, if any. Others entertain all types of complaints, including complaints about discipline and termination. Careful consideration should be given as to the steps in the grievance process and whether or not time limits should be given for each step. If the final step is before the Board of Selectmen, the Town must decide whether it is obligated to hold a "hearing" and what process must be followed. Lastly, the collective bargaining agreement may provide for a dispute resolution procedure. The policy set forth below is an example of a fairly simple process for entertaining complaints. If you feel you have a problem, you should present the situation to your supervisor so that the problem can be settled by examination and discussion of the facts. We hope that the supervisor will be able to satisfactorily resolve most matters.

An employee who is not satisfied with the supervisor's response is urged to go to the Department Head and again try to resolve the issue. If the matter is not resolved by the Department Head within fifteen (15) business days, the Town Manager is available to discuss the issue. We urge every employee to follow through rather than be dissatisfied. Any written complaint will be investigated, and the findings and determination reported back to the employee.

Your suggestions and comments on any subject are important to us so we encourage you to take every opportunity to discuss them with us. Your job will not be adversely affected in any way because you choose to use this procedure.

PERSONNEL RECORDS

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

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

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

PERFORMANCE APPRAISALS

In order for employees to improve performance and better understand the Town of Gorham's expectations, the performance of employees will be annually reviewed. You will generally receive performance appraisals from your Department Head (in the case of Department Heads, the appraisal will be done by the Town Manager). However, job coaching is a continuing process throughout the course of employment, and you may meet with your supervisor to discuss performance more frequently.

Your reviewer will discuss your performance appraisal, giving you the opportunity to understand the expectations of your position and to examine your strengths, as well as areas in which you need to improve. You will have the opportunity to comment on and sign the review. Your signature on the performance appraisal form indicates that you have seen the appraisal; it does not indicate agreement or disagreement with the content of the review.

An appraisal is not a contract or a commitment to provide a compensation adjustment, a bonus, or continued employment. Appraisals are only one of several factors that the Town of Gorham uses in connection with compensation, promotion, and retention decisions.

PROMOTIONS, TRANSFERS & JOB POSTINGS

The Town of Gorham strives to provide employees with the opportunity to make full use of their skills, interests and potential. To support employee growth and development, we will make every effort to promote qualified employees from within the Town of Gorham, if possible, based upon the needs of the Town of Gorham and employee qualifications. We may also recruit individuals from outside of the Town of Gorham, depending upon the circumstances.

In an effort to inform employees of promotion and transfer opportunities, we list vacancies for non-exempt positions on the bulletin boards. Employees who have at least twelve (12) months of service in their present position and who meet the qualifications of the open position are eligible to apply. Generally, in order to maintain stability, employees who have been working in their current position for less than one year will not be considered for another position, unless the Town of Gorham, in its discretion, decides otherwise. However, a transfer or promotion initiated by the Town of Gorham may take place at any time regardless of the employee's length of service in their present position.

Employees may obtain additional information about open positions and request consideration for any opening by contacting the Town Manager. The Town Manager will have final approval over all transfers and promotions.

If a transfer or promotion is granted, the employee's pay rate in the new position will be determined at the time of the transfer or promotion. The pay rate will be based upon the employee's qualifications, experience, job performance evaluations, and other considerations within the discretion of the Town of Gorham, unless otherwise governed by a collective bargaining agreement or other Town of Gorham policy.

Employees will receive a written performance evaluation after 60 days in a new position. Another performance evaluation will be conducted after six (6) months of service in the new position. Employees may be eligible for a pay increase in conjunction with the six (6) month evaluation, depending upon the circumstances.

VI. EMPLOYEE SAFETY AND HEALTH

HEALTH & SAFETY PROGRAM

Safety can only be achieved through teamwork. Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately. Please observe the following precautions:

- a. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- b. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Town of Gorham property is prohibited.

- c. The use, adjustment, and/or repair of machines or equipment are to be performed only by you if you are trained and qualified.
- d. You should get help when lifting or pushing heavy objects.
- e. Understand your job fully and follow instructions. If you are not sure of a safe procedure, ask your supervisor.
- f. Know locations, contents, and intended use of all first aid and fire fighting equipment.
- g. Wear personal protective equipment in accordance with the job you are performing.
- h. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- i. All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.

Violations of safety precautions may lead to disciplinary action.

JOINT LOSS MANAGEMENT COMMITTEE

The Town of Gorham maintains an active Safety Committee comprised equally of management and regular employees, which meets quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Director of Finance & Administration for details.

WORKPLACE VIOLENCE

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. Violence and verbal and physical threats of violence of any kind in the workplace or on Town of Gorham property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including the immediate separation from employment. Appropriate action may also include notifying the police or other law enforcement and prosecuting violators of this policy. If you become aware of any violence or threat of violence, you must immediately report the matter to the Town Manager.

DOMESTIC VIOLENCE IN THE WORKPLACE POLICY

PURPOSE:

The purpose of this policy is to set forth procedures and guidelines for the Town of Gorham's employees to reduce the occurrence of domestic violence and its impact on the workplace.

DEFINITIONS:

- A. DOMESTIC VIOLENCE: As defined by New Hampshire RSA 173:B, the commission or attempted commission of one or more of the following acts by a family or household

member, current or former sexual/intimate partner where such conduct constitutes a credible threat to the victim's safety: assault or reckless conduct, criminal threatening, sexual assault, interference with freedom, destruction of property, unauthorized entry and harassment.

B. PERPETRATOR: An individual who commits an act of domestic violence as defined above.

C. VICTIM: An individual who is subject to an act of domestic violence as defined above.

POLICY:

All town departments, to the fullest extent possible without violating any existing rules, regulations, statutory requirements, contractual obligations, and collective bargaining agreements, shall designate and direct all town employees to follow these guidelines. The Town will not tolerate acts of domestic violence perpetrated by or against any employee while in town offices, facilities, work sites, vehicles or while conducting town business. This includes the display of any violent or threatening behavior by a perpetrator (verbal or physical) that is likely to result in physical or emotional injury or otherwise places a victim's safety or productivity at risk. This policy addresses the particular concerns of domestic violence and its impact on the workplace.

In response to a voluntary request by an employee who is a victim of domestic violence, the Town will provide appropriate support and assistance. The employee will be instructed to contact the Town Manager or the Director of Finance and Administration to whom an employee can go to seek help. The employee will be given the contact information for the Employee Assistance Program (EAP) as well as the local domestic violence agency to assist called RESPONSE. work schedule adjustments or leave as needed to obtain assistance. The Town is committed to working with employees who are victims of domestic violence to prevent abuse and harassment from occurring in the workplace. No employee will be penalized or disciplined in the workplace solely for being a victim of domestic violence.

Employees who are identified as perpetrators of domestic violence are encouraged to access services through the Town of Gorham's Employee Assistance Program. They will be provided with information regarding counseling through Northern Human Services and the RESPONSE Program for batterer intervention resources.

Any employee who threatens, harasses, or abuses someone at the workplace, or from the workplace, using any Town resources such as work time, computers, workplace phones, fax machines, mail or other means is subject to corrective or disciplinary action, up to and including dismissal. This policy shall be interpreted consistently with the Town's policy prohibiting sexual harassment.

AGENCY RESPONSE:

Domestic violence occurs between people of all racial, economic, educational and religious backgrounds, in heterosexual and same-sex relationships, and between couples living together or separately, married or unmarried. Domestic violence can affect adversely the well being and productivity of employees who are victims, as well as their co-workers. Effects of domestic violence in the workplace include increased absenteeism, turnover and health care costs and reduced productivity.

All Town agencies shall ensure that employees participate in domestic violence training as provided.

Each agency shall designate an appropriate person to address domestic violence issues within that agency. This designee shall refer any employee who discloses that he or she is a victim or perpetrator of domestic violence to the Town's Employee Assistance Program, and Coos County Family Health - Text (603) 836-9060 open Monday through Friday 8:30 am to 4:00 pm. 24/7 Response Hot Line - 1-866-662-4220.

In response to a voluntary request from a victim, all Town agencies shall work with victimized employees to develop and implement individualized workplace safety plans. These plans may include, when appropriate, advising co-workers of the situation; setting up procedures for alerting security and/or the police; temporary relocation to a new work site; reassignment of parking space; escort for entry to and exit from the building; addressing telephone, fax, e-mail or mail harassment; and providing a photograph of the perpetrator and/or a copy of any existing court orders to security personnel.

All information relating to an employee's involvement in a situation relating to domestic violence, to the extent possible, should be kept confidential and should not be made part of any employee's personnel file.

When an employee needs to take time off for medical assistance, legal assistance, court appearances, counseling stemming from domestic violence, relocation or to make other necessary arrangements to create a safe situation, all Town agencies should take into consideration the employee's particular situation and leave benefits.

In cases where an employee's work performance falls below expectations as a direct result of being a victim of domestic violence, the employee shall be encouraged to develop a workplace safety plan consistent with this policy and shall be provided clear information about performance expectations, priorities, and performance evaluations. If a disciplinary process is initiated, special care should be taken to consider all aspects of the victimized employee's situation and exhaust all available options in trying to resolve the performance problems, including making a

referral to the Town's Employee Assistance Program, consistent with existing collective bargaining agreements, statute, regulations, and agency policies.

In accordance with existing collective bargaining agreements, statutes and regulations, all town agencies shall hold employees accountable under this policy who engage in the following confirmed behavior: 1) misuse the town's resources to commit an act of domestic violence; 2) commit an act of domestic violence from or at the workplace or from any other location while on official town business; or 3) misuse their job-related authority and/or town resources in order to abuse a person at the workplace, from the workplace, or on town business using any workplace resources such as work time, computers, workplace phones, fax machines, mail, e-mail, or other means. Agencies should consult with the appropriate personnel as needed to address other concerns relating to domestic violence in the workplace.

EMPLOYEE AWARENESS

Information on domestic violence and available resources shall be posted in the worksite in places where employees can obtain it without having to request it or be seen removing it, such as employee restrooms or lounge areas. Such information shall include available resources of assistance such as the Town's Employee Assistance Program, local domestic violence service providers, and/or human resources personnel who are trained and available to serve as sources of information, support, and referral. Information shall be made available on employee bulletin boards and included in employee newsletters, as appropriate.

ALCOHOL AND DRUG POLICY

Manufacture, distribution, transfer, dispensation, possession, or use of any illegal drug, alcohol, or controlled substance while on the Town of Gorham's premises or while using Town of Gorham-owned property, such as vehicles, is strictly prohibited. This includes use of prescription drugs, which have not been prescribed for you. These activities constitute serious violations of the Town of Gorham's rules. Such behavior jeopardizes the Town of Gorham and can create situations that are unsafe or substantially interfere with an employee's job performance. If an employee is involved in a motor vehicle accident involving an injury or fatality, which occurs during the course of his/her duties with the Town, the employee must immediately report to the Occupational Services Department at AVH for the administration of an alcohol/drug test. For any other motor vehicle accidents which occur during the course of his/her duties with the Town, depending upon the circumstances, a Department Head or Police Officer may request that the employee immediately report to the Occupational Services Department at AVH for the administration of an alcohol/drug test.

This policy also applies to any prescription drugs and/or opioids that may have an adverse impact on an employee's ability to work safely while using these drugs. An employee using a drug that has been prescribed by a licensed physician for personal use shall report the use of that drug to his or her supervisor if such drug might reasonably be expected to impair the employee's ability to safely perform the duties of the job to which the employee is assigned. Any information reported in accordance with this policy will be maintained as confidential and shared only with those in management with a legitimate need to know.

Employees in violation of this policy are subject to appropriate disciplinary action, up to and including dismissal.

The Town of Gorham follows the DOT Drug and Alcohol Testing Policy for all Gorham Public Works employees with a CDL and for all police officers. A copy of the full policy is available from the Director of Finance and Administration.

SMOKING POLICY

The Town of Gorham is committed to providing a safe, healthy, and smoke-free work environment for our employees, visitors, and vendors. Consistent with our commitment and state law, we have declared a no smoking policy within our buildings and in Town of Gorham vehicles.

No smoking or use of any tobacco product or e-cigarettes is allowed in any areas of Town of Gorham buildings. See State of NH Policy. Anyone wishing to smoke must do so only during authorized breaks in the designated area. The Town of Gorham hopes and expects that our employees will comply with the non-smoking policy. If you have a concern or complaint with respect to any employee, visitor, or vendor violating this policy, please report such concern or complaint to the Town Manager.

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

WORKPLACE SEARCHES

To safeguard the safety and property of our employees, residents, and the Town of Gorham and to help prevent the use of illegal weapons and illegal drugs on Town of Gorham premises, to include town-owned buildings and their associated parking lots, it may become necessary to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from Town of Gorham property. In addition, the Town of Gorham reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and the Town of Gorham. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of the Town of Gorham and are issued for the use of employees only during their employment with the Town of Gorham. Inspections may be conducted at any time at the discretion of the Town Manager or Selectmen.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, illegal weapons or illegal drugs, may be subject to disciplinary action, up to and including discharge.

VII. SEPARATION FROM EMPLOYMENT

REQUESTED NOTICE OF DECISION TO TERMINATE EMPLOYMENT

Should you decide to resign from your employment with the Town of Gorham, we ask that you notify the Town Manager of your decision at least two (2) weeks in advance of your planned departure date. Your thoughtfulness will be appreciated and will allow the Town of Gorham to maintain work schedules and provide important services to the public.

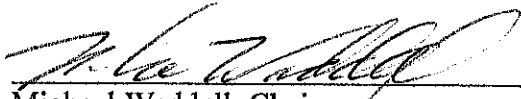
EXIT INTERVIEWS

In most instances, employees who terminate their employment will be asked to participate in an exit interview with the Town Manager. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, and to receive feedback from you on ways in which our Town of Gorham can improve our operations and retention of employees.

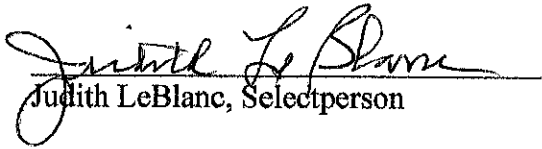
SUGGESTIONS AND IDEAS

We are always interested in your constructive ideas and suggestions for improving our operations. We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement.

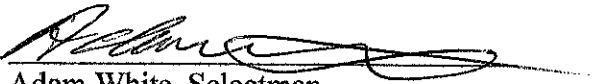
Adopted by the Gorham Board of Selectmen on November 22, 2021:



Michael Waddell, Chairman



Judith LeBlanc, Selectperson



Adam White, Selectman

RECEIPT AND ACKNOWLEDGMENT OF
PERSONNEL POLICIES AND PROCEDURES MANUAL

This Personnel Policies and Procedures Manual is an important document intended to help you become acquainted with Town of Gorham. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Manual.

- I have received a copy and understand that it is my obligation to read the Personnel Policies and Procedures Manual. I understand that the policies described in the Manual are subject to change at the Town of Gorham's sole discretion at any time.
- I acknowledge that I have the right to terminate my employment with the Town of Gorham at any time without notice. In turn, I acknowledge that the Town of Gorham has the right to terminate my employment in its sole discretion, subject to any statutory or federal or state constitutional requirements.
- I am aware that the descriptions of benefits in this Manual are not contractual in nature and do not guarantee any continuance of said benefits.
- I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Town of Gorham premises or with non-Town of Gorham employees, except as required by law.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Personnel Policies and Procedures Manual.

_____ Date: _____
Employee's Name (please print)

Employee's Signature