

TOWN OF GREENWICH

HUMAN RESOURCE POLICY MANUAL



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1. INTRODUCTION

The Town of Greenwich (hereinafter referred to as the ‘Town’) acknowledges that in extending services to its citizens, that the well-being of its employees is essential in order to maintain a high standard of operation and that the interests of the Town and its employees should be harmonious rather than in conflict. A sound employee-management relationship makes it possible for the entire organization to cooperatively develop a strong Human Resources Program. The publication of this Human Resources Policy Manual is a part of this positive program. The Department of Human Resources is providing this Policy Manual as the official set of guidelines and details that will serve to define expectations for public service by all members of the Town’s paid and volunteer workforce. This Policy Manual sets forth the principles and procedures which will be followed by the Town in the administration of its human resource management program. These guidelines are intended to establish an efficient, equitable and functional system of human resource administration to govern the employment functions affecting its total workforce.

Amendments

This Policy Manual will be revised periodically to conform to changes in legislation as well as to continue to meet the needs of the Town and its citizens. The Department of Human Resources is charged with preparing the amendments, as appropriate. Employees will be notified of changes to these policies.

Application

The collective policies contained in this Policy Manual apply to all appointing authorities and to all employees except certified instructional staff at the Board of Education (and where applicable volunteers, consultants and contractors) providing a service for or representing the Town, except as otherwise specified. To the extent any provision of this Policy Manual conflicts with or is contrary to a provision of one of the Town’s recognized collective bargaining agreements entered into with a recognized employee group, including but not limited to Weingarten Rights*, the provisions of the Collective Bargaining Agreement shall prevail over any conflicting provisions of this Policy Manual.

Compliance

The intent of this Policy Manual is to comply with the relevant federal and state laws as well as Town Charter and Code. In the event that there is a conflict, federal and state laws take precedence unless a matter has been negotiated and is included in a current collective bargaining agreement.

Policy Manual - Not an Employment Contract

Nothing contained in this Policy Manual should be interpreted to be a contract of employment between the Town and its employees, and nothing within this set of policies guarantees employment for any duration. All full-time offers of employment will be made in writing and only become effective upon execution by the Town.

1. INTRODUCTION

Town Organization/Administration

The Town includes all municipal appointing authorities including the First Selectman/Board of Selectman, Board of Estimate and Taxation, Board of Education, Board of Health, Greenwich Library Board of Trustees, Perrot Library Board of Trustees, Planning and Zoning Commission, Inlands Wetlands and Watercourses Agency, Conservation Commission, The Nathaniel Witherell Board, Board of Social Services and the Retirement Board. The Administration of established Town policies should be administered as close to the scene of action within each department/division as feasible. Lines of authority and responsibility must be drawn clearly. People are to work together effectively and harmoniously. The Town believes in maximum delegation of responsibility for administration, with each person accountable to their immediate supervisor. Therefore, the duties and responsibilities of each individual position must be clearly defined and logically related to the assignments of others. The number of people reporting to any one individual should be limited by the nature of the work and the qualifications of the people concerned.

The informal exchange of information and ideas is encouraged among people at all levels. Appointed officials who are department heads, commissioners, and others in supervisory roles report either to the First Selectman directly or to an elected Board or a commission appointed by the First Selectman with the concurrence of the RTM (examples: Commissioner of Social Services, Director of Health, Administrator of Nathaniel Witherell). The Comptroller and Tax Assessor are appointed by the Board of Estimate and Taxation, an elected Board. The Registrar of Voters, Town Clerk and Tax Collector are elected officials.

Note: Hard copies of both the Town Policy Manual and the Employee Handbook are located in the Department of Human Resources for viewing at any time.

*Weingarten Rights: The Connecticut Board of Labor Relations has found that employees are entitled to certain Weingarten Rights as follows: “An employee has the right to request the presence of a union representative at any investigatory interview which the employee reasonably believes may result in disciplinary action or a threat to job security. The right to union representation may arise when an employer: (1) seeks facts or evidence in support of disciplinary action; (2) attempts to induce an employee to admit to wrongdoing; or (3) seeks a waiver of other statutory rights of the employee. There is no requirement that the employer negotiate with the employee or union representative.”

2. DEFINITIONS OF HUMAN RESOURCE TERMS

SCOPE

This policy outlines the fundamental terms used by the Town when creating and implementing human resources policies and procedures.

DEFINITIONS

The following terms serve as the foundation for the human resources policies and procedures used by the Town in the daily operation of matters impacting all members of the Town workforce.

Appointing Authority - The person or group of persons who has the power by law to make appointments to positions in the Town service.

Appointment - The offer to and acceptance by a person of a position in the Town service in accordance with the provisions of the Town policy.

At Will Employee – An employee who is lawfully retained in the position after appointment from an employment list into an unclassified position as defined in their Employment Agreement.

Class - A group of positions sufficiently alike to reflect the following:

- Similar job scope, duties and responsibilities
- Similar education, experience, knowledge, ability, and other qualifications which may be required of all incumbents
- Similar tests of fitness to choose qualified employees
- Similar schedule of compensation which can apply with equity

Classification Plan - A list of titles of all classes of positions in the competitive service.

Classified Service - The positions which are included or which may hereafter be included under the Town's Classification Plan.

Demotion - A change in employment status from one position to a position in a lower pay grade.

Eligible - A person whose name is on an employment list.

Eligibility List - A list of names of persons who have passed an entrance examination for a position in the competitive service and were ranked on the list in the order of the score received.

2. DEFINITIONS OF HUMAN RESOURCES TERMS

Emergency Employee – An employee holding a position under a limited emergency appointment to meet the requirements of an emergency condition which threatens life, property or the general welfare of the Town. The Director of Human Resources may waive the hiring requirements for employing such persons. The length of employment of such persons may be as needed for the limited term of the emergency, subject to available appropriations.

Employment List – Any certified list, eligible list, transfer list, promotional list, or reemployment list, signed and approved by the Director of Human Resources.

Examination Definitions:

- (a) **Assembled examination:** A test or tests conducted at a specified time and place at which applicants are required to appear for competitive examination under the supervision of an examiner.
- (b) **Unassembled examination:** A test or tests consisting of an appraisal of experience and training, or of any other means of evaluating the relative qualifications of applicants; does not usually involve the calling of applicants together prior to appointment.

Job Description - A description and analysis of a position to distinguish it from other positions and to provide a guide for the allocation of the position to a class.

Layoff – The act of dismissing an employee due to abolition of the position or reorganization. Layoff is involuntary, may be with or without notice, and is not caused by any fault of the employee.

Regular Employee - An employee who is lawfully retained in the position after appointment from an employment list and completion of the probationary period as provided for in these rules; a regular full-time or part-time employee who is not a seasonal, (fewer than six months), emergency, or temporary employee of the Town and who has completed his/her probationary period

Position - Any office or employment in the classified or unclassified service, whether occupied or vacant.

Position Reclassification - A position may be reclassified as a result of an increase or decrease in position responsibility which is sufficiently significant as approved by the Director of Human Resources, through the use of job analysis and job evaluation, to require a new job description and a new job grade. Such approved reclassification may require posting the new position as an open position.

Probationary Employee - An employee who has been appointed to a position but who has not completed the probationary period as provided.

2. DEFINITIONS OF HUMAN RESOURCES TERMS

Promotion - A change in employment status from one position to a position in a higher class or higher pay grade.

Promotional List - A list of employees who have passed a promotional examination for a position in the classified service and ranked on the list in the order of the score received.

Temporary Employee - An employee who has been appointed to fill a position for which no employment list exists or for which appointment is for fewer than twenty-six (26) weeks per year.

Salary - Base wage as defined in the Classification and Compensation Plan.

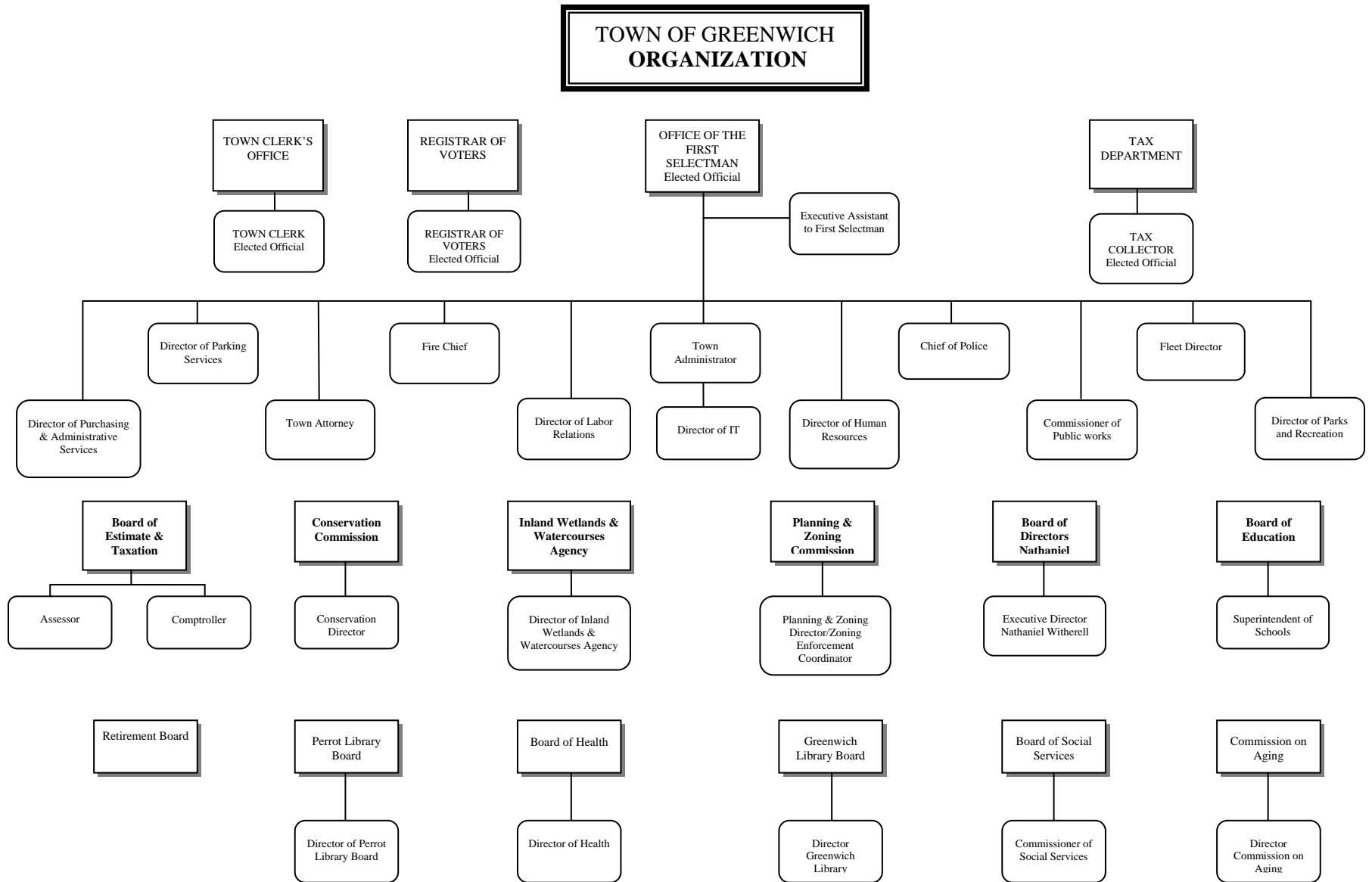
Re-employment List - A list of employees who have previously occupied positions in the Town service and who have been found entitled to reappointment to positions in such class.

Transfer - The change of an employee from one position to another position in the same class. The change is neither a demotion nor promotion as defined in the Human Resources Policy Manual.

Unclassified Service – Specific classes, which, by nature of the authority and responsibilities exercised by the incumbents therein, are excluded from the merit system testing policies, although maintained in the classification plan.

Upgrade - An increase in level and salary within a position and title.

3. ORGANIZATIONAL STRUCTURE AND MANAGEMENT



4. RECRUITMENT, SELECTION AND APPOINTMENT

4.1 EMPLOYMENT GUIDELINES

The Department of Human Resources is responsible for the development, implementation and administration of all employment policies, procedures, rules and regulations for Town employees.

The employment functions of the Department of Human Resources shall include, without limitation, the following functions:

- Recruitment;
- Employment eligibility determinations, testing and assessment;
- Administration of classification and compensation processes;
- Administration of the hiring process and procedures;
- Implementation of terms and conditions of employment as established from time to time through the collective bargaining process;
- Administration of employee performance review plans and recommendation of modifications to employee performance review plans and procedures;
- Administration of employee discipline and termination in accordance with collective bargaining agreements and Town personnel policies;
- Staff development, personnel training, and retention processes;
- Employee Assistance and Employee Relations services;
- Maintenance of human resource records and documents;
- Compliance review as to all applicable laws in the area of personnel;
- Affirmative Action.

Every appointment, transfer, promotion, demotion, dismissal, change in salary, absence from duty, and other temporary or regular change in the status of employees shall be reported to the Director of Human Resources at such time, in such form, and with such supporting or pertinent information as the Director of Human Resources may prescribe.

No advertisements may be placed for non-certified job openings without prior written approval of the Director of Human Resources.

Every effort will be made to find suitable candidates both from within the Town organization and from outside the Town organization. Open or promotional, competitive recruitment postings will include the job descriptions and specifications.

Department heads and appointing authorities may employ any full-time candidate from the applicable eligibility list certified by the Director of Human Resources, following satisfactory completion of all required pre-employment tests, including the pre-employment medical

4.1 EMPLOYMENT GUIDELINES

examination, reference checks and/or background investigation, and the review with the Director of Human Resources to ensure conformance with any collective bargaining agreement and Town personnel policy. To the extent that there is a conflict between a collective bargaining agreement and this policy, the collective bargaining agreement shall be the controlling document.

4.2 EMPLOYMENT AGENCIES

Outside employment agencies or executive search firms may be used by the Town Department of Human Resources as deemed appropriate for recruitment and search efforts. Employment agencies and/or executive search firms may be used when either all other recruitment methods have been exhausted or it is deemed in the best interests of a Department and the Town. Written approval for using outside search firms must be obtained from the Director of Human Resources prior to initiation of expenditures for this type of project. All outside employment agency vendors engaged in service provision will communicate their work products for Town Departments through the office of the Director of Human Resources.

4.3 EMPLOYMENT APPLICATION

All applicants are required to complete an employment application through the Town's online application system, NeoGov, at www.greenwichct.org/jobs and sign the Town's Application for Employment form as a prerequisite for employment consideration. Only applications for currently posted positions will be considered.

Applications must be received in the Department of Human Resources by close of business on the closing date for the opening.

Applications and resumes forwarded to department heads by the Director of Human Resources (or designee) should be acted upon promptly, following job related guidelines.

The application is a critical component of the examination process and must be fully completed. All information and questions on the application form should be answered completely and correctly regardless of whether a resume is submitted at the time of application. Applications should contain all relevant information to demonstrate that the candidate meets the minimum qualifications as stated on the job description.

An applicant's electronic signature certifies that all statements and information are true, complete and correct. False, incomplete or inaccurate information may result in the rejection of the application or dismissal if employed. Omission of dates, salaries, etc. or "see resume" is not acceptable for any areas of information requested on the application. In the event an applicant indicates a criminal background involving a felony conviction, the circumstances should be verified in detail with the law enforcement agency or probation/parole officer concerned. If an applicant has been convicted of a crime of violence, such as murder, armed robbery, assault, etc., the applicant may be removed from further employment consideration if it is determined that such conviction would have a substantive negative impact upon the Town, the department or position to which the applicant is applying.

When an applicant completes and signs the required Town Employment application form, the form is considered personal and confidential. Under no circumstances shall anyone make a copy, or take or send the application outside of the Department of Human Resources without prior approval of the Director of Human Resources. Any and all outside requests for such forms or related information should be referred to the Director of Human Resources.

Through the submission of the application, the applicant gives approval for the Town to check employment references and agrees to undergo a job-related pre-employment examination, as well as a drug screening test. No applicant should be considered or interviewed unless the employment application is fully completed and is signed and submitted to the Department of Human Resources prior to the closing date.

All employment applications will be reviewed by the Director of Human Resources/designee, to determine which applicants should be tested.

No original employment records are to be removed from the Department of Human Resources.

4.4 EMPLOYMENT BACKGROUND SCREENING

The Town conducts background checks on all job candidates pre- and post-offer (contingency offer) as appropriate. Specific background checks administered during the hiring process will be job related and may vary depending on the essential functions of the job and work location. The Town may also use a third-party vendor to administer part or all of the background screening. Background screening will include but is not limited to: prior employment verification, medical, drug screening, criminal background check, education verification, social security verification, motor vehicle records check, and may include psychological and/or psychiatric examinations or other background screening related to the position. The Town shall assume the costs of such screening. The purpose of such examinations is to determine that The Town has taken reasonable steps to ensure that a job candidate is not a threat to third parties or co-workers and that the prospective employee is physically and mentally capable of performing the essential functions of the position with or without reasonable accommodation. The Town will, upon application/request, make every effort to reasonably accommodate qualified individuals with a disability prior to original employment, reassignment, reclassification, demotion, or dismissal. The Department of Human Resources will ensure that all background screening is completed in accordance with applicable laws and regulations.

1. REFERENCE CHECKS

Prior to making an offer to an applicant, a minimum of two (2) previous employer references are required, preferably by telephone, and the following data checked:

1. Position Title
2. Dates of Employment
3. Compensation
4. Performance
5. Reason for Leaving
6. Eligibility for Rehire

In the event significant unfavorable information is obtained, the applicant should be removed from further consideration unless the Town official has reason to believe there is discrimination.

The Department of Human Resources will make the necessary contacts for the purpose of checking references for unrepresented management positions.

Department Heads are responsible for completing reference checks for all other full-time positions, temporary and part-time employees. For full-time regular employees the completed references and the Request for Approval signed by the Appointing Authority are then forwarded to the Director of Human Resources for review. Once approved and following the candidate's successful completion of all required tests, interviews and reference checks, and prior to and pending the successful completion of the pre-employment medical exam and drug screening test and background screening a conditional offer of employment, including the approved starting wage rate, will be made by the appointing authority to the candidate shown on a current, applicable eligibility list.

4.4 EMPLOYMENT BACKGROUND SCREENING

Note:

- Colleges and universities will not confirm references by phone under the "Buckley Amendment" to the Family Education Rights and Privacy Act. They are forbidden to disclose information without the student's prior consent.
- You cannot ask the applicant to provide high school graduation dates, medical histories, birth dates, sexual orientation, etc. A substantial number of employers limit the answers given on reference checks to employment dates, job title and the officially stated reason for leaving. Some will also verify the compensation rate.
- All reference checks will be considered of a confidential nature in order not to jeopardize the candidate's present employment status.

Military Service

When an applicant's most recent background is military service, details of this service will be verified through the applicant's discharge or separation papers in order to verify the type of service and discharge.

2. PRE-EMPLOYMENT MEDICAL EXAMINATIONS

Once a conditional offer of employment has been made and accepted, the candidate will be required to submit to a pre-employment medical examination and a drug screening test, at Town expense. Rejection of an applicant after the pre-employment medical exam must be based upon job related reasons. Refusal to undertake the required pre-employment medical examinations or return a signed release form for a background investigation, if required of the applicant, will result in termination of the applicant's candidacy. Pre-employment medical examinations are considered "confidential". Related documentation will be filed separately from other employment related documentation by the Director of Human Resources. The Director of Human Resources must pre-approve all requests for the information based on a "need to know" basis and an employee's release.

All new regular full-time employees and rehired employees, who have not worked for the Town during the last twelve (12) months, shall be given a pre-placement medical examination. Such examination shall be given as part of the entrance examination for the position if it is job related, as determined by the Director of Human Resources. New employees shall not be placed on the payroll until written approval is obtained from the Director of Human Resources. The Department of Human Resources is responsible for making appointments with the Town's physician for this exam process. Upon the discovery of some physical defect which impairs the applicant's ability to perform the job, the employee concerned shall be expected to correct the defect within a reasonable time in order to prevent its further development and subsequent loss of time, or sign a waiver acknowledging same and releasing the Town of any and all liability. An applicant may be excluded from employment when the defect would preclude performing the job satisfactorily after the Town has made requested reasonable accommodations.

4.4 EMPLOYMENT BACKGROUND SCREENING

3. PRE-EMPLOYMENT DRUG SCREENING

Applicants are required to take a drug screening test at the time of a job offer. Drug users can endanger the safety of others and the employer can be held liable for injuries to other employees. All positive tests must be verified. All medical and drug screening tests must be kept confidential. The Director of Human Resources will determine who may see the exam results on a "need to know" basis.

4. PROTECTION OF CONFIDENTIAL INFORMATION

If an applicant is rejected for employment on the basis of reference information which is directly job related it is important that the source of this information be protected.

There is a Connecticut statute which prohibits "Black-listing," defined as "publishing information" which would prevent someone from obtaining employment; however, when there is a complete disparity between the facts provided by the applicant and the dates, etc., on a reference check, there is probable cause to verify these details.

5. FAIR CREDIT REPORTING ACT

Under the Fair Credit Reporting Act there are restrictions on the use of credit reporting agencies and private investigators by employers. Details are as follows:

1. If an applicant is rejected partly as a result of a "Consumer Report" (such as those of a Retail Credit Bureau), the applicant must be informed of that fact and given the name and address of the reporting agency.
2. If the employer requests an "Investigative Consumer Report" (such as those made by private investigators requiring a check of friends and neighbors of the applicant), then the employer must notify the applicant in writing within three (3) days of such request. In addition, on request of the applicant, the employer must make a complete and accurate disclosure of the nature and scope of the investigation.

Most employers limit their answers on credit inquiries to verifying the fact of employment and do not give out specific pay information without the consent of the employee. There are both Connecticut and Federal laws controlling commercial collection agencies. Under these laws, such agencies are prohibited from contacting employers except to verify the location of the debtor and may not mention the debt.

The Director of Human Resources is responsible for administering pre-employment investigations. All criminal and credit investigation results are confidential.

4.5 EMPLOYMENT OFFERS AND APPOINTMENT

The Appointing Authority who initiated the requisition will make the final decision to hire or to not hire candidates approved and qualified by the Director of Human Resources, from Eligibility Lists.

ORDER OF APPOINTMENT

a. Classified Service

All vacancies in the Classified Service shall be filled by appointment from a List of Eligibles certified by the Director of Human Resources as having successfully passed a qualifying examination for either entry level or promotional positions, or, where applicable, by transfer of a similarly classified employee.

All vacancies in a classified position that are included in an employee organization shall be filled pursuant to the provisions of the applicable collective bargaining agreement first by reemployment list, if any, then by transfer or promotion. If there are no such eligibles, the opening shall be filled from eligibles certified by the Director of Human Resources from an appropriate employment list, if available. In the absence of persons eligible for appointment, temporary appointments may be permitted.

b. Unclassified Service

All vacancies in the Unclassified Service shall be filled by appointment from candidates deemed qualified and approved by the Director of Human Resources as having met the minimum qualifications of the class.

All vacancies in the Unclassified Service are excluded from the merit system testing policies.

Full-time Regular Appointments

Prior to making an offer to a candidate for a full-time regular position, references and employment background checks must be conducted (see Policy 4.4 - Employment Background Screening). In the event significant unfavorable information is obtained, the applicant should be removed from further consideration unless the Town official has reason to believe there is discrimination.

The references, along with a request for approval of salary, are forwarded to the Director of Human Resources. Once approved, the department will be notified in writing by the Director of Human Resources to issue a conditional offer of employment. The Department of Human Resources will arrange for the background screening which may include but is not limited to: prior employment verification, medical, drug screening, criminal background check, education verification, social security verification, motor vehicle records check and may include psychological examinations or other background screening related to the position.

4.5 EMPLOYMENT OFFERS AND APPOINTMENT

Upon successful completion of the background check, Human Resources will contact the Appointing Authority who will contact the new hire with confirmation of the appointment date. The new employee will be instructed to report to the Department of Human Resources on the day of appointment for orientation. No full-time regular employee may be placed on the payroll until successful completion of all phases of the background screening. The hiring department will prepare a Personnel Information Form (PIF), signed by the Appointing Authority, and forward the PIF to the Department of Human Resources.

It is the responsibility of the hiring department to notify candidates not selected of their status.

Reference Checks

A minimum of two reference checks must be completed by the Department before forwarding the recommendation to the Department of Human Resources. See Policy 4.4 Employment Background Screening.

TEMPORARY/PART-TIME APPOINTMENTS

When a vacancy is to be filled in a position of the class for which there are no eligibles available for certification, the appointing authority, upon authorization from the Director of Human Resources, may make a temporary appointment of a person who is deemed qualified, pending the establishment of an employment list. A temporary appointment may continue for a period of not more than six months in the same position/department.

Part-time employees may be employed on a regular and temporary part-time schedule.

EMERGENCY APPOINTMENT

To meet the requirements of an emergency condition which threatens life, property, or the general welfare of the Town, an appointing authority may employ or authorize the employment of such persons as may be needed, subject to available appropriations, for the limited term emergency. The Director of Human Resources may waive the hiring requirements for employing such persons.

New Hire Processing

Each new full-time regular and part-time represented employee will be processed and given orientation by the Department of Human Resources and shall receive written and oral descriptions of the Town policies, rules and practices. Full-time employees will be given descriptions of the Town's benefits.

No regular full-time, part-time or seasonal/temporary employee may be placed on the payroll unless and until an accurate and complete Personnel Information Form is submitted to Human Resources. The form is not accurate and complete if:

4.5 EMPLOYMENT OFFERS AND APPOINTMENT

1. The wage rate was not pre-approved by the Director of Human Resources.
2. There is no Appointing Authority approval signature.

In addition to the above, the Personnel Information Form for unrepresented part-time and temporary/seasonal employees must be accompanied by:

1. A part-time/seasonal/temporary employment application.
2. State and Federal Withholding Forms.
3. Part-time, Non-represented, Seasonal, Temporary Orientation Checklist.
4. I-9 (Eligibility to Work) Form.

Note: No full-time employee may be placed on the payroll until orientation has been completed and all benefit information has been signed and returned to Human Resources.

The orientation check list for full-time and part-time represented employees will be completed during orientation by the Department of Human Resources on the appointment day.

The Town is legally required by the IRS to record and report each employee's social security number for all wage payments. This is necessary for income and social security tax withholding.

4.6 EMPLOYEE RELOCATION REIMBURSEMENT

It is the policy of the Town, when it is in the Town's best interest, to provide relocation assistance to new unrepresented management employees and their families or any other potential new represented employee being hired to fill a significant management position on behalf of the Town. The appointing authority may request such relocation assistance for expenses the new employee incurs in relocating their place of residence resulting from accepting employment with the Town.

Reimbursement for moving expenses to the Town will be considered on an individual basis requiring prior approval in writing from the Appointing Authority and Director of Human Resources.

The following documented expenses may be included for possible reimbursement, subject to the existing tax law, up to a total of \$8,500 for a period of 1 year from date of hire.

1. Direct moving expenses (household goods).
2. Meals and lodging (temporary residence) expenses.
3. Other indirect moving expenses such as incurred for traveling, appliance hook-ups, cleaning, etc.

To be eligible for reimbursement a move must be minimally 100 miles in distance. The new relocated employee must complete his/her entire move, including residency, within an agreed to and approved time period from the date of hire.

Employee relocation expenses are charged against the new employee's departmental budget.

4.7 POSITION REQUIREMENTS

It is the responsibility of an employee to meet and maintain the posted minimum requirements of their position and he/she must immediately inform their supervisor if they no longer meet the minimum requirements. This includes any special necessary requirements such as driver's licenses, commercial driver's licenses, and all other licenses and certificates.

Each case will be reviewed on an individual basis, however, an employee who no longer possesses the minimum requirements for their position may be disciplined up to and including termination.

4.8 EMPLOYMENT OF MINORS

All persons under the age of eighteen (18) through age fourteen (14) employed by the Town shall be subject to the following conditions and restrictions regarding employment. Department Heads and supervisors should contact the Department of Human Resources to review the conditions and restrictions for the employment of a minor prior to extending an offer of employment. The Town will **not** employ minors under the age of fourteen (14).

STATEMENT OF AGE/WORKING PAPERS

Prior to the start of work, it is required that a Statement of Age/Working Papers be filed with either the Town Hiring Department or Board of Education Human Resources Office for all persons between the ages of fourteen (14) and seventeen (17). To apply for a Statement of Age/Working Papers the minor must meet the following criteria:

- The candidate must be at least 16 years old (14 and 15 years old for work during vacation weeks).
- The candidate must have an employer's written promise of employment.
- The candidate must have proof of age such as a birth certificate, baptismal certificate, or passport.
- The candidate must have a Social Security Card.
- The type of work applied for must be the form of work permitted for his/her age according to Connecticut law and regulations.
- The time and hours of work applied for must be those permitted by law for a candidate of this age.

If the position of interest fits the above criteria then the youth should be provided with a written confirmation of a "promise of employment" to present along with his/her proof of age to the nearest public high school. All departments must have a Statement of Age/Working Papers from the student candidate before he/she is allowed to begin employment. Public High Schools are not required to provide a Statement of Age/Working Papers to minors under fifteen (15). Although not required by State and Federal Labor Law, the Town will request a Statement of Age/Working Papers be filed for persons 14 years of age seeking employment with the Town.

RESTRICTIONS ON HOURS OF EMPLOYMENT

Fourteen (14) and fifteen (15) year olds may not be employed:

- During school hours.
- Before 7:00 a.m. or after 7:00 p.m., except July 1 to Labor Day, when evening hours are extended to 9:00 p.m.
- More than three (3) hours per day on a school day or eight (8) hours on non-school days.

4.8 EMPLOYMENT OF MINORS

- More than eighteen (18) hours a week in school weeks or forty (40) hours in non-school weeks.

Sixteen (16) and seventeen (17) year olds enrolled in and not graduated from a secondary school may not be employed:

During school weeks:

- Prior to 6:00 a.m. or after 11:00 p.m. (midnight if school vacation or not prior to a school day).
- More than six (6) hours per day/thirty-two (32) hours per week.
- More than eight (8) hours per day on Friday, Saturday, Sunday.

During non-school weeks:

- More than eight (8) hours per day/forty-eight (48) hours per week.
- More than six (6) days per week.

Sixteen (16) and seventeen (17) year olds not enrolled in and not graduated from a secondary school may not be employed:

- More than eight (8) hours per day/forty-eight (48) hours per week.
- More than six (6) days per week.

Prohibited Occupations and Places of Employment for All Minors under the Age of 18 Years (partial list – contact Human Resources for additional prohibited occupations).

- Motor vehicle driving and outside helper.
- The use of electrical tools, circuits, or equipment (except double insulated hand tools).
- Power-drive hoisting apparatus.
- Wrecking and demolition.
- Roofing operations.
- Automotive maintenance and repair.
- Processing food products.
- Construction, except for the following:
 - Landscaping (planting small trees, shrubs, etc.)
 - General yard work (no riding reel lawn mowers).
 - Brush painting and window cleaning (except on ladders over 6 feet and/or involving use of flammable cleaners, thinners, etc.)
- Clerical/shipping/stock work.
- Operation of foot, hand or power presses.

4.8 EMPLOYMENT OF MINORS

- Printing operations.
- Spray painting.
- Laundry operations.
- Trash/cardboard compactor.
- Install, maintain or repair electrical machinery or equipment.

PROHIBITED OCCUPATIONS FOR 14 AND 15 YEAR-OLDS

- Food service.
- Mechanical services.
- Working in any occupation found and declared hazardous by official designation.
- Maintaining or repairing buildings.
- Any other occupations not listed below under permitted occupations.

PERMITTED OCCUPATIONS FOR 14 AND 15 YEAR-OLDS

- Hospitals (except food service and laundry).
- Office and clerical work in a business office.
- Libraries and recreation departments.
- Golf caddies.
- Licensed summer camps.

EXEMPTIONS

Connecticut laws allow minors under the age of 18 who have graduated from high school to work at the same daily and weekly hours and times of day as adults. Minors who are high school graduates are exempt from Connecticut employment prohibited to minors, but not from federal employment prohibitions. Contact the Department of Human Resources for additional information or questions.

4.9 EMPLOYMENT OF NON-CITIZENS

It is the policy of the Town to employ immigrant and non-immigrant aliens within the provisions of applicable federal laws and regulations.

Immigrants are those who have been granted permanent resident status, but who are not United States citizens. Immigrants may engage in all forms of employment.

Non-immigrants are those individuals who are admitted temporarily for specific purposes and periods of time. Non-immigrants may be employed only if permission to work in the United States has been granted by the U.S. Citizenship and Immigration Services (USCIS). Verification of such individual's immigration status is required.

The Town is required to conform to the U.S. Immigration Law. Effective December 6, 1986, all new hires are required to complete the Employment Eligibility Verification Form I-9 Section I, "Employee Information and Verification" as follows:

Federal Law requires that both the employer and employee sign forms attesting to examination of documents and employment authorization.

Regular, Full-Time and Represented Part-Time Hires: the I-9 form will be completed during new employee orientation with the Department of Human Resources. New employees will be required to bring acceptable document(s) listed in Section 2 of Form I-9 to orientation for employment eligibility verification. Completed I-9 forms will be retained per federal guidelines in the Department of Human Resources.

Regular, Non-Represented Part-Time, Temporary or Seasonal Employees: the Department or hiring authority will be responsible for completing the I-9 Form (Sec.2) for all new hires. I-9 forms for unrepresented part-time, temporary or seasonal employees will be forwarded to Human Resources along with the new hire's PIF and employment documents.

NOTES:

- Employers who fail to comply with the record keeping provisions of the law can be fined up to \$1,100 for each individual toward whom a violation occurred.
- The Department of Homeland Security (DHS) will impose fines up to \$16,000 per offense to an employer who knowingly hires/recruits unauthorized non-citizens. (Ref. P A 87-479)
- Effective January 1, 1988, the State of Connecticut Department of Motor Vehicles began issuing a photo identity (ID) card to any person aged 16-20 who does not have a driver's license.

4.10 EMPLOYMENT OF RELATIVES

The purpose of this policy is to ensure that relatives or unmarried partners of employees are not placed in positions in the workplace that would result in any of the following situations:

- A supervisory/subordinate relationship or administrative association of one employee over the other;
- An administrative relationship between the relatives or unmarried partners that creates a conflict of interest or ethical impropriety;
- An administrative relationship between the relatives or unmarried partners that creates the appearance of conflict or impropriety as viewed by colleagues, co-workers or the public.

DEFINITION

For the purpose of this policy, a relative is a spouse, father, mother, stepfather, stepmother, father-in-law, mother-in-law, sister, sister-in-law, brother, brother-in-law, child, spouse of a child, grandparent, uncle, aunt or any relative or step relative or an unmarried partner domiciled in the employee's household. An unmarried partner is an individual who is a co-habitant with the employee. The term employee as used in this policy includes appointed Town Officials.

POLICY

NEW EMPLOYEE

No person shall be considered for full-time, part-time, seasonal or temporary employment with the Town who is related (as defined above) to a supervisory employee or an employee in an administrative capacity over the new position or seeking a position in the same Town division or organizational hierarchy with the relative, such that doing so creates the appearance of a conflict of interest or an impropriety.

Examples may include but are not limited to:

- An applicant may not be under the direct or indirect supervision of the employed relative or unmarried partner.
- The employed relative or unmarried partner of an employee may not be in a position to influence the applicant's salary, benefits, working conditions, leave accruals, personal activities such as disciplinary actions or other terms and conditions of employment.
- An applicant will not be placed into such close proximity in the workplace to the employed relative or unmarried partner that the appearance of a conflict of interest or impropriety is apparent.

PROMOTIONS, TRANSFERS AND MARRIAGES

The Town will consider and will deal individually with any situation wherein a promotion or transfer is in the Town's interest or the marriage of an employee results in a potentially conflicting situation. No transfer will be made at an employee's request that results in a conflict of interest.

4.10 EMPLOYMENT OF RELATIVES

Procedures

All approvals for employment decisions and placement will be in accordance with the terms of this policy. The Department of Human Resources may make inquiries of employees and supervisors to enforce the terms of this policy. The policy applies to initial hires, transfers and promotions. When in the best interest of the Town, the Department of Human Resources will make reasonable efforts to relocate an employee to adhere to the terms of this policy. The Director of Human Resources, for good cause and for the benefit of the Town, may make exceptions to this policy subject to the provisions of the Town's Code of Ethics (<http://www.greenwichct.org/Ethics/Ethics.asp>) and Town Ethics Policy 8.7.

4.11 EQUAL EMPLOYMENT OPPORTUNITY

It has been, and will continue to be, the policy of the Town and the Greenwich Board of Education ("the Board") to be an equal opportunity employer. The Town and Board's official policy statement has an ethical mandate to do more than the minimum required by local, state and federal law. The legal mandate is to refrain from discriminating on the basis of race, color, religion, age, sex, national origin, ancestry, marital status, sexual orientation, residence, physical disability or past history of a mental disorder or retardation, learning disability except in the case of a bona fide occupational qualification or need and to treat applicants and employees in a non-discriminatory fashion.

The Town and Board's ethical mandate is to take appropriate and affirmative steps to ensure that there is equal access to all opportunities for employment. "Equal access" means that there is rigorous review of selection procedures to ensure that there are no artificial barriers to equal employment opportunities. For example, it may be useful to use specialized recruiting techniques in addition to usual ones to make sure that women, minorities and disabled candidates who could become employed are made aware of employment opportunities with the Town and Board and that they are encouraged and invited to compete for those opportunities on the basis of individual qualifications and interest. Discrimination, by definition, excludes persons because of traits or characteristics, real or imagined, which are not based on individual merit, interest or job-related qualifications. Affirmative action, then, in the Town and Board's view is the taking of those positive steps that will include all persons - specifically on the basis of individual merit and qualifications and the contribution they will make. Such efforts are not intended to, nor will they, discriminate on the basis of race, sex or other illegal basis.

All employment decisions are based on the furtherance of equal employment opportunity. Similarly, all other personnel matters such as compensation, benefits, promotions, transfers, layoffs, Town and Board-sponsored training, education, tuition assistance, and social and recreational programs will continue to be administered in accordance with the Town and Board's EEO policy. See Town's Affirmative Action Plan:

http://greenwichct.virtualltownhall.net/Public_Documents/GreenwichCT_FirstSelect/committees/AffirmativeAction/indexLink

4.12 INDEPENDENT CONSULTANTS/CONTRACTORS

Individuals such as contractors, subcontractors and others who follow an independent trade, business or profession in which they offer their services to the public are generally not employees. However, whether such individuals are employees or independent contractors depends on the facts in each case of service provision. An employer must generally withhold federal income taxes, withhold and pay social security and Medicare taxes, and pay unemployment tax on wages paid to an employee. An employer, however, does not generally have to withhold or pay any taxes on payments to independent contractors.

Definitions:

There are eleven main tests within three primary groups for analyzing whether an employee is an independent contractor/consultant versus a temporary employee. Additional information regarding these criteria is located at www.irs.gov/pub/irs-pdf/p15a.pdf.

BEHAVIORAL CONTROL

Work Instructions: An employee is generally subject to the Town's instructions about when, where, and how to work. The following are examples of types of instructions about how to do work:

- When and where to do the work;
- What tools or equipment to use;
- What workers to hire or to assist with the work;
- Where to purchase supplies and services;
- What work must be performed by a specified individual;
- What order or sequence to follow.

The key consideration is whether the business has retained the right to control the details of a worker's performance or instead has given up that right.

An employee may be trained to perform service in a particular manner. Independent contractors ordinarily use their own methods.

FINANCIAL CONTROL

Unreimbursed Business Expenses: The extent to which the worker has unreimbursed business expenses. Independent contractors are more likely to have unreimbursed expenses than are employees. Fixed on going costs that are incurred regardless of whether work is currently being performed are especially important. However, employees may also incur unreimbursed expenses in connection with the services they perform for their business.

Worker's Investment: An employee usually has no investment in the work other than his or her own time. An independent contractor often has a significant investment in the facilities he or she uses in performing services for someone else. However, a significant investment is not necessary for independent contractor status.

4.12 INDEPENDENT CONSULTANTS/CONTRACTORS & TEMPORARY EMPLOYEES

Services Available to the General Market: An independent contractor is generally free to seek out business opportunities. Independent contractors often advertise, maintain a visible business location, and are available to work in the relevant market.

Method of Payment: An employee is generally guaranteed a regular wage amount for an hourly, weekly, or other period of time. This usually indicates that a worker is an employee, even when the wage or salary is supplemented by a commission. An independent contractor is usually paid by a flat fee for the job. However, it is common in some professions, such as law, to pay an independent contractor hourly.

Profit/Loss Realization: Since an employer usually provides employees a workplace, tools, materials, equipment and supplies needed for conducting work, and generally pays the costs of doing business; employees do not have an opportunity to make a profit or loss. An independent contractor can make a profit or loss.

TYPE OF RELATIONSHIP

Written Contracts: This is the least important of the criteria, since what really matters is the nature of the underlying work relationship, not what the parties choose to call it. However, the written contract may be deemed central to matters of dispute.

Employee Benefits: An independent contractor will finance his/her benefits out of the overall profits of their enterprise.

Permanency of the Relationship: An independent contractor/consultant relationship does not include the expectation that the relationship will continue indefinitely. The relationship is for a specific project or period.

Services Performed by the Worker Represent an Aspect of Regular Business of the Town: An independent contractor/consultant does not perform services that are a key aspect of the Town's regular business activity. If the work assignment does meet these criteria, then the Town does have the right to direct and control his/her activities.

Temporary Employee

Specific criteria for this employment status are:

1. Hired to work a set number of hours up to forty (40) hours per week for no more than six (6) months.
2. Receives an hourly rate to pay for all hours worked.
3. Rate of pay is approved by the Director of Human Resources prior to the date of employment.
4. Includes full-time, part-time temporary assignments, seasonal short-term jobs, and summer interns.
5. Required to record all hours worked, approved by an immediate Town supervisor.

4.12 INDEPENDENT CONSULTANTS/CONTRACTORS & TEMPORARY EMPLOYEES

6. Employee/supervisor relationship.
7. May be terminated at any time.
8. Not eligible for any employee benefits.
9. A W-4 form and Notice of Employment are required on the date of employment.
10. A W-2 form is required to be prepared by the Town in December.
11. Payroll deductions including FICA and Medicare.

INDEPENDENT CONTRACTOR/CONSULTANT

Specific criteria for this employment status:

1. Hired on an assignment basis or for a specific period of time, not usually on an hourly or weekly pay basis.
2. Receives a set, pre-approved consulting fee usually at the completion of the consulting assignment or periodically as agreed to in writing.
3. Must have an approved consulting agreement prepared/approved by the Law Department if \$5,000 or more (Reference: Manual of Contract Procedures and Guidelines). Under \$5,000 the Finance Department requires a written agreement specifying the terms and conditions, prior to payment.
4. Outside consultants are not employees but retained for pre-determined consulting assignments, time and fees stated in contract.
5. Recording of working hours are not required (no employee/supervisor relationship as such); however, agreed-to guidelines are advisable.
6. Terminated as specified in the consulting agreement.
7. Fees are paid by Standard invoice through Pre-Audit Section (not Pre-Audit Payroll) usually upon completion of the assignment or as specified in writing.
8. A W-4 form and Notice of Employment are not required.
9. A 1099 form is required to be prepared in December of each year by the Town department retaining such consultant if annual fees are \$600 or more.
10. No deductions for FICA or Medicare.
11. Not eligible for any employee benefits.

4.13 OUT-OF-TOWN APPLICANTS

Out-of-town applicants who must travel more than one hundred (100) miles one-way from their residence to be interviewed at the request of the Town may be reimbursed for their out-of-pocket expenses such as train fare or mileage, providing they submit the required expense receipts. The receipts must be approved by the department head involved, and reviewed and approved by the Director of Human Resources. Such reimbursements will be charged to the department involved. In situations requiring an air flight, the Town will reimburse the applicant an amount equivalent to a roundtrip coach ticket and one night's hotel accommodations for both the applicant and his or her spouse or significant other. This reimbursement amount should not exceed \$2,000.00.

Unusual or extenuating circumstances that would warrant an exception to this policy may be brought to the attention of the Director of Human Resources for review.

4.14 RECRUITMENT AND EMPLOYMENT EXAMINATIONS AND ASSESSMENTS

All employment examinations will be advertised by announcements posted on the Town's website, official Town bulletin boards, and at such other places and by such other means as determined to be in the best interest of the Town by the Director of Human Resources. The announcements will contain such information as deemed necessary or desirable in the discretion of the Director of Human Resources.

Adequate notice of the date of the examination and application procedures will be made available as well as appropriate forms for submission of candidacy requests.

The Director of Human Resources will reject the application of any person or strike the name of any person from an employment list, or refuse to certify the name of any person on such list where the application is not completely filled out, signed and filed on the prescribed form within the period specified on the announcement, or where the applicant has made any false statement of any material fact, or practiced or attempted any deception or fraud in application or examination.

The Director of Human Resources may postpone, delay or cancel a scheduled examination if it is in the best interest of the Town.

Content and Conduct of Examinations

- Examinations administered by the Town will be job related and test the relative capacity and/or fitness of the candidates to discharge the duties characteristic of the job. Examinations are developed to be consistent with Federal and State equal employment opportunity and non-discrimination laws.
- The form and content of examinations will be determined by the Director of Human Resources to the extent practicable to maximize job-relatedness and objectivity. Examinations may take many forms, including written, oral, performance (i.e., practical), physical agility, training and experience ratings, assessment centers or others. Examinations may also consist of a combination of a variety of types of tests. The various components of the test may be weighted differently, in accordance with the needs of the Town. The Director of Human Resources may establish an overall passing score or separate passing scores for various parts of the examination, based upon the determined needs of the Town. In all examinations, the minimum grade for certification to an eligibility list will be based on all factors in the examination.
- In addition to the above examinations, seniority and service ratings may also be used to fill openings.
- Candidates who are invited to test must pass each portion of the exam process in order to be certified to the eligibility list. Candidates must pass each portion of the exam in order to move forward in the process. Failure in one part of the examination may be grounds for declaring the applicant as failing in the entire examination, or as disqualified for subsequent parts of an examination.

4.14 RECRUITMENT AND EMPLOYMENT EXAMINATIONS AND ASSESSMENTS

- The Town reserves the right to limit the number of qualified candidates who will be invited to participate in the examination, or any part thereof.
- Generally, examinations will be administered only to those applicants who have been determined to meet the minimum qualifications and/or preferred qualifications, if any such exist. In some cases, the Director of Human Resources may administer an examination prior to the review of minimum qualifications of the candidate, if it is determined that this is in the best interests of the Town to produce expeditious results. The identity of the applicants will remain confidential information until the list has been announced.
- Examinations will be administered in a manner designed to maximize fairness, ensuring that all candidates are tested under standardized conditions to the extent reasonably possible. For tests which are based upon ratings, such as oral or performance tests, the number and selection of raters necessary will be determined by the Director of Human Resources. Raters will be selected based upon their expertise in the area(s) to be tested and should be able to remain unbiased in their ratings of each candidate. Raters with an intimate knowledge of a candidate will be required to disclose such knowledge and appropriate actions will be taken by the Town, which may include disqualification from rating such candidate. Town of Greenwich employees will not be used as raters, unless the Director of Human Resources determines that there is an insufficient number of qualified external raters available. At a minimum, the majority of the raters on a panel will not be employed by the Town of Greenwich.
- The Town reserves the right to record an audio or videotape of the conduct of any examination.
- Test proctors will oversee the administration of the examination process to ensure that proper procedures are followed.
- The Director of Human Resources will be responsible for the maintenance, inventory and control of examination materials in a secure manner. The Director of Human Resources may determine who has a need to know concerning the content of examinations.
- The Director of Human Resources may invalidate the results of an examination for a variety of reasons including a breach of security, concerns about job-relatedness, procedural problems, and others.
- The Director of Human Resources, for a class of positions, may hold examinations, which are given on more than one date, and from which the resulting grades may be combined on a single employment list.
- The Direction of Human Resources may hold one examination, which may be used as the basis for eligible lists for more than one title, if the knowledge, skills or abilities covered by the examination are appropriate and job-related for each of the titles. The examination announcement will specify the titles for which the examination results will apply.
 - *In some cases, a job analysis may determine that the difference between one or more levels of a job family is complexity of work and depth of knowledge and skills, rather than new or different work activities, knowledge and skills. In these*

4.14 RECRUITMENT AND EMPLOYMENT EXAMINATIONS AND ASSESSMENTS

cases, for internal incumbents, promotions from one level to a higher level should be made without further examination as long as the minimum qualifications have been satisfied.

- Appeals will be heard by the Director of Human Resources.

Note: Employment lists show exam scores for those candidates who received passing grades only for consideration of employment. It is the first step of a number of steps to be followed by the appointing authority to fill a full-time, regular job opening. ***A passing grade is not a guarantee or promise of employment.***

Note: The Freedom of Information Act exempts from disclosure test questions, scoring keys and other examination data for employment.

VETERAN'S PREFERENCE

In the case of an examination for original appointment into a regular full-time position in the Town service, in accordance with Connecticut General Statutes, all persons honorably discharged from military service who have met the requirements of the examination and received a passing grade will have added to their grade an additional five points on a total of one hundred, for one time only (entry level position only). Those who also submit documentation of a disability discharge from the military service may have an additional five points added.

NOTIFICATION OF EXAMINATION RESULTS

Each applicant will be given official notice of the final grade and relative standing on the employment list, or failure to attain a place on the list immediately after the certification of the employment list to the appointing authority. An error in rating a test will be corrected if called to the attention of the Director of Human Resources within 10 days of the examination results being known. Correction will not, however, invalidate certifications or appointments already made. The establishment of employment lists will be under three categories: eligibility lists and promotional lists in rank order, and re-employment lists in seniority order. The Director of Human Resources will establish and maintain such promotional lists and eligibility lists for the various classes of positions in the competitive service as deemed necessary or desirable to meet the needs of the service. The names of eligible candidates will be placed on promotional lists and eligible lists in the order of their grades. Whenever identical grades are received, such names will be arranged in order of relative rating given in the most heavily weighed part of the examination.

If this does not break a tie, the relative standing on the employment list in such cases will be determined by ranking them in the order of the filing of their official application.

Written promotional examinations for Fire and Police Services have an appeal process as defined on the job posting announcing the examination.

4.14 RECRUITMENT AND EMPLOYMENT EXAMINATIONS AND ASSESSMENTS

RE-EMPLOYMENT

Re-employment lists are used for regular full-time and regular part-time employees who were subject to layoff.

DURATION OF EMPLOYMENT LISTS

The Director of Human Resources will determine a period during which employment lists will remain in force, which will not be fewer than six months nor more than three years. The Director of Human Resources may consolidate or cancel employment lists after six months as the needs of the service may require.

REMOVAL OF NAMES FROM EMPLOYMENT LISTS

Names of eligible candidates may be removed from an employment list by the Director of Human Resources for any of the following reasons:

1. Appointment through certification from such list to fill a regular position.
2. Refusal of an offer of appointment under conditions previously indicated by the eligible applicant as acceptable.
3. Appointment through certification from another list for another class at the same or higher salary level. In such a case at the request of the appointee, their name may be retained, or restored to any or all lists other than the one from which the appointment was made, for the period of eligibility of such lists.
4. Filing of a statement by the eligible that the person is not willing to accept an appointment. Such a statement of unwillingness may be restricted to a limited period of time, or to a geographic location, or positions involving other conditions of employment as specified. The name of the eligible candidate will be treated as not available and will be passed over in certification to fill vacancies under the conditions specified as though such name did not appear on the list. Any eligible candidate may change their eligibility at any time during the life of the employment list by filing a new statement.
5. Failure to respond, within the time specified in the notice, to any inquiry of the Director of Human Resources or appointing authority.
6. Failure to report for work after accepting appointment.
7. Expiration of the term of eligibility on employment lists.
8. Notice by postal authorities of their inability to locate the eligible candidate at the last known address.
9. Loss of authorization to work in the United States or citizenship for those positions requiring such.
10. Death of eligible.

4.14 RECRUITMENT AND EMPLOYMENT EXAMINATIONS AND ASSESSMENTS

11. Failure of a candidate to satisfactorily pass the required pre-placement physical examination or background screening.
12. For reasons as may be set forth in the applicable collective bargaining agreement.

RE-EMPLOYMENT OF RETIRED EMPLOYEES

Retired Town employees receiving a retirement allowance from the Town of Greenwich Retirement System may request rehire or reemployment on a regular basis for up to 15 hours per week or on a temporary basis for up to 140 hours over a continuous 2 month period not to exceed 2 such continuous periods per year. The director of Human Resources may, for business reasons in operations that run 24/7, approve a request from an appointing authority to permit such retired employee to work up to a maximum of 24 hours per week when the operational hours of the Department require it. For Example: Nathaniel Witherell, 24/7 40 hour per week operation. The Director of Human Resources may require the appointing authority to submit information deemed necessary from time to time to continue the work hour exception. A retired Town employee who is rehired or reemployed by the Town on a work hour basis in excess of that permitted above is subject to the terms of Section 189 of Article 14 of the Town Charter concerning the suspension of the retiree's retirement allowance while employed by the Town.

RETESTING

Applicants for regular, full-time positions who fail to pass their written or performance tests on an open competitive or promotional examination are precluded from being re-tested until the position is re-posted.

INTERVIEWING CANDIDATES

All interviewing procedures will conform to the Americans with Disabilities Act Amendments Act (ADAAA).

- Subsequent to the establishment of the eligibility list, the Appointing Authority or designee conducts interviews for all positions in order to evaluate a candidate. Questions used in an interview assess only job requirements, skills, knowledge and abilities which are in alignment with the competencies identified in the job description. They reflect as nearly as possible the content of the job, and are geared to the appropriate complexity level of the job in order to eliminate any bias.
- Interview questions will make no reference to applicant's age, religion, sex, color, race, ancestry or national origin, marital status, sexual orientation, present or past history of mental disorder, mental retardation, learning or physical disability, medical conditions, prior workers compensation claims or arrangements for children's care at home.
- The Department of Human Resources is available to assist with question development or training prior to the actual interview. The final decision, pending satisfactory completion of all pre-employment testing, rests with the Appointing Authority.

4.14 RECRUITMENT AND EMPLOYMENT EXAMINATIONS AND ASSESSMENTS

- Interviews may be arranged at the convenience of the Appointing Authority or designee, however, sufficient time should be allowed for outside candidates to plan their schedule.
- It is recommended that the Appointing Authority or designee interview at least three candidates for each position, however, there may be a need to interview more. The process is limited only by union preference to a position in accordance with the Collective Bargaining Agreement.

4.15 REQUEST TO FILL POSITIONS

Department heads are required to submit a request for all regular, full-time and part-time positions and temporary full-time or part-time positions (fewer than six months) to the Department of Human Resources. The Director of Human Resources will review all requests in detail including classification, salary and budget. Requested actions would be submitted to the Town Administrator for approval to fill.

4.16 SEASONAL, TEMPORARY, AND UNREPRESENTED PART-TIME EMPLOYEES – EMPLOYMENT, HIRING AND TERMINATION

Department heads that plan to hire seasonal, temporary or unrepresented part-time employees will offer hourly wage rates, which are pre-approved by the Director of Human Resources. Emergency situations would be excluded.

Hiring seasonal temporaries and unrepresented part-time employees through outside employment sources require prior written approval of the Director of Human Resources.

Non-exempt employees (employees covered under FLSA and the State Wage and Hour Law) employed by the Town (including the school system) and working at another job for the Town shall receive overtime pay at a rate of one and one-half times their wage rate when working more than a total of (40) hours per week.

The Personnel Information Form, must be typed, completed in full (including the employee's social security number), approved, and sent to the Department of Human Resources before a pay check will be issued to any employee. A completed employment application must accompany the Personnel Information Form. Paychecks will not be drawn without social security numbers and orientation check lists on file in Human Resources.

The Notice of Separation must be prepared and sent to the Department of Human Resources as soon as the separation/termination date is known.

The use of seasonal, temporary, and unrepresented part-time help is limited to six months in one position/department as outlined in this Policy Manual and collective bargaining agreements with the Town.

All hours worked by seasonal, temporary, and unrepresented part-time employees must be recorded on a timesheet and approved by the supervisor.

The employment of seasonal, temporary and unrepresented employees is on a voluntary at-will-basis and is not for a specific time, and may be terminated, with or without notice or cause, at any time by the Town or by the employee. No one in the Town is authorized to make any representation or promise to a seasonal, temporary or unrepresented employee other than that of an at-will-employee.

Seasonal, temporary and unrepresented part-time employees are not eligible for sick, vacation or personal leave time.

Note: The Personnel Information Form and Notice of Separation are located on the T drive or can be obtained from the Human Resources Department.

4.17 SUCCESSION PLANNING – WORKFORCE DEVELOPMENT

The Town is committed to providing the highest levels of excellence in the provision of all services to the Greenwich community. In order to sustain this level of excellence it is imperative that the highest levels of human capital be sourced, employed and retained for all Town positions. The foundation for this effort in management of the entire workforce is to provide short and long term planning for competencies and skills needed to carry out each Town position. This will be accomplished through ongoing succession planning, a concerted effort to develop both existing and future employees both from within and outside the organization and a continual partnership with the community and business sectors.

5. CLASSIFICATION AND COMPENSATION

5.1 COMPENSATION POLICY

Classification by position titles and pay schedules by grade exist for the following groups:

- Connecticut Council #4, AFSCME, AFL-CIO
- Greenwich Municipal Employees Association, Inc. (GMEA)
- Greenwich Organization of School Administrators (GOSA)
- Greenwich Education Association (GEA)
- Greenwich Public Health Nurses Association, Local #1303-222
- International Association of Fire Fighters, AFL-CIO, Local #1042 (IAFF)
- International Brotherhood of Teamsters Local #456 (IBT)
- Laborers International Union of North America, AFL-CIO Local #136 (LIUNA)
- Laborers International Union of North America AFL-CIO representing Professional Assistants and Security Personnel Local #136 (LIUNA)
- Managerial, Confidential and Elected Compensation and Benefit Plan
- Silver Shield Association, Inc.

The wage and salary ranges on these schedules serve a number of purposes. The salary rate or range expresses the internal relationship of various positions, thereby providing greater compensation opportunity for positions that have an increased level of responsibility. The rate or range provides a means of control as it indicates a minimum or hire rate and a maximum or job rate salary which should be paid to positions classified into a particular pay grade.

Pay rates and ranges provide adequate opportunity for employees to progress in terms of compensation, based upon their contribution to the Town organization, provide internal equity among employees and should maintain external equity to the municipal market place. To preserve the internal and external equity, the job rate and/or salary range maximum is the highest level of earnings that should be paid for a position classified in that pay grade.

PAY RULES

The rates given in the classification and pay schedules are annual salary rates or hourly rates and are the full base wage compensation to be paid annually for a full-time position. There are a number of jobs in the Town service which are not annual, full-time positions. Ten or eleven month positions will have individual compensation established at a prorated amount based upon the established rate of annual compensation in the classification and pay schedule. Part-time non-represented positions are paid 80% of the full-time hourly rate for the same position classification.

5.1 COMPENSATION POLICY**CLASS REVISION**

Whenever the creation, abolition, subdivision, or consolidation of classes in the present Classification Plan appear necessary, (i.e., due to the creation of new positions, changes in organization, or changes in functions or duties of individual positions), the Director of Human Resources shall revise the class specifications for the classes affected. In cases where a reorganization results in significant increase in financial costs, such revisions will be shared with the HR Committee of the Board of Estimate and Taxation for review and approval.

POSITION ALLOCATION

When a new position is established and allocated to an established class then the position may be filled.

POSITION REALLOCATION

Whenever the organizational structure of a department, or the duties of a position are changed, or a position appears to have been allocated incorrectly, the Director of Human Resources may, upon the request of a department head, or appointing authority, investigate the duties of the positions affected. After conferring with the officials concerned and completing an analysis of the position, the Director of Human Resources may allocate or reallocate the position(s) to an established new class. If the reallocation results in a change of union representation for the position, representatives of the effected collective bargaining unit will also be informed of the Human Resources Director's recommendation. If the reallocation results in a significant increase in financial costs it will be shared with the HR Committee of the Board of Estimate and Taxation for review and approval.

EFFECT OF POSITION REALLOCATION

If a position is reallocated to a higher class, the incumbent may be deemed eligible to continue in the position based upon a review of the incumbent's qualification requirements. If a position is reallocated to a lower class, the incumbent shall be eligible to remain in the position at the same salary or wage rate (grandfathered in), but may be placed on the appropriate re-employment list for the class to which the position was previously allocated and the individual may be eligible for transfer. If the position changes are very significant and the incumbent has not demonstrated the ability to assume the higher level duties and responsibilities or does not meet the revised qualification requirements, the Director of Human Resources may determine that the reallocated position requires posting as an open position. The incumbent is subject to the terms of their Collective Bargaining Agreement regarding layoff.

POSITION RECLASSIFICATION

A position may be reclassified as a result of a significant increase or decrease in position responsibilities. This process requires a position analysis and evaluation and approval of the Director of Human Resources. When the nature and type of duties are primarily the same, i.e.,

5.1 COMPENSATION POLICY

still primarily auditing or inspections or accounting job functions overall, however the scope and complexity of the position has increased including things like decision making, planning, judgment, or more key responsibilities have been added, the position will be reclassified. If the incumbent in the position is already performing the higher level work successfully for a period of time, three months or more, the incumbent will be assumed capable of the higher level work and upgraded in place.

USE OF CLASS TITLES

The class titles set forth in the Town's classification plan is used to designate positions in all official human resources and financial records within the Town management system.

USE OF CLASS SPECIFICATION

Class specification shall not necessarily prescribe the complete duties of any position, nor limit the authority of administrative officers to prescribe or alter the duties of any position. Any substantial and permanent change considered must be reported by the appointing authority to the Director of Human Resources in a timely fashion.

Unclassified Service

Specific classes, which, by nature of the authority and responsibilities exercised by the incumbents therein, are excluded from the merit system testing policies, although maintained in the classification plan.

5.2 FEDERAL AND STATE MINIMUM WAGES

The Town will pay no less than the federal and state legally required wage to all regular positions.

5.3 GARNISHMENTS

Garnishment action against an employee's wages or salary is permitted by law in Connecticut. Federal laws also permit the preferential attachment of wages by the Internal Revenue Service for delinquent Federal Taxes and child support before other garnishments.

Notices of garnishment, levy or attachment actions to be taken against any employee are to be sent to the Payroll Department. The Payroll Department will notify the employee upon receipt of the wage execution and will process the deduction for the following pay period. Questions regarding this process should be directed to the Payroll Administrator.

5.4 OVERTIME PAYMENTS AND COMPENSATION TIME

The Town compensates non-exempt (not exempt from the FLSA and State Wage and Hour Law) employees for overtime in accordance with federal and state legislation and collective bargaining agreements, making every effort to carefully plan required overtime with due regard for its impact on employees and the service needs of the Town.

Represented non-exempt Town employees will be compensated for such overtime in accordance with the union contracts, Federal and State Wage and Hour Laws. A non-exempt employee is paid overtime pay for overtime worked, not for commuting time to and from his/her residence ("portal to portal").

Exempt and non-exempt represented employees should refer to their collective bargaining agreement for specific information regarding overtime pay or compensation time. If any discrepancy occurs between this policy and the collective bargaining agreement, the collective bargaining agreement will take precedent.

Represented exempt employees, under limited circumstances, may be compensated for overtime in accordance with their respective collective bargaining agreement.

Unrepresented Management, Confidential and Elected Officials are not entitled to overtime pay or compensation time.

Related Links

Links to current collective bargaining agreements are located at:
<http://www.greenwichct.org/LaborRelations/LaborRelations.asp>

The Managerial, Confidential and Elected Officials Compensation and Benefits Plan for Management, Confidential and Elected Officials is located at
<http://www.greenwichct.org/grTownEmployees.asp>

5.5 OVERTIME PAYMENTS – NON-EXEMPT WORKING MORE THAN ONE TOWN POSITION

The Federal Labor Standards Act (FLSA) and the Connecticut State Wage and Hour Law require all employers to pay overtime pay at a rate of time and one-half to non-exempt employees for hours worked in excess of 40 per week, with exception of Ferry Captains who are paid straight time hourly rates over forty (40) hours per week. In addition, most of the collective bargaining agreements negotiated with the Town provide for overtime payments for Town employees working in excess of thirty-five (35) or forty (40) hours per week depending upon union contract. Where a specific contract requires overtime pay for working fewer than forty (40) hours per week, overtime pay should be calculated on that basis, not on the forty (40) hours specified in the Federal or State Laws.

This policy is concerned with non-exempt employees (i.e., those employees so defined by the legal provisions of the Federal and State Wage and Hour Laws) who may be hired on a regular, temporary, full-time or part-time basis.

Examples:

- Teamster employees
- GMEA employees

Note: If there are any questions as to whether a position is exempt or non-exempt, contact the Director of Human Resources.

The employer, for purposes of this policy, is the Town, not an individual department or agency of the Town. In other words, if a non-exempt employee works thirty-five (35) hours a week in his or her regular job in the Social Services Department and also works an additional ten (10) hours in another Town department, Parks and Recreation for example, the employee is entitled to overtime pay (1 ½ times rate) for all hours worked in excess of forty (40) during that week under the FLSA and State laws. (If a non-exempt employee works in a union position requiring overtime pay after thirty-five (35) hours per week, the employee would receive overtime pay (1 ½ times rate) for all hours worked in excess of thirty-five (35).) Even though the employee works for two different departments, there is only one legal employer - the Town of Greenwich. This is true of all Town departments including the libraries, Board of Education, and Nathaniel Witherell. It is imperative that the hiring department knows if the new full-time or part-time employee works for another Town department prior to employment. If the non-exempt employee's total weekly work schedule requires overtime pay as outlined in this section, the hiring Town department must pay the overtime rate.

Exempt employees, for example most LIUNA employees and non-represented management employees, are not covered under this policy or Federal and State Wage and Hour Laws.

Exempt employees do not normally receive overtime pay. If an employee works regularly in an exempt position classification as so defined by the FLSA and State Wage and Hour Laws, for example Certified Teacher or Chief Engineer, and also works summers as a Librarian at Greenwich Library or as a Little League baseball umpire, overtime pay (1 ½ rate) is not required

5.5 OVERTIME PAYMENTS – NON-EXEMPT WORKING MORE THAN ONE TOWN POSITION

under the State Wage and Hour Law. The exempt employee would receive the regular rate for the job.

NON-EXEMPT OVERTIME PAY

Calculation - Overtime pay (1 ½ rate) shall be based upon the average of the employee's two hourly wage rates.

Example: An Administrative Assistant (35 hours per week) earning \$20.00 per hour works part time as a Skate Guard at the skating rink for \$10.00 per hour for eight (8) hours on Saturday, the Recreation division would pay the employee the following for Saturday.

Under State Law the employee must be paid for work exceeding **40** hours in a week. Therefore:

- First 5 hrs over 35 @ \$ 10.00 =\$50.00
- Next 3 hrs @ \$22.50 * = \$67. 50
- Total for additional 8 hrs = \$117.50 (Paid by Parks and Recreation)

*Average of \$20.00 and \$10.00 = \$15.00 X 1 ½ rate = \$22.50

If the department hired an exempt Town employee or an employee who does not work for the Town, the eight (8) hour pay would be equal to \$80.00 (8 hours @ \$10.00 per hour).

Night Meetings - There are no legal requirements or provisions to pay overtime pay to any Town employee's "portal to portal" (from the employee's residence to the Town facility and return) to attend any night or special meeting after hours. For example, if a non-exempt employee is required to attend such a meeting, he or she would receive pay from the beginning time of the meeting to the ending time or to the time that the employee leaves the meeting. Such time should be recorded for non-exempt payroll purposes.

5.6 POSITION TITLES, CLASSIFICATIONS, AND SALARY RANGES

For information regarding position titles, classifications and salary ranges please refer to the respective collective bargaining agreement for represented positions and for management, confidential and elected officials, please refer to the Managerial, Confidential and Elected Officials Compensation and Benefits Plan.

Related Links

Links to current collective bargaining agreements are located at:

<http://www.greenwichct.org/LaborRelations/LaborRelations.asp>

The Managerial, Confidential and Elected Officials Compensation and Benefits Plan for Management, Confidential and Elected Officials is located at:

<http://www.greenwichct.org/grTownEmployees.asp>

5.7 OUT OF CLASS PAY

When an employee is assigned the majority of essential duties of a position which is higher in both responsibility and compensation than the employee's regular position, such employee shall be compensated at either the base rate of the higher position, or at an additional ten percent (10%) of the employee's regular salary, whichever is higher. Out of Class assignments must be approved by the Director of Human Resources and may be for no longer than 6 months. Preference should be given to an existing eligibility list when assigning Out of Class within a department and bargaining unit.

5.8 SEVERANCE PAY

The Town reserves the right to determine severance pay. When the termination of an employee has been initiated by the Town, severance pay may be authorized by the Director of Human Resources, First Selectman and Appointing Authority.

5.9 TIMEKEEPING

The Town maintains hours of work, which are compatible with State and Federal legislation, collective bargaining agreements, and the maintenance of an effective and efficient operational schedule of work. For represented employees the regular workweek is defined in the Collective Bargaining Agreement. For unrepresented full-time employees the usual workweek is considered to be at least 35 hours per week, Monday through Friday. Unrepresented employees at the Nathaniel Witherell normally work a minimum of 40 hours per week.

Definitions

- *Exempt* refers to employees who are not covered by the Fair Labor Standards Act's (FLSA) overtime pay provisions.
- *Non-exempt* refers to employees who are covered by the overtime pay provisions of the FLSA.

All employees, exempt and non-exempt are required to provide an accurate daily record of work time. The Town currently uses several timekeeping methods including time cards and electronic scanning. Individual departments and divisions may determine, from several model timesheets, the method most appropriate to their needs.

EXEMPT EMPLOYEES

Time records will be completed on a daily basis. In situations where this is not practicable because the employee is not in the regular workplace, daily timekeeping will be done on the next day the employee is attending the workplace. Time records should indicate daily arrival and departure times, standard work hours, sick, personal or vacation time used during each weekly period.

The employee is responsible for signing his or her time record to certify the accuracy of all time recorded and submitting the time record to the supervisor or manager for review and approval each week.

The supervisor or manager is responsible for ensuring employees complete the weekly time sheet and for reviewing and approving the timesheet by signing in the designated area and forwarding to the department timekeeper or central payroll.

NON-EXEMPT EMPLOYEES

Non-exempt employees must accurately record on a daily basis, the time they begin and end their work, as well as the beginning and ending time for each meal period. The beginning and ending time of any partial day worked or a departure from work early for personal reasons should also be recorded on the time record.

All sick, personal or vacation time should be recorded daily or as soon as practicable but not less than weekly.

5.9 TIMEKEEPING

The employee should enter all overtime hours worked.

The employee is responsible for signing his or her time record to certify the accuracy of all time recorded and submits the time record, according to department practice on either a daily or weekly basis, to the supervisor or manager for review and approval.

The supervisor or manager is responsible for ensuring employees complete the time sheet and for reviewing and approving the timesheet by signing in the designated area and forwarding to the timekeeper or central payroll.

5.10 WAGE AND HOUR INVESTIGATIONS

When a Town department head or appointing authority is officially notified or becomes aware that his/her agency, department or division is or will be subject to a Federal or State Wage and Hour audit or investigation, he/she must contact the Director of Human Resources immediately, both verbally and in writing. A copy of the official written notice of such intent must be forwarded to the Director of Human Resources as soon as possible in order to facilitate the coordination by the Department of Human Resources in this type of audit and to assure that proper procedures and records are provided to the investigators of record. All outside government auditors will be referred directly to the Director of Human Resources for all questions and concerns.

5.11 VOLUNTARY SEPARATION

Voluntary separations are defined as the decision to separate from employment at the request of the employee. In order to be eligible for future consideration employees are required to provide at least two weeks notice of their intention to separate from Town employment.

6. BENEFITS

6.1 EMPLOYEE BENEFITS POLICY

All full-time and regular part-time Town employees are entitled to certain benefits as outlined in the Collective Bargaining Agreement for represented employees and the Managerial, Confidential and Elected Officials Compensation and Benefits Plan for management, confidential and elected officials.

Related Links

Links to current collective bargaining agreements are located at:

<http://www.greenwichct.org/LaborRelations/LaborRelations.asp>

The Managerial, Confidential and Elected Officials Compensation and Benefits Plan is located at

<http://www.greenwichct.org/grTownEmployees.asp>

6.2 CIVIL UNIONS AND SAME SEX MARRIAGE

Connecticut's Civil Union statute, effective October 1, 2005, provides that parties to a civil union are entitled to all the same benefits under the law as married couples. Any benefit provided by state law, policy, or collective bargaining agreement is covered by this law. Consistent with the Connecticut Supreme Court decision officially released on October 28, 2008, same sex married partners now receive health care benefits under the Town's marriage/spousal benefits offerings. Connecticut's Same Sex Marriage law, passed into law on December 13, 2008, provides that parties in a same sex marriage are entitled to all the same benefits under the law as married couples. Any benefit that is provided by state law, policy, or collective bargaining agreement is covered by this law.

NOTE: Civil unions will not be provided after October 1, 2010. However civil unions before then will be kept and if the couples wish to change their status to marriage they can do so. Same-sex marriages and civil unions will be recognized as marriages in Connecticut.

Eligibility Requirements

New Staff: The Town will require same-sex partners either be married or joined in a civil union in order to be eligible to enroll in the Town's health care program. The Town recognizes civil unions or marriages valid in other states.

Existing civil union same-sex couples: For those same-sex couples enrolled under an existing civil union or same-sex marriage Town health care program, coverage will continue under the terms of that program and no action is required. As with all qualifying events under our health care plan, if an employee currently does not have a same-sex spouse or partner covered under the Town's health care plan and wishes to add a same-sex partner outside of the annual enrollment period, an employee may do so by attesting to the marriage or civil union within 30 days from the date of the marriage or union.

6.3 LEAVE

6.3.A FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)

OVERVIEW

In general, the Family and Medical Leave Act allows “eligible” employees of any public employer or a private employer with at least 50 employees to take job-protected leave for up to a total of 12 work weeks in a twelve-month period, while maintaining health insurance coverage. As a public employer, the Town is a “covered” employer under the Act and is subject to all rules and regulations of the Federal Family and Medical Leave Act (FMLA), but is exempt from the State of Connecticut FMLA statute and regulations.

POLICY

It is the policy of the Town to grant up to 12 weeks of family and medical leave during any 12-month period to eligible employees, in accordance with the Family and Medical Leave Act of 1993. For employees with accumulated paid leave, such leave time is to be taken as paid time, utilizing accrued sick leave, if the qualifying reason for the leave is a serious health condition, either the employee’s personal illness or physical incapacity, or the illness of a member of the employee’s immediate family that requires the employee’s personal care and attention; and/or vacation and personal leave running concurrently with FMLA leave time until the leave is exhausted. FMLA leave may include unpaid time once accrued paid leave time is fully used, or for those qualified employees with no accrued leave time balances. The Town has the responsibility and right to designate unpaid, as well as paid leave, as FMLA qualifying.

PROVISIONS

Eligibility

In order to qualify for family and medical leave under this policy, the employee must meet all of the following conditions:

- The employee must have worked for the Town (Town includes Board of Education) for 12 months, which need not be consecutive.
- The employee must have worked at least 1,250 hours during the 12 months prior to the start of the FMLA leave.

Qualifying Reasons

The Town will grant an employee up to a total of 12 workweeks of paid and/or unpaid leave in a 12-month period (see below, “Length of Leave”) for one or more of the following reasons:

- For the birth of a child, and to care for a newborn child;
- For the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;

6.3.A FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)

- To care for a spouse, child or parent (not a parent “in-law”) with a serious health condition;
- When the employee is unable to work due to a serious health condition; and
- Up to 26 weeks of unpaid FMLA leave in each 12-month period to care for family members who suffered a serious injury or illness while on military duty;
- Families of National Guard and Reserve personnel on active duty are allowed to take up to 12 weeks FMLA per year to manage their affairs. The FMLA leave of the employee (a spouse, son, daughter or parent of the military member) must be related to certain qualifying exigencies related to the military service. The qualifying situations involve (1) short-notice deployment (2) military events and related activities (3) child care and school activities (4) financial and legal arrangements (5) counseling (6) rest and recuperation (7) post deployment activities and (8) additional activities in which the employer and employee agree to the leave.

Limitations

- FMLA leave to care for a newborn child or newly placed child must be taken as consecutive days and must conclude within 12 months of the birth or placement.
- Spouses employed by the same employer are limited to a combined total of 12 workweeks of family leave for all qualifying reasons except personal illness.
- "Serious health condition" (required for use of accrued sick time) means an illness, injury, impairment, or physical or mental condition that involves either:
 - Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (i.e., inability to work, to attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; **or**
 - Continuing treatment by a health care provider, which includes a period of incapacity lasting more than three consecutive full calendar days and any subsequent treatment or period of incapacity relating to the same condition that **also** includes:
 - (1) Treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); **or**
 - (2) treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); **or**
 - (3) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; **or**

6.3.A FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)

- (4) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; **or**
- (5) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; **or**
- (6) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Intermittent/Reduced Schedule Leave

Employees may take leave on an intermittent basis or work a reduced schedule when:

- Medically necessary to provide care for a seriously ill family member;
- Medically necessary due to the employee's serious health condition;
- To care for a newborn or newly placed adopted or foster care child, with approval by the Department Head and the Director of Human Resources.

Limitations

Such paid leave must be taken in one-half day increments, in accordance with the Town's leave-time standards:

- Unpaid leave is to be charged in one hour increments.
- Employees must make a reasonable effort to schedule such leave in a way that does not disrupt the department or division operations.
- Employees making such a request may be transferred temporarily to an alternative job with equivalent pay and benefits that accommodates recurring periods of leave better than the employee's regular job.
- Applicable collective bargaining agreements must be complied with.
- Certain limitations apply to school employees, which may require intermittent leave time to be taken in blocks of time (contact Human Resources for a determination).

Length of Leave

The 12-month entitlement period for family or medical leave is measured on the basis of a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

6.3.A FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)

Use of Paid and Unpaid Leave

For all leave time taken under the Family and Medical Leave Act, employees are required to use paid leave time, in accordance with Town Policy and the Collective Bargaining Agreements before being eligible for unpaid leave. Paid leave is to be charged in the following order: Sick time, for a serious health condition, either the employee's personal illness or physical incapacity, or the illness of a member of the employee's immediate family that requires the employee's personal care and attention; vacation time; and personal leave time. On a case-by-case basis, the Director of Human Resources, may allow an employee to withhold up to three vacation days to be available for use for emergencies or special needs upon the employee's return.

Notification

Employee Notice and Responsibility

Eligible employees seeking to use FMLA leave must provide to his/her supervisor or Department Head:

- 30-day advance notice of the need to take FMLA leave when the need is foreseeable and for leave that is unforeseeable as soon as practicable;
- Sufficient information and documentation that the employee needs leave for FMLA qualifying reasons;
- Within fifteen (15) calendar days from the date of the request a medical certification regarding such leave, and if required by the Town, additional intermittent certifications and reports of status (Certification of Health Care Provider); and
- If, at the time of leave, the employer was not made aware that an employee was absent for FMLA reasons and the employee wants the leave counted as FMLA, notice and documentation that the leave was taken for an FMLA qualifying reason must be provided within 2 business days of the employee's return to work.
- The employee need not mention FMLA when requesting leave to meet the notification requirement, but need only explain why the leave is needed. In this circumstance, it is important that the employer notify the employee that this may qualify as family and medical leave and that the Town will prepare the proper leave form for notification.

Employer Notice and Responsibility

It is the responsibility of the Town to post proper notice explaining the employees' rights and responsibilities under the FMLA, and to include information in employee handbooks or to provide guidance regarding FMLA leave whenever an employee requests leave. The Department of Human Resources handles these issues.

Department and Division Heads must ensure that the following steps are taken to provide information to Human Resources and employees concerning FMLA leave:

6.3.A FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)

- Whenever a supervisor has become aware that an employee is requesting leave or is out of work for five (5) or more consecutive working days due to a serious health condition, the advice of Human Resources should be sought to determine if the employee should be placed on an FMLA leave;
- Upon request by the employee or upon determination by the employee's supervisor that an employee's absence is a qualifying absence, the employee or department head shall submit an application for FMLA Leave to Human Resources. The Department of Human Resources will provide the employee and department head with a written notice within five (5) business days designating the leave as FMLA leave, if qualifying, detailing specific expectations and obligations of an employee on such a leave.

The 12-month period against which the FMLA leave will be calculated is to begin on the first day of the recognized FMLA leave, or the actual leave date noted on the FMLA leave form. Regardless of when accumulated paid leave is depleted, an employee must be placed on such leave at the earliest possible date of understanding that the leave taken qualifies as FMLA. Leaves of absence, which may be covered by other laws (ADA, Worker's Compensation) or by collective bargaining agreements (notably, accrued sick days), must still be recognized as FMLA leave and the rules of notice apply.

A health care provider, human resources professional, a leave administrator (including third-party administrators) or a management official may directly contact an employee's health care provider to seek clarification about information on an employee's FMLA certification form. Employers cannot ask doctors for information beyond what is required by the certification form. An employee's direct supervisor is prohibited from making such inquiries.

Benefits

While the employee is on unpaid FMLA leave the employee's health benefits will continue during the leave period at the same level and under the same conditions as if the employee had continued to work. Pursuant to applicable collective bargaining agreements and Town policy the employee pays a portion of the health insurance premium. While on paid FMLA leave, the Town will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid FMLA leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Department of Human Resources by the 15th day of each month for the following month's coverage. If the payment is more than 30 days late, the employee's health insurance coverage may be dropped for the duration of the leave. The Town will provide 15 days' notification prior to the employee's loss of coverage. If the employee has purchased supplemental life insurance through payroll deduction the Town will continue making such payroll deductions during paid FMLA leave. While the employee is on unpaid FMLA leave, the employee may request continuation of such supplemental life insurance and pay directly to the Town the monthly premium. If the employee does not continue these payments, the Town may discontinue coverage during the FMLA leave.

6.3.A FAMILY AND MEDICAL LEAVE OF ABSENCE (FMLA)

Job Restoration

Upon completion of the FMLA leave of absence, whether or not the full 12-week period has been exhausted, the employee is required to complete and submit the "Employee Return from FMLA Leave Form". If the FMLA leave was due to a personal health condition, a fitness-for-duty certificate completed and signed by the treating physician must accompany the "Return from Leave Form".

It is the intent of the Town, in providing for family and medical leave, to allow the employee to return to his/her original position upon return from such leave. Wherever possible, the position will be filled on a temporary basis, or the essential duties of the position will be assumed by several employees for the duration of the FMLA leave.

If the employee's position must be filled during his/her absence, then that employee will be returned to an "equivalent" job - that is, a position which is essentially identical to the original job in terms of pay, benefits and working conditions.

KEY EMPLOYEE

A key employee of the Town may not be guaranteed employment restoration if the Town determines that a substantial and grievous economic impact will result if the employee is reinstated from the FMLA. At the time the employee gives notice of the need for FMLA or when FMLA commences they must be informed that they are a key employee and that restoration may not be possible.

A "key employee" is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the Town.

Employee Status Following Expiration of FMLA Leave

An employee who has exhausted FMLA leave and requires continued leave may make an application for a personal leave of absence pursuant to Personal Leave of Absence Policy. Approval of such a request will be made based on the criteria contained in the Personal Leave of Absence Policy. An employee who fails to return to work following the expiration of the FMLA leave and is not granted continued leave pursuant to Policy 6.3.d Personal Leave of Absence may as a result be terminated.

Related Documents and Forms

- Employee/ Department Head Application for FMLA Leave, December 2009, located on the T drive or can be obtained from the Human Resources Department.
- <http://www.dol.gov/whd/fmla/index.htm>

6.3.B HOLIDAYS

The holiday schedule is determined by the Director of Human Resources and the employees respective collective bargaining agreement. Represented employees should refer to their collective bargaining agreement; the Managerial, Confidential and Elected Officials should refer to the Managerial, Confidential and Elected Officials Compensation and Benefits Plan.

Related Links

Links to current collective bargaining agreements are located at:

<http://www.greenwichct.org/LaborRelations/LaborRelations.asp>

The Managerial, Confidential and Elected Officials Compensation and Benefits Plan is located at

<http://www.greenwichct.org/grTownEmployees.asp>

6.3.C MILITARY LEAVES OF ABSENCE

The Uniformed Services Employment and Reemployment Rights Act (USERRA) was signed into law on October 13, 1994. The USERRA clarifies and replaces the former Veterans' Reemployment Rights Statute and accords certain rights and benefits to employees who volunteer or are called to serve in the armed forces of the United States. In addition, state law accords employees certain leave rights to attend Military Reserve or National Guard duty or perform other military service. USERRA and state law also prohibit discrimination or reprisals against any employee who takes such military leave for these purposes.

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted a leave of absence for military service, training or related obligations in accordance with applicable state and federal law. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position he or she held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform. Furthermore, USERRA and state law prohibit discrimination and retaliation based on a person's membership or service (voluntary or involuntary) in the uniformed services with regard to any aspect of employment.

The following procedures apply to the entire Town workforce.

Requests for Military Leave

An employee, who is issued orders by a recognized military authority, whether verbally or in writing, shall provide prior notice to their Department Head as soon as possible after receiving such orders unless precluded by military necessity. If feasible, this notice should be in writing and accompanied by any military orders that the employee has received. Upon such notification the Town shall release the employee from work for the duration of the military leave. It is recognized that an employee may not receive written orders for recurring inactive training (drills) or annual training. However, the employee is encouraged to provide a copy of orders, the annual drill schedule, or other type of documentation to the Department Head as soon as available and, if possible, before the commencement of the activated military duty.

For periods of military leave in excess of thirty (30) days, the Town may request appropriate documentation, which can be used to establish the employee's basic eligibility for protection under federal and state law.

Town Departments who have personnel that require a leave of absence for military service will complete an Application and Compensation Form for each eligible employee in a timely fashion. The Application and Compensation Form will be forwarded to the Department of Human Resources for verification. Following verification by the Department of Human Resources, the employee serving in the military shall be paid his or her Town compensation based on the amount of military pay indicated on the Application and Compensation Form and the calculation described in Appendix A of this policy.

6.3.C MILITARY LEAVES OF ABSENCE

Compensation and Benefits During Military Leave

An employee who is on excused leave from work to attend inactive duty training (drills) or annual military training as part of the reserve corps of any branch of the armed forces of the United States shall receive regular pay less 1/30th of the employee's monthly active duty military pay for each of the first thirty (30) days of leave in a calendar year (see explanation in paragraph E and example in paragraph F). An employee who exceeds thirty (30) days of military leave in a calendar year shall be placed on an unpaid military leave for the duration of the leave in that calendar year. The thirty (30) day pay differential shall not apply to active duty call-ups or other military duty.

The Town will continue to provide all benefits for up to thirty (30) days of military leave in a calendar year. An employee who exceeds thirty (30) days of military leave and is placed on unpaid leave may continue group medical, prescription and dental benefits for a period defined by USERRA. Once benefits under USERRA are exhausted and/or the employee reaches an unpaid leave status, the employee makes arrangements with the Department of Human Resources to pay the full cost of such benefits. The required payment for such benefits must be received in the Department of Human Resources by the 15th day of the month for the following month's coverage. In the event that payment is not received by the 15th day of the month the employee will be notified that benefits will be terminated at the end of the calendar month. In the event the employee does not elect to continue medical, prescription and dental benefits the Town will reinstate the employee's health care coverage immediately upon the employee's return to work.

An employee, at his or her sole option, may request to use unused accrued vacation during periods of paid and unpaid military leave to avoid loss of accrued vacation in excess of 25 days (see 6.3.g. - Vacation). The Town cannot require an employee to use vacation leave. An employee on military leave who elects to charge such leave against vacation accruals shall be treated for purposes of benefits in the same manner as an employee who is on vacation leave.

An employee who is placed on an unpaid military leave of absence pursuant to this policy (leave in excess of thirty (30) days) will maintain their membership in the Retirement System and receive retirement service credit pursuant to the provisions of Section 180 (d) and (e) of the Town Charter.

RETURN FROM MILITARY LEAVE

An employee is eligible for reemployment rights if he/she meets the following criteria:

- The employee must hold a position that has a reasonable expectation of continuation indefinitely or for a significant period.
- An employee must give notice to the Town that he/she is leaving for military leave as described above (unless such notice is precluded by military necessity or security concerns).

6.3.C MILITARY LEAVES OF ABSENCE

- Activated employees must be released from service under "Honorable Conditions". Employees who are not released under "Honorable Conditions" are not eligible for reemployment rights.
- Employees must report back to work as defined below:-
 - For a period of military service of up to thirty (30) consecutive days, an employee must report back to work for the first full regularly scheduled work period on the day following the completion of the period of military service; his or her safe transportation home and a break of at least eight (8) hours;
 - For a period of military service of thirty-one (31) to one hundred eighty (180) consecutive days, an employee must submit to the Town direct supervisor an oral or written application for reemployment no later than fourteen (14) days after the completion of the period of military service;
 - For a period of military service of one hundred eighty one (181) days or more, an employee must submit an application for reemployment no later than ninety (90) days after completion of the period of service.

An employee who does not comply with the return to work requirements may forfeit his/her reemployment rights pursuant to federal law and the Town's established policies and procedures on returning from a leave of absence. (Pursuant to USERRA these rules may be extended under certain conditions to accommodate an employee convalescing from a service-connected injury or illness).

Limitations

Military leave, paid or unpaid, shall generally not exceed five (5) years throughout the employee's service with the Town. Refer to USERRA for exceptions to the five-year limitation. Only the time the employee actually spends in uniformed service counts toward the five-year limit.

Compensation and Benefits Upon Reinstatement

Upon reinstatement the employee shall be returned to Town employment as follows:

- i. Military service of fewer than ninety-one (91) days — to the position held by the employee had he or she remained continuously employed, so long as the employee is qualified or can become qualified after reasonable efforts by the Town; or if the employee cannot become qualified, in the position the employee was employed on the date of the commencement of the military leave.
- ii. Military service of ninety-one (91) or more consecutive days — the same as "i." above or a position of like seniority, status and pay so long as the employee is qualified; or if the employee cannot become qualified, in the position the employee was employed on the date of the commencement of the military service or a position which nearly approximates that position.

6.3.C MILITARY LEAVES OF ABSENCE

The employee's seniority based on length of service will accrue as if he/she had been on the job working during the period(s) of military service.

Upon the employee's return to work, the Town will reinstate the employee's health care coverage immediately with no waiting periods and no conditions. All other benefits as provided by the appropriate collective bargaining agreement and the Town's policies will be reinstated for the employee upon reemployment.

The employee, pursuant to USERRA, will have a period of time to make up "missed" contributions to the Town's 401-k plan or 403-b plan. The Town will make up the appropriate Town match throughout this re-payment period. Under USERRA, that period must be equal to at least three times the period of the employee's uniformed service. The entire repayment period may not exceed five (5) years.

Explanation to Military Leave Policy for Inactive duty Military Training

The employee shall receive regular pay less 1/30th of his or her monthly active duty military pay for each day the employee is required to be absent from a scheduled workday to attend inactive duty training or annual military training up to a maximum of thirty (30) scheduled workdays per calendar year. It shall be the responsibility of the employee to provide the Town with valid documentation of his/her current rank and years of military service (military pay grade and service step). The Town payroll division will determine active duty military pay based upon this information.

Questions concerning this policy or military leave in general should be directed to the Department of Human Resources.

6.3.C MILITARY LEAVES OF ABSENCE**ADDENDUM: “OPERATION ENDURING FREEDOM” AND “OPERATION IRAQI FREEDOM” AND “OPERATION NOBLE EAGLE”.****PURPOSE:**

The purpose of this addendum to the Military Leave Policy is to grant additional supplemental pay and health insurance benefits to Town employees who volunteer or are called to active duty in the armed forces as part of the United States’ effort to eradicate terrorism in response to the tragic events of September 11, 2001 including the 2002 – 2003 mobilization authorized by the President, Operation Enduring Freedom, Operation Iraqi Freedom, and Operation Noble Eagle.

PROVISIONS:

1. The provisions of Military Leave Section 6.3.c shall apply except as specifically modified herein.
2. An employee who volunteers for or is called to active duty in the armed forces of the United States as part of the United States’ effort to eradicate terrorism including the 2002 – 2003 mobilization authorized by the President shall, following the expiration of the benefits of the Military Leave Policy, Compensation and Benefits Section be eligible for the following:
 - a. Receive the difference between the compensation for military service and his or her regular base pay as an employee of the Town for the duration of the call up to active duty. If the compensation for military service exceeds the employee’s base pay, the military compensation shall prevail (see paragraph 5 and Appendix A for clarification on calculating pay). The employee must provide evidence to the Town as to the amount of military pay received. An employee, while eligible to receive the pay differential, shall continue to receive any lump sum payments (i.e. holiday, EMT, Hazmat, longevity, etc.) while on active duty. An employee may elect to use his or her vacation leave while on military leave.
 - b. During the period the employee is on active duty the employee may elect to continue medical, prescription, dental and basic group life insurance coverage pursuant to the same terms and conditions of employment as provided by the applicable collective bargaining agreement for active employees. In the event the employee’s military compensation exceeds the employee’s base pay the employee must remit to the Town by the 15th of each month the required co-payment for the insurance premium.
3. An employee on military leave pursuant to this Addendum shall only be eligible to receive the pay differential and insurance benefits described herein and be eligible to receive retirement service credit pursuant to the provisions of Section 180 (d) and (e) of the Town Charter.

6.3.C MILITARY LEAVES OF ABSENCE

4. Upon discharge from active duty the employee shall be subject to the provisions of Section 6.3.C, Sections C, D and E of the Military Leaves of Absence Policy (6.3.C) and the provisions of the Uniformed Services Employment and Reemployment Rights Act.
5. The information that follows provides clarification of the calculation to determine the amount of Town compensation due each eligible employee serving on active military service for Operation Enduring Freedom, Operation Iraqi Freedom or Operation Noble Eagle.
 - a. **COVERED SERVICE:** Military service time for those employees who volunteer for or are activated for military duty during the remainder of “Operation Enduring Freedom, Operation Iraqi Freedom or Operation Noble Eagle”.
 - b. Departments who have personnel that serve in the military service as described in Covered Service above shall complete an **Application and Compensation Form** for each eligible employee. The **Application and Compensation Form** will be forwarded to the Department of Human Resources for verification. Following verification by Human Resources, the employee serving in the military shall be paid his or her Town compensation based on the amount of military pay indicated on the Application and Compensation Form and **the calculation described in Appendix A of this addendum.**
 - c. Town employees who are covered under this addendum shall receive the difference between the basic military compensation for military service and his or her regular Town base pay. The method for determining the basic military compensation shall be the ‘daily rate’ calculation described below and repeated in Appendix A.

Daily Rate Calculation - The individual employee’s monthly basic military pay shall be divided by 30. The result is the ‘daily rate’.

The military daily rate shall be multiplied by the number of days the employee would be scheduled to work while employed by the Town of Greenwich during each pay period. For non-public safety employees this is normally two weeks or ten days. For public safety personnel it is the number of days the employee would be normally scheduled to work. The total of the military compensation for each pay period will be deducted from the employee’s town compensation for the same period. The difference is the amount of compensation that will be paid by the Town for the pay period. An example of this calculation is shown in Appendix A.

- d. When an employee returns to employment with the Town of Greenwich s/he shall provide to the Town of Greenwich Payroll Department verification of wages paid by the United States Government while s/he was in active military service. This verification must be provided to the Town within sixty (60) days of the employee’s return to Town employment.

6.3.C MILITARY LEAVES OF ABSENCE**APPENDIX A***Calculation Method*

Daily Town rate (annual base salary/260) multiplied by the # of scheduled work days excused for military duty (note this calculation is intended to be illustrative for the purpose of implementing the terms of this policy and not intended for any other purpose such as calculating overtime, premium pay or other contractual benefits).

LESS

1/30th of monthly active duty military pay multiplied by the # of scheduled work days excused for military duty.

EQUALS

Differential in salary to be paid (if any).

An employee may use accrued unused vacation for military leave to attend drills. If the employee uses vacation there is no offset between military pay and Town pay.

Example weekend or single day drills:

Employee scheduled to work on both Saturday and Sunday and placed on military leave to attend drills.

Monthly military pay is \$5,482.20 (O-4 with over 10 yrs service; salary as of December 1, 2006) and daily pay is \$182.74 (monthly divided by 30) drills are scheduled for Saturday and Sunday. Annual Town base salary is \$52,000.

$$\$52,000/260 = \$200 * 2 = \$400$$

$$\$ 182.74 \times 2 = \$365.48$$

Town pays employee the differential of \$ 34.52 or if employee was paid prospectively, the employee owes the Town \$ 365.48.

Example 2 week summer training:

Employee scheduled to work 8 days during the two-week period.
Military pay \$ 182.74 per day and annual base salary is \$52,000

$$\$52,000/260 = \$200 * 8 = \$1,600$$

$$\$ 182.74 * 8 = \$ 1,461.92$$

6.3.C MILITARY LEAVES OF ABSENCE

Town pays employee the differential of \$138.08 or if employee was paid prospectively, the employee owes the Town \$ 1,462.92.

Military pay received by an employee on a day that he is not scheduled to work is not included in the differential calculation. This should provide for consistent treatment between employees who work rotating shifts (police/fire and civilian employees who work Monday – Friday and are generally off on weekends.

6.3.D PERSONAL LEAVE OF ABSENCE

Employees requiring time off for a serious personal matter or responsibility for a period of time from one week to 6 months may request a personal leave of absence.

It is the policy of the Town that an appointing authority may grant a personal leave of absence to a full or part-time regular employee that does not exceed ten (10) working days if the request complies with the provisions below. If it is in the interest of the Town, the Director of Human Resources may approve an application for a leave of absence for a period not to exceed six (6) months. Upon the expiration of an approved personal leave of absence, the employee shall be reinstated in the same or equivalent position held at the time the leave was granted. Failure of the employee to inform the employer of a change in circumstances during the leave period or to promptly report to work at the expiration of the leave may be cause for dismissal.

Provisions

- A. **Eligibility:** Full or Part-time regular employees in good standing with three years of Town service.
- B. **Qualifying Reasons:** A personal leave of absence may be granted for the following reasons not otherwise provided by Town policy: illness or injury for oneself or a close family member after all accrued sick and/or family medical leave has been exhausted; pursue education or certification that is job related and cannot reasonably be accomplished while working; other unique or extraordinary personal reasons, other reasons as the Town determines to be in its best interest.
- C. **Limitations/Conditions:**
 - 1. An employee with accumulated compensatory time and/or vacation leave who is granted a personal leave of absence shall first exhaust all accrued compensatory time followed by accrued vacation leave at the start of the leave and upon exhausting such compensatory time and vacation leave be placed on unpaid leave.
 - 2. The reason for the leave is not otherwise covered by other Town policy i.e. Military, FMLA, etc.
 - 3. In no instance shall the leave extend past six (6) consecutive months.
 - 4. Employees on paid or unpaid personal leave will cease to accrue sick and/or vacation time after two weeks.
 - 5. Employee shall not engage in other employment during the leave of absence unless such employment has received prior approval by the Director of Human Resources.
 - 6. Failure of the employee to inform the employer of a change in circumstances during the leave period or failure to return to work immediately following the expiration of the leave may result in termination (see section F).
- D. **Notification:** All requests for a personal leave of absence (other than annual vacation leave) for a period in excess of ten (10) workdays shall be submitted to the department head on the “*Request for Personal Leave*” form. If approved by the Department Head the

6.3.D PERSONAL LEAVE OF ABSENCE

request shall be signed and submitted to the Director of Human Resources. The Director of Human Resources shall act on all requests for personal leave in excess of 10 working days. Human Resources will return an electronic copy of the request form to the Department Head and employee

- E. **Benefits:** During the period of leave that is charged against unused vacation leave the employee shall continue to receive all benefits similar to an employee on vacation leave except that sick and vacation accruals will cease after two weeks. During the unpaid portion of the leave, the employee **shall not** earn any paid leave time or accrue benefits. An employee on unpaid leave may elect to continue medical, prescription, dental, basic life, or supplemental life provided the employee makes arrangements with the Department of Human Resources to pay the full cost of such benefits. The required payment for such benefits must be received in the Department of Human Resources by the 15th day of the month for the following month's coverage. In the event payment is not received by the 15th day of the month the employee will be notified that benefits will be terminated at the end of the calendar month and the employee will be provided with COBRA information. During the period of leave the employee will not be accruing credited service in the retirement system. The employee's seniority shall not include any periods for which the employee was on unpaid personal leave.
- F. **Job Restoration and Employee Status Following Expiration of Leave:** Upon the expiration of the leave of absence the employee shall be restored to the same or equivalent position and to the extent possible in the same department. In the event the employee's position has been eliminated the employee will be offered another vacant position for which the employee is qualified. In the event there is no vacant position for which the employee is qualified the employee will be laid off in accordance with Town policy and applicable collective bargaining agreements. The employee is required to report to work immediately at the expiration of his/her leave. The Employee shall have restored any unused sick leave that had been accrued prior to the personal leave. An employee who does not keep the employer informed of any change in circumstances that may effect their employment during the leave or who fails to report to work immediately following the expiration of his/her leave will be considered as having voluntarily resigned and separated from Town employment.

Related Documents and Forms

- Employee Application for Personal Leave located on the T drive or can be obtained from the Human Resources Department.

6.3.E SICK LEAVE – OTHER THAN WORK RELATED

The intent of this policy is to protect eligible employees from loss of earnings due to bona fide illness or accident except those compensable under Worker's Compensation.

DEFINITIONS

- *Sick Leave* refers to any absence with pay due to a non-service illness, which may include maternity leave; cases of sick or disability related to the pregnancy and birth. If accumulated sick leave is depleted, an employee may use earned but unused, accumulated vacation leave.
- *Injury Leave* refers to any absence made necessary as the result of service connected injury or illness. See 6.3.F – Workers Compensation Related Leave and Restricted Duty.

POLICY

Each regular, full-time, non-probationary represented employee shall be entitled to sick leave with full pay as outlined in the collective bargaining agreements.

Unrepresented Management and Confidential employees are entitled to sick leave with pay at the rate of one (1) working day for each calendar month of service and two (2) days per month after ten (10) years to a maximum of one hundred and eighty (180) days.

Seasonal, temporary and probationary employees are excluded from receiving paid sick leave.

Absence for a fraction of a day, that is chargeable to sick leave in accordance with these provisions, shall be charged proportionately in an amount not smaller than one-half of a day. A calendar month of service is defined as having worked consecutively as scheduled, past the fifteenth (15) day of the month.

Sick leave shall not be considered as a privilege, which an employee may use on discretion, but shall be allowed only in case of sickness or disability, or in a case of serious illness within the household or immediate family of the employee as defined under Federal FMLA. Employees are required to notify their supervisor immediately when they are unable to report to work. The Department Manager may require a doctor's written certification in instances where absences are five (5) or more consecutive working days.

The terms and conditions under which sick leave will be authorized will be according to the following rules:

- a) Personal illness or physical incapacity.
- b) The illness of a member of the employee's immediate family (defined as spouse, child, stepchild, parent, step parent, brother, sister, grandparent, grandchild, parent-in-law or any relation domiciled with an employee as a member of his/her family who is listed as a dependent for income tax purposes) that require the employee's personal care and attention.

6.3.E SICK LEAVE - OTHER THAN WORK RELATED

An employee, who reports out sick, should be home recuperating. The Town has the right to contact the employee during this period should the need arise.

An employee on sick leave shall inform the immediate supervisor as soon as possible before the start of their regularly scheduled workday. Failure to do so prior to the scheduled work period may be cause for denial of sick leave with pay for the period of absence.

If the Town has reasonable grounds to believe sick leave is being abused, the Town may, at its discretion, require an employee requesting sick leave, or leave without pay when sick leave is exhausted, to furnish a statement from his/her attending physician certifying that absence from work was necessary due to the employee contracting a non-service connected illness or disability which renders him/her unable to perform the duties of his/her position. The Town shall have the right to verify the authenticity of the physician statement, have the physician provide an expected return to work date and have the physician specify any restrictions on the employee's employment duties due to a medical condition. An employee may be disciplined for sick leave abuse or for failure to adhere to the requirements of this section.

If an employee becomes sick or injured while on an approved vacation leave, the employee is required to notify his/her supervisor immediately. Upon return to work, the employee may exchange accrued vacation leave for accrued sick leave when there has been a personal illness or injury, if available. The following conditions must be met:

- The employee called his/her supervisor at the time of the illness or injury.
- Written evidence in the form of the attending physician's bill or hospital bill is presented by the employee immediately upon return from vacation.
- Two or more previous illness or injury requests while on vacation had not been made during the prior two (2) year period.
- The Director of Human Resources approves the request in writing, and the Director of Human Resources, BOE, approves in writing such requests for School personnel.

A detailed record of all sick, vacation and other leaves must be recorded on time sheets for all employees.

6.3.F WORKERS COMPENSATION RELATED LEAVE AND RESTRICTED DUTY

It is the intention of this policy to comply with applicable state statutes. If there is a conflict between this policy and applicable law, then the law supersedes.

Work Related Absence

The Town requires certification (doctor's note) by a State of Connecticut licensed treating physician of record, including items 1-4 below, when the reason for an employee's absence is Workers' Compensation related. A form for certification use is located on the 'T' drive. Failure to provide certification may result in a denial of the claim or of the continuation of the Leave as Workers' Compensation related, and a discontinuance of benefits.

Certification must be completed by the treating physician and shall include:

1. The expected leave duration.
2. Explanation of medical necessity for leave, including diagnosis.
3. Brief statement of treatment.
4. A statement concerning the employee's ability to perform work in their present capacity or another capacity. The employees' immediate manager or supervisor, and Risk Management should review the medical certification.
5. If the employee needs to take intermittent leave or work a reduced schedule, the medical certification must also include dates, the duration of treatment, and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

Note: Employees will be placed on FMLA leave for any injury leave of 5 or more work days or a request for intermittent injury leave in excess of 5 work days whether or not the leave is accepted by the Third Party Administrator (TPA).

The Town has a right to ask for a second opinion. If this occurs, the Town will pay for a certification from a second doctor, who will be selected by the Town. If necessary to resolve a conflict between the original certification and the second opinion, the Town will require the opinion of a third doctor. The Town will select the third doctor and the Town will pay for the opinion. This third opinion will be considered final unless overturned by a Workers' Compensation Commission appointed medical examiner.

Employees are required to be examined by the treating physician of record at least every 30 days and to provide a written Employee Medical & Work Status Form completed by the treating physician, or when a change in the employees medical condition occurs, to the Workers' Compensation Unit, regarding the status of the medical condition and the prognosis for return to work. An Employee Medical & Work Status Form should be used and is located on the T drive or can be obtained from the Human Resources Department. The Employee Medical & Work Status Form must be submitted to the Workers' Compensation Unit within 24 hours or the next business day after the exam appointment with the treating physician. The Workers' Compensation unit will forward pertinent information to the employee's supervisor.

6.3.F WORKERS COMPENSATION RELATED LEAVE AND RESTRICTED DUTY

Failure to provide the Employee Medical & Work Status Form to the Workers' Compensation unit may result in one of the following actions:

1. Placing the employee on Sick Leave.
2. The Department head may choose to discipline an employee who is found to abuse the Town's Workers' Compensation Related Leave and "Restricted" Duty policy. This discipline may include suspension or termination.

Status of Compensation and Benefits While on Workers' Compensation Leave*Salary Continuation*

Employees injured while on the job will receive their base hourly earnings for the first day of injury up to a maximum of the number of hours regularly scheduled for that shift, regardless of the number of hours worked. Further compensation will be determined according to the State of Connecticut Workers' Compensation Regulations or the respective collective bargaining unit agreement.

In general the employee must use available Sick Leave at the beginning of an Injury Leave and/or until the leave is accepted by the Third Party Administrator (TPA). If Sick Leave accruals run out, the employee may request the use of Vacation Leave. If the leave continues and the employee exhausts all paid leave time, then the remaining leave is unpaid.

If the employee is out due to a compensable work related injury and they are out of work for three days or fewer, they are initially required to use Sick days in order to be paid for them. The Third Party Administrator (TPA) will not issue authorization to pay Workers' Compensation Leave (injury leave) of three days or fewer. Risk Management will issue an authorization for Injury Leave for fewer than three (3) days, provided it is compensable under Workers' Compensation, and a doctor authorizes the Leave or there is no accommodating "Restricted Duty" work available. Once the work related incident is approved or permitted by the TPA or deemed compensable by the Workers' Compensation Commissioner, written instructions from the Workers' Compensation Unit will notify the department payroll clerk to change the time to Injury Leave by reinstating the employee's Sick or Vacation time.

Employees who are out of work due to a compensable work related injury for 7 days or more are entitled to reimbursement from Worker's Compensation retroactive to their first day out.

Employees out for four or more days, as the result of a compensable Workers' Compensation injury, must contact their payroll clerk if they wish to make an election regarding their method of salary continuation. For represented employees, this election should occur only after all collective bargaining rights for on-the-job injury have been exhausted. (Refer to the appropriate collective bargaining agreement).

6.3.F WORKERS COMPENSATION RELATED LEAVE AND RESTRICTED DUTY

Methods of salary continuation:

1. Receive approved Workers' Compensation Weekly Benefit only -- The approved Workers' Compensation Weekly benefit rate is tax-free. The TPA calculates it. The average weekly benefit rate is based upon 75% of the employee's 52-weekly average wage after taxes.
2. Receive Full Regular Pay -- The approved Workers' Compensation Weekly benefit rate portion of the full pay remains tax-free. Employee elects to use other pay (accrued sick or vacation leave) to supplement the weekly benefit. This supplemental portion of the employees pay is subject to regular taxation.

The payroll clerk will:

1. Arrange to return all Sick time from the date of the injury through the first month (20 working days) or as stipulated in the employee's collective bargaining agreement.
2. If the employee is continuing to receive injury pay plus sick or vacation accrual to bring the employee to their average bi-weekly net pay, sick accrual in days or hours per week or, at the employee's request, vacation accrual in days or hours per week, will be deducted for all weeks after the first month of injury (20 working days) or after all collective bargaining rights for injury leave have been exhausted.
3. Unless otherwise requested, the payroll clerk will proceed with Method b (Receive Regular Net Pay via Sick Day/Hour reduction)
4. Monthly Sick and Vacation accruals continue for 30 days while the employee is being paid directly by the Town.
5. The Workers' Compensation portion of the employee's pay is non-taxable. Since TPA authorizes lost-time, any taxes calculated on the Workers' Compensation portion of the employee's pay will be returned to the employee. Employees receiving payments as a result of Worker's Compensation are subject to all usual deductions except for certain taxes.

Benefits

While the employee is on Workers' Compensation Leave, the Town will continue the employee's health benefits at the same level and under the same conditions as if the employee were still at work. The Town will continue to make payroll deductions while the employee is on paid leave. If the employee is placed on unpaid leave for any reason, the employee must make these payments (example, employee's share of health care premium).

If the employee does not continue these payments, the Town may discontinue the benefit during the unpaid leave, or may make special arrangements with the employee, to recover the payments at the end of the unpaid leave period, in a manner consistent with the law.

If the employee does not return to work, the employee will be required to reimburse the Town for the amount the Town paid for the employee's portion of benefits during the unpaid leave

6.3.F WORKERS COMPENSATION RELATED LEAVE AND RESTRICTED DUTY

period. The employee may continue health care coverage after notification of the intent not to return under the COBRA extension option if applicable.

Restricted Duty

During the healing process, the doctor may authorize the employee to perform Restricted Duty for a specified period of time (see 6.3.F. first paragraph, #4 & 5). The employee must report this change in work status to his/her Supervisor immediately so that a Restricted Duty routine can be determined by the appointing authority.

The Town will consider restricted duty assignments only in cases where the medical prognosis indicates an anticipated return to full duty capability. In these cases the departments should work with the employee to provide for Restricted Duty within the parameters established by the treating physician. If the Appointing Authority has no Restricted Duty work assignments or creating such an assignment would pose an undue hardship on the department/division operation, an attempt will be made by the Workers' Compensation Unit to place the employee in a department that has work that can accommodate the Restricted Duty only if the employee has a prognosis indicating an anticipated return to full duty.

The Town cannot guarantee Restricted Duty and is under no obligation to offer, create, or encumber any specific position for purposes of offering Restricted Duty.

If the employee is unable to work in a restricted capacity for the Town, or if the Town cannot locate Restricted Duty to accommodate the employee, then the employee may be required to look for outside work that the employee can do (Job Searches) in order to continue receiving injury pay via the TPA while under Workers' Compensation restrictions.

If the employee chooses not to return to an available Restricted Duty assignment or perform Job Searches as required in order to be paid, the employee will be charged Sick and/or Vacation time for all days out, and may be ineligible for further Workers' Compensation Benefits.

Restricted Duty assignments should be reviewed every 60 days and the Worker's Compensation Unit will provide follow up with the Department Head. The employee must be showing progress towards Full Duty capabilities during this time. If the employee is not able to return to his/her pre-injury position capable of Full Duty, without restrictions, by the end of six months, the employee's participation in the Restricted Duty Program will have to be re-evaluated by the TPA and the Appointing Authority and a independent medical examination may be required to determine if the employee can remain in a restricted duty work assignment.

If it is determined that the employee has permanent restrictions that result in his or her inability to perform the essential functions of the primary position, the Town should determine the employee's continued employment status. In order to make that determination, the employee's Department should seek assistance from Human Resources.

6.3.F WORKERS COMPENSATION RELATED LEAVE AND RESTRICTED DUTY

Reasons for withdrawing a Restricted Duty assignment:

1. The employee is not progressing toward Full Duty capability;
2. Restricted Duty Work is no longer available;
3. The employee is released for regular Full Duty work by the treating physician of record or the Workers' Compensation Commissioner;
4. The attending physician indicates the employee has a permanent restriction preventing return to the employee's regular job; or
5. The claim for Workers' Compensation benefits is denied.

Return from any Medical Leave

The employee must provide certification of fitness to return to work from the treating physician of record or the Workers' Compensation Commissioner. This documentation should be forwarded to the Workers' Compensation Unit, which will review it for appropriateness prior to the employee's returning to work.

Job Security

For all regular full-time or part-time exempt and non-exempt employees on extended Workers' Compensation Leave and/or Restricted Duty assignments, the Town will return an employee cleared for full duty work by the treating physician and the TPA, to the same position or an open position with equivalent status, pay, benefits and other employment conditions during the period of time provided for job related injury leave in the respective collective bargaining agreement.

If the Workers' Compensation Leave and/or Restricted Duty status extends beyond all applicable time described in the employees' collective bargaining agreement, it will be the decision of the Town and the Appointing Authority, based upon medical reports from the treating physician of record, or an Independent Medical Exam (IME) or the Workers' Compensation Commission whether the employee can be returned to an open position, terminated or retired where eligible. Termination of employment or retirement does not affect the continuation of benefits from Workers' Compensation but will affect eligibility for other employment benefits.

Collective Bargaining Unit Agreements

If there are any inconsistencies between the language of this policy and the language in the employee's Collective Bargaining Unit Agreement, the language of the Collective Bargaining Unit Agreement shall supersede.

6.3.G VACATIONS

Represented employees should refer to their Collective Bargaining Agreement; the Managerial, Confidential and Elected Officials Compensation and Benefits Plan should be referenced for management, confidential and elected officials or as defined in the employee's employment agreement with the Town.

No employee is permitted to carryover more than 25 days of vacation accrual from one fiscal year to the next.

On July 1 of each year, any hours above the maximum will be forfeited.

Related Links

Links to current collective bargaining agreements are located at:
<http://www.greenwichct.org/LaborRelations/LaborRelations.asp>

The Managerial, Confidential and Elected Officials Compensation and Benefits Plan is located at
<http://www.greenwichct.org/grTownEmployees.asp>

6.3.H OTHER PAID SHORT TERM ABSENCES

The purpose of this policy is to afford eligible employees time off with pay for certain obligations such as bereavement leave and jury duty.

BEREAVEMENT LEAVE

To be granted in accordance with the terms of the individual union contracts negotiated by the Town as follows:

Employees are entitled up to five (5) consecutive working days' funeral leave with pay in the event of the death of a member of the "immediate family" (defined as spouse, child, stepchild, parent, stepparent, brother, sister, grandparent, grandchild, parent-in-law, or any relation domiciled with an employee as a member of his or her family who is listed as a dependent for income tax purposes) and three (3) consecutive working days' funeral leave with pay in the event of the death of a brother-in-law, sister-in-law, son-in-law or daughter-in-law and at the discretion of the Department Head where unusual circumstances and equity dictate, one (1) working day in the event of the death of any other relative not described in this section. Funeral leave shall not be deducted from sick leave. The actual number of working days taken up to a maximum provided shall be based on actual need for funeral leave. Proof of such funeral may be required by the Town.

JURY DUTY

The employee must inform the Department Head immediately if selected for jury duty and submit documentary evidence from the Court showing the period of duty. Employees are to report to work any day the Court is not in session. The Town will pay the employee his/her regular pay check and should the employee be paid by the court, the employee is required to reimburse the Town by submitting a personal check to their department payroll clerk in an amount equal to the Court check. Conn. Sec. 51-247a states that an employer shall not deprive an employee of his employment or threaten or otherwise coerce him in connection with jury service. Effective September 1, 1986, the exemption from jury duty accorded Police Officers by virtue of Conn. Sec. 51-219 of the General statutes was repealed.

Conn. Sec. 51-247 requires the Town to pay regular wages to all full-time employees (employed over 90 days) scheduled to work thirty (30) or more hours per week for the first five (5) days of jury duty served by an employee in those areas where the one-day or one-trial system is in effect.

The following employees are excluded:

1. Part-time employees who are scheduled to work fewer than 30 hours per week, or as specified in a union contract.
2. Temporary employees who have not worked continuously for more than 90 days.
3. The employee works in a seasonal or casual capacity and includes an employee holding a position through a temporary help service as defined in Conn. Sec. 31-129.

6.3.H OTHER PAID SHORT TERM ABSENCES

LEAVE OF ABSENCE WITHOUT PAY

Information regarding Leaves of Absence without pay may be found in the Human Resources Policy Manual 6.3.d Personal Leave of Absence.

HEALTH APPOINTMENTS

Employees should attempt to schedule medical appointments outside the normal workday. In an instance where that is not practical, the employee may use sick time in half day increments. Except in the case of an emergency, an employee shall inform the immediate supervisor, in writing, of any such appointment, and time off. The scheduling of such time off shall be subject to the reasonable needs of the Town.

EMERGENCY CLOSINGS

It is assumed in all cases that all offices and facilities of the Town will be open as scheduled for the full workday unless the First Selectman specifically notifies employees otherwise. The decision to close, based upon local conditions, will be made by the First Selectman or the First Selectman's designated Town official in case of absence. The closing may apply to all Town facilities or the First Selectman may approve designated locations. The Superintendent of Schools will be responsible for school closings and delayed openings.

The decision by the First Selectman to close or delay opening Town facilities will be made as soon as possible to minimize inconvenience to employees via local radio station. All department Heads will be notified via telephone, e-mail or radio and they, in turn, will be responsible for notifying their department employees.

Unless the Town Hall and other Town facilities are officially closed by the First Selectman, employees are required to report to work.

If an employee does not report to work, they may elect to charge their earned but unused vacation or personal day, or earned compensatory time, if available, or the employee may elect not to be paid for the day. Sick days are not to be charged.

If an employee comes to work in the morning when the Town Hall is open, and works one-half (1/2) of the day and decides to leave at noon, or comes in after lunch and works one-half (1/2) of the day, the employee shall be charged one-half (1/2) day of earned vacation, personal, or compensatory day, if available, or the employee may elect not to be paid for the period of absence.

If an employee comes to work and works more than one half (1/2) day and the Department Head approves closing the department in the afternoon, the employee may leave work without charging his/her accumulated vacation or personal day, for the remaining portion of the daily work schedule.

6.3.H OTHER PAID SHORT TERM ABSENCES

Emergency Essential Employees

Employees who are classified in emergency essential positions will be required to work during the emergency period and will be paid as outlined in the respective collective bargaining agreements.

If a regular, full-time employee has given proper notification to the supervisor that he or she will not report to work due to illness, the absence will be charged to illness pay. If an employee's record indicates a past practice of not reporting to work on the day of a storm, or a pattern of sick leave abuse, the Department Head may request written verification of the illness from a physician.

If an employee is absent due to a pre-approved vacation, personal day or other approved reason, and the Town is closed due to an emergency, the employee will be paid for the pre-approved absence only and will not receive additional paid time-off for vacation, personal day, etc.

Those employees who normally work in or from the Town Hall, but who worked elsewhere for the Town (ex., Town Attorneys in Court, Homemaker Health Aides in the patient's home, etc.) will receive their scheduled pay for the day only.

All hours worked that day by employees which are in excess of the time defined as the normal work day will be paid to the employee at a rate which is in accordance with the provisions of the applicable collective bargaining agreement.

Temporary and part-time employees will be compensated for hours worked.

Complete and accurate payroll records (time sheets) and absentee reports must be maintained on a daily basis as legally required.

Represented employees should refer to their collective bargaining agreements for additional information.

Emergency Essential Employees are:

1. Police Officers and Superiors.
2. Firefighters and Superiors.
3. All non-clerical employees in the Department of Public Works.
4. Non-clerical employees required by the Department of Parks & Recreation, Nathaniel Witherell, Department of Health, and Homemaker Service.
5. Other employees required by the First Selectman and Department Heads assigned to specific emergency duties.

6.4 RETIREMENT

6.4.A ACTIVE EMPLOYEES

Represented employees should refer to their collective bargaining agreement; the Managerial, Confidential and Elected Officials Compensation and Benefits Plan should be referenced for management, confidential and elected officials.

Any eligible employee may retire with a service retirement allowance on the first day of any calendar month not fewer than thirty (30) nor more than ninety (90) days after submitting a written request to the Retirement Plans Administrator. The employee must also provide the written notice to their department head and the Director of Human Resources.

Related Links

Links to current collective bargaining agreements are located at:

<http://www.greenwichct.org/LaborRelations/LaborRelations.asp>

The Managerial, Confidential and Elected Officials Compensation and Benefits Plan is located at

<http://www.greenwichct.org/grTownEmployees.asp>

6.4.B RETIREE MEDICAL INSURANCE

All Retirees who receive a Retirement Allowance from the Town of Greenwich are eligible to participate, through the Town, in a medical care plan, a pharmacy plan and, if provided for in the applicable collective bargaining agreement, a dental plan and life insurance. Collectively, these are called Other Post Employment Benefits (“OPEB”). In some instances, survivors of the eligible Retiree may also elect to participate in these benefits. In many collective bargaining agreements, Retirees eligible to participate in OPEB may also receive a Town Credit which is applied to the cost of the Annual Premium.

The Department of Human Resources is responsible for the administration and operation of OPEB. There is also a Town of Greenwich Retirement Benefits Center (“RBC”) that Retirees may contact for answers to questions about OPEB.

6.4.C RETIREMENT HEALTHCARE PROCEDURES – TOWN EMPLOYEES

When an employee has completed the retirement application and received approval from the Retirement Board, once approved, the Retirement Plans Administrator provides written notification to the Town of Greenwich Retirement Benefits Center (“RBC”) and the Employee Benefits Manager that he has received a fully executed retirement application.

The RBC forwards Health and Life Insurance (where applicable) enrollment information to the retiree to review and complete. This information will include the OPEB forms (Medical Plan Comparison, Prescription Drug Coverage Summaries, Enrollment Form, Life Insurance Beneficiary Form (where applicable) and Waiver of Insurance). The retiree will have until the 5th of the month prior to the commencement of his/her retirement to return the completed forms to the RBC. **Failure to return the OPEB forms as required will result in an automatic Waiver of Insurance, and the Retiree must wait until the next Annual Open Enrollment Period or Life Qualifying Event to elect coverage through the Town.**

If the RBC has not received your OPEB forms within 21 days from the date that the packet was mailed, the RBC will send a reminder letter, certified mail, return receipt requested, giving an additional 7 days beyond the initial deadline to complete and return the forms.

If there is no response, the RBC will take no further action. The Retiree will be advised by letter of the next Annual Open Enrollment Period.

Retirees who are not enrolled in healthcare coverage through the Town will have 60 days from the first day of their retirement to apply for coverage through COBRA, without Town Credit, until they enroll during the next Annual Open Enrollment Period.

Retirees who choose not to enroll in a health care plan must complete the Waiver of Insurance. Retirees must send either the Enrollment Worksheet or the Waiver of Insurance to the RBC within the time frame outlined above.

6.4.D RETIREMENT HEALTHCARE PROCEDURES – BOARD OF EDUCATION EMPLOYEES

All retired employees of the Greenwich Public Schools who are members of the Teacher's Retirement Board ("TRB") may participate in Other Post Employment Benefits ("OPEB") for medical, dental and prescription coverage from the time they retire until they elect to participate in Medicare. The employee and/or their spouse may elect to participate in the Medicare program.

Enrollment

The employee first contacts the TRB and completes the process for retirement. When retirement is approved, the BOE notifies Human Resources ("HR") of the effective date, and HR notifies the RBC.

A TRB Retiree who retires in June will follow the Initial Annual Open Enrollment procedure.

A TRB Retiree who retires during the school year will receive an Enrollment Packet and must complete and return an Enrollment Form or Waiver of Insurance to the RBC within two weeks of receipt of the Enrollment Packet.

If neither the Enrollment Form nor Waiver is received 5 days before the deadline, the RBC will send a certified letter, return receipt requested, extending the deadline an additional seven days for a response.

The RBC will take no further action. Retirees who fail to return an Enrollment Form or Waiver to the RBC will be deemed to have waived healthcare coverage. They may enroll either at the next Annual Open Enrollment Period or when a Qualifying Life Event occurs.

Payment

TRB Retirees pay 100% of the Active Employee's premium, less the TRB subsidy, which is received by the Town on a quarterly basis.

The RBC will provide payment coupons to TRB Retirees, who pay by check to the RBC quarterly in advance.

If a payment is not received by the last day of the month in which it is due, a cancellation notice is sent to the Retiree, certified mail, return receipt requested, stating that healthcare coverage will be cancelled unless payment is received by the 15th of the following month, with a copy to HR.

If the Retiree's insurance is cancelled, he/she may not enroll until the next Annual Open Enrollment Period or when a Qualifying Life Event occurs.

6.4.E RETIREE HEALTH INSURANCE LATE PAYMENT

Premium payments are deducted from the Retirement Allowance each month. If the monthly Retirement Allowance is insufficient to cover the monthly premium cost, the Retiree must pay the premium directly. The Town of Greenwich Retirement Benefits Center is unable to accept less than the full payment from the retiree's monthly Retirement Allowance. Payment coupons will be provided by the Town of Greenwich Retirement Benefits Centre to any Retiree whose Retirement Allowance is insufficient to cover the total monthly cost.

If a premium payment is not received by the end of the month, a reminder letter will be sent to the Retiree, copying the Employee Benefits Manager, stating that the insurance will be canceled if the Retiree has not made the payment by the 15th of the following month. If a Retiree's insurance is canceled, he/she may not re-enroll until the next Annual Open Enrollment Period.

6.5 OTHER

6.5.A CREDIT UNION

All employees of the Town of Greenwich (excluding employees working for the Board of Education) at their option, may join the Greenwich Municipal Employees Federal Credit Union.

6.5.B EMPLOYEE ASSISTANCE PROGRAM

The Town is committed to the preservation of the well-being of its employees. The Town recognizes that a wide range of problems not always directly associated with one's job function can have an effect on an employee's job performance. Through early intervention many of these problems can be resolved and the potential impact on job performance and an employee's general health minimized. Towards that end, the Employee Assistance Program (EAP) has been established to provide professional expertise for the benefit of employees and their family members when dealing with problems of a personal/professional nature. The program is available to all full-time employees and their dependents as well as all regular part-time employees. All aspects of the Town's EAP service system will operate within the federal Health Insurance Portability and Accountability Act (HIPAA) guidelines regarding all aspects of case management.

Eligible employees are encouraged to use the program on a self-referral basis for a wide range of personal problems including but not limited to: substance abuse, marriage and family concerns, stress induced issues, emotional or psychological concerns, interpersonal/relationship matters, and/or legal and financial issues. Participation in the Town's Employee Assistance Program will not negatively impact on an employee's position or employment reputation in the worksite. Since employee work performance can be affected by the problems of their spouse or other dependents, the program is available to families of employees as well. Assessment, short-term counseling, referral and case management services are provided to eligible employees at no charge. When referral is made for care outside the established EAP network, costs associated with such services are the employee's responsibility. In most instances the employee's health insurance plan will cover such treatment. Employees should review the health care plan document to determine any conditions and limitations in relationship to EAP services.

Employee Assistance Program services are confidential. No information about the use of these services will be released without written consent, except as required by law. The EAP, however, only requires verbal permission from the employer when the communication involves contact with treatment professionals to facilitate employee care for cases other than alcohol and drugs.

In the majority of circumstances, the use of the services of the EAP is voluntary. It is the employee's responsibility to follow the recommendations of the EAP counselor. The responsibility to correct any problem situation(s) remains with the employee.

Related Links:

U.S. Department of Health and Human Services: Understanding Health Information Privacy - <http://www.hhs.gov/ocr/privacy/hipaa/understanding/index.html>

6.5.C EXPENSE REIMBURSEMENTS

The Town will reimburse employees for reasonable and justifiable expenditures incurred on behalf of the Town while in the performance of their official duties. Such reimbursements will be made upon the submission of the *Expense Report For Out Of Town Travel* form used for the appropriate expense and an **original bill**, receipt or credit card transactions for business related expenditures. All invoices and credit card transactions must show a breakdown of related expenditures.

Unrepresented managerial employees receiving an annual transportation allowance in lieu of a Town vehicle used to conduct Town business are not eligible for mileage reimbursement.

<u>ALLOWABLE EXPENSES</u>	<u>NON-ALLOWABLE EXPENSES</u>
1. Mileage – see below	1. Trip Insurance
2. Lodging	2. Expenses of Spouse and children
3. Meals	3. Personal Telephone calls not family connected
4. Expenses incidental to travel (tolls, parking etc.)	4. Any alcoholic beverage or entertainment
5. Air Travel	
6. Telephone	
7. Registration Fee	
8. Miscellaneous Expenditures (such as any expenditure for course related items)	

TRANSPORTATION ALLOWANCE

Reimbursement for Use of Private Vehicle on Town Business

(Employee must be on the Town’s Authorized Driver List)

1. IRS mileage rate or rate as approved by the Town and/or collective bargaining agreements.
2. Employees who operate their own personal vehicle on Town business must have an appropriate valid operator's license and proper insurance coverage.
3. Represented full-time employees who must use a personal vehicle on town business (minimum 50 miles per week) will, with approval of their appointing authority, receive an annual automobile allowance as specified in their Collective Bargaining Agreement.

6.5.D SAVINGS BOND PURCHASE PLAN

Employees can arrange for the purchase of U.S. Government savings bonds through electronic payroll deductions. In order to do so, an employee must open a TreasuryDirect account at www.treasurydirect.gov. After the account is established, the employee submits a request to the Payroll Department for a direct deposit to be made to the TreasuryDirect account.

6.5.E TUITION REIMBURSEMENT PROGRAM

The Tuition Reimbursement Program is available to all regular full-time employees. Educational assistance is available for job related courses taken at an accredited school for undergraduate, graduate, or professional development. Each employee will be reimbursed 50% of all tuition and registration fee expenses up to the maximum allowance outlined in this section after submitting written documentation from the institution regarding successful course completion, as reflected by a "C" final grade or better, or as stipulated in a negotiated collective bargaining agreement.

PROCEDURES

1. Employees must discuss educational plans/requests for tuition reimbursement with their immediate supervisor in advance of course registration. The employee must present to their supervisor a concise description and class schedule of the course(s) proposed for enrollment. Post approval of the course will not be granted after the period of instruction has begun for any selected course.
2. All employees must complete a Request for Reimbursement - Employee Training Form located on the 'T' drive, for Educational Assistance.
3. All requests will then be referred to the Director of Human Resources for completion of review and processing prior to the start of the course. Employees are eligible for reimbursement for tuition and course registration fees only. Expenses such text books, travel, lab fees etc., are the responsibility of the employee.
4. The Town reimbursement (50%) rate shall not exceed the following maximum allowances per year:
 - Undergraduate Courses - \$1,200
 - Graduate School Courses - \$2,000
5. Regular full-time employees who request tuition reimbursement from the Town to matriculate and earn a specific job-related college degree for the first time, must sign an agreement (located on the 'T' drive) verifying their commitment to remain employed with the Town in the same or higher position classification for one year from the date of graduation. Failure to conform to this agreement, or any violation of the agreement or fraud, will result in the employee reimbursing the Town for all tuition reimbursement payments paid throughout pursuit of said degree.
6. Education expense reimbursements may be subject to certain tax payments as specified in the Federal Income Tax Law. After presentation to and approval by the Director of Human Resources of the appropriate documents a tuition refund check will be issued to the employee. Such payments will be subject to any and all prevailing income tax laws.
7. If an employee is eligible for other tuition assistance such as G.I. Bill, a scholarship or a grant, such assistance must be indicated on the application.
8. When an employee is directed by a member of the Town's management team to complete special courses, either through outside educational institutions or internally as a part of required training, the cost of such courses or programs, including text books, will be entirely

6.5.E TUITION REIMBURSEMENT PROGRAM

paid by the Town and are not to be considered as training activities under the provisions of the aforementioned Tuition Reimbursement Program.

9. The expense for Tuition Reimbursement is charged against the employee's department budget.

6.5.F UNEMPLOYMENT COMPENSATION

Only employees who are unemployed through no fault of their own, who have not refused a job offer, and are actively seeking work, are eligible for weekly checks from the State. It is the responsibility of the office of the Director of Human Resources to review and manage all Unemployment Compensation costs. All related questions should be addressed to the office of the Director of Human Resources. Authority regarding all levels of unemployment and claims therein lies with the office of the Director of Human Resources. Unemployment insurance coverage is mandatory for services performed for the Town. The only exception is for services performed by elected officials, the member of the boards or commissions and consultants.

The Town pays the entire cost established by the State of Connecticut (Connecticut Unemployment Compensation Act) to provide unemployment compensation for its employees.

Termination Information

All information regarding terminating employees must be forwarded promptly to the Department of Human Resources by Town departments/divisions. The employee's department must complete a separation form and the employee's resignation letter should be attached and forwarded to Human Resources.

Contesting Improper Claims

The Town will provide the applicable State agencies with all data requested in connection with terminations and will contest all improper claims for unemployment compensation. Terminated employees may receive an Unemployment Notice (UC-61 R 5103), also known as a pink slip, from the Department of Human Resources. Questions related to this form are to be addressed to the Department of Human Resources. It provides the employee with telephone and internet claims filing information. Employers are required to indicate the reason for the separation. These reasons are coded as follows in relationship to this form:

1. Lack of work.
2. Voluntary leaving.
3. Suspension/Terminated.
4. Leave of Absence.
5. Other.

According to the Connecticut State Department of Labor regarding the completion of the UC-61 form, compensation will only be paid automatically if Box 1 (lack of work) is checked; all other boxes will require further explanation. Supervisors are required to prepare a memo to the file setting out all the factors known to the supervisor which is the basis for a fact finding supplement to form UC-61 in the event of a dispute by the applicant or the Labor Department. If the local office disagrees with the Town's opinion, the State will notify the Town (UC840) of a Predetermination Hearing.

6.5.F UNEMPLOYMENT COMPENSATION

Benefits Calculation

Separated employees are entitled to receive compensation of one twenty-sixth of the average total wages paid in the two highest quarters of the applicable base period up to the maximum weekly benefit rate. The base period consists of wages paid by the employer during a one year period preceding the quarter in which the claimant first filed for benefits. To qualify for benefits, a claimant must have been paid wages during the base period of at least 4 times his benefit rate. P.A. 88-169 prohibits employers from firing, disciplining, penalizing or discriminating against employees who file unemployment compensation claims, exercising any rights granted under the unemployment compensation laws, or institute, testify or are about to testify in unemployment compensation proceedings.

7. MANAGEMENT AND CONFIDENTIAL EMPLOYEE BENEFITS

For information please refer to the Management, Confidential and Elected Officials Compensation and Benefit Plan.

Related Links

The Managerial, Confidential and Elected Officials Compensation and Benefits Plan is located at <http://www.greenwichct.org/grTownEmployees.asp>

7.1 401(K) OR 457(B), PRE TAX RETIREMENT SAVINGS PLAN BENEFIT WITH TOWN MATCH CONTRIBUTION PROCEDURE FOR FULL-TIME MANAGERIAL, CONFIDENTIAL EMPLOYEES AND ELECTED OFFICIALS

BENEFIT

All full-time Managerial and Confidential (M/C) employees and Elected Officials employed by the Town are eligible to contribute to the Town of Greenwich 401(k), or 457(b) Retirement Savings Plan. The maximum amount an employee can contribute on an annual basis is determined by the Internal Revenue Code (IRC). All M/C & Elected Officials are in either Group 1 or Group 2 as defined below. The Town will make a matching contribution to **only one** Retirement Savings Plan on behalf of the M/C employee and/or Elected Official not to exceed the 6% maximum indicated below.

Group 1: Full-time employees in the managerial, confidential and elected officials pay plan enrolled in the DEFINED BENEFIT retirement plan **and** appointed to the M/C position or elected BEFORE March 1, 2010.

Group 2: Full-time employees in the managerial, confidential and elected officials pay plan participating in the DEFINED CONTRIBUTION (DC) retirement plan OR in the defined benefit retirement plan but appointed to the M/C position or elected for the first time ON OR AFTER March 1, 2010.

BENEFIT FOR GROUP 1 EMPLOYEES

401 (k) Retirement Savings Plan, 457 (b) Retirement Savings Plan

Note: The 401(k) plan's total IRS contribution maximum per annum does not include the employer's contribution while the 457(b) maximum contribution amount includes both the employee and employer contributions.

1. All full-time Group 1 M/C employees and Elected Officials are eligible to participate in these Plans however the Town matching contribution will be made to only one plan.
2. The Town will make a matching contribution on a quarterly basis not to exceed 6% per annum of the employee's base salary (based on actual salary paid per quarter) on the following sliding scale:
 - a. 100% match of the first \$2,000 contributed:
 - b. 75% match of the next \$2,000 contributed; and
 - c. 66.67% match of every dollar contributed thereafter.
3. Employees may contribute up to the IRC maximum.
4. On a quarterly basis, the Town shall match the employee's contribution as defined in number 2 above but the Town's contribution shall not exceed 6% of the employee's base salary actually paid as of the last payroll before the end of each calendar quarter. The Town's

match shall be calculated on a cumulative basis each quarter after previous contributions have been subtracted. Note: See example of the calculation at the end of this policy.

5. Participants are vested immediately in the Town contribution.
6. Participants must be employed on the last day of the calendar quarter in order to be eligible for a match that quarter except in the case of involuntary separation such as lay off where the employee is not found at fault (effective June 30, 2010).

Note: There are two M/C employees in Group 1 at Board of Education that receive their Town match in a 403b retirement savings. With the exception of these two employees, the 403b is no longer available to the M/C and Elected employees.

BENEFIT FOR GROUP 2 EMPLOYEES

Retirement Savings Plan - 457 (b) and/or 401 (k) DC Plan

Note: The 401(k) plan's total IRS contribution maximum per annum does not include the employer's contribution while the 457(b) maximum contribution amount includes both the employee and employer contributions.

1. All full-time M/C employees and Elected Officials as defined under Group 2 above are eligible to participate in these plans effective July 1, 2010, in addition to the 5% Town and employee mandatory contributions for the 401(k) DC Plan.
2. The Town will make a matching contribution on a quarterly basis not to exceed 3% per annum of the employee's base salary (based on actual salary paid) on the following sliding scale:
 - a. 100% match of the first \$2,000 contributed:
 - b. 75% match of the next \$2,000 contributed; and
 - c. 66.67% match of every dollar contributed thereafter
3. Employees may contribute up to the Internal Revenue Code combined (employee and employer contributions) maximum for the 457 (b) and the maximum employee contributions for the 401(k).
4. On a quarterly basis, the Town shall match the employee's contribution as defined in number 2 above but the Town's contribution shall not exceed 3% of the employee's base salary actually paid as of the last payroll before the end of each calendar quarter. The Town's match shall be calculated on a cumulative basis each quarter after previous contributions have been subtracted.
5. Participants are vested immediately in the Town's contribution.
6. Participants must be employed on the last day of the calendar quarter in order to be eligible for a match that quarter except in the case of involuntary separation such as a lay off where the employee had no fault in the separation.

8. WORKING CONDITIONS

8.1 ABSENCES AND TARDINESS

The Town shall endeavor to keep attendance of employees at a maximum and absences to a minimum. However, the Town realizes that absences and tardiness are at times unavoidable and inevitable, and therefore allows certain absences and absence payments.

The Town reserves the right to:

1. Authorize or refuse to authorize the employee's advance request.
2. Investigate absences and tardiness.
3. Determine whether an absence or tardiness is necessary or justifiable.
4. Deny absence pay or dock for tardiness in violation of Town policy or as outlined in an applicable union agreement.

Excessive lateness and absenteeism may bring a penalty. Individual circumstances involved are taken into consideration.

Supervisors are responsible for monitoring and signing off on employee attendance records. Employees who are becoming chronic absentees will be counseled. An unsatisfactory attendance record will negatively affect an employee's performance evaluation. Sustained and ongoing absences will lead to progressive disciplinary action up to and including the possibility of termination.

Employees are required to give prior notice to their supervisor that they are going to be absent whenever possible. In a situation where the supervisor is not available, an employee is required to provide this information to the next person in the established chain of supervisory authority.

An employee's immediate supervisor, as well as the employee's department management, is responsible for taking steps to address and prevent absenteeism. Fair and consistent monitoring and enforcement of attendance policies and contractual language as well as documentation and record keeping are required.

8.2 ACCIDENT PREVENTION AND OCCUPATIONAL SAFETY AND HEALTH (OSHA)

Recognizing that its employees are its most valuable resource, the Town of Greenwich takes its responsibility for employee safety very seriously. Every reasonable effort is made to provide and maintain safe facilities, equipment, materials, procedures and methods.

8.3 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT (ADAAA)

DEFINITIONS

As used in this policy, the following terms have the indicated meaning and will be adhered to in relation to the ADAAA policy.

Disability - a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such impairment, has a record of such impairment, or is regarded as having such impairment is a “disabled individual”.

Direct threat to safety - a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Qualified individual with a disability - an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or has applied for.

POLICY

The Americans with Disabilities Act Amendments Acts (ADAAA) requires employers to reasonably accommodate qualified individuals with disabilities. It is the policy of the Town to comply with all federal and state laws concerning the employment of persons with disabilities.

It is the policy of the Town not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, termination, compensation, training, or other terms, conditions, and privileges of employment.

The Town will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job. An individual who can be reasonably accommodated for a job, without undue hardship to the organization, will be given the same consideration for that position as any other applicant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace such that the threat cannot be eliminated by reasonable accommodation will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave, paid or unpaid depending on the circumstances, until an organizational decision has been made in regard to the employee's immediate employment situation.

The Department of Human Resources is responsible for implementing this policy, including resolution of reasonable accommodation, safety, and undue hardship issues.

Not every disabled person is covered by the Americans with Disabilities Act Amendments Act. The following is a list of non-covered applicants and employees:

8.3 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT (ADAAA)

Non-covered Applicants and Employees:

- Disabled individuals who cannot perform the essential functions of a job, with or without reasonable accommodation. Undue hardship on the operation of the employer's business is not relevant to this circumstance.
- Homosexuals, bisexuals, transvestites, transsexuals, exhibitionists, voyeurs, individuals with sexual behavior disorders and those with gender identity disorders not resulting from physical impairment.
- Compulsive gamblers, kleptomaniacs and pyromaniacs.
- Individuals with current psychoactive substance abuse disorders from the current illegal use of drugs.
- Current users of illegal drugs.
- Alcoholics who use alcohol at work or who are under the influence of alcohol at work.

Interview Process

Because the Americans with Disabilities Act Amendments Act impacts all areas of personnel administration and includes many new requirements, the appointing authority will confer directly with the Director of Human Resources prior to taking any personnel action involving applicants or employees who are considered qualified individuals with a disability.

If the applicant refuses a reasonable accommodation, an applicant or candidate may be considered not qualified for a vacant position. All efforts to reasonably accommodate disabled individuals will be documented, including reasons for rejection.

Guidelines for Interviewing

- The employer may not ask disability related questions at the pre-offer stage.
- The Town's Department of Human Resources will state the physical requirements for all jobs and will ask about an applicant's ability to perform specific job functions (e.g., ability to lift a certain amount, ability to climb ladders).
- If an applicant asks for an accommodation in the hiring process (e.g., extra time to take a test, having a Seeing Eye dog there), the Department of Human Resources will require documentation concerning the applicant's disability and functional limitations from an appropriate professional (e.g., doctor or a rehabilitation counselor).
- The Department of Human Resources/designated search committee panel will ask applicants to describe or demonstrate how they will perform any or all job functions. This form of inquiry will be consistent for all applicants in each job category.
- The Department of Human Resources/designated search committee panel may ask an applicant to describe or demonstrate how he/she would perform the job if the applicant's disability is a "known disability" either because it is obvious (i.e. the applicant uses a

8.3 AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT (ADAAA)

wheelchair), or because the applicant has voluntarily disclosed that he/she has a hidden disability.

- The Department of Human Resources/designated search committee panel may include questions about an applicant's prior attendance record during the course of an interviewing process (for example, how many days the applicant was absent from his/her last job).
- The Department of Human Resources/designated search committee panel may ask applicants if they engage in any current use of illegal drugs. This is not a prohibited category of inquiry under federal law.
- The Department of Human Resources/designated search committee panel may ask applicants about their prior illegal drug use. This will not include inquiries about drug addiction. This area of inquiry is an authorized/covered disability under the ADAAA.
- If an applicant tests positive for illegal drug use on a pre-employment drug test, the Department of Human Resources will validate the test results by requesting details from the applicant about lawful drug use or possible explanations for the positive result other than the illegal use of drugs.

8.4 AUTOMOBILE ALLOWANCE POLICY AND PROCEDURE

Policy

In accordance with some collective bargaining agreements, an employee who is authorized by his or her department head to regularly and customarily use their personal vehicle for Town business in performing essential duties and responsibilities of their position will be paid an annual Automobile Allowance for expenses incurred during the prior fiscal year. Employees using their personal vehicle for non essential duties and things like travel to conferences and meetings are not eligible for the automobile allowance. The payment shall be prorated for an employee who becomes eligible for the reimbursement for a period of less than the entire fiscal year. (*Employee must be on the Town's Authorized Driver List to be eligible for the automobile allowance*).

Definition of "regularly and customarily":

The term regularly and customarily shall mean (i) the employee is authorized to use his or her personal vehicle in performing essential duties of his or her position (ii) the extent of the use of the personal vehicle in performing these essential duties is on multiple occasions during each month of the year or prorated year for partial payment eligibility. Employees seeking annual reimbursement under this policy should keep a record of the occasions when they were required to use their personal vehicle to conduct Town business and the mileage reimbursement forms so that the supervisor or manager can readily sign off on the annual allowance authorization form.

PROCEDURE

All requests to authorize an employee to use their personal vehicle for Town business and/or requests for the annual personal automobile allowance must be from the supervisor or manager in writing on the Automobile Allowance Request form located on the T drive or can be obtained from the Human Resources Department.

All authorization requests must be submitted and approved before an employee is permitted to use their personal vehicle for Town business. All requests for the personal automobile allowance must be submitted annually and document that the employee has used their personal vehicle in compliance with the terms of this policy as described above.

The supervisor or manager must verify the frequency of use and mileage by reviewing the mileage reimbursement requests accrued for the employee over the past year before submitting a request to Payroll for the allowance stipulated in the collective bargaining agreement.

As indicated in Vehicle Use Policy 8.21 employees should be encouraged to use a Town vehicle whenever possible to conduct Town business not their personal vehicle as the use of a Town vehicle is more cost effective and employees are covered for liability when using Town vehicles.

Supervisors/Managers requesting authorization or the annual allowance for the employee must fill out the form, providing justification in compliance with the policy and contract. The form must be signed by both the supervisor/manager and the employee and a copy of the employee's motor vehicle license attached and sent to HR/Payroll.

8.5 CELLULAR PHONE POLICY

It is the Town's policy to provide the highest standard of service to our community. Utilizing cellular telephones improves the quality of service delivered to the Town citizens, the productivity of the Town workforce, and the general cost effectiveness of the Town's operations. Cellular technology provides assistance with disaster recovery and offers portable alternatives for immediate communication, enabling time and distance to be managed more effectively (a mobile office). For this reason, establishing guidelines should help preserve the benefits provided by cellular phones. This document also includes the Town's policy for the acquisition and use of Town-owned and employee-owned cellular telephones used for official Town business.

Acquisition

Any requests for cellular telephones shall be sent to the Department Head for approval. The Purchasing Department will handle contacting the cellular phone representative to order the phones. The following factors shall be considered in all cellular telephone acquisitions:

- Level of employee need and usage.
- Department Head authorization of employee use.

Upon receipt of the Town provided cellular telephone and service contract, the employee shall forward a copy of the service contract to the Town's Telecommunication Coordinator.

Procedure

Employees using a Town-owned cellular telephone shall follow any/all guidelines established by the State of Connecticut, Greenwich Town Government or collective bargaining agreement concerning the use of cellular telephones. It will be the employee's responsibility to keep abreast of the latest guidelines issued by the State and local governments concerning cellular telephone usage.

Usage

Cellular telephone accounts are billed on a flat fee basis, up to the allotted minutes. The Town reserves the right to audit all Town-owned cellular telephone invoices and employee-owned cellular telephone invoices where the employee is asking for reimbursement for calls related to official Town business.

Cellular transmissions are not secure. Therefore, employees shall use discretion in relaying confidential information and reasonable precautions shall be made to prevent equipment theft and vandalism.

Misuse, including but not limited to excessive personal use and damage due to mishandling of a Town-owned cellular telephone, will result in the forfeiture of cellular telephone privileges.

Personal Use

Cellular telephones provided by the Town are intended for official Town business.

8.5 CELLULAR PHONE POLICY

If an employee does need to make or receive a personal call on a Town-owned cellular phone, then that employee is required to pay the Town the full cost of such calls where the total cost is \$5 or greater in any given billing cycle. Employees in such circumstances are required to assist the cellular telephone representative for their Department/Division/Office in differentiating between business-related and personal calls, and to remit the full amount owed for personal calls when the total cost is \$5 or greater within 30 days of first notification. Employees will review billing statements for cellular telephones they have used and identify personal calls they have made by clearly marking the calls and initialing the statement. The entire original cellular telephone invoice highlighting the personal calls and a check payable to the Town's respective Department shall be submitted to the Finance Department for payment.

For personal calls made over the base plan, charges are easily discernible as all cell phone providers disclose the exact cost of such calls. For calls made within the base plan, calls will be reimbursable based on an average rate developed by the Finance Department when the total cost for personal calls is \$5 or greater in any given billing cycle. For personal calls made through direct connect technology, where individual calls are not itemized either by time or cost, the Internal Audit Department will randomly request detail information from the wireless cell phone provider, and audit the invoices by contacting the appropriate Department Head for confirmation of non personal use.

Personal use of Shared Cellular Telephones

In those circumstances when a Town-owned cellular telephone is not assigned to an individual but rather is shared by more than one employee, the supervisor must review the invoice and ensure that personal calls totaling \$5 or more which are made by one employee are reimbursed to the Town.

Employee-Owned Cellular Telephones

Employees who are authorized to use cellular telephones but prefer to use their own personal cellular telephones may apply for reimbursement for the use of such cellular telephones up to the Town's established rate per minute for that service when the total cost of such calls is \$5 or greater in any given billing cycle. To receive reimbursement, employees must document the date and purpose of the call(s) and submit it with the entire original cellular telephone bill clearly identifying the calls for which reimbursement is requested.

Bi-annual Review of Town Provided Cellular Telephone Need

Two months before the end of the service contract for the Town provided cellular telephone, the Department Head shall review the need for that employee to continue to have the Town provided cellular telephone and associated plan and shall advise the employee and the Town's Telecommunications Coordinator.

An employee whose cellular telephone authorization is not renewed shall turn the cellular telephone in to the Department Head. That cellular telephone may then be assigned to a newly authorized

8.5 CELLULAR PHONE POLICY

person in that department or the Telecommunications Coordinator shall cancel the service contract prior to the automatic rollover date for renewal.

Employees who are authorized for Town provided cellular telephones for an additional two-year term shall be provided service.

Notice Regarding Audits

The Town may conduct periodic audits of the Town's cell phone usage for the purpose of determining compliance with Town's policies including, but not limited to appropriate and lawful business conduct in the use of the Town's cell phone. As applicable, periodic audits may include audits of electronic data, files, messages, text messages, communications, documents, attachments created in or maintained on the Town's cell phones and, in addition, Internet usage.

The Town may conduct appropriate individualized cell phone monitoring relating to employees for work-related purposes as permitted by federal law and state law. When the Town has reasonable grounds to believe that a User is engaged in conduct using the Town's cell phone which (i) violates the law, (ii) violates the legal rights of the Town or violates the legal rights of others, or (iii) creates a hostile workplace environment, and monitoring may produce evidence of this misconduct, the Town may conduct specific monitoring including collecting information on the Town's premises concerning employees' activities and/or communications by any means other than monitoring by direct observation, including the use of a computer, telephone, wire, radio, camera, electromagnetic, photoelectronic or photo-optical systems. Such electronic monitoring shall not include collection of information for security purposes in common areas of the premises held out for public use.

Nothing herein shall limit the scope of non-electronic workplace observation and investigations relevant to employee conduct. Nothing herein shall limit the scope of a criminal investigation. By law, information obtained in the course of a criminal investigation through the use of electronic monitoring may be used in disciplinary proceedings against an employee.

8.6 DRESS CODE

It is the general policy of the Town to expect employees, during business hours, to present a clean and neat appearance and to dress according to the requirements of their positions. Individual departments may have more specific dress code policies which employees are required to follow.

PERSONAL APPEARANCE

Dress, grooming and personal cleanliness standards contribute to the morale of all employees and affect the image of the Town of Greenwich to the general public. Department Heads are responsible for determining and enforcing the dress code for their respective areas of responsibility.

- a. ***Acceptable Attire*** – Employees will be expected to dress in professional business attire or to departmental standards that have been set by the department head in consultation with the Director of Human Resources.
- b. ***Unacceptable Attire*** - The Town of Greenwich reserves the right to inform any employee at any time that his or her hygiene, attire or appearance is unacceptable based on departmental standards and what change must be made. After having been so informed, the employee must comply with the required change. Failure to do so will result in the employee's suspension without pay until corrective action by the employee is taken. Repeated lack of compliance may result in further disciplinary action, up to and including termination.
- c. ***Uniforms*** – Employees who are required to wear a uniform of any type in the performance of their duties may be provided such uniforms by the Town. Uniforms that are provided by the Town of Greenwich become the property of the employee during the employment service to the Town. Laundering, cleaning and general upkeep of uniforms is the responsibility of each employee, unless the Town provides a laundry or cleaning service for uniforms.

Uniforms provided by the Town and employee owned clothing bearing the Town's identification shall be worn only while performing official Town duties and except in the performance of official duties, shall not be worn in bars, places of public entertainment, or similar locations unless such location provides a full service restaurant/kitchen and the employee is on a meal or rest break.

Upon leaving the employment of the Town, uniforms are to be returned to the department according to the departmental/Town guidelines.

8.7 ETHICS POLICY

The Town's Ethics Policy consists of the Town's Code of Ethics (<http://www.greenwichct.org/Ethics/Ethics.asp>), the Standards of Conduct and Principles of Behavior. Violations of any provisions of the code, the Standards of Conduct or the Principles of Behavior shall be deemed a violation of the Policy and constitute good and sufficient cause for investigation and disciplinary proceedings up to and including suspension or termination.

NOTE: There is a Board of Ethics that receives complaints of violations of the Code of Ethics (<http://www.greenwichct.org/Ethics/Ethics.asp>), investigates the same, which may include obtaining a report from the Appointing Authority concerned, and after giving the Town Officer concerned an opportunity to be heard, shall make such findings and recommendations as it may deem appropriate in each case. Upon written request of any Town officer, the Board shall render an advisory opinion to such Town officer with respect to this code.

Principles OF BEHAVIOR

General Principles

All Town employees are expected to be familiar with and observe the Code of Ethics and the Town wide General Principles of Behavior and Standards of Conduct. These include the following general principles:

- Employees will at all times observe the Code of Ethics and the Town's Standards of Conduct including reporting any instances of failure to meet these requirements by themselves or by others to the appropriate authorities, and will use consistent best efforts to achieve the expectations and values for ethical behavior described below.
- Employees will, on a consistent basis, conduct themselves on the job with the goal of bringing honor to the Town as well as the public service that they are charged with performing. Employees will treat all people with whom they come in contact in the work setting with civility and respect in all matters. If a conflict should arise, the employee will immediately seek assistance from their supervisor or another management level employee.
- Employees will demonstrate an attitude and a willingness to cooperate with all other Town employees, as well as members of the public, to accomplish all of their assigned duties to the best of their abilities.

Expectations and Values

The Town wide principles of behavior are based on the fundamental expectations of our citizens that public service is a matter of public trust and is built upon a process of renewed employee commitment to the philosophy outlined in the Town's mission and values. These expectations and values follow:

Professionalism - maintaining the highest levels of confidentiality, systematically reviewing one's own individual behavior and questioning whether individual choices are consistent with the Town's and my profession's values.

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Ethics Based Leadership - demonstrating the ability to define one's own values and ethics and how individual employee beliefs support and are consistent with the Town's daily operating procedures for all paid and volunteer positions.

Openness and Transparency - participating in positive community involvement and honoring the legal restrictions on political activities. Demonstrating individual and team loyalty to the work and efforts of the Town.

Responsiveness - demonstrating a timely and sincere pattern of response to all requests, and seeking to fulfill obligations to all customers in an exemplary manner. Honoring and respecting the principles and spirit of representative democracy; setting a positive example of good citizenship by scrupulously observing both the letter and the spirit of laws and rules.

Innovativeness - seeking out opportunities to contribute to the daily and future work of the Town in ways that are new and creative, thereby helping to build an ever stronger reputation for a quality of life that is unique to the Town. Employing independent and objective judgment in performing duties, deciding all matters on the merits, free from both real and apparent improper influences.

Accountability - engaging in and promoting only appropriate personal conduct in all matters involving conflicts of interest, acceptance of gifts and gratuities, use of Town equipment, disclosure regarding outside employment, management of personal finances and illegal activities. Assuring that our Town government is conducted efficiently, equitably and honorably in a manner that lets the citizenry make informed judgments and hold government officials accountable.

For more detail see:

- Finance Department Financial Irregularities Policy:
<http://www.greenwichct.org/BET/BoardEstTaxation.asp>
- Purchasing Policy Manual, Purchasing Ordinance 1.9 and 1.10:
<http://www.greenwichct.org/AdminServicesPurchasing/AdminServicesPurchasing.asp>

Standards of Conduct

The Town's Standards of Conduct is based upon the belief that the standards listed below are the minimum behaviors that serve as the foundation for a strong and healthy organization.

Compliance with Laws and Procedures - Employees will observe all requirements established by federal and state law, including the Town Charter and Town ordinances, as well as its legislative and administrative policies. Public expressions of disregard, flagrant or repeated failures to abide by the general principals, expectations and values for ethical behavior contained herein are a violation of the Town's administrative policies. Employees will follow departmental rules and procedures as identified in their departmental operations manuals and accept and follow the direction and lawful orders given by supervisors.

Interest in Supplier – Employees must disclose any substantial financial interest of the employee or

8.7 Ethics Policy

any member of the employee's family in, or income from, any business organization that does business with the Town as a supplier of goods or services or otherwise. Any such interest must be reported to an employee's supervisor as soon as the employee becomes aware of it. The Supervisor is responsible to assure that all Town employees or other officials involved in the review or administration of the transaction are made aware of the employee's interest (<http://www.greenwichct.org/Ethics/Ethics.asp>).

Interest in Transaction or Activity for Personal Profit - Any activity for personal profit which could be contrary to the Town's interests or perceived as in conflict with the employee's position with the Town is prohibited. Work that is performed at or using Town facilities or that is performed wholly or partly during the hours that the employee works for the Town will be presumptively considered related to the employee's responsibilities to the Town. Employees can never accept payments, gratuities, or favors for providing Town services or for providing goods or services in connection with goods or services being provided by the Town. All payments for Town services are to be made to the Town. Any payments made to the employees or other persons providing goods and services on behalf of the Town must be made only by the Town.

Misuse of Confidential Knowledge - Use of confidential knowledge of any Town action on matters affecting the Town or its employees for personal gain or the gain of another person. (See Confidentiality Policy 12.2).

Gifts and Favors - No Town officer or his immediate family shall accept any valuable gift, thing, favor, loan, cash or gift cards, or promise which might tend to influence or be perceived as influencing the performance or non-performance of official duties. Employees are directed to abstain from giving or receiving valuable gifts, gratuities or promises which would reflect unfavorably on the integrity and reputation of the Town of Greenwich or influence any other employee or Town officer in carrying out their official duties or discharging their responsibilities to the Town and its citizens. In furtherance of this policy, employees are required to promptly report any gifts received to their supervisors in writing, regardless of their size. Generally, the Town does not consider non-cash gifts received by an employee from a single source with a value of \$25 or fewer per year as likely to influence or be perceived as influencing official duties. The fact that a gift is fewer than \$25 or is made in accordance with the procedures of a particular department does not conclusively establish that it might not tend to influence official duties and each situation is subject to review. When an employee has any doubt about whether a gift could be perceived as influencing official behavior, he or she should request an advisory opinion from the Board of Ethics, regardless of the size of the gift before accepting it.

For more detail see:

- Finance Department Procedure for Acceptance of Gifts:
<http://www.greenwichct.org/BET/BoardEstTaxation.asp>
- Purchasing Policy Manual, Purchasing Ordinance 1.9 and 1.10:
http://greenwichct.virtualtownhall.net/Public_Documents/GreenwichCT_purchase/policy/03-p8-19_Sec01_Ordinance.pdf

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Improper Influence - No Town officer having a substantial financial or personal interest in any transaction with the Town or in any action to be taken by the Town may use his office or position to exert his influence or to vote on such transaction or action. This would include representing private and professional interests before the town related to his/her area of service to the Town. Any participation in the review or administration of a transaction in which the Town Officer has a substantial interest is strictly prohibited.

Outside Employment

- a. *Second Jobs* – Employees must obtain written permission from their supervisor for any outside employment, which is not in compliance with Policy 8.19, Outside Employment. The offer of full-time or part-time employment from a firm that does business with or plans to seek to do business with the Town may be considered an improper inducement under the Code of Ethics and must be reported to the Appointing Authority (See Policy 8.22).
- b. *Prior Employment* – No employee may participate in, or attempt to influence, a business relationship or other transaction between the Town and a person or firm that the employee has been previously employed by, without written permission from their supervisor. In determining whether such permission is to be granted, factors such as the duration and salary level of the previous employment, the period of time that has passed since the individual worked for the prior employer, the degree of management responsibility involved in the prior position, the existence of any continuing financial relationship (such as option, pension or severance rights) and the likelihood of future re-employment by the prior employer will be considered.
- c. *Subsequent Employment and Ownership Interests* - Town employees may not commence employment with, or take an ownership interest in, any such person or firm engaged in financial or business transactions with the Town while employed by the Town. It is a condition of Town employment that an employee may not participate in any dealings between the Town and any subsequent employer for a period of one year after leaving the Town's employ. The offer of part-time or full-time employment by any person or firm engaged in financial or business transactions with the Town may be considered an improper inducement under the Code of Ethics and must be reported to the employee's supervisor. No Town employee having left the service of the Town to work for a firm that does business with or seeks to do business with the Town shall have any expectation of returning to Town employment in the same professional environment. For good cause, such as the need to obtain specialized knowledge or expertise or to retain the services of a Town employee with specialized knowledge or expertise on a consulting basis subsequent to their employment by the Town, such restrictions may be waived by the Town upon a determination by the contracting authority that such a waiver and the terms and conditions under which it is granted are in the best interests of the Town.

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Inappropriate Personal Relationships - A supportive work environment depends on collegial relationships between employees. However, the responsibility to avoid discrimination and favoritism in the workplace requires that friendships between employees be kept on a professional basis and not involve inappropriate personal relationships. Examples of such relationships are:

a. Debtor/Creditor Relations. The loan of a few dollars to deal with a temporary exigency for a few hours or overnight is a common courtesy and is not prohibited. However, the debtor/creditor relationship that is established for larger loans of longer duration creates an inappropriate degree of economic dependency between co-workers and particularly workers and their supervisors. The solicitation or making of such loans to another employee or to a friend or family member of another employee are strictly prohibited.

b. Sexual Relationships. Sexual intimacy involves the satisfaction of complex needs and a willingness to surrender emotional control to a partner. Secret sexual or other indiscreet relationships also create an opportunity for control through blackmail or other risk of exposure. Allowing such relationships to persist between employees and their supervisors or managers calls into question the ability of the employee, supervisor or manager to act responsibly toward the Town, the other employees that they supervise and serve the interests of customers and the general public responsibly. Any effort to conceal the continuation of any such relationship between a supervisor and their employee or between an employee and (i) any vendor or other contractor to the Town or (ii) a member of the public to whom the employee is responsible to provide Town services, is strictly prohibited.

Fees and Honorariums - It is the policy of the Town of Greenwich that all fees and honorariums received by Town employees for services performed during normal working hours or as a result of their position as a Town employee or official are the property of the Town. Therefore, any such amounts received should be deposited in the General Fund. Any gifts received by the employee for such services with a value of \$25 or fewer are the property of the employee. Permission to accept gifts on behalf of the Town or a Town Department valued at \$25 or more should go through the normal gift acceptance procedure. (See Finance Department Procedure for Acceptance of Gifts: <http://www.greenwichct.org/BET/BoardEstTaxation.asp>).

The employee and supervisor are responsible for reporting any and all payments from anyone other than the Town for services or knowledge in any way related to the service the employee provides the Town.

Definitions

Town Officers - Town officer includes any official, employee, agent, consultant or member, elected or appointed, of any board, department, commission, committee, legislative body or other agency of the Town of Greenwich.

Substantial Financial Interest - Shall mean any financial interest, direct or indirect, which is more than nominal and which is not common to the interest of other citizens of the Town.

8.7 Ethics Policy

Indirect Interest - Without limiting its generality, shall include the interest of any subcontractor in any prime contract with The Town and the interest of any person or his immediate* family in any corporation, firm or partnership which has a direct or indirect interest in any transaction with the Town.

Transaction - Shall include the offer, sale or furnishing of any real or personal property, material, supplies or services by any person, directly or indirectly, as vendor, prime contractor, subcontractor or otherwise, for the use and benefit of the Town for a valuable consideration, excepting the services of any person as a Town officer.

**Immediate Family is defined as spouse, child, stepchild, parent, stepparent, grandparent, brother, sister, grandchild, parent-in-law, or any other relation domiciled with the employee as a member of the employee's family, anyone who is listed as a dependent on the employee's most recent income tax return and anyone who has an expectation of material support from an individual, whether by virtue of marriage, civil union, birth, adoption or other contractual or personal relationship.*

Reporting Violations of the Policy, Fraud and Other Irregular Activities

As they perform their duties, Appointing Authorities and Town employees should be alert to situations in which other employees commit or are about to commit acts which violate the law or this Ethics Policy. Illegal, unethical or dishonest actions harm us all. Each Town employee, therefore, has a responsibility and duty to report illegal or unethical conduct to his/her supervisor, appointing authority or the Department of Human Resources.

Documentation

Appointing authorities are required to ensure that all employees have a working understanding of this Ethics Policy, including the requirements of the Code of Ethics. Such an understanding of the Ethics Policy must be documented by having the employee and issuing supervisor sign the "Acknowledgement" form. The original of the form must be filed with the Department of Human Resources within 5 (five) working days of issuance or, for employees hired subsequent to the date of issuance within five working days of commencement of employment. One copy should be retained by the operating department or appointing authority and another copy given to the employee.

8.8 TOWN'S COMPUTER RESOURCES – ACCESS AND ACCEPTABLE USE NOTICE OF ELECTRONIC MONITORING/AUDITS

Introduction and Definitions

The purpose of this policy is to establish guidelines and requirements governing the use of the Town's computer resources and to communicate these guidelines.

Computer Resources - the Town's computers, computer network, computer system, computer hardware, computer software, cell phones and portable communications devices when used to communicate with the town network and all other equipment supplied by the Town of Greenwich to create, receive and/or maintain data, whether in electronic or paper format, access the Internet and transmit via the Internet, and transmit or receive communications via electronic mail.

Users - employees (regular, part-time, temporary and seasonal), contractors, consultants, volunteers, interns, elected officials and other individuals who have been granted authorized access to the Town's computer resources except for public and student access to computer resources in the public schools and public libraries. Public use and student access in the public schools and libraries are governed by separate policies promulgated by the Board of Education and the Greenwich Public Libraries. All Users must read and review this policy.

NOTE: Use of Computer Resources Constitutes Acceptance of Terms of Policy

Use of the Town's computer resources constitutes acceptance of the terms of this policy. A violation of this policy may result in immediate termination of access to the Town's computer resources and may result in disciplinary action and/or monitoring.

Town Rights to Electronic Data, Files, Documents

The Town's computer resources are the property of the Town of Greenwich. The Town is the sole owner of its computer resources and all electronic data, files, messages, communications, documents, attachments created using, or received or maintained on, the Town's computer resources. The Town has the exclusive right to maintain or dispose of such data according to law. No User has the right to exclude or deny Town access to such data created, transmitted or maintained on or in the Town's computer resources. The Town has the right of access to any and all data, files, messages, and communications in or on the Town's computer resources at any time and without notice.

Data encryption including e-mail encryption may only be authorized and implemented by the Information Technology Department.

8.8 TOWN'S COMPUTER RESOURCES – ACCESS AND ACCEPTABLE USE NOTICE OF ELECTRONIC MONITORING/AUDITS

Users must be aware that electronic data including, but not limited to, e-mails, text messages, cell phone voice mail, and other electronic data in or on the Town's computer resources may be subject to potential retrieval and restoration using forensic technology.

Privilege of Use

Use of any of the Town's computer resources is a privilege granted to Users in the discretion of the Appointing Authority on an as-is and as-available basis for the conduct of Town business.

Some employees and other authorized Users may be granted access to computers with office and document software for conducting Town business. Access to such computers may be with or without Internet access and with or without electronic mail access. Some employees or other authorized Users may be granted use of cellular telephone equipment and/or selected other equipment constituting computer resources in connection with conducting Town business. Appointing authorities with the Director of Information Technology shall determine as appropriate, in their discretion, which of the Town's computer resources may be appropriate for particular Users.

Use of the Town's computer resources by unauthorized persons shall be subject to potential discipline in the case of employees and, as appropriate, prosecuted to the full extent of the law.

Authorized Use is for Town Business

Use of the Town's computer resources, from any location, is limited to the lawful and appropriate conduct of Town business.

Only equipment and software purchased, leased or rented by the Town should be used for the conduct of Town business. Only e-mail accounts authorized by the Town may be used for conducting Town business. Only the Information Technology Department can establish authorized Town of Greenwich e-mail accounts.

Only the staff of the Information Technology Department is authorized to install and provide access to the Town's computer resources. All unauthorized installations are subject to immediate removal.

No user has a personal privacy interest in the Town's computer resources.

Users who make use of the Town's computer resources for personal use shall be subject to discipline up to and including termination subject to the following exception: Users will not be subject to discipline for sending occasional, brief personal e-mails or text messages or accessing different Internet sites for limited personal reasons similar to an occasional telephone call at work using the Town's computer resources; however, users who choose to do so act at their sole risk, mindful that (i) there is no personal privacy right or privilege in the Town's computer resources; (ii) electronic transmissions using the Town's computer resources and/or records as to such access are available to the Town and may be the subject of discipline up to, and including, termination as appropriate for

8.8 TOWN'S COMPUTER RESOURCES – ACCESS AND ACCEPTABLE USE NOTICE OF ELECTRONIC MONITORING/AUDITS

violation of this policy or law; (iii) the Town has or may have a record of electronic transmissions and/or access using the Town's computer resources, ingoing and outgoing, as to internet usage, texting and email access via the Internet, and if there is no record of such use available to the Town without the user's consent, if necessary for a pertinent investigation concerning the employee, the Town has the right to request the employee's consent to authorize the Town to view such transmissions and the refusal to consent to such authority shall be grounds for concluding this policy has been violated; (iv) the Town makes no representation that such communications and/or record of such communications will not be disclosed to others as required by law; and (v) all conduct by employees in the course of using Town computer resources complies with the Town's Ethics Policy and Standards of Conduct and Behavior.

DEFINITIONS

Electronic Monitoring - the collection of information on the Town's premises concerning an employee's activities or communications by any means other than direct observation, including the use of computer resources.

Notice Regarding Audits and Electronic Monitoring

When the Town has reasonable grounds to believe than an employee is engaged in conduct which (i) violates the law, (ii) violates the legal rights of the employer or the employer's employees, (iii) creates a hostile workplace environment, or (iv) electronic monitoring may produce evidence of this misconduct, electronic monitoring may be conducted.

Individualized electronic monitoring as to usage of the Town's computer resources will be conducted in a manner that is reasonably related to the objectives of the monitoring and not excessively intrusive.

In addition, the Town may conduct random period audits and monitoring of the Town's computer resources and usage thereof for the purpose of determining compliance with the Town's policies including, but not limited to appropriate and lawful business conduct in the use of the Town's computer resources. Periodic audits may include audits of electronic data, files, messages, text messages, communications, documents, attachments created in or maintained on the Town's computer resources and, in addition, Internet usage. Electronic auditing shall be implemented within any and all networks including, but not limited to, those that connect to the Internet or other publicly accessible networks using Town computer resources. These electronic audit mechanisms shall be capable of recording:

- Electronic documents, messages and communications and the content thereof;
- Access to the Town's computer resources including, but not limited to, successful and failed login attempts, and logouts;
- Inbound and outbound file transfers via email and/or the Internet;
- Terminal connections (telnet) to and from external systems;

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- Sent and received e-mail messages and/or text messages;
- Web sites visited, including uniform resource locator (URL) of pages retrieved;
- Date, time, and user associated with each event.

Public Records

Documents and electronic data produced and stored using the Town's computer resources in the process of conducting Town business are "public records" and subject to disclosure under the Connecticut Freedom of Information Act (FOIA) unless a legal exemption to disclosure applies. See link to Town's Open Records Policy:

<http://greenwichct.org/upload/medialibrary/4b2/hrOpenRecordsPolicy.pdf>.

Responsibility of User

Each User is responsible for his or her use of the Town's computer resources in accordance with this policy. Each User of the Town's computer resources is responsible for the content of all data that he or she creates stores and uses except that Users are not responsible for unsolicited email, sometimes referred to as "Spam". Users are required to delete Spam that is received and should not respond to Spam received.

Each User is responsible for his or her particular activity in using the Town's computer resources for documents and files, e-mails, and in accessing the Internet using the Town's network. Each User is responsible for the content of all text, audio or images that he or she transmits or receives or stores when using documents, e-mail and/or accessing the Internet via the Town's computer resources.

No warranties of any kind, either expressed or implied, are made by the Town in connection with provision of access to or use of the Town's computer resources.

User Id/Password

Each user is required to have a network user ID and password in order to use Computer Resources. The user ID and initial password shall be assigned by the Information Technology Department only. On the first login the user is required to change this initial password into something known only to the user. This password shall be changed every 90 days, may not be repeated for at least 10 times and should be complex in nature.

Prohibited Actions

While using the Town's computer resources, no User shall:

1. Use the Town's computer resources in a way not permitted by this policy or use the Town's computer resources to violate other Town policies;

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2. Incur costs or liabilities without prior express written authorization from the Department of Information Technology and the employee’s Department Head;
3. Run programs or software that attempt to identify passwords or codes;
4. Use another person's password, or allow others to use theirs;
5. Provide Internet access or access to other Town computer resources to someone who is not specifically authorized by the Town;
6. Share a Town password for purpose of allowing third parties to gain access to the Internet or other Town computer resources who are not authorized to do so by the Town;
7. Interrupt programs or software that protect data or secure systems, or attempt to do so;
8. Attempt to evade, disable, encrypt or mask, use someone else’s identity and/or password or otherwise bypass existing access restrictions or other security provisions of the computer network;
9. Encrypting data which has not been authorized by the Information Technology Department;
10. Knowingly attempt to gain unauthorized access to protected data;
11. Use assumed names. (Note: IDs/Passwords needed to access Town-authorized web-based publications/services must be shared with the appropriate Town authority and, as such, will not be considered “assumed names”).
12. Knowingly disclose attorney-client communications or attorney work product;
13. Access or disclose data known to be confidential or which should be known to be confidential without authorization;
14. Inappropriately maintain, access or disclose personal data (see Notice Regarding Personal Data which follows);
15. Violate copyrights, trademarks, patent protections or license agreements;
16. Use the Town’s computer resources to commit any unlawful act or participate in any unlawful activity. This includes, but is not limited to, wiretapping, unlawful interception of electronic communications, infringing copyright, infringing trademark or other proprietary rights, computer crimes and any and all other violations of local, state and/or federal laws and regulations. See link to Connecticut General Statutes §53-451 enumerating computer crimes in the State of Connecticut: <http://www.cga.ct.gov/2005/pub/Chap949g.htm>
17. Use the Town’s computer resources in a manner that is inappropriate for the conduct of Town business such as, without limitation, communicating in a harassing, or discriminatory manner;
18. Attempt to connect to any other User’s computer or any part of the Town’s network without authorization of the Department of Information Technology;

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19. Install or distribute any non-Town-business related software, files, file attachments and data including, but not limited to, animations, screen savers, chain letters, wallpaper, etc. without the express prior approval of the Department of Information Technology;
20. Install or download software programs or materials other than those expressly permitted by the Town;
21. Use the Town computer resources for personal business or for any purpose other than lawfully conducting Town business. Use of the Town’s computer resources is not permitted to conduct internal union business;
22. Access web sites designed for dating or personal relationships or social networking purposes;
23. Use Internet access for personal purposes, including purchase of merchandise for personal use;
24. Access any website of an obscene or lewd or vulgar nature (except as specifically authorized in connection with investigations);
25. Browse the Internet or engage in electronic transmissions such as, but not limited to, “chat” room communications, instant messaging or electronic conferencing, which involve communications not related to the employee’s job duties. Communications with, or concerning, professional associations related to the employee's job description are considered job-related and are permitted;
26. Use the Town’s computer resources for lobbying and/or political campaigning;
27. Use the Town’s computer resources for personal gain/outside business transactions;
28. Use the Town’s computer resources for solicitation of non-Town business;
29. Use the Town’s computer resources for gambling;
30. Use the Town’s computer resources for entering contests or sweepstakes;
31. Subscribe to e-mail broadcasts of a personal nature such as daily or periodic information sent to the subscriber from private or commercial web sites.

Notice Regarding Personal Data

Where statutes or regulations govern the storage of confidential data, this policy requires that such statutes and regulations be followed.

NOTICE: Chapter 55 of the Connecticut General Statutes governing personal data is the statutory basis for the handling of personal data. See link: <http://www.cga.ct.gov/2001/pub/Chap055.htm>. The requirements of Chapter 55 must be reviewed and observed by those Town employees who maintain confidential data. Only relevant personal data necessary to accomplish the lawful purposes of the Town shall be collected, used or disseminated in the Town’s computer system.

8.8 TOWN'S COMPUTER RESOURCES – ACCESS AND ACCEPTABLE USE NOTICE OF ELECTRONIC MONITORING/AUDITS

Confidential Communications

Confidential documents and electronic communications using the Town's computer resources should be labeled "CONFIDENTIAL." Written and electronic communications that are not expressly labeled confidential nonetheless may be confidential in nature and will be treated as such. All legal exemptions to disclosure are expressly reserved.

The Town vigorously defends its rights to attorney-client privilege and protected attorney-work product and all other privileges or exemptions provided by law with regard to communications. Labeling emails and other written communications with the word "confidential" may assist in the defense of legal protections.

Note: Documents comprising an employee's personnel file may include electronic communications. Users should make efforts to mark such documents as "confidential."

Storage of Electronic Data

The Town has the exclusive right to maintain or dispose of data maintained in the Town's computer resources as provided by law and in accordance with protocols determined by the Department of Information Technology. Professional care must be exercised by all Users with respect to the creation, storage and usage of all data, private and public, stored on or in the Town's computer resources, as all such data may constitute potentially public records subject to public access requirements (see above) and records retention requirements (see below).

Retention of Records

The Town, as a municipality, is required to retain public records for the periods specified in the retention schedules adopted by the State Public Records Administrator. Electronic files including, but not limited to, e-mails created, stored or archived via the Town's computer resources that are public records must be kept for the same period of time as non-electronic documents. Department Heads are responsible for instructing their employees as to appropriate retention periods for all public records.

Management and retention of e-mail and other electronic messages are subject to the requirements set by the State of Connecticut Office of the Public Records Administrator. Current guidelines at the time of print are set forth in General Letter 2009-2. See link:

<http://www.cslib.org/publicrecords/GL2009-2Email.pdf>

Information Technology Department shall implement an application to maintain the State and the Town of Greenwich schedules for storage of electronic files.

Remote Access

8.8 TOWN'S COMPUTER RESOURCES – ACCESS AND ACCEPTABLE USE NOTICE OF ELECTRONIC MONITORING/AUDITS

The Town's computer resources may be accessed remotely on a limited basis. The technical method for this type of access will be provided by the Information Technology Department in the discretion of the Director of Information Technology, the Appointing Authority, and the Director of Human Resources according to procedures established by the Director of Information Technology. The provisions of this policy apply to remote access. No personal or privacy right is created through the privilege of remote access.

Home Use or Off Site Use

The provisions of this policy apply to home use and off-site use of Town computer resources. Town computer resources may be assigned for home use permitted by this policy as required by job responsibilities in the discretion of the Department Head, the Director of Human Resources and the Director of Information Technology and subject to availability. Requests for home use shall be addressed to the employee's Department Head, with a copy to the Director of Human Resources. The Director of Information Technology shall implement procedures for off-site use and shall permit assignments for home use/off-site use, if available, based on approvals submitted by the Appointing Authority and the Director of Human Resources and subject to the employee's compliance with procedures for such use established by the Director of Information Technology and compliance with this policy. Failure to return an off-site computer at the request of the Director of Information Technology shall be sufficient to preclude further home use and off-site use and shall be referred for appropriate law enforcement action in the Town's discretion.

No personal or privacy right is created through the privilege of off-site assignment of Town computer resources. The provisions of this policy apply equally to home use and off-site use of the Town's computer resources including, but not limited to electronic documents, e-mails, text messages and Internet access.

NOTICE: Forwarding of Work-Related Electronic Mail and/or Electronic Data

Electronic auditing/monitoring may include forwarding of electronic mail and other electronic data. See above Notice.

In addition to electronic monitoring/auditing, employees and users are hereby notified that the Director of Information Technology is authorized to forward electronic mail and/or other electronic data on the Town's network received, created or transmitted by former Town employees/users or employees on leave from employment to a supervisor or other appropriate authority upon request for a work-related reason. In such circumstances, the Department Director or designee will submit a written request to the Director of Information Technology stating the work-related reason for the request to forward the electronic mail or other electronic data. Prior to forwarding the requested data, the Director of Information Technology or his designee will confirm with the Director of Human Resources that the employee is either no longer in Town service or is on leave. No specific notice to the former employee or employee on leave of a request to forward electronic mail or other electronic data for work-related reasons shall be required.

8.8 TOWN'S COMPUTER RESOURCES – ACCESS AND ACCEPTABLE USE NOTICE OF ELECTRONIC MONITORING/AUDITS

A reasonable effort shall be made to notify the employee/user before forwarding requested electronic mail or other electronic data to the requesting supervisor or appropriate authority. The Department Director or other appropriate authority will document the work-related reason for the request to forward the electronic mail or other electronic data.

When electronic mail or other electronic data are forwarded, monitored or audited pursuant to this Policy, the Director of Information Technology and Town supervisors or other authorities and their advisors are not responsible for review of the contents of personal electronic mail or other data located on the Town's network. Nothing herein shall be construed to create a privacy right in the Town's computer resources or to permit personal use of the Town's computer resources or insulate a user from appropriate disciplinary action.

Enforcement

For purposes of enforcement of this policy, the Director of Information Technology shall be granted access to all Town computer resources and data. The Director of Information Technology, or his designee, is authorized to monitor compliance with this policy and engage in audits and/or monitoring according to law and as set forth in this policy. The Town's Director of Information Technology reviews alleged violations of this policy in the use of the Town's computer system on a case-by-case basis. The Director of Information Technology, in consultation with the appointing authority and the Director of Human Resources, has the authority to terminate access to the Town's computer resources or any part thereof for person(s) whose use clearly violates this policy. Enforcement of this policy is required and appropriate discipline shall be issued up to and including possible termination from employment for violations of this policy. Violations of law concerning the Town's computer resources which are potentially criminal in nature will be referred to the appropriate Town, state and/or federal law enforcement agencies.

8.9 DRUG AND ALCOHOL FREE WORKPLACE

The need to deal effectively with the problems of substance abuse and dependency is the collective responsibility of the First Selectman, Department Heads, supervisors, union representatives and individual employees. The Town recognizes that substance abuse poses a threat to the health and safety of all employees. The Town is committed to maintaining a drug free workplace to protect and promote a safe, healthy and productive work environment. In recognition of substance dependency as a treatable health condition, the Town is equally committed to providing the opportunity for employees with substance abuse problems to obtain professional help. Toward this end, the Town sets forth the following policy on the illegal use and possession of intoxicants and controlled substances by Town employees. This policy is established to comply with the Drug-Free Workplace Act of 1988.

DEFINITIONS

Unauthorized Prescription Drugs - any substance present in an employee's body that cannot be validated by a prescription from a practicing physician and also verified by the Town's Medical Review Officer.

Controlled substances - marijuana, cocaine, PCP, narcotics, tranquilizers, amphetamines, barbiturates, heroin or any other controlled substance defined in the Penal Law of the State of Connecticut.

POLICY

Employees are prohibited from possessing, consuming or using alcohol and controlled substances in the workplace or while otherwise engaged in Town business. This does not apply to the appropriate and customary use of alcohol at Town sponsored or catered social functions or events.

Employees are prohibited from being under the influence of alcohol and controlled substances in the workplace or while otherwise engaged in Town business.

Employees are prohibited from having in their possession in the workplace or while otherwise engaged in Town business paraphernalia used to administer controlled substances.

Employees are prohibited from possessing, obtaining or otherwise trafficking in controlled substances in the workplace or while otherwise engaged in Town business.

Employees who are convicted of violating a criminal substance abuse statute in the workplace are required to notify the Town's Director of Human Resources of such conviction within five (5) days of the conviction.

The Town may require employees to submit to substance abuse screening if, in the opinion of the employee's supervisor there is reasonable cause to believe that the employee is in violation of this policy or if the employee has violated a criminal substance abuse statute.

8.9 DRUG AND ALCOHOL FREE WORKPLACE

Employees whose work related performance or other physical evidence, in the judgment of their supervisor, indicates that they may be unfit to perform their work will be referred to the Town's Employee Assistance Program for an evaluation which may include alcohol and drug screening.

Employees are subject to the terms of their collective bargaining agreements, which may provide for additional prohibitions and substance abuse testing requirements.

Employees who are required to possess a Commercial Drivers' License (CDL) or a Marine License as a condition of employment are subject to the additional federal requirements concerning drug and alcohol testing as provided pursuant to Policy 8.15 Federal Highway Administration (FHWA) Regulations on Drug Use and Alcohol Abuse in this manual.

Employees with substance abuse problems are encouraged to seek help through the Employee Assistance Program (EAP) on a voluntary basis. Department Heads, supervisors, and union representatives are also encouraged to refer employees with suspected substance abuse problems to the EAP. Employees, so referred and, who do not avail themselves of the EAP and whose work performance is not satisfactory, shall be subject to appropriate discipline to the fullest extent or relevant disciplinary procedures. Participation in the EAP does not exempt any employee from disciplinary action for violation of this policy or any other Town policy.

All EAP records regarding employee referrals and treatment shall be maintained by the EAP coordinator on a confidential basis in compliance with the federal regulations on alcohol and drug abuse. Such records may only be disclosed to appropriate Town officials with a written consent from the employee. The EAP Coordinator, upon receiving a written consent from the employee, may disclose on a need to know basis relevant information to the Director of Human Resources or other approved/appropriate administrator information required to make employment decisions. Such information shall be maintained as confidential in nature and not placed in the employee's personnel file. This information will be maintained in a medical file in accordance with HIPAA regulations.

The Town shall provide training to supervisors to assist in: identifying employee work performance problems that suggest possible substance abuse, implementing procedures to refer employees to EAP, documenting employee performance and behavioral changes and understanding the roles of the Medical Review Officer, Human Resources, supervisors and EAP Coordinator.

The Department of Human Resources and EAP Coordinator shall make available substance abuse information to all Town employees.

Consequences of a Positive Drug or Breath Alcohol Test Result

Employees who violate this Town policy shall be subject to disciplinary action, up to and including termination.

The first time an employee is tested for drugs and/or alcohol in the workplace and the results are positive, the employee will be referred to EAP and the employee will be subject to discipline.

8.9 DRUG AND ALCOHOL FREE WORKPLACE

A subsequent drug and/or alcohol positive test result will be followed with more serious discipline up to and including termination.

Consequences of a Diluted Urine Test Result

In order to remain consistent with Federal regulations regarding diluted samples, employees who provide a sample deemed to be a “diluted sample” by the Town’s testing agent will be contacted by the Town’s Medical Review Officer (MRO) to determine if a medical problem exists. A urine specimen with 5 milligrams of creatinine per deciliter of urine or fewer will be regarded as “substituted”. A substituted test is considered a refusal to take a drug test, equivalent to failing a drug test. However, there have been a small number of cases in which individuals may have legitimate medical or physiological explanations for producing specimens with lower levels of creatinine.

When a laboratory reports a specimen as substituted, that is five milligrams of creatinine per deciliter or fewer, the MRO will consider the specimen to be diluted if the creatine concentration is two milligrams per deciliter of urine or higher. Employees who provide dilute specimens in the 2 to 5 milligrams per deciliter range will have to undergo an unannounced immediate recollection under direct observation as a safeguard for the integrity of the testing program. Specimens with fewer than 2 milligrams of creatinine per deciliter of urine are considered “substituted”. If it is determined that the urine specimen was “substituted” the employee will be subject to the same consequences as an employee with positive results.

8.10 EMPLOYEE PARKING

A permit is required to park in the areas designated and signed 'Employee Parking Only – Permit Required'. These areas are to the south and rear of the Town Hall. Permits are available at no cost through the Office of the First Selectman.

'Handicapped Parking – State Permit Required': To use these spaces, a permit must be obtained from the Department of Motor Vehicles, State of Connecticut. These permits should be prominently displayed as required by state law. This is the only permit acceptable. Town vehicles may park within these spaces only if the operator is disabled. Please remember that the disabled are disabled twenty-four hours per day, rain or shine; therefore, these spaces should be respected all the time, including evening hours when such persons may wish to attend a Town meeting., The Police Department has the obligation to enforce this regulation and issue summons.

Employee parking permits are not valid at any parking meter or parking zone. Special permits exempting employees' personal vehicles from parking regulations while on Town business are available through the Selectman's' Office. No vehicle with an employee permit of any Town vehicle is allowed to park within any no parking zone, at any fire hydrant, in any crosswalk or in any area contrary to local and/or state law.

8.11 EMPLOYEE'S PRIVATE PROPERTY

It is the policy of the Town to provide secure offices and facilities for all employees and to inform employees of the Town's posture with respect to thefts or loss of an employee's personal property.

The Town will be responsible for providing secure working areas but employees are responsible for all personal property brought on Town premises and it is each employee's responsibility to secure all personal items in accordance with the property's value.

It is expressly requested that purses and wallets be kept with employees at all times. If this is inconvenient, such items should be locked in a desk, file cabinet, or an equivalent depository for safe keeping.

The Town maintains the right to inspect lockers and offices of an employee when there is probable cause for suspicion that the employee has engaged in illegal activities (i.e., theft or drug use).

Employees should not store things which they would prefer not to be revealed.

8.12 EMPLOYEE SECURITY/IDENTIFICATION BADGES

For the purpose of providing a secure environment for all Town employees and to promote individual and departmental identity to the community, this policy addresses the design, issuance, control and use of identification badges.

POLICY

It is the policy of the Town that all employees will be provided with a secure work environment. In order to ensure building security in the Town Hall, all non-employees will be required to enter and exit the Town Hall building through the front central doors. It is further the policy of the Town to issue and require employees to wear security/identification badges with varying levels of security clearance to allow for building entry from secondary entryways and for the purpose of providing a clear identity and Town association to the general public.

Badge Control

Overall badge design, development and control will be the responsibility of the Building Construction and Maintenance Division of the Department of Public Works. Badges will be programmed to allow for varying levels of security clearance that were developed using the current operational hours of Town Hall, which is open to the Public weekdays from 7:30 a.m. until 10:00 p.m.

All identification badges will be programmed at a minimum of LEVEL 4 or as follows:

- LEVEL 4: Building access during regular weekday work hours 7:30 a.m. to 9:00 p.m.
- LEVEL 3: Early weekday building access 6:00 a.m. to 7:30 p.m.
- LEVEL 2: Weekend and Holiday building access 8:00 a.m. to 5:00 p.m. and Level 3
- LEVEL 1: Reserved for Building Security Administration

Badge Design

Identification badges will be designed to promote employee identity to the Greenwich community. As such, the front of the badge will consist of four key elements:

- A head and shoulders photograph of the employee
- Town seal and department name
- Employee's first name in bold, easy to read letters
- Employee's full name and position title

A masked barcode will be affixed to the back of the badge allowing for varying levels of security clearance. The back of the badge will also contain instructions for returning lost badges.

Building Construction and Maintenance reserves the right to abbreviate department names and titles to fit the badge design and to edit professional names and nicknames.

8.12 EMPLOYEE SECURITY/IDENTIFICATION BADGES

Badge Issuance

Initial badges for current employees will be issued department by department in accordance with a schedule established by Building Construction and Maintenance. Employees possessing key-cards will be required to return them to Building Construction and Maintenance at the time of security card issuance.

The Department of Human Resources is responsible for issuing all identification badges for new employees. Appointing authorities must complete the 'Request for Security Badge' form located on the 'T' drive. This information must:

- Be provided at the same time as the request for salary approval for each employee, in order to allow time for processing.
- Indicate the level of clearance for the position. Such level will be pre-established by position, approved by the Department of Human Resources and entered into the Building Construction and Maintenance security clearance system.
- Indicate the employee's full legal name.
- Indicate the employee's first name, professional name, or nickname.
- Indicate the full title of the position.

If an individual's access authorization changes they must request through the Department of Human Resources to have their card reprogrammed for the appropriate Access Level by submitting a 'Request for Security Badge' form.

Security Badge Use

Identification badges are to be worn at all times when working in an 'official' capacity. Badges are to be worn:

- So as to clearly display identification information.
- Above the waist, preferably at collar or shirt pocket height or attached to a Town provided lanyard.
- In their original form. No pins or adhesive stickers of any kind may be attached to the badge.

The Building Construction and Maintenance Division, in accordance with the security clearance requested by the Appointing Authority, will encode all badges. The identification badge will serve as a 'key card' for entry into the Town Hall.

A master list of all employees, badge identification numbers and security clearance codes will be maintained and strictly controlled by the Building Construction and Maintenance Division of Public Works.

8.12 EMPLOYEE SECURITY/IDENTIFICATION BADGES

Badge Replacement

Badges will be issued to all employees at the time of employment, and will be replaced at the Town's expense if:

- The badge fails to function and has not been damaged.
- The individual's name legally changes.
- The individual's position with the Town changes.
- The individual's access authorization changes.
- The badge fails to function due to normal wear in conjunction with work performed.

Human Resources must be notified immediately for stolen, lost or damaged badges. The badge will be replaced at a cost of ten dollars (\$10.00) to the employee which will be paid at the time the new badge is issued.

Misuse of Security Badges

The security badge may allow entrance into secure areas through non-public access points. The practice of 'piggy-backing' is the habit of allowing an unauthorized person to enter the building through a non-public access by entering at the same time with the authorized employee; this practice is a violation of this security policy and may result in disciplinary action. Each Town owned building has its own security access rules.

Failure to properly wear the identification badge, unauthorized fabrication, duplication, possession or use of security badges for any purpose other than legitimate use by the designated employee is a serious violation of this policy and will result in discipline, up to and including immediate termination.

Security/Identification Badge Return

Security/Identification badges are the property of the Town and will be retained when an individual terminates employment, takes a planned leave of absence, or otherwise ends his/her employment association with the Town.

- For planned or long-term leaves of absence, badges may be returned to the Department Head, who will retain the badge until the employee's return. Wherever possible, the Department of Human Resources should be notified in advance of the date of return.
- Employees separating from the Town must return badges to the Department of Human Resources at the conclusion of the employee's final workday. Employees returning badges will receive a receipt certifying the badge return. Final paychecks will be held in the Department of Human Resources until all Town property, including security badges and all keys are returned.

8.13 FEDERAL HIGHWAY ADMINISTRATION (FHWA) REGULATIONS ON DRUG USE AND ALCOHOL ABUSE

This policy is adopted in order to comply with federal requirements concerning drug and alcohol testing of employees who hold positions involving use of a Commercial Drivers' License (CDL), or who perform other safety sensitive functions as defined by regulations of the United States Department of Transportation (DOT). These employees are required to be familiar with and adhere to the FHWA regulations. Violations of the regulations and/or this policy may lead to discipline. Federal law requires implementation of such testing effective December 1, 1996 for employers with up to 50 commercial motor vehicle operators. It is a Town policy that employees working in positions deemed safety-sensitive by the Town are covered by the terms and conditions of this DOT testing program.

DEFINITIONS

For the purpose of this policy, the following definitions shall apply:

- ***Unauthorized Prescription Drugs*** - any substance present in an employee's body that cannot be validated by a prescription from a practicing physician and also verified by the Town's Medical Review Officer.
- ***Controlled Substances*** - marijuana, cocaine, PCP, narcotics, tranquilizers, amphetamines, barbiturates, heroin or any other controlled substance defined in the Penal Law of the State of Connecticut.
- ***Diluted Sample*** - A urine specimen with 5 milligrams of creatinine per deciliter of urine or fewer is regarded as "substituted". A substituted test is considered a refusal to take a drug test, a violation of U.S. DOT rules equivalent to failing a drug test. The U.S. DOT has encountered a small number of cases in which individuals may have legitimate medical or physiological explanations for producing specimens with lower levels of creatinine. When a laboratory reports a specimen as substituted, that is five milligrams of creatinine per deciliter or less, the MRO will consider the specimen to be diluted if the creatinine concentration is two milligrams per deciliter of urine or higher. Diluted specimens will not cause the applicant or employee to be regarded as violating the regulation. However, applicants or employees who provide diluted specimens in the 2 to 5 milligrams per deciliter range will have to undergo an unannounced immediate recollection under direct observation as a safeguard for the integrity of the testing program. Specimens with fewer than 2 milligrams of creatinine per deciliter of urine are considered "substituted".

SCOPE

The Town's alcohol and controlled substances testing program applies to all employees and volunteers who perform safety-sensitive functions and all applicants for and incumbent employees seeking transfer to safety-sensitive positions. Furthermore, this includes CDL employees during their actual driving time, as well as during the performance of any on-duty "safety sensitive functions", employees who may operate a commercial motor vehicle owned and/or under the control of the Town, and employees who are responsible for the safety of residents and community visitors.

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Participation in this drug and alcohol testing program is a condition of employment for each safety-sensitive employee.

This program also applies to certain other positions that the Town has deemed “safety sensitive” due to the nature of the position in that it provides for the safety of residents and/or the general public (e.g. lifeguards).

POLICY

The Town is required to test certain safety-sensitive individuals (employees with CDL licenses and other individuals performing "safety sensitive" functions) for the use of illegal drugs and controlled substances (herein "drugs"), and misuse of alcohol. These regulations include a variety of drug and alcohol tests, including reasonable suspicion testing, random testing, post accident testing, return to duty and follow-up testing as well as pre-employment drug testing. This policy has been formulated to protect the safety and security of the public, employees, facilities and assets and is adopted in compliance with the mandates of the U.S. Department of Transportation. Testing procedures used by the Town will conform to applicable federal (and state) requirements, and the Town will conduct the appropriate tests required by applicable law to determine if an employee has a controlled substance or alcohol level greater than allowable under the regulations in his or her system. There are serious consequences in accordance with this mandate for individuals who use illegal drugs and misuse alcohol, in addition to the Town wide workforce policy on drug and alcohol misuse.

In compliance with the U.S. DOT mandate, the Town has adopted the following procedures:

- An employee and supervisor education and training program.
- A drug and alcohol testing program for employees and applicants for employment in safety-sensitive positions.
- A program for evaluating employees who violate the drug and alcohol misuse policy.
- Administrative procedures for record keeping, reporting, releasing information, and certifying compliance.

Definitions and Application of Policy

The Town’s alcohol and controlled substances testing program applies to every person employed by the Town or applying to be an employee, who possesses a commercial driver's license (CDL) and who may operate a commercial motor vehicle owned and/or under the control of the Town. This includes employees during their actual driving time as well as during the performance of any on-duty "safety-sensitive functions".

Commercial motor vehicles are defined as a motor vehicle or combination of motor vehicles, used to transport passengers or property if the motor vehicle (i) has a gross combined weight rating of 26,001 or more pounds, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds; or (ii) has a gross vehicle weight rating of 26,001 or more pounds; or (iii) is

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designed to transport sixteen or more passengers, including the driver; or (iv) is of any size and is used to transport materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act, and which require the motor vehicle to be placarded under the Hazardous Materials Regulations.

PARTICIPATION AS A REQUIREMENT OF EMPLOYMENT OR USE AS CONTRACTOR

Participation in this U.S. DOT mandated drug and alcohol testing program is a requirement of employment (or for use as a contractor/subcontractor) for safety-sensitive individuals as defined below.

Testing procedures used by the Town will conform to applicable federal (and state) requirements, and the Town will conduct the appropriate tests required by applicable law to determine if an employee has a controlled substance or alcohol level allowable under the regulations.

SAFETY SENSITIVE FUNCTIONS

The purpose of the testing requirements is to eliminate the dangers posed by commercial motor vehicle drivers performing "safety sensitive functions" while under the influence of alcohol and/or other drugs. The regulations define these functions to include the following elements of job performance:

- All driving time, which means all time spent at the driving controls of a commercial motor vehicle;
- All time, apart from driving time, in or upon a commercial motor vehicle, except time spent resting in a sleeper berth (if applicable);
- All time loading or unloading a vehicle, supervising or assisting in loading or unloading, attending to a vehicle being loaded or unloaded, remaining ready to operate the vehicle, or giving or receiving any receipts for shipments loaded or unloaded;
- All time spent inspecting equipment, or otherwise inspecting servicing or conditioning any commercial motor vehicle at any time;
- All time spent repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle;
- All time spent waiting to be dispatched, unless the driver has been relieved from duty by his supervisor, whether at a Town facility or elsewhere, and
- All time spent in attendance at the scene of an accident and performing required duties in relation to such accident.

Additionally, the Town has determined that all functions of certain positions whose primary purpose is to protect the safety of Town residents and the general public are safety sensitive.

Any employee subject to the program is considered to be engaged in the performance of these

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safety-sensitive functions during any time they are actually performing them, are ready to perform them, or are immediately available to perform them. Employees are required to be in compliance with this program and all applicable regulations whenever they perform these functions.

IMPAIRMENT PROHIBITIONS AND HOURS OF COMPLIANCE

The required hours of compliance for prohibited behavior (defined below) relating to drug and/or alcohol use are as listed below:

Drugs: A safety-sensitive individual is prohibited from reporting for duty or remaining on duty for the performance of safety-sensitive functions when using any controlled substances (except when the use is pursuant to the instructions of a physician who has advised the driver that the substance the driver is using does not adversely affect the driver's ability to safely operate a commercial motor vehicle) Note: Employees must report all therapeutic uses of drugs/controlled substances in advance of performing any safety-sensitive functions.

Alcohol: A safety-sensitive employee is prohibited from:

- Reporting for duty or remaining on duty requiring the performance of a safety sensitive function while having an alcohol concentration of 0.04 or higher;
- Possessing alcohol while on duty or operating a motor vehicle unless the alcohol is manifested and transported as part of a shipment;
- Using alcohol while performing safety-sensitive functions;
- Performing safety sensitive functions within four hours after using alcohol (this includes consumption of any beverage, mixture, or preparation, including medications, that contain alcohol);
- Use of alcohol for eight (8) hours following an accident that requires a post-accident alcohol test under this program and the applicable regulations, or until the employee has undergone a post-accident alcohol test, whichever comes first;
- Refusing to submit to appropriate alcohol and/or controlled substances testing under this program or the applicable regulations.

A supervisor having actual knowledge that a driver or safety-sensitive employee has engaged in any of the prohibitions listed above is required to remove the employee from the performance of a safety-sensitive function.

Safety-sensitive employees will be subject to testing pursuant to U. S. DOT regulations. Testing of non safety-sensitive employees and applicants for non-safety positions, and any testing of safety - sensitive employees over and above the requirements of the U. S. DOT regulations is performed pursuant to separate authority of the Town. "Refusal to submit" to a test is prohibited and may result in immediate termination. Behavior that constitutes "refusal to submit" includes but is not limited to:

1. Direct refusal to take a drug or alcohol test;

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2. Failure to provide sufficient quantities of breath or urine to be tested without a valid medical explanation;
3. Tampering with or attempting to adulterate the specimen;
4. Engaging in conduct that obstructs the testing process;
5. Failure to notify the Town that you are in a post accident situation requiring testing, leaving the scene of an accident without a valid reason before tests are conducted or not being immediately available for post accident testing without a valid reason;
6. Not reporting directly to the collection site after notification.

A "refusal to submit" is equivalent to a positive test result for that test. This policy prohibits a safety-sensitive individual from providing incorrect prior employment information and prior drug and/or alcohol information relating to the U.S. DOT drug and alcohol testing.

TESTING PROCEDURES

The Town uses an appropriate site for the collection of urine and breath samples which meets the requirements specified by the Department of Transportation. Administration of breath tests for alcohol may be performed concurrently with urine collections. However, the Town reserves the right to administer breath tests separately from urine collections and to administer breath tests and/or urine collections either on or off Town premises.

Drug Collection Procedures

Drug test analysis will be conducted only at laboratories that are certified and meet U.S. DOT regulations. The Town and vendors used in connection with drug testing, will comply with all U.S. DOT regulations intended to ensure the accuracy and confidentiality of test results and the fair and respectful treatment of persons being tested. U.S. DOT approved collection procedures will be used to collect urine specimens for drug tests (except in some post accident situations). As required or permitted in certain specific situations, which may change from time to time by the U.S. DOT, relating to issues such as suspected adulteration, prior positive test results, specific gravity and creatinine level outside of a specified range, temperature outside of an acceptable range, etc., a directly observed collection by a same sex collector will be required. There is a rigorous "chain of custody" process that directly follows a specimen from collection to testing. The collection and chain of custody procedure protect the employee and the integrity of the drug-testing process, thereby safeguarding the validity of the test results.

Urine collections will be split into two specimens in accordance with U.S. DOT requirement which may change from time to time. This requirement provides an additional level of protection for the individual. Certain situations may require that a specimen be discarded and a new collection may be initiated.

All individuals who are tested will be identified via picture identification or by authorized Town

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personnel to assure that the individual(s) tested is/are the correct individual(s). Social Security or employee numbers are used to track the identification process.

Drug testing of safety-sensitive employees authorized by U.S. DOT regulations is limited to the following substances:

1. Marijuana
2. Cocaine
3. Amphetamines
4. Opiates (e.g., heroin, codeine)
5. Phencyclidine (PCP)

While drug testing by the Town normally will be limited to the five substances listed above, the Town reserves the right, as permitted by law and, if applicable, collective bargaining agreements, to perform separate testing for other controlled substances.

MEDICAL REVIEW OFFICER

The program will use a Medical Review Officer (MRO), a licensed physician (medical doctor or doctor of osteopathy) who has appropriate knowledge and medical training to interpret and evaluate an individual's initial confirmed positive test result together with his or her medical history and any other relevant biomedical information.

The MRO's responsibility will include providing a review of the laboratory's "chain of custody" documentation, to ensure that it has properly tracked the handling and storage of the urine specimen.

The Medical Review Officer will rule out alternate medical explanations through reviewing the tested individual's medical records, and will give the individual an opportunity to discuss the test results.

SPLIT-SPECIMEN TESTING

If a safety-sensitive individual has a positive drug test after Medical Review Officer (MRO) review, the MRO will notify the employee that he or she has 72 hours to request a test of the split specimen. Upon notification of the safety-sensitive individual by the Town that the safety-sensitive individual must contact the MRO, he or she must contact the MRO within 24 hours. Failure of the safety-sensitive individual to contact the MRO within this time frame unless the Town determines a valid reason for not doing so exists, will result in a final determination of the result of the presumed positive drug test result without input from the safety-sensitive individual.

The safety-sensitive individual will have the option to have the split specimen portion retested at a laboratory certified by the Department of Health and Human Services (DHHS) of his/her choice.

This option cannot be selected after 72 hours from the time of notification by the MRO unless there

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is significant reason acceptable to the MRO why the individual was delayed, such as an injury. If this option is selected, the safety-sensitive individual must verbally notify Greenwich Hospital Occupational Health Services or the MRO for the request of the re-test and send written notification with a statement that the Safety Sensitive Individual will accept any other DHHS certified laboratory, or the specified DHHS certified laboratory name, location, address, and telephone number, selected, if any. The safety-sensitive individual must provide a copy to the Town's Drug and Alcohol Program Manager/EAP Coordinator.

MEDICAL ISSUES

Employees are required to provide a minimum sample for testing, and are allowed up to three (3) hours as a testing period. Should an employee be unable to produce a urine sample within this time frame, she/he will be required to meet with the MRO, who will arrange for an examination with a urologist to determine if a “shy-bladder” condition exists. Should that examination fail to produce a medical reason for the employee’s inability to provide a sample, then the employee’s test will be deemed a refusal, and considered positive.

ALCOHOL TESTING PROCEDURES

Alcohol testing will be performed in accordance with DOT regulations utilizing approved testing equipment and technicians. Breath Alcohol Technicians (BATs) are those individuals who have completed mandatory training on required collection and testing procedures and on the proper operation of equipment and approved alcohol testing procedures. If the initial screening test is 0.02 BAC or greater, a confirmation test is performed by a BAT on an Evidential Breath Testing device with the capability of printing out the test results. The Town reserves the right, pursuant to its policy and its own authority to perform alcohol tests of non safety-sensitive employees, using the same procedures as required for testing safety-sensitive employees, as permitted by law, and, if applicable, collective bargaining agreements.

OPPORTUNITY FOR A RE-TEST

After a positive drug and/or alcohol test result, there is no opportunity to have a second collection that negates the first positive test result.

Applicable U.S. DOT regulations do not require an option for an alcohol split specimen collection and therefore there will be no opportunity for an alcohol re-test.

For drug testing, if a regular employee provides a sample deemed to be diluted by the Town’s testing agent prior to being sent to the laboratory for testing, she or he shall have the option of having that sample tested and accepting the consequences, or she or he will be allowed up to three (3) hours to produce a new sample for testing. If the second sample is deemed by the Town’s testing agent (laboratory) to be “dilute”, the employee will be deemed to have a positive test.

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FINAL TEST RESULTS

An alcohol test result is a final test result after the alcohol confirmation test.

A positive drug test result is final after an individual with a positive drug test or dilute sample result either: (1) does not request a Split Specimen Retest within the timeframe allowed, or (2) the requested re-test reconfirms the positive or dilute result.

CIRCUMSTANCES FOR DRUG AND/OR ALCOHOL TESTING

Safety-sensitive individuals will be required to submit to approved drug and alcohol testing in certain situations including the circumstances listed below. Laboratory testing, other than the retesting of the split portion of a positive drug test (as discussed elsewhere in this policy); will be performed by Greenwich Hospital Occupational Health Services or such other provider as the Town designates.

Pre-employment Testing

Any offer of a safety-sensitive position (i.e., employment, transfer, or use as a contractor) is contingent upon the applicant's submission to a drug test and achieving negative test results.

Consequences of Positive Test Results or a Diluted Sample for Pre-employment Testing:

An applicant who tests positive for drugs as determined by the Town's testing agents, or if it is determined that the urine specimen was "substituted", the applicant will be considered unqualified to work for the Town and will be ineligible to reapply for a minimum of six months. The applicant must at the time of reapplication produce evidence of successful completion of a drug rehabilitation program as well as evidence of being drug free during that period. Appropriate evidence would be a letter from the medical facility certifying completion of the rehabilitation program and negative drug screen.

Random Testing

Random drug and alcohol testing will be conducted for all employees performing safety-sensitive functions. Random tests will be unannounced and spread reasonably throughout the year. There will be no pattern to when random tests will be conducted, and all employees performing safety-sensitive functions will have an equal chance of being selected for testing from the random pool each time random tests are conducted. Employees shall remain in the pool even after being selected and tested. An employee, therefore, may be selected for a random test more than once during a year, or not at all.

Employees will be selected anonymously using a scientific numerical selection process. The employee must report immediately to the collection site upon notification of his/her selection from

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the random pool. The Town's testing service will maintain the data base of safety-sensitive employees and will perform the random selection of employees to be tested each testing cycle. In the event a randomly selected employee is absent from work on the day his/her test was scheduled, the employee will be tested immediately upon his/her return to work, or on the next randomly selected testing date whichever is first. Employees with an accepted worker's compensation claim who are absent from the worksite or performing light duty functions are deemed to be working and must submit to random testing if selected. An additional employee identification number will be selected and substituted for each absent employee who is not required to submit to testing at that time.

Consequences of a Positive Test Result for Random Testing

After learning of an employee whose random drug test is positive or whose alcohol test result is 0.04 blood alcohol content (BAC) or greater, the individual will be placed on an unpaid leave of absence at the sole discretion of the Town. If accumulated vacation time is available, the individual may use it in place of unpaid leave. The individual will not perform safety-sensitive functions until he/she has been evaluated by the Substance Abuse Professional, completed all recommended treatment and taken a return-to-duty test with a verified negative result.

Consequences of a Diluted Sample for Random Testing

Regular employees who provide a sample deemed to be a "diluted sample" by the Town's testing agent will be contacted by the Town's Medical Review Officer (MRO) to determine if a medical problem exists. If it is determined that the urine specimen was "substituted" the employee will be subject to the same consequences as an employee with positive results on a random drug test must be a verified negative drug test result or an alcohol test result of less than 0.02 BAC. In the return-to-duty evaluation, the substance abuse professional also will determine whether the employee needs to participate in a rehabilitation program after returning to duty and the frequency and duration of follow-up testing after the employee returns to duty.

Reasonable Suspicion

If, based on the observation of at least one supervisor or manager trained in detecting signs of alcohol misuse and/or drug use, the Town has reasonable suspicion to believe that a safety-sensitive individual is impaired while on duty by drug use and/or alcohol misuse, the safety-sensitive individual shall be required to submit to immediate drug and/or alcohol testing. This requirement will be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the employee.

The Town will direct an employee to undergo reasonable suspicion testing for alcohol only if such observations are made during, just preceding or just after the period of the workday as outlined in this policy. If an alcohol test required by the policy is not administered within two hours following determination, the Town shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If an alcohol test required by this section is not administered

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within eight hours following the reasonable suspicion determination, the Town will cease attempts to administer an alcohol test and state on the record the reasons for not administering the test.

A written record of the observations leading to reasonable suspicion testing for drugs shall be made and signed by a supervisor or Town official within 24 hours of the observation or before the test results are released, whichever is first.

An employee who undergoes reasonable suspicion testing will be removed from service and placed on administrative leave pending the test results and will be required to accept or arrange for independent transportation home. If the test results are negative, the employee will be returned to work.

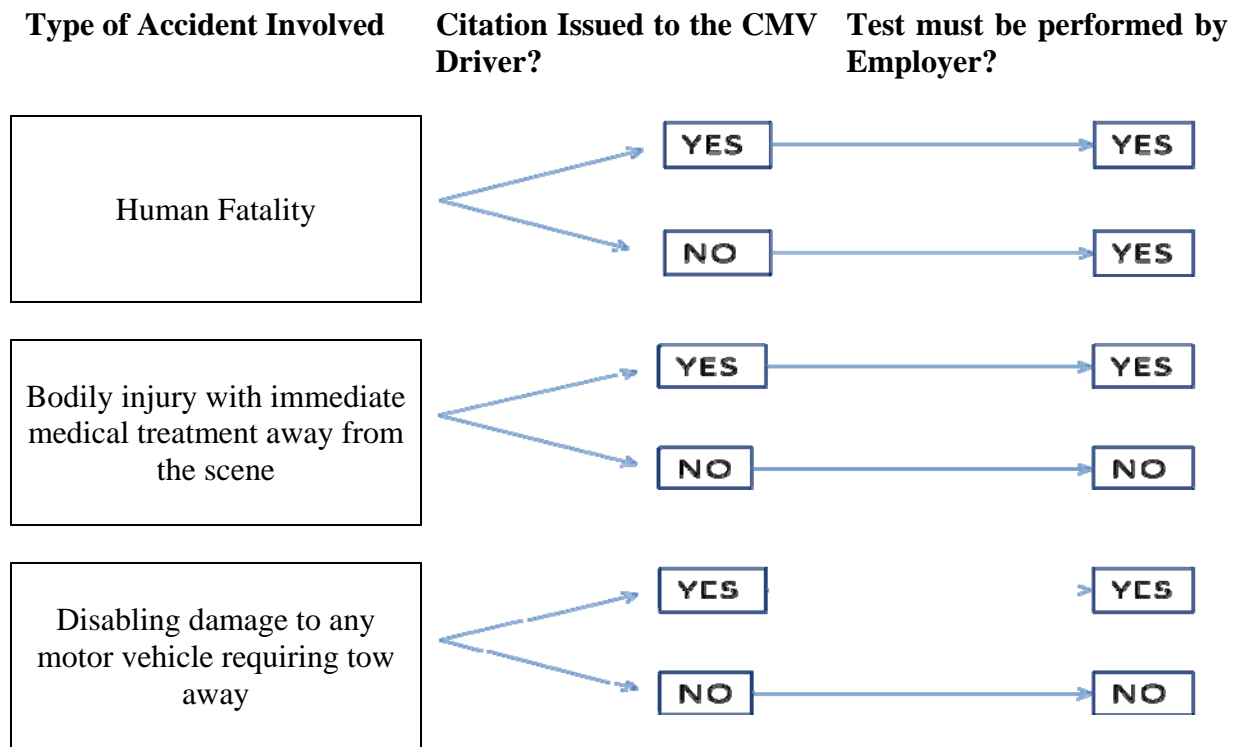
Consequences of Positive Test Results or a Dilute Sample for Reasonable Suspicion Testing

Pursuant to Town policy, a positive drug and/or alcohol reasonable suspicion test will result in discipline and may result in immediate termination. The employee will be removed from the safety sensitive position and will be subject to the same consequences applied to employees following a positive random test. If the employee is not terminated, the employee shall be disciplined and, at a minimum, be subject to the same requirements regarding assessment, rehabilitation, and return to work testing applied to employees following a positive random test. An employee who submits a dilute sample is subject to the same consequences as for dilute samples provided during a random drug test.

Post-accident

The Department of Transportation requires employees to submit to post accident alcohol and controlled substance testing as soon as practicable following an occurrence involving a commercial motor vehicle operating on a public road in commerce for each of its surviving drivers. The following table notes when a post accident test is required under DOT regulations:

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In addition to the above listed U.S. DOT required post accident testing, under Town policy an accident involving a commercial motor vehicle will also require the safety-sensitive individual to participate in post accident drug and alcohol testing, if one or more of the following conditions is met:

- An injury occurred requiring medical treatment away from the scene of the accident;
- A vehicle required towing from the scene of the accident;
- A waterfront or park accident occurred in an area of responsibility of an on-duty safety-sensitive employee.

Although not required by the U.S. DOT, Town policy requires that a post-accident test will result in the employee being removed from performing safety-sensitive work pending the test results. Absent the finding of reasonable suspicion, the employee may perform non-safety sensitive work within the employee’s existing job description and pending test results. When post-accident tests are performed, they will be conducted as soon as possible following the accident. Drug tests must be performed within 32 hours and alcohol tests within 8 hours following an accident.

If the employee has not submitted to an alcohol test within two hours of the accident, the Town will prepare and maintain a record stating the reason that the test was not administered promptly. If the alcohol test is not administered within 8 hours after the accident, the Town will cease efforts to administer the test and will maintain the same documents.

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If the drug test is not administered within 32 hours, the Town will cease efforts to test for drugs and will prepare and maintain the same type of record.

These testing requirements will not delay necessary medical attention for injured people, nor will they prohibit an employee who was performing a safety-sensitive function from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However employees performing a safety sensitive function must remain readily available for drug testing for 32 hours and for alcohol testing for 8 hours. This means the employee must ensure that the Town knows the employee's location during the hours following an accident, or until post-accident and alcohol tests have been completed. An employee who is not available for testing will be considered to have refused to submit to testing unless his/her unavailability is attributable to efforts to obtain assistance in responding to the accident or obtaining necessary emergency medical care.

Employees in a post-accident situation must notify the Town and get information on how to proceed with testing; they are obligated to follow testing instructions.

An employee subject to post-accident testing must refrain from consuming alcohol for eight (8) hours following the accident or until he/she submits to an alcohol test, whichever comes first.

Consequences of a Positive or Dilute Test Result for Post Accident Testing

Pursuant to Town policy, a positive drug and/or alcohol post-accident test may result in immediate termination. The employee will be removed from the safety-sensitive position and will at least be subject to the same consequences applied to employees following a positive random test. An employee who submits a diluted sample is subject to the same consequences as for dilute samples provided during a random drug test.

RETURN-TO-DUTY TESTING

An employee with a verified positive drug test result, an alcohol test result of 0.04 BAC or greater, a refusal to submit to a test, or any other activity violating this policy or state or federal law may not return to work until the employee is evaluated by a Substance Abuse Professional (SAP) who determines the employee has followed any recommendations for rehabilitation made by the SAP to the employee and the employee passes a return to duty test. A return-to-duty test will be performed only after the substance abuse professional has indicated that the employee has followed the recommendations. To pass the return-to-duty test, the result must be a verified negative drug test result or an alcohol test result of less than 0.02 BAC. In the return-to-duty evaluation, the substance abuse professional also will determine whether the employee needs to participate in a rehabilitation program after returning to duty and the frequency and duration of follow-up testing after the employee returns to duty.

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Consequences of a Positive Test Result or Dilute Sample for Return to Duty Testing

Any positive drug test or any alcohol test with a result of 0.02 BAC or higher for an employee subject to return-to-duty testing will result in immediate termination.

Any employee who provides a diluted sample at the time of testing shall be subject to the procedures for dilute specimens under the random program.

FOLLOW-UP TESTING

Employees permitted to return to duty after engaging in prohibited conduct are subject to unannounced follow-up testing for up to five years. The Substance Abuse Professional will determine the frequency and duration of the follow-up testing. A minimum of 6 follow-up tests during the first 12 months after the employee has returned to duty will be performed. This follow-up testing is separate from and in addition to the regular random testing program. Accordingly, employees subject to follow-up testing will remain in the standard random pool and will be tested whenever their name comes up for random testing, even if this means being tested twice in the same day, week or month.

Follow-up alcohol testing will be conducted only when the employee is performing safety-sensitive functions, including pre work and post work shift assignments.

Consequences of Positive Test Result or Diluted Sample for Follow Up Testing

Any positive test result provided by an employee subject to follow-up testing (including the positive result of a safety-sensitive job transfer, random, reasonable suspicion, post-accident, or other test) will result in immediate termination.

Any employee who provides a diluted sample at the time of testing shall be subject to the procedures for diluted specimens under the random program.

REFERRAL FOR SAP EVALUATION AND TREATMENT

If a safety-sensitive individual has a positive test result for drugs and/or alcohol he/she must have an evaluation by a Substance Abuse Professional (SAP). This assessment will evaluate whether the individual needs assistance resolving problems associated with drug use and/or alcohol misuse. If treatment is prescribed, the safety-sensitive individual must complete the recommended program, before that individual is medically qualified to perform U.S. DOT safety-sensitive activities. This requirement is independent of termination by one employer and re-hiring by another.

Safety-sensitive employees permitted to return to work following a positive test will be re-evaluated by the SAP to determine whether the employee has complied with the SAP's recommendations. After that evaluation and the successful completion of a return-to-duty test, the SAP will

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recommend to the employee the number and frequency of follow up alcohol and/or drug tests following the employee's return to duty. The follow-up testing shall consist of at least six tests in the first twelve months following the employee's return to duty. Finally, the SAP will recommend whether the employee should be subject to both drug and alcohol follow-up tests.

CONSEQUENCES FOR USE OF DRUGS AND MISUSE OF ALCOHOL

On First Positive

In all events of positive drug test results (including a diluted sample or a refusal to test as defined elsewhere), after MRO review, but before a split sample re-test if any, or alcohol test result with a BAC of 0.04 or greater (or a refusal to test), the safety-sensitive individual will have the following consequences: (A request for a re-test for positive drug test results or a diluted sample will not delay the consequences).

1. Not be permitted to perform safety sensitive activities.
2. Be referred to a substance abuse professional.
3. Be required to complete prescribed treatment defined by the substance abuse professional, if any.
4. Be required to pass a return to duty test (or tests if both a Drug and an alcohol test are required by the substance abuse professional) before safety sensitive activities are resumed.
5. Be placed in a follow-up testing program until completed.

On a Negative Re-test

After a positive drug test result, or an alcohol test result of 0.02 BAC or greater, or if a request is made to re-test a drug test split specimen, the individual will be placed on an unpaid leave of absence by the Town. If a split specimen re-test is performed and that re-test does not reconfirm the positive test result, back pay will be provided if the individual was on an unpaid leave of absence.

On a Second Positive Result

On a second positive Alcohol Test Result, or a second positive Drug Test Result, the individual will be considered unqualified to perform his/her job responsibilities and the employee or contractor relationship may be terminated.

Additional Consequence:

An employee who has an alcohol concentration of 0.02 BAC or greater but less than 0.04 may not perform a safety-sensitive function until the start of the employee's next regularly scheduled duty period, provided such period is not fewer than 8 hours following administration of the alcohol test. If no non-safety sensitive work is available the employee will be placed on an un-paid leave of absence. The Town retains the right to discipline including terminate an employee who tests positive

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for alcohol misuse or drug use or who refuses to submit to an alcohol test.

SELF REFERRAL

The Town encourages drivers who recognize that they may have a problem with drugs and/or alcohol to seek assistance for resolving that problem before they have a U.S. DOT violation due to a positive test result or because they engaged in other U.S. DOT prohibited conduct.

A driver who admits to a drug and/or alcohol problem will not have a U.S. DOT violation. He/she will be given an opportunity to obtain a chemical use assessment from the Town Employee Assistance Program (EAP). Prior to the assessment, however, the Town will require the driver to sign a release of information that will enable the Town's Designated Employer Representative to receive the results of the assessment, and to receive subsequent reports related to the assessment, and the driver's successful completion of all recommendations for assistance.

The following conditions must apply to the driver's self-admission:

- The driver's admission cannot be made during his/her on-duty time. It must occur prior to the driver's reporting for duty on any particular day.
- The driver's admission cannot be made in an attempt to avoid a required U.S. DOT drug test.
- Under 49 CFR Part 382.121, the U.S. DOT requires the Town to remove the driver from safety-sensitive functions, including driving.
- When the Town is satisfied that the driver has complied with the EAP's recommendations for assistance, the Town will return the driver to safety-sensitive functions, provided that:
 - Prior to returning to safety-sensitive functions, the driver will be required to provide negative DOT drug and/or alcohol test result on a Return-to-Duty test, and
 - After being returned to safety-sensitive function, the driver will be subject to follow-up non-DOT testing, as permissible by the Town policy for non-DOT drug and alcohol testing, under the laws of this state.
- A driver who self-identifies under this policy, and who then fails to comply with the EAP's recommendations will be considered to have engaged in conduct prohibited by the U.S. DOT in 49 CFR Part 382, Subpart B, and will not be permitted to return to safety-sensitive function until he/she has successfully complied with the SAP return-to-duty process.

The Town will adhere to the following terms, in accordance with 49 CFR Part 382.121:

- The Town will take no adverse action against a driver who admits to drug and/or alcohol use under the terms above.
- A driver who self-identifies under this program will be given reasonable time to obtain the required assessment and assistance. Under independent authority, the Town requires the assessment process to be initiated within three (3) days of the driver's disclosure.
- A driver who complies with all requirements, and who complies satisfactorily with the EAP's

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recommendations for assistance, will be permitted to return to safety-sensitive functions.

- A driver who cooperates and successfully complies with this program will not be considered to have had a U.S. DOT violation of prohibited conduct under 49 CFR Part 382, Subpart B.

FINANCIAL ISSUES

Re-testing at the Employee's Expense

U.S. DOT regulations provide for a "split sample" procedure which requires a portion of each urine specimen to be retained in a separate, sealed container. An employee whose urine test is positive or diluted may request that the split sample be tested at a separate laboratory meeting the required Federal certification. U.S. DOT regulations require that the employee makes such request within seventy-two (72) hours of learning of a verified positive or diluted test.

All costs associated with split sample testing must be prepaid by the employee, including shipping and handling, transportation, testing and reporting to the MRO. If the result of the split sample test is negative, these costs will be reimbursed to the employee. Additionally, the employee will be reinstated with no loss of seniority and paid for appropriate back wages.

If any treatment is prescribed, any cost not covered by insurance will be at the expense of the individual.

ADDITIONAL REQUIREMENTS

Contact Person

U.S. DOT regulations require that a single contact person be identified to answer questions about this policy. For purposes of this policy, the contact person will be the Assistant Director of Human Resources. This individual is designated to answer questions about this policy and the program in general.

Education and Training

Training for Employees

The Town will display and distribute to employees performing a safety-sensitive function educational materials on an annual basis explaining the requirements of the U.S. DOT Drug and Alcohol Testing Regulations and its policies and procedures. Employees and supervisors who perform a safety-sensitive function also will be provided with training on the effects and indications of drug use. Employees will be required to sign a form indicating that they have received a copy of the policies and procedures; the form will be kept on file.

Training for Supervisors

Supervisors responsible for determining when to administer reasonable suspicion tests will receive at least 60 minutes of alcohol awareness training and at least 60 minutes of drug awareness training

8.13 FEDERAL HIGHWAY ADMINISTRATION (FHWA) REGULATION ON DRUG USE AND ALCOHOL ABUSE

at the initiation of the program, with annual follow-up training thereafter.

Confidentiality Provision

Access to information contained in records created and retained as a result of this program is strictly limited in accordance with the Federal Transit Authority Regulations and HIPPA regulations. Testing records and results will be released only to those properly authorized to receive such information.

Disqualification of Drivers

A driver who is disqualified shall not drive a commercial motor vehicle.

A driver is disqualified for the duration of the driver's loss of his/her privilege to operate a commercial motor vehicle either temporarily or permanently, by reason of revocation, suspension, withdrawal or denial of an operator's license, permit or privilege is restored by the authority that revoked, suspended, withdrew or denied it.

A driver who receives a notice that his/her license, permit or privilege to operate a commercial motor vehicle has been revoked, suspended or withdrawn shall notify the Town of the contents of the notice before the end of the business day following the day the driver received the notice.

The driver may be disciplined up to and including termination upon disqualification and/or failure to notify the Town by the end of the business day following the day the driver received the notice.

Driving While Under the Influence (DUI)

Town of Greenwich policy requires a driver to notify his or her supervisor and the Designated Employer Representative (DER is within the Department of Human Resources) immediately upon receipt of a notice from the license holder's State Department of Motor Vehicles *or* a law enforcement officer that his *or* her driver license is or will be expired, canceled, suspended or revoked, or if there is a change in the license Class status. A twenty four hour automatic DUI suspension is considered a change in license status and must be reported. The time period between an automatic suspension and an administrative DMV hearing, when a license is not technically suspended, will be enforced as a period when driving permissions on Town business will be suspended until a decision has been made by the DMV.

8.13 FEDERAL HIGHWAY ADMINISTRATION (FHWA) REGULATION ON DRUG USE AND ALCOHOL ABUSE

8.14 IMPLEMENTING US COAST GUARD REGULATIONS REGARDING DRUG TESTING FOR MARINE EMPLOYEES

This policy is adopted in compliance with United States Coast Guard requirements concerning testing of marine crewmembers for dangerous drugs (CGD 90-043, 93-051 and 91-223).

The Town is required to test all marine crewmembers and particularly pilots (i.e. Ferry Captains) for the use of dangerous drugs and controlled substances (herein "drugs"). These regulations include a variety of drug and alcohol tests, including but not limited to pre-employment, reasonable suspicion, random, periodic, return to duty and follow-up testing. This policy has been formulated to protect the safety and security of the public, employees, facilities and assets and is adopted in compliance with the mandates of the U.S. Coast Guard.

Procedures

Employees covered under the U.S.C.G. regulations are required to participate in the Town's DOT Drug and Alcohol Testing Program, which covers pre-employment, reasonable suspicion, random, return to duty and follow-up testing (see Policy 8.15 - Federal Highway Administration (FHWA) Regulations on Drug Use and Alcohol Abuse). Marine employees who serve as crewmembers are subject to all procedures, terms, and conditions of this aforementioned policy. In addition, the Town will conform to U.S.C.G. requirements for "periodic" testing, as defined in Section 16.220 of the U.S.C.G. Federal Register:

Periodic Testing Requirements

An applicant for original issuance or renewal of a license or a certificate of registry, a raise in grade of a license or COR, an original issuance of a merchant mariner's document, the first endorsement as an able seaman, lifeboat man, qualified member of the engine department or tanker man or a reissuance of an MMD with a new expiration date shall be required to pass a chemical test for dangerous drugs. Such testing shall be done in accordance with established drug-testing procedures through the Department of Human Resources.

Test results must be provided to the Coast Guard Regional Examination Center at the time of submitting an application. The test results must be completed and dated not more than 185 days prior to submission of the application.

Consequences of a Positive Test Result

Pursuant to Town policy, a positive periodic drug test may result in immediate termination. If, at the discretion of the Town, said employee is not terminated, the employee shall be removed from

license-required work (safety-sensitive work) and will be subject to assessment, rehabilitation, follow-up and return to duty testing procedures as applied to employees following random testing.

This Town controlled substance testing program applies to all marine employees and volunteers who perform safety-sensitive functions and all applicants or an incumbent employee seeking transfer to crewmember or safety-sensitive positions. Participation in this drug-testing program is a condition of employment for each employee covered by the U.S.C.G. regulations.

8.15 INTERNAL SOLICITATION

It is the policy of the Town that most forms of solicitation on Town property or during work time are prohibited. The Town may in its sole discretion, make exceptions to this policy when it is determined to be in the best interest of the Town (e.g. United Way fund drive).

Solicitation means any verbal or written communication which encourages, demands or requests a contribution of money, time, effort or personal involvement in any enterprise. This includes, but is not limited to charitable or personal profit activities such as, selling products of any kind, raffle tickets, admissions to events and donations to assist persons experiencing a personal crisis.

All solicitations of employees, either by Town employees or others, require prior written approval by the Director of Human Resources at the recommendation of the Department Head.

Employees may not initiate any fundraising and/or solicitation activities until written authorization has been obtained.

When approval has been granted, employees must restrict activities in connection with approved fundraising, such as money collection and product distribution, to lunch breaks, before, or after working hours.

The Town's interoffice and email systems may not be used to communicate information about these types of fundraising activities. Employees may post sales information on employee bulletin boards, in lunch rooms or break rooms.

8.16 NO PET POLICY

EMPLOYEES AND MEMBERS OF THE GENERAL PUBLIC HAVE A RIGHT TO WORK AND CONDUCT BUSINESS IN A MUNICIPAL BUILDING WITHOUT CONFRONTING DOMESTIC ANIMALS, EITHER LEASHED OR FREE.

ALL DOMESTIC ANIMALS ARE PROHIBITED THROUGHOUT TOWN HALL. EXCEPTIONS ARE:

- SERVICE ANIMALS SUCH AS GUIDE DOGS, SIGNAL DOGS, OR OTHER ANIMALS INDIVIDUALLY TRAINED TO PROVIDE ASSISTANCE TO AN INDIVIDUAL WITH A DISABILITY AS DEFINED UNDER THE AMERICANS WITH DISABILITIES ACT AMENDMENTS ACT (ADAAA).
- DOMESTIC ANIMALS USED IN CONJUNCTION WITH POLICE DEPARTMENT ACTIVITY AND/OR TOWN HALL SECURITY.

DOMESTIC ANIMALS WILL NOT BE PERMITTED IN ANY RESTROOM, PRIVATE OFFICE, LOUNGE OR SIMILAR AREA. SIGNS PROHIBITING ANIMALS WILL BE POSTED IN PUBLIC AREAS.

DEPARTMENT HEADS WILL BE RESPONSIBLE FOR COMMUNICATING THE POLICY TO ALL EMPLOYEES AND FOR IMPLEMENTING THE NO PET POLICY.

THIS POLICY APPLIES TO ALL EMPLOYEES AND VISITORS OF TOWN HALL.

Related Links:

- American's with Disabilities Act: <http://www.ada.gov/>
- **U.S. Department of Justice**, Civil Rights Division, *Disability Rights Section* FAQ regarding Service Animals: <http://www.ada.gov/qasrvc.htm>

8.17 NO SMOKING POLICY

Employees have a right to work in a smoke-free environment and Connecticut General Statute Sec. 19a-342 requires that employers establish rules governing smoking in places of business.

Smoking is prohibited throughout Town Hall and all other town buildings and offices. Smoking will be allowed in designated areas outside office buildings and other work locations as allowed by law. Smoking will not be permitted in rest rooms; private offices, lounges and similar areas. No Smoking signs are posted in all public areas.

Department heads will be responsible for communicating this policy to new employees and for implementing the No Smoking Policy on a consistent basis in all work sites.

Anyone wishing to stop smoking is encouraged to contact the Department of Health to receive proper advice and consultation.

The Town prohibits all vendors operating on town owned or operated properties from selling smoking materials. No cigarette machines will be located on any town property. The above policy applies to employees and visitors.

Related Links:

- Connecticut General Statute Sec. 19a-342
<http://www.ct.gov/dph/cwp/view.asp?a=3137&q=388054>

8.18 SOCIAL NETWORKING AND OFF-DUTY STATEMENTS ADVERSERLY AFFECTING WORK OPERATIONS OR WORKPLACE RELATIONSHIPS

This policy relates only to off-duty statements by Town employees. It does not apply to statements made in the course of exercising employment duties. As to conduct and statements made by all Town employees in the course of their employment duties, see the Town's Standards of Conduct and Principles of Behavior, Ethics Policy 8.7.

This Policy shall not be applied to protected concerted activity to the extent provided by the Municipal Employee Relations Act.

DEFINITIONS

For purposes of this policy, the term "off-duty" statements means verbal, written and electronic communications made by Town employees off-duty including, but not limited to, social networking.

For purposes of this policy, the term, "social networking" includes all types of postings on the Internet not related to a Town employee's employment duties, including but not limited to social networking sites, (such as Facebook®, My Space® or Linked In®); blogs and other on-line journals and diaries; bulletin boards and chat room; and micro blogging such as Twitter®; postings of video on YouTube® and similar media. Social networking also includes permitting or not removing postings by others where an employee can control the content of postings, such as on a personal profile or blog.

POLICY

1. Social networking for personal purposes using the Town's computer resources is prohibited. See Town of Greenwich Computer Resources Policy 8.8.
2. The Town's logo, trademarks or other proprietary graphics or photographs are property of the Town of Greenwich and may not be published in social networking or in any other manner without prior written permission.
3. Requests for references or recommendations relating to Town employment including those that are received outside the work place through social networking, must be handled in accordance with the Town's standard policy for responding to such requests. Contact the Department of Human Resources for specific direction in this regard.
4. The following standards and procedures shall apply with respect to off-duty statements made by Town employees outside of their employment duties:
 - a. Town employees have the legal right to engage in political activities as provided by law and those legal rights are not restricted by this policy. See Conn. Gen. Stat. 7-421 and 7-421 b.
 - b. With respect to off-duty statements made by employees, the Town of Greenwich generally recognizes and affirms the protected rights of Town employees to freely speak as to private

8.18 SOCIAL NETWORKING AND OFF-DUTY STATEMENTS ADVERSELY AFFECTING WORK OPERATIONS OR WORKPLACE RELATIONSHIPS

matters and to freely speak as citizens with respect to matters of legitimate public concern on their own time and in non-work areas to the full extent provided by law. This includes speech or communications in the course of social networking whether it is public or private communications.

- c. Town employees should exercise care, however, to designate that their off-duty statements relating to Town matters are their own statements as citizens and that their views do not represent official communications authorized by the Town of Greenwich.
- d. In addition, the Town of Greenwich has an important interest in carrying out its various functions as a government agency, in the efficiency of those operations, in promoting safe and harmonious workplace relationships, and in promoting excellence in municipal government generally including adequate job performance by its staff. The Town has a legitimate interest, as an employer, in the professionalism of its employees and the appropriate conduct of Town business by its staff as part of the efficient and successful operation of municipal government functions including successful working relationships. Thus, Town employees are required to conduct themselves in a professional manner in the course of their duties when interacting with the public and other employees. See Ethics Policy: Standards of Conduct and Behavior 8.7. In addition, insubordinate, offensive or inappropriate speech or statements made off-duty which do not concern matters of legitimate public concern but adversely affect the work place or have the potential to adversely affect the workplace may be subject to discipline.
- e. Speech or other communications by Town employees made outside of their employment duties that relate to matters of legitimate public concern may be subject to discipline in those instances where such off-duty statements have a risk of disrupting or interfering with workplace operations or detracting from the effective operation of Town business, and/or undermining workplace relationships, or where there is a substantial or material interference with bona fide job performance. When such conduct is reported, reasonable care shall be taken by the Director of Human Resources or his/her designee, in consultation with the Town Attorney, to investigate the form, content, manner and circumstances of the speech or writing and its likely effects. In the course of such investigation, the Director of Human Resources may review statements reported or submitted and may also review other relevant publicly available statements and consider other related evidence as appropriate. A record of the evidence relating to the charge shall be maintained. In instances where public statements may involve legitimate matters of public concern, no disciplinary action shall be taken before the employee has an opportunity to be heard regarding the charge. No employee shall be subject to discipline or termination on account of the exercise by such employee of rights guaranteed by the first amendment to the United States Constitution or section 3, 4 or 14 of article first of the Constitution of the state unless, after investigation and hearing in accordance with this policy, it is determined that such activity substantially or materially interferes with the employee's' bona fide job performance or the working relationship between the Town and the employee. (See Disciplinary Policy and Procedure 12.3 and 12.4).

8.18 SOCIAL NETWORKING AND OFF-DUTY STATEMENTS ADVERSELY AFFECTING WORK OPERATIONS OR WORKPLACE RELATIONSHIPS

- f. With respect to the Greenwich Police officers the particular provisions of the Greenwich Police Manual and the departmental procedures and provisions of the applicable collective bargaining agreements shall control with respect to internal affairs investigation and discipline of statements made by Greenwich Police officers outside the course of employment duties. In such circumstances the Chief of Police shall inform the Director of Human Resources regarding proposed discipline.
- g. Statements by Town employees that are not false, that seek to expose wrongful governmental activity are protected and employees may communicate freely concerning such issues outside of work or internally in accordance with the Whistleblower Policy 8.28 and Ethics Policy 8.7. In addition, employees are required to report issues concerning actual or suspected financial irregularities to the Town. (See Whistleblower Policy 8.28 and BET Reporting Financial Irregularities Policy on the Town's website at http://greenwichct.virtualltownhall.net/Public_Documents/GreenwichCT_Estimate/betPolicies/betFinancialIrregularities.pdf).
- h. Except when a Town employee knows a report is false, the Town shall not terminate, discipline or otherwise penalize any employee because the employee, or a person acting on behalf of the employee, reports, verbally or in writing, a violation or a suspected violation of any state or federal law or regulation or any municipal ordinance or regulation to a public body, or because an employee is requested by a public body to participate in an investigation, hearing or inquiry held by that public body, or a court action. Except when a Town employee knows a report is false, the Town shall not terminate, discipline or otherwise penalize any employee because the employee or a person acting on behalf of the employee, reports, verbally or in writing, to a public body concerning the unethical practices, mismanagement or abuse of authority by such employer. (See Town's Whistleblower Policy, Section 8.28 and Ethics Policy 8.7). The foregoing applies to all Town employees including, but not limited to Greenwich Police officers and applies whether the report is made inside or outside the workplace. See Conn. Gen. Stat. §31-51 m.
- i. The Town retains the right to report suspected unlawful conduct by any Town employee to appropriate law enforcement authorities.

Questions regarding this policy or its application to specific issues should be directed to the Department of Human Resources.

8.19 OUTSIDE EMPLOYMENT

- I. No public official or Town employee shall, while serving as such, have any financial interest in,

or engage in, any business, employment, transaction or professional activity, which is in substantial conflict with the proper discharge of his duties or employment in the public interest.

No public official or Town employee shall accept other employment which will either impair his independence of judgment as to his official duties or employment or require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.

No public official or Town employee may hold a second job outside of Town government concurrently with their public service, in any private business or undertaking, the attention to which affects the time or quality of their work or which casts discredit upon the town. Such employment by a Town employee may be cause for disciplinary action.

No public official or Town employee shall accept appointment to any County, State or Municipal office or position or otherwise incur an obligation of public service outside his or her regular Town employment without first notifying his/her appointing authority or the Director of Human Resources. The notification will ensure the office or position complies with this policy on behalf of the employee and the Town. Under certain circumstances the Director of Human Resources may seek an opinion from the Board of Ethics.

II. Public officials and Town employees may hold a second job concurrently with Town employment, as long as they are in compliance with the statements in I above and the guidance given below:

- Outside employment is permissible if the outside employment is conducted outside of regular work hours and off any Town of Greenwich premises. Premises are defined as those locations where typical Town government operations are conducted, including education, on a routine basis by Town employees.
- Outside employment/second job does not interfere with the performance of the employee's duties or responsibilities for the Town; and
- Outside employment/second job does not interfere with the employee's approved Town work schedule.

III. Employees applying for or holding second jobs must notify their supervisor immediately if any of the following occur:

- The outside employment is not in compliance with Human Resources Policy 8.22 as stated above.
- The employment is in the same professional field as his/her employment with the Town.
- The outside employment has a potential to present a real or perceived conflict of interest.

The supervisor, Department Head and Human Resources Director will review each situation under III above on a case by case basis and determine whether or not approval will be granted. Under certain circumstances the Director of Human Resources may seek an opinion from the Board of Ethics.

8.19 OUTSIDE EMPLOYMENT

PROCEDURE FOR SECTION III

The procedure to notify supervisors and request a review is as follows:

1. The employee submits to their supervisor or Department Head the name of the firm or business enterprise. A description of the nature of the outside employment including the duties, responsibilities and approximate number of hours per week involved.
2. The supervisor or Department Head will make a recommendation to the Human Resources Director. The Human Resources Director will verify with the Purchasing Department if the firm or business enterprise conducts business with the Town. Under certain circumstances the Human Resources Director may seek an opinion from the Board of Ethics.
3. The employee will be notified of the final determination by the Human Resources Director.

So long as an employee is engaged in outside employment under the procedures outlined in Section III above, the employee is responsible to ensure that the application for outside employment has been made and approved, is maintained in his or her personnel file and is updated when necessary to show any changes in the nature of the outside employment.

The impact of outside employment will be reviewed in connection with performance reviews and any consideration of promotion, transfer or other change in status. No change in status will be permitted while an individual is engaged in outside employment unless there is a determination that the outside employment will continue to be suitable in light of the employee's new duties and responsibilities to the Town.

Permission for outside employment will only be granted based on a showing that the work will not conflict with or interfere with the employee's responsibilities to the Town.

NOTE: Full-time, non-exempt employees of the Town may be employed in another Town position providing they are paid overtime pay at time and one-half their hourly wage rate for all hours worked in excess of forty (40) hours per week. See Town Policy 5.5 'Overtime Payments – Non-Exempt Working More Than One Town Position' for calculation of overtime hourly rate. This policy does not apply to exempt employees, sporting activities or emergencies.

8.20 TELEPHONE USAGE POLICY

The Town recognizes that occasionally it is necessary for employees to make or receive personal telephone calls during working hours. Employees are to restrict their personal telephone usage to reasonable local incidental calls that do not interfere with the employee's work. Excessive personal telephone usage may result in counseling and/or discipline. Individual departments may establish rules further limiting or monitoring the use of Town telephones.

8.21 VEHICLE USE POLICY AND PROCEDURE

The purpose of the Vehicle Use Policy and Procedure is to define the conditions under which the Town assigns vehicles to specific positions and employees to assist them in fulfilling their position responsibilities; specify the Town standards for employees who operate vehicles on Town business; control usage so that it is restricted to municipal business only; and reduce the Town's liability exposure from the use of such vehicles. As a public agency, it is important that all reasonable measures be taken to mitigate the frequency and severity of all accidental losses, including losses that arise out of the operation of motor vehicles.

DEFINITIONS

- ***Moving Violation*** refers to a violation of the Connecticut Vehicle Code that results from or occurred during the operation of a motorized vehicle while the employee was the operator.
- ***Preventable Accident*** means any motor vehicle collision or other operation of a vehicle driven on Town business that resulted in property damage, personal injury, or both in which the employee failed to do everything reasonable to prevent the accident, as determined by the Department Head or designee.

SCOPE

This policy pertains to all employees of the Town whether full-time, part-time, temporary, or seasonal employees who drive any vehicle on Town business. This policy also includes volunteers working for the Town.

BACKGROUND

The operation of vehicles is required in many aspects of town government service. How each vehicle is operated affects the image of the Town and has an effect on the Town's liability exposures. Accidental damage to Town vehicles causes a waste of taxpayers' funds. In addition to direct costs paid for the repair of damaged vehicles, costs may be incurred for medical expenses as well as the indirect costs of loss of vehicle use; loss of employee productivity, and costs of administering claims. The Town strives to project a professional image to the community and have all Town employees represent the Town in a professional manner and to prevent accidents and injuries whenever possible in order to minimize the economic waste and human suffering that results.

POLICY

1. It is the policy of the Town to provide vehicles to employees to be used to assist them in fulfilling their duties and responsibilities and to provide reimbursement to employees as outlined in this policy when they use their personal vehicles to conduct Town business.
2. It is the policy of the Town for all employees utilizing a vehicle to conduct Town business to eliminate conditions that adversely affect the well being of employees or the Town or that lead to a waste of economic resources through accidental loss.

8.21 VEHICLE USE POLICY AND PROCEDURE

3. Employees shall operate all vehicles used for Town business in a safe, courteous and lawful manner. The following practices will be followed:
 - a. All drivers will have a current, valid driver license for the type of vehicle operated. Connecticut statutes will apply to determine whether out of state licenses are valid in this state.
 - b. All applicable motor vehicle laws will be obeyed. This includes complying with the laws governing the use of cell phones or texting devices while driving. Any traffic or parking citations shall be the responsibility of the driver. Moving violations while driving on Town business may be cause for discipline.
 - c. No unauthorized passengers will be allowed to ride in a Town-owned vehicle at any time without the advance approval of the department head. "Unauthorized passenger" means a passenger who has no Town business reason for being in the vehicle. Examples of unauthorized passengers are family members or friends of employees or hitchhikers. Only Town employees are authorized to drive Town-owned vehicles on a routine basis. In an emergency, a Town employee may authorize another Town or public agency employee or a licensed adult family member of the employee to drive a Town-owned vehicle. Examples of emergencies where delegation of the driving may be appropriate are, when the employee has been injured or has taken ill while on a trip and the employee believes it would be safer for another driver to operate the vehicle. The employee when delegating driving responsibility shall use the **utmost discretion**.
 - d. Seat Belts: Both lap and shoulder belts if the vehicle is so equipped will be worn at all times pursuant to Connecticut Law.
 - e. All vehicle operations resulting in personal injury or property damage will be reported pursuant to the Town's Vehicle Accident Reporting Policy and Procedure.
 - f. Town-owned vehicles are for official use only. Department heads or supervisors should be informed of and approve any requests to conduct incidental personal errands in a Town owned vehicle while in route to or from Town business.
 - g. Town-owned vehicles shall not be taken home overnight except with the advance approval of the Department Head or the First Selectman. Exceptions to this rule are noted in Appendix A.
 - h. Town-owned vehicles may be used for travel to meals when an employee is on business and driving to obtain his or her personal vehicle would result in an unnecessary and wasteful expenditure of time and money.
 - i. Vehicles used on Town business will be operated only when they are in safe operating condition. Deficiencies in Town-owned vehicles shall be immediately reported to the Fleet Department.
4. The privilege of operating a Town vehicle on official business may be revoked if the operator fails to drive in a safe, courteous and lawful manner or conducts him/herself in a

8.21 VEHICLE USE POLICY AND PROCEDURE

manner unbecoming to the image of the Town. Involvement in a preventable accident may be cause for disciplinary action, a change in driving assignments, and required participation in a driver-training course as determined by the supervisor or department head.

5. Any employee performing work which requires the operation of a vehicle must notify his or her supervisor and the Department of Human Resources immediately upon receipt of a notice from the license holder's State Department of Motor Vehicles *or* a law enforcement officer that his *or* her driver license is or will be expired, canceled, suspended or revoked, or if there is a change in the license Class status. A twenty four hour automatic DUI suspension is considered a change in license status and must be reported. The time period between an automatic suspension and an administrative DMV hearing, when a license is not technically suspended, will be enforced as a period when driving permissions on Town business will be suspended until a decision has been made by the DMV. No disciplinary action will be taken on an employee during the waiting period before the administrative hearing other than a suspension of an employee's permission to drive on Town business. If a change in license status is enacted by a license holder's State DMV, such a person may be able to continue driving on Town business depending upon the reason for the change in the driver license status and if he or she is able to obtain an occupational permit from the Motor Vehicles Division. Failure to report such information may be cause for disciplinary action up to and including termination.
6. The Town will conduct annual checks of all applicable States' Department of Motor Vehicles records on employees authorized to drive on Town business. Such records will be available upon request to the driver, the driver's supervisors and the department head.
7. Personal vehicles may only be used on Town business, and mileage reimbursement collected for that reason when there is an approved "Request to Use Private Vehicle" form filed with the Department of Human Resources. Any employee using a personal vehicle on Town business shall maintain automobile liability insurance as required by the State of Connecticut or the State where the employee resides and the vehicle is registered. Employees using personal vehicles on Town business do so at their own risk and should notify their insurance companies of such use. The employee's insurance shall be primary and any insurance *or* self-insured program carried by the Town shall only apply in excess on any loss occurring in the course and scope of employment. No Collision, PIP, Uninsured Motorist or Comprehensive coverage is provided by the Town for privately owned vehicles. Medical coverage is limited to that which is provided by the employee's health insurance coverage or workers' compensation.

PROCEDURE

The considerations given to the initial selection of drivers, and the monitoring of the driving records of authorized drivers, are measures that are likely to reduce the future liability of the Town that result from motor vehicle accidents. Accordingly, the Town will use certain measures to help accomplish the purpose of this policy. Examples of such measures are:

1. Drivers *may* be considered qualified to drive on Town business when they possess a driver license of the proper Class that is valid in Connecticut. Licenses that have been canceled

8.21 VEHICLE USE POLICY AND PROCEDURE

suspended or revoked will be considered invalid. Drivers with a suspended, invalid or revoked driver's license whose position requires a Driver's License and/or CDL will be deemed unqualified for their position and subject to discipline up to and including termination.

2. Prospective new employees, who are required to drive as part of the minimum requirements for the position applied for, may be made an offer of employment conditioned upon satisfactory evidence of the ability to drive safely. Human Resources will perform motor vehicle records checks for all new full-time employees. The result of the motor vehicle record check and the new employee's driver's license will be forwarded to the Risk Management/Finance Department.
3. The Risk Management/Finance Department will maintain the driver license information and will conduct a motor vehicle record check on an annual basis. The results will be reported to Human Resources for necessary action.
4. The Department of Human Resources will distribute the "Authorized Drivers List" to all Department Heads bi-annually. Only approved individuals may drive on Town business. Employees may be added to the "Authorized Drivers List" by submitting their name to the Director of Human Resources so that their license may be verified.
5. Motor vehicle record checks which are verified as suspended or revoked or indicate an infraction will be reviewed by the Department of Human Resources who will provide guidance on the procedure to follow based on the type of infraction discovered.

Examples of instances when drivers may be considered unqualified to drive a Town Vehicle:

- a. License suspension or revocation;
 - b. Endorsement suspension or revocation;
 - c. License class suspension or revocation;
 - d. The waiting period between an automatic Police Department 24 hour suspension and the hearing date with the Department of Motor Vehicles.
 - e. Have had more than two accidents within the last five years;
 - f. Have been convicted of any traffic crime or other crime involving the use of a motor vehicle within the last five years.
 - g. When an issue of fitness to drive arises because of apparent illness, injury or impairment.
6. Employees, supervisors, managers and Department Heads are required to report changes in the status of driver licenses to the Department of Human Resources as such changes become known.

TAXABILITY OF THE VALUE OF TOWN-FURNISHED VEHICLES

Effective December 1, 1986, as required by the Internal Revenue Service, the Town will report as taxable to the employee, the value of commuting to and from work in Town-furnished vehicles.

8.21 VEHICLE USE POLICY AND PROCEDURE

Note: Employees using Town vehicles designated and equipped for emergency response such as Fire and Police vehicles are exempt from this taxation.

The Town will follow the special rules that allow for commuting of either a flat charge or per mile at the employee's option. Each employee, through the Department Head, should notify Human Resources of the option selected and, in the case of the cent-per-mile; the commuting miles should be indicated. No employment taxes other than Social Security (FICA) will be withheld but the benefit value will be included in the employee's W-2 at year-end. The amount reported in the W-2 will be based on commuting 225 days a year. If, for any reason the commuting days are significantly different, it will be up to the employee to obtain his/her department head's written verification and to notify the Director of Human Resources in writing prior to December 31st of each calendar year.

APPENDIX A

Except as stated in this policy, municipal vehicles cannot be used for personal use except for commuting to and from work or to and from work related functions required to conduct Town business for those employees where the position duties are *on call 24/7* such as police and fire or other positions that are required to provide emergency "call-in" responsibilities. Any deviations from this policy for police and fire personnel will be treated judiciously and with the approval of the Department Head or Commissioner.

There are a number of represented and unrepresented Town employees that have, as a condition of their employment, take home Town vehicles on a 24/7 basis that do not necessarily fall into an 'on call' or 'emergency call in' status employee. These employees are still subject to the policy regulations for using a Town vehicle as indicated in this policy with the exception that they are permitted to use the vehicle to commute to and from work or work related functions to conduct Town business.

ADDITIONAL RESOURCES

Please refer to the Purchasing Department for more information regarding the Car Pool Program.

8.22 TOWN VEHICLE IDENTIFICATION POLICY

The purpose of the Town Vehicle Identification Policy is to ensure that all Town vehicles are appropriately marked at all times so as to be identified as belonging to Town government and to prohibit the placing of non-approved markings on Town vehicles.

DEFINITIONS

- *Markings* refer to the Town seal, signs, decals, stickers, posters or any other material that is affixed or otherwise placed on or in a Town vehicle.
- *Vehicles* refer to all motor vehicles, vans, trucks, heavy equipment, fire apparatus and marine vehicles either owned or insured by the Town.

SCOPE

This policy pertains to all vehicles owned or insured by the Town and to all employees of the Town full-time, part-time, temporary and seasonal employees and to volunteers working for the Town.

POLICY

1. All Town vehicles shall have approved markings so as to be identified as belonging to the Town of Greenwich at all times.
2. Town vehicles may only display markings which have been approved by the respective department head and the First Selectman. Department heads shall only approve markings which identify the vehicle as a Town-owned vehicle or for other business or operational necessity.
3. The First Selectman has the final authority to approve all vehicle markings and/or make exceptions to this policy.
 - a. Exceptions may be made for (i) police vehicles when required for operational necessity, (ii) special events and other occasions which the Town or department is a participant, (iii) other appropriate business reasons.
4. Employees are prohibited from removing authorized markings and license plates from Town vehicles or otherwise defacing or obscuring such markings or license plates.
5. Employees shall not display non-approved markings on Town vehicles.
6. Employees found in violation of this policy shall be subject to discipline

PROCEDURE

Department Heads shall forward to the Fleet Director a list of approved markings for vehicles assigned to their department.

Department Heads shall have the primary responsibility for enforcement of this policy. Employees are to report any non-approved markings on an assigned vehicle to his or her department head.

Any non-approved markings displayed on a Town vehicle will be removed by the respective department or the Fleet Department when discovered or when the vehicle is in for service.

The respective department and/or the Fleet Department shall be responsible to ensure that all vehicles are properly marked. In the event the markings become illegible the department head is to contact the Fleet Department and schedule an appointment to make the markings legible or to be replaced. The Fleet Director will be the single point of contact for maintaining an inventory of Town seal transfers suitable for marking Town vehicles.

8.23 SEXUAL HARASSMENT

PURPOSE

Sexual harassment is a form of sex discrimination prohibited under Title VII of the Civil Rights Act of 1964 and the Connecticut Discriminatory Employment Practices Act. The Town's policy regarding sexual harassment is to create and maintain a working environment free of sexual harassment by providing procedures to present and to resolve sexual harassment concerns perceived and/or proven to exist.

This policy applies to all employees and volunteers of the Town. This includes all full-time, part-time, temporary and seasonal employees. The policy covers harassment between supervisors and subordinates, between employees, by employees outside the workplace while conducting Town business, and by non-employees while conducting business in the Town's workplace.

POLICY

The Town is committed to providing a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices including sexual harassment and inappropriate sexual conduct. Sexual harassment of employees and any other person, as well as, inappropriate sexual conduct is prohibited and will not be tolerated in the workplace.

For the purposes of this policy, sexual harassment is deemed to include, but is not limited to, any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature whenever:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct is used as the basis for employment decisions affecting such an individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of the types of behaviors which may violate this policy include, but are not limited to, making the following kinds of unwanted or unwelcome contact of a sexual nature, whether written, verbal, physical and/or visual contact of a sexual nature. Examples include:

1. Written: suggestive or obscene letters, notes, e-mails;
2. Verbal: derogatory or suggestive comments, slurs, jokes, or epithets of a sexual nature, inappropriate comments concerning appearance;
3. Physical: sexually suggestive touching, kissing or other body or inappropriate physical contact;
4. Visual; sexual gestures, derogatory or degrading posters, objects, pictures, magazines, cartoons;

8.23 SEXUAL HARASSMENT

5. Requests: propositions or pressure to engage in sexual activity, unwanted repeated sexual advances or unwanted expressions of sexual interest.

In addition, sexual harassment may consist of threats or suggestions that continued employment, advancement, assignment or earnings depend on whether or not the employee will submit or tolerate harassment. Conduct may constitute sexual harassment whether or not the individual subject to such conduct voluntarily submits to unwelcome or unwanted sexual advances or requests.

The Town will promptly investigate all complaints of sexual harassment. Furthermore, the Town will take immediate corrective action when an investigation leads to a determination that sexual harassment has occurred or is occurring. Employees found in violation of this policy shall be subject to appropriate disciplinary action, which may include termination.

The Town of Greenwich and its employees shall not retaliate against or take any adverse employment action against any individual who reports a violation of this policy or who participates in an investigation of an alleged violation of this policy.

PROCEDURE

It is the responsibility of all employees to adhere to this policy at all times and to report to their supervisors any violations of the policy of which they become aware. It is the responsibility of supervisors to take prompt action in investigating complaints of sexual harassment and to take such other actions as necessary to provide an appropriate work environment for employees. The Department of Human Resources is responsible for the distribution of this policy to all newly hired employees. All Department Heads are responsible for ensuring that this policy is visibly posted in all work areas and working collaboratively with the Department of Human Resources to see that the policy is distributed to all newly hired part-time, temporary and seasonal employee.

Connecticut General Statutes 46a-54(15) require a minimum two hour training program for supervisory employees within six months of hire. The Department of Human Resources assumes responsibility for providing the required training for supervisors and/or identifying and disseminating information regarding such training programs. It is a Supervisor's responsibility to attend the required training program provided by the Department of Human Resources or make arrangements to attend other training opportunities identified by the Department of Human Resources. This statutory training is a term and condition of employment for all supervisory employees. Failure to satisfy the training requirement within the prescribed time frame shall constitute misconduct and shall result in appropriate disciplinary action.

All management and supervisory personnel who have received a report or complaint of a violation of this policy shall immediately report such information to the Director of Human Resources – Board of Education, the Director of Human Resources and/or the Affirmative Action Officer, who will make arrangements for the prompt investigation of the complaint.

8.23 SEXUAL HARASSMENT

To ensure compliance with this policy, all management and supervisory personnel are under an affirmative duty to report and take appropriate action regarding alleged claims of sexual harassment and inappropriate sexual conduct immediately at the time that they become aware of this issue, even if the victim of the alleged harassment does not desire to file a formal complaint. Supervisory and management personnel may be disciplined for failure to report such harassment or inappropriate conduct.

VICTIM RESPONSE

If an employee has been the victim of or observed sexual harassment or inappropriate sexual conduct in the workplace, he or she should clearly tell the harasser that such conduct is offensive and to stop the conduct.

If an employee has been the victim of or observed sexual harassment or inappropriate sexual conduct in the workplace, he or she should, must report the conduct as soon as possible after the alleged harassment occurs to any or all of the following:

1. The immediate supervisor or the first level of supervision who is not involved in the alleged harassment; or
2. The employee's department head; or
3. The Affirmative Action Officer; or
4. The Director of Human Resources, the Director of Human Resources – Board of Education.

CONFIDENTIALITY

All complaints, investigations and final actions shall remain as confidential as possible and shall be disseminated only to persons having a need or right to know such information. Employees involved in any investigation, whether as complainant, alleged harasser, witness or investigator, are required to keep all discussions or communications of this nature confidential.

Complainants have a responsibility to be prepared to be interviewed by, and candid with, those to whom they make a report of alleged sexual harassment and shall cooperate by setting forth all known information regarding any reported allegations. The Town will make efforts to protect confidentiality and retaliation against the complainant is prohibited. The deliberate failure to provide needed information known to the complainant regarding actual or suspected misconduct of another Town employee or official may mean no investigation will be initiated and/or, depending on the circumstances, in rare instances could be subject to disciplinary action.

Related Items

- HR Policy 12.1 Complaints Procedure.
- Title VII of the Civil Rights Act: http://www.eeoc.gov/laws/types/sexual_harassment.cfm

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- Connecticut Discriminatory Employment Practices Act (Section 46a-60(a)(8) of the Connecticut General Statutes): <http://www.cga.ct.gov/2005/pub/Chap814c.htm#Sec46a-60.htm>

8.24 VIOLENCE IN THE WORKPLACE

DEFINITIONS

Weapon - any firearm, including a BB gun, whether loaded or unloaded, any knife (excluding a small pen or pocket knife), including a switchblade or other knife having an automatic spring release device, a stiletto, any police baton or nightstick or any martial arts weapon or electronic defense weapon.

Dangerous Instrument - any instrument, article or substance that, under the circumstances, is capable of causing death or serious physical injury.

Confiscation of Weapons/ Dangerous Instruments - any weapon or dangerous instrument at the worksite will be confiscated and there is no reasonable expectation of privacy with respect to such items in the workplace.

POLICY

The Town strives to provide a safe, non-violent work environment. Therefore, the Town does not tolerate any type or act of aggression, including physical and/or verbal, threats, assaults or intimidations, by employees, other internal personnel, visitors or anyone else in the Town's workplace or on the Town's premises.

Actual or implied violence, threats of violence or menacing behavior by any employee by any means towards another employee, Town Official, contractor, vendor, supplier, resident or visitor, whether during work time or after hours, will be regarded as a serious violation of the Town's policy to promote a safe work environment. Such behavior is not only considered unacceptable, but will subject the perpetrator to disciplinary action, up to and including termination. In addition to disciplinary action, the perpetrator may be subject to criminal prosecution and civil suit.

Possession of firearms or weapons on Town property (including but not limited to buildings, vehicles or grounds) by anyone other than individuals authorized in writing by the First Selectman or the Chief of Police and active, sworn police officers authorized to possess firearms is absolutely prohibited.

PROHIBITED CONDUCT

Except as may be required as a condition of employment:

- No employee shall bring into any Town worksite any weapon or dangerous instrument as defined in this policy.
- No employee shall use, attempt to use, or threaten to use any such weapon or dangerous instrument at a Town worksite.
- No employee shall cause or threaten to cause death or physical injury to any individual in a Town worksite.

REPORTING PROCEDURES

Employees are required to confidentially report all violent or aggressive actions, vandalism or

8.24 VIOLENCE IN THE WORKPLACE

threatening acts to their supervisor and/or the Director of Human Resources. Responses to such reports shall be prompt and decisive. Most incidents of aggression involve immediate suspension, pending investigation.

Verbal threats, abusive language, vandalism, etc., will be investigated immediately by the supervisor and the Director of Human Resources.

Violations of this policy will not be permitted and may result in employee discipline up to and including dismissal and/or as appropriate criminal prosecution. In the case of such acts by outsiders, the Police Department will be contacted immediately.

Supervisors should be aware of the signs and symptoms of violence, and are responsible for conflict resolution, employee job counseling, proper security measures and procedures to follow. Training and support on this supervisory topic is available through the Department of Human Resources.

A referral to the Town's Employee Assistance Program (EAP) may be used by a Department Head when the circumstances warrant a referral, such as:

1. Employee has attempted or threatened work related homicide or suicide.
2. Employee threatens co-workers with violence.
3. Employee exhibits severe impairment or bizarre behavior on the job.

Request for assistance may emanate from a Department Head, Supervisor or Director of Human Resources. The EAP Coordinator may determine the need for further evaluation and recommend appropriate action to the department head. The EAP Coordinator will coordinate the fitness for duty evaluation when necessary and advise the Department Head, Supervisor and Director of Human Resources.

RESPONDING TO VIOLENCE

- In a trauma situation, the safety, security, and psychological well being of the victim and those surrounding the victim, as well as their families, is the prime concern.
- Securing the dangerous area or the perpetrator, as applicable, to avert further trauma will be of first-order importance.
- Communication about the event to employees in the worksite and to their families, when indicated, will be swiftly arranged and through Town officials rather than usual media processes.
- A major effort will be made to provide employees with as much factual information as possible about the event and to respond in an organized, systematic, and swift way to the proliferation of non-factual rumors about the traumatic event and its ramifications.
- Traumatic events generally create physical, psychological, and social symptoms of distress for victims, and incident debriefing intervention is available through EAP and will address all these facets. Immediate relatives of victims are also victims and should have access, through the EAP, to the same array of intervention services.

8.24 VIOLENCE IN THE WORKPLACE

- The appointing authority, First Selectman, or Police Department on-site at a scene will have responsibility for initiating a response to the event.
- Communication of specific trauma facts to the appointing authority and/or First Selectman in the department will be a first order of business, and that person will coordinate the various personnel activities and services that may be needed (e.g. medical, employee relations, substitute workers, communications, and family contacts).
- As early as possible, formal authoritative information will be given to all department employees about what has happened and what responses are being planned. A fact sheet is highly desirable, and verbal communication, in addition, is better still. Approval for release of this written communication will be effected through the Office of the First Selectman.
- Communication with the media will be the designated duty of one person, and all external communications should be made through that individual.
- Responsibility for contact with immediate relatives of victims should be designated by the appointing authority and/or First Selectman and, if the relatives are needed on site, transportation should be made available for them.

8.25 TOWN EMPLOYEES SERVING AS VOLUNTEER FIREFIGHTERS

In a continuing effort to support the Town's Volunteer Fire System and the Fire System of bordering communities of Greenwich, the following policy is adopted:

Any Town employee who, according to Fire Department records, is an active volunteer firefighter may respond to confirmed structural fires after notifying their immediate supervisor. As with other outside employment practices (Policy 8.22), volunteer service should not negatively impact the department operations nor significantly interfere with the quality of the employees work. Sworn officers of the Greenwich Police Department and Greenwich Fire Department, who are also volunteer firefighters, are not authorized to respond to volunteer calls while on duty.

All Department Heads with employees who are active volunteer firefighters shall establish notification and record keeping procedures consistent with this policy. The Volunteer Firefighter Report Form, located on the 'T' drive, should be sent to the Greenwich Fire Chief's office for verification immediately after the incident. Once verified it is returned to the employee's department for wage approval.

Volunteer Firefighters are not considered Town Employees.

8.26 WHISTLE BLOWER POLICY

Definitions

Whistleblowing - reporting what **one reasonably and genuinely believes** is wrongdoing by another Town employee, official or volunteer in the course of his or her employment or service for the Town. Wrongdoing includes actual or suspected mismanagement, dishonesty, fraud, neglect, falsification of records, unauthorized use, or other forms of misconduct and/or violation of laws and/or rules or policies.

REPORTING PROCESS

Any person having knowledge of any matter involving corruption, unethical practices, violation of Town, County, State or Federal laws or regulations, fiscal irregularities (www.greenwichct.org/BET/BoardEstTaxation.asp) or any action involving for example, but not limited to, mismanagement, waste of funds, abuse of authority, danger to the public safety or health, malfeasance, bribery, theft of government property, fraudulent claims, fraud, coercion, malicious prosecution, misuse of government property, or willful omission to perform duty, or is economically wasteful, or involves gross misconduct, incompetency, or inefficiency occurring in any Town department or agency or any quasi-public agency, board or commission of the Town or any contractor (in the course of performing Town business), must report such matter(s) to the Town Director of Human Resources who shall investigate and report their findings to the Town Attorney and the appropriate Appointing Authority.

REPORTING GUIDELINES

If an employee has knowledge or a concern as defined above the employee should use the following guideline for reporting:

- If the matter does not involve an immediate supervisor then an employee can report the concern to him/her.
- If the matter does involve an immediate supervisor or, if an employee prefers, he/she may report the concern to the next person in the chain of command up to and including the Department Head.
- If an employee believes that multiple levels in the chain of command may be involved or, if the employee prefers, an employee may go to the level with which he/she feels most comfortable including the Ethics Board (www.greenwichct.org/Ethics/Ethics.asp), the Director of Human Resources or the Town Attorney.
- If the matter involves fiscal irregularities as defined in BET policy (www.greenwichct.org/BET/BoardEstTaxation.asp) the matter must be reported immediately to the Department Head or, if the employee prefers, the matter may be directed to the Chair of the BET, the Chair of the Audit Committee of the BET, the Director of Human Resources or the Town Attorney.
- Wrongdoing may also be reported by employees to the appropriate County, State, or Federal Agency.

8.26 WHISTLE BLOWER POLICY

- “Whistleblowers” have a responsibility to be prepared to be interviewed by, and candid with, those to whom they make a report of alleged improper activities and shall cooperate by setting forth all known information regarding any reported allegations. The Town will make efforts to protect confidentiality and retaliation against the “Whistleblower” is prohibited (See paragraphs below regarding “Confidentiality” and “Retaliation”). The deliberate failure to provide needed information known to the “Whistleblower” regarding actual or suspected misconduct of another Town employee or official may mean no investigation will be initiated and/or, depending on the circumstances, in rare instances could be subject to disciplinary action.
- Anonymous “whistleblowers” must provide sufficient corroborating evidence to justify the commencement of an investigation. An investigation of unspecified wrongdoing or broad allegations will not be undertaken without verifiable evidentiary support. Because investigators are unable to interview anonymous whistleblowers, it may be more difficult to evaluate the credibility of the allegations and therefore, less likely to cause an investigation to be initiated.
- An employee who makes a report that is known to be false, whether made orally or in writing, is not a “whistleblower” for purposes of this policy. Such false reporting is itself considered an improper governmental activity which the Town has the right to act upon and may result in disciplinary action for the employee.

INTERNAL INVESTIGATIONS REGARDING MISCONDUCT

- Employees are advised that the responses given by employees to specific questions regarding their official duties in the course of internal investigations, or the fruit thereof, may not be used against them in any subsequent criminal proceedings. Employees are required to cooperate with internal investigations and must answer specific questions relating to the employee's official duties. The refusal to answer such questions shall be grounds for immediate dismissal. (See Weingarten Rights – Introduction Section 1 of the Human Resources Policy Manual.)
- In the case of suspected criminal conduct reported by a “whistleblower”, the Town may elect to refer such allegations to an appropriate public agency for potential investigation before any internal investigation is undertaken by the Town relevant to employee misconduct. In such cases, if determined appropriate by the supervising authority in consultation with the Director of Human Resources, the employee suspected of criminal misconduct may be placed on administrative leave.

CONFIDENTIALITY

Insofar as possible, the confidentiality of the whistleblower will be maintained. However, an employee’s identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

8.26 WHISTLE BLOWER POLICY

RETALIATION PROHIBITION

- The Town will not retaliate, or support retaliation, against a “whistleblower” and will protect them from retaliation. Any personnel action taken or threatened against a “whistleblower” or employee, who participates in such an investigation, may be considered retaliatory if it is related to the action or incident reported by the employee. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, poor work assignments or threats of physical harm.
- The right of a whistleblower for protection against retaliation does not include immunity for any complicity in the matters that are the subject of the allegations or an ensuing investigation. Nothing herein, however, shall preclude the Town from considering an employee’s voluntary choice to report his or her own misconduct relevant to determining the appropriate discipline relating to such misconduct, if any.
- An employee who feels they have been retaliated against because of their “whistleblowing” activity can file a claim with the Director of Human Resources or the Town Attorney or, if the employee is covered by a collective bargaining agreement, they may discuss the matter with their union who may pursue a grievance under the terms of the collective bargaining agreement. Regardless of whether or not they are covered by a collective bargaining agreement, and regardless of any action taken by the Town, employees have rights to file complaints with the State of Connecticut Commission on Human Rights and/or other public agencies as provided by law.
- In the event there is a clear, final and binding determination that a Town employee engaged in retaliation under this policy, such action will be subject to discipline up to and including termination.

For any questions regarding this policy please contact the Director of Human Resources.

8.27 WORKPLACE AREA ACCESS

8.27.A EMPLOYER ACCESS

In the interest of the proper and efficient process of conducting of Town business, the Town has a need, as an employer, for convenient access to all workplace areas that are provided for work-related purposes. This policy authorizes reasonable work-related access to, and searches of, workplace areas. For purposes of this policy the Town includes all hiring authorities who hire and supervise employees or contractors who receive compensation from the Town. Thus, the policy includes all Town employees or contractors who work at Town Hall, the Greenwich Board of Education, the Greenwich Police and Fire Departments, the public libraries, Nathaniel Witherell and all other Town facilities. Suspected violations of criminal laws are not the subject of this policy. The term “search” as used in the policy does not include electronic monitoring or electronic surveillance which are covered under separate policies.

Workplace areas provided to Town employees or contractors include, for example, offices, hallways, desks, file cabinets, storage areas, computers and, in certain cases, motor vehicles. Workplace areas provided by the Town are Town property and subject to the Town’s control and authority. Town employees or contractors of the Town are expected to conduct Town business appropriately in workplace areas provided by the Town. Workplace areas are provided to employees solely for facilitating the completion of the Town’s business and are not private. There shall be no expectation of privacy in those areas. No employee or contractor has the right to exclusive control over his or her office or any other workplace area provided by the Town. Therefore, if a particular office or other workplace area may be frequently accessed by others, no expectation of privacy is created.

Reasonable searches of workplace areas for work-related reasons are permitted in accordance with this policy. Subject to this policy, a department head shall have the right to reasonable access as to all workplace areas provided by the Town (hereinafter “workplace areas”) within the areas under his or her administrative control. The scope of work-related searches of workplace areas shall be reasonable based on the particular circumstances. Consent for a reasonable work-related search of a workplace area is not required.

Examples of work-related reasons for which reasonable searches of Town workplace areas are permitted will include, but not be limited to: retrieval of work-related materials, investigating violations or suspected violations of workplace misconduct, securing or safeguarding Town property, moving Town property, or inventory of Town property.

In the case of investigating violations or suspected violations of workplace misconduct, the supervising authority or designee may conduct reasonable work-related investigatory searches of work areas in accordance with this policy. Supervising authorities should attempt to confer with the Director of Human Resources in advance of conducting work-related investigatory searches of work areas in connection with violations or suspected violations of workplace misconduct.

Town employees and contractors are encouraged not to store personal items, papers or effects in workplace areas. The Town is not responsible for any damage or loss to such personal items.

8.27.A WORKPLACE AREA ACCESS – EMPLOYER ACCESS

Employees and contractors are responsible for all personal property they choose to bring to the workplace area and it is each employee's responsibility to secure personal items at all times. The storage of personal items on or in a Town workplace area will not create an expectation of privacy in that area.

In certain cases, lockers or other locked storage areas are made available to certain Town employees for the purpose of safekeeping employees' personal belongings temporarily during the workday. The Town has the right of access to conduct a reasonable search of such locked storage areas in cases where there is a unique or special need to maintain close scrutiny of employees or contractors. A duplicate key or other means of access shall be maintained in a secure fashion by the department head or his designee. Employees or contractors who wish to avail themselves of storing items in these locked areas shall sign a written consent acknowledging receipt of this policy as a condition of such use.

The Town recognizes the reasonable expectations of privacy of employees in their closed or locked personal items that may exist temporarily in workplace areas during the work day, such as a handbag or personal briefcase, whether or not such items are stored in a locker. Absent an employee's or contractor's consent, such personal items will not be searched by a supervisor or designee pursuant to this policy. Nothing herein shall prevent referral of potential criminal matters to the appropriate criminal authorities in accordance with Town policy.

8.27.B ACCESS BY OTHER EMPLOYEES

This Policy relates to access of Town employee workplace areas by Town employees other than hiring authorities (and/or their designees) who hire and supervise employees.

“Workplace areas” provided to Town employees or contractors include, for example, offices, hallways, desks, file cabinets, storage areas, and computers. The Town’s policy as to use of Town motor vehicles is set forth in a separate policy, HR Policy 8.21. Town employees or contractors of the Town are expected to conduct Town business appropriately in workplace areas provided by the Town. Workplace areas are provided to employees solely for facilitating the completion of the Town’s business and are not private. No employee or contractor has the right to exclusive control over his or her office or any other workplace area provided by the Town. There is no expectation of privacy in workplace areas and the Town has the right of access. See HR Policy 8.27.A.

1. Town employees at all times have the right of reasonable access to workplace areas of other Town employees in their department for work-related purposes. This includes, for example, depositing, retrieving and/or accessing work-related materials in the workplace areas of other staff.
2. Town employees have the right of access to workplace areas of other Town employees in emergencies.
3. All other access to the workplace areas of other employees shall be in accordance with the rules and practices of each Town Department or with the permission of the employee.
4. No employee has the right to prohibit reasonable access to other Departmental staff to his or her workplace area for work-related purposes. Any disputes should be referred to the supervising authority for resolution.
5. Locked storage areas. Town employees are not permitted to access, without permission, cases, lockers or other locked storage areas made available by the Town to other Town employees for the purpose of safekeeping personal belongings temporarily during the workday except as set forth with respect to supervisors in HR Policy 8.27.A.

Violations of this Policy shall be subject to discipline up to, and including, termination.

Suspected violations of criminal laws are to be referred to the Department head and/or appropriate criminal authority.

9. EMPLOYEE/LABOR RELATIONS

The Town of Greenwich employees are represented by the following collective bargaining units:

9.1 AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME), COUNCIL 4, LOCAL 1303-222

Represents school health nurses in the Town's public school system and public health nurses in the Town's Health Department.

9.2 GREENWICH MUNICIPAL EMPLOYEES ASSOCIATION, INC. (GMEA)

Represents Town and Board of Education employees in clerical and administrative classifications.

9.3 GREENWICH ORGANIZATION OF SCHOOL ADMINISTRATORS (GOSA)

Represents Board of Education employees in certified professional administrator positions.

9.4 GREENWICH EDUCATION ASSOCIATION (GEA)

Represents Board of Education employees in professional, certified teaching positions.

9.5 INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) LOCAL 1042

Represents all uniformed professional firefighters in all ranks except for the Chief and Assistant Chief of the Department.

9.6 INTERNATIONAL BROTHERHOOD OF TEAMSTERS (IBT) LOCAL 456

Represents Town and Board of Education employees in blue collar, trades and foreman classifications and certain nursing classifications at the Town's nursing home.

9.7 LABORER'S INTERNATIONAL UNION OF NORTH AMERICA (LIUNA), LOCAL 136

Represents Town and Board of Education employees in professional and supervisory classifications.

9.8 LABORER'S INTERNATIONAL UNION OF NORTH AMERICA LOCAL 136 PARAPROFESSIONALS (BOE-LIUNA)

Represents Board of Education employees in professional assistants and security positions.

9.9 SILVER SHIELD ASSOCIATION, INC. (SSA)

Represents police officers, technicians, sergeants and lieutenants.

Employees in positions that are included in a bargaining unit are required either to become a member of the union or, in lieu of becoming a member, pay an agency-shop fee to the unit representative. Copies of current collective bargaining agreements are located at: <http://www.greenwichct.org/LaborRelations/LaborRelations.asp>

10. PROFESSIONAL DEVELOPMENT/TRAINING

10.1 ASSOCIATION MEMBERSHIPS

At the discretion of the Department Head, the Town will purchase memberships for employees appropriate to the employee's job and professional development in technical and professional associations. Membership dues and other legitimate business expenses connected with these memberships are paid or reimbursed by the Town. These memberships, even though taken in the name of the individual, are the property of the Town.

Memberships in professional and technical societies appropriate to an employee's job and stage of personal development will be included by the Department Head in the annual budget request.

10.2 TRAINING AND DEVELOPMENT POLICY

The appointing authority and/or department head is responsible for training and developing subordinate employees in job related skills and appropriate work place behavior.

The Director of Human Resources will recommend ongoing professional training and development programs for all members of the Town workforce. In addition, the Department of Human Resources will coordinate, conduct and facilitate internal training programs on all human resource management regulatory and compliance matters. All Town training and development programs will be offered in support of the Town's organizational and business goals and will support the short and long term succession planning of the entire organization.

11. PERFORMANCE MANAGEMENT FOR REPRESENTED EMPLOYEES**11.1 EMPLOYEE PERFORMANCE EVALUATION POLICY AND PROCEDURES****PURPOSE**

The use of a Performance Evaluation Program is one method of accomplishing this task. The Performance Evaluation Program recognizes the importance of an appraisal system which effectively and objectively measures work performance and helps determine and/or substantiate salary, promotions and employment decisions and identifies training and/or staff development needs.

DESIGN

Performance evaluations are conducted for employees on a yearly basis. These evaluations include employees who are:

- Newly hired - to receive a 3-month and 6-month *Probationary Evaluation*
- Transferred and/or promoted - to receive a 3-month, 6-month and, where appropriate, a 9-month *Trial Evaluation*
- Regular status - to receive an *Annual Evaluation*

Department Heads will provide each employee (via their supervisor) with a current job description and a sample Evaluation Form, to ensure awareness of the performance criteria upon which the employee will be evaluated. Employees who are required to conduct performance evaluations can access the Town of Greenwich Evaluation Manual on the Town LAN. It is the responsibility of the Department Managers, in conjunction with their respective supervisors, to ensure that each employee within their department is evaluated in an appropriate and timely manner.

THE DIRECTOR OF HUMAN RESOURCES

The Director of Human Resources shall be responsible for establishing and administering the employee performance evaluation program. The Department of Human Resources will notify Departments of the annual performance evaluation requirements.

The Director of Human Resources shall advise, assist and/or train employees, evaluators, supervisory reviewers and Department Heads to ensure that performance evaluation procedures are understood and implemented in accordance with the provisions of this policy. The Department of Human Resources shall maintain records pertinent to employee performance evaluation and shall continuously monitor the program to ensure that it is efficient and effective.

Copies of all Performance Evaluation Forms are located in the Town's Performance Evaluation Manual which can be found on the Town LAN.

11.1 EMPLOYEE PERFORMANCE EVALUATION POLICY AND PROCEDURES

Appeal Procedure

If an employee disagrees with the overall performance rating or any portion of the performance evaluation report and the difference of opinion cannot be resolved with the immediate supervisor, the employee may indicate the difference in the "Employee Comments" section of the evaluation form.

The employee may also make a *formal appeal* to the Department Head of his/her department, within five (5) working days of the performance rating date. Performance Evaluation Forms that are appealed in such a manner should not be filed with Human Resources until the appeal is settled. All decisions of the Department Head will be final and binding.

11.2 PROBATIONARY PERIOD

OBJECTIVES

The probationary period shall be regarded as a working test period and as an intrinsic part of the examination process, and shall be used for close observation of the employee's work, for securing the most effective adjustments for a new employee to the position, and for terminating any probationary employee whose performance does not meet required work standards.

DURATION OF PROBATIONARY PERIOD

All original appointments to represented positions shall be tentative and subject to a probationary period. The probationary period is six months unless otherwise stated in the collective bargaining agreement.

The probationary period shall be waived following appointment from a recall list.

Before the end of the probationary period the department head shall report to the Director of Human Resources on the work of the probationary employee. With a report of satisfactory service, the employee shall be considered as a regular employee.

TERMINATION OF PROBATIONARY EMPLOYEE

At any time during the probationary period the appointing authority may terminate an employee if in the discretion of the department head and the appointing authority, the review of work performed and general qualifications indicate such employee is unable or unwilling to perform the duties satisfactorily or habits and dependability do not merit continuance in the service. Such an employee shall not have the right of appeal from such action. No more than three employees shall be terminated successively from the same position during their probationary period without prior discussion with the Director of Human Resources.

The Director of Human Resources with the Department Head's agreement may terminate an employee during the probationary period, after giving notice and an opportunity to be heard, that such an employee was appointed as a result of error or fraud by the employee within the provisions of these rules.

An employee terminated during the probationary period may, at the discretion of the Director of Human Resources, be placed back on the employment list. An employee terminated during the probationary period following a promotional appointment may, unless otherwise stated in the collective bargaining agreement, be reinstated to a similar position from which promoted.

If a probationary employee is absent due to illness, injury or for other reasons for more than two weeks during the probationary period, the probationary period will be extended equal to the time away from work. If absence exceeds four consecutive weeks, the probationary period will cease and the new employee will not be entitled to continue employment with the Town unless written approval is obtained from the Director of Human Resources.

11.2 PROBATIONARY PERIOD

It is the responsibility of the Appointing Authority to review a probationary employee's performance and progress within three months.

If the employee, after three months on the job, is not rated at least satisfactory or if there is a problem that has developed, the employee's status will be reviewed at that point and necessary action taken rather than wait until the six month review period.

A probationary employee may compete in a promotional examination. However, the probationary employee does not become eligible for appointment to the higher class until he/she passes their six-month probationary period.

The Department Head or appointing authority is responsible for all newly hired employees in the department. The Department Head must use close observation of the probationary employee's work during the probationary period. Unsuccessful probationary employees should be terminated anytime during the probationary period by the department head.

Positions in the Unclassified Service are excluded from the Merit System Testing Process and excluded from serving a probationary period.

Related policies:

- Collective Bargaining Agreements:

<http://www.greenwichct.org/LaborRelations/LaborRelations.asp>

12. COMPLAINTS, GRIEVANCES AND DISCIPLINE

12.1 COMPLAINTS PROCEDURE - DISCRIMINATION, HARASSMENT, HOSTILE WORK ENVIRONMENT AND RETALIATION IN THE WORKPLACE

This policy applies to all Town employees and all employees of the Greenwich Board of Education. The Town Appointing Authorities, Elected Officials and Administrators, Department Heads and all employees are responsible for creating a productive work environment in which matters of discrimination, offensive conduct, harassment, hostile work environment and retaliation is completely out of place. The Town is committed to providing an immediate and appropriate means of redress and corrective action in response to any confirmed violation of workplace laws and assuring that no reprisals are taken against those who complain or against corroborating witnesses. The Town is committed to addressing each complaint which shall be undertaken through conciliation and/or full investigation as appropriate depending on the nature of the case. The Director of Human Resources or his/her designee is responsible for monitoring the operation of this policy, providing support and investigative direction to Town Appointing Authorities and Town Department Heads and managerial staff members as needed. In addition, the Department of Human Resources will assure employees are informed on the use and procedures included in this policy for all members of the workforce.

No Tolerance Policy

It is the policy of the Town of Greenwich that there shall be fair treatment in workplace matters. Unlawful discrimination, harassment, hostile work environment and retaliation shall not be tolerated. The Town prohibits all unlawful discrimination/harassment/hostile work environment/retaliation in the workplace to the full extent of state and federal law. Unlawful discrimination and retaliation are considered serious misconduct and, where there is a finding of such misconduct; employees shall be subject to discipline up to, and including, termination.

No reprisals of any kind by an employee or a member of any management level or the organization will be permitted against an employee because that employee has asserted a complaint or against any witness because that individual has reported or has assisted in any way in the investigation of a complaint of unlawful discrimination/harassment/ hostile work environment/retaliation.

Complaint Procedures

It is the policy of the Town of Greenwich that complaints concerning unlawful discrimination/harassment/ hostile work environment/retaliation in the workplace must be brought to the attention of the Town. This is required to be done in the following ways:

1. First, if the employee believes that s/he is subject to unlawful discrimination/harassment/ hostile work environment/retaliation in the workplace, the employee must promptly notify the Department Head or the Director of Human Resources or the Town's Affirmative Action Consultant concerning such conduct. The Town's Affirmative Action Consultant is available specifically for the purpose of addressing such complaints and may be contacted at the following confidential line: (203) 622-7705. Note that if an employee fails to give the

12.1 COMPLAINTS PROCEDURE

notification required by this paragraph, or to give notification in a timely fashion, the Town's rights are reserved with respect to the effect of that failure in connection with any action purported to be asserted against the Town concerning alleged unlawful discrimination/harassment/ hostile work environment/retaliation in the workplace.

2. In addition, if the employee is represented by a collective bargaining unit (union), the employee is encouraged to notify his or her collective bargaining representative of the occurrence promptly. In certain cases, depending on the nature of the alleged unlawful discrimination/harassment/hostile work environment/retaliation in the workplace, the collective bargaining agreement will allow for a grievance to be filed. If this is so, the employee may, through the employee's collective bargaining representative, file a grievance concerning such alleged conduct. Note that if an employee, through his or her collective bargaining unit, fails to file a grievance in this situation in accordance with the collective bargaining agreement, the Town's rights are reserved with respect to the effect of that failure in connection with any other action purported to be asserted against the Town concerning alleged unlawful discrimination/harassment/hostile work environment/retaliation in the workplace.

Other Reporting Requirements

All employees, including supervisors, managers or directors and other employees, who become aware of possible mistreatment or harassment of an employee, either as a result of having received a complaint directly from the employee or from any other reliable source of information, or from his/her personal observations, must report the situation to the appropriate Department Head, or the Director of Human Resources or his/her designee at the time that they become aware of the matter or incident.

Investigatory Process and Expectations

The investigatory and hearing process as to a grievance filed asserting unlawful discrimination/harassment/hostile work environment/retaliation in the workplace will be governed by the collective bargaining agreement. The following process shall be undertaken by the Affirmative Action Consultant with respect to notifications/complaints of unlawful discrimination/harassment/hostile work environment/retaliation in the workplace.

The Town's Affirmative Action Consultant will work collaboratively with the Department of Human Resources to undertake conciliation efforts to find an equitable solution if possible and/or investigate complaints of discrimination/harassment/hostile work environment/retaliation in the workplace as appropriate. Every effort shall be made to resolve the difficulty at the lowest level practicable and some cases will be resolved without the need for full investigation.

The confidentiality of information disclosed during the course of investigations or informal resolution efforts will be respected to the extent practical and/or as permitted by law. Information about the complaint and the incidents giving rise to the complaint will be revealed only as investigatory processes require.

12.1 COMPLAINTS PROCEDURE

Information about the complaint is shared only with those individuals who “need to know” in order to effectively investigate and/or resolve the complaint. Parties with a need to know may include witnesses or department heads that need to be informed of the complaint in order to cooperate with an investigation or to implement resolution. These parties will be advised that they should keep all information confidential in the best interest of all parties.

Employees are required to identify themselves and any alleged wrongdoers. This is required, mindful that the law and Town policy prohibit retaliation against employees who complain about discrimination/harassment/hostile work environment/retaliation in the workplace, and/or against witnesses. Without such identification information, a full and fair investigation of misconduct cannot be undertaken.

When an employee provides the required information, it is the policy of the Town of Greenwich to investigate complaints of discrimination/harassment/hostile work environment/retaliation in the workplace to the full extent appropriate in cases where conciliation efforts have failed. This should be done reasonably promptly and thoroughly.

If the employee is not satisfied with the outcome of the proceedings with the Affirmative Action Consultant, s/he must notify the Department Head or the Director of Human Resources or the Town Administrator in writing.

An employee may withdraw a complaint referred to the Affirmative Action Consultant before investigation is undertaken in two situations: 1) If conciliation efforts have been successful; 2) The employee does not wish to proceed for some other reason as long as the employee certifies in writing that the withdrawal is voluntary and he or she has not been the subject of retaliation or intimidation. Absent such a certification, no withdrawal shall be permitted.

Required dismissal: If conciliation or investigation is not possible because the employee does not wish to provide names to the investigator or does not cooperate as required as set forth below, the complaint shall be dismissed and the matter will be closed without any further action and the Director of Human Resources shall be informed.

If the employee’s bargaining representative files a grievance in behalf of the employee pursuant to the terms of the employee’s collective bargaining agreement in addition to a complaint to be investigated by the Affirmative Action Consultant, the Affirmative Action Office, shall defer processing the complaint until the grievance has been fully adjudicated pursuant to the terms of the collective bargaining agreement.

Cooperation in Conciliation Efforts and Investigations

All employees are expected to comply fully with all Town-related investigatory matters and with conciliation efforts concerning allegations of discrimination/harassment/hostile work environment/retaliation in the workplace. The duty to cooperate applies in all contexts: When a

12.1 COMPLAINTS PROCEDURE

complaint has been made to the Department Head, the Director of Human Resources, or to the Affirmative Action Consultant, or and when a grievance has been filed by a collective bargaining unit (union) on behalf of an employee as to such allegations.

The duty of cooperation means a duty to speak truthfully and make a good-faith effort to provide the information requested in a timely, ethical and honest fashion, providing all details, documentation and information requested during the investigatory process to the best of the employee's ability. The duty to cooperate applies to the employee complaining of mistreatment and also to any witnesses requested to participate in the investigation. Employees shall be informed that a meeting or request is part of an "investigation" or "conciliation efforts" or a "grievance". Failure to cooperate in an investigation in good faith shall be grounds for progressive discipline up to and including termination.

Potential Disciplinary Consequences

If a Town's investigation determines that an employee has engaged in unlawful discrimination/harassment/hostile work environment/retaliation in the workplace, appropriate disciplinary action will be taken against the offending employee, up to and including termination. This applies in any context where an appropriate investigation has been undertaken by any Town authority.

If, after investigating any complaint of unlawful discrimination/harassment/hostile work environment/retaliation in the workplace, the Town determines that the complaint was not made in good faith or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint/notification or who gave the false information, up to and including termination.

Related Links:

- ***Federal Laws relating to discrimination or retaliation:***
 - Equal Employment Opportunity Commission Complaint Procedure: <http://www.eeoc.gov/employees>
 - Uniformed Services Employment and Reemployment Rights Act (USERRA): <http://www.dol.gov/elaws/vets/userra/mainmenu.asp>
 - National Labor Relations Board: <http://www.nlr.gov>
 - Worker's Compensation: <http://www.dol.gov/owcp/>
 - Family Medical Leave Act: <http://www.dol.gov/whd/fmla/index.htm>
- ***State Laws relating to discrimination or retaliation:***
 - Connecticut Commission on Human Rights and Opportunities (CHRO) <http://www.ct.gov/chro/cwp/view.asp?a=2523&Q=315854>

12.1 COMPLAINTS PROCEDURE

- CHRO Employment Discrimination Complaint Procedures
<http://www.ct.gov/chro/cwp/view.asp?a=2524&Q=315892>
- CHRO Whistleblower Retaliation Complaints
<http://www.ct.gov/chro/cwp/view.asp?a=2528&Q=316246&chroPNavCtr=|#45688>
- Connecticut Discriminatory Employment Practices Act (CONN. GEN. STAT. § 46a-60 http://search.cga.state.ct.us/dtsearch_pub_statutes.html)
- Connecticut Department of Labor Equal Opportunity Policy Statement:
<http://www.ctdol.state.ct.us/gendocs/eo.htm>
- Municipal Employee Relations Act (MERA) (CONN. GEN. STAT. § 7-467, et seq.):
<http://www.ctdol.state.ct.us/csblr/mera7-467.htm>
- FMLA – State and Federal laws <http://www.ctdol.state.ct.us/wgwkstnd/fmlaanno.pdf>
- State of Connecticut Sec. 31-51q. Liability of employer for discipline or termination of employee on account of employee's exercise of certain constitutional rights
<http://cga.ct.gov/2007/pub/Chap557.htm#Sec31-51q.htm>
- ***Non-discriminatory Complaints***
 - Violence in the Workplace
<http://www.osha.gov/SLTC/workplaceviolence/index.html>
- ***Related Town Policies:***
 - 8.26 Violence in the Workplace
 - 8.7 Ethics Policy

12.2 CONFIDENTIALITY

Employees of the Town should carry out their duties in a manner which would withstand public scrutiny. Some employees handle confidential court-related, law enforcement-related or employee-related documents, while others handle sensitive matters concerning the operation of the Town government. Employees should maintain the confidentiality of these matters, ensuring information about these activities is made public only upon appropriate authorization by the Law Department, Department Head, or Town Administrator.

Departments that require employees to handle confidential or sensitive records may require their employees to sign a confidentiality agreement.

12.3 EMPLOYEE DISCIPLINARY POLICY

- A. It is the policy of the Town of Greenwich that employees are expected to perform their duties and responsibilities in a satisfactory manner, report to work on time and on a consistent basis and adhere to all applicable policies, work rules, procedures and directives whether issued orally or in writing. Regular employees who do not meet these expectations will be subject to counseling and/or discipline which generally will be progressive in nature unless otherwise warranted.

Depending on the circumstances, counseling may be the appropriate first step prior to formal discipline. Counseling may be verbal or written in nature. In either case, the supervisor should document and maintain this documentation in the employee's personnel file held by the employee's department or supervisor. It is not to be forwarded to the Department of Human Resources nor held in the employee's human resources file.

Employees other than regular employees are at-will employees who have no expectation of continued employment and may be terminated at any time.

- B. It is the responsibility of appointing authorities, department heads, managers and supervisors to initiate such discipline consistent with the policy set forth herein and the disciplinary procedure set forth in 12.4 of this manual.
- C. For the purpose of this policy regular employees are defined as employees in the classified service who have successfully completed their probationary period or classified managerial confidential employees who have due process rights as provided under the Greenwich Pay Plan.
- D. The Department of Human Resources is responsible for orientating new employees with general town-wide policies and standards of behavior and providing department heads with current HR policies and procedures. It is responsible for providing guidance as to the application of discipline to insure that such discipline is dispensed on a fair and consistent basis throughout the Town.
- E. Appointing authorities and department heads are responsible for insuring that new and existing policies and procedures, departmental directives and work rules are communicated to employees in their department, including any amendments or modifications thereto. Department heads are responsible for administering performance evaluations as required by Town policy and maintaining an accurate record of such performance evaluations. Appointing authorities and department heads shall establish procedures to implement this policy consistent with the specific business requirements and level of supervision within the department. Any written departmental procedures shall be consistent with applicable collective bargaining agreements and existing human resources policies and procedures.
- F. To the extent that there is a conflict between the collective bargaining agreement and this policy, the collective bargaining agreement shall be the controlling document.

12.4 EMPLOYEE DISCIPLINARY PROCEDURE

- A. The purpose of this policy is to establish a consistent process and guidance for appointing authorities, department heads, managers and supervisors in disciplining employees.
- B. Definitions and Application – This employee disciplinary procedure shall apply to all regular employees in the classified service who have successfully completed their probationary period or classified managerial confidential employees who have due process rights as provided under the Greenwich Pay Plan. For purposes of this procedure the term “supervisor” shall include appointing authorities, department heads and other employees who have the authority to discipline subordinate employees.
- C. Disciplinary Procedure
 - 1. A supervisor who is contemplating disciplinary action for employee misconduct shall conduct a thorough and fair investigation of the matter before proceeding with a notice of pre discipline.
 - 2. When an employee becomes the potential subject of discipline during an investigation, the employee, if he or she so requests, may have a union representative present during any questioning that the employee may reasonably believe may lead to disciplinary charges. (See Weingarten Rights-Introduction Section 1 of Human Resources Policy Manual.)

There may be circumstances where the behavior or the infraction is of such a serious nature that it may be necessary to immediately remove the employee from the work place. If a department head believes this may be the case, HR must be notified immediately and approve removing the employee from the workplace with or without pay. If approved by HR, the employee shall be placed on paid or unpaid administrative leave, depending upon the egregiousness of the circumstances, until such time as the investigation or meeting and steps described below are complete or alternative arrangements are made to have the employee return to work pending the completion of the disciplinary procedure.

- 3. The employee shall be entitled to a written statement of reasons for the suspension.
- 4. If, following the investigation, the supervisor has reason to believe that discipline is warranted the supervisor shall prepare and have served on the employee and his or her union representative a “Notice of Pre-Discipline.” The “Notice of Pre-Discipline” should include a date and time for a pre-disciplinary meeting with the employee and his or her union representative. A copy of the notice shall be sent to the employee’s union representative and to the HR department. The written notice should include the specific issues subjecting the employee to discipline and the specific nature of the misconduct or work performance issue(s) giving rise to the discipline. The “Notice of Pre-Discipline” should include at minimum the following elements:

12.4 EMPLOYEE DISCIPLINARY PROCEDURE

- a) Cite the specific policy, rule, procedure, directive, work rule, etc. violated with as much specificity as is available or known. For work performance issues, cite employee evaluations, performance improvement plans and/or specific meetings with supervisors or counseling memoranda at which work performance issues were discussed or reviewed.
 - b) Include a statement as to the appropriate work behavior or performance expected from the employee.
 - c) Include a statement as to the future consequences if the workplace behavior is not corrected or work performance is not improved.
 - d) Include the proposed disciplinary penalty to be imposed on the employee. Proposed discipline may include a verbal warning, written reprimand, unpaid suspension and termination for cause.
5. At the pre-disciplinary meeting the supervisor should ensure that the employee understands the issues leading to the disciplinary charges and proposed disciplinary penalty and provide the employee with an opportunity at the meeting to inquire about the issues concerning the discipline and to explain or otherwise be heard concerning the relevant issues.

Following the pre-disciplinary meeting, the supervisor shall give consideration to the information, if any, provided by the employee, conduct further investigation if necessary, and make a final determination as to the discipline and penalty. The final determination should be in writing, and entitled "Notice of Discipline." It should include the following elements:

- a) Reference the original "Notice of Pre-Discipline."
 - b) Indicate if the discipline and penalty will be implemented as set forth in the "Notice of Pre-Discipline," specific dates for which any penalty will be imposed, or indicate any revisions as to the disciplinary charges or penalty resulting from the employee's explanation or further investigation.
 - c) Indicate if any follow up action is required.
6. A pre-disciplinary meeting which results in counseling instead of discipline should be followed up with a memo to the employee which states no discipline was imposed and explain the counseling which took place. If counseling was not imposed the follow up memo should explain the reason. Neither of these follow up memos should be placed in the employee HR file. In addition, the original pre-disciplinary should be removed from the HR file.
7. Disciplinary penalties may include but not be limited to verbal warning (noted in writing for the employee file), written reprimand, unpaid suspension or termination.

12.4 EMPLOYEE DISCIPLINARY PROCEDURE

Generally the disciplinary penalties should be imposed on a progressive basis. However under certain conditions, based on the seriousness nature of the infraction, a supervisor may find it appropriate to forgo the progressive nature of the penalties. For penalties of unpaid suspension and termination the penalty must first be approved by the HR department. A copy of the “Notice of Discipline” shall be sent to the employee, employee’s union representative and HR Department.

8. The employee’s bargaining representative has the right to appeal employee disciplinary actions pursuant to the terms of the applicable collective bargaining agreement.

12.5 SEPARATION FROM TOWN EMPLOYMENT

- A. Separation from Town employment may result from the following: disciplinary matter, budgetary or lack of work, retirement, voluntary resignation or job abandonment.

Accurate detailed documentation of all terminations are maintained in order to establish subsequent potential re-employment rights, comply with federal and state statutes relative to employment practices, accurately verify and record the individual's employment history with the Town, and the unemployment insurance rights of the individual as well as to limit the Town's unemployment insurance liability.

Terminated employee personnel records will be maintained by the Town as required by Federal and state regulatory statutes.

Any employee, including seasonal and temporary employees, who resigns without notice or abandons their position, is terminated for cause, or fails to respond to a recall or leave of absence will be regarded as permanently separated from employment with the Town. This separation eliminates seniority, recall and all other rights.

All voluntary and involuntary separations will be communicated immediately to the Town Department of Human Resources.

The Notice of Employee Separation form must be completed, approved and forwarded to the Town Department of Human Resources indicating the reason for termination within 5 business days.

In the case of a voluntary resignation, the following forms must accompany the Notice of Separation:

1. A signed employee letter of resignation is required and must be attached to the Notice of Employee Separation form.
2. An exit interview should be conducted by the employee's supervisor or manager or Human Resources personnel whenever possible.
3. Final check form indicating that the employee has been informed of their rights regarding any continuation of benefit coverage and retirement benefits.
4. Checkout form indicating that all Town property including but not limited to phone, keys, ID badge have been returned to the Town and payment of all monies due the Town are made by the last day worked and the employee has been informed of their rights regarding continuation of benefit coverage and retirement benefits.

In the case of terminations, all procedures above apply except for #1.

The last day worked shall be the employee's last scheduled work day in the weekly pay period. Exceptions to this rule require prior approval in writing from the Director of Human Resources.

12.5 SEPARATION FROM TOWN EMPLOYMENT

- B. Retirement: Any eligible employee may retire with a service retirement allowance on the first day of any calendar month not fewer than thirty (30) nor more than ninety (90) days after submitting a written request to the Retirement Plans Administrator. The employee must also provide the written notice to their department head and the Director of Human Resources.
- C. Layoff: Any employee may be laid off in the event of the abolition of the position, reorganization, adverse working conditions or shortage of work or funds requires a reduction in personnel. No regular employee, however, shall be subject to layoff while there are emergency, provisional or probationary employees serving in the same class (i.e. same job title) in the competitive service. Layoff of regular employees in a class where there are no emergency, provisional or probationary employees involved, may be made by the department heads. When a regular employee is laid off, the employee's name will be placed on the appropriate re employment list as negotiated in a specific collective bargaining agreement. Employees shall be entitled to a written statement of reason two weeks prior to the effective date of their layoff.

Under collective bargaining agreements, seniority shall govern the right of layoffs and rehiring exercised within the Town. Layoffs and recall lists are administered by the Director of Human Resources.

- D. Insurance Coverage: Group life insurance coverage may include the right for a terminating employee to convert to an individual policy.

Employees may be entitled to C.O.B.R.A. provisions and applicable State Statutes. Terminating employees will be mailed appropriate C.O.B.R.A notices and paperwork.

- E. Unemployment Insurance: Terminated employees are entitled to a pink slip which would be prepared by the Department of Human Resources. Questions related to this form are to be addressed to the Department of Human Resources. See Unemployment Compensation 6.5.G.
- F. Separation Agreements: No agreements regarding the terms of an employee's separation will be made nor negotiated without notifying the Town's Director of Human Resources in writing.
- G. Payment of Wages on Termination of Employment:
1. When an employee voluntarily separates from his/her employment, the Town shall pay the employee's wages in full not later than the next regular pay day, either through the regular payment channels or by mail.
 2. Whenever the Town terminates an employee, the Town shall pay the employee's wages in full not later than the business day next succeeding the date of the termination.

Questions regarding vacation pay, severance pay, and any debts or obligations due by the employee to the Town, will be established as soon as practical in advance of the last day worked day.

12.6 EMPLOYEE GRIEVANCE PROCEDURES

Represented employees whose complaints are not resolved by their immediate supervisor may follow the grievance procedure outlined in their respective collective bargaining agreement. Non-represented employees should discuss any complaint with their Department Head and the Department of Human Resources.

12.7 EMPLOYEE APPEAL PROCEDURE (PART-TIME NON-REPRESENTED EMPLOYEES)

The purpose of the employment appeal procedure is to provide part-time non-represented employees with a fair and responsive process for obtaining a prompt review and resolution of a serious work related charge or complaint about them that could result in serious disciplinary action such as suspension or termination. The employment appeal procedure supports the Town's goal of treating all its employees in a fair and equitable manner. Represented employees should follow the procedures set forth in their collective bargaining agreement for processing complaints or grievances.

DEFINITIONS

- **Employee** is defined as a part-time non-represented employee with one year of consecutive employment history with the Town of Greenwich who is not covered by a collective bargaining agreement to which the Town is a party.
- **Town of Greenwich** (Town) includes all municipal appointing authorities including the First Selectman/Board of Selectman, Board of Estimate and Taxation, Board of Education, Board of Health, Greenwich Library Board of Trustees, Perrot Library Board of Trustees, Planning and Zoning Commission, Inlands Wetlands and Watercourses Agency, Conservation Commission, The Nathaniel Witherell Board, Board of Social Services and the Retirement Board.
- **Appeal** means a written statement submitted by an employee that describes a work situation or practice that has adversely affected the employee's employment with the Town or his or her working conditions.
- **Complainant** refers to the non-represented part-time employee who initiates an appeal pursuant to this procedure.
- **Supervisor** refers to the Town employee who has the direct supervision for the operation to which the complainant is assigned and who directs and supervises the work of the complainant. For employees who work for the Board of Education the immediate supervisor shall be deemed to be the school principal.
- **Department Head** refers to the individual with the overall responsibility for the operations and administration of the Department who reports directly to the appointing authority. A Department Head may designate a deputy or assistant department head as his or her designee for the purposes of this procedure. For employees working at the Board of Education, the department head shall be deemed to be the Director of Human Resources for the Board of Education.

PROCEDURE

Step 1 – Initiating the Appeal Procedure

An employee may initiate an appeal by first discussing it with his/her immediate supervisor. The immediate supervisor upon receiving the appeal shall make every effort to properly and thoroughly

12.7 EMPLOYEE APPEAL PROCEDURE (PART-TIME NON- REPRESENTED EMPLOYEES)

investigate the issue and if the appeal is founded, take appropriate remedial actions for resolution. Employees are encouraged to initiate the appeal as soon as a serious adverse work related charge occurs or an adverse employment action is taken against the employee but no later than thirty (30) days after such action has occurred.

Step 2 – Initiating a Written Appeal with a Department Head

The complainant may elect to pursue the appeal beyond Step 1 or may elect to bypass Step 1 and file a written complaint directly to Step 2. If the complainant is not satisfied with the Step 1 result and elects to pursue the appeal to Step 2 or initiate an appeal at Step 2, the complainant shall submit a written appeal to the Department Head. Step 2 appeals shall be initiated within thirty (30) calendar days from the date of the Step 1 supervisory decision or if the appeal is initiated at Step 2 within thirty (30) calendar days from the date of the serious adverse work related charge or adverse employment action taken against the complainant. The Department Head shall meet with the complainant and conduct a prompt and thorough investigation of the situation. If the appeal is founded, the Department Head shall take appropriate remedial actions to resolve the work related charge or employment action. The Department Head's response to the complaint shall be made in writing to the complainant within thirty (30) calendar days from the receipt of the appeal.

Step 3 - Initiating a Written Appeal to the Director of Human Resources for the Town of Greenwich.

If the complainant is not satisfied with the Step 2 result the complainant may elect to pursue the appeal to Step 3. If the complainant elects to pursue the appeal to Step 3 the complainant shall submit the original appeal, Department Head's response and a statement detailing the adverse work related charge or employment action that remain unresolved to the Director of Human Resources within ten (10) calendar days from receipt of the Step 2 response from the Department Head. The Director of Human Resources shall meet with the complainant and conduct a prompt and thorough investigation. If the appeal is founded, the Director of Human Resources shall take appropriate remedial actions to resolve the adverse work related charge or action that led to the appeal. The Director of Human Resource's response to the appeal shall be made in writing to the complainant within thirty (30) calendar days from the receipt of the complaint.

The Step 3 decision of the Director of Human Resources is final unless it concerns matters for which the complainant has rights to appeal to outside agencies.

GENERAL

- All time frames may be extended by mutual consent.
- All written appeals and management responses shall be filed in the complainant's personnel file maintained by the Town's Department of Human Resources.

12.7 EMPLOYEE APPEAL PROCEDURE

(PART-TIME NON- REPRESENTED EMPLOYEES)

- All parties will conduct themselves in a professional manner at all times during the process and will make a good faith effort to resolve all matters at the early steps of the procedure.
- A complainant may bring a representative with them to a Step 2 or Step 3 meeting with the Department Head or Director of Human Resources for the sole purpose of assisting them in presenting their appeal and in discussing potential resolutions.
- It is a violation of Town policy for any employee to initiate or otherwise engage in any reprisals against a complainant who engaged in the appeal procedure.

12.8 EXIT INTERVIEW PROGRAM

The Exit Interview is a valuable tool for feedback about an employee's work experiences with the Town. The information obtained during the Exit Interview may be useful to the Department of Human Resources as well as individual department/division managers and supervisors in order to discern whether the Town is competitive in its hiring practices, if legitimate problems exist in operations and/or employee relations and to identify any trends within a particular department or division that may require review.

It is the policy of the Town that all regular, full-time employees who are resigning from the Town will be asked to participate in an exit interview. This interview process will be conducted during the employee's last week of work, prior to the issuance of his/her final paycheck.

OBJECTIVES OF THE INTERVIEW

A properly conducted exit interview can provide a wealth of information about employee morale and assist in the overall exit process for the employee separating from Town employment including but not limited to:

- Identifying problems and determining any trends in working conditions that may be developing in a particular department or division;
- Establishing an accurate picture of the reasons for the employee's separation from the perspective of the employee;
- Obtaining information that will improve screening of job applicants and help to reduce turnover;
- Determining the impact on employees as well as their opinions and attitudes toward town and department/division policies and practices;
- Assuring that the employee has returned all town property and has no outstanding department materials or expense advances;
- Alerting the town to any potential legal problems or if an employee is terminating because of a potentially dangerous reason;

CONDUCTING THE INTERVIEW

The recommended manner for handling an employee's exit interview is for the resigning employee to meet with the Department Manager or Department Head to elicit the desired information.

In the event the resigning employee is uncomfortable meeting with the Department Manager, it is recommended that they be referred to the Department of Human Resources to accomplish the exit interview. The interview should not be conducted by a supervisor who was within the employee's direct chain of authority.

12.8 EXIT INTERVIEW PROGRAM

DOCUMENTATION

The Exit Interview form has been designed to guide the interviewer in eliciting employee opinions. This form will be completed either during or immediately after the interview. It serves as a written record of the information that has been obtained. It also provides a tool for analyzing resignation trends and/or for drawing conclusions about employee morale and/or attitudes. If a resigning employee rejects the opportunity to participate in an exit interview, the form shall be mailed to the employee's home to encourage his/her non-verbal participation.

Exit Interview forms are located on the Town's T drive or can be obtained from the Human Resources Department.

13. HUMAN RESOURCE INFORMATION SYSTEM (HRIS)

13.1 PERSONNEL FILES AND PRIVACY

In collecting, maintaining, and disclosing personnel information, the Town makes every effort to protect employees' privacy rights and interests and prevent inappropriate or unnecessary disclosures of information from any worker's file or record.

While complying with its governmental reporting and record keeping requirements, the Town strives to ensure that it handles all personal and job-related information about employees in a secure, confidential, and appropriate fashion in accordance with the principles and procedures outlined below.

CONFIDENTIALITY OF INFORMATION

The Town treats personal information about employees as confidential and respects the need for protecting each employee's privacy by enforcing secure information handling procedures on the part of all personnel whose job duties involve gathering, retaining, using, or releasing personal information about the organization's employees.

The Town collects and retains only such personal information as it needs to effectively conduct business and administer its employment and benefit programs. The Town takes all possible steps to make sure that all personal and job-related information about employees is accurate, complete, and relevant for its intended purpose. Wherever possible, the Town notifies affected employees if it needs additional personal information and gives these employees an opportunity to supply the requested data.

SECURITY AND STORAGE OF PERSONNEL RECORDS AND MEDICAL INFORMATION

All documents relating to the Town's personnel record system are kept in secure files with the Department of Human Resources. These files are accessible only to authorized Human Resource Department staff and executives, managers, and supervisors who have a valid, demonstrable need to obtain specific information from an employee's personnel record. Employees also are granted access to their personnel files and records in accordance with the access procedures outlined below. All personnel files and records must remain in the Department of Human Resources at all times.

If an individual with an authorized need to know requires copies of the information in an employee's personnel file, the Department of Human Resources will make these copies available on written request.

All medical information relating to an employee is kept in the separate Medical Records System files maintained by the Department of Human Resources. Access to these medical files is tightly controlled. Medical information about an employee is supplied only to the worker's designated physician in accordance with the worker's written specific request. For more detail on the storage and confidentiality of medical information, see Policy 13.3 Employee Medical Information – Confidentiality and Limitations.

13.1 PERSONNEL FILES AND PRIVACY**EMPLOYEES' ACCESS RIGHTS TO PERSONNEL FILE INFORMATION**

All employees can review the information contained in their own personnel file. To prevent abuses of this access privilege, the Town also reserves the right to limit the number of times an employee can access his or her file during a 12-month period. Employees who are interested in reviewing the contents of their personnel file should contact the Department of Human Resources and provide at least two days notice of their desire to schedule a mutually convenient time for an appointment. A mutually convenient date and time will be arranged for the employee to conduct a private review of his or her own personnel file. The employee will be required to sign an acknowledgement indicating that the employee reviewed their personnel file at such date and time. All employee medical and drug screening exam results, reference checking and background investigations are considered confidential written records. As such these records are not available for release without the prior written approval of the Director of Human Resources. Evaluation standards for release of confidential records will include federal, state and Town regulations as well as the relevancy of the request to the requesting party.

CORRECTION OR DELETION OF FILE INFORMATION

Employees can request in writing the correction of other information or the deletion of information in their personnel records by submitting a written request to the Director of Human Resources. The Director of Human Resources will make a determination on a case-by-case basis. It is generally not the policy of the Town to remove information from an employee's personnel file.

Questions or issues about the application or enforcement of these security measures should be addressed to the Director of Human Resources.

13.2 STATUS CHANGE: DEPENDENTS, MARITAL STATUS, ADDRESS

In order for the town to maintain accurate benefit coverage and payroll records, employees are required to maintain up to date information at all times.

MARITAL/CIVIL UNION STATUS

Notice should be given immediately to Payroll and the Employee Benefits Office of any change in marital status through marriage, divorce/dissolution of a civil union or death. Appropriate action must be taken for the correction of all records affected, including the names of beneficiaries under the Town's benefit plans. Written forms and proof of the event are required.

DEPENDENCY STATUS

Notice must be provided as soon as possible but no later than 31 days after the event regarding any change in dependency status such as marriage/civil union relationship, divorce, death of a dependent, birth of a child, the adoption of a child/children, changes or loss of spousal health care coverage, any of which will affect an employee's coverage or beneficiaries under the benefit plans or will affect the amounts to be withheld for Federal or State income tax credits. Appropriate action must be taken for the correction of all records affected. Written forms and proof of the event are required.

CHANGE OF NAME

Notice must be provided as soon as possible but not later than 30 days after the event to Payroll and the Employee Benefits Office of any change in name resulting from marriage, divorce, or as the result of a legal ruling. An employee is responsible for taking appropriate action for the correction of all records affected. Whenever an employee's name is formally changed by court action, the employee is required to present a certified copy of the court order for photo reproduction and return. The photocopy will be retained in the employee's personnel file.

ADDRESS OR TELEPHONE AND/OR CELL NUMBER

Notice should be given immediately of any permanent change in address or telephone and/or cell number. Address changes must be forwarded to the Department of Human Resources.

13.3 EMPLOYEE MEDICAL INFORMATION CONFIDENTIALITY AND LIMITATIONS

The Town routinely receives medical information on Town employees. The Town's Department of Human Resources maintains this medical information in a confidential medical file as further described below.

The following constitutes the Town's policy as to the confidentiality and limitations on the use of employee medical information.

- All medical information obtained, including but not limited to, post offer of employment medical examinations, fitness for duty examinations, OSHA required examinations, CDL testing requirements shall be treated as confidential medical records. A notation that an individual has taken sick leave, had a doctor's appointment, or requires a leave of absence is not considered confidential medical information and may be placed in the personnel file. Any documentation of an individual's diagnosis or symptoms is medical information and is subject to these confidentiality requirements. These confidentiality requirements continue even after an employee's separation of employment with the Town.
- All information obtained from such medical examinations shall be collected and maintained on separate forms from employment applications and other records which may be used in employment decisions. No medical-related material will be placed in an employee's non-medical personnel file.
- The Department of Human Resources shall maintain all medical information in a medical file stored in a secure manner separate from the employee's personnel file.

The following sets forth the permitted uses of such confidential information:

- Supervisors and managers, on a need to know basis, may be informed about necessary restrictions on the work or duties of an employee to determine necessary work accommodations requested by the employee.
- Medical and safety personnel may be informed of an employee's medical history if the employee is experiencing a life-threatening emergency, or if any specific procedures are needed in the case of fire or other evacuations for an employee with a disability.
- Relevant information may be provided to State and Federal Government officials with jurisdiction and authority to investigate compliance with state and federal laws, including the ADA and other federal and state anti-discrimination laws.
- Medical claim information may be provided to an authorized Human Resources benefit staff member to assist the employee in resolving a claims issue. The employee requesting their assistance shall sign an authorization and release to permit the provider to provide specific information regarding the claim issue to the Human Resources staff member. The authorization and release and any material obtained shall remain confidential and not become part of the employee's personnel file.
- In addition to the disclosure pursuant to this policy the Town may also disclose information from an employee's personnel file in accordance with the requirements and procedures of the Connecticut Freedom of Information Act.

13.3 EMPLOYEE MEDICAL INFORMATION, CONFIDENTIALITY AND LIMITATIONS

In the event an employee voluntarily discloses his/her own medical information to a supervisor or other Town employee, such supervisor or other Town employee shall hold such medical information as confidential and shall not re-disclose it to others, unless pursuant to the policy.

Any questions concerning this policy should be addressed to the Director of Human Resources.

13.4 DISCLOSURE AND RELEASE OF INFORMATION

Employees are not authorized to release information about the Town or its activities to the press or to others on behalf of the department unless approved to do so by the Department Head. Public information requests are to be referred to the Department Head.

AUTHORIZED DISCLOSURES

The only individuals authorized to release any information about a current or former worker are the Director of Human Resources and the director's designated representative(s). The Town expressly prohibits any of its executives, managers, supervisors, or employees from responding to requests for professional or personal information about any former or current employee without written authorization from the Director of Human Resources. All external requests for employment information should be referred immediately to the Department of Human Resources. Violators of this requirement are subject to discipline, up to and including termination.

INTERNAL DISCLOSURES AND USES OF PERSONNEL FILE INFORMATION

When information from an employee's personnel file is to be released or disclosed within the organization, the Town notifies the employee of such disclosure if the Department of Human Resources views the disclosure as possibly intruding on the employee's privacy. However, routine or ordinary employment procedures, including, but not limited to, performance appraisals, promotion and transfer consideration, and disciplinary investigations, normally are not subject to this notification procedure.

EXTERNAL INFORMATION REQUESTS

From time to time, outside organizations or individuals file information requests with the Town seeking information about current or former employees. To ensure consistency and fairness, protect individuals' privacy rights, and maintain the security and confidentiality of all employment and personal information in its record systems, the Town adheres to the following policy, standards, and procedures in dealing with all external requests for employment information.

EMPLOYMENT REFERENCES AND VERIFICATIONS OF EMPLOYMENT

All requests for employment references and verifications of employment must be forwarded to the Department of Human Resources. The Town discloses the following information when responding to requests from other employers regarding current and former employees:

- The individual's start and end date of employment;
- Title of current or last position held;
- Wage and salary information of current or last position held.

No other information is provided without a signed consent form authorizing the Town to release additional information from the individual's personnel records to the specifically named organization. To be acceptable, this consent form must indicate the general and specific types of information that can be released and release the Town from all potential liability related to the

13.4 DISCLOSURE AND RELEASE OF INFORMATION

authorized disclosure. External requests for the release of an employee's record require prior written approval of the employee and/or a subpoena issued by a court/other official body. For more detail regarding release of information in response to reference checks, see policy 13.5 Release of Information – Verification of Employment and References.

DISCLOSURE OR RELEASE OF EMPLOYEE INFORMATION TO GOVERNMENT AGENCIES

On occasion, the Town must provide information and data from its personnel records and files to federal, state, and local government agencies in accordance with record keeping and reporting requirements imposed by such agencies. In instances where a government agency requests information beyond that which it normally requires, the Town ordinarily advises the affected employees of the agency's information request.

If, however, an agency's information request occurs in the course of an agency investigation or if an agency asks the Town to keep such a request confidential, the Town, at its discretion, can comply with the agency's request. The Town ordinarily honors subpoenas demanding production of information with respect to any employee, but usually advises an employee of the subpoena and nature of the information requested, unless otherwise prohibited by law (see Policy 13.5 Release of Information – Verification of Employment and References).

DISCLOSURE OR RELEASE OF EMPLOYEE INFORMATION TO NON-GOVERNMENTAL ENTITIES

In response to an information request from an outside organization, individual, or other nongovernmental entity, the Town normally verifies only the employment status and dates of employment and salary for former or present employees. The Town does not provide any other information unless it has received from the worker or former employee a written request that it disclose or confirm additional specific information (see Policy 13.5 Release of Information - Verification of Employment and References). Even with a consent form, the only information normally released is the individual's employment dates, most recent job title, permanency of employment, and, where authorized, and salary information. To obtain disclosure of any other information, a former or current worker must submit a request to the Department of Human Resource, specifying the type of disclosure they are seeking and the identity of the organization authorized to receive the information. The Department of Human Resource reviews and handles these requests on a case-by-case basis.

DISCLOSURE PURSUANT TO FREEDOM OF INFORMATION REQUESTS

In addition to the disclosures pursuant to this policy, the Town may also disclose information from an employee's personnel file in accordance with the requirements and procedures of the Connecticut Freedom of Information Act:

<http://www.state.ct.us/foi/2009FOIA/2009FOIAStatutoryIndex.htm>

For Freedom of Information Request procedures please access the Open Records Policy located on the Town's website at:

13.4 DISCLOSURE AND RELEASE OF INFORMATION

<http://www.greenwichct.org/upload/medialibrary/4b2/hrOpenRecordsPolicy.pdf>

DISCLOSURE METHODS

The Town does not respond to telephone request for information. All requests for information about former or current employees must be handled through written correspondence or in a personal interview, and in all cases, the former or current employee must have signed a consent form authorizing the Town to release the information.

CONSENT AND RELEASE FORM

Current employees who want the Town to release information from their records or otherwise respond to an outside organization's information request must fill out and sign consent and release form authorizing the Town to release such information and releasing the Town from any liability associated with the disclosure. These forms are available from the Department of Human Resource. Former employees who want the Town to provide information beyond the categories specified above also must complete and sign a consent and release form before any such information will be released. To ensure the confidentiality of its records and protect each individual's privacy, the Town normally does not release any information, beyond the specified categories, about former or current workers without a signed consent form.

13.5 RELEASE OF INFORMATION – VERIFICATION OF EMPLOYMENT AND REFERENCES

Connecticut Title 31, Chapter 563a Sec. 31-128f requires that no individually identifiable information contained in the personnel file or medical records of any employee shall be disclosed by an employer to any person or entity not employed by or affiliated with the employer without the written authorization of such employee except where the information is limited to the verification of dates of employment and the employee's title or position and wage or salary. Exceptions to this or where the disclosure is made:

1. To a third party that maintains or prepares employment records or performs other employment-related services for the employer;
2. Pursuant to a lawfully issued administrative summons or judicial order, including a search warrant or subpoena, or in response to a government audit or the investigation or defense of personnel-related complaints against the employer;
3. Pursuant to a request by a law enforcement agency for an employee's home address and dates of his attendance at work;
4. In response to an apparent medical emergency or to apprise the employee's physician of a medical condition of which the employee may not be aware;
5. To comply with federal, state or local laws or regulations;
6. Where the information is disseminated pursuant to the terms of a collective bargaining agreement. Where such authorization involves medical records the employer shall inform the concerned employee of his or her physician's right of inspection and correction, his right to withhold authorization, and the effect of any withholding of such authorization upon such employee.

This statutory provision requires the establishment of a specific routine for handling requests for reference information by phone or by mail as to former employees. The Town procedure is as follows:

1. Everyone, particularly supervisory personnel, be cautioned that all outside reference checks regarding past or present employees must be referred to the Director of Human Resources
2. Clear, written instructions in terms of this statute are provided for the handling of reference inquiries.
3. Employees at time of separation be reminded of this legal limitation on reference checks and informed that if they wish any additional information to be furnished on reference checks they must provide written authorization.

Related Links:

- Connecticut Title 31 - Chapter 563a — Personnel Files
<http://www.cga.ct.gov/2001/pub/Chap563a.htm>

13.6 PERSONNEL CHANGE OF STATUS

Every appointment, transfer, promotion, demotion, dismissal, change in salary, absence from duty, and other temporary or regular change in the status of employees in the classified and unclassified service, shall be reported to the Director of Human Resources at such time, in such form, and with such supporting or pertinent information as the Department of Human Resources may prescribe.

The Personnel Information Form (located on the T drive or can be obtained from the Human Resources Department) is prepared by the department, approved and signed by the department head and any other appropriate Appointing Authority, and forwarded to the Director of Human Resources for review. The Director of Human Resources will return all Personnel Information Forms not properly completed. The Director of Human Resources or authorized designee must sign the Personnel Information Form to authorize and approve each change prior to implementation and processing by the Payroll Division. The Department of Human Resources has sole responsibility to authorize any additions, changes or deletions of personnel information, including pay grade and salary, from the payroll system.