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**TOWN OF WEST WARWICK  
ORDINANCE  
OF THE  
TOWN COUNCIL**

**ORDINANCE NO. 2006-22**

**AN ORDINANCE RESTATING CHAPTER 2 - ADMINISTRATION OF THE WEST WARWICK CODE OF ORDINANCE, ARTICLE IX - PERSONNEL POLICIES AND STANDARDS MANUAL IN ITS ENTIRETY, SECTIONS 2-301 THROUGH 2-437.**

**NOW, THEREFORE, BE IT RESOLVED THE WEST WARWICK TOWN COUNCIL HEREBY RESTATES THE PERSONNEL POLICIES AND STANDARDS MANUAL IN ITS ENTIRETY AS CONTAINED HEREIN.**

**POSTED: SEPTEMBER 13, 2006**

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**COUNCIL PRESIDENT:** \_\_\_\_\_

**TOWN CLERK:** \_\_\_\_\_

**ADVERTISED IN: KENT COUNTY TIMES ON NOVEMBER 3, 2006**

**THIS ORDINANCE WILL TAKE EFFECT ON: NOVEMBER 22, 2006**

**TOWN OF WEST WARWICK  
PERSONNEL POLICIES AND STANDARDS**

## TABLE OF CONTENTS

	<i>Page(s)</i>
CHAPTER 1. NATURE AND APPLICATION OF PERSONNEL ..... POLICIES AND STANDARDS	1
Section 1 - Authority for Policies and Standards.....	1
Section 2 - Applicability of Policies and Standards.....	1
CHAPTER 2. DEFINITIONS.....	1-5
CHAPTER 3. APPOINTMENTS.....	5
Section 1 - General Policies.....	5
Section 2 - Residence.....	5
Section 3 - Nepotism.....	5-6
Section 4 - Probationary Period.....	6
CHAPTER 4. VACANCIES, PROMOTIONS AND TRANSFERS.....	6
Section 1 - Vacancies in Entry Level Positions.....	6
Section 2 - Vacancies in Higher Positions.....	6-7
Section 3 - Transfers.....	7
Section 4 - Creation, Abolition and Modification of Positions by the Town .....	7
CHAPTER 5. CONDITIONS OF EMPLOYMENT.....	7
Section 1 - Work Week.....	7-8
Section 2 - Department Hours.....	8
Section 3 - Absenteeism and Tardiness.....	8
Section 4 - Attendance Records.....	8
Section 5 - Overtime and Compensatory Time.....	8-9
Section 6 - Holidays.....	9-10
Section 7 - Vacations.....	10-12
Section 8 - Sick Leave.....	12-13
Section 9 - Funeral Leave .....	14
Section 10 - Jury Service or Court Leave.....	14
Section 11 - Military Leave.....	14
Section 12 - Absence Without Authorized Leave.....	14
Section 13 - Family and Medical Leave.....	15
Section 14 - Other Unpaid Leaves of Absence.....	15
Section 15 - Procedure for Requesting Leave.....	16

Section 16 - Compensation for Unused Leave.....	16
Section 17 - Personal Leave .....	16
Section 18 - Other Benefits .....	16-17
Section 19 - Expenses .....	17
Section 20 - Employee Evaluations.....	18
Section 21 - Controlled Substances and Alcohol Testing of Commercial Motor Vehicle Drivers.....	18
Section 22 - Obtaining a CDL License.....	18
 CHAPTER 6. SEPARATION FROM EMPLOYMENT.....	 18
Section 1 - Layoffs.....	18
Section 2 - Dismissals.....	18
Section 3 - Resignations.....	19
Section 4 - Retirement.....	19
Section 5 - Employee Grievances.....	19
 CHAPTER 7. MISCELLANEOUS.....	 20
Section 1 - Code of Conduct .....	20
Section 2 - Conflict of Interests.....	21-22
Section 3 - Emergency Personnel Policies and Standards.....	22
Section 4 - Employee Personnel Files.....	22
Section 5 - Smoking .....	23
Section 6 - Standards of Dress .....	23
Section 7 - Media Contact .....	23
Section 8 - Longevity Pay .....	23-24
Section 9 - Use of Documents, Materials and/or Records Outside of Town Hall .....	24
 HARASSMENT POLICY .....	 25-28

**TOWN OF WEST WARWICK**

**PERSONNEL POLICIES AND STANDARDS**

**CHAPTER 1. NATURE AND APPLICATION OF PERSONNEL POLICIES AND STANDARDS**

**Section 1 - Authority for Policies and Standards.**

The purpose of these Policies and Standards is to establish personnel policies necessary for the effective administration of employees of the Town's departments, offices and agencies pursuant to Section 901 of the Town Charter and the Personnel Ordinance, §2-7 of the West Warwick Code. These Policies and Standards shall be known as the Personnel Policies and Standards of the Town of West Warwick, and shall be construed in a manner consistent with the Charter and Code. The Charter, and secondarily the Code, shall have precedence over these Policies and Standards in the event of conflict.

**Section 2 - Applicability of Policies and Standards.**

These Policies and Standards shall apply to all Town employees, unless stated otherwise. The Town will, by ordinance, from time to time, amend, delete, modify or change any of the provisions contained herein. The express terms of individual and collective employment agreements, if approved by the Town Council, will have precedence over the terms of these Personnel Policies and Standards.

**CHAPTER 2. DEFINITIONS.**

1. **ALLOCATION** - The placing of a position in its proper class, based upon duties performed and authority and responsibilities exercised.
2. **ANNIVERSARY DATE** - The date of initial employment.
3. **APPLICANT** - An individual who has completed and submitted an application or resume for employment with the Town.
4. **APPOINTMENT** - The act of the appointing authority in selecting the person whom it deems best qualified for the position which is to be filled in accordance with the provisions of the Town Charter, the Personnel Ordinance or the Personnel Policies and Standards.
5. **APPOINTING AUTHORITY** - The Town Manager or the person to whom the Town Manager has delegated the power to make an appointment

pursuant to the Town Charter.

6. **BREAK IN SERVICE** - Any separation from the career service of one scheduled workday or more by resignation, layoff, dismissal or retirement, or by absence without leave for one (1) workweek or more when the employee is subsequently reemployed. An authorized leave with or without pay shall not be considered a break in service for purposes of these Policies and Standards.
7. **CAREER SERVICE** - As defined by the Town Charter, all employees who are not in the exempt service.
8. **CLASS** - A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, qualifications, class specification and pay range.
9. **CLASS SPECIFICATION** - A written description of a class consisting of a class title, a general statement of the nature and distinguishing features of work, some examples of duties and the desirable qualifications for the class.
10. **CLASSIFICATION PLAN** - The official, approved system of grouping positions into appropriate classes.
11. **CONTINUOUS SERVICE** - Employment without interruption, except for absences on approved leaves or absences that by State or federal law must be deemed to be continuous service.
12. **DEMOTION** - Assignment of an employee from one position to another which has a lower rate of pay.
13. **DEPARTMENT** - The primary organizational unit which is under the immediate charge of a department head who reports directly to the Town Manager.
14. **DEPARTMENT HEAD** - The employee responsible for administering a department of the Town. He/she shall be responsible, under the direction and supervision of the Town Manager, for hiring, training, instructing, assigning work, disciplining and terminating the employment of all subordinate employees in the department and for the overall functioning, performance and administration of the department.
15. **DISMISSAL** - Permanent separation from Town employment for reasons other than layoff, resignation or retirement.

16. **EMPLOYEE** - An individual who is legally employed by the Town and is compensated through the Town payroll for his/her services. Individuals or groups compensated on a fee or contract basis are not included.
17. **EXAMINATION** - The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees.
18. **EXEMPT SERVICE** - As defined by the Town Charter, the exempt services shall consist of all officers elected by the people or by the council; all members of boards and commissions; persons employed on non-recurring projects of limited duration; persons employed as consultants or counsel, who are rendering temporary professional services; volunteers and persons appointed to service without pay; positions involving seasonal or part-time employment; employees of the school committee; and appointed officers and department heads.
19. **FLSA** - Fair Labor Standards Act.
20. **FULL-TIME EMPLOYMENT** - Employment in a permanent position in which the employee regularly works or is scheduled to work at least five days and thirty-five (35) or forty (40) hours per week, according to job description or assignment.
21. **FULL-TIME EMPLOYEE** - An individual who is assigned full-time employment.
22. **GRIEVANCE** - A wrong, real or perceived, considered by a classified employee as grounds for complaint.
23. **IMMEDIATE FAMILY** - A spouse, child, mother or father.
24. **LAYOFF** - The involuntary, non-disciplinary separation of an employee from Town service, either permanently or temporarily.
25. **LEAVE OF ABSENCE WITHOUT PAY** - Time off without pay or benefits granted to an employee by the Town without loss of seniority.
26. **NEWLY-APPOINTED EMPLOYEE** - An employee holding a position for the first time through original appointment, transfer, or promotion.
27. **ORIGINAL APPOINTMENT** - Appointment to a position other than by promotion or transfer from another position.
28. **OVERTIME** - Authorized time worked by a Town employee which is compensable at time and one half the employee's regular rate under

federal law, state law, or collective bargaining agreement.

29. OVERTIME PAY - Compensation paid to an employee for overtime work performed in accordance with these Policies and Standards.
30. PART-TIME EMPLOYMENT - Employment in a permanent or temporary position in which the employee works less than full time.
31. PART-TIME EMPLOYEE - An individual who is assigned less than a full-time work schedule.
32. PAY GRADE - A symbol indicating the pay range of a class of positions.
33. PAY PLAN - The official schedule of pay approved by the Town Council assigning one or more rates of pay to each class.
34. PAY RATE - A specific dollar amount, expressed as either an annual rate, a weekly rate, or an hourly rate.
35. PERMANENT EMPLOYEE - An employee appointed to a permanent position, generally for an indefinite term.
36. PERMANENT POSITION - A position without fixed limitation on duration and intended to last for an indefinite span of years until or unless abolished due to reorganization or otherwise.
37. POSITION - Any office or employment whether occupied or vacant, full-time or part-time, permanent or temporary, consisting of duties and responsibilities assigned to one individual by the appointing authority.
38. PROBATIONARY PERIOD - A working test period during which an employee is required to demonstrate fitness by actual performance of the duties for the position to which the employee is appointed.
39. PROMOTION - Assignment of an employee from one class to another which has a higher actual or potential rate of pay.
40. SEPARATION - Vacating a position for any reason including resignation, layoff, dismissal, retirement, permanent disability or death.
41. SUPERVISOR - The employee to whom another employee reports.
42. SUSPENSION - A forced, temporary leave of absence for disciplinary purposes or pending investigation of charges made against an employee.

43. TEMPORARY EMPLOYEE - An employee appointed to a temporary position.
44. TEMPORARY POSITION - A position designed or intended to be of limited, casual, or seasonal duration.
45. TRANSFER - Assignment of an employee from one position to another position. Transfers can take place within a department, between departments, between positions of the same or different pay ranges, between positions of the same class or between positions of different classes.
46. VACANCY - A position which has been newly established or which has been vacated by a previous employee and which the Town intends to fill promptly with another employee.
47. WORK DAY - Scheduled number of hours an employee is required to work per day.
48. WORK WEEK - Scheduled number of hours an employee is required to work per week, measured from Sunday through Saturday.

### **CHAPTER 3. APPOINTMENTS.**

#### **Section 1 - General Policies.**

It shall be the general policy of the Town to place employees according to the following principles:

- a. Employees shall be selected solely on the basis of merit and qualifications for the job as determined by the appointing authority;
- b. The appointing authority shall not unlawfully discriminate on the basis of race, national origin, ancestry, sex, religion, age, disability, or other characteristic(s) protected by law;

#### **Section 2 - Residence.**

- a. All employees shall furnish to their department head any change in address, and the notice of such change shall be forwarded to the Personnel Director to be filed in the employee's personnel record.

#### **Section 3 - Nepotism.**

No Town employee or official shall interview or decide on any candidate for

appointment or promotion who is a member of his or her immediate family, first cousin or closer, or household, as set forth in Chapter 5, Section 9(a) of these Personnel Rules.

#### **Section 4 - Probationary Period.**

- a. Purpose. All newly-appointed career employees shall complete a probationary period. The employee's supervisor shall use the probationary period to closely observe and evaluate the work of the newly-appointed employee.
- b. Duration. Pursuant to Section 909 of the Town Charter, the probationary period of all career employees will last for the first year of employment unless the period is extended by the Personnel Director.
- c. Rights of Probationary Employees. Probationary employees may be dismissed at any time, for any reason, by the appointing authority with the approval of the Personnel Director. Probationary employees shall have none of the leave rights granted by these Personnel Policies and Standards unless specifically stated otherwise. For purposes of any rights or benefits conferred by these Personnel Policies and Standards, a newly-appointed career employee is deemed to be hired upon the successful completion of the probationary period, unless specifically provided otherwise by these Policies and Standards or the Personnel Ordinance or by State or Federal law.

### **CHAPTER 4. VACANCIES, PROMOTIONS AND TRANSFERS.**

#### **Section 1 - Vacancies in Entry Level Positions.**

Entry level positions are open to any qualified applicant and announcements for such positions will be posted on appropriate bulletin boards and advertised in a paper having at least a general circulation in the Town of West Warwick. This does not preclude the Personnel Director from placing job announcements in other locations. Entry level positions will be filled according to the principles and procedures set forth in Chapter 3.

#### **Section 2 - Vacancies in Higher Positions.**

Vacancies in positions above the entry level may be filled by promotion whenever, in the judgment of the Appointing Authority, it is in the best interests of the Town to do so. Promotions will be on a competitive basis except when the Appointing Authority finds that the number of persons qualified is insufficient to justify competition. If, in the judgment of the Appointing Authority, the position may not or should not be

filled from among existing personnel, but rather should be filled by original appointment, public announcement and open competitive procedures will be followed as stated in Section 1 of this Chapter. All promoted employees will serve a probationary period of one year in their new position. Promoted employees will not be eligible to be returned to their former position unless, in the sole discretion of the Town Manager, it is in the Town's best interest to do so.

### **Section 3 - Transfers.**

Employees may be transferred between departments on a permanent or temporary basis if it is in the best interest of the Town, as determined by the Town Manager. Employees may request transfers, and requests will be granted upon the recommendations of the two department heads involved and the approval of the Town Manager. Transfers within a department are effected at the direction of the Department Head.

### **Section 4 - Creation, Abolition and Modification of Positions by Town**

Except as expressly limited by the Town Charter, the Personnel Ordinance, and collective bargaining agreements, the Town retains the exclusive right to create, abolish, modify and/or combine positions to meet the needs of the Town.

## **CHAPTER 5. CONDITIONS OF EMPLOYMENT.**

### **Section 1 - Work Week.**

#### **a. Exempt Employees.**

Unless otherwise determined by the Town Council, exempt employees will work such hours as are prescribed by the Town Manager or his/her designee. Actual hours of work will depend upon the needs of the department and will vary.

#### **b. Career Employees.**

The normal work week for career service employees generally consists of five (5) days. No employee assigned to less than 35 hours per week shall be deemed full-time. Employees who work less than a full-time schedule shall not be entitled to benefits of employment beyond salary or wages. Employees of the various departments may be required to work additional hours to meet existing conditions or emergency needs. When work beyond the normal week is required, and authorized by the Department Head or Town Manager, such additional work shall be treated and compensated as overtime in accordance with Section 4 of this Chapter.

c. Part Time Employment.

Employees may be hired for part-time work as necessary and as determined by the Town Manager and depending on budget appropriations. Anyone working less than 20 hours will not be eligible for benefits. Those working between 20 and 35 hours may receive pro-rated benefits.

d. Weather Closing/Acts of God

When it is deemed to be in the best interest of the Town to close the offices or curtail services as a result of "Acts of God", such as snowstorms, tornadoes, etc., such determination shall be made by the Town Manager through appropriate sources and employees who can be released, in the opinion of the Town Manager, will be released. Employees will receive their normal compensation, excluding overtime, for any such time. Compensation, if any, shall be determined and paid in accordance with Federal and State law and applicable collective bargaining agreements.

**Section 2 - Department Hours.**

The hours during which Town offices and departments shall be open for business shall be determined by the Town Manager.

**Section 3 - Absenteeism and Tardiness.**

Employees shall regularly and promptly be at their place of work, ready and able to commence work, at the time they are scheduled to begin the workday. Absences will only be excused if provided for by these Personnel Policies and Standards. Excessive absenteeism and/or tardiness may result in disciplinary action, up to and including dismissal.

**Section 4 - Attendance Records.**

All departments shall maintain daily attendance records indicating the hours worked, absences, and reasons for absences for all employees in the department.

**Section 5 - Overtime and Compensatory Time.**

- a. Employees in the career service are categorized as FLSA exempt and non-exempt for overtime purposes. Employees in the career service shall work overtime when necessary at the direction of their department heads. Non-exempt employees in the career service who work in excess of their

normal hours in a work week shall be compensated at the rate of time and one half to the extent required by Federal and State law or collective bargaining agreement. Paid holidays shall count as time worked for purposes of calculating the number of hours worked in a week. Overtime for non-exempt employees in the career service must be approved in advance by the Department Head or Town Manager. Employees in the exempt service and FLSA exempt employees in the career service are not eligible for or entitled to overtime compensation unless overtime compensation is required by federal or state law or collective bargaining agreement. Nonetheless, the Town Manager may approve use of compensatory time on an hour-for-an-hour basis for employees in the exempt service and FLSA exempt employees in the career service who are not entitled to overtime compensation.

- b. Employees in the career service who work overtime may elect to receive compensatory time off in lieu of overtime pay, as allowed by law. Use of compensatory time shall be mutually agreed to between the employee and their supervisor or department head. Compensatory time shall be used in the pay period immediately following the one in which it was earned, unless otherwise agreed to by the employee and their department head or the Personnel Director. If an employee is not authorized to use compensatory time within this time period and no agreement is made, the employee shall receive overtime pay instead of compensatory time.
- c. Any clerical employees not otherwise subject to terms of a written contract required to return to work after their regularly scheduled working hours in order to take minutes for any board or commission meeting shall be compensated at time and one half the employee's regular rate. If the employee is called back to work after leaving on a non-scheduled or non-routine basis, then the employee shall be entitled to a minimum of four hours work or pay in lieu thereof at the overtime rate.

#### **Section 6 - Holidays.**

- a. Employees not covered by a collective bargaining agreement shall observe the same holidays as the employees in their department covered by a collective bargaining agreement. In the case of the Police Chief, he or she shall observe the holidays set forth in the collective bargaining agreement with the IBPO.
- b. All non-union employees will follow the AFSCME schedule for holidays off.
- c. Career employees who do not work on a holiday or the day it is observed shall be paid at their regular rate for the hours they are normally scheduled

to work. If a holiday is observed on a day other than the holiday, a career employee shall only receive pay for the day the holiday is observed.

- d. An employee who is absent on leave without pay shall not be paid for official holidays.
- e. An employee who is absent on leave with pay on an official holiday shall be credited with one leave day.
- f. Employees wishing to observe religious holidays not listed in this Section must submit a written request two (2) weeks in advance to the Personnel Director. Upon approval by the Personnel Director, the employee may, at his or her option, either be given time off without pay or have the time off charged to the employee's vacation allowance.

**Section 7 - Vacations.**

- 1. Vacation is not intended as a bonus. It is granted for the purpose of allowing the employee to leave his/her duties for rest and relaxation in order that he/she may serve the Town more efficiently throughout the balance of the year.
- 2. Each regular full-time employee shall be allowed a vacation with normal pay, subject to the following regulations:
  - a. Six months of continuous service shall be required before any vacation is granted. Thereafter, vacation time shall be accumulated the same as other unionized employees.
  - b. Employees shall receive vacations on the basis of the following schedule:

1 - less than 4 years	-	13 days
4 - less than 8 years	-	18 days
8 - less than 12 years	-	21 days
12-less than 20 years	-	24 days
Over 20 years	-	26 days
  - c. Vacation time can be accumulated for one calendar year and carried over to the next year. In no case shall it be accumulated for more than one calendar year, i.e., vacation time in excess of the employee's annual entitlement will be lost if it is not used in any year by December 31. In other words, any amount of vacation time beyond the current allotment and the previous year's allotment will be lost on December 31 of each year.

d. Payment of Unused Time

An employee may opt to be paid for unused vacation time, up to one (1) full year at straight time. Payments under this section shall be requested in writing on or before April 1 and will be paid on or before June 30. Payouts shall be for previous fiscal years-accumulated vacation time according to schedule set forth in section A. Said disbursement will be made separate and apart from the normal weekly payroll.

- e. A vacation schedule for employees in all departments shall be developed by the department head, keeping in mind the desires of the employees. It shall be the policy of each department head to schedule vacations over as wide a period as possible in order to maintain operations without resorting to hiring additional help.
- f. The Town will, on or before May 1, post a vacation schedule for all employees to be taken during the period commencing June 1 and terminating October 1. The Town agrees employees may select their vacations in the order of seniority, provided such selections do not prevent an orderly conduct of the operation of the department in which the employee works. Employees with the consent of the Town, may select a vacation at any other time of the year.
- g. All vacation pay will be figured on a normal day rate.
- h. If an employee becomes ill and is under the care of a duly licensed physician during his or her vacation, his/her vacation shall be rescheduled. A vacation may not be waived by an employee provided, however, if an employee becomes ill or physically incapacitated and is under the care of a physician during his vacation, his/her vacation will be rescheduled.
- i. Vacation time shall be accrued monthly, based upon the employee's date of hire or anniversary date. e.g., an employee with two years service is entitled to 12 days, accrued at a rate of 1.0 days per month.
- j. Vacations will be granted at such times during the year as requested by the employee and approved by the Town, in advance, considering the operation needs of the employer.
- k. Vacation days shall not be allowed in advance of being earned.

- l. If a regular pay day falls during an employee's scheduled vacation, and the employee would like the check in advance, he/she will be required to make a written request at least three weeks in advance in order to receive same on the last day of work prior to the start of vacation.
- m. Employees will be paid their current rate of pay based on their regular scheduled work day while on vacation and will receive credit for any benefits provided for those Personnel Policies and Standards.

**Section 8 - Sick Leave.**

- a. Sick leave shall be for the purpose of relieving an employee of his/her duties when he/she is incapacitated from performing his/her duties because of actual illness or when his/her presence at home is necessary because of the serious illness of his/her immediate family, sister, brother, parents-in-law, or member of the employee's immediate household and may not be used under any other circumstances. Employees who use their earned sick leave for any other reason may be dismissed from Town service.
- b. All full-time employees shall receive one and one-fourth (1¼) days per month for sick leave, which they may accumulate from year to year to a maximum of 130 days. Sick leave may not be used until earned. When an employee is separated from Town service for reasons other than involuntary termination, the employee will be compensated for all unused accumulated sick leave credited to such employee on the date of separation, but not in excess of 75 days. The rate at which unused accumulated sick days are compensated shall be calculated as follows:
  - One to one hundred-thirty days (1-130) at 100%.
  - One hundred-thirty one to one hundred eighty days (131-180) at 50%.
  - One hundred-eighty to two hundred thirty days(180-230) at 25%.Said payment shall be made within thirty (30) days of the employee's departure.
- c. Additionally, employees will be able to sell back fifty percent (50%) of their annual sick leave to the Town which will be paid at straight time. Requests must be made on or before January 1st of each fiscal year. Disbursements will be within thirty (30) days from January 1st and checks

will be made separate and apart from the normal weekly payroll.

d. Time Towards Early Retirement

1. An employee may elect to have up to one-hundred and thirty (130) days of such unused accumulated sick leave credited towards his/her retirement in which event, the employee would be entitled to take what in effect amounts to an early retirement but would receive during such periods his full pay until the date of his/her normal retirement.
2. Any employee wishing to utilize the Time Towards Early Retirement clause of this agreement must, in writing, notify the Town of his/her desire, and said time shall be used consecutively and without recourse for return to duty. Said employee will not be allowed to accrue any additional time for vacation, sick or personal time however, said employee shall receive all other benefits and privileges afforded to that employee in accordance with this agreement.
3. With regards to the vacancy created by the departure of any employee utilizing the Time Towards Early Retirement, the Town shall construe the vacancy to have occurred on the first day that that employee utilizes toward early retirement. Vacancies shall be filled in accordance with this agreement.

- e. When an employee finds it necessary to be absent because of illness, he/she shall provide notice of the reason for and anticipated duration of the absence to his/her supervisor or department head or the Personnel Director (if either of the former are unavailable) before the regular starting time for work, but in no case later than 10:00 a.m. Failure to do so may result in denial of sick leave with pay, at the Town's option.
- f. No employee may use paid sick leave when the illness or injury is attributable to the willful misconduct of the employee or improper or excessive use of alcohol or controlled substances, all as determined by the Personnel Director.
- g. If an employee has exhausted all of his/her earned sick leave and is still unable to work because of illness, he may apply in writing to the Personnel Director for a leave of absence without pay pursuant to Section 12 of these Policies and Standards.
- h. The Town may require a certificate from a licensed physician as evidence

of an employee's illness.

**Section 9 - Funeral Leave.**

- a. Employees will be granted up to three (3) days paid funeral leave, from the date of death to the date of the funeral, where necessary to make arrangements and to attend the funeral of their spouse, child, parent, sibling, parent-in-law, grandparent, grandparent-in-law, step-parent, step-child, grandchild, son or daughter-in-law, sister or brother-in-law, or other relative who resided in the employee's household.
- b. Employees will be granted up to one (1) day paid funeral leave to attend the funeral of their niece, nephew, aunt or uncle.

**Section 10 - Jury Service or Court Leave.**

Employees who are required by law to render jury service shall submit all such fees received to the Town Finance Director and receive their regular pay during such period and the time spent in such service shall be reported as jury service leave provided that the employee returns promptly to work when excused from jury duty during his/her regular work day. Mileage allowances received for such service may be retained by the employee.

**Section 11 - Military Leave.**

- a. Any permanent employee who is a member of the National Guard or military reserves of any branch of the Armed Forces of the United States and who is required to undergo activation or field training therein shall be entitled to leave without pay for the period of time military orders require the employee to be away from his or her Town duties. An employee may elect to use earned vacation time during his or her military leave and retain the payment received by the state or federal government.

**Section 12 - Absence Without Authorized Leave.**

An absence of an employee from duty, including an absence for a single day or part of a day, that is not specifically authorized by a Department Head, the Personnel Director or Town Manager, or leave of absence under the provisions of these Policies and Standards, shall be deemed an absence without leave. Any such absence shall be without pay and may warrant disciplinary action, including dismissal. Absence without leave for three consecutive work days, or for any duration on three separate occasions within a thirty (30) day period without authorized leave, shall involuntarily terminate employment for cause upon the happening of the third such day or occasion.

### **Section 13 - Family and Medical Leave.**

a. Generally

Employees who have worked at least 1250 hours for the Town in the previous twelve (12) months and have completed one year of service with the Town may take unpaid leave: (1) for the birth of a child, or placement of a child for adoption or foster care; (2) to care for a seriously ill member of the immediate family or parent-in-law; or (3) because of an employee's own serious illness.

b. Duration and Form of Leave.

An employee may take up to thirteen (13) weeks of unpaid leave during any twelve (12) month period for any of the reasons stated above. The Personnel Director has discretion to extend the period of leave if it is deemed to be in the Town's best interest in accordance with Section 13 of this Chapter. Although family and medical leave is generally unpaid, the employee may choose to have any of the employee's accrued paid leave used as family or medical leave, but only if the accrued paid leave corresponds to the reason for the family or medical leave.

c. Benefits.

All insurance benefits will remain in force during the leave, provided that the employee continues to pay his or her share, if any, of the premiums no later than the date on which the employee normally receives his or her paycheck.

### **Section 14 - Other Unpaid Leaves of Absence.**

The Town Manager may grant to any employee a leave of absence without pay for any reason not provided by these policies and standards which the Town Manager, in his or her discretion, deems meritorious. Any such leave of absence shall not exceed one (1) year and shall be granted only when the Town Manager determines that the leave is in the best interests of the Town. An employee returning to Town service following a leave granted under this Section will be placed in the position held prior to the commencement of the leave unless such position is unavailable, in which case the employee will be placed in a comparable position for which the employee is qualified if such a position is available. An employee who takes an unpaid leave of absence under this section bears the risk that no positions are available at the end of the employee's leave.

### **Section 15 - Procedure for Requesting Leave.**

An employee requesting a leave of absence for any reason, other than an emergency precluding written request, must do so in writing. Such request must be approved by the Department Head and the Personnel Director. Failure to submit a request for leave in a timely fashion may be cause for denial of the leave.

In cases of emergency, telephone notification to the Personnel Director, department head, or immediate supervisor shall be deemed sufficient notification.

### **Section 16 - Compensation for Unused Leave.**

Upon separation from employment, employees not covered by a collective bargaining agreement shall receive the same compensation for unused leave as the employees in their department who are covered by a collective bargaining agreement, less all regular and lawful withholdings.

### **Section 17 - Personal Leave.**

- a. Full-time employees will be awarded two (2) personal days on July of each year. Personal days will not accumulate beyond the year in which they are earned. Employees working less than a full year will be compensated one personal day for each six month worked.
- b. An employee who seeks to use a personal day must give at least three (3) days notice to his or her Department Head or the Town Manager. This notice requirement may be waived if the Department Head (in cases involving his/her subordinate) or the Town Manager believe the circumstances warrant waiver and grant permission to take a personal day without such notice.

### **Section 18 - Other Benefits.**

- a. **Insurance Benefits for Non-Union Employees.**  
The Town shall provide insurance benefits for the full-time, non-union employees just as it provides those benefits for the unionized employees covered by the applicable labor agreement. Non-union employees will contribute 5% of the health insurance cost to the Town, as a co-payment for health insurance. Those that are receiving 50% cash in lieu of health insurance will have the 5% deducted from the total cost of health insurance, prior to determining the 50% split.
- b. **Tuition Reimbursement.**  
The Town Manager must approve in advance an employee's training or

study courses to improve the quality of the employee's service to the Town, and upon written approval, the Town may reimburse the employee if the employee achieves a grade of B or higher. Employees who receive tuition reimbursement from the Town under this provision shall reimburse the Town in full in the event the employee leaves employment with the Town within six (6) months of receiving such reimbursement.

**Section 19 - Expenses.**

1. Employees who are required to use their vehicles for Town business shall receive mileage reimbursement to be set from time to time by the Town Council.
2. Auto Insurance: Employees who drive their personal cars in performance of their duties shall maintain at their own expense adequate automobile insurance pursuant to Rhode Island law. All such employees shall provide verification of adequate automobile insurance on a yearly basis to the Personnel Director. The Town Solicitor shall also make periodic inspections of insurance documentation of such employees during the course of the year to ensure compliance with this policy.
3. Lodging: Employees who need lodging in relation to Town business shall be reimbursed for the cost of the employee's lodging, provided prior approval has been obtained from the employee's supervisor. A signed voucher with appropriate original receipts must accompany reimbursement requests. Any telephone charges must be related to the Town.
4. Food/Beverages: On approved Town business, an employee shall be reimbursed an amount set by the Town Manager for food and beverage. Alcohol will not be reimbursed. Supporting original receipts must be turned in on a voucher.
5. Town Vehicles: Town vehicles shall be used for approved Town business and approved travel to and from the employee's residence to his/her place of employment within the Town. The Town Council shall approve the use of any Town vehicle to and from an employee's residence if the employee is not a resident of the Town of West Warwick. No other individual other than the approved Town employee shall operate a Town vehicle. Town vehicles shall be left in the possession of the Town or on Town property during an extended absence for any reason. For purposes of this provision, extended absence shall mean any absence of three scheduled working days or more. Employees who violate this policy will be disciplined, up to and including termination of employment.

## **Section 20 - Employee Evaluations**

The job performance of each employee will be evaluated annually. This evaluation will be done by the employee's Department Head or person designated by the Town Manager. Evaluations of Department Heads will be tied to each Department Head's goals and objectives, as established with the Town Manager.

## **Section 21 - Controlled Substances and Alcohol Testing of Commercial Motor Vehicle Drivers**

The Town's controlled substances and alcohol testing policy for drivers of commercial motor vehicles, which is set forth separately from these Personnel Policies and Standards, shall be adhered to.

## **Section 22 - Obtaining a CDL License**

It is the policy of the Town to encourage all employees who may be eligible to drive a commercial motor vehicle in the course of employment with the Town to obtain a commercial driver's license (CDL). The Town will therefore give reasonable assistance, as determined by the Town Manager, to employees seeking to obtain a CDL which can be used in the course of employment with the Town. All requests for assistance should be directed to the employee's Department Head or the Town Manager.

## **CHAPTER 6. SEPARATION FROM EMPLOYMENT**

### **Section 1 - Layoffs.**

Any employee may be laid off because of a shortage of work or funds, the abolition of a position, change in departmental organization, or any other reason. The duties performed by an employee who is laid off may be reassigned to other employees or eliminated.

### **Section 2 - Dismissals.**

#### **a. Career Employees**

Unless otherwise provided, career employees serve at the pleasure of the Town Manager and may be dismissed by the Town Manager at any time for any reason, subject to approval of a majority of all members of the Town Council in those cases where the Town Council ratified the appointments.

#### **b. Exempt Employees**

Exempt employees may be dismissed pursuant to the Town Charter and the Personnel Ordinance. In accordance with the November, 1996 change in the Town Charter, department heads are no longer considered to have vacated their position upon termination of the Town Manager's employment.

### **Section 3 - Resignations.**

Any employee who wishes to resign in good standing from Town service must provide notice of the intention to resign to the Personnel Director at least two (2) weeks prior to the effective date thereof. Upon receipt of such notice, the Personnel Director shall calculate the amount of sick leave and vacation leave which the employee has accrued. This information shall be forwarded to the Finance Department in order that the employee may be compensated for accumulated leave, if applicable, no later than the next regular payday following separation from employment.

Failure to provide at least two (2) weeks notice is cause for denying future employment by the Town and pay for accumulated leave.

### **Section 4 - Retirement.**

The Town's pension plan(s) are set forth in the Town Municipal Code. Notice of intention to retire should be sent to the Personnel Director in the year prior to retirement so that the necessary preparations can be made.

Pensions shall be computed based on the preceding 12- months base salary. Employees shall pay into and receive the same pension benefits as AFSCME employees.

### **Section 5 - Career Employee Grievances.**

Any career employee who has a grievance shall direct such grievance to his/her department head. If the grievance is not resolved to the employee's satisfaction, the employee may present the grievance to the Town Manager. The decision of the Town Manager on any employee grievance shall be final.

The Town Manager may require an employee to submit a signed statement which sets forth with particularity the basis for the grievance and all relevant facts and sections of law, code or policies and standards. The resolution of all employee grievances shall be accomplished in a simple and informal manner. The Personnel Director and Town Manager may require any employee to participate in an investigation or hearing and give witness. Refusal to participate may be grounds for disciplinary action.

## CHAPTER 7. MISCELLANEOUS

### Section 1 - Code of Conduct

The Town believes that the best way to deliver its vital services is through a corporate philosophy that is committed to the principles of fiscal responsibility, integrity, responsiveness and excitement, otherwise referred to as the F.I.R.E. PHILOSOPHY, as adopted as the official corporate philosophy of the Town by the Town Council on January 3, 1995, in Resolution 95-9.

1. Policy Statement. It is the policy of the Town to foster efficient and effective government services, as well as the protection and fair treatment of all citizens and employees and all persons coming in contact with the Town. Every employee is a guardian of public resources entrusted by the public with its funds, safety and welfare. Therefore, each employee is required to work diligently at all times to guard the public's resources and to maximize the value the public receives for the compensation paid.
  
2. Employee Conduct and Disciplinary Policy. Employees are subject to disciplinary action, including termination of employment, when they fail to meet the standards set forth above. A partial list of infractions that will lead to immediate discipline, up to and including discharge, follows. It is not intended to be all inclusive, but rather is merely a list of examples of serious infractions.
  - a. Unauthorized absence from work.
  - b. Violation of the Town Charter.
  - c. Neglect or failure to satisfactorily perform assigned duties.
  - d. Unauthorized use of Town property, vehicles, equipment or facilities (including telephones or duplicating equipment).
  - e. Violation of a safety rule or safety practice. All employees must report injuries sustained on the job to their Department Head, along with a copy to the Town Manager, as soon as possible.
  - f. Not being at an assigned work station and ready to work promptly at starting time.
  - g. Insubordination (i.e., a refusal to obey a legitimate directive from a supervisor).
  - h. Sleeping on the job.
  - i. Dishonesty of any kind, including:
    1. theft, attempted theft or neglect of property belonging to the Town, a patron, visitor or co-employee. Unauthorized possession of Town property or the property of an employee or other individual.
    2. Performance of duties unrelated to Town employment while being paid by the Town.

3. Misrepresentation of medical conditions or other facts in seeking employment.
  4. Falsification or destruction of the Town records.
  5. Improper use of sick leave or other leave of absence.
  6. Causing any Town record or document to be falsified.
  7. Misrepresentation by work, writing or action.
- j. Instigating a fight or fighting.
  - k. Possession of, consumption, use, or working while under the influence of alcohol or illegal controlled substances; testing positive pursuant to the Town's drug and alcohol testing policies.
  - l. Unauthorized Possession of firearms, fireworks, explosives, or weapons of any kind inside the Town facilities or in its vehicles.
  - m. Gambling on Town property or while being paid by the Town.
  - n. Use of abusive or obscene language.
  - o. Violation of any Town policies
  - p. Interfering with the work of other employees, or conduct disruptive to the work of other employees.
  - q. Violation of any Federal or State law while on the Town property or while being paid by the Town.
  - r. Harassment of co-workers, supervisors, public officials or members of the public, including, but not limited to harassment based on sex, race, age, religion or ethnicity.
  - s. Absence of three (3) working days without properly notifying a supervisor.
  - t. Stopping work or making unauthorized preparations to leave work before employee's lunch break or end of the work day.
  - u. Acceptance of gifts or gratuities from any individual or agency that may be construed as influencing a decision of a Town official or employee.
  - v. Conviction of a felony.

## **Section 2 - Conflict of Interests.**

No employee will engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his/her official duties in the public interest or which would tend to impair his/her independence of judgment or action in the performance of his/her official duties. Personal as distinguished from financial interest includes an interest arising from blood, marriage or social relationships or close business or political association. The following acts, among others, are prohibited and may result in immediate dismissal -

1. Incompatible employment - holding a position in addition to a public position which interferes, or may interfere, with the proper discharge of his/her public duty, or which creates the appearance of impropriety or

which involves actual or potential conflicts in the execution of his/her public duties.

2. Use of confidential information obtained as a result of public position for personal gain or personal purposes.
3. Acceptance of or soliciting of gifts, financial contributions or favors from any member(s) of the public.
4. Any use of official position for personal gain.
5. Holding or making investments which interfere, or tend to interfere, with proper discharge of public duty.
6. Representation of private interests of others before Town agencies, courts, or legislative bodies, or participation in the profits derived from decisions of a Town agency which the employee works with or for.
7. Participation in transactions as a public representative with a business entity in which the public official or employee has a direct or indirect financial or other personal interest.

### **Section 3 - Emergency Personnel Policies and Standards.**

The Personnel Director may adopt emergency personnel policies and standards to address any situation not provided for by these policies and standards, the Personnel Ordinance or the Charter of the Town of West Warwick. Such emergency personnel rule(s) shall be temporary and shall be automatically repealed forty-five (45) days after adoption unless the Town Council has adopted such rule(s) in accordance with the Town Charter.

### **Section 4 - Employee Personnel Files.**

The contents of employee personnel files are deemed to be confidential. Only the head of the employee's department, the Personnel Director and the Town Manager shall have unrestricted access to an employee's personnel file.

An employee who wishes to inspect his/her personnel file must contact the Personnel Director and request an appointment to do so. The Personnel Director or his/her designee must be present at all times when the employee inspects the file. The employee may not remove or alter any information contained in the file but may ask for copies of documents in the file, at the employee's expense.

## **Section 5 - Smoking**

Smoking is prohibited in all Town buildings and vehicles in accordance with Rhode Island General Laws.

## **Section 6 - Standard of Dress**

The observance of a dress code is vital to the preservation of our professional image in the eyes of the public and patrons. When reporting to work, employees must always present a neat and clean appearance appropriate to their positions.

Clothing is to be kept cleaned and pressed presenting a neat, clean, professional image. Shirts must have all buttons securely attached and are not to be ripped or torn. Shoes should be periodically polished and present a well maintained appearance (i.e., must not be excessively scuffed).

The following items are not considered appropriate office attire: sweatshirts, sweatpants, T-shirts, athletic shoes, sneakers, sandals, jeans or shorts of any type. Faces shall be clean shaven, except that a mustache and/or beard may be worn, provided it is neat, clean and trimmed and does not interfere with safety or any other aspect of the employee's job. Hair shall be kept neat and well-groomed. Hair shall be worn in such a manner that the vision of the employee is in no way obstructed either from the front or sides.

Employees' attire must be both safe and appropriate to their position. An Employee for whom the Town provides or pays for a uniform must wear the uniform prescribed when on duty, unless he/she is expressly authorized by his/her supervisor to be out of uniform.

## **Section 7 - Media Contact**

The Town Manager shall be responsible for contacting the media and setting forth the official statements and/or policies on behalf of the Town Administration. Employees should refrain from providing information to the media without the consent of the Town Manager.

## **Section 8 - Longevity Pay**

- a. The Town shall pay annually in a separate check on the first pay period of November, longevity payments to all employees not covered by a collective bargaining agreement in recognition of continuous dedicated service to the Town in accordance with the following schedule:

Years of Service	
4 completed years to less than 8 years	5%

8 to less than 12	6.5%
12 to less than 16	7.5%
16 to less than 20 and over	9.5%
20 and over	11.5

- b. Longevity pay shall be based on base salary only.
- c. Employees who have been separated from Town employment and are re-hired at a later date will have their longevity based on date of re-hire.
- d. Longevity payment shall be calculated to the nearest full cent.
- e. Longevity pay will be prorated in the event that an employee is on workers' compensation or otherwise absent without pay during a part of a year. It is not payable if the employee is on workers' compensation or otherwise absent without pay for the entire year.

**Section 9 — Use of Documents, Materials and/or Records Outside of Town Hall.**

- a. All employees and all members of any boards, Committees or other Town sponsored groups requiring access to personnel documents, materials and/or records which are not deemed public, notwithstanding the format in which the information is contained, must insure that said records remain within the Town Hall, or other offices containing said records, at all times. This includes all records, which are not deemed public, relating to the performance of the specific duties as employees, or in their appointed capacity as members of said boards, committees or other Town sponsored groups.
- b. The Town Manager may provide for exceptions to this policy upon a written request of the Department Head or through a majority vote of any boards, committees or other Town sponsored groups. The Town Manager's approval for the exception will be in writing and outline the parameters for outside use of the materials.

## POLICY ON HARASSMENT

### I. STATEMENT OF POLICY

It is the policy of the Town that every employee be entitled to a working environment free from any kind of unlawful harassment, including sexual, sexual orientation, racial, religious, age, color, disability or national origin harassment or offensive conduct based on any of these factors regardless of its form or manner. Harassment is unlawful and hurts other employees. Harassment can be destructive to employee morale as well as to the Town's reputation, and can be extremely costly in terms of lost productivity, lost employees, and out-of-pocket expense. Any incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex or other protected status suffer the consequences. Harassment therefore has no legitimate purpose related to the business of the Town. Thus, any act or pattern of harassment by any employee of the Town is beyond the scope of his or her authority as an employee, officer or agent of the Town and will subject the employee to discipline up to and including the termination of employment.

This Policy focuses primarily on sexual harassment, but prohibits harassment of all kinds. Harassment based on race, disability or any other protected class status is unlawful and will be dealt with under this Policy in the same manner as sexual harassment.

The Town will administer all provisions of this policy without regard to race, color, religion, sex, sexual orientation, age, national origin, handicap, Vietnam-era veteran status, or disabled veteran status.

### II. SCOPE

This Policy applies to all employees of the Town.

### III. DISSEMINATION OF POLICY

This Policy constitutes a portion of the Town's Personnel Policies and Standards. The Personnel Director is responsible for circulating this Policy to all employees of the Department.

### IV. STATEMENT OF PROHIBITED CONDUCT AND DEFINITIONS

All employees of the Town are absolutely prohibited from engaging in harassment of any Town employee, or any other person with whom they have contact in the course of their duties. All employees must avoid any act or conduct which could be viewed as harassment by another individual.

(A) Harassment generally.

The Town considers any physical or verbal behavior which disregards the dignity and self-esteem of others to be harassment within the meaning of this policy. This includes unwelcome physical advances, unwarranted written or verbal remarks, improper derogatory statements or discriminatory comments of any kind which occur between any individuals or groups of individuals.

(B) Sexual harassment.

Sexual harassment is defined as unwelcome sexual advances, requests

for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) submission to such conduct is made either explicitly or implicitly a term or a condition of an individual's employment;
  - (2) an employment decision is based on an individual's acceptance or rejection of such conduct; or
  - (3) such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment.
- (C) Retaliation. It is unlawful to retaliate or take reprisal in any way against anyone who has articulated any concern about harassment or discrimination. This policy protects individuals alleging that they have been harassed as well as any other individual who expresses concerns about harassment, provides information about instances of harassment, investigates or cooperates with an investigation of harassment.

## V. EXAMPLES OF PROHIBITED CONDUCT

The Town considers the following identified conduct to represent some of the types of acts which constitute harassment under this Policy. These examples are provided to illustrate the kind of conduct prohibited by this Policy; this list is neither exhaustive nor all-inclusive. The omission of any specific conduct from the following list shall not prevent the Town from concluding that such conduct nevertheless constitutes harassment.

- (A) Physical assaults of a sexual nature, such as:
1. Assault, rape, sexual battery, molestation or attempts to commit these acts; or
  2. Unwelcome intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another person's body, or poking another person's body.
- (B) Unwanted sexual advances, propositions or other sexual comments, such as:
1. Sexually-oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience;
  2. Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; or
  3. Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or intentionally making performance of an employee's job more difficult because of that employee's sex.
- (C) Sexual or discriminating displays or publications anywhere in workplace by employees, such as:
1. Displaying pictures, posters, calendars, graffiti, objects, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic, or bringing onto or possessing in the Town's work environment any such material;

2. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, demeaning or pornographic; or
  3. Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and similar semi-private lockers/changing rooms).
- (D) Retaliation or failure to cooperate with investigation of harassment complaints, such as:
1. Disciplining, changing work assignments of, providing inaccurate work information to, or refusing to cooperate or discuss work-related matters with any employee because that employee has complained about or resisted harassment, discrimination or retaliation or cooperated in any investigation of harassment; or
  2. Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in any item above.

## VI. SCHEDULE OF PENALTIES FOR MISCONDUCT

The following schedule of penalties applies to all violations of the Town's Harassment Policy:

- (A) Harassment.
1. An employee may be disciplined, up to and including suspension or discharge, for any act of harassment which is proven or otherwise demonstrated to the satisfaction of the Town.
  2. In determining the ultimate penalty in cases of harassment, the Town will consider the nature and severity of the alleged misconduct, along with any other relevant factors.
- (B) Retaliation.
- An employee may be disciplined, up to and including suspension or discharge, for any act of retaliation against a harassment complainant or any other individual who has investigated or cooperated in an investigation of harassment. The severity of the discipline will be based on the nature and extent of the harassment or retaliation and any other relevant factors brought to the attention of the Town. The ultimate determination of the appropriate penalty for retaliation will be within the discretion of the Town.

## VII. PROCEDURE FOR MAKING, INVESTIGATING AND RESOLVING HARASSMENT AND RETALIATION COMPLAINTS

- (A) Complaints.
- The Town provides its employees with a convenient, confidential and reliable mechanism for reporting incidents of harassment and/or retaliation. The Town designates the Town Manager/Town Personnel Director to serve as its Investigative Officer for all harassment issues. If you have a complaint of harassment or retaliation, you should contact Town Manager at 822-9219. In the event of any harassment complaint

involving alleged misconduct by the Town Manager, complaints should be reported to the Finance Director, at 822-9216. The Investigative Officer may appoint a designee to assist in handling harassment complaints.

Complaints of harassment or retaliation will be accepted in writing or orally, and all complaints will be taken seriously and investigated. Anyone who has witnessed an act of harassment or retaliation, even if that person was not the target of harassment or retaliation, is required by this Policy to bring the matter to the attention of the Investigative Officer.

The Investigative Officer shall thoroughly investigate all reports of harassment or retaliation as promptly as possible, keeping the matter as confidential as is practicable. All parties contacted in the course of an investigation will be advised that all parties involved in the charge are entitled to respect and that any retaliation or reprisal against an individual who is an alleged target of harassment or retaliation, who has made a complaint or who has provided evidence in connection with a complaint will constitute an actionable offense for which penalties may be implemented under this Policy.

The Investigative Officer will produce a written report, which, together with the investigation file, will be discussed with the complainant within a reasonable period of time. The Investigative Officer is empowered to recommend remedial measures based upon the results of the investigation and the Town will promptly consider and act upon such recommendations. The Investigative Officer will have the duty to immediately bring all harassment or retaliation complaints to the confidential attention of the Personnel Director, or to the Finance Director if the complaint should be against the Personnel Director. If, after investigation, the Investigative Officer is unable to establish that any act of harassment has occurred, he will meet with the complaining employee(s) and with the complained-against employee(s) individually to explain both the results of the investigation and the Town's policy on harassment.

(B) Cooperation.

An effective harassment policy requires the support of all the Town's personnel; it is therefore the duty of every employee to cooperate fully with any investigation under this policy. Anyone who engages in harassment or retaliation or who fails to cooperate with any Town-sponsored investigation of harassment or retaliation may be severely sanctioned, up to and including suspension or dismissal from employment. Any employee who refuses to implement remedial measures, obstructs the remedial efforts of other Town employees or who retaliates against harassment complainants or witnesses may be subject to immediate disciplinary measures under this Policy.