

POLICY AND PROCEDURE MANUAL



LEWISTON-AUBURN
WATER POLLUTION CONTROL AUTHORITY

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SECTION 1: INTRODUCTION AND PURPOSE

A. Organization

The Lewiston-Auburn Water Pollution Control Authority (LAWPCA) was created by an act of the Maine Legislature in 1967 to provide wastewater treatment services to the Cities of Lewiston and Auburn. The plant started operation in 1974 and was one of the first secondary wastewater treatment facilities in the State of Maine.

B. Purpose

The Policy and Procedure Manual applies to all Lewiston-Auburn Water Pollution Control Authority (LAWPCA) staff. This manual is not intended to be, and should not be interpreted as, a contract between LAWPCA and any employee.

Some policies apply to all LAWPCA employees. Some may apply to specific categories of staff. Employees who are members of a collective bargaining unit should first refer to their union contract for guidance on any of the policies, procedures, practices or benefits described in this policy manual. If the union contract does not specifically address the policy, procedure, practice, or benefit, then the employee may infer that the description in this policy manual applies to the employee. In the event of a discrepancy between this manual and a collective bargaining agreement covering employees who are represented by a union, the terms of the bargaining agreement will govern.

This Manual is a guide for our employees and is the foundation of our human resource procedures. No manual, however, can address every situation or question. Employees should consult with their supervisor regarding any questions.

As an employee, you are responsible for reading, understanding and complying with the provisions of this Manual. This Manual supersedes all previous employee policy manuals, verbal directives and memos that have been issued. No individual supervisor has the authority to change policies. If you are uncertain about any policy or procedure, speak to your supervisor or any member of management.

The Policy and Procedure Manual will be updated on a regular basis, and LAWPCA reserves the right to change, modify or supersede any of these policies and procedures with or without notice at any time. All matters addressed in this manual are subject to the provisions of Federal, State and Local Laws and Ordinances regulating LAWPCA and the services provided by LAWPCA.

This manual was developed in order to organize all policies and procedures that have been developed over time and have been formally adopted by the LAWPCA Board of Directors. This policy and the provisions herein can only be amended by action of the Board of Directors. This policy manual can be found on the LAWPCA website at: www.lawpca.org.

Any questions about the application of a policy should be directed to the General Manager.

SECTION 2: APPLICATION AND HIRING

A. Reasonable Accommodation

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of LAWPCA to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is the Authority policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

Contact the General Manager with any questions or requests for accommodation.

B. Job Vacancy

LAWPCA policy is that positions will be filled by qualified people and by those determined by management to be best able to perform the job duties of the job under consideration. Whenever possible, consistent with these standards, it is LAWPCA's policy that existing employees are provided with the opportunity for advancement.

When management determines that a vacancy should be filled, advertisements will be prepared setting forth a basic description of the position, any qualifications or other position requirements including, without limitation, specific education or skill requirements and experience requirements. The notice will include instructions on how to apply for the position and include a deadline for submitting applications and supporting materials. The advertisement will be posted both internally and externally concurrently.

C. Application

All applicants shall complete a LAWPCA employment application form, or if existing employee, submit a letter of interest and may submit additional information on qualifications. LAWPCA relies on the accuracy of information provided by applicants, and any misrepresentations, falsehoods, or significant omissions of information may exclude the applicant from consideration, or, if the person has been hired, may result in termination.

D. Employment References

Pre-employment reference checks may be conducted to ensure those we hire are well qualified and likely to succeed at LAWPCA.

E. Background Checks and Physicals

Once a conditional job offer has been accepted, the candidate may be required to authorize the Authority to perform a background check. Some positions will be required to undergo a medical evaluation, including drug testing, to determine their ability to perform the essential functions of the job, and to meet employee health standards.

F. Orientation

New hires will be scheduled to attend orientation within the first week of employment. The meeting will include the following:

- Introduction to the Authority, its functions and culture
- Policy and Procedure Manual
- Benefits plan information, discussion and preliminary enrollment
- Safety and health policies reviews—safety, fire, emergency evacuation, job-related safety issues.
- Anti-harassment policy review and discussion
- Administrative procedures—security, computer systems and logins, telephone systems, supplies and equipment

G. Immigration Law Compliance

LAWPCA employs only those authorized to work in the United States in compliance with U.S. Immigration law. New employees or re-hires, as a condition of employment, must complete a USCIS Form I-9 and present documentation confirming their identity and employment eligibility.

H. Nepotism

Due to potential for perceived or actual conflicts, such as favoritism or personal conflicts from outside the work environment, which can be carried into the daily working relationship, LAWPCA will hire relatives of persons currently employed only if: a) candidates for employment will not be working directly for or supervising a relative, and b) candidates for employment will not occupy a position in the same line of authority in which employees can initiate or participate in decisions involving a direct benefit to the relative. Such decisions include hiring, retention, transfer, promotion, wages and leave requests.

Family member is defined as one of the following: spouse or significant other, parent/step parent, child/step child, grandparent, grandchild, brother/brother-in-law, sister/sister-in-law, uncle, aunt, nephew, niece, first cousin, in-laws (father, mother, son, daughter).

This policy applies to all current employees and candidates for employment.

SECTION 3: EMPLOYEE CLASSIFICATION, STATUS AND EVALUATION

A. Employee Classification

It is the intent of LAWPCA to clarify the definitions of employment classification so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time.

Fair Labor Standards Act Job Classifications

All employees are designated as either nonexempt or exempt under state and federal wage and hour laws:

- **Nonexempt employees** are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are *not* exempt from the law's requirements concerning minimum wage and overtime.
- **Exempt employees** are generally executives, managers, professional, administrative or outside sales staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

LAWPCA Job Classifications

- **Probationary Period:** Employees with less than six (6) months of continuous/full-time service.
- **Regular full-time:** Employees who have completed the six (6) month initial orientation period and are not in a temporary status and are regularly scheduled to work a minimum of 35 hours each week.
- **Regular part-time:** Employees who are not in a temporary status and are regularly scheduled at least 16 hours but no more than 35 hours each week
- **Temporary:** Employees scheduled for full or part-time work for a set (but not permanent) period of time, typically with no benefits other than those mandated by law.
- **Interns:** Internships – LAWPCA offers paid and unpaid internships. Additional information is available upon request.

B. Eligibility for Benefits

Regular full-time employees are eligible for all benefits detailed in this manual, unless otherwise specifically stated in the Collective Bargaining Agreement, or unless otherwise specifically stated in the Benefits section. In general, benefits will be extended to regular part time employees in proportion to the number of hours they normally work.

Temporary Employees are not eligible for any benefits, other than those mandated by law, such as overtime.

C. Probationary Period

All persons newly hired for a position with LAWPCA must serve a probationary period of six months, beginning with the first day of work. This probationary period is meant to assist the employee and LAWPCA in evaluating progress and performance and is not necessarily correlated with compensation adjustments. If warranted, the six-month probationary period may be extended with General Manager approval.

D. Compensation Policy

LAWPCA currently maintains a Position Classification Pay Plan, applicable to Non-Union Employees, which provides for a systematic arrangement and inventory of positions, subject to such modifications as may be desirable in the future. Advancement through the Position Classification Pay Plan is not automatic but is based upon such factors as management's evaluation of employee performance, attitude and productivity. Periodically, LAWPCA management will conduct salary surveys of all non-union positions to determine whether or not adjustments should be made to the salary ranges for each position.

The Position Classification Pay Plan groups Non-Union positions into various classes based upon the duties, responsibilities, and work involved with each position. Position descriptions have been prepared for each job and these descriptions will be reviewed regularly. LAWPCA reserves the right to modify or rescind the Plan or any position description. Employees are responsible to become familiar with their position description and are encouraged to review the position description on a regular basis.

Each non-union position at LAWPCA has an established pay range determined to be both fair and competitive. During the hiring process for each of these positions it is the responsibility of the General Manager to determine where a qualified applicant would fall in this range.

The LAWPCA Board of Directors retains ultimate authority and discretion over the adoption, modification, or rescission of the Position Classification Pay Plan. Further, the Board of Directors decides, in developing the annual budget for LAWPCA, the amount to be allocated for employee salaries and benefits and the levels of those salaries and benefits.

The General Manager administers the Plan and, as a part of the annual budget process, makes recommendations regarding the Plan as a whole, employee benefits, and salary adjustments. Employees having questions or comments on these matters should discuss their compensation with the General Manager.

E. Merit Pay

Merit pay may be added to a non-union employees' salary in recognition for superior performance upon board approval utilizing fair and equitable compensation practices. Merit pay recommendations will be based upon the General Managers' annual evaluation of non-union staff to recognize and reward meritorious performance and organizational contributions.

Recommended levels of merit will be made to the LAWPCA Board of Director's in conjunction with the submission and approval of an annual budget. Once an employee reaches the top of the established pay scale, merit pay will not be awarded.

F. Performance Evaluations

LAWPCA encourages the recognition of excellent performance and achievement through an evaluation process. Employee evaluation and recognition are all important parts of continuous improvement and employee growth, while ensuring Authority goals and objectives are being met.

Annual written performance evaluations will be done in conjunction with the annual budget preparations as non-union employee merit pay is dependent upon these performance evaluations. Copies of the performance evaluations will be kept in each employee's personnel file as well as provided to each individual. Employees will have the opportunity to comment/respond to their evaluation. A copy of the current employee evaluation form is available upon request.

SECTION 4: WORK RULES

Work rules are set at the sole discretion of the Authority. LAWPCA will attempt to inform the affected employees at least fourteen (14) calendar days prior to the effective date of any new or amended work rules. If this is not possible, the new or amended rules will be posted for at least two (2) consecutive workdays during Monday through Friday before becoming effective.

A. Payroll Work Week and Paychecks

LAWPCA's normal work week for payroll purposes consists of seven (7) consecutive days, Monday through Sunday. All employees are paid weekly on Wednesdays for the pay period ending the previous Sunday. If a holiday precedes a payday, employees may be paid on Thursday of that week.

B. Time Clocks

All non-exempt employees are required to use a time clock to accurately document their hours worked.

C. Work Hours

A regular work week for full time non-exempt employees is forty (40) hours. Exempt employees are expected to manage their time so that all job requirements are met.

It is expected that employees will be responsible to ensure that the duties assigned to them are completed timely and efficiently. In addition, the hours of work and the scheduling of breaks may be modified at the discretion of management. Such modifications may be made without prior notice when unforeseen or emergency circumstances require such action.

D. Breaks

Non-exempt employees will normally be permitted one paid rest break of up to ten (10) minutes in the morning and a paid twenty (20) minute lunch break. Employees will be required to remain available for duty during these breaks and will be required to interrupt their breaks when LAWPCA business demands. With the approval of management, employees may combine the two breaks into one thirty (30) minute lunch break.

E. Overtime

Exempt employees are not eligible for overtime compensation.

LAWPCA pays overtime for regular full-time, non-exempt (hourly) employees at the rate of one and a half (1 ½) times the employee's regular hourly rate for all hours actually worked in excess of eight (8) hours in the normal work day. All overtime must be approved and assigned by the General Manager or Assistant General Manager, and working overtime as required is expected of all employees by the Authority. LAWPCA pays overtime for regular part-time and temporary part-time employees at the rate of one and a half (1 ½) times the employee's regular rate for all hours actually worked in excess of forty (40) hours in the normal week.

F. Compensatory Time

The Authority shall comply with the Federal Fair Labor Standards Act (FLSA) and shall allow non-exempt employees to accumulate compensatory time in lieu of overtime pay in specified situations.

Compensatory time may be earned by non-exempt (hourly) employees who work outside normal work hours and is earned on a time and a half basis. Any compensatory time not used prior to the last payroll of the fiscal year, will be paid out in the employee's last paycheck of the year.

It is the employee's responsibility to indicate on their time card prior to the end of the payroll period, whether their overtime is to be converted to compensatory time.

G. Plant Closure

As a result of bad weather or other causes, the General Manager may close all or a portion of LAWPCA facilities. Under such circumstances the General Manager may allow employees to go home without pay, or use vacation time, personal holiday time, or compensatory time for the time the facilities are closed. Remote work may also be approved. Exempt employees are not required to use time to cover such periods.

H. Attendance

All employees are expected to be at work at their respective places at the appointed starting time. Any employee who is unable to report to work for the day, or who is delayed in reporting to work, is required to notify their supervisor no later than ½ hour before the employee's scheduled start time, unless there's an emergency.

I. Phone Use

Personal phone calls or text messages that are not emergency calls are expected to be taken during lunchtime or break time. Use of cell phones for the purpose of visiting non-work-related internet websites (e.g. Facebook) is prohibited during working hours.

If an employee receives an emergency call at work, it is understood that the emergency will be dealt with as needed to obtain the best and safest result for everyone involved.

The use of any cell phone, personal or LAWPCA provided, is prohibited from being used while driving a LAWPCA vehicle. If use of the phone is necessary, the vehicle must be safely off the road and stopped. Failure to adhere to this policy will result in disciplinary actions. Note: the use of LAWPCA provided cellular phones for text messages is not prohibited; however, sending text messages while driving any vehicle while working is strictly prohibited and may be grounds for disciplinary action.

J. Personal Appearance

Employees are expected to present a neat, clean appearance, and to dress according to the requirements of their position. Employees may be sent home for failing to do so and will not be compensated for time away from work.

K. Clothing and Safety Footwear

The Authority recognizes that some non-union employees work in environments for which wearing a uniform is a practical necessity for a portion of their working hours. The Authority will provide to each of those employees a clothing allowance each year. The clothing allowance shall be paid to the employee in one check issued the first pay period after January 1.

Each employee shall maintain his or her uniform in serviceable, neat, and clean condition.

Any employee exposed to operations or construction shall wear safety toe shoes. The Authority will contribute toward the purchase of safety shoes; purchase to be made through or upon written authorization of the Authority. The Authority, in its sole discretion, may furnish replacement shoes on a more rapid schedule, on a case by case basis.

The Authority will provide a pro-rated clothing allowance (based on the number of months worked). All allowances are subject funding annually by the Board of Directors.

L. Solicitation and Distribution

During an employee's working time (time employee is required to perform actual job functions), they may not engage in solicitation of other employees or distribute literature for any non-Authority purpose. Employees may participate in generally acceptable and approved solicitations during their scheduled break or lunch or after working hours.

Unless previously approved by the General Manager, persons not employed by the Authority are not permitted to solicit employees or distribute literature on Authority premises. Such persons should be directed to the General Manager's Office.

Bulletin boards are limited to official Authority business. All postings on these official bulletin boards must be cleared through the General Manager's Office.

Violations of this Policy may result in discipline up to and including termination of employment. From time to time, however, the Authority may conduct or authorize charitable solicitations for the purpose of acquiring or maintaining goodwill in the community, consistent with its business interests.

SECTION 5: DISCRIMINATION, HARASSMENT, WHISTLEBLOWER PROTECTIONS

A. Nondiscrimination/Anti-Harassment Policy and Complaint Procedure

Objective

LAWPCA is committed to 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 unlawful discriminatory practices, including harassment. Therefore, LAWPCA expects that all relationships among persons in the work place will be professional and free of explicit bias, prejudice and harassment.

LAWPCA has developed this policy to ensure that all its employees can work in an environment free from unlawful harassment, discrimination and retaliation. LAWPCA will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Any employee who has questions or concerns about these policies should talk with the General Manager or Human Resources Consultant.

Equal Employment Opportunity

It is the policy of LAWPCA to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, gender identity or expression, age, disability, marital status, citizenship, national origin, genetic information, or any other characteristic protected by law. LAWPCA prohibits any such discrimination or harassment.

Diversity and Inclusion

At LAWPCA, a diverse, inclusive, and equitable workplace is one where all employees, whatever their gender, race, ethnicity, national origin, age, sexual orientation or identity, education or disability, feels valued and respected. We are committed to a nondiscriminatory approach and provide equal opportunity for employment and advancement. We respect and value diverse life experiences and heritages and ensure that all voices are valued and heard. We're committed to modeling diversity and inclusion for the entire industry, and to maintaining an inclusive environment with equitable treatment for all.

Retaliation

LAWPCA encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of LAWPCA to promptly and thoroughly investigate such reports. LAWPCA prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Sexual Harassment

Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

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

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment:

- a) quid pro quo and
- b) hostile work environment

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Harassment

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sex, sexual orientation, gender identity or expression, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, or that of his or her relatives, friends or associates, and that: a) has the purpose or effect of creating an intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is placed on walls or elsewhere on the employer's premises or circulated in the workplace, on Authority time or using Authority equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

Individuals and Conduct Covered

These policies apply to all applicants, employees, and Board members, whether related to conduct engaged in by fellow employees or by someone not directly connected to LAWPCA (e.g., an outside vendor, consultant or customer). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

Reporting an Incident of Harassment, Discrimination or Retaliation

LAWPCA encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their immediate supervisor, any member of management, human resources or any board member. See the complaint procedure described below.

In addition, LAWPCA encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. LAWPCA recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Complaint Procedure

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, human resources, any member of management or any board member.

Employees may file a complaint of sexual harassment with the Maine Human Rights Commission at 19 Union Street, Augusta, Maine 04333, (207) 624-6290 and the EEOC – 1-800-669-3362.

LAWPCA encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

LAWPCA will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling or disciplinary action up to and including termination, as LAWPCA believes appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may appeal to LAWPCA's Chairperson of the Board of Directors.

False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action. This policy extends to all employment decisions and personnel actions including recruitment, hiring, training, promotion, transfer, compensation, benefits, and all other terms and conditions of employment. All employment decisions are made on the basis of job qualifications and the ability to perform the essential functions of the job, and LAWPCA is committed to making reasonable accommodations whenever necessary to allow qualified persons with disabilities to enjoy equal employment opportunities.

B. Whistleblower Policy

A whistleblower as defined by this policy is an employee of LAWPCA who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities. Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

In addition, employees are protected by the Maine Whistleblower's Protection Act. This Act protects an employee who reports a violation of the law, reports something that risks someone's health or safety, has refused to do something that will endanger their life or someone else's life, and has asked the employer to correct it, or an employee who has been involved in an investigation or hearing held by the government.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the General Manager. The employee must exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

A complaint may be filed through the Maine Human Rights Commission, 51 State House Station, Augusta, Maine 04333. Telephone number 207-624-6290.

C. Non-Bullying Policy

The purpose of this policy is to communicate to all employees, including the General Manager and the Board of Directors, that LAWPCA will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

LAWPCA defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

Examples:

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when determining discipline. As in sexual harassment, it is the effect of the behavior on the individual that is important. The Authority considers the following types of behavior examples of bullying:

- Verbal bullying: Slandering, ridiculing or maligning a person or his or her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property
- Gesture bullying: Nonverbal threatening gestures; glances that can convey threatening messages
- Cyber bullying: The use of technology to harass, threaten, embarrass, or target another person.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.
- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do his or her work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Reporting Procedure:

LAWPCA is committed to preventing bullying prohibited by this policy through education and dissemination of information as well as employee accountability. Bullying may be reported by any employee, regardless of whether that employee is the recipient of the bullying, a witness or otherwise becomes aware of bullying prohibited by this policy.

Complaints may be filed by contacting any of the following individuals:

- Supervisor
- Assistant General Manager
- General Manager
- Human Resources Consultant
- Chair of the Board of Directors (if complaint is against the General Manager.)

SECTION 6: STANDARDS OF CONDUCT

A. General Standards

The residents, businesses and governments of Lewiston and Auburn entrust LAWPCA with the responsibility for providing high quality sewage treatment services, and for assuring that the highest standards of ethical conduct and integrity are practiced in meeting these responsibilities.

The professional conduct of each member of the LAWPCA staff is expected to be consistent with and fully comply with these principles. All LAWPCA employees are expected to engage in the following:

- **Honesty** - always act openly, and don't tolerate or justify dishonest conduct by others. Report any conflicts of interest immediately.
- **Integrity** – act ethically and do the 'right' thing at all times. Remain impartial keeping any personal bias and intolerances out of the workplace.
- **Respectful behavior** – maintain a respectful attitude toward others at all times, treating everyone with civility, courtesy, tolerance and acceptance, and recognizing the worth, dignity and unique characteristics of each individual. Always use appropriate language (verbally and in writing).
- **Accountability** –take responsibility for your work and actions, do what needs to be done, and don't leave it for others. Be honest if things go wrong, or you don't finish something on time, then work out an effective resolution to move forward. Seek help early if you need it.
- **Teamwork**: you often need to work with people that you may not necessarily like. Set aside differences to work well with others.
- **Commitment**: exhibit dedication to your role within the Authority and a strong work ethic
- **Time Management**: don't be late to work, follow lunch and break schedules by leaving and returning on time. At the beginning of every day, review your schedule so you know what time you have to be where, and what workload you have on that day.
- **Fair and just actions** – utilizing equitable processes in decision-making.
- **Responsible management** – including prudent use of Authority resources in a fiscally responsible manner.
- **Compassion** – caring for others, both within and apart from the LAWPCA community, and providing the highest quality service to all residents and businesses in the Lewiston-Auburn area.
- **Safety**: understand the Authority's safety policy and report any maintenance or other hazards immediately.
- **Excellence** – conscientiously striving for excellence in our work.

B. Gratuities/Conflict of Interest

Because all LAWPCA personnel are in a position of public trust, it imposes a responsibility of the employee to carry out their duties in good faith and are held to strict standards of honest and fair dealings. Your employment and any information/knowledge gained through it has the potential to create a conflict of interest among you, LAWPCA, and our customers. Any conflict of interest – existing or new- must be reported to the General Manager, who must decide if the conflict would adversely influence Authority decisions or actions. Examples of a conflict of interest include, but is not limited to:

- Investment or other financial interest in a customer or supplier.
- Immediate family members having significant financial or managerial involvement with a customer or supplier.
- Personal borrowing from or lending to a customer or supplier, including that by immediate family members.
- Appointment to a directorship/board of director position of a customer or supplier, including that by immediate family members.
- Soliciting work of any nature for yourself or others during work hours.
- Making recommendations to customers which would exclusively benefit one vendor.
- Accepting substantial gifts or entertainment from firms or individuals having a relationship with the Authority (note *Gratuities* below).
- Outside employment that would be incompatible or in conflict with their duties, functions, and responsibilities at LAWPCA.
- Participation in activities which might involve divulging confidential data.
- Permitting association of LAWPCA's name with an outside business or activity not authorized by the Board of Directors.
- Permitting association of LAWPCA's name with a lobbying effort or political campaign for public office not authorized by the Board of Directors.
- Use of Authority assets, equipment or personnel for the personal benefit of a Board member or employee of LAWPCA.
- Holding public or appointive offices which may require participation in setting policies that would affect LAWPCA.

Gratuities

Gratuities such as money or other significantly valuable goods or services are not to be accepted by Authority employees under any circumstances. Token gifts or favors of a de minimis nature (as defined by IRS guidelines) will not violate this policy as long as the person/entity commonly and openly distributes minor gifts or favors as an expression of appreciation or as a courtesy to customers. Such minor gifts or favors may include items such as meals or an activity fee when sponsored on a group basis.

Political activity

Employees may not participate in any political activity which is a conflict of interest as defined under State law. They may not distribute or display information or wear items indicating support for any candidate, party, or cause while performing Authority duties; this includes but is not limited to displaying or affixing items to Authority property. This in no way prohibits them from participation during off-duty hours as a private citizen.

C. Confidentiality

Employee Information

LAWPCA employs due diligence in protecting employee information. LAWPCA must comply with state and federal laws regarding confidential employee information. However, as a quasi-municipal entity, we must comply with state and federal laws regarding freedom of information/access requests. LAWPCA reserves the right to require written requests for information.

Personnel Files

Personnel files are the property of LAWPCA and access is restricted as permitted by law. Management personnel, with a legitimate reason (approved by the General Manager) to review the file, are allowed to do so. Employee personnel records are maintained in the vault. As required by law, some records pertaining to employees are maintained in separate files relating to medical issues and internal investigations. Employees, or their representative, may request access to their basic personnel file.

If you wish to review your own file, make your request to the General Manager. With advance notice, you may review the file in the Conference Room (and have copies made) in the presence of your supervisor. For purposes of this policy, your personnel file includes records related to performance and training as well as other records used for hiring, promotion and disciplinary decisions. It will not include any reference checks, medical records or investigation files. Employees are not permitted to remove any documents from the personnel file but may provide a written response to any document in the personnel file. Written responses will be attached to the original document in the personnel file.

Non-Employee Information

In the course of performing your duties, you may read, observe, or hear personal or private items. As a professional, you are expected to use appropriate discretion and judgment in dealing with the information, including non-disclosure to other employees. You are encouraged to discuss any questions about appropriateness with your supervisor or the General Manager.

Public Information

LAWPCA is a public entity, and as such, most of our files and communications are public documents. This includes but is not limited to written correspondence, electronic information, telephone records and messages, and wage/personnel information unless exempted by law. This includes items related to personal business.

Search of Authority Property

There are times when LAWPCA must have access to items and space used by employees, and to items which employees may bring onto Authority property. It may be as simple as retrieving a file from a vacationing employee's desk or as significant as determining the presence of illegal substances or weapons violations. Although provided for the employee, all spaces and items remain LAWPCA's property, and management personnel or their agents may inspect them – and anything in them – at any time, with or without notice. Employees have no expectation of privacy with regard to any Authority property. While it is preferable that the employee is present for the search, it is not required.

D. Technology Use

Technology resources, computer information systems and networks are an integral part of business at the Authority. LAWPCA provides technology resources to employees to support them in accomplishing their work-related tasks. The following directives have been established in order to protect the Authority's technology investment, safeguard the information contained within these systems, and reduce business and legal risk. Employees are expected to abide by all Federal, State, and local laws (including Copyright Law), statues and ordinances as well as LAWPCA's policies and directive when using technology resources.

The Authority is a public entity and therefore all Authority records are public unless specifically deemed otherwise by applicable law. There is no right of privacy established under this policy and all computer files and materials shall be considered subject to legal discovery and public view. Users will have no expectation of privacy or exclusive property rights of any electronic files, e-mail or other materials made or received in the Authority's computing systems.

This policy applies to all employees of the Authority and others granted access to the Authority's computing resources.

Technology Resources

Technology resources include, but are not limited to, any desktop, computer, laptop computer, tablet computer, desk phone, cell phone, smart phone, pager, fax machine, photocopier, internet, e-mail, digital camera, printer, GPS units, 2-way radios, surveillance drone, network file servicers or any related software or hardware used to communicate or to create, assemble, transmit, receive or in any way manipulate or store data and information used as part of the employee's assigned responsibilities.

Technology resources are to be used as a means to monitor the wastewater treatment process and the equipment used therefore, to maintain a wide range of Authority records, to communicate concerning Authority business within and outside of the Authority, and to facilitate the development of employees through trade organizations and professional societies.

The Authority currently has three SCADA computers located throughout the facility. These computers and their associated software are used primarily as a means to monitor the wastewater treatment process and the equipment used. Due to the critical functions that these SCADA computers perform, it is imperative that these computers are not used for any other purpose.

SCADA computer activities that are strictly prohibited:

- Internet Access
- Software updates
- Accessing non-SCADA programs (other than Win911, Microsoft Word, Microsoft Excel)
- Use of external devices such as but not limited to USB flash drives, speakers, and cell phones.

Any prohibited uses of a SCADA computer will be subject to disciplinary action.

Acceptable Authority Use of Technology Resources

Employees are responsible for ensuring that any Technology Resource is used in an effective, ethical, productive and lawful manner. Examples of acceptable use are:

- Accessing Internet based resources to obtain business information from commercial/governmental Web sites.
- Accessing internal network server-based databases and files for information as needed and/or required as part of their job responsibilities.
- Using e-mail, texts, and phones for business communication.
- Using any supplied Technology Resource in a manner specified by the employee's supervisor as part of the employee's execution of their normal job responsibilities.

Unacceptable Use of Technology Resources

Employees must not use the Internet for purposes that are illegal, unethical or harmful to the Authority. Unacceptable use as defined herein is prohibited and will result in disciplinary action as determined appropriate by the General Manager, Assistant General Manager or the Board of Directors. Examples of unacceptable use are:

- Sending or forwarding chain e-mail. Sending the same non-business-related message to more than five recipients or more than one distribution list.
- Spam shall not be created or forwarded.
- Conducting personal business matters during working hours using Authority Technology Resources.
- Accessing, viewing and/or transmitting any material content that is offensive, harassing, fraudulent, indecent, profane, intimidating or otherwise unlawful may not be sent by e-mail, voice mail or any other form of electronic communication, or displayed on or stored in LAWPCA computers or telecommunication resources.
- LAWPCA forbids using any Authority electronic communications resources or technology resource for any unauthorized or illegal purpose.
- File downloads from the Internet are permitted only for the purpose of fulfilling normal job duties and responsibilities.
- File downloads to a computer not primarily assigned to you is prohibited. File downloads used for upgrading the operating system components, application programs, utility programs and drivers must be approved by the General Manager in advance and must be installed by a member of the Technology Team.
- Prohibited use of SCADA computers as previously defined.

Employee Responsibilities

Employees may not use LAWPCA's computer systems in a way that disrupts the use by others. An employee who uses the Internet, e-mail or any other Technology Resource shall:

- Be responsible for the content of all text, audio, or images that they place or send or receive over the Internet or is stored on the Authority's network. All communications should have the employee's name attached.
- Not transmit copyrighted materials without permission of the copyright holder.

- Abide by all LAWPCA policies dealing with security and confidentiality of Authority records.
- In the event of transmittal of nonpublic information, employees must ensure that information is delivered to the proper person who is authorized to receive such information for a legitimate use and must be done with the knowledge and prior approval of the employee's supervisor.
- Not forward any privileged e-mail from an attorney representing LAWPCA without permission from the attorney and the General Manager.

Security

Viruses are transmitted via e-mail messages (especially through file attachments), USB memory devices, CDs, networks, DVDs, hard drives, the internet, and through music sharing or streaming use. In short, viruses can infect your computer through the same technologies that allow data to move from computer to computer. It is the employee's responsibility to:

- Not knowingly introduce a computer virus into Authority computers.
- Not use or install any remote media storage device of unknown origin.
- Not visit suspect websites or open emails from unknown sources.
- Any employee who suspects that their workstation has been infected by a virus shall contact a member of the Technology Team or their supervisor immediately.
- Not engage in prohibited use of a SCADA computers as previously defined.

It is Authority's policy to protect computer hardware, software, data, and documentation from misuse, theft, unauthorized access, and environmental hazards

Passwords and Privacy

Passwords are used in order to protect parts of the Authority's network and computing systems from damage - whether planned or unintentional. Each employee must respect the passwords of others and not disclose any password without the approval of their supervisor.

Monitoring

LAWPCA has the right, but not the duty, to monitor any and all aspects of the employee's use of technology resources, including but not limited to, employee e-mail, voice mail, cell phone, and web activity. This also includes websites you visit using your personal smart device while connected to the Authority's WiFi. Employees should not have the expectation of privacy in anything they create, access, send, receive or disseminate in any manner as a result of using the Authority's technology resources that are provided to assist employees in the performance of their work duties.

Internal and external e-mail, voice mail, text messages and other electronic communications are considered business records and may be subject to Maine's Freedom of Access Act and/or discovery in the event of litigation. Employees must be aware of this possibility when communicating electronically within and outside the Authority

E. Workplace Violence

The Authority is committed to providing a safe, violence-free workplace and strictly prohibits employees, consultants, vendors, customers, visitors or anyone else on Authority premises or engaging in an Authority-related activity, from behaving in a violent or threatening manner. As part of this policy, the Authority seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a tendency towards violence even prior to any violent behavior occurring.

The Authority believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established procedures for responding to any situation that presents the possibility of violence.

Workplace violence includes threats of any kind such as:

- Threatening, physically aggressive or violent behavior such as intimidation or attempts to instill fear in others;
- Other behavior that suggests a propensity toward violence, which can include belligerent speech, excessive arguing or swearing, sabotage or threats of sabotage of Authority property or a demonstrated pattern of refusal to follow Authority policies and procedures;
- Defacing Authority property or causing physical damage to the facilities; or
- Bringing weapons or firearms of any kind into Authority facilities.

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, customer, consultant, visitor or anyone else, they should call 911, and, when able, notify the General Manager immediately. Furthermore, employees should notify the General Manager if any restraining order is in effect or if a potentially violent non-work-related situation exists that could result in violence in the workplace.

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the Authority will inform the reporting individual of the results of the investigation. To the extent possible, the Authority will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, to law enforcement officials, in order to protect individual safety. The Authority will not tolerate retaliation against any employee who reports workplace violence.

If the Authority determines that workplace violence has occurred, the Authority will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts, but may include written or oral warnings, probation, reassignment of responsibilities, suspension, or termination. If the violent behavior is that of a non-employee, the Authority will take appropriate corrective action in an attempt to ensure that such behavior is not repeated. Under certain circumstances, the Authority may forego disciplinary action on the condition that the employee takes a medical leave of absence. In addition, the Authority may request that the employee participate in counseling, either voluntarily or as a condition of continued employment.

F. Disciplinary Action

All employees are expected to perform their duties thoroughly, diligently and to the best of their abilities and skills, without unnecessary delays or interruptions. The success of LAWPCA in providing an essential public service depends on hard work, cooperation, and adherence to LAWPCA policies by all

employees. It is the responsibility of each employee to know the duties of his or her position and to be familiar with LAWPCA policies, and regulations. LAWPCA management is committed to helping all employees with questions and professional development. Questions pertaining to position responsibilities, procedures and regulations are encouraged.

If at any time, in the judgement of an employee's supervisor, the employee's work performance, attitude, work habits, attendance/use of sick time, or conduct fall below acceptable standards, the employee's supervisor is to inform the employee and attempt to counsel and assist the employee to correct the problem. When deemed appropriate by management, disciplinary actions including oral reprimand, written reprimand, suspension, demotion and discharge may be used. In most cases, there will be a progressive sequence of counseling and corrective efforts and time will be allowed for improvement. LAWPCA may apply any of these forms of corrective action in any order based on the severity of the offense.

Serious behaviors requiring discipline

The following actions or behavior, without being exclusive, will constitute just cause for suspension, demotion or discharge:

- Ingesting intoxicating beverages or drugs on the job, arriving for work while under the influence of intoxicating beverages or drugs or bringing same to the job site
- Insubordination
- Repeated tardiness
- Willful, grossly negligent or malicious damage to property, or theft of property
- Conviction of a class A, B or C crime under the Maine Criminal Code or any criminal offense involving moral turpitude
- Violation on the job of any state or municipal ordinances which substantially impairs or endangers the safety of the public
- Theft or dishonesty relating to employment
- Regular or repeated failure to perform all assigned tasks
- Knowingly giving false statements to a supervisor or the public or falsifying public records.
- Accepting gifts or gratuities as an inducement for the performance of official duties.
- Exerting unlawful influence or pressure to secure promotion, assignment, leave, increased pay, or other benefits
- Fraudulent use of leave
- Inappropriate use of LAWPCA technology resources
- Physical abuse or intimidation of another employee or of any person while on or in Authority Property
- Absence without leave
- Violation of established policies and procedures of the Authority

Disciplinary action may be imposed on an employee who fails to fulfill the responsibilities and expectations of an Authority employee. Any action or measure imposed upon an employee may be processed through the dispute resolution procedure.

LAWPCA will date and provide the employee with a copy of any disciplinary record placed into the employee's personnel file.

SECTION 7: LICENSING AND EDUCATION

Training Opportunities

The purpose of LAWPCA provided training is to present LAWPCA employees with reasonable opportunities for self-improvement, to help provide advancement tools needed for employees to assume positions of greater responsibility, and to improve the safety and health of employees.

Classes and training events must be preapproved by the General Manager or Assistant General Manager. For approved training, the Authority will pay the cost of tuition or registration, required textbooks or materials, laboratory fees and travel expenses. For college courses, travel expenses will not be covered.

All college courses must be directly work related, unless they are required electives of a college degree program that has been approved by the employee's supervisor, and the General Manager, and therefore deemed directly work related. To ensure appropriate funding and approval, employees must submit a training request for the following year college courses during the preceding year's budget process (Typically October). College course requests will not be approved until the Authority's budget for the following year has been adopted.

All reimbursements are subject to the employee's satisfactory completion of the training. This includes passing grades for college courses, full attendance in seminars, conventions, and any other training events. If an employee signs up and attends an approved event, the employee will be expected to reimburse the Authority for any payments made for any days, or portions thereof, that the employee does not participate in the training (unless excused due to illness or Authority permission).

In all cases, employees are expected to car pool whenever practical, excepting times when unsafe or recommended not to, and use all reasonable methods to contain costs for training. The intent of this policy is to make the maximum amount of training available to the maximum number of employees, given that training funds are limited.

Non-overnight travel

If the employee travels to another town/city and returns home the same day for all authorized work and training, the time spent in traveling to and returning from the other city is work time, except that the employer may deduct/not count that time the employee would normally spend commuting to the regular work site.

Overnight travel

Training travel that keeps an employee away from home overnight is travel away from home. Travel away from home is considered work time when it cuts across the employee's workday. Any General Manager authorized training or conference time shall be compensated as not only hours worked on regular working days during normal working hours but also during corresponding hours on nonworking days.

Professional Organizations

The General Manager may approve payment for membership in a professional organization when it is deemed to be to the mutual benefit of LAWPCA and the employee. Any such approval will be subject to the availability of funds for this purpose.

Other Training Opportunities

Training opportunities in various forms may be provided by LAWPCA. Such opportunities may include programs offered on site, opportunities to work on projects which may be outside an employee's regular duties and responsibilities, safety and health related training classes or special instruction, and others.

SECTION 8: HOLIDAYS

The following holidays are currently recognized by LAWPCA:

New Year's Day
Martin Luther King, Jr. Day (MLK)
Patriots Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Presidents Day
3 Personal Holidays (8 hours each)

These personal holidays may be taken when accrued hours are available as follows:

- a) As hours off from work with the same number of hours of pay, or
- b) As a working day plus, normal daily schedule hours as additional hours of straight time pay.

Saturday and Sunday Holidays: If a holiday falls on a Sunday, it will be observed on the following Monday. If a holiday falls on a Saturday, it will be observed on the preceding Friday.

Leave of Absence without Pay: An employee on a leave of absence without pay will not receive holiday pay. In order to qualify for pay for any such holiday, an employee must work any scheduled hours 24 hours prior to and 24 hours after the holiday, and must be on the Authority's active payroll during the month during which the holiday occurs; provided that an absence excused in advance by the Authority, in its sole discretion, shall not cause a loss of holiday pay, it being agreed that the exercise of discretion in any such case shall not be subject to grievance or arbitration.

Eligibility: Probationary employees will receive holiday benefits. In order to receive holiday benefits, excepting approved vacation or excused absence, an employee must work all scheduled hours 24 hours prior to and 24 hours after the holiday and must be on the Authority's active payroll during the month in which the holiday occurs.

Payment Basis: an employee who qualifies for holiday pay will receive pay equal to eight (8) hours of regular, straight time pay. When an employee works on a holiday, the employee will be paid for the hours worked at a rate of time and one half (1 ½) in addition to the normal holiday pay.

SECTION 9: EMPLOYEE LEAVE

A. Vacation

Eligibility and Accrual: Vacation benefits are available only to regular, permanent employees who have been paid for a minimum of eighty (80) hours in the month. Hours of vacation accrued in any one week may be taken immediately upon accrual and are subject to standard approvals by management.

Probationary employees will be unable to use their earned vacation time until the 6-month period has been successfully completed.

Approval: All vacation leave will be subject to approval by LAWPCA management. LAWPCA specifically reserves the right to limit the number of employees on vacation at one time.

Call to work on scheduled vacation: If an employee is called in to work during his or her vacation, the employee will be paid at a rate of time and one half (1 ½) for the time worked during the vacation time plus the employee's regular vacation pay. Alternatively, at the employee's option, the employee may choose to be paid at a rate of time and one half (1 ½) for the hours worked and to use the equivalent number of hours of vacation at another time.

Separation from employment: In the event of a separation from employment for any reason, an employee will be entitled to vacation pay for all unused vacation entitlement accrued up to the date of the separation. In the event of the death of an employee, any accrued vacation shall be paid to the Executor or Administrator of the employee's estate.

B. Sick Leave

Sick leave is a benefit intended to provide some protection to regular full-time and regular part-time employees from loss of income due to non-work-related personal injury or illness, which renders employees unable to perform their duties.

Examples of time off for the employee only that will be charged against accumulated sick time are:

- Doctors, dentist, eye appointments
- Physical therapy
- Counseling
- Hospitalization
- Flu, colds, etc.

Accrual

Sick leave shall accrue for all employees scheduled to work 40 hours per week at the rate of hours, defined by the Board of Directors, for each full calendar month of service, accumulative to a maximum amount of hours defined by the Board of Directors. For regular part-time employees, sick leave accrues on a pro-rated basis, based on the regularly scheduled number of hours worked on a weekly basis in relation to a basic 40-hour week.

In order to accrue sick leave entitlement, an employee must be paid by LAWPCA for a minimum of eighty (80) hours during the month.

Procedure

To qualify for sick leave, the employee who is prevented from reporting to work shall report directly to the General Manager and the Assistant General Manager, of their desire to use sick time no later than thirty (30) minutes before the employee's starting time, with the exception of extreme emergencies. Sick leave may be taken in increments of one tenth (0.1) of an hour.

When an employee has exhausted sick leave benefits, if he or she is not able to return to work, the employee may take accrued vacation days, personal time, or compensatory time.

Upon return to work, the employee is responsible for ensuring their timecard accurately reflects time off.

LAWPCA may require a physician's certificate prior to or upon the employee's return from sick leave. Sick leave will not be used as a basis for overtime or to give the employee more than their regularly scheduled hours and pay for any given pay period.

Failure to notify their supervisor of the reason for an absence that exceeds two (2) consecutive business days may be considered a voluntary resignation.

Family Sick Leave

An employee may choose to use accrued and unused vacation time or sick leave to care for an ill parent, child or spouse as follows:

To care for a parent, child spouse or domestic partner who is ill, the Authority allows paid family sick leave to be used by all employees. Employees may use up to a maximum of forty (40) hours of their accrued and unused sick leave time to care for their immediate family member during any calendar year.

As in the case of an employee illness, an employee must notify his or her supervisor as soon as possible (and not less than 30 minutes before the start time of their work duties) that they will not be available to work because of a sickness and the expected duration of the absence.

Paternity Leave

Employees may use an amount of accrued sick time, defined by the Board of Directors, due to the birth, adoption, or fostering a child.

Maternity Leave

Employees may use an amount of accrued sick time, defined by the Board of Directors, due to the birth, adoption, or fostering a child.

C. Incentive for Not Using Sick Leave

If an employee does not use any sick leave within a consecutive 90-day period, the employee will receive a Board of Directors approved amount of compensatory time off under the following provisions:

- a) The compensatory credit is given annually at the end of the calendar year. All compensatory time earned under this article is to be used in the year following the year in which it was earned. Any unused compensatory time remaining at the end of a calendar year will be paid to the employee (at straight time) in the employee's last paycheck of the year. For example, any sick comp. earned in 2017 must be used in 2018 or it will be paid out as straight time in the last paycheck of 2018.
- b) Any employee that has accrued the maximum amount of sick time hours, as defined by the Board of Directors, and meets the other provisions of this section, will receive an additional amount of compensatory time, approved by the Board of Directors, for each ninety-day period that no sick time is used.
- c) Health Saving Retirement Accounts: The Authority will establish Health Savings Retirement Accounts such that employees having accrued hours of sick time at levels approved by the Board of Directors, will have the corresponding dollar value of the hours transferred to that employee's account. The number of hours thus transferred (or converted) will be deducted from the employee's accumulated sick time at the beginning of the Authority's fiscal year (currently January 1)

Donation of sick time

Donated sick time (approved through the current Donation of Sick Time Policy) will not be considered "use of sick time" for the purposes of compensatory credit accrual. All employees donating sick time agree to do so voluntary and anonymously. In order to donate leave to another employee an account must be set up for the receiving employee by the General Manager upon recommendation to and after having received approval of the Authority's Board of Directors.

Separation from employment

Any employee upon retirement and eligible for retirement, will receive a % approved by the Board of Directors of accumulated sick leave on separation from the Authority. In the case of an employee who dies while employed by the Authority, one hundred percent (100%) of the employee's accumulated sick time will be paid to the employee's estate.

D. Donated Sick Leave Policy

The purpose of this policy is to enable Authority personnel to support co-workers during times of extreme need precipitated by illness, injury or other unforeseen life event that compels an employee to exhaust all of that employee's available leave in order to deal with the event.

The General Manager, upon recommendation to and after having received approval of the Authority's Board of Directors, may authorize the creation of a donated leave account for an employee. Other LAWPCA employees will then be given an opportunity to donate some of their accumulated leave to the employee on an hour for hour basis according to the rules and limitations spelled out below. Normally, twenty (20) business days will be the time period allowed for employees to submit written declarations of their donations of leave to the impacted employee's account. In any case, the date by which declarations of donated time must be received will be communicated to all eligible employees by the Administrative Assistant.

In the event that all of the donated leave is not used, the unused portion will be returned to employees according to the percentage of the total leave donated that was donated by the individual. Any donation of leave is irrevocable and is completely voluntary.

To the maximum extent possible, any details concerning who donated leave, and in what amounts, will be kept strictly confidential. Employees donating leave are advised that the donated time will be subtracted from their accumulated leave and that while the hours donated will not be counted as leave used, the donated hours will also not be counted toward such programs as transferring hours to HRA accounts or counting toward potential doubling of special compensatory time.

The decision to set up a donated leave account and how such an account will be administered will not be affected by the family medical leave act or income protection plan benefits, except that any time granted under the family medical leave act may run concurrently with donated time.

Requirements for individuals receiving donated leave:

- a. Must have a medical emergency, injury, non-elective surgery or other non-voluntary situation impacting the employee, employee's spouse or legal domestic partner, child (including step children and adopted children) or parent.
- b. Prior to using donated time, the employee must use all of the employee's available sick leave, vacation, compensatory time and personal time. Upon request, the Authority may allow an employee to retain up to 40 hours of vacation time prior to utilizing donated time when a specific purpose therefore has been requested by the employee.
- c. The employee must not have received written discipline for attendance matters involving leave in the 12 months prior to using donated leave.

Requirements for individuals donating leave:

- a. Employees may donate 10% of their accumulated sick leave rounded down to a whole number of hours (e.g. no partial hours such as tenths of hours can be donated) up to a maximum of 50 hours.
- b. Employees may donate up to 40 hours of accumulated vacation time.
- c. The employee donating leave time must not have received written discipline for attendance matters involving leave in the 12 months prior to making the donation.
- d. The employee must hold the Authority harmless for any unintended affects from the donation and agree that any donation is made voluntarily and anonymously.

Actions taken or not taken under this policy are done without precedent and do not constitute contractual benefits. This policy will not be cited as precedent in similar situations and will not give rise to or be justification for any employment practice complaint.

E. Bereavement Leave

Bereavement leave is specifically intended to be used in the event of death to:

- make necessary arrangements
- travel to and/or attend services

Bereavement leave is time off at the employee's regular rate of pay and does not subtract from other paid leave categories. Bereavement leave must be approved by the General Manager.

Up to four (4) consecutive business days of bereavement leave will be granted in the death of a

- spouse or domestic partner as defined by Maine law
- child (including step-, grand-, or –in-law)
- parents (including step-, grand- , or –in-law)
- sibling (including step- or –in-law)
- immediate family member residing within the employee's household

Employees may be granted three (3) days of bereavement leave in the death of other immediate family members, such as aunts, uncles, nephews, nieces, cousins (including in-law).

Under extraordinary circumstances, the General Manager may grant additional bereavement leave.

F. Jury Duty

Any employee, including those in a probationary period, who is required to be absent from his or her duties to serve as a juror or as a witness called by the Authority will be paid by the Authority the difference, if any, between the employee's normal straight-time daily compensation and the daily amount received or due from such jury duty.

If excused from jury duty for part of a day that the employee could work for at least two regularly scheduled hours (including the time required to prepare for work), the employee must return to work in order to be paid. Otherwise, such time will be charged to vacation leave. If no vacation time has accrued, the time will be unpaid.

Evidence of the amount received or due for jury duty must be submitted to the General Manager no later than the Monday of the week following the receipt of such evidence.

G. Military Leave

LAWPCA fully supports employees with military commitments, and to that end, complies with state and federal law with regard to military leave.

In accordance with applicable federal and state laws, employees called to active military duty or to Reserve or National Guard training, or who volunteer for such duty or training, will be granted military leave.

In order for the Authority to plan properly for its staffing needs, employees should provide the General Manager with as much advance notice as possible of the need for the military leave. In addition, employees must provide the General Manager with a copy of the order that details the beginning and concluding dates of their military training or service.

The Authority will pay the employee the difference, if any, between the employee's usual base pay (exclusive of overtime) or salary and his or her military pay for up to ten (10) business days per year on which the employee is regularly scheduled to work.

Employees returning from military leave are eligible for reinstatement in accordance with all state and federal requirements.

H. Leave for Victims of Domestic Violence

The Authority provides leave for victims of violence according to the State of Maine Statute. The Authority will grant a reasonable and necessary leave from work to an employee who needs the leave to prepare for or attend court proceedings, receive medical treatment, or obtain necessary services to remedy a crisis, if the leave is necessary because the employee, or the employee's child, parent, spouse, is a victim of violence, assault, sexual assault, stalking or any other act that would support an order from protection from abuse under Maine law. The employee will be required to substitute any paid leave available to the employee under the Authority's Procedures (such as vacation time, sick time, or compensatory time). Any leave time remaining after existing paid leave is exhausted will be unpaid.

In order to be granted, a request for such leave must be communicated to the supervisor within a reasonable time, the request must be necessary and reasonable, and the leave requested must not cause the Authority undue hardship.

I. Unpaid Leave of Absence

The General Manager may, in their sole discretion, may permit a full-time employee to take a leave of absence without pay or benefits upon the employee's request, provided that such leave will not exceed thirty (30) calendar days. The employee must return to work upon the expiration of such leave of absence, unless the General Manager has approved an extension. If the employee fails to return to work at the end of such leave of absence, or failed to secure an extension, the employee will be considered to have resigned their position. During any such leave, the employee will not accrue vacation or sick leave nor will the employee receive holiday benefits. The employee may, however, elect to continue health insurance coverage by paying in advance the full amount of the premiums therefore (including both employee and employer portions).

SECTION 10: BENEFITS

A. Medical Insurance

The Authority makes available to its employees' health insurance. Along with the health insurance plan, the Authority has established a Health Reimbursement Account (HRA) for eligible employees. The Authority reserves the right to convert said coverage to another carrier which provides substantially equal or better coverage than that described herein.

Medical insurance coverage under this section shall be available to all employees who elect coverage and shall become effective once all administrative and eligibility requirements have been satisfied.

B. Payment in Lieu of Medical Insurance

If an eligible employee elects not to participate in the Authority's provided medical insurance coverage, but receives coverage from another group health insurance plan or who elects to be covered at a lower (less costly) category than that for which the employee is eligible, that employee will receive payments in lieu of insurance, in amounts defined by the Board of Directors, paid on a weekly basis. Employees must provide proof of insurance in order to receive this payment. Employees who receive their coverage from a government program such as MaineCare or Medicare, or a plan sponsored through the exchanges under the Affordable Care Act are not eligible to receive "in-lieu of medical insurance" payments.

C. Life Insurance

LAWPCA makes term life insurance available to employees.

D. Income Protection Plan

An income protection plan is available to all employees through the Maine Municipal Employee's Health Trust. Coverage is available based as a percentage of regular earnings and premiums are paid by the employee.

E. Social Security

LAWPCA participates in the federal social security system and makes joint payments with employees into the system pursuant to the requirements of federal law. Benefits provided by the social security system include retirement, survivor benefits, disability, and medical coverage.

F. Retirement Plan

Employees will be provided the option of participating in the International City Managers Association Retirement Corporation (ICMA – RC) 457 plan. The Authority will provide "matching fund contributions" equal to the percentage of wages contributed by employees up to a maximum % approved by the LAWPCA Board of Directors of that employee's wages. Employee contributions in excess of the maximum % will be allowed but will not receive matching contributions above the maximum % described above. All Authority contributions will be made into the employee's ICMA –RC account on a weekly basis.

G. Worker's Compensation Insurance

LAWPCA provides worker's compensation insurance to its employees in accordance with the laws of the State of Maine. Such insurance is intended to protect the employee's income when an employee is injured as a result of a service-connected injury. Any employee involved in any accident while performing Authority work is required to provide a timely report of the accident and any injury sustained to the General Manager or Assistant General Manager. Further, an accident report must be filled out as soon as reasonably possible, even if no work time is lost as a result of the accident and no medical attention is sought.

H. Unemployment Compensation

LAWPCA pays unemployment compensation as a "direct reimbursement" employer. Unemployment benefits, when assessed to LAWPCA are made to the Maine Department of Labor, which makes unemployment payments to employees determined by the Department of Labor to be eligible.

I. Cell Phone Stipend

The Authority has determined a need to ensure certain employees are accessible at all times via cellular phone. The employees meeting this criterion have roles within the Authority that require regular means of communication with vendors, suppliers, other employees, and in case of LAWPCA emergencies during and outside of regular working hours. To acknowledge the Authority's need and to compensate these employees, a program has been established to provide such employees a monthly stipend for use of their personal cellular phone for such activities. To qualify for the stipend, the employees must maintain cellular telephone service and sign the "LAWPCA Employee Agreement for Use of Personal Cellular Telephones".

SECTION 11: HEALTH AND SAFETY

A. Tobacco Use

In order to provide a healthy workplace environment, smoking and chewing of tobacco is prohibited in all Authority owned buildings or vehicles. For the purpose of this policy, smoking includes the use of electronic and vapor cigarettes. At the treatment plant at 535 Lincoln St, smoking, and/or chewing will only be permitted outside adjacent to the chlorine contact basin near the designated smoking sign and at least twenty (20) feet from any door into the building, or in the employee's own vehicle.

Smoking, vaping, or chewing shall only be allowed on regular break times. Anyone smoking and/or chewing will be responsible for the safe disposal of any stubs, butts, or tobacco in a manner that will not create litter or unsightly conditions.

Disciplinary actions will be taken in the event that an employee is found to be violating the tobacco-use workplace policy. On the first instance that any employee is found to be smoking and/or chewing in Authority buildings or vehicles, the employee will be suspended without pay for a period of at least four (4) hours and not to exceed ten (10) hours. In most instances the employee will be sent home for the remainder of the employee's shift or for the remainder of the shift and the next day for which the employee is scheduled to work. Should an employee be found to be violating the tobacco-free workplace policy a second time the employee will be suspended without pay for an entire payroll period (that is one week's scheduled hours). A third violation will result in termination of employment.

As is required by the State law, this policy will be enforced as needed to assure the Authority's compliance.

B. Drug and Alcohol Policy

The Authority believes its employees are its most valuable asset. Each employee has an obligation to report to work "fit for duty" and to remain "fit for duty" throughout the day or work shift. Each employee has the responsibility to care for himself/herself in order that he/she can work using all of his/her skills and abilities. This responsibility means that employees shall not come to work impaired or become impaired in any way by alcohol or drugs during the work day.

Workplace Act of 1988

The Drug-Free Workplace Act of 1988 became effective on March 19, 1989. Employees who use drugs at work or come to work under the influence of drugs may create a hazardous situation for themselves and all those around them. It is the policy of LAWPCA to maintain a drug-free workplace. The unlawful manufacture, distribution, possession, or use of a controlled substance is prohibited in the workplace, unless the substance is prescribed by a physician and the substance is being used by the person for whom it was prescribed and for the purpose intended by the physician. Controlled substances include, but are not limited to, marijuana, cocaine, heroin, amphetamines, and all forms of these substances. The use of alcohol at the workplace or being under the influence of alcohol at work is similarly prohibited.

Enforcement of the Drug-Free Workplace

Any violation of the prohibition against drugs in the workplace will be treated severely. It is a condition of employment that all employees abide by the terms of this policy. Furthermore, any employee is required to notify LAWPCA if they are charged with a violation of law relating to drugs or alcohol occurring at the workplace within five (5) days of such charge. If convicted, the following sanctions may be imposed:

- a. The employee may be required to participate and satisfactorily complete a drug abuse rehabilitation and assistance program approved by LAWPCA, or
- b. Appropriate disciplinary action may be taken. Such discipline may include termination of employment.

SECTION 12: DISPUTE RESOLUTION

LAWPCA believes that employees must be treated fairly and that there must be a procedure for dissatisfaction to be reviewed appropriately. The appeal mechanisms delineated in this policy are intended to equip and empower employees with the means to review the interpretation of these personnel policies and their application to employees.

Initiation of Fair Treatment Procedure

If an employee has a concern or complaint relating to a matter covered by these procedures, then within five (5) working days after the event or action(s) involved, the employee is to bring the matter to the attention of their immediate supervisor in written form. The supervisor is required to attempt to resolve the matter or to develop a plan to resolve the matter and respond in writing within three (3) working days. A copy of the written response must be given to the General Manager.

First Appeal

If the supervisor's response does not satisfactorily resolve the matter, then within five (5) working days the employee may bring the matter directly to the attention of the General Manager by submitting a written statement of the concern or complaint. In the case where the General Manager indicates that they are in possession of the original complaint, the employee need only state in writing that the matter remains unresolved. The General Manager will review the information submitted, may meet with the employee privately, may investigate the matter further, or may call a meeting of interested and affected parties. Within five (5) working days of receiving the complaint or concern, the General Manager will respond to the employee with a written decision, or with an explanation of the actions being taken, and a reasonable time by which the employee will have a final written statement from the General Manager.

Second Appeal

If the employee's complaint or concern is not resolved satisfactorily by the General Manager, the employee may appeal to a specially appointed Fair Treatment Committee composed of three (3) members of the LAWPCA Board of Directors. After reasonable notice, the Fair Treatment Committee will meet with the employee and the employee will be given an opportunity to present the employee's complaint or concern in a comprehensive manner. The employee will be entitled to present written information (in addition to verbal presentation) and the employee may have an additional person or persons appear to present information or testimony on behalf of the employee or in support of the employee's position. The management or other interested party may also be asked or allowed to present information on the matter. If other persons present information about the matter in question, the employee will be afforded the opportunity to ask questions of that person or persons. Although the Fair Treatment Committee process is not intended to act as a formal hearing or trial, the employee may be represented by an attorney if the employee so chooses. After receiving all pertinent information that the employee wishes to present, the Committee may request additional information from any source it deems helpful, may conduct additional investigations or direct others to perform such investigations, or perform any other actions which it deems necessary to establish all information pertinent to the matter. The decision of the Fair Treatment Committee will be the final action of the Authority on the matter.

SECTION 13: MISCELLANEOUS POLICIES

A. Reimbursement of Expense

Travel

Employees will, on occasion, be authorized to travel or incur other expenses while carrying out official LAWPCA business. Reasonable pre-authorized expenses will be reimbursed by LAWPCA upon submission of an employee expense report. Reimbursement will normally be made on a weekly basis.

It is required that employees use LAWPCA vehicles to perform official LAWPCA business, including transportation to and from training events held off site, when LAWPCA vehicles are suitable and available. Mileage reimbursement will be calculated using the current IRS rate and will be paid to employees that use their personal vehicles for LAWPCA business. It is a requirement that the employee retains adequate insurance, current registration and inspection, and maintains a valid motor vehicle operator's license in order to be eligible to receive mileage reimbursement.

It is the responsibility of the employee requesting reimbursement to provide thorough and complete documentation of all expenses for which the employee is requesting reimbursement. Prior to receiving reimbursement, all expenses must be approved by the General Manager or the Assistant General Manager.

B. Tool Borrowing Policy

To ensure Authority tools and equipment are properly utilized for their intended purposes, the borrowing of tools and/or equipment will not be allowed. There are no exceptions to this policy.

Borrowing/taking of Authority tools or equipment will be investigated as an act of theft and will be addressed as such. Theft is a serious crime that will not be tolerated and will result in immediate discharge of employment.

C. Plant Tampering Policy

Any person found to be willfully obstructing the function of any plant equipment, including alarms such as gas detection and fire alarm controls, shall be subject to disciplinary action, including immediate termination.

In addition, depending on severity, as in the case of toxic gas alarms being deliberately disabled, the Authority will consider turning the matter over to the Authority Attorney's Office for criminal prosecution.

Section 14: SEVERABILITY AND RESERVATIONS

Severability: If any provision of these personnel policies, or the application of these policies to any person or circumstance should be determined legally invalid, such invalidity shall not affect the other provisions or application of these policies which can be given effect without the invalid provisions or application, and for this purpose the provisions of these policies shall be deemed severable.

Reservation: Any matter not specifically addressed in these policies shall be deemed to be reserved to the sole discretion of the Board of Directors and management of LAWPCA. No provisions of these policies shall be interpreted or applied as a limitation of the rights, responsibilities or prerogatives of the Board of Directors or management to operate LAWPCA facilities, manage personnel or take any such action as they may deem necessary to discharge their responsibilities.