

# TOWN OF WESTERLY



## EMPLOYEE HANDBOOK & PERSONNEL POLICIES

Prepared and Maintained by:

Department of Human Resources

Amended:

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## I. Statement of Policy

### Policy Statement

The Town Manager of the Town of Westerly, pursuant to the Westerly Code of Ordinances §41-3 (the Code), is empowered to develop uniform policies governing the administration of personnel in the classified service. The classified service is comprised of administrative employees who are both exempt and non-exempt for purposes of Federal Wage and Hour Law. The full list of classified services can be found listed in §41-4 of the Code. The purpose of these rules and policies is to facilitate efficient and economical public services and to establish a fair and equitable system of personnel administration in the Town government in accordance with all applicable Federal and State labor laws, Town ordinances and regulations.

This employee handbook is provided to assist you in understanding the Town's various policies and practices. This handbook is merely to provide you with guidance. This handbook is not a contract of employment or a warranty or promise of benefits. Neither the policies contained in this employee handbook nor any other written or verbal communications by a manager, officer or representative of the Town are intended to create a contract of employment for a definite term or a warranty or promise of benefits.

The tenure of employees covered by this article is at-will and shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work, and the availability of funds pursuant to the Westerly Code of Ordinances §41-1.

### Authority and Supersede Clause

This handbook supersedes and replaces all prior handbooks, policies, procedures, and practices of the Town.

This handbook is designed to incorporate the personnel regulations as outlined in the Town code. If there is a conflict between this handbook and the Town code, the Town code will supersede this handbook.

### Gender and Plurality

In construing the text of these rules and procedures the masculine shall include the feminine and the singular shall include the plural, and the plural the singular wherever the context shall plainly so require.

### Union Contracts – Collective Bargaining Agreements

These personnel rules and procedures do not supersede the terms of any collective bargaining agreements. Wages, hours and other terms and conditions found in a collective bargaining agreement shall prevail over the benefits in these personnel rules and procedures. In the event that a benefit is listed in these rules and it exceeds a benefit in a collective bargaining agreement, the terms of the collective bargaining agreement shall prevail and apply to the employees



covered under the agreement. If the collective bargaining agreement is silent on the benefit, the benefit under these personnel rules and procedures is not extended to the employees covered under the collective bargaining agreement.

References:

[Town of Westerly Code – Chapter 41 – Personnel Regulations  
Union Contracts](#)

## **II. Handbook Revisions**

The Town of Westerly Employee Handbook and Personnel Policies shall be reviewed, and revised, if necessary, no less than once every two years.

The Town retains the right to change, add to, or delete any provisions of this employee handbook at any time, in its sole discretion, with or without notice.

When there are changes in policy the Town will use current communication methodologies to disperse the new policies.

With the advent of new technologies, the handbook will be posted online on the Town’s website as well as through the Town’s human resources information system. Policy updates may appear online or in other electronic formats, before they are incorporated into this employee handbook and personnel policy manual in hard copy.

References:

[Town of Westerly Code – Chapter 41 – Personnel Regulations](#)

References:

[US Government Equal Employment Opportunity Commission  
Rhode Island General Law – 28-5 – Fair Employment Practices](#)



### **III EEO /Affirmative Action**

The Town of Westerly will provide equal opportunities in employment to all qualified persons solely on the basis of job-related skills, ability and merit. The Town of Westerly will continue to take affirmative action to ensure that the applicants are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, ancestry, mental disorder (present or past history thereof), age, physical disability, marital status, mental retardation, genetic information, and criminal record. Such action includes, but is not limited to, employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation and selection for training including apprenticeship. The Town of Westerly will make reasonable accommodations to qualified disabled persons to assist them in fulfilling the essential functions of a job, if such accommodations do not impose an undue hardship. The Town of Westerly, its contractors and subcontractors, will continue to make good faith efforts to comply with all federal and state laws and policies which speak to equal employment opportunity.

The principles of affirmative action are addressed in the 13th, 14th, and 15th Amendments of the United States Constitution, Civil Rights Act of 1866, 1870, 1871, Equal Pay Act of 1963, Title VI and VII of the 1964 United States Civil Rights Act, Presidential Executive Order 11246, amended by 11375, (Nondiscrimination under federal contracts,) the Genetic Information Act of 2008. This Affirmative Action Policy Statement re-affirms the Town of Westerly's commitment to the principles of Equal Employment Opportunity.

US Government Equal Employment Opportunity Commission  
Rhode Island General Law — 28-5 — Fair Employment Practices

### **IV Immigration Reform and Control Act**

The Federal Immigration Reform and Control Act (IRCA) prohibits knowingly employing aliens not legally authorized to work in the United States or legal non-immigrants whose classification does not permit employment in this country. IRCA requires all employers, including the Town of Westerly, to obtain written certification from all new employees stating that they are authorized by law to be employed in the United States. The Town of Westerly must also independently verify the employee's identity and employment eligibility within three days of his/her hire date.

Under IRCA, every employee must complete Form I-9 issued by the Immigration and Naturalization Service (INS) attesting to his or her legal status. Verifying an individual's legal status to work in the United States requires proof of both the individual's identity and authorization to work. IRCA further requires the Town of Westerly to keep such documentation on file for three (3) years following the first date of employment or for one (1) year following the termination of employment, whichever is later.

A newly hired employee has three (3) days from his/her start date in which to present the proper document.



## IV. Harassment Policy

### General Statement

Harassment and Sexual harassment in the workplace is unlawful. Further, it is unlawful to retaliate against an employee for filing a complaint of harassment or sexual harassment or for cooperating in an investigation of a complaint for harassment or sexual harassment.

### Definitions

“Sexual harassment” means any unwelcome sexual advances or requests for sexual favors or any other verbal or physical conduct of a sexual nature when:

- 1) Submission to such conduct or such advances or requests is made either explicitly or implicitly a term or condition of an individual’s employment; or
- 2) Submission to or rejection of such conduct or advances or requests by an individual is used as the basis for employment decisions affecting such individual; or
- 3) Such conduct or advances or requests have the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

### Examples

The following are some examples of conduct that may be considered harassment. This list is provided as a sample of inappropriate workplace conduct but is by no means all-inclusive.

- a) Verbal conduct such as epithets, derogatory jokes or comments, slurs or unwanted sexual advances, invitations or comments;
- b) Visual conduct such as derogatory and/or racially/sexually-oriented cartoons, depictions, clothing, drawings, posters, photographs or gestures;
- c) Transmitting sexually suggestive, derogatory or offensive materials via Town computers (*e.g.*, E-mail) or accessing such information on the Internet while at work;
- d) Physical conduct such as assault, unwanted touching, blocking normal movement or interfering with work because of sex, race or any other protected basis;
- e) Threats and demands to submit to sexual requests as a condition of continued employment or receipt of products/services, or to avoid some other loss, and offers of employment benefits or extra services in return for sexual favors; and,
- f) Retaliation for having reported or threatened to report harassment.



Such behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and social events with co-workers (whether or not the social event is sponsored by the Town). Such conduct by vendors or visitors also will not be tolerated.

### Reporting Procedure

If you feel that you are a victim of harassment, or observe harassment of another employee or customer, immediately tell the person displaying offensive behavior to stop. He or she may not be aware that his or her conduct is unwelcome or offensive. We encourage employees to address harassment directly when it occurs. However, this is not required.

Immediately report any incident of sexual harassment or discrimination to a supervisor or the Human Resource Director even if you have discussed it directly with the individual(s) involved. Please provide the following information when reporting harassment or discrimination.

- 1) Date(s), time(s), and location(s) of the incident/incidences that took place.
- 2) Description of each incident-
- 3) Name(s) of anyone present during each incident.
- 4) Anyone with whom you've discussed the incident/incidences.

### Investigation

All complaints will be investigated and the complaining party will be informed when the investigation has been completed. Investigation of a complaint may include, but is not limited to, interviewing the complaining and accused parties, as well as other employees and/or witnesses necessary to obtain sufficient information upon which to make an assessment of the situation. While we will make every effort to be sensitive to privacy issues, in the course of an investigation we will discuss relevant information with appropriate parties on a need-to-know basis.

Employees, who are found to have harassed or sexually harassed other employees or members of the public, will face disciplinary action up to and including termination.

Retaliation and/or discrimination against an employee who complains of harassment are strictly prohibited and will not be tolerated. The Town is committed to investigating and correcting any form of harassment taking within our organization. Accordingly, we need your cooperation in immediately reporting conduct, which you feel, may be a form of harassment.

### Additional Resources

Below are the addresses and telephone numbers for the appropriate state and federal employment discrimination enforcement agencies:



Rhode Island Commission for Human Rights  
180 Westminster Street, 3<sup>rd</sup> Floor  
Providence, RI 02903  
(401) 222-2661

United States Equal Employment Opportunity Commission  
John F. Kennedy Federal Building  
475 Government Center  
Boston, MA 02203  
1-800-669-4000

References:

[Rhode Island General Law Chapter 28-51 Sexual Harassment, Education and Training in the Workplace](#)

## VI. Employee Classifications

The Town of Westerly recognizes both non-represented exempt and non-exempt personnel classifications in accordance with criteria set forth in federal wage and hour regulations and applicable state laws.

The Town further classifies employees as:

**Full-time employees** are those employees who work a regular schedule of at least 35 hours each week. Full-time non-represented employees are eligible for all benefits as described in this handbook.

**Part-time employees** are those employees who work less than 35 hours per week. Employees who work between 30 and 35 hours a week are eligible for health insurance at the rates established for part-time employees.

The classified service positions included in this handbook are the positions listed in §41-4 (D) entitled ‘Classified and Exempt Services’ of Chapter 41 ‘Personnel Regulations’ of the Westerly Code of Ordinances.

Definitions:

The following definitions are provided to assist the reader in interpreting this handbook.

**Non-represented employees** are those employees who are not represented by a labor union.

**Represented employees** are those employees who are represented by a labor union.



**Regular employees** are those employees who are in an approved and budgeted FTE and are not working in a temporary or seasonal capacity.

**Temporary/Seasonal employees** are those employees who are in a temporary or seasonal position, typically not lasting longer than four months in duration.

**Non-exempt employees** are those employees who are covered by the Fair Labor Standards Act and are eligible for overtime.

**Exempt employees** are those employees who are not covered by the Fair Labor Standards Act and are considered exempt from overtime regulations.

## References

[Chapter 41 §41-4 Classified and exempt services.](#)  
[US Department of Labor – Fact Sheets - Exemptions](#)

## **VII. Scheduled Work Hours**

Town offices will be open to the public 8:30 a.m. to 4:30 p.m., Monday through Friday, holidays excepted.

Scheduled work hours for non-represented employees shall be as determined by their department head, with the expectation that all departments maintain coverage during regular working hours. Non-represented employees may flex their schedules based on prior approval of their Department Heads. A regular workweek for non-represented staff will be 37.5 hours for full-time regular employees. Any employee with a non-standard work schedule that deviates from the regular schedule must be approved by Human Resources and the Town Manager.

Represented employees' schedules are determined by their bargaining agreement, and if silent, by their department head.

## References:

[Union Contracts](#)

## **VIII. Overtime, Compensatory Time, Administrator Leave**

### Overtime & Compensatory Time

In accordance with the Federal Fair Labor Standards Act (FLSA), exempt personnel are not entitled to compensatory time or overtime for those hours worked over their regularly scheduled workweek of 37.5 hours.

Non-represented, non-exempt staff are entitled to compensatory time or overtime for those hours worked over 40 hours per work week.



Represented staff are entitled to compensatory time or overtime as determined by their bargaining agreement.

### Administrator Leave

Non-represented, exempt employees may qualify for administrator leave if their positions routinely require overtime work. Said leave will be granted as follows.

Administrator leave will be earned by working hours in excess of 37.5 hours per week. Hours worked in excess must be authorized by a supervisor or department head, except in the case of department heads who will be responsible for authorizing their own extra hours and reviewed by the Town Manager.

Work performed during an authorized break (such as lunch) does not count towards accrual for Administrator leave without prior approval from the department head.

Employees can earn up to five days of administrator leave per fiscal year for the first 200 hours of work in excess of their normal weekly schedule (i.e. 37.5 a week). The following is the schedule for accrual.

| Extra Hours Worked | Leave Earned |
|--------------------|--------------|
| 40 Extra Hours     | 1 Day        |
| 80 Extra Hours     | 2 Days       |
| 120 Extra Hours    | 3 Days       |
| 160 Extra Hours    | 4 Days       |
| 200 Extra Hours    | 5 Days       |

Administrator leave may not exceed five days in a fiscal year.

Administrator leave may not be carried over from one year to the next nor may it be converted to vacation leave or any other type of leave.

### References:

[Union Contracts](#)

## **IX. Attendance Policy**

### Absences

Individual work efforts are very important to the Town's overall success. We depend on employees to report to work regularly and at their scheduled time. Excessive absences or tardiness can place a burden on other employees and on the Town. In the rare instances when



employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

An Employee's pay may have deductions made for partial day absences if: all accrued leave has been exhausted; permission to use leave was not requested or was denied; or the employee chooses to use leave without pay.[Employees may charge vacation, or sick leave when absent from work, depending which type of leave is appropriate for the circumstances.

Frequent lateness or use of sick leave for other reasons or excessive usage of sick days (not pursuant to protected leave such as WC or FMLA) or frequent usage of sick leave before or after weekends, holiday or other days off, may be deemed as abuse of leave.

Employees who abuse sick leave may be subject to providing medical documentation supporting the need for sick leave and /or disciplinary actions up to and including termination of employment.

#### Unauthorized Absences

Please be advised that absence without notification or authorization can result in disciplinary action, up to and including termination.

References 29 CFR 541.710

### **X. Vacation**

Non-management, non-represented employees shall be entitled to the following vacations based on their anniversary date:

| Years of Service | Annual Vacation Time Earned |
|------------------|-----------------------------|
| 0 – 2 Years      | 10 Days                     |
| 3 – 10 Years     | 15 Days                     |
| 11 -15 Years     | 20 Days                     |
| 16+ Years        | 25 Days                     |

Management non-represented employees shall be entitled to the following vacations based on their anniversary date. Management non-represented employees are defined as non-represented employees who are supervising and managing staff. Certain exempt employees may also be eligible for this vacation schedule.

| Years of Service | Annual Vacation Time Earned |
|------------------|-----------------------------|
| 0 – 2 Years      | 15 Days                     |
| 3 – 15 Years     | 20 Days                     |
| 16+ Years        | 25 Days                     |



Executive non-represented employees shall be entitled to the following vacations based on their anniversary date. Executive non-represented employees are defined as non-represented employees who are department heads.

| Years of Service | Annual Vacation Time Earned |
|------------------|-----------------------------|
| 0 – 9 Years      | 20 Days                     |
| 10+ Years        | 25 Days                     |

All non-represented employees hired prior to 1/1/2001, shall be entitled to the following vacations based on their anniversary date of employment with the Town:

| Years of Service | Annual Vacation Time Earned |
|------------------|-----------------------------|
| 16 – 24 Years    | 25 Days                     |
| 25+ Years        | 30 Days                     |

Payment Upon Employee Separation

The Town complies with §28-14-4 of the Rhode Island General Law in relation to accrued vacation payouts. Whenever an employee separates employment after one year of service, any accrued and unused vacation will become wages and payable in full or on a prorated basis with all other due wages.

Accrual & Carryover

Employee vacation time shall accrue bi-weekly based on length of employment. All employees are allowed to carry over an equivalent of two year’s vacation accruals, based on a calendar year.

Part-Time Employees

For part-time personnel who are hired to work more than 20 hours a week, vacation leave accrual is earned on a *pro rata* basis.

Annual Vacation Buy-Back

Once a year in June, employees may elect to sell back to the Town a maximum of one week of their accrued vacation. To be eligible, employees must have a minimum of two weeks of vacation accruals in their vacation bank after the buyback. Vacation sell back must be in whole week increments, with a maximum of one week being sold back to the Town. The buyback check will be sent out to employees by the second pay period in July.

Represented Staff

Represented staff shall accrue and be paid out upon employee separation as identified in the collective bargaining agreement.



References:

[Rhode Island General Law Chapter 28-14 – Payment of Wages  
Union Contracts](#)

## **XI. Personal Days**

All non-represented employees shall be allotted three (3) personal days per year, effective January 1 of each year. Personal days may be used at the employee’s discretion and the requested use of such time must be approved by the employee’s supervisor. Personal days may be used in hourly increments. Personal days shall not accrue, nor carry-over from one year to the next. Employees shall provide his/her supervisor with at least 48-hours notice of intent to use such personal time, absent exigent circumstances. Personal days will not be counted towards any retirement or separation remuneration or pay-out.

For new hires, personal days shall be allotted based on the date of hire and per the schedule below:

| <b>Date of Hire</b>    | <b>Personal Days Allotted</b> |
|------------------------|-------------------------------|
| <b>Jan 1 – Apr 30</b>  | 3                             |
| <b>May 1 – Aug 31</b>  | 2                             |
| <b>Sept 1 – Dec 31</b> | 1                             |

## **XII. Holidays**

### Recognized Holidays

The following days will be considered paid holidays by the Town of Westerly:

| <b>Town Holidays</b>        |                              |
|-----------------------------|------------------------------|
| New Year’s Eve              | Labor Day                    |
| New Year’s Day              | Columbus Day                 |
| Martin Luther King, Jr. Day | Election Day (if applicable) |
| President’s Day             | Veterans Day                 |
| Good Friday                 | Thanksgiving Day             |
| Memorial Day                | Day After Thanksgiving       |
| Independence Day            | Christmas Eve                |
| Victory Day                 | Christmas Day                |

Employees who repeatedly use sick leave immediately before or immediately after a holiday may be required to bring in a doctor’s note for their absence.

### Part-Time Employees

Part-time, regular employees who are hired to work more than 20 hours a week are eligible for holiday pay when an observed holiday falls on a day which the part-time employee is regularly



scheduled to work. A part-time employee who was hired to work more than 20 hours a week, holiday pay will be equal to the number of hours the employee would normally work on the day of the holiday.

#### Temporary Staff & Seasonal Staff

Temporary and Seasonal staff do not accrue vacation and do not receive holiday pay, nor do they receive extra pay for working on a holiday as these positions are typically hired to cover holidays or work in operational positions that mandate employees to work on Sundays and holidays. Seasonal or temporary staff under the age of 18 may be required to provide working papers from their school.

For represented staff, paid holidays are defined by their collective bargaining agreement.

#### References:

[Rhode Island Department of Labor and Training – Rhode Island Legal Holidays](#)  
[Rhode Island General Laws Chapter 25 Holidays and Days of Special Observance](#)  
[Union Contracts, http://www.dlt.ri.gov/ls/childlabor.htm](http://www.dlt.ri.gov/ls/childlabor.htm)

### **XIII. Bereavement**

#### Covered Relatives

In the event of the death of a mother, father, husband, wife, domestic partner, child, including step child and foster child, brother, sister, mother-in-law, father-in-law, grandmother, grandfather, grandchild, or relative residing in the household of the employee shall be entitled to leave of absence with pay amounting to four (4) days within the workweek, as established for payroll purposes from Sunday through Saturday.

#### Non-Listed Relatives

In the case of the death of a relative not listed above, such leave of absence with pay shall be for not more than one (1) day to permit travel or attendance at the funeral of said person, if the leave is first approved by the Town Manager.

#### Part-Time Employees

Part-time employees who are hired to work 20 hours or more a week are eligible for bereavement pay when such time is needed on days when the part-time employee is regularly scheduled to work. Part-time bereavement pay will be equal to the number of hours the employee would normally work on that day.

#### Supplement with Vacation/Sick Time



In the event the employee needs more than the allotted times listed in this policy, employees are allowed to supplement their bereavement leave with vacation time. Employees who take sick leave immediately before or immediately after bereavement leave will be required to bring in a doctor's note for their absence.

## **XIV. Sick Leave & Sick Leave Pool**

### Accrual & Buyback

All employees in non-represented exempt positions prior to August 1, 2001 will receive 100% of their base pay as sick time for twelve (12) weeks per year. After August 1, 2001, any Town employee who is hired, internally promoted or transferred to a non-represented position from a represented position will accrue sick time at a rate of one (1) day per month. Such sick leave may be accumulated to a maximum of a total of sixty (60) days. There shall be no provision for the Town to buy back any unused sick time upon the retirement, or separation of employment of any non-represented employee.

Represented employees sick leave accruals, buyback and usage will be governed by their collective bargaining agreement.

### Patterns of Sick Leave

Sick leave is to be used for the employee's own personal illness. However, an employee may use up to five (5) sick days for an eligible family member. Eligible family members are defined as spouse, domestic partner, child or parent.

If you are absent for medical reasons for more than three days consecutively, you will be required to provide a physician's statement confirming your suitability to return to work.

If it is determined there is a pattern of sick leave abuse, the Town reserves the right to require a doctor's note for each absence an employee is out. The following list are indicative of patterns of sick leave abuse; however, will be reviewed on a case-by-case basis:

- More than three consecutive sick days of non-protected leave.
- Non-protected leave usage primarily on Mondays/Fridays or before or after a holiday.
- Non-protected leave of more than 6 days in any three-month period.

Non-protected leave is defined as sick leave not covered under FMLA, Worker's Compensation or IOD.

### Sick Leave Donation

Non-represented employees who have completed one (1) year of service or more and have exhausted their sick, vacation and personal leave may appeal to the HR Director to solicit additional sick leave days from other non-represented employees up to a maximum of thirty (30)



days each fiscal year. Employees receiving payment under TDI or TCI or who are receiving disability payment through another vendor are not eligible to receive sick leave donation. The appeal can only be made when the employee's absence is due to the employee's own serious illness certified by a physician with a specific number of additional days requested. Donated sick leave days from other non-represented employees cannot be utilized for normal maternity leave, casual sick use or work-related injury or illness. An employee may donate sick leave in hours or days up to a maximum of ten (10) days per fiscal year. Deductions from an employee's sick leave shall only be made when the employee signs an Authorization form stating the number of hours or days that they are contributing, and the name of the individual intended to receive the sick leave. Sick leave days donated by an employee but not used shall remain in the receiving employee's sick leave bank. Donations are purely voluntary.

## **XV. Family and Medical Leave & Rhode Island Parental and Family Medical Leave Act**

It is the policy of the Town to provide eligible employees with leaves of absence in accordance with the provisions of the federal Family and Medical Act of 1993(FMLA) and the Rhode Island Parental and Family Medical Leave Act (RIPFMLA).

### Eligibility

Employees who have worked for the Town for at least 12 months and who have worked at least 1,250 hours in the preceding 12 months, are entitled to up to 12 weeks of unpaid leave in any twelve (12) month period or 13 weeks of unpaid leave in any twenty-four (24) month period.

### Grounds For Leave

If eligible, you are entitled to a leave under the FMLA or RIPFMLA for any of the following reasons:

1. Because of the birth of your child and in order to care for your newborn child. Leave taken under this subsection must conclude within twelve (12) months of the child's birth. Leave to care for a new-born child may begin prior to the birth of the child if an employee's pregnancy prevents her from working or if the condition of an employee's spouse rises to the level of a serious health condition prior to the child's birth.
2. Because of the placement with you of a child, age seventeen or younger, for adoption or foster care, or of an individual, age eighteen or older, who is incapable of self-care because of a mental or physical disability. Leave taken under this subsection must conclude within twelve (12) months of the actual placement of the individual. Leave taken in connection with the placement of an individual for adoption or foster care may begin prior to actual placement of the individual with the parents if absence from work is required in order for the placement to proceed.



3. In order to care for your spouse, child, parent, if such person has a serious health condition. (State law, but not the FMLA, allows for leave in the event your mother-in-law or father-in-law has a serious health condition.),
4. Because your own serious health condition prevents you from performing the essential functions of your position. Under the terms of this policy, a “serious health condition” means an illness, injury, impairment, or physical or mental condition that requires either:
  - a. Inpatient care in a hospital, hospice, or residential medical care facility; or
  - b. Continuing treatment by a healthcare provider.

### School Involvement Leave

An employee who has been employed for 12 consecutive months is entitled to 10 hours of leave during any 12-month period to attend school conferences or other school-related activities for a child of whom the employee is the parent, foster parent or guardian. A notice of 24 hours prior to the leave must be given to the employer by the employee. The leave is not required to be paid; except an employee may substitute any accrued paid vacation leave or other appropriate paid leave.

### Duration

The maximum duration of an unpaid leave of absence under this policy will be twelve (12) weeks during any twelve-month period under Federal law or thirteen (13) weeks in any twenty-four-month period under RI law. The Town uses a “rolling” leave year to calculate your leave entitlement. In other words, the Town determines the amount of your leave entitlement at any given time by looking at how much leave you have taken in the previous twelve (12) months. You are entitled to twelve (12) weeks or 13 weeks minus the amount of leave taken in the previous twelve (12) months. If you have not taken any leave in the previous twelve (12) months, you are entitled to the full twelve (12) weeks of leave under Federal Law or 13 weeks if you have not taken any leave in the previous (12) months under RI Law.

### Reduced Work Schedule Or Intermittent Leave

In the case of your own serious health condition or that of your spouse, child, parent, or parent-in-law, under state law, you may be permitted to take an unpaid leave on an intermittent basis rather than all at once, or you may be able to work a reduced schedule. In such a case, the Town may require you to transfer temporarily to an available alternative position with equivalent pay and benefits for which you are qualified and where the temporary position better accommodates recurring periods of leave than your regular position. Intermittent or reduced leave schedules are subject to the Town's approval unless medically necessary. The maximum total accumulation of leave that may be taken intermittently or by working a reduced schedule is twelve (12) weeks during any leave year. RIPFMLA does not provide for intermittent or reduced schedule leave.



### Unpaid Leave

Leave taken under this policy is normally unpaid. Employees will be required to use all accrued time first and take the remainder of the leave s as unpaid leave.

### Work Related Injury/Illness And Disability

If you are injured or become ill in the course of your employment with the Town, and your condition constitutes a serious health condition under the terms of this policy, your time lost from work will be counted against your leave entitlement under this policy.

### Entitlement To Paid Benefits

The Town will continue to provide existing health insurance coverage for the duration of any leave taken under this policy. However, you will be expected to pay any portion of the coverage for medical and dental benefits that you normally pay. If you do not return at the end of a leave granted under this policy, then you must reimburse the Town for the cost to the Town of continuing your medical and dental coverage during the leave, unless your failure to return is due to the continuation of a serious health condition or other circumstances beyond your control.

### Procedure, Notice And Information Required

If you desire a leave of absence under this policy, you must request leave from the Human Resources Department, in writing, at least 30 days in advance of the start of the leave when the need for such leave is reasonably foreseeable (as in the case of a birth, placement or adoption of an individual, or a planned medical treatment for a serious health condition). Forms for requesting leave may be obtained from the Human Resource Department.

If the need for leave is not foreseeable, you must provide such notice as soon as practicable. Normally, in the event that an unforeseeable need for leave arises, you will be expected to give notice within two working days of learning of the need for leave. Failure to provide timely notice may result in a delay in or denial of leave.

In addition to timely notice, the Town will require the following information when you apply for a leave of absence under this policy:

- (a) When your own illness is involved, a statement of the date on which the serious health condition commenced, the probable duration of the condition, and a statement that you cannot perform the essential functions of your position.
- (b) In the case of leave for the birth, adoption or foster placement of an individual, information related to the birth or placement, including the anticipated due date or the age of the individual to be placed for adoption or foster care, and the probable duration of the leave.



- (c) In the case of leave to care for your spouse, child, parent, mother-in-law or father-in-law, a statement that you are needed to provide such care and an estimate of the amount of time you will be needed for that purpose.
- (d) Where intermittent leave or a reduced leave schedule is sought for planned medical treatment, the date on which such treatment is expected to be given and the duration of such treatment.
- (e) Where intermittent leave or a reduced leave schedule is sought because of your own serious health condition, a statement of the medical necessity for the intermittent leave or reduced leave schedule, and the expected duration of such leave.
- (f) Where intermittent leave or a reduced leave schedule is sought to care for your spouse, child or parent, a statement that such leave is necessary to care for the family member or will assist in his/her recovery, and the expected duration of such leave.

All information related to a serious health condition must be certified by your health care provider, or by the health care provider of your family member, whichever is appropriate. If the Town has reason to doubt the validity of the certification, the Town may require, at its expense, that you obtain the opinion of a second health care provider designated or approved by the Town. Where the original and second opinions differ, the Town may require, at its expense, that you obtain the opinion of a third health care provider designated or approved jointly by you and the Town, whose opinion shall be final.

The Human Resource Department will provide forms to be signed by the employee and his/her health care provider in order to meet these certification requirements. You will have fifteen (15) days to return completed forms.

If you are granted a leave under this policy, you will be required to update information relating to a serious health condition on a reasonable basis.

Failure to provide the Town with requested information may result in delay or denial of leave.

Within two (2) business days of receipt of information sufficient to allow it to decide whether a requested leave qualifies under this Policy, the Town will notify the employee that:

- (a) The leave is or is not granted.
- (b) The leave is or is not designated as leave under the Federal Family and Medical Leave Act or the Rhode Island Parental and Family Medical Leave Act.
- (c) All Accrued time off will be used for all or part of the leave.



Notice may be given to you orally or in writing. If notice is given orally, then the Town will follow up with written confirmation of the notice at the next payday, or the second payday if the next payday comes less than one week after the oral notice. If written notice is given to you by mail, the notice will be effective when mailed. Please note that the Town reserves the right to designate a qualifying leave as an FMLA leave retroactive to the date of the leave even if an employee does not request a FMLA leave.

### Other Requirements

In the case of either your own planned medical treatment or that of your family member, you must make a reasonable effort to schedule the medical treatment so as not to unduly disrupt the Town's operations.

### Reinstatement Rights

If your leave under this policy does not exceed twelve (12) or thirteen (13) weeks depending on the Federal or State provision your leave is qualified under, most employees will be restored to the same position held prior to commencement of the leave, or to an equivalent position, with equivalent pay, seniority, status, benefits, and other terms and conditions of employment, unless no such position is available for reasons unrelated to your taking of leave under this Policy.

Where necessary, you may request, in writing, an extension of the leave. If you do not return to work at the conclusion of an approved leave under this policy and have not requested in writing and been granted a leave extension, you will be considered to have voluntarily resigned from the Town. It is your responsibility to notify the Director of Human Resources if an extension of the leave is necessary. All extensions must be approved by the Director of Human Resources before they become effective.

Before you return to work from your leave for your own serious health condition, you must provide the Town with a "Fitness for Duty" report from your doctor.

### References:

[US Department of Labor – Family and Medical Leave](#)

[Rhode Island General Law – Chapter 28-48 Rhode Island Parental and Family Medical Leave](#)

[US Department of Labor – Federal vs. Rhode Island Family and Medical Leave Laws](#)

## **XVI. Jury Duty, Training & Conferences**

Employees shall be granted leave with pay for the following reasons and subject to the following restrictions:

1. Jury Duty
2. Any required appearance before a court or judicial body, for a job-related reason



3. Participation in conferences or official meetings upon approval by the Town Manager
4. Participation in education or training courses upon approval of the Town Manager

In case the employee received any pay or remuneration, such a fee for jury duty, court appearance, military pay, or a scholarship or fellowship, he/she will receive his/her regular paycheck after turning over the remuneration to the Finance Director. Leave of this nature will not be charged against vacation or sick leave.

## **XVII. Inclement Weather / Emergencies**

In the event that the Town Manager or the Manager's designee determines that an inclement weather or emergency situation exists and as a result makes a public declaration that an inclement weather or emergency exists and that Town offices are closed, the following provisions shall apply:

1. The Town Manager shall determine the designated starting time of the inclement weather or emergency situation.
2. The Town reserves the right to designate personnel who will be required to work during inclement weather circumstances.
3. Non-exempt hourly employees who are either allowed to leave their work place early or are excused from traveling to work shall not be required to charge vacation leave or take leave without pay.
4. Exempt employees will not be required to charge leave and will be paid according to the Fair Labor Standards Act (FLSA).
5. Non-exempt, non-represented hourly employees who are required to remain at their place of work or to travel to work shall be compensated at the rate of time and one half for each hour worked commencing at the designated starting time of the emergency as determined by the Town Manager.
6. Bargaining unit employees will follow their respective collective bargaining agreements.



## **XVIII. Health Insurance & Dental Insurance**

### Health and Dental Insurance

The Town will offer medical and dental insurance to non-represented employees. Part-time non-represented employees, who work at least 30 hours per week **but less than 35 hours per week** and are non-seasonal/temporary staff will be required to contribute 50% of total annual cost if coverage is elected. Dental coverage for non-represented employees includes an annual maximum of \$2,000 per person per calendar year. Full time employees will be provided health and dental insurance with the employee's premium co-share determined each July 1. Details on the plans offered by the Town can be obtained from the Human Resource Department, or on the Town's Human Resources website. Should the Town make a contribution to an employee's H.S.A. in connection with the employee's enrollment into a HDHP, the amount will be prorated for employees enrolling after the start of the plan year based on the number of months remaining in the plan year at the time of enrollment. For example, if an employee enrolls in the HDHP in January, they would only receive 50% of the Town's contribution to the H.S.A if the Plan year is July-June.

For represented employees, details of health insurance benefits are outlined in the collective bargaining agreement, which can also be found on the Town's Human Resources website.

### Wellness Incentive/Program

The Town's Department of Human Resources will be responsible for developing and implementing a wellness program for staff. Employees who participate in the program, as managed by the HR Department, are eligible to receive a wellness incentive.

### Change in Status – Qualifying Life Event

Changes in family status must be submitted in writing within 30 days of the event to the Human Resource Department. Changes in status due to a qualifying life event such as a birth, death, marriage, divorce, adoption, etc., will require notification and supporting documentation to be submitted to the Department of Human Resources.

### Health Insurance Buy Back Option

Non-represented employees who work 30 hours or more and do not opt for health or dental coverage (must not be enrolled in either health or dental insurance plan) under the Town shall receive, in lieu of that coverage of \$2,000 per year. Proof of other insurance coverage may be requested in order to be eligible for this benefit and be submitted before each cash option disbursement.

In situations where both spouses work for the Town, School, or are eligible for Town benefits through retirement etc. and one spouse elects family coverage, the other spouse will not be eligible for this buy back option unless the employee was receiving the buyback on June 30, 2019.



Payment of the cash option will occur twice a year with the first payment in July and the second payment in December.

For represented employees, the cash option policy is outlined in the collective bargaining agreement.

References:

[Town of Westerly – Health Insurance - Website](#)  
[Union Contracts](#)

## **XIX. Worker’s Compensation**

### Coverage

All employees except sworn police officers are covered by workers’ compensation insurance, which compensates an employee for lost time, medical expenses and loss of life or dismemberment from an injury arising out of or in the course of work.

### Reporting Requirements

A work-related injury or illness, no matter how slight, must be reported immediately to your supervisor, who will work with you to complete an Injury/Incident Report Form. The completed form must be delivered to and/or faxed to the Human Resources Department for processing within in 24 hours of an injury. The Human Resources Director reserves the right to request satisfactory medical evidence to support the report of injury.

### Waiting Period

Worker’s compensation salary reimbursement begins after three calendar days of lost time. During the three-day waiting period, which may be paid with deductions from sick or vacation time, the employee will be paid their regular salary. After the three-day waiting period, if an employee is still unable to report to work, worker’s compensation will begin making payments to the employee as stated in RI General Laws.

An employee injured on the job during the work day will be paid for his/her remaining regularly scheduled shift.

### Continuation of Benefits

The Town of Westerly will invoice the employee for his/her health, dental and/or life insurance payroll deductions on a monthly basis if the employee is out of work for a job-related injury more than 30 days. The employee is required to pay the monthly invoices to maintain their health, dental and/or supplemental life coverages



Employer and Employee contributions to a retirement account or pension during an unpaid leave due to a job-related injury will be determined by the employment status. Non-represented employees will receive the employer contribution into their 401(a) accounts when they return to work, if they make their contributions as stated in the plan document.

#### Coordination with FMLA

If you are not able to work due to your work-related injury or illness, your leave of absence will be a combined workers' compensation/FMLA leave. Your time off will count toward the leave to which you are entitled under FMLA.

#### Right to Reinstatement to former position while on Worker's Compensation:

In accordance with RIGL, Title 28, Chapter 28, Section 28-33-47 (vi) of the RI Worker's Compensation Law, (Reinstatement of injured worker), an employee's right to reinstatement can terminate as stated below:

(1) The right to reinstatement to the worker's former position under this section terminates upon any of the following:

.....

(vi) "The expiration of thirty (30) days after the employee reaches maximum medical improvement or concludes or ceases to participate in an approved program of rehabilitation, or one year from the date of injury, whichever is sooner, provided, in the event a petition to establish liability for an injury is filed, but not decided within one year of the date of injury, within twenty-one (21) days from the first finding of liability. Notwithstanding the foregoing, where the employee is participating in an approved program of rehabilitation specifically designed to provide the employee with the ability to perform a job for which he or she would be eligible under subsection (a) of this section, the right of reinstatement shall terminate when the employee concludes or ceases to participate in the program or eighteen (18) months from the date of injury, whichever is sooner"

Per section 28-33-44 (a) Continuation of health insurance benefits outlined below, the Town of Westerly will continue to make available your medical benefits for one year for which you will be responsible to make your co-pay at least one month in advance. Failure to do so will result in the termination of your medical benefits. (A separate letter will be mailed detailing specifics). "No employer shall cancel but shall be obligated to continue to provide any employee's health insurance benefits for a period of two (2) years from the date of the employee's receiving weekly compensation benefits pursuant to a preliminary determination or a decision of the workers' compensation court, or the filing at the department of a memorandum of agreement or notice of direct payment for injuries occurring on or before February 28, 1986."

#### References

RIGL, Chapter 28, per Section 28-3347 (vi) of the RI Worker's Compensation Law Represented employees need to refer to the language in the collective bargaining agreement.



## **XX. Injury on Duty**

### Coverage

The Town's sworn police staff are covered by Rhode Island's Injury on Duty program. This program compensates an employee for lost time and medical expenses from an injury arising out of or in the course of work.

### Reporting Requirements

A work-related injury or illness, no matter how slight, must be reported immediately to your supervisor, who will work with you to complete an Injury/Incident Report Form. The completed form must be delivered to and/or faxed to the Human Resources Department for processing within in 24 hours of an injury. The Human Resources Director reserves the right to request satisfactory medical evidence to support the report of injury.

### Medical Care

In the event that medical care is necessary, employees are to use their Blue Cross Blue Shield of Rhode Island insurance card, if they have medical coverage through the Town. They are to inform the medical care providers that they are seeking medical care for an injury on duty claim.

For employees who have not elected to take the Town's medical coverage, they should have received documentation in the mail from Blue Cross Blue Shield of Rhode Island with their IOD claim processing information. They are to present that information to the medical care provider at the time services are rendered or as soon as possible after receiving care.

### Continuation of Wages

Sworn police personnel who are deemed unable to perform the functions of their job, fully or partially, will be paid injury pay for their normally regularly scheduled shift for time away from work. Injury pay is fully exempt from tax as it is paid under a statute in the nature of a worker's compensation act.

### References

[Rhode Island General Law – Chapter 45-19 – Relief of Injured and Deceased Fire Fighters and Police Officers](#)  
[IRS Publication 525](#)

## **XXI. Return to Work – Light Duty**

### Coverage

All employees who have sustained injuries in the performance of their duties and fall under either worker's compensation or injury on duty statutes.



## Program

The Town's Return to Work (RTW) Program enables an injured employee's return to their original job with modifications, when possible, or suitable alternative positions until capable of performing their original full duties.

## Coordination

The Department of Human Resources will work with injured employees and the Town's third-party administrator to manage the return to work program.

## Wages

Employees who return to work either fully or partially will be paid their regular wages and will be taxed on those earnings. Employees who return to work partially will have a combination of regular wages and worker's compensation or injury pay.

## **XXII. Long Term Disability Insurance**

All non-represented employees who work 30 hours or more per week, and are in a budgeted FTE, will be covered in a long-term disability (LTD) plan paid for by the Town. LTD may be used for illness or injury, other than Worker's Compensation.

For represented employees, any long-term disability insurance program is outlined in the collective bargaining agreement.

## **XXIII. Short Term Disability Insurance**

All non-represented employees have the option of being enrolled in the State of Rhode Island Temporary Disability Program at the employee's expense. Employees must elect to enroll in TDI at the beginning of their employment and must remain enrolled for the duration of their employment.

## **XXIV. Life Insurance**

The Town will provide a \$100,000 policy for life insurance and accidental death and dismemberment insurance to all non-represented, regular employees working 30 hours or more per week, and are in a budgeted FTE. Forms for changes in beneficiary can be obtained from the Human Resource Department. Employees may elect to purchase supplemental life insurance for themselves or certain family members which may be subject to proof of eligibility of insurance, if not elected at the time of initial employment.

For represented employees, the life insurance policy is outlined in the collective bargaining agreement.



## **XXV. Pension / Retirement**

Full-time, non-represented employees shall be eligible to enter into a 401A, designated by the Town Manager and the Town Council. The Town's contribution is 10% of gross pay with a mandatory employee contribution of 6% of their gross pay. The Town's 401A contribution is made solely only the employee's regular salary and not made based on overtime, bonuses, or termination payments such as unused accrued paid time off.

For represented employees, the pension/retirement benefit is outlined in the collective bargaining agreement.

### References:

[Town of Westerly – Retirement Benefits](#)  
[Union Contracts](#)

## **XXVI. Pay Increases / Special Benefits**

Wage increases shall be implemented in accordance with all relevant Town ordinances. An employee who performs the duties and responsibilities of his/her position in an outstanding manner and deserves recognition for unusual acts of value to the Town beyond those regularly related to the employee's work may be considered for a pay or other incentive recognition, provided the funds are available.

## **XXVII. Payroll Dates & Deductions**

Employees will be paid biweekly. Each paycheck will include earnings for all work performed through the end of the previous payroll period. The Town is required to make certain deductions – Federal Income Tax, Federal Social Security, Medicare Tax and State Income Tax. Employees may contact the Department of Human Resources to complete the proper forms to update W-4 information, set up direct deposit, or change any voluntary deductions to their pay. To ensure that your W-2 is accurate and received on time, please report any name or address changes in a timely manner. The payroll schedule can be found on the Town's HR website.

### References:

[Town of Westerly – Payroll Schedule](#)

## **XXVIII. Travel & Conference Reimbursement**

### Travel Policy

The Town of Westerly employees may periodically travel on behalf of the town or in furtherance of its professional development mission. The intent of this policy is to help facilitate that travel and is designed to be fair and equitable to both the traveler and the town. It applies to all town-sponsored travel regardless of the funding source. To be reimbursable, all expenses incurred must be necessary to the business of the town and in compliance with IRS, state and/or granting agency regulations and represent a reasonable and appropriate use of the town funds.



The Town of Westerly travel policy is outlined in general terms and is not intended to cover every possible situation or scenario that may arise. In all matters, travelers are representing the Town of Westerly and should act in an ethical, practical and fiscally responsible manner. All travel requests should be submitted to the Town Manager or his/her designee for approval at least 30 days prior to travel. At the Town Manager's discretion, approval may be given when requests are submitted within the 30-day requirement.

#### Transportation:

Transportation shall be by a common carrier and includes air, rail, bus and vehicle. Air and rail transportation accommodations must be reserved utilizing the most economical fares. The traveler's copy of the ticket must be attached to the reimbursement form.

The Town of Westerly will pay fee/charges assessed by carriers for a change in travel arrangements if the reason is a business-related emergency and will pay fee/charges assessed for re-issuance for an airline ticket if the re-issuance is business-related.

Personally owned vehicles may be used for travel when is it economical to the town and with prior approval by the employees' direct supervisor. Reimbursement will be made in the basis of miles traveled at the current mileage rate per the IRS.

#### Meal Allowance:

Meal Allowances for Town of Westerly employees who engaged in approved travel will be reimbursed for meals not to exceed \$50.00 per day. This not a daily allotment it is a reimbursable allowance. A detailed receipt is required for reimbursement. Alcoholic beverages and meals provided as part of the registration/conference fee or provided free-of-charge by a hotel are not reimbursable.

#### Miscellaneous Expenses:

The use of an automobile rental will be allowed when economically feasible and/or necessary for travel. Other means of public transportation should be considered if feasible. Parking, toll expense, public transportation fares and rental gas refills are reimbursable. The traveler must provide detailed receipt(s) for reimbursement.

The traveler must submit the Town of Westerly Travel Reimbursement Request form or the Mileage Log and Expense Reimbursement form with detailed receipts to receive full reimbursement.

## **XXIX. Inspection of Personnel Files**

Employees will have supervised access to their own personnel files at reasonable times mutually convenient to the employee and the Town. An employee who wishes to see his or her personnel file should schedule an appointment with the Human Resource Department. Employees are advised that under state law, the Town may lawfully prohibit access to records of an employee relating to the investigation of a possible criminal offense or records prepared for use in any



civil, criminal or grievance proceedings, any letter of reference, recommendations, managerial records that are kept or used only by the employer, confidential reports from previous employers, and managerial planning records.

The employee is not permitted to make any copies of nor remove his or her personnel file from the immediate place of inspection. The Town reserves the right to charge employees a fee reasonably related to the cost of supplying copies of requested documents. The Town reserves the right to limit an inspection of any employee's personnel file or records on more than three (3) occasions in any calendar year.

The Town is required by law to keep all employee medical records confidential, unless the employee signs a release form specifically allowing their disclosure. The Town recognizes the necessity of protecting the security of such information. Any person who violates this confidentiality of medical records law may be liable for actual and punitive damages.

To ensure that personnel file information is up-to-date, it is necessary for you to notify the Human Resource Department, in writing, whenever changing your name, address, or telephone number, or your emergency contact's name and daytime phone.

## **References:**

[Rhode Island General Laws – Chapter 28-6.4 – Inspection of Personnel Files](#)

## **XXX. Non-Solicitation Policy**

To ensure a productive and professional work environment, solicitation by an employee of another employee is prohibited while either person is on working time. Employee distribution of literature, handbills or other printed materials in work areas is prohibited at all times. Solicitation or distribution of literature by non-employees on Town premises is prohibited at all times.

## **XXXI. Performance Evaluations**

Performance evaluations shall be completed for employees in accordance with Westerly Code of Ordinances §41-10.

### Purpose

The Performance Evaluation Program recognizes the importance of an appraisal system which effectively and objectively measures work performance and helps determine and/or substantiate salary, promotions and employment decisions and identifies training and/or staff development needs.



## Design

Performance evaluations are conducted for employees on a yearly basis. These evaluations include employees who are:

- Newly hired - to receive a 3-month and/or 6-month Evaluation
- Transferred and/or promoted - to receive a 3-month, 6-month and, where appropriate, a 9- month Trial Evaluation
- Regular status - to receive an Annual Evaluation

Department Heads may provide each employee (via their supervisor) with a current job description and a sample Evaluation Form, to ensure awareness of the performance criteria upon which the employee will be evaluated. Employees who are required to conduct performance evaluations can access the Town of Westerly Evaluation Manual on the Town's HR Website. It is the responsibility of the Department Managers, in conjunction with their respective supervisors, to ensure that each employee within their department is evaluated in an appropriate and timely manner.

## The Department of Human Resources

The Department of Human Resources in conjunction with the Town Manager's office shall be responsible for establishing and administering the employee performance evaluation program. The Department of Human Resources will notify Departments of the annual performance evaluation requirements.

The Director of Human Resources shall advise, assist and/or train employees, evaluators, supervisory reviewers and Department Heads to ensure that performance evaluation procedures are understood and implemented in accordance with the provisions of this policy.

The Department of Human Resources shall maintain records pertinent to employee performance evaluation and shall continuously monitor the program to ensure that it is efficient and effective.

References:

[Chapter 41 – Personnel Regulations - §41-10 Employee Evaluations](#)

## **XXXII. Standards of Conduct and Corrective Action**

Groups of people working together require certain guidelines pertaining to their conduct and relationships. Accordingly, our employees must be aware of their responsibilities to the Town and their co-workers. The Town strives to take a constructive approach to disciplinary matters to ensure that actions which would interfere with operations or an employee's job do not continue.



Violations of standards of conduct will result in one of the following forms of corrective action: discharge, suspension, written warning or oral warning. In arriving at a decision for proper action, the following may be considered: the seriousness of the infraction; the employee's past record; and the circumstances surrounding the matter. The following is a **PARTIAL** list of infractions, which may result in corrective action:

- Harassing an employee, citizen, or visitor.
- Violation of any Town policy or standards of conduct.
- Falsifying employment application, timesheet, personnel, or other Town documents or records.
- Actions unbecoming of a member of management or official with the Town.
- Carrying explosives or unauthorized weapons or committing criminal acts on Town premises or while working.
- Disorderly conduct which may endanger the well-being of any employee or citizen on Town premises or while working.
- Engaging in acts of dishonesty, fraud, theft, or sabotage.
- Threatening, intimidating, coercing, using abusive or vulgar language, or interfering with the performance of other employees.
- Insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned.
- Unauthorized use of Town material, time, equipment, or property or removing documents, materials, supplies, or equipment from the premises of the Town without appropriate authorization.
- Employee does not perform his/her job duties to the satisfaction of the Town.

This list is intended to be representative of the types of activities which may result in corrective action. Corrective action may range from informal counseling (verbal warning) to formal counseling (written warning) to termination of employment. The Town reserves the right to choose which type of corrective action is appropriate for the situation and does not guarantee that an employee will be provided either a verbal or written warning before termination. Each corrective action is a unique situation requiring individualized attention. Therefore, it is impossible to set forth a standard procedure for all corrective actions. Accordingly, this section is designed to provide a general description of corrective action procedures at the Town.

In addition, the Town Manager may demote an employee whose ability to perform his required duties falls below standard, or for disciplinary purposes. Upon request of the department head and approval of the Town Manager, demotion may be made to a vacant position. Written notice of the demotion shall be given the employee prior to the effective date of the demotion. A salary decrease shall be made based on the new job responsibilities. If it becomes necessary for another employee to assume added job duties, they shall be compensated accordingly.



### **XXXIII. Outside Employment**

The Town of Westerly recognizes that some employees may need or want to hold additional jobs outside their employment with the Town. Employees of the Town of Westerly are permitted to engage in outside work or hold other jobs, subject to certain restrictions based on reasonable business concerns.

The Town of Westerly applies this policy consistently and nondiscriminatory to all employees, and in compliance with all applicable employment and labor laws and regulations.

1. Work-related activities and conduct away from the Town of Westerly must not compete with, conflict with or compromise the Town's interests or adversely affect job performance and the ability to fulfill all responsibilities to the Town. Employees are prohibited from performing any services for customers/vendors/contractors of the Town that are normally performed by the Town. This prohibition also extends to the unauthorized use of any company tools or equipment and the unauthorized use or application of any company confidential information. In addition, employees may not solicit or conduct any outside business during work time for the Town.
2. Town employees must carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel, or refusal to work overtime or different hours. If outside work activity causes or contributes to job-related problems at the Town, the employee may be subject to the normal disciplinary procedures for dealing with the resulting job-related problem(s).
3. In evaluating the effect that outside work may have on an employee's job performance and other job-related responsibilities, The Town department heads and the human resource department will consider whether the proposed employment:
  - May reduce the employee's efficiency in working for the company.
  - Involves working for an organization that does a significant amount of business with the company, such as major contractors, suppliers and customers.
  - May adversely affect the company's image.
4. Employees who have accepted outside employment may not use company paid sick leave to perform work on the outside job.



5. Fraudulent use of company sick leave will result in disciplinary action up to and including termination of employment.

## **XXXIV. Resignations – Separation from Employment**

Both the Town of Westerly and the employee has the right to sever an employment relationship. The default status of Town employees is an employment at-will relationship.

The following procedure should be followed in resigning from employment with the Town:

1. Submit your resignation in writing to your Supervisor, and a copy to the Human Resources Department.
2. The Town requests that employees give at least two weeks written notice of their intention to resign to their Department Head and to work during the notice period. Paid time off cannot be used during the notice period unless prior approval has been obtained by a supervisor. Unscheduled sick leave may require a doctor's note if used during a notice period. Employees who fail to provide the appropriate written notice or work the full notice period, except with good cause as determined solely by the Town, will be ineligible for future employment with the Town.
3. The Human Resources Department will offer separating employees an exit interview. Exit interviews may be conducted either face-to-face or via the online exit interview portal on the Town's HR website.
4. Resignations, once submitted and accepted, are binding on the employee and the Town and cannot be changed except by mutual agreement.

### Exit Interview

The Exit Interview is a valuable tool for feedback about an employee's work experiences with the Town. The information obtained during the Exit Interview may be useful to the Department of Human Resources as well as individual department/division managers and supervisors in order to discern whether the Town is competitive in its hiring practices, if legitimate problems exist in operations and/or employee relations and to identify any trends within a particular department or division that may require review. It is the policy of the Town that all regular, full-and part-time employees who are resigning from the Town will be asked to participate in an exit interview.

This interview process will be conducted during the employee's last week of work, or the employee has the option to complete the online exit interview found on the Town's HR website.

### References:

[Town of Westerly Exit Interview](#)



## **XXXV. Dress and Manner**

The public judges the quality of Town service by the courtesy and efficiency shown by its employees. Because of this, appearance and conduct are important factors in the job performance of employees. All employees have an obligation to appear at work clean and neat. Whether in the office or on field assignments, appearance should be such that it inspires confidence and trust.

All employees are expected to exercise discretion and good taste in a matter of dress. Inappropriate attire will be brought to the attention of the employee by the department head. Cleanliness and good grooming are expected of all personnel.

For employees working inside, where professionalism and conduct are paramount, worn or torn jeans, shorts, flip flops, tight-fitting cloths, visible underwear, bare feet, cut off or tank top shirts, clothes with holes in them (designed or through wear), shirts where the midsection is showing, or any other attire that is deemed inappropriate or unprofessional by the department head, town manager, or director of human resources is not allowed.

For employees working outside, where the possible safety hazards and liability to the Town based on any number of incidents and accidents that could and do occur during the summer months when working with equipment; machinery; plants, insects, and animals; and the need for proper work attire that is clean, consistent, and recognizable, shorts, cut-off pants, cut-off or sleeveless shirts, clothes with visible holes (designed or through wear), shirts where the midsection is showing, and any other attire that is deemed inappropriate or unprofessional by the department head, town manager, director of human resources is not allowed. Proper footwear must be worn at all times while working outside. Proper footwear is designated at the discretion of the department head.

Employees should use their best discretion when selection proper work attire.

## **XXXVI. Public Health and Workplace Safety Act - Smoking**

It is the philosophy of the Town to provide everyone with a work environment that offers the opportunity and resources to optimize their personal health and well-being. This policy is designed in compliance with Chapter 23-20.10 of the Rhode Island General Law entitled, "Public Health and Workplace Safety Act," which went into effect on March 1, 2005.

1. Every employee and visitor of a Town facility is entitled to a smoke-free living and working environment.
2. Smoking is prohibited in all Town of Westerly buildings, including offices, hallways, elevators, meeting rooms and Town vehicles.
3. Smoking is allowed only in outdoor areas provided it occurs 50 feet from building entrance ways and vestibules or in external designated areas.
4. All buildings and facilities are clearly posted with "No Smoking in This Building" signs at the entrances.
5. Employees who choose to smoke within the permitted area must do so on their regularly scheduled breaks and meal periods.



6. In conjunction with the Town of Westerly's EAP, information on smoking cessation programs will be made available to all interested members of the Town of Westerly staff.

References:

[Rhode Island General Law – Chapter 23-20.10 – Public Health and Workplace Safety Act](#)

## **XXXVII. Drug and Alcohol Policy**

The Town recognizes the importance of maintaining a safe, efficient, and healthy work environment. To protect the safety and health of all employees, the following policy regarding alcohol and controlled substances at work has been established. "Controlled substance" means controlled substance as defined in 41 U.S.C. § 706 of the Drug Free Workplace Act.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the workplace. Employees found to have engaged in any of the above will be subject to disciplinary action up to and including termination. In addition, the Town prohibits any employee from being under the influence of alcohol while on duty or performing work activities. Taking legally prescribed medications or over-the-counter medications is permitted to the extent that use of such medications does not adversely affect your job performance or safety, or the safety of others.

### Reasonable Suspicion

The Town may require that an employee submit to a drug test if the Town has reasonable grounds to believe that the employee's use of controlled substances is impairing his or her ability to perform his or her job. The Town will ensure that such test is done in compliance with state law. The employee will provide the test sample in private outside the presence of any person.

### Testing Requirements

Positive tests of urine, blood, or any other bodily fluid or tissue must be confirmed by a federally certified laboratory by means of gas chromatography/mass spectrometry or technology recognized as being at least as scientifically accurate.

### Retesting

The Town will also provide the employee, at the Town's expense, the opportunity to have the sample tested or evaluated by an independent testing facility.

The results of any test will be kept confidential, except the Town may lawfully disclose the results of a positive test to other employees with a job-related need to know, and to defend against any legal action brought by the employee against the Town.



### Treatment for Chemical Dependencies

The Town will make every effort to assist employees with chemical dependencies (alcohol or drug) who voluntarily seek treatment and/or rehabilitation, including payment for treatment in accordance with our group health insurance plan. The Town is not obligated however, to continue to employ a person whose job performance is impaired because of drug or alcohol use.

Public Works employees who are required to participate in a DOT random drug testing pool due to their job responsibilities should contact their supervisor for details on that program.

## **XXXVIII. Use of Town Vehicles**

### Use of Town Vehicles

Town vehicles will only be assigned to employees who require a vehicle for the performance of their duties and shall not be available for personal use. No vehicles shall be assigned without written approval of the Department Head and Town Manager.

Town Manager must approve in advance any non-routine business trips out of Town for which a Town vehicle will be used.

Town officials who are to be available 24 hours a day, 7 days a week must use discretion in utilizing the Town vehicle they are assigned. These officials only shall be permitted to use their vehicle to go to lunch and to drive to and from work; however, improper use of any Town vehicle is strictly prohibited.

### Parking

Town vehicles are to be parked in the location designated by the Department Head. Only when approved in advance by the Department Head and Town Manager, may a Town employee drive a Town vehicle to their home and use it to drive to and from work at the Town.

### Permitted Drivers & Requirements

Only Town employees are permitted to drive Town vehicles. In addition, any passengers in Town vehicles must be present for business purposes only.

Any employee who is assigned a Town vehicle must have their current valid driver's license with them at all times when operating the vehicle. Under no circumstances shall any employee operate a Town vehicle under the influence of alcohol or any illegal drug or at any time that their vision or judgment is impaired in any manner. All Town vehicles are to be operated in a safe and courteous manner at all times. The Town reserves the right to request an employee's driving record before clearing the employee to drive a Town vehicle.



## Gas

Gas is to be filled up at the Town Garage at Larry Hirsch Lane or at Ginger's Service Station in an emergency. For long trips, requiring gas to be filled elsewhere, prior approval must be obtained from the Department Head.

## Restriction on Cell Phone Use

Employees whose job responsibilities include regular or occasional driving are expected to refrain from using their cell phone while driving in a Town vehicle. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area. Should the State of Rhode Island adopt legislation that is more restrictive than this, the more restrictive conditions shall apply.

## Traffic Violations & Accidents

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions.

If an employee is involved in an accident of any type and severity, they must immediately report it to the Police and their direct supervisor.

The improper, careless, negligent, destructive or unsafe use or operation of vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

## Tobacco Use in Town Vehicle

The use of any tobacco products is prohibited in any town vehicle.

## Mileage Reimbursement

Employees will be reimbursed at the current mileage rate as established by IRS guidelines in the circumstance that they are required to utilize their own vehicle when a Town vehicle is not available. Employees are to use a town vehicle if one is available.

## List of Employees Assigned Town Vehicles & Spare Keys

Department Heads shall be responsible for maintaining a current master listing of all their employees who are assigned Town vehicles. Such list shall contain the year, make and model of the vehicle, VIN, registration number, and the specific person(s) assigned to utilize the vehicle. The Department Head shall maintain a spare set of keys to all Town vehicles assigned to their department. Keys will be stored in a safe central location and made available to employees only when signed for and authorized by the Department Head. Upon the completion of use of the



vehicle, employees must return the keys to the central location designated by the Department Head. The Town Hall fleet maintains the keys in the Building Department.

Employees who violate any provision of this policy shall be subject to disciplinary action up to and including termination.

## **XXXIX. Use of Town Equipment**

### Use of Town Equipment

All Town equipment, tools, and supplies shall not be available for personal use and are not to be removed from Town property to conduct official Town business, unless approved by the Town Manager. No employee shall purchase for personal use any tools or supplies through Town purchase accounts.

Town equipment, tools and supplies will only be assigned to Town employees who require the equipment and/or tools for the performance of their duties.

### Operation while Impaired/Under the Influence

Under no circumstances shall any employee operate any equipment under the influence of alcohol or any illegal drug or at any time that their vision or judgment is impaired in any manner. All Town equipment is to be operated in a safe and courteous manner at all times.

### Cell Phone Usage & Tobacco Products

Employees whose job responsibilities include regular or occasional operation of town equipment are expected to refrain from using their cell phone while operating Town equipment. Safety must come before all other concerns. Regardless of the circumstances, employees are strongly encouraged to use hand free devices or pull off to the side of the road and safely stop the equipment before placing or accepting a call. Should the State of Rhode Island adopt legislation that is more restrictive than this, the more restrictive conditions shall apply. Employees are prohibited from texting and driving.

The use of any tobacco products is prohibited in any town equipment.

The improper, careless, negligent, destructive or unsafe use or operation of equipment will be subject to disciplinary action, up to and including termination of employment.

Employees who violate any provision of this policy shall be subject to disciplinary action up to and including termination.



## **XL. Whistleblower Protection Policy**

### Policy Statement

The Town of Westerly is committed to the enunciated policies of the State (Rhode Island General Laws Chapter 28-50) and Federal Whistleblower Protection Acts. Whistleblower protection provides protection to employees against retaliation or other wrongful or adverse employment actions for reporting illegal or unethical acts of employers. An employer may not retaliate in any way, such as discharging, demoting, suspending or harassing the whistleblower.

### Definitions

A whistleblower as defined by this policy is an employee of the Town of Westerly who reports an activity he/she considers to be illegal or unethical to one or more of the parties specified in this policy.

1. “*illegal or unethical activities*” include but is not limited to violation of federal, state, local laws and fraudulent financial reporting.
2. “*whistleblower*” is defined by this policy as an employee who reports, to one or more of the parties specified in this policy, an activity that he/she considers to be illegal, dishonest, unethical or otherwise improper.
3. “*employee*” means any person employed by the town, and shall include, but not be limited to, contract employees, independent contractors and members of Town boards and commissions whether compensated or uncompensated
4. “*matter of public concern*” means
  - a. a violation of a state, federal, or municipal law, regulation or ordinance;
  - b. a danger to the public health or safety; and/or
  - c. gross mismanagement, unethical conduct, substantial waste of funds, or a clear abuse of authority.
5. “*public body*” includes an officer or agency of
  - a. The federal government;
  - b. The state;
  - c. A political subdivision of the state including a municipality or a school district;
  - d. The town

### Non-Retaliation

The Town of Westerly will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination,



compensation decreases, or undesirable work assignments and threats of physical or emotional harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Department immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

### Protections

Whistleblower protections are provided in two important areas: confidentiality and retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide accused individuals their legal rights of defense.

Individuals protected include:

- a. the employee, or a person acting on behalf of the employee, who reports to a public body or is about to report to a public body a matter of public concern; or
- b. the employee who participates in a court action, an investigation, a hearing, or an inquiry held by a public body on a matter of public concern.

The Town of Westerly or any of its employees may not discharge, threaten, or otherwise discriminate against an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment. Any employee of the Town of Westerly who retaliates against a whistleblower will be subject to discipline, up to and including termination of employment.

The provisions of this policy do not:

- a. require the Town of Westerly to compensate an employee for participation in a court action or in an investigation, hearing, or inquiry by a public body;
- b. prohibit the Town of Westerly from compensating an employee for participation in a court action or in an investigation, hearing, inquiry by a public body;
- c. authorize the disclosure of information that is legally required to be kept confidential; or
- d. diminish or impair the rights of an employee under a collective bargaining agreement.

A whistleblower is not entitled to the protections under this policy unless he or she reasonably believes that the information reported is, or is about to become, a matter of public concern; and reports the information in good faith.

A whistleblower is entitled to the protections under this policy only if the matter of public concern is not the result of conduct by the individual seeking protection, unless it is the result of conduct by the person that was required by his or her employer.



## Procedures for Reporting

If an employee has knowledge or a concern of illegal, unethical or fraudulent activity, the employee is to contact the Human Resources Director. Any concerns involving the Human Resources Director or the Director is not available, the employee should report the activity to the Town Manager or Police Chief. Any concerns involving the Town Manager or Police Chief may be reported to a Town Councilor. Any Town Councilor that is contacted by an employee regarding a Whistleblower complaint regarding the Town Manager or Police Chief shall within 48 hours report this to the Town Council President.

The employee must exercise sound judgment to avoid baseless allegations. The investigation will be conducted by the Human Resources Director following the Town of Westerly Workplace Investigation procedures. A written statement signed by the Whistleblower will be required during the initial investigation process. If the concerns are involving the Human Resources Director, the Town Solicitor will conduct the investigation. The whistleblower is not responsible for the investigation of the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

## References

[Rhode Island General Law Chapter 28-50 – The Rhode Island Whistleblowers’ Protection Act](#)

## **XLI. Workplace Investigation Policy and Procedures**

### Workplace Investigations Policy and Procedures

The Town of Westerly is committed to ensuring that all internal investigations are conducted in a fair and impartial manner and in compliance with all applicable state and federal laws.

The Town of Westerly will promptly initiate an appropriate investigation upon receiving a written or verbal statement of misconduct or harassment and will conclude the investigation in a timely fashion. The Town of Westerly will make a reasonable effort to ensure that entire investigation process and those involved will remain confidential. The complainant or whistleblower and all witnesses will be informed that if the investigation leads to legal action, there is a potential that information provided during the investigation process may be disclosed.

### Primary Responsibility

The Human Resources Director shall have primary responsibility of conducting all workplace internal investigations. In certain situations, the Town Solicitor and/or the Westerly Police Department may assume responsibility for gathering information for an investigation.



## Steps

The following steps shall normally be undertaken for a workplace conduct investigation:

1. An internal investigation will commence upon the receipt of verbal or written complaint
2. The complainant or whistleblower will be interviewed confidentially; a written statement shall be signed by complainant or whistleblower.
3. All witnesses will be interviewed confidentially using the witness questionnaire and a written statement must be signed by each witness.
4. The accused employee will be questioned based upon written statements of the complainant or whistleblower and witnesses.
5. The accused employee may present additional witnesses to be interviewed during the investigation process.
6. If there is a potential of risk to employees, visitors or property determined during the investigation process, all appropriate measures to protect employees, visitors and property shall be taken.
7. Upon completion of investigation, the Human Resources Director will provide a confidential Investigation Summary Report to the Town Manager and the Town Solicitor.
8. The complainant or whistleblower will be informed of the results of the investigation.

All investigative records will be maintained in a separate confidential file in the Human Resources Department and unless advised otherwise by the Town Solicitor will retain the investigative records as required by state and/or federal law.

Any information obtained and reported by third parties employed or engaged by the Town of Westerly concerning an employee's credit, character, general reputation, personal characteristics or mode of living will be considered to be a "consumer report" under the Fair Credit Reporting Act. Accordingly, the Town of Westerly will provide such notice to the employee that such reports have been received. The employee may request and obtain a copy of the consumer report.

No employee or agent of the Town of Westerly may make any disclosure to third parties regarding the particulars of any internal investigation without prior approval from the Town Solicitor.



## **XLII. Social Media Policy**

### Purpose

This Town of Westerly (the "Town") policy establishes guidelines for the creation and use by the Town of Westerly, RI, its departments, divisions and/or employees of the Town's social media sites for Work- Related Purposes (including, but not limited to Facebook and Twitter) as a means of conveying Town information to its citizens.

The intended purpose behind establishing Town social media sites is to disseminate information from the Town, about the Town, to its citizens.

The Town has an overriding interest and expectation in deciding what is "spoken" on behalf of the Town on the Town's social media sites.

For purposes of this policy, "Social Media" is understood to be content created by individuals, using accessible, expandable and upgradable publishing technologies, through and on the Internet. Examples of social media include Facebook, Twitter, Google+, blogs, YouTube, LinkedIn, Snapchat, and Flickr, Instagram etc... For purposes of this policy, "Content" includes comment, information, articles, pictures, videos or any other form of communicative content posted on Town social media sites.

### General Policy

- A. The establishment and use by any Town department, division or employee of Town Social Media sites are subject to approval by the Town Manager or his/her designees and the Town Information Technology Department ("ITD"). Town Social Media sites shall be administered and monitored by individual department site administrators approved by the individual department heads, with notification to the Town's ITD staff and the Town Manager.
- B. Town Social Media sites should make clear that they are maintained by the Town and that they follow the Town's Social Media Policy.
- C. Wherever possible, Town Social Media sites should link back to the official Town website or department web pages for forms, documents, online services, and other information necessary to conduct business with the Town.
- D. The Town's Public Information Officer will occasionally monitor content on Town Social Media sites to ensure adherence to the Town's Social Media Policy and the interests and goals of the Town.
- E. The Town reserves the right to restrict or remove any content that is deemed in violation of this Social Media Policy or any applicable laws, rules regulations or policies. Any content removed based on this Social Media Policy should be retained by the site



administrator who removed it for a reasonable period of time, as well as information about the time, date, and identity of the poster, when available.

F. This Social Media Policy must be displayed to users or made available by hyperlink [www.westerlyri.gov/SocialMedia](http://www.westerlyri.gov/SocialMedia).

G. The Town will approach the use of social media tools as consistently as possible, enterprise wide.

H. The Town's website at [www.westerlyri.gov](http://www.westerlyri.gov) will remain the Town's primary and predominant Internet presence.

I. All Town Social Media sites shall adhere to applicable federal, state, and local laws, rules, regulations and policies.

J. Town Social Media sites are subject to Rhode Island public records and record retention laws, rules, regulations and policies. Any Content maintained in a Social Media format that is related to Town business, including a list of subscribers, posted communication, and communication submitted for posting, may be a public record subject to public disclosure. The department site administrator will maintain records in accordance with Rhode Island public records and record retention laws, rules, regulations and policies.

K. Comments or other Content on topics or issues not related to Town business or within the jurisdictional purview of the Town may be removed.

L. Employees representing the Town via Town Social Media sites shall conduct themselves at all times as representatives of the Town in accordance with all Town rules, regulations and policies.

M. This Social Media Policy may be updated from time to time and amended at the discretion of the Town Manager, with approval by the Town Council.

### Content Policy

A. As a public entity, the Town should abide by certain standards to serve all its constituents in a civil and unbiased manner.

B. The intended purpose behind establishing Town Social Media sites is to disseminate information from the Town, about the Town, to its citizens.

C. Content perceived as containing any of the following, but not limited to, inappropriate forms of content shall not be permitted on Town Social Media sites and is subject to removal and/or restriction by site administrators, the Town's Public Information Officer, the Town Manager, or their designees:



1. Content not related to the original topic or to the business of the Town, including random or unintelligible contents;
2. Profane, obscene, violent or pornographic Content and/or language;
3. Content that promotes, fosters, or perpetuates discrimination on the basis of race, color, national origin, sex, gender, physical and mental disability, sexual orientation, religion, age, family status, military status, or source of income.
4. Defamatory or personal attacks;
5. Threats to any person or organization;
6. Content in support of, or opposition to, any political campaigns or ballot measures;
7. Solicitation of commerce, including but not limited to the advertising of any business or product for sale;
8. Conduct in violation of any federal, state, or local law, rule or regulation;
9. Encouragement of illegal activity;
10. Information that may tend to compromise the safety or security of the public or public systems;
11. Content that violates a legal ownership interest, such as, but not limited to a copyright, of any party; or
12. Any other Content deemed inappropriate by the Town.

D. Content posted by a member of the public on any Town Social Media site shall be the opinion of the commentator or poster only, and publication of Content does not imply endorsement of, or agreement by, the Town, nor does such Content necessarily reflect the opinions or policies of the Town.

E. The Town reserves the right to deny access to Town Social Media sites to any person who violates the Town's Social Media Policy, at any time and without prior notice.

F. Site administrators shall monitor Town Social Media sites for Content requesting responses from the Town. Site administrators may direct such requests to the appropriate Town department for response.

G. Site administrators shall monitor Content posted on Town Social Media sites for Content in violation of this Social Media Policy.



H. When a Town employee responds to a comment, in his/her capacity as a Town employee, the employee should do so in the name of the Town department, and the employee shall not share personal information about himself or herself, or other Town employees except as required for Town business.

I. Content posted to any Town Social Media site must comply with that site's terms and conditions, and the Town reserves the right to report any violation of those terms to the site administrator so the site administrator may take appropriate and reasonable responsive action.

### **Use of Personal Social Media - Privacy**

The Town shall not:

1. Require, coerce, or request an employee or applicant to disclose the password or any other means of accessing a personal social media account;
2. Require, coerce, or request an employee or applicant to access a personal social media account in the presence of the employer or representative;
3. Require or coerce an employee or applicant to divulge any personal social media account information, except when reasonably believed to be relevant to an investigation of allegations of employee misconduct or workplace related violation of applicable laws and regulations and when not otherwise prohibited by law or constitution; provided that the information is accessed and used solely to the extent necessary for purposes of that investigation or a related proceeding.
4. Compel an employee or applicant to add anyone, including the employer or their agent, to their list of contacts associated with a personal social media account or require, request, or cause an employee or applicant to alter settings that affect a third party's ability to view the contents of a personal social media account.
5. Discharge, discipline, or otherwise penalize or threaten to discharge, discipline or otherwise penalize any employee for an employee's refusal to disclose or provide access to any information specified in this policy, or for refusal to add the employer or his or her list of contacts associated with a personal social media account, or to alter the settings with a personal social media account.
6. Fail to hire any applicant as a result of the applicant's refusal to disclose or provide access to any information specified in this policy or refusal to add the employer to their list of contacts associated with a personal social media account, or to alter the settings associated with a personal social media account.

### **References:**



## Rhode Island General Law – Chapter 28-56 Employee Social Media Privacy

Use of recording devices.

Due to the potential for issues such as invasion of privacy, sexual or other harassment (as defined by our harassment/discrimination policy) employees may not take, distribute, or post pictures, videos, or make audio recordings of employees or managers while at work. Employees also may not take pictures or make recordings of other employees without express written permission. An exception to the rule concerning pictures and recordings of work areas would be if you are engaging in activity protected by the Rhode Island State Labor Relations Act. For example, taking pictures of health, safety, and/or working condition concerns or of strike, protest and work-related issues and/or other protected concerted activities

### **XLIII. Personal Relationship Policy**

#### Personal Relationships Policy

The Town of Westerly strongly believes that a work environment where employees maintain clear boundaries between employee personal and business interactions is most effective for conducting business and enhancing productivity. Although this policy does not prevent the development of friendships or personal relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

#### Supervisor – Subordinate Relations

Employees in supervisory or managerial roles who have authority over others' terms and conditions of employment are discouraged from having a personal relationship with a subordinate because of their access to sensitive information and their ability to affect the terms and conditions of employment of individuals in subordinate positions. A "personal relationship" is defined as a relationship between individuals who have or have had a continuing relationship of a romantic or intimate nature.

#### Procedures

1. During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity.
2. During nonworking time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.



3. Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while anywhere on Town premises, whether during working hours or not.
4. Employees who allow personal relationships with co-workers that adversely affect the work environment will be subject to the appropriate provisions of the Town of Westerly's disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter and could result in termination.
5. Employee off-duty conduct is generally regarded as private, as long as such conduct does not interfere with the professional workplace environment or proper discharge of the employee's work duties and responsibilities.
6. If a personal relationship between co-workers develops, it is the responsibility and obligation of the employees involved to disclose the existence of the relationship to their direct supervisor and the Human Resources Director. This disclosure will enable the Town of Westerly to determine whether any conflict of interest exists between the relative positions of the individual employees involved.
7. With regard to Paragraph 6, when a conflict of interest arises, or a potential risk is identified, the Town of Westerly will work with the parties involved to consider options for resolving the problem. The initial solution may be to ensure the parties no longer work together on matters where one is able to influence the other or take action for the other. Matters such as hiring, firing, promotions, performance management, compensation decisions and financial transactions are examples of situations that may require reallocation of duties to avoid any actual or perceived reward or disadvantage. In some cases, other measures may be necessary, such as transfer to other positions or departments.
8. With regard to Paragraph 6, if one or both parties refuse to accept a reasonable solution or an offer of alternative position, if available, such refusal will be deemed a voluntary resignation.
9. Failure to cooperate with the Town of Westerly to resolve a conflict or problem caused by a personal relationship between co-workers or among managers, supervisors or others in positions of authority over another employee in a mutually agreeable fashion may be deemed insubordination and cause for immediate termination. The disciplinary policy of the Town of Westerly will be followed to ensure fairness and consistency before any such extreme measures are undertaken.



10. The provisions of this policy apply regardless of the sexual orientation of the parties involved.
11. Where doubts exist as to the specific meaning of the terms used above, employees should make judgments on the basis of the overall spirit and intent of this policy.
12. Any concerns about the administration of this policy should be addressed to the Human Resources Director.

## **XLIV. Information Technology Policy**

### Information Technology Policy

Town of Westerly provides and maintains the following forms of electronic communication, messaging agents and electronic facilities: internal and external electronic mail (e-mail), telephone voice mail, cell phones, radios, walkie talkies, listservs, Internet access, and computer hardware and software. As a condition of providing this technology, Town of Westerly enforces certain restrictions on its workplace use and restricts such use to company business purposes.

The internal communication systems, as well as the equipment and data created, are and remain at all times the property of the Town of Westerly. All messages and files created, sent, received or stored within the system should be related to town business and are and will remain the property of the town.

### Inspection

The Town of Westerly reserves the right to retrieve, review, audit, intercept, access and/or disclose any message or file composed, sent, received or deleted. The contents of electronic mail may be disclosed without the permission of the employee. There should be no expectation of privacy. Although e-mail and voice mail may use passwords for security, confidentiality cannot be guaranteed. The Town Manager or his/her designee may limit or deny an individual's access to any Town of Westerly system.

Employees should not download or install any software without approval from the Information Technology department.

Employees are expected to appropriately use and become proficient in the use of all business-related technology.

### Password Restrictions

The IT Department may request employees on a regular basis to change passwords for security reasons. Employees must cooperate with the IT department to ensure all security measures are met. The following is strictly prohibited:

- Releasing passwords



- Allowing passwords to be visible to others
- Use of another's individual password
- Creating unauthorized systems accounts
- Personal use of town E-mail
- The use of video games
- Viewing of non-work-related videos
- Using town-owned equipment for personal profit or partisan political purposes
- Leaving workstation without logging out or locking
- Installing/uninstalling software or hardware without approval of the IT Department
- Allowing non-town personnel use of hardware/software without authorization
- Unauthorized attempts or entry into any computer or any part of the system/network

Guidelines for appropriate use of e-mail:

Appropriate workplace etiquette must be observed when using the Town of Westerly's e-mail and other forms of electronic communication. The guidelines include:

- Communicate urgent matters for immediate response, communicating with several people quickly or communicating other time-sensitive matter.
- Keep all messages as brief as possible to minimize reading time, thereby keeping communication efficient.
- Keep communication professional.
- Avoid sensitive subject matter that should be addressed in person, if possible.
- Check message content for accuracy and good business writing style (i.e., using correct grammar, spelling and punctuation).
- Respond in a timely manner to all messages when expected or requested
- Avoid writing in all uppercase letters
- Avoid the "reply all" function (i.e., system wide distribution) when not necessary or intended.

***Emails may be subject to disclosure under Freedom of Information laws and should not be deleted. Please note that using your personal email or texting on your personal phone for Town business may subject it to disclosure under the Freedom of Information laws.***

Guidelines for appropriate use of the Internet:

Though Town of Westerly encourages employee use of the Internet for work related business, its use is restricted to the following:

- Communicating with employees, vendors or clients regarding matters within an employee's assigned duties.
- Acquiring information related to, or designed to facilitate, the performance of regularly assigned duties.
- Facilitating performance of any task or project in a manner approved by an employee's supervisor.
- The personal use of the internet and/or social media activities are not permitted during working hours.



### Prohibited Use of E-Mail, Voice Mail, Internet and Other Electronic Communications:

E-mail, voice mail and other electronic communications transmitted on the Town of Westerly equipment, systems or networks may not contain any content that would reasonably be considered offensive, harassing or disruptive to another individual. Offensive content would include sexual comments or images, racial slurs, gender-specific comments, or any comments that might be construed as offensive by a reasonable person on the basis of race, age, sex, sexual orientation, religious or political beliefs, national origin, or disability.

Regarding Internet and e-mail access and use, employees should be advised that the Town of Westerly expressly prohibits use of the provided Internet and e-mail for the following activities:

- Dissemination or printing of copyrighted materials, including articles and software, in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating proprietary data, or other confidential information of The Town of Westerly or its counterparts in violation of town policy or proprietary agreements.
- Using offensive or harassing statements or language, including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Operating a business, usurping business opportunities, soliciting money for personal gain or searching for jobs outside the Town of Westerly.
- Non-work-related emails, e.g. jokes, chain letters
- Gambling or engaging in any other activity in violation of local, state or federal law.
- Political activity

Employees who violate any provision of this policy shall be subject to disciplinary action up to and including termination.

### **XLV. Health Insurance Portability and Accountability Act – Privacy Officer**

In compliance with the Health Insurance Portability and Accountability Act, the Town has a procedure in place that addresses the privacy of and access to an employee's Protected Health Information (PHI).

The Town's employees and their dependents who participate in our group health plan are advised that PHI may be disclosed to others for the purpose of facilitating coverage in a group health plan, facilitating payment for treatment and services that you or your covered dependents receive.

The group health plan may use or disclose your health information for any of the following reasons; Workers Compensation, Health & Safety, healthcare operations or decedents. The Town reserves the right to use or discuss PHI for the purpose of a determination, upon the request of the employee, for FMLA.



An employee has the right to request a copy of their health record as provided for in 45C.F.R.164.524 as well as request a restriction on uses and disclosures of their PHI as provided by 45C.F.R.164.522, however, the group health plans are not required to agree to a requested restriction.

An employee may request that their health record be amended as provided in 45C.F.R.164.526 and may receive an accounting of disclosures made of their PHI according to 45C.F.R.164.528.

An employee has the right to direct any complaints regard violation of Protected Health Information to the Group Health Plan or Secretary of the Department of Health and Human Services.

The Town’s designated Privacy Officer is the Director of Human Resources. If you have any questions regarding HIPAA, please direct your questions to:

The Town of Westerly  
Director of Human Resources  
45 Broad Street  
Westerly, RI 02891  
401-348-2525

References:

[Department of Health and Human Services – Summary of HIPAA Privacy Rule](#)

## **XLVI. Workplace Violence & Bullying**

The Town of Westerly is committed to providing a safe, healthful workplace that is free from violence, threats of violence or bullying behavior. For purposes of this policy, workplace violence is any violent or potentially violent behavior that arises from or occurs in the workplace that affects Town employees. Bullying is any threatening act, or harassment based on an employee’s characteristics, position, or status in the workplace.

Individuals who engage in violent or prohibited behavior may be removed from the premises, and may be subject to dismissal or other disciplinary action, arrest and/or criminal prosecution. During investigations, employees may be placed on administrative leave, may be subject to a fit-for-duty examination prior to return to the workplace. This policy applies to all work locations including offices, work sites, vehicles, and field locations.

The Town takes reports of threatening or violent workplace incidents seriously. Employees, supervisors, and managers are expected to report actual or alleged incidents of violence in the workplace to the Human Resources Department.



## Prohibited Behavior

The Town does not tolerate behavior, whether direct or through the use of Town facilities, property or resources that:

- Is violent,
- Bullying,
- Threatens violence,
- Harasses or intimidates others,
- Name calling,
- Interferes with an individual's legal rights of movement or expression,
- Disrupts the workplace, our collegial environment or the Town's ability to provide services to the public.

Violent or threatening behavior can include, but is not limited to, physical acts, oral or written statements, harassing telephone calls, gestures and expressions or behaviors such as stalking, violent horseplay or "joking around".

## Reporting Requirements

All Town employees must cooperate to maintain a safe work environment. Individuals should report to their supervisor any incidents of violent, threatening, harassing, or intimidating behavior in the workplace, whether or not those involved are Town employees.

## **XLVII. Conflict of Interest Policy**

### General

An employee shall not engage in any activities which create a conflict of interest between the employee's assigned functions and any other interest or obligation. Questions or requests for further information should be directed to the Department of Human Resources.

### Gifts

An employee shall comply with the provisions of State and Federal law and Town policy governing the acceptance of gifts and gratuities. In addition, Town officials and employees must avoid the appearance of favoritism in all their dealings on behalf the Town of Westerly. All Town officials and employees are expected to act with integrity and good judgment and to recognize that the acceptance of personal gifts from those doing business or seeking to do business with the Town, even when lawful, may give rise to legitimate concerns about favoritism depending on the circumstances. If a Town employee has any question regarding the propriety of a gift, disclosure of the gift or proposed gift should be made to Department of Human Resources for a determination of the proper course of action.



### Financial Conflict of Interest

An employee may not make or participate in the making of a decision if there exists a financial conflict of interest.

### Employee-Vendor Relationships

It is the policy of the Town to separate the employee's Town and private interests and to safeguard the Town of Westerly and employees from charges of favoritism in acquisition of goods and services. Goods or services shall not be purchased from an employee or near relative of the employee unless there is a specific determination that the goods or services are not available otherwise. Town credit, purchasing power, and facilities shall be used for the purchase of goods and services that relate directly to Town business and shall not be used to purchase material for individual or non-Town activities.

## **XLVIII. Background Check Policy**

The Town of Westerly believes that hiring qualified individuals to positions contributes to the Town's overall strategic success. Background checks serve as an important part of the selection process.

The Town conducts background checks on all job candidates post-offer (contingency offer). The Town may use a third-party administrator to conduct background checks. The type of information that can be collected by this agency includes, but is not limited to, a criminal background check, education, employment history, credit, and professional and personal references. This process is conducted to verify the accuracy of the information provided by the candidate and determine his/her suitability for employment.

The Town will ensure that all background checks are held in compliance with applicable federal and state statutes, such as the Fair Credit Reporting Act (FCRA).

All criminal background screens are conducted post-offer (contingency offer). However, as part of Title VII of the Civil Rights Act, this information cannot be used as a basis for denying employment, unless it is determined to be job-related.

The Town reserves the right to make the sole determination concerning information or any employment decision arising out of the background check.

### References:

[Federal Trade Commission – Fair Credit Reporting Act](#)



## **XLIX. Position Requirements**

Minimum requirements are listed on the job descriptions which are posted on the Town's HR website. Minimum requirements are set by the Department of Human Resources and are based on all applicable laws, including the Town Charter. Job descriptions as well as minimum requirements are to be reviewed periodically and updated when necessary. Job descriptions should include physical requirements as well as working conditions and environment.

## **L. Veteran's Preference**

In the case of an examination for original appointment into a regular full-time position in the Town service, all persons honorably discharged from military service who have met the minimum requirements of a posted position may have up to 5 additional points added to their score and may be given preference in hiring. Those who also submit documentation of a disability from the military service may have an additional five points added.

## **LI. Succession Planning – Workforce Development**

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

## **LII. Out of Class Pay**

When an employee is assigned the majority of essential duties of a position which is higher in both responsibility and compensation than the employee's regular position, such employee will normally be compensated by up to an additional five percent (5%) of the employee's regular salary.

Typically, to be eligible for out of class assignments, employees must be performing the higher-level functions for a period of 30 days and be assigned those duties by their Department Head. Out of Class assignments must be recommended by the Director of Human Resources and the Town Manager.

When an employee is officially temporarily appointed to a higher-level position, either through Council action or by a formal letter from the Town Manager, the employee shall receive the same rate of pay as the previous incumbent of the position.

For represented employees, out of class pay is determined by the collective bargaining agreements.



### **LIII. Employee Preference Points**

Town employees who are applying for non-represented positions may be given preference in hiring at the discretion of the Town Manager.

### **LIV. Timekeeping**

The Town maintains hours of work, which are compatible with State and Federal legislation, collective bargaining agreements, and the maintenance of an effective and efficient operational schedule of work. For represented employees the regular workweek is defined in the Collective Bargaining Agreement. For unrepresented full-time employees the usual workweek is considered to be at least 37.5 hours per week, Monday through Friday. Unrepresented employees at Public Works and the Police Department (including Animal Shelter) normally work a minimum of 40 hours per week.

#### Definitions

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

All employees, exempt and non-exempt are required to provide an accurate daily record of work time. The Town uses several timekeeping methods including time cards and electronic scanning.

#### Exempt Employees

Time records will be completed on a daily basis. In situations where this is not practicable because the employee is not in the regular workplace, daily timekeeping will be done on the next day the employee is attending the workplace. Time records should indicate daily arrival and departure times, standard work hours, sick, personal or vacation time used during each weekly period. The employee is responsible for signing his or her time record to certify the accuracy of all time recorded and submitting the time record to the supervisor or manager for review and approval each week. The supervisor or manager is responsible for ensuring employees complete the weekly time sheet and for reviewing and approving the timesheet by signing in the designated area and forwarding to the department timekeeper or central payroll.

#### Non-Exempt Employees

Non-exempt employees must accurately record on a daily basis, the time they begin and end their work, as well as the beginning and ending time for each meal period. The beginning and ending time of any partial day worked or a departure from work early for personal reasons should also be recorded on the time record. All sick, personal or vacation time should be recorded daily or as soon as practicable but not less than weekly.



## Timekeeping

The employee should enter all overtime hours worked. The employee is responsible for signing his or her time record to certify the accuracy of all time recorded and submits the time record, according to department practice on either a daily or weekly basis, to the supervisor or manager for review and approval. The supervisor or manager is responsible for ensuring employees complete the time sheet and for reviewing and approving the timesheet by signing in the designated area and forwarding to the timekeeper or central payroll.

### Electronic Timekeeping:

If an electronic timekeeping system is implemented by the Town, all employees will be responsible for recording their start and end time and all hours worked in accordance with the policies and procedures established for the electronic timekeeping.

## **LV. Military Leaves of Absence**

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

### Eligibility

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

The following procedures apply to the entire Town workforce.

### Requests for Military Leave

An employee, who is issued orders by a recognized military authority, whether verbally or in writing, shall provide prior notice to their Department Head as soon as possible after receiving such orders unless precluded by military necessity. If feasible, this notice should be in writing and accompanied by any military orders that the employee has received. Upon such notification the Town shall release the employee from work for the duration of the military leave. It is



recognized that an employee may not receive written orders for recurring inactive training (drills) or annual training. However, the employee is encouraged to provide a copy of orders, the annual drill schedule, or other type of documentation to the Department Head as soon as available and, if possible, before the commencement of the activated military duty.

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

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

### Compensation and Benefits During Military Leave

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

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

An employee, at his or her sole option, may request to use unused accrued vacation during periods of paid and unpaid military. The Town cannot require an employee to use vacation leave. An employee on military leave who elects to charge such leave against vacation accruals shall be treated for purposes of benefits in the same manner as an employee who is on vacation leave. An employee who is placed on an unpaid military leave of absence pursuant to this policy (leave in



excess of thirty (30) days) will maintain their membership in their respective retirement programs.

### Return from Military Leave

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

- The employee must hold a position that has a reasonable expectation of continuation indefinitely or for a significant period.
- An employee must give notice to the Town that he/she is leaving for military leave as described above (unless such notice is precluded by military necessity or security concerns).
- Activated employees must be released from service under "Honorable Conditions". Employees who are not released under "Honorable Conditions" are not eligible for reemployment rights.
- Employees must report back to work as defined below:
  - o For a period of military service of up to thirty (30) consecutive days, an employee must report back to work for the first full regularly scheduled work period on the day following the completion of the period of military service; his or her safe transportation home and a break of at least eight (8) hours;
  - o For a period of military service of thirty-one (31) to one hundred eighty (180) consecutive days, an employee must submit to the Town direct supervisor an oral or written application for reemployment no later than fourteen (14) days after the completion of the period of military service;
  - o For a period of military service of one hundred eighty one (181) days or more, an employee must submit an application for reemployment no later than ninety (90) days after completion of the period of service.

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

### Limitations

Military leave, paid or unpaid, shall generally not exceed five (5) years throughout the employee's service with the Town. Refer to USERRA for exceptions to the five-year limitation.



Only the time the employee actually spends in uniformed service counts toward the five-year limit.

### Compensation and Benefits Upon Reinstatement

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

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

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

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

The employee, pursuant to USERRA, will have a period of time to make up "missed" contributions to the Town's 401a and 457 plans. The Town will make up the appropriate Town match throughout this re-payment period. Under USERRA, that period must be equal to at least three times the period of the employee's uniformed service. The entire repayment period may not exceed five (5) years.

### Explanation to Military Leave Policy for Inactive Duty Military Training

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

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



References:

[US Department of Labor – Uniformed Services Employment and Reemployment Rights Act](#)

## **LVI. Employee Assistance Program**

The Town is committed to the preservation of the well-being of its employees. The Town recognizes that a wide range of problems not always directly associated with one's job function can have an effect on an employee's job performance. Through early intervention many of these problems can be resolved and the potential impact on job performance and an employee's general health minimized. Towards that end, the Employee Assistance Program (EAP) has been established to provide professional expertise for the benefit of employees and their family members when dealing with problems of a personal/professional nature. The program is available to all full-time regular employees and their dependents as well as all regular part-time employees who work at least 30 hours. All aspects of the Town's EAP service system will operate within the federal Health Insurance Portability and Accountability Act (HIPAA) guidelines regarding all aspects of case management.

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

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

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

References:

[Town of Westerly – Employee Assistance Program](#)



## **LVII. Americans with Disabilities Act Amendments Act (ADAAA)**

### Definitions

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

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

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

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

### Policy

The Americans with Disabilities Act Amendments Acts (ADAAA) requires employers to reasonably accommodate qualified individuals with disabilities.

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

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

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

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

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



### Non-covered Applicants and Employees:

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

### Interview Process

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

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

### Guidelines for Interviewing

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



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

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

#### References:

[US Equal Employment Opportunity Commission - Americans with Disabilities Act Amendments Act](#)

### **LVIII. Professional Development**

At the discretion of the Department Head, the Town will purchase memberships for employees appropriate to the employee's job and professional development in technical and professional associations. Membership dues and other legitimate business expenses connected with these memberships are paid or reimbursed by the Town. These memberships, even though taken in the name of the individual, are the property of the Town.

Memberships in professional and technical societies appropriate to an employee's job and stage of personal development will be included by the Department Head in the annual budget request.

### **LIX. Training**

The department head is responsible for training and developing subordinate employees in job related skills and appropriate work place behavior.

The Director of Human Resources will recommend ongoing professional training and development programs for all members of the Town workforce. In addition, the Department of Human Resources will coordinate, conduct and facilitate internal training programs on all human resource management regulatory and compliance matters. All Town training and development



programs will be offered in support of the Town's organizational and business goals and will support the short- and long-term succession planning of the entire organization, subject to funding.

## **LX. Status Change: Dependents, Marital Status, Address**

In order for the town to maintain accurate benefit coverage and payroll records, employees are required to maintain up to date information at all times.

### Marital Status

Notice should be given immediately to the Department of Human Resources of any change in marital status through marriage, divorce/dissolution of a civil union or death. Appropriate action must be taken for the correction of all records affected, including the names of beneficiaries under the Town's benefit plans. Written forms and proof of the event are required.

### Dependency Status

Notice must be provided as soon as possible but no later than 30 days after the event regarding any change in dependency status such as marriage/civil union relationship, divorce, death of a dependent, birth of a child, the adoption of a child/children, changes or loss of spousal health care coverage, any of which will affect an employee's coverage or beneficiaries under the benefit plans or will affect the amounts to be withheld for Federal or State income tax credits. Appropriate action must be taken for the correction of all records affected. Written forms and proof of the event are required.

### Change of Name

Notice must be provided as soon as possible but not later than 30 days after the event to the Department of Human Resources of any change in name resulting from marriage, divorce, or as the result of a legal ruling. An employee is responsible for taking appropriate action for the correction of all records affected. Whenever an employee's name is formally changed by court action, the employee is required to present a certified copy of the court order for photo reproduction and return. The photocopy will be retained in the employee's personnel file.

### Address, Telephone Number or email address

Notice should be given immediately of any permanent change in address, email address or telephone and/or cell number. Address changes must be forwarded to the Department of Human Resources.

## **LXI. Employee Recognition and Rewards**

The Town Manager's Office in conjunction with the Department of Human Resources may develop a variety of employee recognition and rewards programs. These programs are designed to recognize employee achievement and outstanding employee performance. Any programs that



are developed will be reviewed from time to time to ensure their efficacy. Deployment and sustaining these programs is dependent upon continued funding.

## **LXII. Compensation Philosophy**

The Compensation Philosophy of the Town of Westerly is designed to help attract, motivate, and retain top-level talent necessary to deliver sustained, high performance to the citizens we serve. We observe the following principles:

1. Strive to provide compensation programs that support the strategic goals of Town Council, are competitive with external markets, and are internally equitable.
2. Balance addressing the need to attract talent from various industries, while simultaneously recognizing the public sector, municipal government environment we work in when designing its pay practices.
3. In all instances, for benchmark jobs, information for an assessment of pay competitiveness will be ascertained through reliably published and/or researched compensation data.
4. Administer compensation programs in a manner that is consistent, fair, and free of discrimination.
5. If an average salary falls below market averages to the extent that attracting and retaining qualified employees may be jeopardized, the Town will propose action necessary to align the position within the competitive marketplace for implementation in the next fiscal year or sooner, if financially feasible.

Nothing in this compensation philosophy statement should be construed as a required benefit in the event that the Town experiences a decline in revenue growth lower than the projected increase in expenses. “Revenue” is currently defined as the two largest components of operating revenue: the real property tax base and the projected total personal property tax base. As with all budget decisions, merit increase, market rate adjustments, and funds for other employee benefits are subject to annual appropriation.

## **LXIII. Lactation Policy**

### Purpose

In recognition of the well documented health advantages of breastfeeding for infants and mothers, the Town of Westerly provides a supportive environment to enable breastfeeding employees to express their milk during work hours. This includes an organization-wide lactation support program administered by the Department of Human Resources.

The Town of Westerly subscribes to the following worksite support policy. This policy shall be communicated to all employees.





### Milk Storage

Employees should label all milk expressed with their name and date collected so it is not inadvertently confused with another employee's milk. Each employee is responsible for proper storage of her milk using either the Town employee only refrigerators/freezers or personal storage coolers.

### Use of Break Times to Express Milk

When more than one breastfeeding employee needs to use the designated lactation room, employees can use the sign-in log provided in the room to negotiate milk expression times that are most convenient or best meet their needs.

### References:

[Fair Labor Standards Act – Section 7 \(r\)](#)

[RIGL Title 23 Chapter 23-13.2 Nursing Working Mothers](#)

## **LXIV. Tuition Reimbursement**

### Policy Statement

The Town of Westerly offers an eligible educational assistance program to regular full-time and part-time employees under Section 127 of the Internal Revenue Code (IRC 127), which covers employer-provided education assistance programs. Under IRC 127 an employer may exclude qualified expense from an employee's gross income, up to a maximum dollar amount per calendar year. This program is for the exclusive benefit of employees of the Town of Westerly to provide such employees with educational assistance.

The purpose of the education assistance program is to broaden the knowledge of employees in their fields and/or to provide an avenue for career development. The Human Resources Department will administer the program and review all reimbursement applications. This program is contingent upon annual appropriation of funds and is subject to change at any time.

### Eligibility Requirements

This program is available to employees who wish to voluntarily pursue educational advancement or training.

This program **does not** apply to courses or training that are required by the Town. It also **does not** cover professional licensing and professional development seminars. Any course, training, licensing or certification that is required by the Town, or other applicable law, will be covered by professional development / training funds within each department.



All regular (completed probationary period), non-union, full and part-time staff employees are eligible for the tuition reimbursement program.

Employees covered by collective bargaining agreements are to refer to their specific agreements to determine eligibility.

### Time – Schedule

All courses reimbursed under this program must be taken on the employee's own time. If a class is only available during an employee's normal work hours, the employee may request a flexible schedule from the employee's Department Director. A memorandum outlining the employee's flexible work schedule must be signed by the employee, approved by the Department Director and forwarded to the Human Resources Department with the completed Tuition Reimbursement Program Application. When there is a conflict between classes and the employee's job responsibilities the job responsibilities must come first.

### Reimbursement Schedule

Employees must attain a course grade equivalent to a "C" or better ("pass" in pass/fail) in each undergraduate course to be eligible for reimbursement. Graduate classes will be reimbursed provided the employee attains a course grade that results in full credit for the course.

### Reimbursement Amounts

Participating employees will be eligible for up to a maximum of \$2,000.00 reimbursement during the fiscal year.

The program is run on a first-come, first-serve basis, and reimbursement is contingent upon funds being available. The Human Resources Department will be responsible for managing the Tuition Reimbursement account and will notify participating employees of the fund balance availability.

This is a reimbursement program, which requires participating employees to pay for classes up-front themselves, and reimbursement will only be provided after submitting final grade reports to the Human Resources Department for approval and review.

### Eligible Schools

Courses must be held at institutions that are accredited by the U.S. Department of Education's Office of Post-Secondary Education (OPE). To verify if an institution is accredited, employees can access the U.S. Department of Education's Database of Accredited Postsecondary Institutions and Programs at <https://ope.ed.gov/accreditation/>

### Eligible Programs and Courses

Coursework in pursuit of a Vocational, Associate, Bachelor, or Master's degree is eligible under this program. Courses must be applicable to advancement within the Town, which includes coursework that will further advance the employee in their current career path, or another career path in the Town.



### Reimbursement Expense

Fees for tuition and mandatory fees are eligible for reimbursement under this program. Employees will be required to provide a line-item (detailed) receipt of fees paid.

Supplies, books, travel, late fees, property deposits or other expenses are not eligible expenses.

### Service Agreement

Requirements for continued service with the Town after course completion are an assurance that the Town will benefit from employee participation in this program. If an employee leaves Town employment for any reason before the service requirement is completed, the employee must pay the Town all or part of the tuition that was paid to the employee.

A two (2) year service requirement begins on the first reimbursement check date. A separate two year service requirement must be completed for each reimbursement payment made to the employee. If the service requirement is not completed, the debt will be paid in one of the following ways:

1. If the employee has worked less than one year of the service requirement, the employee will repay the Town the full amount of the reimbursement payment made to the employee.
2. If the employee has worked at least one year, but less than two years of the service requirement, the employee will repay to the Town 50% of the amount of the reimbursement payment made to the employee.

A service requirement is not an assurance of continued employment by the Town.

If separation of service or termination of employment occurs (voluntary or involuntary) and a repayment amount is owed by the employee, and the employee does not otherwise repay the amount, the employee agrees to have the repayment amount deducted from the employee's paychecks that are issued after the termination decision occurs, up to the maximum amount applicable by law.

### Application Procedure

1. Obtain a tuition reimbursement application packet online at [www.westerlyri.gov/HR](http://www.westerlyri.gov/HR).
2. Fill out the tuition reimbursement application packet form and obtain the required approvals.
3. Applications for classes during the employee's scheduled work time must be accompanied by a memo from your Department Director approving a flex time schedule for you. Attach the memo to your application.
4. Attach a copy of the tuition receipt, a copy of the school's current tuition schedule, and your current class schedule to the application.
5. You must turn in the completed application form and all required attachments to the Human Resources Department within 5 days before the class start date. Incomplete and late applications will not be approved.



6. The request will be approved or denied by the Human Resources Department. You will receive a memo notifying you of the status of your request within 15 days of receipt of your application.
7. To be considered for reimbursement, the employee must submit an official grade report within 20 days of the last day of class. Alternate methods of grade verification may be submitted along with the Grade Verification form.
8. The Tuition Reimbursement Service Agreement must be signed before any reimbursement is made.

It is the employee's responsibility to complete all of the required forms and to provide all information necessary for each application. It is also your responsibility to submit this information in a timely manner to receive consideration.

The Town will not pay for the cost of tuition and mandatory fees which are paid by other sources, such as scholarships, grants, veterans programs, U.S. Military Reserve, aid programs or other subsidies.

Paying overtime to the employee, or to another employee, in order to accommodate courses is not permitted for the purposes of this program.

## **LXV. Severability**

### Severability

Should any provision or part of this handbook be declared or rendered illegal or unenforceable by legislative or judicial authority, the balance of the handbook shall remain in full force and effect.

### To All Employees

Should any employees need further clarification or additional information relating to employment, please speak to the Department of Human Resources.

Since it is not possible to foresee all conditions and circumstances surrounding the employment relationship, the Town reserves the right to alter, modify, amend or terminate the provision of this handbook at any time.

### Errors

If you notice any errors or incorrect information contained in this handbook, please report them to the Department of Human Resources to be reviewed, and if appropriate update/corrected. Errors in this handbook do not constitute guaranteed or implied benefits.



**ACKNOWLEDGMENT OF RECEIPT  
OF THE EMPLOYEE HANDBOOK**

I, the undersigned, have this day received a copy of the Town of Westerly Employee Handbook.

I agree that it is my responsibility to read this employee handbook and to bring any questions regarding its content, interpretation or application to the attention of the Human Resource Director or the Town Manager.

I further understand that all Town of Westerly employees are hired on an at-will basis, therefore each person's employment is for no specific term. The employer reserves the right to terminate the relationship at any time and nothing in the employee handbook should be construed as a contract or guarantee of continued employment.

Print Name:

\_\_\_\_\_

Employee's Signature:

\_\_\_\_\_

Date: \_\_\_\_\_

