



TOWN OF TIVERTON
EMPLOYEE HANDBOOK

Welcome to the Town!

Starting a new job is exciting, but at times can be overwhelming. This Employee Handbook has been developed to help you become acquainted with the Town and answer many of your initial questions.

As an employee of the Town, you are very important. Your contribution cannot be overstated. Our goal is to provide the finest-quality services to our residents/tax payers and to do so more efficiently and economically for the benefit of our town.

You are an important part of this process because your work directly influences the Town's reputation.

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

Sincerely,

Matthew J. Wojcik
Town Administrator

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The Way We Work

A Word About This Handbook

This Employee Handbook contains information about the employment policies and practices of the Town. We expect each employee to read this Employee Handbook carefully, as it is a valuable reference for understanding your job and the Town. The policies outlined in this Employee Handbook should be regarded as management guidelines only, which may require changes from time to time. The Town retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. Your Contract and the internal rules and regulations of your department govern all the issues contained therein. This Handbook provides guidance for issues not covered by those documents. This Employee Handbook supersedes and replaces any and all prior Employee Handbooks

The Town complies with federal and state law and this handbook generally reflects those laws. The Town also complies with any applicable local laws, even though there may not be an express written policy contained in the handbook.

Except for the policy of at-will employment, the Town reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time without further notice. All such revisions, deletions or additions to the Employee Handbook must be in writing and must be signed by the Town Administrator and ratified by the Town Council of the Town. No oral statements or representations can change the provisions of this Employee Handbook.

The provisions of this Employee Handbook are not intended to create contractual obligations with respect to any matters it covers. Nor is this Employee Handbook intended to create a contract guaranteeing that you will

be employed for any specific time period. Any agreement to employment for a specified period of time will be put into writing and signed by the Town Administrator and ratified by the Town Council of the Town.

Nothing in this Employee Handbook is intended to unlawfully restrict an employee's right to engage in any of the rights guaranteed them by Section 7 of the National Labor Relations Act, including but not limited to, the right to engage in concerted protected activity for the purposes of their mutual aid and/or protection. Nothing in this Employee Handbook will be interpreted, applied or enforced to interfere with, restrain or coerce employees in the exercise of Section 7 rights.

THE TOWN IS AN AT-WILL EMPLOYER. THIS MEANS THAT REGARDLESS OF ANY PROVISION IN THIS EMPLOYEE HANDBOOK, EITHER YOU OR THE TOWN MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE. NOTHING IN THIS EMPLOYEE HANDBOOK OR IN ANY ORAL STATEMENT, SHALL LIMIT THE RIGHT TO TERMINATE EMPLOYMENT AT-WILL. NO OFFICER, EMPLOYEE OR REPRESENTATIVE OF THE TOWN IS AUTHORIZED TO ALTER ANY EMPLOYEE'S AT-WILL STATUS UNLESS SUCH AN AGREEMENT IS IN A WRITTEN CONTRACT SIGNED BY THE TOWN ADMINISTRATOR AND RATIFIED BY THE TOWN COUNCIL OF THE TOWN.

This Employee Handbook refers to current benefit plans maintained by the Town. Refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plan. Those documents are controlling.

Likewise, if a written contract is inconsistent with the Employee Handbook, the written contract is controlling.

Total Quality Management

The Town is committed to Total Quality Management (TQM). We feel that not only do our residents/tax payers benefit from this effort but so do our employees. All employees are expected to participate in TQM.

You are encouraged to offer ideas and/or constructive criticism to your supervisors or managers. We also encourage you to take part in project teams or problem-solving teams and cost reduction projects. Your participation in continuous improvement is essential to the success of the Town.

Equal Employment Opportunity

The Town is committed to equal employment opportunity. We will not discriminate against employees or applicants for employment on any legally-recognized basis ["protected class"] including, but not limited to: race; color; religion; genetic information; national origin; sex; pregnancy, childbirth, or related medical conditions; age; disability; citizenship status; uniform servicemember status; or any other protected class under federal, state, or local law.

In Rhode Island, the following also are a protected class: race; color; religion; sex; pregnancy, childbirth or related medical conditions; disability; age [40 or over]; sexual

orientation; gender identity or expression; country of ancestral origin; positive AIDS test result [except where shown, on the testimony of competent medical authorities, to constitute a clear and present danger of AIDS virus transmission to others], genetic testing, housing status, off-duty tobacco usage and seeking or obtaining (or refusing to seek or obtain) a protective order.

You may discuss equal employment opportunity related questions with the Town Administrator or any other designated member of management.

Pregnancy Accommodation

The Town will provide reasonable accommodations to female employees related to pregnancy, childbirth, or related medical conditions, to the extent the accommodation can be made without imposing an undue hardship on the Town.

When an employee requests a reasonable accommodation, the Town will explore with the employee the possible means of providing the reasonable accommodation, which may include, but are not limited to:

- allowing more frequent breaks or periodic rest;
- assisting with manual labor;
- modifying job duties;
- modifying work hours/schedules;
- temporary transfer to a less strenuous or less hazardous position; or
- providing a leave of absence (leave may be paid or unpaid).

The Town may require the employee to provide a certification in connection with a request for reasonable accommodation that includes the following:

- the date the reasonable accommodation became medically advisable;
- the probable duration of the reasonable accommodation; and
- an explanatory statement as to the medical advisability of the reasonable accommodation.

If leave is provided as a reasonable accommodation, such leave may run concurrently with the federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

For more information, or if you require an accommodation, please contact your supervisor.

Americans with Disabilities Act

The Town is committed to providing equal employment opportunities to qualified individuals with disabilities. This may include providing reasonable accommodation where appropriate in order for an otherwise qualified individual to perform the essential functions of the job. It is your responsibility to notify the Town Administrator of the need for accommodation. Upon doing so, the Town Administrator may ask you for your input or the type of accommodation you believe may be necessary or the functional limitations caused by your disability. Also, when appropriate, we may need your permission to obtain additional information from your physician or other medical or rehabilitation professionals. The Town will not seek genetic information in connection with requests for accommodation. All medical information received by the Town in connection with a request for accommodation will be treated as confidential.

A Word About our Employee Relations Philosophy

We are committed to providing the best possible climate for maximum development and goal achievement for all employees. Our practice is to treat each employee as an individual. We seek to develop a spirit of teamwork; individuals working together to attain a common goal.

In order to maintain an atmosphere where these goals can be accomplished, we provide a comfortable and progressive workplace. Most importantly, we have a workplace where communication is open and problems can be discussed and resolved in a mutually respectful atmosphere. We take into account individual circumstances and the individual employee.

We firmly believe that with direct communication, we can continue to resolve any difficulties that may arise and develop a mutually beneficial relationship.

No Harassment

We do not tolerate the harassment of applicants, employees, residents/tax payers, or vendors. Any form of harassment relating to an individual's race; color; religion; genetic information; national origin; sex (including same sex); pregnancy, childbirth, or related medical conditions; age; disability; or any other category protected by federal, state, or local law ("protected class") is a violation of this policy and will be treated as a disciplinary matter.

In Rhode Island, the following also are a protected class: race; color; religion; sex; pregnancy, childbirth or related

medical conditions; disability; age [40 or over]; sexual orientation; gender identity or expression; country of ancestral origin; positive AIDS test result [except where shown, on the testimony of competent medical authorities, to constitute a clear and present danger of AIDS virus transmission to others], genetic testing, housing status, off-duty tobacco usage and seeking or obtaining (or refusing to seek or obtain) a protective order.

Violation of this policy will result in disciplinary action, up to and including immediate discharge.

If you have any questions about what constitutes harassing behavior or what conduct is prohibited by this policy, please discuss the questions with your immediate supervisor or one of the contacts listed in this policy. At a minimum, the term “harassment” as used in this policy includes:

- Offensive remarks, comments, jokes, slurs, or verbal conduct pertaining to an individual’s protected class.
- Offensive pictures, drawings, photographs, figurines, or other graphic images, conduct, or communications, including e-mail, faxes, and copies pertaining to an individual’s protected class.
- Offensive sexual remarks, sexual advances, or requests for sexual favors regardless of the gender of the individuals involved; and
- Offensive physical conduct, including touching and gestures, regardless of the gender of the individuals involved.

We also absolutely prohibit retaliation, which includes: threatening an individual or taking any adverse action against an individual for (1) reporting a possible violation of this policy, or (2) participating in an investigation conducted under this policy.

The Rhode Island Commission for Human Rights defines sexual harassment as: “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Our supervisors and managers are covered by this policy and are prohibited from engaging in any form of harassing, discriminatory, or retaliatory conduct. No supervisor or other member of management has the authority to suggest to any applicant or employee that employment or advancement will be affected by the individual entering into (or refusing to enter into) a personal relationship with the supervisor or manager, or for tolerating (or refusing to tolerate) conduct or communication that might violate this policy. Such conduct is a direct violation of this policy.

Even non-employees are covered by this policy. We prohibit harassment, discrimination, or retaliation of our employees in connection with their work by non-employees. Immediately report any harassing or discriminating behavior by non-employees, including contractor or subcontractor employees. Any employee who experiences or observes harassment,

discrimination, or retaliation should report it using the steps listed below.

If you have any concern that our No Harassment policy may have been violated by anyone, you must immediately report the matter. Due to the very serious nature of harassment, discrimination and retaliation, you must report your concerns to one of the individuals listed below:

1. Discuss any concern with Nancy Mello, Town Clerk at (401) 625-6703 and 343 Highland Road, Tiverton, RI 02878.
2. If you are not satisfied after you speak with Nancy Mello, or if you feel that you cannot speak to Nancy Mello, discuss your concern with Matthew J. Wojcik, Town Administrator at (401) 625-6710 and 343 Highland Road, Tiverton, RI 02878.

If an employee makes a report to any of these members of management and the manager either does not respond or does not respond in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to one of the other members of management designated in this policy to receive complaints.

You should report any actions that you believe may violate our policy no matter how slight the actions may seem.

We will investigate the report and then take prompt, appropriate remedial action. The Town will protect the confidentiality of employees reporting suspected violations to the extent possible consistent with our investigation.

You will not be penalized or retaliated against for reporting improper conduct, harassment, discrimination, retaliation, or other actions that you believe may violate this policy.

We are serious about enforcing our policy against harassment. Persons who violate this or any other the Town policy are subject to discipline, up to and including discharge. We cannot resolve a potential policy violation unless we know about it. You are responsible for reporting possible policy violations to us so that we can take appropriate actions to address your concerns.

We encourage our employees to file a complaint of sexual harassment using the Town's complaint procedure.

If you are dissatisfied with the resolution of your concern, you may also file a complaint by writing or calling the following agencies:

- Rhode Island Commission for Human Rights, 180 Westminster Street, Third Floor, Providence, RI 02903, (401) 222-2662 (voice), (401) 222-2664 (TTY). Complaints should be filed within one year of the adverse action.
- Equal Employment Opportunity Commission, John F. Kennedy Federal Building, Government Center, 4th Floor, Room 475, Boston, MA 02203, (617) 565-3200 (voice), (617) 565-3204 (TTY). Complaints must be filed within 300 days of the adverse action.

Categories of Employment

INTRODUCTORY PERIOD: Full-time, part-time regular, and part-time employees are on an introductory period during their first six months of employment.

During this time, you will be able to determine if your new job is suitable for you and the Town Administrator will have an opportunity to evaluate your work performance. However, the completion of the introductory period does not guarantee employment for any period of time since you are an at-will employee both during and after your introductory period.

FULL-TIME EMPLOYEES regularly work at least a 40-hour workweek.

PART-TIME REGULAR EMPLOYEES regularly work 30 hours or more each week.

PART-TIME EMPLOYEES work less than 30 hours each week.

SEASONAL EMPLOYEES perform a job for a specified time, normally less than one year.

In addition to the preceding categories, employees are also categorized as "exempt" or "non-exempt."

NON-EXEMPT EMPLOYEES are entitled to overtime pay as required by applicable federal and state law.

EXEMPT EMPLOYEES are not entitled to overtime pay and may also be exempt from minimum wage requirements pursuant to applicable federal and state laws.

Upon hire, the Town Administrator will notify you of your employment classification.

Anniversary Date

The first day you report to work will be recorded in the Town records as your anniversary date. This date may be used to calculate many different Town benefits. If you have any questions regarding your anniversary date, please see the Town Administrator.

Seniority

To the extent applicable in any given context, an employee's seniority shall be determined by date of hire. The final high score on the entrance employment requirements shall determine the most senior of employees hired on the same date.

Driver's License/Driving Record

Employees in positions where the operation of a motor vehicle is an essential duty of the position must present and maintain a valid driver's license and acceptable driving record to our insurer. Changes in your driving record must be reported to the Town Administrator immediately. Violations of this policy may result in immediate termination of your employment.

Bonding Requirement

Certain positions in the Town require employees to be bonded. It is the responsibility of the employee to ensure (s)he is bondable and to maintain bondable status. The Town will pay the full cost of bonding. Violations of this policy may result in immediate termination of your employment.

Certification, Licensing and Other Requirements

You will be informed by your supervisor if there are any licensing, certification or testing requirements for your job. Failure to qualify or to maintain a certification or license may be sufficient cause for discharge.

Immigration Reform and Control Act

In compliance with the federal Immigration Reform and Control Act of 1986 (IRCA), as amended, and any state law requirements, if applicable, the Town is committed to employing only individuals who are authorized to work in the United States.

Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility.

If an employee is authorized to work in this country for a limited time period, the individual will be required to submit proof of renewed employment eligibility prior to expiration of that period to remain employed by the Town.

New Employee Orientation

Upon joining the Town, you were given this copy of our Employee Handbook. After reading this Employee Handbook please sign the receipt page and return it to the Administrative Assistant to the Town Administrator. You will be asked to complete personnel, payroll and benefit forms.

If you lose your Employee Handbook or if it becomes damaged in any way, please notify the Administrative Assistant to the Town Administrator as soon as possible to obtain a replacement copy.

Your supervisor is responsible for the operations of your department. (S)he is a good source of information about the Town and your job.

Your Human Resources Department

The Town Administrator's Office performs or coordinates the human resources function of the town. This office plays an important part in formulating and interpreting Town policy and offers help with a variety of problems and matters that concern employees and management. The office is available to discuss subjects such as employment/ recruitment, benefits, employee records, safety and disciplinary problems.

The Administrator's Office is open 8:30 a.m. to 4:00 p.m., Monday through Friday. Appointments may be arranged for other times.

You are encouraged to contribute suggestions or questions so the staff may be more responsive to your needs.

Suggestions and Ideas

We are always interested in your constructive ideas and suggestions for improving our operations. Your suggestions should be submitted to your supervisor.

After we investigate your suggestion, you will be notified whether it is feasible to be put into practice.

Talk to Us

We encourage you to bring your questions, suggestions and complaints to our attention. We will carefully consider each of these in our continuing effort to improve operations.

If you feel you have a problem, present the situation to your supervisor so that the problem can be settled by examination and discussion of the facts. We hope that your supervisor is able to satisfactorily resolve most matters.

If you still have questions after meeting with your supervisor or if you would like further clarification on the matter, request a meeting with the Town Administrator. (S)he will review the issues and meet with you to discuss possible solutions.

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

If at any time you do not feel comfortable speaking with your supervisor or the next level of management, discuss your concern with any other member of management with whom you feel comfortable.

Your Pay and Progress

Recording Your Time

Non-exempt employees must record their hours on the computer.

Accurately recording all of your time is required in order to be sure that you are paid for all hours worked. You are expected to follow the established procedures in keeping an accurate record of your hours worked. Time must be recorded as follows:

- Immediately before starting your shift.
- Immediately after finishing work, before your meal period.
- Immediately before resuming work, after your meal period.
- Immediately after finishing work.
- Immediately before and after any other time away from work.

Exempt employees may be required to accurately record their time worked in accordance with federal and state wage and hour law.

All employees subject to this policy are required to accurately record all time worked.

The workweek starts on Monday and ends on Sunday.

Payday

You will be paid biweekly on Thursday for the period that ends for the previous 2 weeks.

When our payday is a holiday, you normally will be paid on the first working day after the holiday.

You may pick up your paycheck after 12:00 noon from the Treasurer's Office.

Please review your paycheck for errors. If you find a mistake, report it to the Treasurer's Office immediately. The Treasurer's Office will assist you in taking the steps necessary to correct the error.

You have the option of receiving your pay in a payroll check or having your pay deposited into your bank account through our direct deposit program

Longevity Policy

Longevity is defined as total length of continuous employment with the Town , measured from an employee's date of hire. Your employment contract with the Town will determine the rate of longevity compensation and the method of payment.

Paycheck Deductions

The Town is required by law to make certain deductions from your paycheck each pay period. Such deductions typically include federal and state taxes and Social Security (FICA) taxes. Depending on the state in which you are employed and the benefits you choose, there may be additional deductions. All deductions and the amount of the deductions are listed on your pay stub. These deductions are totaled each year for you on your Form W-2, Wage and Tax Statement.

It is the policy of the Town that exempt employees' pay will not be "docked," or subject to deductions, in violation of salary pay rules issued by the United States Department of Labor and any corresponding rules issued by the state government, as applicable. However, the Town may make deductions from employees' salaries in a way that is permitted under federal and state wage and hour rules. Employees will be reimbursed in full for any isolated, inadvertent, or improper deductions, as defined by law.

Thus, exempt employees may be subject to the following salary deductions, except where prohibited by state law, but only for the following reasons:

- Absences of one or more full days for personal reasons, other than sickness or disability; or
- Absences of one or more full days due to sickness or disability, if there is a plan, policy, or practice providing replacement compensation for such absences; or
- Absences of one or more full days before eligibility under such a plan, policy, or practice or after replacement compensation for such absences has been exhausted; or

- Suspensions of one or more full days for violations of safety rules of major significance; or
- Suspensions of one or more full days for violations of written workplace conduct rules, such as rules against sexual harassment and workplace violence; or
- Payment of actual time worked in the first and last weeks of employment, resulting in a proportional rate of an employee's full salary; or
- Any unpaid leave taken under the Family and Medical Leave Act; or
- Negative paid-time-off balances, in whole-day increments only.

The Town will not make deductions which are prohibited by the Fair Labor Standards Act or state laws from its exempt employees' pay.

If questions or concerns about any pay deductions arise, discuss and resolve them with the Treasure Office. If an error is found, you will receive an immediate adjustment which will be paid no later than on the next regular payday.

Garnishment/Child Support

When an employee's wages are garnished by a court order, the Town is legally bound to withhold the amount indicated in the garnishment order from the employee's paycheck. The Town will, however, honor applicable federal and state guidelines that protect a certain amount of an employee's income from being subject to garnishment.

Performance Reviews

Your performance is important to the Town. Once each year, on or about your anniversary date, your Supervisor will review your job progress within the Town and help you set new job performance plans.

Our performance review program provides the basis for better understanding between you and your Supervisor, with respect to your job performance, potential and development within the Town.

New employees will generally be reviewed at the end of their introductory period.

Job Descriptions

The Town maintains a job description for each position in the Town. The job description outlines the essential duties and responsibilities of the position. When the duties and/or responsibilities of a position change, the job description is revised to reflect those changes. If you have any questions or wish to obtain a copy of your position's job description, please see the Town Administrator.

Overtime

There may be times when you will need to work overtime so that we may meet the needs of our residents/tax payers. Although you will be given advance notice when feasible, this is not always possible. If you are a non-exempt employee, you must have all overtime approved in advance by the Town Administrator.

Non-exempt employees will be paid at a rate of time and one-half their regular hourly rate for hours worked in excess of 40 hours in a workweek, unless state law provides a greater benefit in which case, we will comply with the state law.

Only actual hours worked count toward computing weekly overtime.

If you have any questions concerning overtime pay, check with the Town Administrator.

On Call

During a case of emergency all employees must be available to direct and support the Emergency Management Team. All employees must follow the Emergency Operation and Evacuation Plans set forth by the Town Administrator. . Employees will be compensated in accordance with applicable state and federal wage and hour laws.

Reporting Time Pay

The Town will make every effort to notify employees in advance when it is not necessary to report to work. These circumstances may include inclement weather, fire, flood, power outage, lack of work, etc. In the event you report for work without being notified in advance that your services are not needed, you will be compensated in accordance with applicable state and federal wage and hour laws.

Time Away From Work and Other Benefits

Employee Benefits

The Town has developed a comprehensive set of employee benefit programs to supplement our employees' regular wages. Our benefits represent a hidden value of additional income to our employees.

This Employee Handbook describes the current benefit plans maintained by the Town. Refer to the actual plan documents and summary plan descriptions if you have specific questions regarding the benefit plan. Those documents are controlling.

The Town reserves the right to modify and/or terminate its benefits at any time. We will keep you informed of any changes.

Holidays

The Town normally observes the following holidays during the year:

- New Year's Day
- Martin Luther King's Day
- President's Day
- 1/2 Day Good Friday
- Memorial Day
- Independence Day
- Victory Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day After Thanksgiving
- 1/2 Day Christmas Eve
- Christmas Day

If one of the above holidays falls on Saturday or Sunday, it normally is observed on the following Monday.

Full-time, part-time regular, part-time and seasonal employees are eligible for paid holidays immediately upon hire.

Exempt employees will receive holiday pay in compliance with state and federal wage and hour laws.

Part-time regular and part-time employees are eligible for holiday pay in proportion to the number of hours they normally are scheduled to work.

Non-exempt employees must work their scheduled workday before and after the holiday in order to be paid for the holiday, unless you are absent with prior permission from the Town Administrator.

Non-exempt employees who perform work on a Sunday or on one of the above holidays will be paid one and one-half times the normal rate of pay for the work performed.

Vacation

Full-time employees are eligible for paid vacation time.

Vacation is calculated according to your anniversary date as follows:

Immediately upon hire, you will begin to earn 4.62 hours of vacation each pay period, up to a maximum of one hundred twenty hours of vacation, to be taken the following year. You do not earn any vacation during your introductory period.

After five years of employment, you earn 5.54 hours of vacation each pay period, up to a maximum of one hundred forty-four hours of vacation, to be taken the following year.

After ten years of employment, you earn 6.46 hours of vacation each pay period, up to a maximum of one hundred sixty-eight hours of vacation, to be taken the following year.

After fifteen years of employment, and each year thereafter, you earn 7.69 hours of vacation each pay period, up to a maximum of two hundred hours of vacation, to be taken the following year.

Submit vacation requests in writing at least seven days in advance to the Town Administrator. When possible,



vacation requests are granted, taking into account operating requirements. Length of employment may determine priority in scheduling vacation times.

Vacation pay is not granted in lieu of taking the actual time off. However, vacation time can be carried over to the following year, up to a maximum of ten days with special management approval.

No more than two weeks of vacation can be taken at one time without special management approval.

At the end of employment, eligible employees who have completed one year of employment will be paid for accrued but unused vacation.

Personal Days

Full-time employees are eligible, immediately upon hire, for three paid personal days each year.

Personal days are calculated according to your anniversary date.

Personal days can be used as vacation time, sick time or to take care of personal matters.

Requests for planned personal days must be given to your supervisor at least one day in advance for approval.

Personal days cannot be carried over to the following year. Employees are not paid in lieu of taking the actual time off.

At the end of employment, employees are not paid for earned but unused personal days.

Sick Days

Full-time employees are eligible, immediately upon hire, for fifteen paid sick days each year.

Sick days are calculated according to your anniversary date.

Exempt employees will receive sick pay in compliance with state and federal wage and hour laws.

You may use accrued sick time to care for your sick child.

Employees are not paid for any unused sick days. However, if you do not use your sick days during the year, you can carry them into the following year, up to a maximum of 120 sick days.

If an employee is out for more than three days for sickness the Town may require a physician's note for those absences.

At the end of employment, employees are not paid for earned but unused sick days.

Jury Duty

Full-time employees summoned for jury duty are paid their normal rate of pay for up to three days. Thereafter, the leave is unpaid. All other employees are granted an unpaid leave in order to serve.

Employees must provide the Town with a copy of the court payment records in order to be compensated.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

We reserve the right to request proof of jury service issued by the Court upon return.

Make arrangements with your supervisor as soon as you receive your summons.

When permitted by state law, we expect you to return to your job if you are excused from jury duty during your regular working hours.

Military Leave

Employees who are required to fulfill military obligations in any branch of the Armed Forces of the United States or in state military service will be given the necessary time off and reinstated in accordance with federal and state law.

The time off will be unpaid, except where state law dictates otherwise. Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

Accrued vacation (if any) may be used for this leave if the employee chooses, but the Town will not require the employee to use vacation. Military orders should be presented to your supervisor and arrangements for leave made as early as possible before departure. Employees are required to give advance notice of their service obligations to the Town unless military necessity makes this impossible. You must notify your supervisor of your intent to return to employment based on requirements of the law. Your benefits may continue to accrue during the period of leave in accordance with state and federal law.

Additional information regarding military leaves may be obtained from your supervisor.

Family Military Leave

Eligible employees who are the spouse, civil union partner or parent of a service person may obtain leave from work while the service person is on military duty lasting longer than 30 days.

To be eligible, the employee must have been employed with the Town for at least 12 months, and worked at least 1,250 hours during the 12 month period immediately preceding the leave. If eligible, the employee shall receive up to 30 days of unpaid leave.

If leave will last more than five consecutive workdays, the employee shall provide at least 14 days advance notice to the Town. If the leave will be less than five consecutive workdays, the employee shall provide as much advance notice as possible.

The employee shall consult with the Town to schedule leave so as not to unduly disrupt business operations. The employee may be required to present the Town with proper military authority to verify the employee's eligibility for leave.

An employee must first exhaust all other accrued leave, with the exception of sick days and disability leave.

Witness Leave

Employees are given the necessary time off without pay to attend or participate in a court proceeding in accordance with state law. We ask that you notify your supervisor of the need to take witness leave as far in advance as is possible.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

School Visitation Leave

An employee who is a parent, foster parent, or guardian of a child and who has completed 12 consecutive months of employment with the Town and works an average of 30 hours or more each week is allowed a total of ten hours of leave during a 12 month period, without pay, to attend school conferences or other school related activities.

You must provide 24 hours' prior notice of leave and make a reasonable effort to schedule the leave so as not to disrupt the operations of the Town.

An employee may substitute any accrued paid vacation leave or other appropriate paid leave for any part of the leave.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

Bereavement Leave

Full-time employees who have completed three months of employment are eligible for three paid days for the death of an immediate family member. Members of the immediate family include spouses, domestic partners, civil union partners, parents, brothers, sisters, children, children of domestic partners, grandchildren, grandparents, parents-in-law and parents of domestic partners.

Full-time employees who have completed three months of employment are eligible for one paid day to attend the funeral of aunts, uncles, nieces and nephews.

Requests for bereavement leave should be made to your supervisor as soon as possible. The Town reserves the right to request written verification of an employee's familial relationship to the deceased and his or her attendance at the funeral service as a condition of the bereavement pay.

Leave of Absence

Under special circumstances, full-time and part-time regular employees who have completed their introductory period may be granted a leave of absence without pay. The granting of this type of leave is normally for compelling reasons and is dependent upon the written approval of the Town Administrator.

Leaves may not exceed 30 days during which time no benefits will accrue. Leaves of absence are granted only after earned vacation is exhausted.

To the extent allowed by the insurance contract, we will continue to provide medical insurance and dental insurance coverage for employees on an authorized leave of absence, up to a maximum of one month. During this time you will be responsible for paying your portion of the monthly premium(s).

We will make reasonable efforts to return you to the same or similar job you held prior to the leave of absence, subject to our staffing and business requirements.

Please note that if an employee needs an extended leave of absence for his or her own medical condition, the employee should refer to the "Extended Medical Leave" policy.

Victims of Crime Leave

The Town will grant reasonable and necessary leave from work without pay to employees who are victims of a crime for purposes of attending court proceedings related to the crime.

Prior to taking leave under this policy, eligible employees must provide the Town with advance notice of the need for leave, including a copy of the notice of the scheduled proceeding.

Employees seeking leave under this policy may elect (or may be required by the Town) to use accrued paid vacation, personal leave and/or sick time in lieu of unpaid leave.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

Medical Insurance

Eligible full-time and part-time regular employees may enroll in a single or a family contract on the first of the month following their date of hire. Eligibility may be defined by state law and/or by the insurance contract.

Information and enrollment forms may be obtained from the Administrative Assistant.

The Town pays the full cost of a single or a family contract.

Participating employees are also covered under our medical insurance plan's prescription drug program.

A booklet containing the details of the plan and eligibility requirements may be obtained from the Administrative Assistant.

Refer to the actual plan document and summary plan description if you have specific questions regarding your eligibility for coverage or other aspects of this benefit plan. Those documents are controlling.

At the end of employment you may be entitled to continuation or conversion of the group medical insurance plan in accordance with the terms of the policy and/or applicable state and federal law. For more information, contact the Administrative Assistant.

Dental Insurance

Eligible full-time employees may enroll in a single, a single plus one dependent or a family contract on the first of the month following their date of hire.

Information and enrollment forms may be obtained from the Administrative Assistant.

The Town pays the full cost of a single, a single plus one dependent or a family contract.

A booklet containing the details of the plan and the eligibility requirements may be obtained from the Administrative Assistant.

Refer to the actual plan document and summary plan description if you have specific questions regarding this benefit plan. Those documents are controlling.

At the end of employment you may be entitled to continuation or conversion of the group dental insurance plan in accordance with the terms of the policy and/or applicable state and federal law. For more information, contact the Administrative Assistant.

COBRA

You and/or your covered dependents will have the opportunity to continue medical and/or dental benefits for a period of up to 36 months under the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) when group medical and/or dental coverage for you and/or your covered dependents would otherwise end due to your death or because:

- your employment terminates, for a reason other than gross misconduct; or
- your employment status changes due to a reduction in hours; or
- your child ceases to be a "dependent child" under the terms of the medical and/or dental plan; or
- you become divorced or legally separated; or
- you become entitled to Medicare.

In the event of divorce, legal separation, or a child's loss of dependent status, you or a family member must notify the plan administrator within 60 days of the occurrence of the event.

The plan administrator will notify the individuals eligible for continuation coverage of their right to elect COBRA continuation coverage.

For more information regarding COBRA, you may contact the Administrative Assistant.

Life Insurance

Eligible full-time employees may enroll in this plan on the first of the month following their date of hire.

You must complete an insurance form and designate your beneficiary.

The cost of this insurance is fully paid by the Town.

Participating employees may also be covered under the plan's Accidental Death and Dismemberment rider.

You also have the option of purchasing additional insurance through our group plan.

Complete details of this plan may be obtained from the Treasurer's Office.

Federal Family and Medical Leave Act

The Family and Medical Leave Act ("FMLA") provides eligible employees the opportunity to take unpaid job-protected leave for certain specific reasons. The maximum amount of leave an employee may use is either 12 or 26 weeks within a 12-month period depending on the reasons for the leave.

Employee Eligibility

To be eligible for FMLA leave, you must:

1. have worked at least 12 months for the Town in the preceding seven years (limited exception apply to the seven-year requirement);

2. have worked at least 1,250 hours for the Town over the preceding 12 months; and
3. Currently work at a location where there are at least 50 employees within 75 miles.

All periods of absence from work due to or necessitated by service in the uniformed services are counted in determining FMLA eligibility.

Conditions Triggering Leave

FMLA leave may be taken for the following reasons:

1. birth of a child, or to care for a newly-born child (up to 12 weeks);
2. placement of a child with the employee for adoption or foster care (up to 12 weeks);
3. to care for an immediate family member (employee's spouse, child, or parent) with a serious health condition (up to 12 weeks);
4. because of the employee's serious health condition that makes the employee unable to perform the employee's job (up to 12 weeks);
5. to care for a Covered Servicemember with a serious injury or illness related to certain types of military service (up to 26 weeks) (see Military-Related FMLA Leave for more details); or
6. to handle certain qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on covered active duty or call to covered active duty status in the

Uniformed Services (up to 12 weeks) (see Military-Related FMLA Leave for more details).

The maximum amount of leave that may be taken in a 12-month period for all reasons combined is 12 weeks, with one exception. For leave to care for a Covered Servicemember, the maximum combined leave entitlement is 26 weeks, with leaves for all other reasons constituting no more than 12 of those 26 weeks.

Definitions

A “Serious Health Condition” is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement includes an incapacity of more than three full calendar days and two visits to a health care provider or one visit to a health care provider and a continuing regimen of care; an incapacity caused by pregnancy or prenatal visits, a chronic condition, or permanent or long-term conditions; or absences due to multiple treatments. Other situations may meet the definition of continuing treatment.

Identifying the 12 Month Period

The 12-month period in which 12 weeks of leave may be taken is the 12-month period measured forward from the date FMLA begins. For leave to care for a covered servicemember, the Town calculates the 12-month period beginning on the first day the eligible employee takes FMLA leave to care for a covered servicemember and ends 12 months after that date. FMLA leave for the



birth or placement of a child for adoption or foster care must be concluded within 12 months of the birth or placement.

Using Leave

Eligible employees may take FMLA leave in a single block of time, intermittently (in separate blocks of time), or by reducing the normal work schedule when medically necessary for the serious health condition of the employee or immediate family member, or in the case of a covered servicemember, his or her injury or illness. Eligible employees may also take intermittent or reduced-scheduled leave for military qualifying exigencies. Intermittent leave is permitted for birth of a child, to care for a newly-born child, or for placement of a child for adoption or foster care if mutually agreed to by the Town. Employees who require intermittent or reduced-schedule leave must try to schedule their leave so that it will not unduly disrupt the Town's operations.

Use of Accrued Paid Leave

Depending on the purpose of your leave request, you may choose (or the Town may require you) to use accrued paid leave (such as sick leave, vacation, or PTO), concurrently with some or all of your FMLA leave. In order to substitute paid leave for FMLA leave, an eligible employee must comply with the Town's normal procedures for the applicable paid-leave policy (e.g., call-in procedures, advance notice, etc.).

Maintenance of Health Benefits

If you and/or your family participate in our group health plan, the Town will maintain coverage during your FMLA leave on the same terms as if you had continued to work. If applicable, you must make arrangements to pay your share of health plan premiums while on leave. In

some instances, the Town may recover premiums it paid to maintain health coverage or other benefits for you and your family. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of your leave.

Notice and Medical Certification

When seeking FMLA leave, you are required to provide:

1. sufficient information for us to determine if the requested leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that you are unable to perform job functions, a family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. You must also inform the Town if the requested leave is for a reason for which FMLA leave was previously taken or certified.

If the need for leave is foreseeable, this information must be provided 30 days in advance of the anticipated beginning date of the leave. If the need for leave is not foreseeable, this information must be provided as soon as is practicable and in compliance with the Town normal call-in procedures, absent unusual circumstances.

2. medical certification supporting the need for leave due to a serious health condition affecting you or an immediate family member within 15 calendar days of the Town request to provide the certification (additional time may be permitted in some circumstances). If you fail to do so, we may delay the commencement of your

leave, withdraw any designation of FMLA leave or deny the leave, in which case your leave of absence would be treated in accordance with our standard leave of absence and attendance policies, subjecting you to discipline up to and including termination. Second or third medical opinions and periodic re-certifications may also be required;

3. periodic reports as deemed appropriate during the leave regarding your status and intent to return to work; and
4. medical certification of fitness for duty before returning to work, if the leave was due to your serious health condition. The Town will require this certification to address whether you can perform the essential functions of your position.

Failure to comply with the foregoing requirements may result in delay or denial of leave, or disciplinary action, up to and including termination.

Employer Responsibilities

To the extent required by law, the Town will inform employees whether they are eligible under the FMLA. Should an employee be eligible for FMLA leave, the Town will provide him or her with a notice that specifies any additional information required as well as the employee's rights and responsibilities. If employees are not eligible, the Town will provide a reason for the ineligibility. The Town will also inform employees if leave will be designated as FMLA-protected and, to the extent possible, note the amount of leave counted against the employee's leave entitlement. If the Town determines that the leave is not FMLA-protected, the Town will notify the employee.

Job Restoration

Upon returning from FMLA leave, eligible employees will typically be restored to their original job or to an equivalent job with equivalent pay, benefits, and other employment terms and conditions.

Failure to Return After FMLA Leave

Any employee who fails to return to work as scheduled after FMLA leave or exceeds the 12-week FMLA entitlement (or in the case of military caregiver leave, the 26-week FMLA entitlement), will be subject to the Town's standard leave of absence and attendance policies. This may result in termination if you have no other Town-provided leave available to you that applies to your continued absence. Likewise, following the conclusion of your FMLA leave, the Town's obligation to maintain your group health plan benefits ends (subject to any applicable COBRA rights).

Extended Medical Leave

Eligible employees may apply for extended medical leave if he/she has exhausted all other available leave to which they are entitled and it is determined such leave is appropriate and medically confirmed that they will be able to return to duty, with or without a reasonable accommodation, by an acceptable date in the reasonably foreseeable future. The application and supporting documentation must be timely received by the Town. Failure to cooperate or timely submit requested information will result in ineligibility for consideration or cancellation of leave if previously granted.

Employees who take such extended medical leave are not guaranteed to be returned to work or reinstated to a particular job, rate of pay, or shift at the end of his/her

extended medical leave. However, the Town will attempt to return an employee to his/her regular position if it is available. If it is not available at the time reinstatement is sought, the Town will attempt to place the employee in a similar job for which he/she is qualified, if such job is available. Employees on extended medical leave may maintain his/her insurance benefits, subject to policy terms and conditions, by paying the applicable COBRA premiums in a timely manner. Employees on extended medical leave do not accrue any additional employee benefits such as paid time off while on extended medical leave.

Other Employment

The Town generally prohibits employees from holding other employment. This policy remains in force during all leaves of absence including FMLA leave and may result in disciplinary action, up to and including immediate termination of employment.

Fraud

Providing false or misleading information or omitting material information in connection with an FMLA leave will result in disciplinary action, up to and including immediate termination.

Employer's Compliance with FMLA and Employee's Enforcement Rights

The FMLA makes it unlawful for any employer to interfere with, restrain, or deny the exercise of any right provided under FMLA, or discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

While the Town encourages employees to bring any concerns or complaints about compliance with FMLA to the attention of your supervisor, FMLA regulations require employers to advise employees that they may file a complaint with the U.S. Department of Labor or bring a private lawsuit against an employer.

Further, FMLA does not affect any Federal or state law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Military-Related Federal FMLA Leave

FMLA leave may also be available to eligible employees in connection with certain service-related medical and non-medical needs of family members. There are two forms of such leave. The first is Military Caregiver Leave, and the second is Qualifying Exigency Leave. Each of these leaves is detailed below.

Definitions

A “covered servicemember” is either: (1) a current servicemember of the Armed Forces, including a member of the National Guard or Reserves, with a serious injury or illness incurred in the line of duty for which the servicemember is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list; or (2) a “covered veteran” who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

A “covered veteran” is an individual who was discharged under conditions other than dishonorable during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran. The



period between October 28, 2009 and March 8, 2013 is excluded in determining this five-year period.

The FMLA definitions of “serious injury or illness” for current servicemembers and veterans are distinct from the FMLA definition of “serious health condition.” For current servicemembers, the term “serious injury or illness” means an injury or illness that was incurred by the member in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service, that may render them medically unfit to perform the duties of their office, grade, rank or rating.

For covered veterans, this term means a serious injury or illness that was incurred in the line of duty while on active duty in the Armed Forces or that existed before the beginning of active duty and was aggravated by such service and manifested itself before or after the individual assumed veteran status, and is: (1) a continuation of a serious injury or illness that was incurred or aggravated when they were a member of the Armed Forces and rendered them unable to perform the duties of their office, grade, rank or rating; (2) a physical or mental condition for which the covered veteran has received a VA Service Related Disability Rating (VASRD) of 50 percent or greater and such VASRD rating is based, in whole or in part, on the condition precipitating the need for caregiver leave; (3) a physical or mental condition that substantially impairs the veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service or would be so absent treatment; or (4) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

“Qualifying exigencies” include activities such as short-notice deployment, military events, arranging alternative childcare, making financial and legal arrangements related to the deployment, rest and recuperation, counseling, parental care, and post-deployment debriefings.

Military Caregiver Leave

Unpaid Military Caregiver Leave is designed to allow eligible employees to care for certain family members who have sustained serious injuries or illnesses in the line of duty while on active duty. Military Caregiver Leave is a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered servicemember during a single 12-month period.

To be “eligible” for Military Caregiver Leave, the employee must be a spouse, son, daughter, parent, or next of kin of the covered servicemember. “Next of kin” means the nearest blood relative of the servicemember, other than the servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver Leave. The employee must also meet all other eligibility standards as set forth within the FMLA Leave policy.

An eligible employee may take up to 26 workweeks of Military Caregiver Leave to care for a covered servicemember in a “single 12-month period.” The “single 12-month period” begins on the first day leave is taken to care for a covered servicemember and ends 12



months thereafter, regardless of the method used to determine leave availability for other FMLA-qualifying reasons. If an employee does not exhaust his or her 26 workweeks of Military Caregiver Leave during this “single 12-month period,” the remainder is forfeited.

Military Caregiver Leave applies on a per-injury basis for each servicemember. Consequently, an eligible employee may take separate periods of caregiver leave for each and every covered servicemember, and/or for each and every serious injury or illness of the same covered servicemember. A total of no more than 26 workweeks of Military Caregiver Leave, however, may be taken within any “single 12-month period.”

Within the “single 12-month period” described above, an eligible employee may take a combined total of 26 weeks of FMLA leave including up to 12 weeks of leave for any other FMLA-qualifying reason (i.e., birth or adoption of a child, serious health condition of the employee or close family member, or a qualifying exigency). For example, during the “single 12-month period,” an eligible employee may take up to 16 weeks of FMLA leave to care for a covered servicemember when combined with up to 10 weeks of FMLA leave to care for a newborn child.

An employee seeking Military Caregiver Leave may be required to provide appropriate certification from the employee and/or covered servicemember and completed by an authorized health care provider within 15 days. Military Caregiver Leave is subject to the other provisions in our FMLA Leave Policy (requirements regarding employee eligibility, appropriate notice of the need for leave, use of accrued paid leave, etc.). Military Caregiver Leave will be governed by, and handled in accordance with, the FMLA and applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

Qualifying Exigency Leave

Eligible employees may take unpaid “Qualifying Exigency Leave” to tend to certain “exigencies” arising out of the duty under a call or order to active duty of a “military member” (i.e. the employee's spouse, son, daughter, or parent). Up to 12 weeks of Qualifying Exigency Leave is available in any 12-month period, as measured by the same method that governs measurement of other forms of FMLA leave within the FMLA policy (with the exception of Military Caregiver Leave, which is subject to a maximum of 26 weeks of leave in a “single 12-month period”). Although Qualifying Exigency Leave may be combined with leave for other FMLA-qualifying reasons, under no circumstances may the combined total exceed 12 weeks in any 12-month period (with the exception of Military Caregiver Leave as set forth above). The employee must meet all other eligibility standards as set forth within the FMLA policy.

Persons who can be ordered to active duty include active and retired members of the Regular Armed Forces, certain members of the retired Reserve, and various other Reserve members including the Ready Reserve, the Selected Reserve, the Individual Ready Reserve, the National Guard, state military, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard, Air Force Reserve, and Coast Guard Reserve.

A call to active duty refers to a *federal* call to active duty, and *state* calls to active duty are not covered unless under order of the President of the United States pursuant to certain laws.

Qualifying Exigency Leave is available under the following circumstances:

1. **Short-notice deployment.** To address any issue that arises out of short notice (within seven days or less) of an impending call or order to active duty.
2. **Military events and related activities.** To attend any official military ceremony, program, or event related to active duty or call to covered active duty status or to attend certain family support or assistance programs and informational briefings.
3. **Childcare and school activities.** To arrange for alternative childcare; to provide childcare on an urgent, immediate need basis; to enroll in or transfer to a new school or daycare facility; or to attend meetings with staff at a school or daycare facility.
4. **Financial and legal arrangements.** To make or update various financial or legal arrangements; or to act as the covered military member's representative before a federal, state, or local agency in connection with service benefits.
5. **Counseling.** To attend counseling (by someone other than a health care provider) for the employee, for the military member, or for a child or dependent when necessary as a result of duty under a call or order to covered active duty.
6. **Temporary rest and recuperation.** To spend time with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment. Eligible

employees may take up to 15 days of leave for each instance of rest and recuperation.

7. **Post-deployment activities.** To attend arrival ceremonies, reintegration briefings and events, and any other official ceremony or program sponsored by the military for a period of up to 90 days following termination of the military member's active duty status. This also encompasses leave to address issues that arise from the death of a military member while on active duty status.
8. **Parental care.** To care for the military member's parent who is incapable of self-care. The parent must be the military member's biological, adoptive, step, or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age.
9. **Mutually agreed leave.** Other events that arise from the military member's duty under a call or order to active duty, provided that the Town and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

An employee seeking Qualifying Exigency Leave may be required to submit appropriate supporting documentation in the form of a copy of the military member's active duty orders or rest and recuperation orders or other military documentation indicating the appropriate military status and the dates of active duty status, along with a statement setting forth the nature and details of the specific exigency, the amount of leave needed and the employee's relationship to the military member, within 15 days. Qualifying Exigency Leave will be governed by, and handled in accordance with, the FMLA and

applicable regulations, and nothing within this policy should be construed to be inconsistent with those regulations.

Limited Nature of This Policy

This Policy should not be construed to confer any express or implied contractual relationship or rights to any employee not expressly provided for by FMLA. The Town reserves the right to modify this or any other policy as necessary, in its sole discretion to the extent permitted by law. State or local leave laws may also apply.

Parental and Family Medical Leave

Employees who have completed 12 consecutive months of employment and work an average of 30 hours or more each week are entitled to 13 consecutive weeks of unpaid parental or family leave within two consecutive calendar years. Employees are entitled to continuation of benefits in accordance with applicable law.

Parental or family leave may be used for the birth of your child, the adoption of a child under the age of 16, or due to your serious illness or that of a spouse, child, parent or parent-in-law.

Provide at least 30 days' notice, except in the case of a medical emergency, of the intended date of departure, the length of the parental or family leave and the expected date of your return.

You are entitled to return to your former position or to a similar position of equivalent seniority, status, employment benefits, pay and other terms and conditions of employment.

This leave will run concurrently with the Federal Family and Medical Leave Act and/or any other leave where permitted by state and federal law.

Long-Term Disability Insurance

Eligible employees may participate in our long-term disability insurance program.

Eligible full-time employees may enroll in this insurance program upon completion of their introductory period.

Long-term disability insurance provides eligible employees with a continuing source of income after three consecutive months of total disability. The benefits are calculated as a percentage of your salary.

The cost of this insurance is fully paid by the employee.

This is intended as a summary of benefits only. Additional information may be obtained from the Treasurer's Office.

Social Security

During your employment, you and the Town both contribute funds to the federal government to support the Social Security program. This program is intended to provide you with retirement benefit payments and medical coverage once you reach retirement age.

Unemployment Insurance

Upon separation from employment, you may be entitled to state and federal unemployment insurance benefits. Information about unemployment insurance can be obtained from the Administrative Assistant.

Workers' Compensation

On-the-job injuries are covered by our Workers' Compensation insurance policy. This insurance is provided at no cost to you. If you are injured on the job, no matter how slightly, report the incident immediately to your supervisor. Consistent with applicable state law, failure to report an injury within a reasonable period of time could jeopardize your claim. We ask for your assistance in alerting management to any condition that could lead to or contribute to an employee accident.

Retirement Plan

The Town provides eligible employees with a pension plan. This plan is intended to be used in combination with your Social Security benefits and personal resources to provide you with supplemental income upon retirement. Your specific plan may vary depending on whether you are represented by a union or not, and whether or not your employee group participates in the Rhode Island Municipal Employee Retirement System (MERS) or a Town financial plan.

You can obtain a copy of the Summary Plan Description which contains the details of the plan including eligibility and benefit provisions from the Treasurer's Office. In the event of any conflict in the description of any plan, the official plan documents, which are available for your review, shall govern. If you have any questions regarding this plan, see the plan administrator.

Health Savings Account

The Town makes contributions to the tax-sheltered savings account designated for qualified medical expenses of qualifying employees. This account is known as a Health Savings Account (HSA).

A Health Savings Account is an account that allows account holders to pay for qualified medical expenses and save for future qualified medical expenses on a tax-free basis. Contributions (up to a legal maximum), earnings and qualified distributions are exempt from federal income tax, social security taxes, and state taxes (where permitted). An HSA also gives the account holder the opportunity to increase the account value through tax-free investment earnings.

To make contributions or be eligible to receive the Town contributions to a HSA, you must be enrolled in a qualified high-deductible health plan as defined by the Code and not enrolled in any disqualifying health care or health plan. For more information regarding the Health Savings Account, including eligibility requirements and contribution guidelines, contact the Administrative Assistant.

Professional Development

The Town believes in supporting the individual growth of its employees. To encourage employee development, the Town offers a professional development reimbursement program to eligible employees who attend job-related seminars. ? and/or continuing education programs?

To participate in this program, you must be a full-time or part-time regular employee.

Approval from your supervisor and the Town Administrator must be received prior to registration for the seminar. Consult your Union's employment contract to determine the terms and conditions for payment of education expenses.

In an effort to keep the Town informed of new developments, we ask that you share any new information presented at the seminar with the rest of the staff.

Employee Assistance Program

Eligible full-time employees may participate in our employee assistance program immediately upon hire.

Our *BalanceWorks*®, Employee Assistance Program (EAP), and Work/Life Benefit help eligible employees and their immediate families with a wide range of problems. Situations addressed by the EAP include marriage and family problems, emotional problems, alcoholism and alcohol abuse, drug abuse and dependency, financial problems, compulsive gambling and eating disorders. Your conversations and all records are strictly confidential.

The administrative cost of this program is fully paid by the Town.

Additional information regarding this program is available at www.eniweb.com or by calling 1-800-EAPCALL. Complete details of this program may be obtained from the Administrative Assistant.

On the Job

Conduct at Residents/tax payer's Office or Residence

The nature of the Town may require that employees perform work connected with an assignment at the residents/tax payer's office or home. The importance of professional conduct when working in a residents/tax payer's office cannot be emphasized enough. Professional conduct is a broad term that is open to many interpretations. The following guidelines describe appropriate conduct when working at a residents/tax payer's office:

- Limit discussions with residents/tax payer employees to matters that concern their department and level of responsibility. Long, personal discussions with residents/tax payer personnel are discouraged during working hours on the residents/tax payer's worksite. Such disruptions of work will only offend residents/tax payer executives and residents/tax payer employees.
- Do not discuss internal affairs with residents/tax payer personnel during working hours on the residents/tax payer's worksite.
- Avoid comments or criticisms involving other companies and their particular work or fees.
- Refrain from discussing shortcomings or idiosyncrasies of residents/tax payer employees.
- Avoid conversations involving residents/tax payer matters in all places that would violate residents/tax payer confidentiality.

- Avoid discussing procedural problems with management while residents/tax payer employees are present.
- Purchase items from a residents/tax payer at regular sale prices.
- Do not borrow money from a residents/tax payer unless the residents/tax payer's business involves lending money.
- Do not solicit residents/tax payers for charitable donations.
- Accept token gifts from residents/tax payers only if they are non-monetary and valued at less than \$25. Gift offers that exceed \$25 must be reported to your supervisor.
- Entertain residents/tax payers only after first receiving approval from your Supervisor.

Confidentiality of Residents/tax payer Matters

Our professional ethics require that each employee maintain the highest degree of confidentiality when handling residents/tax payer matters.

To maintain this professional confidence, no employee shall disclose residents/tax payer information to other residents/tax payers, friends, or members of one's own family.

Questions concerning residents/tax payer confidentiality may be addressed with your supervisor.

Discussions with Residents/tax payers

When working on an assignment in a residents/tax payers' office, you may be asked to offer specific suggestions or comments regarding his or her practices.

Prior to discussing any suggestions with a residents/tax payer, your recommendations must first be approved by your supervisor.

Care of Residents/tax payer Records

The impression that residents/tax payers have of the Town is based, in part, on the way we care for their records. If we are careless with their files and records, residents/tax payers may conclude that we have the same attitude toward our technical work. As professionals, we must respect the confidence in which we are entrusted and ensure that residents/tax payer files are handled with care.

When possible, obtain all material from residents/tax payer files and then return the material back to the files. Material should be returned in the same condition or better than when it was received.

Under no circumstances will outside requests for residents/tax payer material be fulfilled unless prior written permission is received from your supervisor.

Social Security Number Privacy and Protection of Personal Information

To ensure to the extent practicable the confidentiality of our employees' and applicants' Social Security Numbers (SSNs) and confidential personal information, no employee may acquire, disclose, transfer, or unlawfully use the SSN or personal information of any employee except in accordance with the Town policy. The release of employee SSNs, driver's license numbers, or financial account numbers to external parties is prohibited except where required by law. Internal access to employee SSNs, driver's license numbers, or financial account numbers is restricted to employees with a legitimate business need for the information.

Employee SSNs and personal information may be collected in the ordinary course of business for the purpose of identity verification or to administer benefits and in accordance with state and federal laws. Records that include Social Security numbers and personal information will be maintained in accordance with federal and state laws.

Any documents that include employee SSNs or personal information which are to be discarded must be destroyed by shredding paper documents and running a data scrubbing program before disposing of electronic storage media.

Any violation of this policy will result in disciplinary action up to and including discharge.

Where the Town policy and operating procedures may conflict with state law, the state law shall supersede this policy.

For more information about this policy and the Town's operating procedures, please contact the Administrative Assistant.

Deviations in Residents/Tax Payer Records

Occasionally you may find what appears to be an obvious clerical or mathematical error on the part of the residents/tax payer. Mistakes of this nature should tactfully be brought to the attention of the appropriate person. When discussing such an error, be certain of the mistake, be careful with whom it is discussed and most importantly, be diplomatic in handling the misunderstanding.

During your career, you may discover or suspect evidence of theft, embezzlement, defalcation or some other irregular practice on the part of the residents/tax payer or residents/tax payer personnel. If such an event occurs, inform your supervisor immediately. Under no circumstances should you discuss the matter with the residents/tax payer or residents/tax payer personnel.

Attendance and Punctuality

Attendance and punctuality are important factors for your success within the Town. We work as a team and this requires that each person be in the right place at the right time.

If you are going to be late for work or absent, notify your supervisor as far in advance as is feasible under the circumstances, but no later than ten minutes before the start of your workday.

Personal issues requiring time away from your work, such as doctor's appointments or other matters, should be scheduled during your nonworking hours if possible.

If you are absent for three days without notifying the Town, it is assumed that you are absent without leave your position with the Town, and you will be subject to discipline up to and including termination.

Business Hours

Because of the nature of our business, your work schedule may vary depending on your job. Our normal business hours are 8:30 a.m. to 4:00 p.m., Monday through Friday. Check with your supervisor if you have questions about your hours of work.

Meal Time

A 30-minute, unpaid meal break should be taken each day. Your supervisor is responsible for approving the scheduling of this time.

Employees are not permitted to eat at their desks or work spaces during their meal break. Employees remaining on work premises during their meal break may eat in the break room. Please speak to your supervisor for additional information.

Lactation Breaks

The Town will provide a reasonable amount of break time to accommodate a female employee's need to express breast milk for the employee's infant child. The break time should, if possible, be taken concurrently with other break periods already provided. Non-exempt employees should clock out for any time taken that does not run concurrently with normally scheduled rest periods, and such time generally will be unpaid, in accordance with state law. The Town will also make a reasonable effort to provide the employee with the use of a room or other location in close proximity to the employee's work area, for the employee to express milk in private.

Notify your supervisor to request time to express breast milk under this policy. The Town reserves the right to deny an employee's request for a lactation break if the additional break time will seriously disrupt operations and in accordance with applicable law.

No provision of this policy applies or is enforced if it conflicts with or is superseded by any requirement or prohibition contained in a federal, state, or local law or regulation. If you have knowledge of such a conflict or a potential conflict you should contact the Town Administrator.

Work Assignments

Work assignments will be distributed by your supervisor. When possible, you will be advised of future assignments in advance, so you will have ample time to prepare for the assignment.

Once you have begun an assignment you will report directly to your supervisor for all matters relating to its completion.

Contact with the Town

The Town should know your location at all times during business hours. Your supervisor will keep a record of your assignments, and (s)he should be notified of your whereabouts outside the Town during working hours.

On The Job Training

Your supervisor is responsible for initiating all on-the-job training for employees within your department. This may include safety training, participation in off-site training and continuing education when necessary for job safety and work performance. Training will be conducted during regular working hours whenever possible.

The Town will pay for any required training programs. Employees may be tested from time to time to evaluate the effectiveness of the training program.

If you have any questions regarding training, please see your supervisor.

Standards of Conduct

Each employee has an obligation to observe and follow the Town's policies and to maintain proper standards of conduct at all times. If an individual's behavior interferes with the orderly and efficient operation of a department, corrective disciplinary measures will be taken.

Disciplinary action may include a verbal warning, written warning, suspension with or without pay, and/or discharge. The appropriate disciplinary action imposed will be determined by the Town. The Town does not guarantee that one form of action will necessarily precede another.

Among other things, the following may result in disciplinary action, up to and including discharge: violation of the Town's policies or safety rules; insubordination; unauthorized or illegal possession, use

or sale of alcohol or controlled substances on work premises or during working hours, while engaged in the Town activities or in the Town vehicles; unauthorized possession, use or sale of weapons, firearms or explosives on work premises; theft or dishonesty; inappropriate physical contact; harassment; discrimination or retaliation; performing outside work or use of the Town property, equipment or facilities in connection with outside work while on the Town time; poor attendance or poor performance. These examples are not all inclusive. We emphasize that discharge decisions will be based on an assessment of all relevant factors.

Nothing in this policy is designed to limit an employee's rights under Section 7 of the National Labor Relations Act.

Nothing in this policy is designed to modify our employment-at-will policy.

Access to Personnel Files

Employees may inspect their own personnel files, up to three times each calendar year, when seven business days' advance notice has been given. All files used to determine employee qualifications, promotions, additional compensation, discharge or disciplinary action are available to the employee upon written request. The inspection must be made in the presence of the Town representative. Employees are not permitted to make copies of or remove the personnel file from the business premises. The Town may charge reasonable fees for supplying copies of requested documents.

For more information, contact the Town Administrator.

Computer Software Licensing

The Town purchases or licenses the use of various computer software programs. Neither the Town nor any of the Town's employees have the right to duplicate this computer software or its related documentation. Unauthorized duplication of computer software is a federal offense, punishable by up to a \$250,000 fine and up to five years in jail.

The Town does not condone the illegal duplication of software. You must use the software in accordance with the license agreement. This policy applies not only to individual desktop computers and laptops but to local area networks as well.

Employees learning of any misuse of software or related documentation within the Town shall notify a member of management. Employees who reproduce, acquire or use unauthorized copies of computer software will be subject to discipline, up to and including discharge.

Residents/Tax Payer and Public Relations

The Town's reputation is built on excellent service and quality work. To maintain this reputation requires the active participation of every employee.

The opinions and attitudes that residents/tax payers have toward the Town may be determined for a long period of time by the actions of one employee. It is sometimes easy to take a residents/tax payer for granted, but if we do we run the risk of losing not only that residents/tax payer, but his or her associates, friends or family who may also be residents/tax payers or prospective residents/tax payers.

Each employee must be sensitive to the importance of providing courteous treatment in all working relationships.

Non-Solicitation

The Town believes employees should have a work environment free from interruptions of a non-work related nature, as work time is for work. When you are to be working you should focus on your duties and not engage in activities that would interfere with your own work or the work of others. For the purpose of this policy, solicitation includes, but is not limited to, for collection of any debt or obligation, for raffles of any kind or chance taking, or for the sale of merchandise or business services, the attempt to sell any product or service (e.g. selling or collecting for Tupperware®, Avon® products, churches, schools, Girl Scout cookies, etc.). Such interruptions can be both detrimental to the quality of work and efficiency, and may not be respectful

of others job responsibilities and right not to be interrupted.

Employees may not engage in solicitation for any purpose during his/her work time, which includes the working time of the employee who seeks to solicit and the employee who is being solicited. Although solicitation is not encouraged, it is permitted as long as it is limited to the employee's break and lunch time and kept out of active working areas. Nothing in this policy is intended to restrict an employee's statutory rights.

Distribution

Distribution of any type (materials, goods, etc.) is prohibited in work areas at any time, whether or not the employees are on working time. Non-employees are prohibited from distributing materials to employees on the Town premises at any time. Inappropriate literature is prohibited, e.g. literature that violates the Town's non-harassment and discrimination policies; items of a defamatory nature, items that include threats of violence, unprotected literature of a political nature that is highly inflammatory and likely to disrupt facility discipline and order or safety. Nothing in this policy is intended to restrict an employee's statutory rights.

Changes in Personal Data

To aid you and/or your family in matters of personal emergency, we need to maintain up-to-date information.

Changes in name, address, telephone number, marital status, number of dependents or changes in next of kin and/or beneficiaries should be given to the Administrative Assistant promptly.

Care of Equipment

You are expected to demonstrate proper care when using the Town's property and equipment. No property may be removed from the premises without the proper authorization of management. If you lose, break or damage any property, report it to your supervisor at once.

The Town Vehicles

Operators of the Town vehicles are responsible for the safe operation and cleanliness of the vehicle.

Accidents involving the Town vehicle must be reported to your supervisor immediately.

Employees are responsible for any moving and parking violations and fines that may result when operating the Town vehicle.

The Town vehicles should be operated by the employee only. The Town vehicles may only be used for job-related travel.

Smoking, including use of e-cigarettes, is prohibited in the Town vehicles.

The use of seat belts is mandatory for operators and passengers of the Town vehicles.

Employees are encouraged to take appropriate safety precautions when using their cellular telephones or PDAs. The use of handheld cellular telephones or PDAs, including texting, while driving is prohibited. Employees are expected to comply with applicable state laws regarding the use of cellular telephones or PDAs.

Employment of Relatives

A supervisor may not hire or supervise an individual if that individual and the supervisor have an on-going romantic relationship, including but not limited to, marriage, or if that individual is a member of the supervisor's immediate family. The term "immediate family" refers to parents, children, sisters, brothers, nieces, nephews or other family members residing in the same household.

In the case of marriage of persons within the same department, an effort will be made to assign comparable job duties so as to minimize problems of supervision, safety, security and morale.

Travel/Expense Accounts

The Town will reimburse employees for reasonable expenses incurred through pre-approved business travel or entertainment. All cash advances must be accounted for and expense receipts are required.

The following business expenses will be reimbursed:

- Travel Expense
- Automobile/Mileage
- Lodging
- Tips
- Business Meals (in accordance with our per diem rates; room service excluded)

This list is not all-inclusive. See the Town Administrator regarding additional reimbursable business expenses.

Personal Property

The Town is not responsible for loss or damage to personal property. Valuable personal items, such as purses and all other valuables should not be left in areas where theft might occur.

Signing In and Out

A daily sign in/sign out sheet is used to maintain an accurate record of each employee's location. Please use these sheets whenever you enter or leave our building.

Severe Weather

Severe weather is to be expected during certain months of the year. Although driving may at times be difficult, when caution is exercised the roads are normally passable. Except in cases of severe storms, we are all expected to work our regular hours. Time taken off due to poor weather conditions while the business remains open is unpaid.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

If extreme weather conditions require closing of the building, you will be notified by your supervisor.

Employees who have been designated with emergency response and recovery roles under the Town's emergency management plans are expected to be present for their assignment.

Natural Disasters

Natural disasters, including earthquakes, hurricanes, mudslides, floods and fires are to be expected from time to time. Although driving may be difficult in some areas due to damaged freeways and streets, when caution is exercised the roads are normally passable or alternate routes are available. Except in severe cases, we are all expected to work our regular hours. Time taken off due to natural disasters while the business remains open is unpaid.

Exempt employees may be provided time off with pay when necessary to comply with state and federal wage and hour laws.

If extreme weather conditions require closing of the building, you will be notified by your supervisor.

Employees who have been designated with an emergency response and recovery roles under the Town's emergency management plans are expected to be present for their assignment.

Personal Telephone Calls

It is important to keep our telephone lines free for residents/tax payer calls. Although the occasional use of the Town's telephones for a personal emergency may be necessary, routine personal calls should be kept to a minimum.

Personal cellular telephones must be turned off or set to a silent alert during working hours while on the Town premises.

Employees are prohibited from using cellular telephones to text message during working hours while on the Town premises.

Electronic Mail and Voice Mail Monitoring

We recognize your need to be able to communicate efficiently with fellow employees and residents/tax payers. Therefore, we have installed electronic mail (e-mail) and voice mail systems to facilitate the transmittal of business-related information within the Town and with our residents/tax payers.

The e-mail and voice mail systems are intended for business use only during working time. The use of the Town's e-mail and/or voice mail systems to solicit fellow employees or distribute non job-related information to fellow employees is prohibited during working time.

The Town's policies against sexual and other types of harassment apply fully to the e-mail and voice mail systems. Violations of those policies are not permitted and may result in disciplinary action, up to and including

discharge. Therefore, employees are also prohibited from the display or transmission of sexually-explicit images, messages, ethnic slurs, racial epithets or anything that could be construed as harassment or disparaging to others.

Employees shall not use unauthorized codes or passwords to gain access to others' files and or accounts.

All e-mail and voice mail passwords must be made available to the Town at all times. Please notify the Town Administrator if you need to change your password.

Violation of this policy may result in disciplinary action, up to and including discharge.

For business purposes, management reserves the right to enter, search and/or monitor the Town's private e-mail and voice mail systems and the files/transmissions of any employee without advance notice and consistent with applicable state and federal laws. Employees should expect that communications that they send and receive by the Town's private e-mail and voice mail systems will be disclosed to management. Employees should not assume that communications that they send and receive by the Town's private e-mail and voice mail systems are private or confidential.

This policy does not limit an employee's rights under Section 7 of the National Labor Relations Act. Nothing in this policy is meant to restrict an employee's right to engage in Section 7-protected communications on nonworking time.

Internet Usage and Monitoring

We recognize the need to stay on the cutting edge of technology. This is one of the reasons we allow employees to have access to the Internet.

The Internet is intended for business use only. Use of the Internet for any non-business purpose, including but not limited to, personal communication or solicitation, purchasing personal goods or services, gambling and downloading files for personal use, is strictly prohibited.

The Town's policies against sexual and other types of harassment apply fully to Internet usage, including the use of instant messaging programs. Violations of those policies are not permitted and may result in disciplinary action, up to and including discharge. Therefore, employees are also prohibited from displaying, transmitting and/or downloading sexually explicit images, messages, ethnic slurs, racial epithets or anything that could be construed as harassment or disparaging to others.

Consistent with applicable federal and state law, the time you spend on the Internet may be tracked through activity logs for business purposes. All abnormal or inappropriate usage will be investigated thoroughly. For business purposes, management reserves the right to search and/or monitor the Town's Internet usage and the files/transmissions of any employee without advance notice and consistent with applicable state and federal laws. Employees should expect that communications that they send and receive by the Internet will be disclosed to management. Employees should not assume that communications that they send and receive by the Internet are private or confidential.

Employees learning of any misuse of the Internet shall notify a member of management.

Violation of this policy may result in disciplinary action up to and including discharge.

Acceptable Use of Electronic Communications

This policy contains guidelines for Electronic Communications created, sent, received, used, transmitted, or stored using town communication systems or equipment and employee provided systems or equipment used either in the workplace, during working time or to accomplish work tasks during working time. "Electronic Communications" include, among other things, messages, images, data or any other information used in e-mail, instant messages, voice mail, fax machines, computers, personal digital assistants (including Blackberry, iPhone, iPad, tablet, smart phone or similar devices), text messages, pagers, telephones, cellular and mobile phones including those with cameras, Intranet, Internet, back-up storage, information on a memory or flash key or card, jump or zip drive or any other type of internal or external removable storage drives. In the remainder of this policy, all of these communication devices are collectively referred to as "Systems."

Employees may use our Systems to communicate internally with co-workers or externally with residents/tax payers, suppliers, vendors, advisors, and other business acquaintances for business purposes during working time.

All Electronic Communications contained in town Systems are town records and/or property. Although an employee may have an individual password to access our Systems, the Systems and Electronic Communications belong to the Town. The Systems and Electronic Communications are accessible to the Town at all times including periodic unannounced inspections. Our Systems and Electronic Communications are subject to use, access, monitoring, review, recording and disclosure without further notice. Our Systems and Electronic Communications are not confidential or private. The Town's right to use, access, monitor, record and disclose Electronic Communications without further notice applies equally to employee-provided systems or equipment used in the workplace, during working time, or to accomplish work tasks.

Although incidental and occasional personal use of our Systems that does not interfere or conflict with productivity or the Town's business or violate policy is permitted, personal communications in our Systems are treated the same as all other Electronic Communications and will be used, accessed, recorded, monitored, and disclosed by the Town at any time without further notice. Since all Electronic Communications and Systems can be accessed without advance notice, employees should not use our Systems for communication or information that employees would not want revealed to third parties.

Employees may not use our Systems in a manner that violates our policies including but not limited to Equal Employment Opportunity, No Harassment, Confidentiality of Residents/tax payer Matters, Care of Residents/tax payer Records, Protecting The Town Information, Non-Solicitation, Distribution, Electronic and Voice Mail Monitoring, and Internet Usage. Employees may not use our Systems in any way that may be seen as insulting, disruptive, obscene, offensive, or harmful to morale. Examples of prohibited uses include, but are



not limited to, sexually-explicit drawings, messages, images, cartoons, or jokes; propositions or love letters; ethnic or racial slurs, threats of violence or bullying, or derogatory comments; or any other message or image that may be in violation of town policies or federal, state or local law.

In addition, employees may **not** use our Systems:

- To download, save, send or access any discriminatory or obscene material;
- To download anything from the internet (including shareware or free software) without the advance written permission of the Town Administrator;
- To download, save, send or access any site or content that the Town might deem “adult entertainment;”
- To access any “blog” or otherwise post a personal opinion on the Internet during working time (see Social Media policy);
- To solicit employees or others during working time;
- To attempt or to gain unauthorized or unlawful access to computers, equipment, networks, or systems of the Town or any other person or entity;
- In connection with any infringement of intellectual property rights, including but not limited to copyrights; and
- In connection with the violation or attempted violation of any law.

An employee may not misrepresent, disguise, or conceal his or her identity or another’s identity in any way while using Electronic Communications; make changes to Electronic Communications without clearly indicating such changes; or use another person’s account, mail

box, password, etc. without prior written approval of the account owner and without identifying the actual author.

Employees must always respect intellectual property rights such as copyrights and trademarks. Employees must not copy, use, or transfer trade secrets or proprietary materials of the Town or others without appropriate authorization.

All Systems passwords and encryption keys must be available and known to the Town. You may not install password or encryption programs without the written permission of the Town Administrator. Employees may not use the passwords and encryption keys belonging to others.

Numerous state and federal laws apply to Electronic Communications. The Town will comply with applicable laws. Employees also must comply with applicable laws and should recognize that an employee could be personally liable and/or subject to fine and imprisonment for violation of applicable laws.

This policy does not limit an employee's rights under Section 7 of the National Labor Relations Act. Nothing in this policy is meant to restrict an employee's right to discuss the terms and conditions of his/her employment during non-working hours using non-Town systems. Nothing in this policy is meant to restrict an employee's right to engage in Section 7-protected communications on nonworking time.

Violations of this policy may result in disciplinary action up to and including discharge as well as possible civil liabilities or criminal prosecution. Where appropriate, the Town may advise legal officials or appropriate third parties of policy violations and cooperate with official investigations. We will not, of course, retaliate against

anyone who reports possible policy violations or assists with investigations.

If you have questions about the acceptable use of our Systems or the content of Electronic Communications, ask your supervisor for advance clarification.

Social Media

The Town has in place policies that govern use of its own electronic communication systems, equipment, and resources which employees must follow. We encourage you to use good judgment when communicating via social media.

“Social media” includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the Town, as well as any other form of electronic communication.

The same principles and guidelines found in the Town's Employee Handbook policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects residents/tax payers, vendors, suppliers, people who work on behalf of the Town or its legitimate business interests may result in disciplinary action up to and including immediate discharge.

The following is a general and non-exhaustive list of guidelines you should keep in mind:

1. Always be fair and courteous to fellow employees, residents/tax payers, vendors, suppliers or people who work on behalf of the Town. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by utilizing our Talk To Us policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparages residents/tax payers, employees, vendors, or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, age, gender, national origin, color, disability, religion or any other status protected by federal, state or local law or town policy. Inappropriate postings that may include discriminatory remarks, harassment, retaliation, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including immediate discharge.
2. Make sure you are always truthful and accurate when posting information or news. If you make a mistake, correct it quickly. Be open about any previous posts you have altered. Use privacy settings when appropriate. Remember that the Internet archives almost everything; therefore,

even deleted postings can be searched. The Internet is immediate. Nothing that is posted ever truly “expires.” Never post any information or rumors that you know to be false about the Town, fellow employees, residents/tax payers, vendors, suppliers, people working on behalf of the Town or competitors.

3. Maintain the confidentiality of the Town trade secrets and proprietary or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
4. Do not create a link from your blog, website or other social networking site to the Town's website without identifying yourself as the Town employee.
5. Express only *your* personal opinions. Never represent yourself as a spokesperson for the Town. If the Town is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the Town, fellow employees, residents/tax payers, vendors, suppliers or people working on behalf of the Town. If you do publish a blog or post online related to the work you do or subjects associated with the Town, make it clear that you are not speaking on behalf of the Town. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of Town of Tiverton”.

6. You must refrain from using social media while on working time or while using equipment we provide, unless it is work-related as authorized by your supervisor, or other member of management; or consistent with the Acceptable Use of Electronic Communications Policy.
7. Do not use any the Town email addresses to register on social networks, blogs or other online tools utilized for personal use.

Employees are encouraged to report violations of this policy. The Town prohibits retaliation against any employee for reporting a possible deviation from this policy or for cooperating in an investigation.

Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including immediate discharge.

You should not speak to the media on the Town's behalf without contacting the Town Administrator. All media inquiries should be directed to town administrator??

Where applicable, the Town complies with state laws concerning access to an employee's personal social networking account, including restrictions concerning employer requests for an employee's username and/or password.

Nothing in this policy is designed to limit an employee's rights under Section 7 of the National Labor Relations Act.

If you have questions or need further guidance, please contact your supervisor.



Security of Electronic Devices

Each employee provided with a laptop computer, iPad, iPhone, smart phone, tablet or similar device is responsible for the physical security of that device. All devices acquired for or on behalf of the Town are town property. The device must be locked up and stored in a secure location when it is not in the immediate possession of the authorized user. In addition, the user must return the device immediately upon request of the Town. You must notify your supervisor immediately if the device is lost, stolen, misplaced, or damaged. All work created or performed on the device is town property. The device is subject to inspection by the Town at any time without further advance notice. The device must be used in a manner that complies with all town policies including the Acceptable Use of Electronic Communications, Equal Employment Opportunity, No Harassment, Confidentiality of Residents/tax payer Matters, Care of Residents/tax payer Records, Protecting The Town Information, Electronic and Voice Mail Monitoring, and Internet Usage.

Violations of this policy may be grounds for disciplinary action up to and including discharge.

Dress Policy

Employees are expected to maintain the highest standards of personal cleanliness and present a neat, professional appearance at all times.

Our residents/tax payers' satisfaction represents the most important and challenging aspect of our business. Whether or not your job responsibilities place you in direct residents/tax payer contact, you represent the Town with your appearance as well as your actions. The properly-attired individual helps to create a favorable image for the Town, to the public and fellow employees.

The Town maintains a business casual environment. All employees should use discretion in wearing attire that is appropriate for the office and residents/tax payer interaction.

Personal Hygiene

Maintaining a professional, business-like appearance is very important to the success of the Town. Part of the impression you make on others depends on your choice of dress, personal hygiene and courteous behavior. A daily regimen of good grooming and hygiene is expected of everyone. Please ensure that you maintain good personal hygiene habits. While at work, you are required to be clean, dressed appropriately and well groomed.

Recycling and Waste Prevention

The Town is committed to the environment and its future. Therefore, recycling containers are located throughout the building for the collection of recyclable materials. Waste of time, materials and utilities is costly to the Town. If you have any waste prevention ideas, please advise your supervisor in writing.

Reference Checks

The Town will not honor any oral requests for references. All requests must be in writing and on company letterhead. Generally, we will only confirm our employees' dates of employment, salary history, and job title.

Under no circumstances should an employee provide another individual with information regarding current or former employees of the Town. If you receive a request for reference information, please forward it to the Town Administrator.

Protecting The Town's Information

Protecting the Town's information is the responsibility of every employee. Do not discuss the Town's confidential business or proprietary business matters, or share confidential, personal employee information with anyone who does not work for us such as friends, family members, members of the media, or other business entities. You may be required to sign a nondisclosure agreement as a condition of your employment, in accordance with state and federal law.

Confidential information does not include information pertaining to the terms and conditions of an employee's employment. Nothing in this policy is designed to limit an employee's rights under Section 7 of the National Labor Relations Act.

All telephone calls regarding a current or former employee's position/compensation with the Town must be forwarded to the Town Administrator.

The Town's address shall not be used for the receipt of personal mail.

Document Retention

The Town maintains a formal document retention policy and procedure. Your supervisor will explain how that policy applies to you and the work that you perform. You must retain all work products in the manner required and for the time period required by our policy. Never destroy or delete any work product until the retention periods specified by the Town's policy have been satisfied. Failure to comply with the Town document retention policy and procedure may result in discipline up to and including discharge.

Conflict of Interest/Code of Ethics

The Rhode Island Ethics Commission

The Rhode Island Ethics Commission is a constitutionally mandated body empowered to adopt, enforce and administer the Code of Ethics. The Code sets forth standards of conduct for all public officials and employees. The Commission educates and advises public officials and employees about the standards of conduct set out in the Code of Ethics. Additionally, the Ethics Commission oversees the financial disclosure program which requires all elected officials, all candidates for public office and certain categories of persons appointed to serve as officers or members of state or municipal agencies to file statements annually.

Rhode Island Constitution

Article III, Section 7.

The people of the State of Rhode Island believe that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage. Such persons shall hold their positions during good behavior.

Article III, Section 8.

The general assembly shall establish an independent non-partisan ethics commission which shall adopt a code of ethics including, but not limited to, provisions on conflicts of interest, confidential information, use of position, contracts with government agencies and financial disclosure. All elected and appointed officials and employees of state and local government, of boards, commissions and agencies shall be subject to the code of ethics. The ethics commission shall have the authority to investigate violations of the code of ethics and to impose penalties, as provided by law; and the commission shall have the power to remove from office officials who are not subject to impeachment.

Rhode Island Code of Ethics in Government

The Code of Ethics is comprised of a set of statutory and regulatory provisions which regulate the ethical conduct of elected and appointed public officials as well as state and municipal employees. To access specific sections of the Code, including those provisions regarding prohibited conduct, nepotism, gifts, and revolving door, see the table of contents below. For other statutory and regulatory provisions concerning the Ethics Commission, including the composition and powers of the Ethics Commission, financial disclosure, procedural regulations, and prohibitions regarding state vendors, use the links on the right.

RHODE ISLAND GENERAL LAWS, § 36-14-1 et seq.,

R.I. Gen. Laws § 36-14-1 Declaration of Policy.

It is the policy of the state of Rhode Island that public officials and employees must adhere to the highest standards of ethical conduct, respect the public trust and the rights of all persons, be open, accountable and responsive, avoid the appearance of impropriety, and not use their position for private gain or advantage.

R.I. Gen. Laws § 36-14-2 Definitions.

1. "Any person within his or her family" means a spouse and any dependent children of any public official or public employee as well as a person who is related to any public official or public employee, whether by blood, adoption or marriage, as any of the following: father, mother, son, daughter, brother, sister, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, halfbrother or halvesister.

2. "Business" means a sole proprietorship, partnership, firm, corporation, holding company, joint stock company, receivership, trust or any other entity recognized in law through which business for profit or not for profit is conducted;
3. "Business associate" means a person joined together with another person to achieve a common financial objective;
4. "Employees of state and local government, of boards, commissions and agencies" means any full-time or part-time employees in the classified, non-classified and unclassified service of the state or of any city or town within the state, any individuals serving in any appointed state or municipal position, and any employees of any public or quasi-public state or municipal board, commission or corporation;
5. "Governmental function" means any action that is public in nature and is performed for the common good of all the people;
6. "Open and public process" means the open solicitation for bids or proposals from the general public by public announcement or public advertising followed by a public disclosure of all bids or proposals considered and contracts awarded;
7. "Person" means an individual or a business entity;
8. (i) "State agency" means any department, division, agency, commission, board, office, bureau, authority, or quasi-public authority within Rhode Island, either branch of the Rhode Island general assembly, or any agency or committee thereof, the judiciary, or any other agency that is in any branch of Rhode Island state government

and which exercises governmental functions other than in an advisory nature;

(ii) "Municipal agency" means any department, division, agency, commission, board, office, bureau, authority quasi-public authority, or school, fire or water district within Rhode Island, other than a state agency and any other agency that is in any branch of municipal government and exercises governmental functions other than in an advisory nature;

9. "State or municipal appointed official" means any officer or member of a state or municipal agency as defined herein who is appointed for a term of office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by or through the governing body or highest official of state or municipal government;
10. "State or municipal elected official" means any person holding any elective public office pursuant to a general or special election;
11. A person's natural child, adopted child, or stepchild is his or her "dependent child" during a calendar year if the person provides over fifty percent (50%) of the child's support during the year;
12. A person "represents" him or herself before a state or municipal agency if he or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her own favor;
13. A person "represents" another person before a state or municipal agency if he or she is authorized by that other person to act, and does in fact act, as the other person's attorney at law or his or her attorney in fact in the presentation

of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person;

14. "Major decision-making position" means the executive or administrative head or heads of a state agency, whether elected or appointed or serving as an employee and all members of the judiciary, both state and municipal. For state agencies, a "major decision-making position" shall include the positions of deputy director, executive director, assistant director and chief of staff.

Regulation 36-14-2 (1) "State or municipal elected official" means any person duly elected to or holding any elective public office pursuant to a general or special election.

Regulation 36-14-2001 (Additional Definitions)

1. Complainant: A person or persons who files a sworn statement with the Commission against a person subject to the statute containing allegations of prohibited activities.
2. Respondent: A person against whom a complaint has been filed.
3. Business subject to direct state or municipal regulation: A business which is directly regulated by a state or municipal agency as defined herein other than in a de minimus manner. This includes a business funded with state or municipal funds or federal funds disbursed by a state or municipal agency. If a specific regulatory body exists to control or supervise the business, and such body regulates and monitors the business' activities, it is a business subject to direct regulation. Utilities, insurance companies and regulated financial institutions are included. A business is not directly regulated because it is subject to general



laws, tax or health laws for example, applicable to all businesses or, the fact that a business requires a license to operate, or a professional license is obtained. Businesses regulated by professional boards and occupational boards are excluded.

4. Cash value interest: Cash value interest is an ownership interest or a financial interest in the nature of an investment such as bonds, notes, debentures, mortgages and similar business investment interests. Deposits in any financial institution, savings and checking accounts, shares in a credit union or a cooperative bank, life insurance policies and annuities are not included.

5. Doing business: Engaging in a financial transaction, about which the public official has actual or constructive knowledge, which transaction constitutes a loan, purchase, sale or other type of transfer or exchange of money, goods, other property, or services for value. Doing business does not include the retail purchase of consumer goods bought primarily for personal, family or household purposes, and financial transactions of a personal nature, such as personal loans and individual insurance transactions.

6. Income: Any money or thing of value received or to be received as a claim on future services whether in form of a fee, salary, expenses, allowance, forbearance, forgiveness, interest, dividend, royalty, rent, capital gain, or any other form of recompense that constitutes income under the Federal Internal Revenue Code.

7. Ownership interest: An interest in stock, assets, net profits, or losses of a business. The value of an ownership interest is determined at its highest fair market value in the calendar year.

8. Persons within the third degree of consanguinity: Persons within the third degree of consanguinity include any of the following relations:

Brothers, sisters, parents, sons, daughters, grandparents, great grandparents, grandchildren, great grand- children, uncles, aunts, brothers and sisters-in- law, mothers and fathers-in-law, nieces and nephews, grandsons and granddaughters-in-law, and sons and daughters-in-law.

9. State or municipal agency: Shall also include any group of persons, or corporations, organization, or other entity, however created, which:

- a) exercises governmental functions other than in an advisory nature, and expends public funds in excess of \$10,000 yearly, or;
- b) those entities whose directors or other governing members are appointed by or through the governing body or highest official of state or municipal government.

10. Political party officials: Elected or appointed officers in a state, county, town or city political party organization are not elected or appointed officials subject to this act.

Regulation 36-14-2002 Additional Definitions (see R.I. Gen. Laws 36-14-2)

1. "State or municipal elected official" means any person holding any elective public office pursuant to a general or special election;
2. "State or municipal appointed official" means any officer or member of a state or municipal agency as defined herein who is appointed to an office specified by the constitution or a statute of this state or a charter or ordinance of any city or town or who is appointed by, through or with the advice and consent of a governing body, or any

court, in state or municipal government, or highest official of state or municipal government;

3. "Employees of state and local government, of boards, Commissions and agencies" means:
 - a) any individual receiving a salary from a state or municipal agency, whether elected or not, on a full-time or part-time basis;
 - b) any individual in the classified, non-classified and unclassified service of the judicial, executive and legislative branches of state government;
 - c) any individual in the classified, non-classified and unclassified service of any municipality within the state;
 - d) any individual receiving a salary from any public or quasi-public state or municipal board, commission, corporation, or other public or quasi-public agency however named; and,
 - e) any state or municipal appointed official who receives a salary or stipend for their appointed service.
4. (a) "State agency" means any department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, or quasi-public authority within the executive branch of the state government of Rhode Island, either branch of the Rhode Island general assembly, or any agency or committee thereof, the judiciary, or any other department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, or quasi-public authority that is in any branch of the Rhode Island state government and which exercises governmental functions other than in a purely advisory nature;

(b) "Municipal agency" means any department, division, agency, commission, board, office, bureau, authority, corporation or subsidiary, quasi-public authority, or school, fire or water district within Rhode Island, other than a state agency, and whether comprised of officials and employees from a single or multiple municipalities, and any other agency that is in any branch of municipal government and which exercises governmental functions other than in a purely advisory nature.

R.I. Gen. Laws § 36-14-3 Code of Ethics.

Sections 36-14-4 through 36-14-7 of this chapter shall constitute the Rhode Island Code of Ethics in government.

R.I. Gen. Laws § 36-14-4 Persons subject to the Code of Ethics.

The following persons shall be subject to the provisions of the Rhode Island Code of Ethics in government:

1. State and municipal elected officials;
2. State and municipal appointed officials; and
3. Employees of state and local government, of boards, Commissions, and agencies.

R.I. Gen. Laws § 36-14-5 Prohibited Activities.

- a) No person subject to this Code of Ethics shall have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction or professional activity, or incur any obligation of any nature, which is in substantial conflict with the proper discharge of



his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, as defined in section 36-14-7.

- b) No person subject to this Code of Ethics shall accept other employment which will either impair his or her independence of judgment as to his or her official duties or employment or require him or her, or induce him or her, to disclose confidential information acquired by him or her in the course of and by reason of his or her official duties.
- c) No person subject to this Code of Ethics shall willfully and knowingly disclose, for pecuniary gain, to any other person, confidential information acquired by him or her in the course of and by reason of his or her official duties or employment or use any such information for the purpose of pecuniary gain.
- d) No person subject to this Code of Ethics shall use in any way his or her public office or confidential information received through his or her holding any public office to obtain financial gain, other than that provided by law, for him or herself or any person within his or her family, any business associate, or any business by which the person is employed or which the person represents.
- e) No person subject to this Code of Ethics shall:
 - 1. Represent him or herself before any state or municipal agency of which he or she is a member or by which he or she is employed. In cases of hardship the Ethics Commission may permit such representation upon application by the official and provided that he or she shall first:

(i) Advise the state or municipal agency in writing of the existence and the nature of his or her interest in the matter at issue, and

(ii) Recuse him or herself from voting on or otherwise participating in the agency's consideration and disposition of the matter at issue, and

(iii) Follow any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.

2. Represent any other person before any state or municipal agency of which he or she is a member or by which he or she is employed.
3. Act as an expert witness before any state or municipal agency of which he or she is a member or by which he or she is employed with respect to any matter the agency's disposition of which will or can reasonably be expected to directly result in an economic benefit or detriment to him, or herself, or any person within his or her family or any business associate of the person or any business by which the person is employed or which the person represents.
4. Shall engage in any of the activities prohibited by subsection (e)(1), (e)(2) or (e)(3) of this section for a period of one year after he or she has officially severed his or her position with said state or municipal agency; provided, however, that this prohibition shall not pertain to a matter of public record in a court of law.
- f) No business associate of any person subject to this Code of Ethics shall represent him or herself or any other person or act as an expert witness before the state or municipal agency of which the person is a member or by which the person is employed unless:



1. He or she shall first advise the state or municipal agency of the nature of his or her business relationship with the said person subject to this Code of Ethics; and
2. The said person subject to this Code of Ethics shall recuse him or herself from voting on or otherwise participating in the said agency's consideration and disposition of the matter at issue.
- g) No person subject to this Code of Ethics or spouse (if not estranged) or dependent child or business associate of the person or any business by which the person is employed or which the person represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action, or judgment of the person would be influenced thereby.
- h) No person subject to this Code of Ethics and or any person within his or her family or business associate of the person or any business entity in which the person or any person within his or her family or business associate of the person has a ten percent (10%) or greater equity interest or five thousand dollars (\$5,000) or greater cash value interest, shall enter into any contract with any state or municipal agency unless the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded; provided, however, that contracts for professional services which have been customarily awarded without competitive bidding shall not be subject to competitive bidding if awarded through a

process of public notice and disclosure of financial details.

- i) No person shall give or offer to any person covered by this Code of Ethics, or to any candidate for public office, or to any person within his or her family or business associate of any such person, or to any business by which said person is employed or which the person represents, any gift, loan, political contribution, reward or promise of future employment based on any understanding or expectation that the vote, official action or judgment of said person would be influenced thereby.
- j) No person shall use for any commercial purpose information copied from any statements required by this chapter or from lists compiled from such statements.
- k) No person shall knowingly and willfully make a false or frivolous complaint under this chapter.
- l) No candidate for public office or any person within his or her family or business associate of the candidate or any business by which the candidate is employed or which the candidate represents, shall solicit or accept any gift, loan, political contribution, reward, or promise of future employment based on any understanding that the vote, official action or judgment of the candidate would be influenced thereby.
- m) No person subject to this Code of Ethics, shall, either directly, or indirectly, through any government agency, or through a business associate, or through any other person, threaten or intimidate any complainant or witness or any family member of any complainant or witness in any proceeding before the state Ethics Commission.

1. In addition to any rights a complainant or witness may have under the Rhode Island Whistleblower Act, chapter 50 of title 28 or under any other statute, a complainant or witness may bring a civil action in superior court for appropriate injunctive relief, or actual damages, or both and attorney's fees within three (3) years after the occurrence of the alleged violation of section (m) above.
2. The initiation of litigation by a complainant or witness pursuant to section (m)(l) shall not constitute a violation of any confidentiality provisions of this chapter.
 - n) (1) No state elected official, while holding state office and for a period of one (1) year after leaving state office, shall seek or accept employment with any other state agency, as defined in section 36-14-2(8)(i), other than employment which was held at the time of the official's election or at the time of enactment of this subsection, except as provided herein.

(2) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any state elected official to a senior policy-making, discretionary, or confidential position on the general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions herein prohibit any state elected official from seeking or accepting a senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(3) Nothing contained herein shall prohibit a state elected official from seeking or being elected for any other constitutional office.

(4) Nothing contained herein shall prohibit the Rhode Island Ethics Commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

o) (1) No person holding a senior policy-making, discretionary, or confidential position on the staff of any state elected official or the general assembly shall seek or accept any other employment by any state agency as defined in section 36-14-2(8)(i), while serving as such policy-making, discretionary, or confidential staff member and for a period of one (1) year after leaving such state employment as a member of the state elected official's or of the general assembly's senior policy-making, discretionary, or confidential staff.

(2) Notwithstanding the foregoing, a person holding a senior policy-making, discretionary, or confidential staff position who has a minimum of five (5) years of uninterrupted state service shall be exempt from the provisions of this section. "State service" as used herein means service in the



classified, unclassified and nonclassified services of the state, but shall not include service in any state elective office.

(3) Nothing contained herein shall prohibit any general officer or the general assembly from appointing any such senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly to any other senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, and in the case of the governor, to a position as a department director; nor shall the provisions hereof prohibit any senior policy-making, discretionary, or confidential member of the staff of any state elected official or the general assembly from seeking or accepting any other senior policy-making, discretionary, or confidential position on any general officer's or the general assembly's staff, or from seeking or accepting appointment as a department director by the governor.

(4) Nothing contained herein shall prohibit a person holding such a senior policy-making, discretionary, or confidential staff position from seeking or being elected for any constitutional office.

(5) Nothing contained herein shall prohibit the Rhode Island Ethics Commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

Regulation 36-14-5001 Access to Commission records.

1. All Commission records, other than those listed within R.I. Gen. Laws § 38-2-2(d) (Access to

Public Records) and those relating to investigations of Complaints, shall be open to public inspection at reasonable times. Those persons wishing to shall be entitled to review said information during normal Commission hours, and upon prior notice and request. Copies of such public material shall be available to all persons subject to the payment of costs as provided for in R.I. Gen. Laws § 38-2-4.

2. This amendment shall take effect December 18, 1991, and shall relate to any complaint filed with the Commission on or after December 18, 1991.

Regulation 36-14-5002 Additional circumstances warranting recusal. (amended, effective June 3, 2012)

- a) A person subject to this Code of Ethics must also recuse himself or herself from participation in accordance with R.I. Gen. Laws § 36-14-6 when any of the following circumstances arises:
 1. Any person within his or her family, or a household member, appears or presents evidence or arguments before his or her state or municipal agency.
 2. His or her business associate or employer appears or presents evidence or arguments before his or her state or municipal agency.
 3. His or her business associate, employer, household member or any person within his or her family authorizes another person, on his or her behalf, to appear or to present evidence or



arguments before his or her state or municipal agency.

- b) A person subject to this Code of Ethics is not required to recuse himself or herself pursuant to this or any other provision of the Code when:
1. The person's business associate, employer, household member or any person within his or her family is before the person's state or municipal agency, solely in an official capacity as a duly authorized member or employee of another state or municipal agency, to participate in non-adversarial information sharing or coordination of activities between the two agencies, provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.
 2. The person's business associate, employer, household member or any person within his or her family is before the person's state or municipal agency during a period when public comment is allowed, to offer comment on a matter of general public interest, provided that all other members of the public have an equal opportunity to comment, and further provided that the business associate, employer, household member or person within his or her family is not otherwise a party or participant, and has no personal financial interest, in the matter under discussion.

Regulation 36-14-5003 Limitations on recusal.

The notice and recusal provisions of sections 36-14-5 (e)(l) and 36-14-5(f) shall not be interpreted so as to permit a person subject to this chapter to make use of such provisions on a regular basis. If such actions occur with such frequency as to give the appearance of impropriety, the person subject to this chapter may be deemed to have violated the provisions of this chapter, unless such actions are necessitated by circumstances beyond the control of such person and are the only legal course of action available to such person in order to protect a vested property interest.

Regulation 36-14-5004 Prohibited Activities - Nepotism

a) **Definitions.** For the purposes of applying the provisions of this regulation, the following definitions apply:

1. **"Household member"** means a person having legal residence or living in a public official's or public employee's place of residence.
2. **"Any person within his or her family"** means, in addition to any other definition, any person who is related to any public official or public employee, whether by blood, marriage or adoption, as any of the following: spouse, father, step-father, father-in-law, mother, step-mother, mother-in-law, son, step-son, son-in-law,

exercises fiscal or jurisdictional control, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.

- b) No person subject to the Code of Ethics shall delegate to a subordinate any tasks relating to the supervision, evaluation, appointment, classification, promotion, transfer or discipline of any person within his or her family or household members, except in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion.

3. **Participation in Budgets.**

- a) **General Prohibition.** No person subject to the Code of Ethics shall participate in discussion or decision-making relative to a budgetary line item that would address or affect the employment, compensation or benefits of any person within his or her family or a household member.
- b) **Specific Line Items.** Notwithstanding the prohibition set forth in subsection 3(A), a person subject to the Code of Ethics may, only in accordance with particular instructions and advice received from the Ethics Commission in a written advisory opinion, participate in discussion or decision-making relative to a budgetary line item that addresses or affects the employment, compensation or benefits of any person within his or her family or a household member as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.
- c) **Vote on Entire Budget.** Notwithstanding the prohibition set forth in subsection 3(A), a person

subject to the Code of Ethics may participate in discussion or decision-making relative to approving or rejecting the entire budget as a whole, provided that the person within his or her family or household member is impacted by the entire budget as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

4. **Participation in Collective Bargaining/Employee Contracts.**

- a) **Negotiations.** No person subject to the Code of Ethics shall participate in negotiations relative to an employee contract or collective bargaining which addresses or affects the employment, compensation or benefits of any person within his or her family or a household member.
- b) **Vote on Entire Contract.** Notwithstanding the prohibition set forth in subsection 4(A), a person subject to the Code of Ethics may participate in a decision to accept or reject an entire employee contract or collective bargaining agreement as a whole, provided that the person within his or her family or household member is impacted by the contract or agreement as a member of a significant and definable class of persons, and not individually or to any greater extent than any other similarly situated member of the class.

Regulation 36-14-5005 Nepotism.

The prohibitions contained herein which relate to the spouse or dependent child of a person subject to this Code of Ethics, except as to that activity described in Section 5(h), shall also pertain to any of the following relatives of such person, whether by blood, marriage or adoption: Parents, grandparents, adult children, siblings, grandchildren, uncles, aunts, nieces, nephews and first cousins.

Regulation 36-14-5006 Employment From own Board.

No elected or appointed official may accept any appointment or election that requires approval by the body of which he or she is or was a member, to any position which carries with it any financial benefit or remuneration, until the expiration of one (1) year after termination of his or her membership in or on such body, unless the Ethics Commission shall give its approval for such appointment or election, and, further provided, that such approval shall not be granted unless the Ethics Commission is satisfied that denial of such employment or position would create a substantial hardship for the body, board, or municipality.

Regulation 36-14-5007 Prohibition on State Employment

No member of the General Assembly shall seek or accept state employment, not held at the time of the member's election, while serving in the General Assembly and for a period of one (1) year after leaving legislative office. For purposes of this regulation, "employment" shall include service as defined in R.I. Gen Laws § 36-14-2(4) and shall also include service as an independent contractor or consultant to the state or any state agency, whether as an individual or a principal of an entity performing such service.

Regulation 36-14-5008 Acting as Agent or Attorney for Other than State or Municipality.

- a) No state appointed or elected official or employee, who exercises fiscal or jurisdictional control over any state agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency, board, Commission or governmental entity for any person or organization in any particular matter in which the state has an interest or is a party, unless:

such representation is in the proper discharge of official duties; or

- 1. such official or employee is acting as a representative of a duly certified bargaining unit of state or municipal employees; or
- 2. such appearance is before a state court of public record; or
- 3. the particular matter before the state agency requires only ministerial acts, duties, or functions

involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.

- b) No municipal appointed or elected official or employee, who exercises fiscal or jurisdictional control over any municipal agency, board, Commission or governmental entity, shall act, for compensation, as an agent or attorney before such agency, board, Commission or governmental entity for any person or organization in any particular matter in which the municipality has an interest or is a party, unless:
 - 4. such representation is in the proper discharge of official duties; or
 - 5. such official or employee is acting as a representative of a duly certified bargaining unit of state or municipal employees, or
 - 6. such appearance is before a state court of public record; or
 - 7. the particular matter before the municipal agency requires only ministerial acts, duties or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.
- c) For purposes of this Regulation, "fiscal control" shall include, but is not necessarily limited to, authority to approve or allocate funds or benefits for the applicable state or municipal entity.
- d) For purposes of this Regulation, "jurisdictional control" shall include, but is not necessarily limited to, appointing authority, appellate review, or other substantive control in connection with the operation of the applicable state or municipal entity.

Regulation 36-14-5009 Prohibited Activities
- Gifts.

- a) No person subject to the Code of Ethics, either directly or as the beneficiary of a gift or other thing of value given to a spouse or dependent child, shall accept or receive any gift of cash, forbearance or forgiveness of indebtedness from an interested person, as defined herein, without the interested person receiving lawful consideration of equal or greater value in return.
- b) No person subject to the Code of Ethics, either directly or as the beneficiary of a gift or other thing of value given to a spouse or dependent child, shall accept or receive any gift(s) or other thing(s) having either a fair market value or actual cost greater than twenty-five dollars (\$ 25), but in no case having either an aggregate fair market value or aggregate actual cost greater than seventy-five dollars (\$ 75) in any calendar year including, but not limited to, gifts, loans, rewards, promises of future employment, favors or services, gratuities or special discounts, from a single interested person, as defined herein, without the interested person receiving lawful consideration of equal or greater value in return.
 - 1. For purposes of this regulation a "single interested person" shall include all employees or representatives of an individual, business, organization or entity.
 - 2. The prohibitions in this section do not apply if the gift or other thing of value is:

- a) a campaign contribution as defined by the laws of the state;
 - b) services to assist an official or employee in the performance of official duties and responsibilities, including but not limited to providing advice, consultation, information, and communication in connection with legislation, and services to constituents; or,
 - c) a plaque or other similar item given in recognition of individual or professional services in a field of specialty or to a charitable cause;
- c) "Interested person," for purposes of this section, means a person or a representative of a person or business that has a direct financial interest in a decision that the person subject to the Code of Ethics is authorized to make, or to participate in the making of, as part of his or her official duties.
- d) The prohibitions in this section do not apply if the gift or thing of economic value is given:
- 1. because of the recipient's membership in a group, a majority of whose members are not persons subject to the Code of Ethics, and an equivalent gift is given or offered to other members of the group; or,
 - 2. by an interested person who is a person within the family of the recipient, unless the gift is given on behalf of someone who is not a member of said family.
- e) For purposes of this regulation, a gift or other thing of value is considered received when it comes into the possession or control of the person subject

to the Code of Ethics, or his or her spouse or dependent child, and is a gift or other thing of value subject to the requirements of this regulation unless it is immediately returned to the interested person or given to a bona fide charitable organization without benefit accruing to the person subject to the Code of Ethics.

Regulation 36-14-5010 Prohibited Activities
- Honoraria.

No person subject to the Code of Ethics shall accept an honorarium, fee or reward or other compensation for any activity which may be considered part of or directly relates to said person's official duties and responsibilities unless (1) the source of the honorarium, fee, reward or other compensation is an individual or entity for which the official or employee is not vested with decision making authority within his or her official duties and responsibilities; and (2) the official or employee, when engaging in or preparing for the activity, uses his or her own time and does not make improper use of state or municipal materials or resources.

Regulation 36-14-5011 Prohibited Activities
- Transactions with Subordinates.

- b) No person subject to the Code of Ethics shall engage in a financial transaction, including participating in private employment or consulting, and giving or receiving loans or monetary contributions, including charitable contributions, with a subordinate or person or business for which, in the official's or employee's

official duties and responsibilities, he or she exercises supervisory responsibilities, unless (1) the financial transaction is in the normal course of a regular commercial business or occupation, (2) the subordinate or person or business described above offers or initiates the financial transaction, or (3) the financial transaction involves a charitable event or fundraising activity which is the subject of general sponsorship by a state or municipal agency through official action by a governing body or the highest official of state or municipal government.

- c) No person subject to the Code of Ethics shall solicit or request, directly or through a surrogate, political contributions, from a subordinate for whom, in the official's or employee's official duties and responsibilities, he or she exercises supervisory responsibilities. This does not prohibit or limit the First Amendment rights of a subordinate, as defined in this section, to make political contributions.
- d) For purposes of this regulation, "subordinate" means an employee, contractor, consultant, or appointed official of the official's or employee's agency.

Regulation 36-14-5013 Prohibited Activities - Restrictions on activities relating to Public boards.

- 1. No member of the General Assembly, while serving as a member of a Public Board, shall:
 - a) ask, demand, solicit, accept, receive or agree to receive any gift, loan, reward, promise of future



employment, favor or service, forbearance or forgiveness of indebtedness, gratuity or special discount or other thing of economic value from any person, business or other entity having a financial interest, direct or indirect, in a contract or proposed contract in which the member has participated or intends to participate or vote, and in which the Public Board on which he or she serves, is an interested party. The Prohibition in this subsection shall apply during the term of any such Contract and for a period of 12 months thereafter.

- b) ask, demand, solicit, accept, receive or agree to receive any gift, loan, reward, promise of future employment, favor or service, forbearance or forgiveness of indebtedness, gratuity or special discount or other thing of economic value from any employee, or applicant for employment of that Public Board; or,
- c) while serving as an appointed member of an executive, public or quasi-public board, authority, corporation, commission or agency, and for a period of one (1) year after leaving that office, seek or accept employment, or act as an agent, attorney, professional service provider, professional consultant, or consultant for, any business or other entity which had a financial interest, direct or indirect, in any contract or proposed contract in which the Public Board was an interested party and which was in effect at any time during his or her service on the Public Board; and
- d) The prohibitions contained in section 5013(1) shall not apply to or prohibit political contributions.

2. No member of the General Assembly, while serving on a Public Board shall:

a) ask, demand, solicit, accept, receive or agree to receive any political contribution from any person, business or other entity ("Vendor") having a financial interest, direct or indirect, in a contract in which the member of the General Assembly has participated or voted as a member of said Public Board. This prohibition shall apply to any Vendor from which the member of the General Assembly has received any political contribution within 12 months prior to his or her participation or vote, and, in the event said member is otherwise permitted to participate or vote, he or she shall be prohibited from accepting any such political contribution from any Vendor after such participation or vote, during the term of the contract, and for a period of 12 months thereafter.

i. The prohibitions of Section 5013(2) shall also apply to political contributions through any Political Action Committee, or similar political funding entity, owned or controlled by such Vendor.

ii. A Vendor under Section 5013(2) shall include, but not be limited to, (a): individuals, (b): partners, (c): managers and officers of a limited liability company, and members owning a five percent or greater interest in said limited liability company, (d): directors and officers of a corporation, and shareholders of a corporation owning a five percent or greater interest in said corporation; or

b) directly or indirectly ask, demand, or solicit any political contribution from any employee, or applicant for employment of that Public Board.

3. The restrictions and prohibitions of Section 5013 shall not apply to matters representing arms length, bona fide contracts for which due and fair consideration has been paid and received by the parties.
4. For purposes of this regulation, "Public Board" means all public bodies within the executive branch of the state government and all state executive, public and quasi-public authorities, corporations, commissions, councils, or agencies, provided, however, that the foregoing definition shall not apply to any such entity which (i) functions solely in an advisory capacity, or (ii) exercises solely legislative functions.
5. This regulation shall be effective upon filing.

Regulation 36-14-5014 - Prohibited Activities - Municipal Official Revolving Door.

- a) No municipal elected official or municipal school committee member, whether elected or appointed, while holding office and for a period of one (1) year after leaving municipal office, shall seek or accept employment with any municipal agency in the municipality in which the official serves, other than employment which was held at the time of the official's election or appointment to office or at the time of enactment of this regulation, except as provided herein.
1. For purposes of this regulation, "employment" shall include service as defined in R.I. Gen Laws § 36-14-2(4) and shall also include service as an independent contractor or consultant to any

municipality or municipal agency, whether as an individual or a principal of an entity performing such service.

2. For purposes of this regulation, “municipal agency” shall include any department, division, agency, commission, board, office, bureau, authority, quasi-public authority, or school, fire or water district and any other agency that is in any branch of municipal government and exercises governmental functions other than in an advisory nature.
 - b) Nothing contained herein shall prohibit a municipal elected official or municipal school committee member, whether elected or appointed, from seeking or being elected to any elective office.
 - c) The Rhode Island Ethics Commission may authorize exceptions to this regulation where such exceptions would not create an appearance of impropriety.

Regulation 36-14-5015 - Prohibited Activities – State Executive/Administrative Revolving Door.

- a) No person holding or fulfilling a position in the Governor’s Office or the Department of Administration who in the course of and by reason of his or her official duties has substantial involvement in matters involving a state agency, as defined herein in subsection (a)(5), shall:

1. Represent him or herself, as defined in Regulation 36-14-5016(a), before the state agency with which he or she has substantial involvement unless the Ethics Commission shall give its approval for such representation in a written advisory opinion and further provided that such approval shall not be granted unless:
 - a) The Ethics Commission is satisfied that denial of such representation would create a hardship, and
 - b) the person shall first:
 - (i) Advise the Governor's Office or the Department of Administration and the state agency in writing of the existence and the nature of his or her relationship with the agency and his or her interest in the matter at issue;
 - (ii) recuse him or herself from participating in the state agency's consideration and disposition of the matter at issue; and
 - (iii) follow any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.
2. Represent any other person, as defined in Regulation 36-14-5016(b), before the state agency with which he or she has substantial involvement in the course of and by reason of his or her official duties.
3. Engage in any of the activities prohibited by subsection (a)(1) or (a)(2) of this regulation for a period of one year after he or she has officially severed his or her position with the Governor's

Office or the Department of Administration, unless:

- a) Such representation is in the proper discharge of his or her official duties; or
 - b) the particular matter before the state agency requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority of the agency to exercise discretion or render decisions.
4. For purposes of this regulation “substantial involvement” shall include, but is not necessarily limited to, substantial control or substantial influence over and/or substantial participation in matters involving budget, communications, legal, legislative, or policy matters. Positions exercising such involvement shall include, but are not limited to, Budget Officer, Chief of Staff, Deputy Chief of Staff, Executive Counsel, Communications Director, Director of Administrative Services, Director of Policy, and Director of Legislative Affairs.
 5. For purposes of this regulation a state agency shall include, but is not necessarily limited to, any agency, board, bureau, commission, committee, department, division, governmental entity, office, or quasi-public authority in the executive branch of state government, or any agency or committee thereof, that exercises governmental functions and is not part of another constitutional office.
 6. For purposes of this regulation a person holding a position in the Governor’s Office shall include, but is not necessarily limited to, Chief of Staff, Deputy Chief of Staff, Executive Counsel, Communications Director, Director of



Administrative Services, Director of Policy, and Director of Legislative Affairs.

b) No director or head of a state department, enumerated in R.I. Gen. Laws § 42-6-1 and as may be amended from time to time, and including directors and heads of divisions within the Department of Administration who are appointed by the Governor and/or the Director of the Department Administration, shall:

1. Represent him or herself, as defined in Regulation 36-14-5016(a), before the Governor's Office or the Department of Administration unless the Ethics Commission shall give its approval for such representation in a written advisory opinion and further provided that such approval shall not be granted unless:

a) The Ethics Commission is satisfied that denial of such representation would create a hardship; and

b) the person follows any other recommendations the Ethics Commission may make to avoid any appearance of impropriety in the matter.

2. Represent any other person, as defined in Regulation 36-14-5016(b), before the Governor's Office or the Department of Administration.

3. Engage in any of the activities prohibited by subsection (b)(1) or (b)(2) of this regulation for a period of one year after he or she has officially severed his or her position, unless:

- a) Such representation is in the proper discharge of his or her official duties; or
- b) The particular matter before the Governor's Office or Department of Administration requires only ministerial acts, duties, or functions involving neither adversarial hearings nor the authority to exercise discretion or render decisions.

Regulation 36-14-5016 Representing Oneself or Others, Defined.

In addition to any other definition or provision of the Code of Ethics

- a) A person will "represent him or herself before a state or municipal agency" if:
 - 1. He or she participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her own favor;
 - 2. pursuant to his or her authorization and/or direction, another person participates in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in his or her favor; or
 - 3. he or she engages in the conduct described in subsections (a)(1) or (a)(2) before another agency for which he or she is the appointing authority or a member thereof.

- b) A person will "represent any other person before a state or municipal agency" if:
1. He or she is authorized by that other person to act, and does in fact act, as the other person's attorney at law or his or her attorney in fact in the presentation of evidence or arguments before that agency for the purpose of influencing the judgment of the agency in favor of that other person;
 2. he or she acts as an expert witness with respect to any matter the agency's disposition of which will or can reasonably be expected to directly result in an economic benefit or detriment to him or herself, or any person within his or her family or any business associate of the person or any business by which the person is employed or which the person represents; or
 3. he or she engages in the conduct described in subsection (b)(1) or (b)(2) before another agency for which he or she is the appointing authority or a member thereof.

**Regulation 36-14-5017 Prohibited Activities
- Revolving Door, "Employment" Defined.**

For purposes of R.I. Gen. Laws §§ 36-14-5(n) and 36-14-5(o), "employment" shall also include service as an independent contractor or consultant to the state or any state agency, whether as an individual or a principal of an entity performing such service.

Regulation 36-14-5018 Transition from State Employment

Notwithstanding the prohibitions set forth within R.I. Gen. Laws § 36-14-5(o)(1), a person holding a senior policy-making, discretionary, or confidential position on the staff of any state elected official or the general assembly may, upon leaving said position, serve as an independent contractor or consultant to his or her former agency for a period not to exceed ninety (90) days to assist in the transition of his or her former duties.

R.I. Gen. Laws § 36-14-6 Statement of Conflict of Interest.

Any person subject to this Code of Ethics who, in the discharge of his or her official duties, is or may be required to take an action, make a decision or refrain therefrom that will or can reasonably be expected to directly result in an economic benefit to said person, or spouse (if not estranged) or any dependent child of said person, or business associate or any business by which said person is employed or which said person represents, shall, before taking any such action or refraining therefrom:

1. Prepare a written statement sworn to under the penalties for perjury describing the matter requiring action and the nature of the potential conflict; if he or she is a member of a legislative body and he or she does not request that he or she be excused from voting, deliberating or taking action on the matter, the statement shall state why, despite the potential conflict, he or

she is able to vote and otherwise participate fairly, objectively and in the public interest; and

2. Deliver a copy of the statement to the Commission, and:

(i) If he or she is a member of the general assembly or of any city or town legislative body he or she shall deliver a copy of the statement to the presiding officer of the body, who shall cause the statement to be recorded in the journal of the body and, upon request of the member, may excuse the member from votes, deliberations or any other action on the matter on which a potential conflict exists; or

(ii) If said person is not a legislator, his or her superior, if any, shall, if reasonably possible, assign the matter to another person who does not have a Conflict of Interest. If he or she has no immediate superior, he or she shall take such steps as the Commission shall prescribe through rules or regulations to remove himself or herself from influence over any action on the matter on which the Conflict of Interest exists.

Regulation 36-14-6001 Reasonable foreseeability.

A public official has reason to believe or expect a Conflict of Interest exists when it is "reasonably foreseeable". The probability must be greater than "conceivably", but the Conflict of Interest need not be certain to occur.

Regulation 36-14-6002 Governmental decision.

A public official makes a governmental decision when the public official acting within the authority of his or her office:



1. votes on a matter;
2. appoints a person;
3. obligates a state or municipal agency to a course of action;
4. enters into any contractual agreement on behalf of a state or municipal agency, or;
5. determines not to act within the meaning of 1, 2, 3, or 4 because of a potential Conflict of Interest.

R.I. Gen. Laws § 36-14-7 Interest in conflict with discharge of duties.

- a) A person subject to this Code of Ethics has an interest which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest and of his or her responsibilities as prescribed in the laws of this state, if he or she has reason to believe or expect that he or she or any person within his or her family or any business associate, or any business by which the person is employed or which the person represents will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his or her official activity.
- b) A person subject to this Code of Ethics does not have an interest which is in substantial conflict with the proper discharge of his or her duties in the public interest and of his or her responsibilities as prescribed by the laws of this state, if any benefit or detriment accrues to him or her or any person within his or her family or any business associate, or any business by which the person is employed or which the

person represents, as a member of a business, profession, occupation or group, or of any significant and definable class of persons within the business, profession, occupation or group, to no greater extent than any other similarly situated member of the business, profession, occupation or group, or of the significant and definable class of persons within the business, profession, occupation or group.

Regulation 36-14-7001 Reasonable foreseeability.

A public official has reason to believe or expect a Conflict of Interest exists when it is "reasonably foreseeable". The probability must be greater than "conceivably", but the Conflict of Interest need not be certain to occur.

Regulation 36-14-7002 Governmental decision.

A public official makes a governmental decision when the public official acting within the authority of his or her office:

1. votes on a matter;
2. appoints a person;
3. obligates a state or municipal agency to a course of action;
4. enters into any contractual agreement on behalf of a state or municipal agency, or;



5. determines not to act within the meaning of 1, 2, 3, or 4 because of a potential Conflict of Interest.

Regulation 36-14-7003 Public forum exceptions.

No violation of this Chapter or regulations shall result by virtue of any person publicly expressing his or her own viewpoints in a public forum on any matter of general public interest or on any matter which directly affects said individual or his or her spouse or dependent child.

Regulation 36-14-7004 - Officers of Public Agencies.

Notwithstanding any other provision of the Code of Ethics, it shall not be a violation of this chapter for an appointed or elected member of a state or municipal agency to participate in a vote of the agency during an open meeting to elect him/herself to a position of officer of that agency, provided that if such position carries with it any form of compensation, reimbursement or stipend that is greater than that provided to non-officer members, such additional compensation, reimbursement or stipend must either have been in effect at the time of the vote pursuant to a valid provision of constitution, statute, regulation, charter or ordinance, or be waived.

Outside Employment

We hope that you will not find it necessary to seek additional outside employment. However, if you are planning to accept an outside position, you must notify your supervisor in writing.

Outside employment must not conflict in any way with your responsibilities within the Town.

Employees may not conduct outside work or use the Town property, equipment or facilities in connection with outside work while on the Town time.

Parking

Free parking facilities are available to employees. You are required to park within the designated areas.

The Town is not responsible for loss, damage or theft of your vehicle. Therefore, we suggest that you lock your vehicle doors.

Bulletin Board

The Town maintains a bulletin board(s) in our facility as an important source of information. These bulletin boards are to be used solely for the Town announcements and government postings.

Lunch Room

A lunch room is available for your use. Although the Town provides general custodial care, you are expected to clean up after eating. This room should be kept clean for the next person's use.

Cellular Telephones

Employees in certain positions are issued the Town cellular telephones or PDAs so they may maintain contact with residents/tax payers and co-workers when they are out of the office on business.

The town is committed to ending the epidemic of distracted driving. While driving on town time, employees may not use a hand-held cell phone or PDA – whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, and reading or responding to emails, instant messages, and text messages.

The Town cellular telephones are for business purposes. Although the occasional use of your the Town cellular telephone for personal calls may be necessary, incoming and outgoing personal calls should be kept to a minimum.

The use of cellular telephones or PDAs is not a work requirement for most employees. Employees who are not issued the Town cellular telephone will not be reimbursed for the use of their personal cellular telephones and are expected to make business calls from the office.

Employees are expected to demonstrate proper care of their cellular telephones or PDAs. If you lose, break or damage a Town-issued cellular telephone or PDA, report it to your supervisor at once. All cellular telephones or PDAs issued by the Town must be returned upon leaving the Town or upon transferring to a position that does not require the Town cellular telephone or PDA.

A violation of this policy may result in disciplinary action.

Contact with the Media

All media inquiries regarding the Town and its operations must be referred to the Town Administrator. Only the Town Administrator authorized to make or approve public statements on behalf of the Town. No employees, unless specifically designated by the Town Administrator, are authorized to make statements on behalf of or as a representative of the Town.

Office Supplies

The Town maintains a stock of basic office supplies such as pens, paper clips, staples, note pads, etc. used on a day-to-day basis by employees. All office supplies will be provided to you by the Assistant to the Administrator.

If you need additional items not regularly stocked, please speak to the Assistant to the Administrator to place a special order.

All office supplies are for business use only and should not be removed from the office for non-business use. Violations of this policy may result in disciplinary action up to and including discharge.

If You Must Leave Us

Should you decide to leave your employment with us, we ask that you provide your supervisor with at least two weeks' advance written notice. Your thoughtfulness is

appreciated and will be noted favorably should you ever wish to reapply for employment with the Town.

Employees, who are rehired following a break in service in excess of six months, other than an approved leave of absence, must serve a new initial introductory period whether or not such a period was previously completed. Such employees are considered new employees from the effective date of their reemployment for all purposes, including the purposes of measuring benefits.

The Town does not provide a "letter of reference" to former employees. Generally, we will confirm upon request our employees' dates of employment, salary history, and job title.

Additionally, all resigning employees should complete a brief exit interview prior to leaving. All the Town property, including this Employee Handbook, must be returned at the end of employment. Otherwise, the Town may take action to recoup any replacement costs and/or seek the return of the Town property through appropriate legal recourse.

You should notify the Town if your address changes during the calendar year in which discharge occurs so that your tax information will be sent to the proper address.

Safety in the Workplace

Each Employee's Responsibility

Safety can only be achieved through teamwork at the Town. Each employee, supervisor and manager must practice safety awareness by thinking defensively, anticipating unsafe situations and reporting unsafe conditions immediately.

Please observe the following precautions:

1. Notify your supervisor of any emergency situation. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
2. The use of alcoholic beverages or illegal substances during working hours will not be tolerated. The possession of alcoholic beverages or illegal substances on the Town's property is forbidden.
3. Use, adjust and repair machines and equipment only if you are trained and qualified.
4. Know the proper lifting procedures. Get help when lifting or pushing heavy objects.
5. Understand your job fully and follow instructions. If you are not sure of the safe procedure, don't guess; just ask your supervisor.
6. Know the locations, contents and use of first aid and fire-fighting equipment.
7. Wear personal protective equipment in accordance with the job you are performing.

8. Comply with OSHA standards and/or applicable state job safety and health standards as written in our safety procedures manual.

A violation of a safety precaution is in itself an unsafe act. A violation may lead to disciplinary action, up to and including discharge.

Bloodborne Pathogens Exposure Control

To protect employees who may reasonably anticipate being occupationally exposed to blood and other potentially infectious materials during work tasks, the Town has instituted a Bloodborne Pathogens Exposure Control Program.

Briefly, our program includes an employee exposure determination, information and training about bloodborne pathogens, the availability of hepatitis B vaccinations, Universal Precautions, engineering controls, safe work practices, personal protective equipment and housekeeping measures to help reduce the risks of occupational exposure. Procedures to be used following an exposure incident and necessary record keeping are also included. These matters are discussed in our written Infection Control Plan, which is available to you in accordance with the plan.

Further information about our Bloodborne Pathogens Exposure Control Program will be provided to affected employees and may be obtained from your supervisor.

Fire Drills

Fire drills are scheduled periodically throughout the year. These drills are an important aspect in employee safety. We expect your complete cooperation during these drills. If you have any questions concerning evacuation procedures, see your supervisor.

Workplace Violence

Violence by an employee or anyone else against an employee, supervisor or member of management will not be tolerated. The purpose of this policy is to minimize the potential risk of personal injuries to employees at work and to reduce the possibility of damage to Town property in the event someone, for whatever reason, may be unhappy with the Town decision or action by an employee or member of management.

If you receive or overhear any threatening communications from an employee or outside third party, report it to your supervisor at once. Do not engage in either physical or verbal confrontation with a potentially violent individual. If you encounter an individual who is threatening immediate harm to an employee or visitor to our premises, contact an emergency agency (such as 911) immediately.

All reports of work-related threats will be kept confidential to the extent possible, investigated and documented. Employees are expected to report and participate in an investigation of any suspected or actual cases of workplace violence and will not be subjected to disciplinary consequences for such reports or cooperation.

Violations of this policy, including your failure to report or fully cooperate in the Town's investigation, may result in disciplinary action, up to and including discharge.

Workplace Searches

To protect the property and to ensure the safety of all employees, residents/tax payers and the Town, the Town reserves the right to conduct personal searches consistent with state law, and to inspect any packages, parcels, purses, handbags, brief cases, lunch boxes or any other possessions or articles carried to and from the Town's property. In addition, the Town reserves the right to search any employee's office, desk, files, locker, equipment or any other area or article on our premises. In this regard, it should be noted that all offices, desks, files, lockers, equipment, etc. are the property of the Town, and are issued for the use of employees only during their employment. Inspection may be conducted at any time at the discretion of the Town.

Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property or illegal substances, will be subject to disciplinary action, up to and including discharge, if upon investigation they are found to be in violation of the Town's security procedures or any other Town rules and regulations.

Hazard Communication

The Town may use some chemicals (e.g., cleaning compounds, inks, etc.) in some of its operations. You should receive training and be familiar with the handling, use, storage and control measures relating to these substances if you will use or likely be exposed to them. Safety Data Sheets (SDS) are available for inspections in your work area. You must follow all labeling requirements.

Please consult with the designated safety coordinator prior to purchasing chemicals for the Town or bringing them on to our premises. For additional information, please refer to the Town's written Hazard Communication Program. If you have any questions, ask your supervisor or the safety coordinator.

Good Housekeeping

Good work habits and a neat place to work are essential for job safety and efficiency. You are expected to keep your place of work organized and materials in good order at all times. Report anything that needs repair or replacement to your supervisor.

Smoking in the Workplace

The Town is committed to providing a safe and healthy environment for employees and visitors. Smoking is allowed only in designated areas outside the building.

Violations of this policy may result in disciplinary action, up to and including discharge.

No Weapons in the Workplace

Possession, use or sale of weapons, firearms or explosives on work premises, while operating the Town machinery, equipment or vehicles for work-related purposes or while engaged in the Town business off premises is forbidden except where expressly authorized by the Town and permitted by state and local laws. This policy applies to all employees, including but not limited to, those who have a valid permit to carry a firearm.

If you are aware of violations or threats of violations of this policy, you are required to report such violations or threats of violations to your supervisor immediately.

Violations of this policy will result in disciplinary action, up to and including discharge.

In An Emergency

Your supervisor should be notified immediately when an emergency occurs. Emergencies include all accidents, medical situations, bomb threats, other threats of violence, and the smell of smoke. If your supervisor unavailable, contact the nearest Town official.

Should an emergency result in the need to communicate information to employees outside of business hours, your supervisor will contact you. Therefore, it is important that employees keep their personal emergency contact information up to date. Notify your supervisor when this information changes.

When events warrant an evacuation of the building, you should follow the instructions of your supervisor or any other member of management. You should leave the building in a quick and orderly manner. You should assemble at the pre-determined location as communicated to you by your supervisor to await further instructions or information.

Please direct any questions you may have about the Town's emergency procedures to your supervisor.

Substance Abuse

The Town has vital interests in ensuring a safe, healthy and efficient working environment for our employees, their co-workers and the residents/tax payers we serve. The unlawful or improper presence or use of controlled substances or alcohol in the workplace presents a danger to everyone. For these reasons, we have established as a condition of employment and continued

employment with the Town the following substance abuse policy.

The Town has implemented a drug testing program in compliance with local, state and federal laws. Employees are prohibited from reporting to work or working while using illegal or unauthorized substances. Employees are prohibited from reporting to work or working when the employee uses any controlled substance, except when the use is pursuant to a doctor's orders and the doctor advised the employee that the substance does not adversely affect the employee's ability to safely perform his or her job duties.

In addition, employees are prohibited from engaging in the unlawful or unauthorized manufacture, distribution, sale or possession of illegal or unauthorized substances and alcohol in the workplace including: on Town paid time, on Town premises, in Town vehicles, or while engaged in Town activities. Our employees are also prohibited from reporting for duty or remaining on duty with any alcohol in their systems. Employees are further prohibited from consuming alcohol during working hours, including meal and break periods. This does not include the authorized use of alcohol at Town-sponsored functions or activities.

Your employment or continued employment with the Town is conditioned upon your full compliance with the foregoing substance abuse policy. Any violation of this policy may result in disciplinary action, up to and including discharge. Furthermore, any employee who violates this policy who is subject to discharge, may be permitted in lieu of discharge, at the Town's sole discretion, to participate in and successfully complete an appropriate treatment, counseling or rehabilitation program as recommended by a substance abuse professional as a condition of continued employment

and in accordance with applicable federal, state, and local laws.

Consistent with its fair employment policy, the Town maintains a policy of non-discrimination and reasonable accommodation with respect to recovering addicts and alcoholics, and those having a medical history reflecting treatment for substance abuse conditions. We encourage employees to seek assistance before their substance or alcohol use renders them unable to perform their essential job functions or jeopardizes the health and safety of themselves or others. The Town will attempt to assist its employees through referrals to rehabilitation, appropriate leaves of absence and other measures consistent with the Town's policies and applicable federal, state or local laws.

The Town further reserves the right to take any and all appropriate and lawful actions necessary to enforce this substance abuse policy including, but not limited to, the inspection of Town issued lockers, desks or other suspected areas of concealment, as well as an employee's personal property when the Town has reasonable suspicion to believe that the employee has violated this substance abuse policy.

This policy represents management guidelines. For more information, please speak to the Town Administrator.

Receipt of Employee Handbook and Employment-At-Will Statement

This is to acknowledge that I have received a copy of the Town of Tiverton Employee Handbook and I understand that it contains information about the employment policies and practices of the Town. I agree to read and comply with this Employee Handbook. I understand that the policies outlined in this Employee Handbook are management guidelines only, which may require changes from time to time. I understand that the Town retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. I understand that this Employee Handbook supersedes and replaces any and all prior Employee Handbooks and any inconsistent verbal or written policy statements.

I understand that except for the policy of at-will employment, the Town reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time without further notice. All such revisions, deletions or additions to the Employee Handbook will be in writing and will be signed by the Town Administrator of the Town. I understand that no oral statements or representations can change the provisions of this Employee Handbook.

I understand that this Employee Handbook is not intended to create contractual obligations with respect to any matters it covers and that the Employee Handbook does not create a contract guaranteeing that I will be employed for any specific time period.

**THE TOWN IS AN AT-WILL EMPLOYER. THIS
MEANS THAT REGARDLESS OF ANY PROVISION IN
THIS EMPLOYEE HANDBOOK, EITHER YOU OR THE**

TOWN MAY TERMINATE THE EMPLOYMENT RELATIONSHIP AT ANY TIME, FOR ANY REASON, WITH OR WITHOUT CAUSE OR NOTICE. NOTHING IN THIS EMPLOYEE HANDBOOK OR IN ANY ORAL STATEMENT, SHALL LIMIT THE RIGHT TO TERMINATE EMPLOYMENT AT-WILL. NO OFFICER, EMPLOYEE OR REPRESENTATIVE OF THE TOWN IS AUTHORIZED TO ALTER ANY EMPLOYEE'S AT-WILL STATUS UNLESS SUCH AN AGREEMENT IS IN A WRITTEN CONTRACT SIGNED BY THE TOWN ADMINISTRATOR AND RATIFIED BY THE TOWN COUNCIL OF THE TOWN.

I understand that this Employee Handbook refers to current benefit plans maintained by the Town and that I must refer to the actual plan documents and summary plan descriptions as these documents are controlling.

I have read and understand the Vacation Policy in this Employee Handbook.

Initials _____ Date _____

I also understand that if a written contract is inconsistent with the Employee Handbook, the written contract is controlling.

If I have questions regarding the content or interpretation of this Employee Handbook, I will ask my supervisor or a member of management.

NAME _____

DATE _____

EMPLOYEE
SIGNATURE _____

Receipt of Employee Handbook and Employment-At-Will Statement

This is to acknowledge that I have received a copy of the Town of Tiverton Employee Handbook and I understand that it contains information about the employment policies and practices of the Town. I agree to read and comply with this Employee Handbook. I understand that the policies outlined in this Employee Handbook are management guidelines only, which may require changes from time to time. I understand that the Town retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and the Town. I understand that this Employee Handbook supersedes and replaces any and all prior Employee Handbooks and any inconsistent verbal or written policy statements.

I understand that except for the policy of at-will employment, the Town reserves the right to revise, delete and add to the provisions of this Employee Handbook at any time without further notice. All such revisions, deletions or additions to the Employee Handbook will be in writing and will be signed by the Town Administrator of the Town. I understand that no oral statements or representations can change the provisions of this Employee Handbook.

I understand that this Employee Handbook is not intended to create contractual obligations with respect to any matters it covers and that the Employee Handbook does not create a contract guaranteeing that I will be employed for any specific time period.

THE TOWN IS AN AT-WILL EMPLOYER. THIS MEANS THAT REGARDLESS OF ANY PROVISION IN THIS EMPLOYEE HANDBOOK, EITHER YOU OR THE TOWN MAY TERMINATE THE EMPLOYMENT

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