



Town Council Ordinance Committee Meeting

Tuesday, September 22, 2026 at 5:30 PM

Jordan Conference Room, Town Hall

A. Public Comment

B. Minutes

- 1) **March 23, 2026 meeting -**

C. Item(s) to be discussed

- 1) **Personnel Codes Amendments: Chapter 2, Chapter 3, Personnel Code -**
- 2) **Paper Reduction Amendments -**

D. Public Comment

E. Next Meeting

Pending:

- 1) **Chapter 5, Commercial Licenses -**

Public Participation at Ordinance Committee Meetings

The intent of this policy is to allow for public participation by interested parties and to provide for orderly committee deliberation.

Speaking on topics on the regular Ordinance Committee meeting agenda

After the public comment period has been opened, any person wishing to address the Ordinance Committee shall signify a desire to speak by raising his or her hand. When recognized by the chair, the speaker shall give his or her name and address or name and local affiliation, if the affiliation is relevant, prior to making other comments. All remarks should be addressed to the Ordinance Committee. Comments shall be limited to three minutes per person; however, the time may be extended by majority vote of the Ordinance Committee members present. The time for public comments is limited to 15 minutes per agenda item. This time may be extended by a majority vote of the Ordinance Committee members present. The chair may decline to recognize any person who has already spoken on the same agenda item and may call on speakers in a manner so as to balance debate. Once the Ordinance Committee has begun its deliberations on an item, no person shall be permitted to address the Ordinance Committee on such item.

Speaking on topics not on the regular Ordinance Committee meeting agenda

Persons wishing to address the Ordinance Committee on an issue or concern local in nature, not appearing on the agenda, may do so at a regular Ordinance Committee meeting during any public comment period. Any person wishing to address the Ordinance Committee shall signify a desire to speak by raising his or her hand. When recognized by the chair, the speaker shall give his or her name and address or name and local affiliation. Comments in each comment period shall be limited to three minutes per person and 15 minutes total; however, the time may be extended by a majority vote of the Ordinance Committee members present.

Decorum

Persons present at Ordinance Committee meetings shall not applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting. Persons at Ordinance Committee meetings may only address the Ordinance Committee after being recognized by the chair.

**Town of Cape Elizabeth
Ordinance Committee Minutes**

March 23, 2026

5:30 p.m.

Town Hall

Members Present: Caitlin Jordan Harriman, Chair
Stephanie Anderson
Jonathan Sahrbeck

Staff: Maureen O'Meara, Town Planner

Public Comment

No one present wished to speak.

Minutes

Councilor Anderson made a motion to approve the January 14, 2026 minutes, seconded by Councilor Sahrbeck, and the motion passed 3-0.

Porch, ramp Amendments

Chair Harriman summarized the content of the amendments.

Councilor Anderson asked how the amendments were begun?

Councilor Sahrbeck learned about the situation in his own neighborhood where folks would need to enter the Zoning Board process, which requires a property survey costing thousands. This doesn't work for people who need a ramp due to a health issue. He likes the way the Planning Board structured the amendment with definitions that frame a limited approach.

Chair Harriman noted that no public members were in attendance.

Councilor Anderson made a motion to send the amendments to the Town Council for a public hearing and vote, seconded by Councilor Sahrbeck and the motion passed 3-0.

Personnel Codes Amendments

CHAPTER 2 ADMINISTRATIVE CODE

Sec. 2-1-1. General Provisions.

(a) Town Manager. The Town Manager shall be the administrative head of the Town and shall perform all the duties and have all the responsibilities prescribed by the Town Charter and the Town Council.

(b) Responsibilities. The Town Manager shall supervise the heads of all departments established by this Code and the Town Charter, and shall have the power to suspend and discipline, and to perform or delegate the duties and responsibilities of such department heads and of statutory officers unless disqualified to do so by statute. The Town Manager shall prepare and revise an Employee Handbook a personnel code for adoption by the Town Council (which shall take effect the next business day after the Town Council votes for adoption) and be responsible for its administration.

(d) Municipal Departments Established. The administrative service of the Town shall consist of the following departments and the department heads shall be known by the titles shown:

1. Administrative Services	Town Clerk
2. Assessment	Assessor
3. Building & Inspection	Code Enforcement Officer
4. Fire	Fire Chief
5. Thomas Memorial Library	Library Director
6. Planning	Town Planner
7. Police	Chief of Police
8. Public Works	Director of Public Works
9. Community Services Department	Community Services Director
10. Information Technology	Information Technology Director
11. Finance	Finance Director

(g) Department Staff

1. Department heads may establish subordinate positions and make appointments and removals as may be necessary within the limits of the appropriations provided, subject to the provisions of the Town Charter, the Employee Handbook personnel rules and regulations, and the approval of the Town Manager.

2. All employees shall be under the immediate supervision of their respective department or division head, and all employees shall be compensated in a fair and equitable manner and on the basis of any pay classification schedule that may be

available from time to time. Department heads are responsible for an annual written evaluation of all employees within their department and copies of evaluations shall be provided annually to the Town Manager.

Article II. Positions Not Part of Other Municipal Departments.

Sec. 2-2-3. ~~Public Communications-DirectorCoordinator~~. The ~~Public~~ Communications ~~DirectorCoordinator~~ shall be appointed and removed by the Town Manager. The ~~Communications Director-Coordinator~~ shall assist all departments in public communications initiatives and shall operate the Town's public access channel, and website in conformance with guidelines approved by the Town Council and shall perform related functions as required.

CHAPTER 3

CAPE ELIZABETH PERSONNEL CODE Reserved.

Chapter 3, Cape Elizabeth Personnel Code is repealed in its entirety.

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[SECTION 1: INTRODUCTION](#)

[1.1 WELCOME MESSAGE](#)

Welcome to the Town of Cape Elizabeth, “Rooted in Community, Framed by the Sea”. As a Town employee, you play a vital role in providing high-quality municipal services that strengthen and support our community.

[1.2 ORGANIZATIONAL OVERVIEW](#)

The Town of Cape Elizabeth, Maine, is a coastal community governed by a Council-Manager form of government. Seven (7) Town Councilors are elected at-large by residents to serve staggered three-year terms. Each year, the Council elects a Chair from among its members to preside over meetings and perform ceremonial duties. The Council is the legislative body, setting policy direction for the Town and approving the municipal budget.

The Town Manager is appointed by the Town Council and serves as the Town’s chief executive officer. The Town Manager is responsible for the administration of all municipal operations, implementation of Council policies, and oversight of department leadership. The Town Manager also acts as the liaison between the Town Council and municipal staff.

The Town operates through multiple departments that provide essential public services and support the quality of life for residents. These departments function collaboratively to ensure efficient, transparent, and community-focused operations across all service areas.

[1.3 PURPOSE OF THIS HANDBOOK](#)

This Handbook outlines key policies, rules, and expectations for your employment with the Town of Cape Elizabeth. All employees are responsible for reviewing its contents, referring to it throughout their employment, and signing and returning the included Acknowledgment Form.

All employees are expected to comply with the policies and procedures in this Handbook. In cases where a collective bargaining agreement contains provisions that differ from those in this Handbook, the terms of the collective bargaining agreement will take precedence, but only with respect to those specific conflicting provisions.

Nothing in this Handbook limits the authority of the Town Manager or department heads to manage and direct the operations of the Town, including the right to plan, assign, and schedule work; determine methods, procedures, and staffing levels; establish and enforce reasonable rules not inconsistent with this Handbook; and to adopt ordinances and regulations necessary for the effective administration of Town affairs.

The Town of Cape Elizabeth reserves the right to interpret the content of this Handbook and to revise, suspend, or deviate from policies when it determines such action is in the Town’s best interest.

[1.4 CHANGES IN POLICY & LEGAL DISCLAIMER](#)

Unless otherwise noted in a specific policy or by contractual agreement, this Handbook supersedes previous employee handbooks or policies, written or unwritten on subjects covered in this Handbook.

CHANGES IN POLICY

The Town of Cape Elizabeth reserves the right to change this Handbook's content, at any time and in its sole discretion. The policies and provisions may not be altered by any other means, oral or written. Employees will receive notice of any changes made to the Employee Handbook and are responsible for understanding and complying with all current policies, signing, and returning a new Acknowledgement Form. Questions about any of the policies or other information included in this Handbook should be directed to Department Heads.

COLLECTIVE BARGAINING AGREEMENTS (CBA):

Employees who are members of a collective bargaining agreement and are represented by an exclusive bargaining agent may have a contract in the form of a collective bargaining agreement. In the event of a conflict between the collective bargaining agreement that applies to that employee and this Handbook, the collective bargaining agreement governs.

SEVERABILITY OF POLICIES

If any part of this Handbook, or the way a policy is applied, becomes invalid because of a change in law, a court ruling, or any other reason, the rest of the Handbook will remain valid and in effect.

EMPLOYMENT FORMS

All newly hired employees are required to complete standard employment documentation in accordance with applicable federal and state laws. Required forms may include, but are not limited to, tax withholding forms, employment eligibility verification, and acknowledgment of receipt of Town policies and procedures.

Additional forms or agreements may be required based on the nature of the position. Employees are also required to review and acknowledge any updates or revisions to required forms, policies, or agreements as they occur. The Town may request updated or additional documentation as necessary to ensure ongoing compliance with legal, regulatory, and organizational requirements.

[SECTION 2: CODE OF ETHICS AND EMPLOYEE CONDUCT](#)

[2.1 GUIDING PRINCIPLES](#)

As employees of the Town of Cape Elizabeth, we are entrusted with delivering high-quality services that maintain the public's confidence and uphold the integrity of municipal operations. This section outlines the ethical standards expected of all employees in the day-to-day performance of their duties. These expectations are rooted in the Guiding Principles and Code of Ethics adopted by the Town Council (January 2025) and supported by the Town Charter, Town Ordinances, and applicable Maine statutes.

This Code applies to all employees of the Town of Cape Elizabeth, including full-time, part-time, seasonal, temporary, per diem, and contracted personnel. It supplements other Town policies and procedures, including those outlined in this handbook and departmental guidelines. Employees are expected to review and acknowledge this handbook upon hire and following any approved changes.

A. Ethical Standards for Daily Conduct

1. Integrity and Responsibility

- Employees are expected to conduct themselves with honesty, professionalism, and accountability.
- Decisions and actions should reflect transparency and the Town's commitment to public service.
- Employees shall report misconduct, fraud, or unethical behavior through appropriate channels. (See section C)

2. Compliance with Laws and Policies

- Employees must comply with all applicable federal, state, and local laws, as well as Town ordinances and policies.
- Specific legal references include but are not limited to:
 - 30-A M.R.S.A. §2605 – Conflict of Interest
 - 17-A M.R.S.A. §§602–609 – Misuse of Public Office and Bribery

3. Conflicts of Interest

Employees of the Town of Cape Elizabeth are expected to perform their duties with integrity and in the best interest of the Town. To preserve public trust, employees must avoid any situation in which personal, financial, or other interests could compromise or appear to compromise their judgment, objectivity, or ability to carry out official responsibilities.

- Employees shall not participate in or make governmental decisions on matters in which they, their immediate family members, or business associates have a known economic interest, in accordance with 30-A M.R.S.A. § 2605.
- Employees must not use their official position for personal gain or to benefit family members, friends, or third parties.
- Any actual, potential, or perceived conflict of interest must be disclosed immediately:
 - In writing to the employee's supervisor; or
 - Directly to the Town Manager, depending on the nature of the conflict.

Upon disclosure, the Town Manager will review the situation and determine whether the matter should be reassigned to another employee or whether additional safeguards are necessary.

Examples of conflicts of interest include:

- Participating in contract decisions involving a family member's business;
- Using confidential Town information for personal advantage;
- Accepting employment or consulting work with entities that do business with the Town.

Employees who are uncertain whether a situation constitutes a conflict of interest should seek guidance from their supervisor or the Town Manager before proceeding.

4. Acceptance of Department Gifts or Favors

To maintain the highest standards of ethics and public trust, employees of the Town of Cape Elizabeth must avoid both actual and perceived conflicts of interest with regard to the acceptance of gifts. The following rules apply:

- Employees shall not solicit or accept any gift, gratuity, favor, entertainment, loan, service, or any other item of monetary value from individuals or entities whose interests may be affected by the employee's performance or non-performance of their official duties.

- A gift is defined as any benefit, favor, privilege, or item of value that could be interpreted as influencing an employee's impartiality.
- Employees shall not accept gifts, services, or favors that could be reasonably perceived to influence their official actions or decisions.
- Department Gifts with a value over \$50 must be disclosed and recorded with the Town Manager.

This policy does not prohibit acceptance of items of nominal value (e.g., pens, notepads, calendars) that are:

- Distributed generally to all attendees at professional conferences or public events; or
- Provided as part of routine promotional materials.

The Town reserves the sole discretion to determine whether an item or circumstance constitutes a violation of this policy. When in doubt, employees should err on the side of caution and seek guidance from the Town Manager or the Town Clerk.

5. Use of Municipal Resources

Town property, equipment, systems, and time are to be used only for authorized public purposes. Misuse, theft, or negligent handling of Town resources may result in disciplinary action.

6. Confidentiality

The Town of Cape Elizabeth is committed to maintaining strict control over access to Town property, cash, records, and any other items of monetary or strategic value. Likewise, the Town safeguards all personnel, medical, general assistance, and other records or data deemed confidential under state or federal law. Employees entrusted with keys, special system credentials, or job duties connected to the security, safety, or confidentiality of these assets must exercise sound judgment and are fully accountable for any misuse or acts of indiscretion.

Confidential Information

In the course of their work, employees may encounter sensitive information, such as employee relations materials, employment application material, medical records, general assistance applications, or personnel actions. This information:

- Must be kept confidential. Employees may not disclose, discuss, or provide access to such data verbally, electronically, or in hard copy to anyone who is not authorized, including family members.
- May not be used for personal gain. Confidential information obtained through employment shall never be leveraged for private advantage or to further outside interests.
- Must be stored securely. Employees must take reasonable steps (e.g., locked cabinets, password protection, encrypting files) to protect confidential documents and digital records from unauthorized access.

Freedom of Access Act (FOAA) Requests

The Town is subject to Maine's "Right to Know" Law (1 M.R.S. §§ 401-414). Any FOAA request received by an employee must be forwarded immediately to the Town Clerk, the Town's designated FOAA Officer, for an official response. Employees must coordinate with the Town Clerk, Town Manager, and, when necessary, the Town Attorney to ensure a lawful and timely reply.

Employee Responsibilities

- Safeguard keys, passcodes, and any other security credentials issued for Town facilities, vehicles, systems, or equipment.
- Report any lost keys, security breaches, or suspected misuse of confidential information to a supervisor or the Town Manager without delay.
- Refrain from accessing, altering, or removing Town records or property except as required for official duties.
- Comply with all Town policies, ordinances, and state or federal regulations governing confidentiality and information security.

7. Fairness, Respect, and Inclusivity

- Employees shall treat the public, coworkers, and elected officials with dignity, impartiality, and respect.
- Discrimination, harassment, bullying, or retaliation of any kind is not tolerated.

8. Outside Employment and Representation

- Employees must not represent third-party interests before Town boards or agencies while employed.
- Any secondary employment must be disclosed and approved in accordance with Town policy to prevent conflicts of interest.
- Employees may not solicit for purposes unrelated to town business while on duty or while on municipal property.

9. Off-duty Conduct

- All employees represent the Town of Cape Elizabeth in the community and are expected to conduct themselves responsibly on and off the job.
- Significant off-the-job misconduct may result in discipline up to and including termination, as warranted. Examples include, but are not limited to:
 - a) Fraud or theft
 - b) Drug dealing or illegal drug use
 - c) Illegal gambling
 - d) Violence or other criminal behavior
 - e) Revocation or suspension of the employee's driver's license
- A criminal arrest and/or conviction may or may not affect employment; the Town reserves the right to investigate independently and reach its own conclusions regarding culpability.

10. Appearance of Impropriety

- Employees must avoid not only actual impropriety, but also conduct that creates the appearance of unethical behavior.
- When in doubt, employees are encouraged to consult with their Department Head or the Town Manager.

B. Political Activity

The Town of Cape Elizabeth recognizes that employees have the right to engage in political activity as private citizens. However, to ensure the integrity of municipal operations, the following guidelines apply:

- Employees may participate in political activities in their personal time and outside the workplace.
- Employees shall not participate in any political activity that conflicts with the performance of their official duties while on duty.
- Employees may not use Town property, equipment, or time for political purposes.
- Employees shall not promise, offer, or imply special treatment or favors in exchange for the political activity of others.
- Employees shall not, while working in an official capacity for the Town:
 - Circulate petitions or campaign literature for elective Town of Cape Elizabeth officials;
 - Solicit or receive political contributions, subscriptions, or services from any individual;
 - Engage in political activity related to Town government. Including but not limited to seeking or accepting nomination or election to any elective office within the Town government during their employment with the Town.
 - Employees shall not use their position to publicly support or oppose any candidate for elective office in the Town government.
 - Employees shall not solicit political contributions during work hours or in their official capacity.

C. Reporting and Enforcement

1. Employees are expected to report suspected violations of this Code to their supervisor, Department Head, or the Town Manager. Reports may also be made under the Town's complaint and whistleblower policy.
2. Retaliation against employees who report concerns in good faith is strictly prohibited.
3. Violations of this Code of Ethics may result in disciplinary action, up to and including termination, consistent with applicable procedures and collective bargaining agreements.

D. Making Ethical Decisions

When faced with a difficult choice or unclear situation, employees are encouraged to ask themselves the following questions:

1. Would I be comfortable if my decision were made public?
2. Does this action align with the Town's values and policies?
3. Am I using public resources or my position for personal benefit?
4. Could this be perceived as unfair, dishonest, or disrespectful?
5. Have I consulted with my supervisor or the Town Manager if unsure?

If the answer to any of these questions raises concern or if doubt remains, employees are encouraged to seek guidance before proceeding.

SECTION 3: EMPLOYMENT POLICIES

3.1 EQUAL EMPLOYMENT OPPORTUNITY

As an Equal Opportunity Employer, the Town of Cape Elizabeth shall employ, upgrade, and promote the best qualified person(s) who are available at the salary level established for the position, without discrimination as to race, color sex, sexual orientation or gender identity, physical or mental disability, religion, age, ancestry, national origin or familial status; or any protected status, including citizenship, genetic information, protected veteran status, political affiliation, whistleblower status, or any other status protected by state and/or federal law.

Any employee that believes they have been the target of discrimination or retaliation should report that to the Town of Cape Elizabeth according to the Internal Complaint Procedures set forth in [3.8 Complaint Procedure](#).

3.2 IMMIGRATION LAW COMPLIANCE

The Town of Cape Elizabeth employs only United States citizens and non-United States citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986. 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. Former employees who are rehired must also complete the form if their previous I-9 is no longer retained or valid. If the State of Maine or the federal government enacts any more stringent immigration requirements, the Town will comply immediately, and without prior notice, with such standards.

3.3 BACKGROUND CHECK POLICY

Applicants for employment (whether internal or external, and whether for promotion or transfer) are required to consent in writing to a background check after a conditional offer has been made depending on the position to which they may be hired. This may include, but is not limited to, credit checks, driving history checks, criminal background checks, and reference checks. The Town of Cape Elizabeth will consider job duties, among other factors, in determining what constitutes satisfactory completion of the background check. All information obtained as a result of a background check will be used solely for employment purposes.

The Town of Cape Elizabeth's authorization form must be completed. Failure to timely complete an authorization may result in termination of the Town of Cape Elizabeth's consideration of the application. Falsification or omission of information may result in denial of employment or discipline, up to and including termination. Any job offer is considered conditional until such time as the applicant passes the preemployment investigation. A negative background check may be considered, but is not dispositive of, the final decision of whether to hire the applicant.

All background check information will be kept confidential. The Town of Cape Elizabeth complies with all applicable federal, state, and local laws regarding background checks.

3.4 POST-OFFER, PRE-EMPLOYMENT MEDICAL EXAMINATION).

For certain classifications, the Town may require a post-offer, pre-employment medical examination by a Town-designated licensed healthcare provider at Town expense. These exams are used only to determine whether the individual can perform the essential functions of the position,

with or without a reasonable accommodation, and are applied consistently to all entering employees in the same job category in accordance with the ADA/ADAAA. All medical information will be maintained confidentially and kept in a separate medical file, accessible only to those with a business need to know. If an applicant cannot perform essential job functions with or without reasonable accommodation or presents a direct threat (as defined by law) based on an individualized assessment, the conditional offer may be withdrawn.

3.5 REASONABLE ACCOMMODATIONS FOR ELIGIBLE EMPLOYEES

The Town of Cape Elizabeth complies with the Americans with Disabilities Act (ADA), as amended by the ADA Amendments Act, and all applicable state or local laws. Consistent with those requirements, the Town of Cape Elizabeth will reasonably accommodate qualified individuals with a disability if such accommodation would allow the employee to perform the essential functions of the job, unless doing so would create an undue hardship or a direct threat to others or the employee.

Under the Maine Human Rights Act, if an employee is a member of a protected class (as described in the Equal Employment Opportunity Policy, 3.1), they may be entitled to reasonable accommodation if such an accommodation is needed to allow them to perform the essential functions of their position. If a workplace accommodation is needed, employees must collaborate with the Human Resources department.

Upon such request, the Town of Cape Elizabeth will promptly engage in an interactive exchange with the employee, as needed, in order to determine the feasibility of providing the requested accommodation, or any other reasonably available accommodation. In some cases, particularly when the disabling condition is not obvious, the Town of Cape Elizabeth may request medical documentation from medical or mental health providers. The documentation requested allows the Town of Cape Elizabeth to better understand several things: (1) the nature, severity, and duration of any impairment, (2) the activities that may be limited by the applicable condition(s); and (3) to substantiate the need, feasibility, and potential efficacy of the requested accommodation. Employees are not required to provide confidential health care information beyond that which meets the substantiation criteria.

PROCESS

- The employee, Human Resources, and the employee's supervisor meet to discuss their need for an accommodation.
- The employee and their supervisor review the essential functions of the job and may need to provide these to the employee's medical provider to confirm the disability and the need for an accommodation.
- The employee and their supervisor will review options for the accommodation and will work together to come up with ideas that are reasonable, and that do not create an undue hardship for the employer.
- Once a reasonable accommodation is determined, it will be documented using the proper form from Human Resources and placed in the employee's medical file.
- Both the employee and their supervisor will continue to monitor the need for the accommodation to ensure there aren't any issues/concerns by either party.

- No departments are authorized to enter into modified work arrangements/schedule changes, agreements, or accommodations without Human Resources or Town Manager approval.

Any individual with a disability who believes they have been subjected to discrimination based on a disability may discuss the complaint with a supervisor and/or may file a grievance with the Human Resources Department. It is unlawful for the town, its employees, contractors, or grantees to retaliate against anyone who files a complaint or cooperates in the investigation of a complaint. Questions, concerns, complaints, or requests for additional information regarding this notice may be forwarded to the Human Resources Department.

3.6 HARASSMENT POLICY

The Town of Cape Elizabeth strives to maintain a work environment free from all forms of harassment, intimidation, and discrimination.

Harassment is prohibited in connection with any employee activity including, but not limited to, relations with other employees, supervisors, prospective employees, clients, vendors, town officials, or members of the public. Any allegation of harassment will be promptly investigated.

The Town of Cape Elizabeth strictly prohibits and does not tolerate any type of harassment, sexual or otherwise, in the form of unwelcome or unwanted verbal, physical, or visual conduct of its employees based on the protected characteristics of race, gender, marital status, pregnancy, national origin, age, religion, sexual orientation, disability, citizenship, veterans' status, or any other characteristic protected by law.

Sexual harassment is a form of employment discrimination and is illegal under both federal and state law. The Town of Cape Elizabeth will not tolerate retaliation or discipline against any employee who files a complaint of harassment or who cooperates in any investigation of a complaint of harassment. These forms include, but are not limited to:

- A. Offensive verbal conduct such as remarks, comments, jokes, slurs, lyrics, or sexually explicit conversation.
- B. Offensive material, including sexually explicit pictures or objects, cartoon drawings, photographs, or other communications, including video, email, internet programs, blogs, or websites.
- C. Offensive physical conduct, or sexual advances, including touching; and
- D. Sexually degrading words used to describe an individual.

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

- A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment (quid pro quo).
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions which affect that individual; or
- C. Such conduct substantially interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment (hostile work environment).

Verbal conduct alone may constitute harassment. The effect of the harassing activity, not the harasser's intent, may make the conduct actionable harassment. Unwelcome sexual advances need not occur at work to be unlawful: if the harassing activity creates a hostile or offensive work environment, the activity may constitute actionable harassment regardless of where it occurs.

[3.7 DISCRIMINATION](#)

The Civil Rights Act of 1964 and the Maine Human Rights Act prevent discrimination in the workplace. Any discrimination based on a protected class status is illegal with regard to race, religion or belief, national origin, social origin, or ethnic origin, sex (including pregnancy), age (over 40) physical, mental or sensory disability, sexual orientation, gender identity and/or expression, marital, civil union or domestic partnership status, past or present military service, family medical history or genetic information, family or parental status, whistleblower status as well as arrest and court record and any other status protected by state and federal law. All such complaints will be addressed and, if necessary, appropriate action will be taken.

Employees should report any discrimination immediately to any Department Head, Human Resources, or the Town Manager, and are protected from retaliation in any form. All complaints of retaliation will be investigated, and prompt remedial action will be taken.

Any report of alleged harassment or discrimination that is made in a knowingly false or clearly frivolous manner is prohibited, will not be tolerated, and will be appropriately addressed should it occur, including possible disciplinary action.

[3.8 COMPLAINT PROCEDURE](#)

If an employee believes they are being subjected to any type of harassment or discrimination or have any concerns about harassment, the process is noted below:

- A. Document: If possible, document or otherwise record any incident of alleged harassment, including the date, time, place, details of what has been said or done, who was present, and the surrounding circumstances.
- B. Communicate: If comfortable doing so, clearly and directly communicate to the offending individual that their conduct is offensive and unwelcome, and request that the behavior stop. However, this step is not required.
- C. Report: Immediately bring the matter to the attention of the supervisor. However, if the supervisor is somehow involved in the harassment or discrimination, unavailable, or if the employee is uncomfortable talking to that person, the employee should report this matter to the Human Resources Department, the Town Manager, or to another supervisor with whom the employee feels comfortable.

There will be no retaliation against any employee who files a complaint of discriminatory behavior or participates in any proceedings concerning harassment. Any person found to have retaliated against another individual for reporting harassment will be subject to disciplinary action, up to and including termination of employment.

Allegations of sexual and other harassment and retaliation are serious. The Town will work with employees to resolve complaints promptly and fairly. Department Heads and supervisors are responsible for monitoring conduct, which can be construed to be harassment and for initiating

necessary action to eliminate such behavior. All information will be held in confidence and will be discussed only with those who have a need to either investigate or resolve the complaint. The Town will seek to keep any information obtained as confidential as possible, although confidentiality cannot be assured.

If an employee believes that they are being harassed or discriminated against, Employees also have the right to file a complaint with the Human Rights Commission (MHRC) within six months of the unlawful act or unlawful discrimination. To file a charge or obtain more information on the procedure, contact the Commission at (207) 624- 6050 or by mail at: Human Right Commission, 51 State House Station, Augusta, ME 04333-0051.

SECTION 4: EMPLOYMENT RELATIONSHIP

4.1 RECRUITMENT

The Town of Cape Elizabeth believes hiring well-qualified individuals to fill positions contributes to the town's overall success. All applicants must submit an application, resume, and a letter of intent to the Human Resources Department to be considered for a vacant position. Any additional department-specific requirements will be outlined in the job posting.

If an application deadline is not listed, that means the position is open until filled. All applications are acknowledged by the end of the posting period

Job Posting and Advertising

- All job vacancies will be posted internally and externally as appropriate.
- The Town will use various recruitment methods, including the Town website, online job boards, professional networks, and community outreach efforts.
- Job postings will include a clear job description, qualifications, and application instructions.
- The Town is committed to providing an equitable and competitive compensation package that will attract and retain well-qualified employees.

Application and Screening

- Applications must be submitted by the deadline specified in the job posting, and Human Resources will forward qualified candidates to the hiring manager for consideration.
- Reference and background checks will be conducted following a conditional employment offer.
- As a condition of employment, the Town may require a pre-employment physical exam and drug screen by a physician of the Town's choice at the Town's expense.
- All final offers of employment are contingent on satisfactory results from required background checks, reference checks, and other required tests.

Internal Hiring and Promotions

The Town encourages internal promotions and career development opportunities for current employees. Internal candidates may be considered alongside external candidates, with hiring decisions based on merit, experience, and alignment with Town needs.

Compliance and Record-Keeping

The Human Resources Department will maintain records of recruitment efforts, applicant evaluations, and hiring decisions to ensure compliance with legal and policy requirements. The Town will comply with all applicable federal, state, and local employment laws.

4.2 NEPOTISM AND PERSONAL RELATIONSHIPS POLICY

The employment of relatives or individuals in personal relationships within the same area of an organization can create actual or perceived conflicts of interest. These situations may give rise to claims of favoritism or bias in the workplace, and personal conflicts outside the workplace may carry over into the work environment.

This policy is intended to promote fairness, prevent conflicts of interest, and ensure that all employees and applicants are treated equitably and in accordance with applicable laws.

Employment Restrictions

When possible, the Town of Cape Elizabeth prohibits the employment of immediate family members in positions where one relative would have direct supervision or influence over the other's employment. This includes decisions involving hiring, promotion, discipline, performance evaluations, work assignments, or salary.

To that end, relatives of current Town employees may be hired only if the working relationship will not involve one family member supervising or being supervised by the other, directly or indirectly.

Disclosure Requirements

All job applicants and current employees of the Town of Cape Elizabeth are required to disclose any immediate family members or personal relationships with individuals currently employed by the Town.

If a supervisor or manager develops a personal relationship with a subordinate during the course of employment, they must report the relationship to the Human Resources Department. In such cases, the Town will make every effort to adjust supervisory responsibilities to ensure the supervisor is not involved in hiring, termination, promotion, or disciplinary decisions related to the subordinate.

Department Heads are responsible for monitoring and evaluating reporting structures following initial hire to ensure ongoing compliance with this policy. Employees must promptly report any changes to their relationships that could violate this policy to their supervisor or Human Resources.

Policy Violations

Failure to disclose a qualifying relationship, or engaging in favoritism resulting from such a relationship, may result in disciplinary action, including reassignment, demotion, or termination, depending on the nature and severity of the violation.

Policy Exceptions

A written justification must be submitted and reviewed by Human Resources prior to any employment decisions being finalized. Any exception to this policy will be made at the sole discretion of the Town Manager.

Definitions

Immediate Family Member: A spouse, domestic partner, child, parent, stepparent, stepchild, child of a domestic partner, sibling, grandparent, grandchild, or in-laws (mother-, father-, sister-, or brother-in-law), or any individual residing in the same household as the employee.

Personal Relationship: A dating, romantic, close personal, or sexual relationship between two employees.

Supervisory Relationship: Any situation in which one employee is in a position to directly influence or affect another employee's terms and conditions of employment, including hiring, promotion, performance evaluations, discipline, or termination.

4.3 EMPLOYMENT CLASSIFICATION, STATUS, AND EVALUATION

Fair Labor Standards Act Job Classifications

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

Nonexempt employees are employees whose work is covered by the Fair Labor Standards Act (FLSA). They are not exempt from the law's requirements concerning minimum wage and overtime.

Exempt employees are generally executives, managers, professional, administrative, or outside sales staff who are exempt from the minimum wage and overtime provisions of the FLSA. Exempt employees hold jobs that meet the standards and criteria established under the FLSA by the U.S. Department of Labor.

Town Job Classifications

Regular Full-time: A regular full-time position shall be year-round in nature with no predetermined end date and scheduled to work no less than 35 hours per week. Regular full-time employees are eligible for the Town's benefit package, except where otherwise provided for in a collective bargaining agreement, and are subject to the terms, conditions, and limitations of each benefit program starting on the first of the month following the hiring date.

Regular Part-Time: A regular part-time position shall be year-round in nature with no predetermined end date and schedule to work at least 20 hours per week, but less than 35 hours per week. Regular part-time employees may be eligible for health, vision, and dental coverage at a prorated rate. Please contact Human Resources for part-time employee health insurance rates and eligibility.

Variable Hour Part-Time: Variable hour part-time employees work less than 20 hours per week and typically do not work a consistent schedule from week to week. Unlike Temporary Employees, these positions are generally actively employed on a year-round basis and are generally not entitled to benefits except those mandated by State or Federal law.

Temporary: Appointment to work a standard work week or less on a regular basis but for a limited but defined period, usually not to exceed six months. Temporary employees are paid for hours worked and receive no other benefits except those mandated by State or Federal law.

Seasonal Employment: Appointment to a position in an industry designated by the State of Maine as a seasonal industry. Seasonals are paid only for hours actually worked and are not eligible for any other benefits except those mandated by State or Federal law. Each different assignment is considered a separate appointment.

Contract Employment: Employment under a written contract between the Town and an individual. Contract employees receive compensation and benefits pursuant to the negotiated contract and have no claim to the benefits of this policy, except as specifically negotiated or as required by law. Contract employment shall be permitted only in unique and limited circumstances and shall not be used to avoid membership in a collective bargaining unit, applicability of this Policy, or workers' compensation coverage.

Student/Intern Employment: Each study program determines the rules under which the student can complete the internship. Internships may be paid or unpaid depending on the program. The Town of Cape Elizabeth works with prospective interns to fulfill the program requirements.

Per Diem/On Call: Per Diem or On Call employees are scheduled on a part-time basis. They typically do not work a consistent schedule from week to week. Unlike Temporary Employees, these positions are generally actively employed on a year-round basis and are generally not entitled to benefits except those mandated by law.

[4.4 HIRE DATE AND ANNIVERSARY DATE](#)

Hire or anniversary date is the date on which the employee most recently started full-time employment with the Town regardless of position within the organization. This date remains constant unless the employee leaves the Town's employ and is then re-hired. This date is used to compute benefit eligibility.

[4.5 PROBATION](#)

The probationary period serves as an extension of the selection process, allowing both the Town and the employee to assess mutual suitability for regular employees.

[Duration of Probation](#)

- The probationary period begins on the date of appointment.
- Police Department employees shall serve a one-year (12-month) probationary period.
- Employees in all other departments shall serve a 6-month probationary period.

These durations apply to original appointments, promotions, transfers, and reassignments, unless otherwise specified by law or an applicable collective bargaining agreement.

[Probationary Evaluation](#)

The Department Head or their designee will review progress at or before the employee's second, fourth, and sixth month of employment.

The probationary period allows management to assess an employee's performance, reliability, and compatibility with the department, while giving the employee an opportunity to evaluate the work environment and role expectations.

[Termination During Probation](#)

During the probationary period, the Department Head, with the approval of the Town Manager, may remove an employee at any time. Such removals are not subject to review, grievance, or appeal.

[Completion of Probation](#)

Employees who successfully complete the probationary period shall be designated as regular full-time or regular part-time employees, as applicable.

[4.6 REHIRED EMPLOYEES](#)

Rehiring: Any Town employee resigning from the Town may apply for employment as positions with the Town become available. However, any former employee must meet all the identified qualifications set forth for a particular vacancy before filing an application. A rehired employee shall not be entitled to any benefits or accruals from their previous service and shall be subject to a stipulated probationary period of six (6) months.

Retire/Rehire: A rehired employee shall not be entitled to any benefits (unless otherwise required by law) or accruals from their previous service and shall be subject to a stipulated probationary period of six (6) months. The Town of Cape Elizabeth will comply with all IRS or MainePERS regulations in the course of administering retire/rehire.

[4.7 PERFORMANCE MANAGEMENT](#)

The Town Manager shall conduct regular ongoing employee evaluation of each Department Head. Each Department Head shall conduct regular ongoing employee evaluations for each regular full-time and regular part-time employee in their department through the development of a department level policy. Once completed, the evaluation form shall be signed by the evaluated employee and shall be filed in the employee's personnel record as a permanent document.

[4.8 PERSONNEL FILES](#)

Personnel records are maintained for all employees of the Town. Employee personnel files are considered confidential documents, with some exceptions. Only those persons with the right to know or the need to know may have access to the personnel files in accordance with Maine State Statutes: [Title 26 Section 631](#) and [Title 1 Section 402](#).

An employee may review their file, in the presence of a Human Resources staff member or Department Head by appointment. Employees must submit a written request to view their personnel records and set up an appointment for such a review in advance.

The Americans with Disabilities Act (ADA) requires employers to protect employee medical records as confidential. These employee medical files are stored in a safe, locked, inaccessible location. No department is to retain any employee's medical information without Town Manager approval.

All polygraph tests and psych exams administered by the Police Department, whether for pre-employment screening, internal affairs inquiries, or criminal investigations, shall be retained in a

secure, confidential file within the department. Access to these results is strictly limited to authorized personnel and handled in accordance with applicable state and federal confidentiality laws. Polygraph records will not be released to outside agencies or individuals except as required by law or with the explicit, written consent of the subject.

4.9 SEPARATION FROM EMPLOYMENT

Separation of employment from the Town of Cape Elizabeth may occur under various circumstances, including voluntary resignation, retirement, involuntary termination, or layoff. This policy outlines procedures and expectations related to each type of separation.

Voluntary Resignation

Employees may resign from their position at any time. The Town requests that employees provide at least fourteen (14) calendar days' written notice of resignation. Vacation or other paid leave may not be used to satisfy the notice period without Department Head and Town Manager approval. The Town reserves the right, at its discretion, to waive all or part of the notice period and require the employee to separate from employment immediately or on an earlier date than provided in the notice. Prior to departure, an exit interview may be conducted, including a checklist to ensure all Town property is returned and the employee receives appropriate separation information. The completed checklist will be placed in the employee's personnel file.

Retirement

Employees eligible for retirement under the Town-sponsored retirement plan and/or Social Security are encouraged to notify the Town at least thirty (30) calendar days in advance of their intended retirement date. An exit interview and checklist may be conducted, similar to the resignation process, and the checklist will be included in the personnel file. Vacation or other paid leave may not be used to satisfy the notice period unless approved by the Town Manager.

Involuntary Termination

Involuntary termination is initiated by the Town and may occur due to, but not limited to, poor performance, insubordination, misconduct, violation of Town policies, or other job-related issues. All involuntary terminations will be authorized and administered by the Town Manager.

Final Pay and Exit Procedures

Upon separation, all earned wages and allowable accrued leave balances will be paid to the employee, with any outstanding debts or obligations to the Town deducted as permitted by law. Final pay will be processed in the following regular pay period. The Town Manager or Human Resources may conduct a final exit meeting to collect Town property and review post-employment information. If applicable, benefits continuation information under COBRA (Consolidated Omnibus Budget Reconciliation Act) will be mailed to the employee's home address.

4.10 REFERENCES

It is the Town's policy to only provide date of hire, date of termination or resignation, title, and terms of employment to potential future employers. All requests for references must be referred to the Human Resources Department. No supervisor is authorized to give information about current or former employees without prior approval from the Town Manager.

4.11 COMPENSATION

It is the goal of the Town to compensate employees on an adequate and equitable basis commensurate with wages and benefits for comparable work in similarly sized municipalities and the area labor market.

4.12 RECOGNITION OF PRIOR EXPERIENCE

The Town Manager or designee may approve a wage and/or vacation accrual rate that considers years of relevant work experience and education during the hiring process in accordance with the Town's compensation structure.

5. DISCIPLINE AND DISPUTE RESOLUTION

5.1 DISCIPLINE STATEMENT

The Town of Cape Elizabeth is committed to maintaining a fair, respectful, and productive workplace. Supervisors are expected to address performance or conduct issues promptly and to apply corrective action in a manner that is consistent, impartial, and compliant with Town policies, the Town Charter, and all applicable state and federal laws.

Proposed Language:

The nature of the services provided by the various departments of the Town of Cape Elizabeth places a high degree of responsibility upon all employees of the Town. Employees' actions have a direct influence upon the quality of service provided. This section is intended to establish consistent guidelines to protect the interests of employees and the Town of Cape Elizabeth, should it become necessary to consider an employee for disciplinary action.

Discipline & Corrective Action

An employee may be given a written reprimand, suspended, demoted, otherwise disciplined or dismissed for cause. Except where immediate action is required, an employee will be given written notice of the proposed discipline and the reasons for it prior to the effective date of such discipline. In the event of an unpaid suspension, demotion or dismissal, an employee will have the opportunity to meet with the Department Head or other supervisor on whose decision the discipline is based to discuss the proposed discipline before the effective date, except in circumstances warranting immediate action; in that case, an employee may first be placed on paid administrative leave. The authority to discipline, demote and discharge shall rest with the Town Manager. The Town Manager may delegate authority to take initial disciplinary action to Department Heads for employees under their supervision. The Town Manager shall report all dismissals to the Town Council.

The Town generally follows the principles of progressive discipline. However, the Department Head or designee has the right to determine the appropriate level of discipline, taking into consideration the incident, the employee's history or responsibility of their position, and any local, state, and federal laws, rules and/or guidelines.

Disciplinary action may consist of the following:

- A. Verbal Warning – A verbal reprimand may be necessary to correct an employee's work performance, minor infractions of departmental rules or regulations, or minor instances of inappropriate employee conduct. The Department Head or designee shall document the verbal warning and forward the documentation to Human Resources for retention in the employee's personnel file. The employee's signature does not acknowledge agreement with the reprimand but only that the employee has reviewed it. The employee may, within five (5) workdays, prepare a written response, which will be attached to the written reprimand placed in the personnel file.
- B. Written Warning – An employee may be given a written warning that will state the nature of the unsatisfactory performance and what improvement is expected. The Department Head or designee shall review the incident with the employee, have the employee sign the written warning, and forward the written warning to Human Resources for retention in the employee's personnel file. The employee's signature does not acknowledge agreement with the reprimand but only that the employee has reviewed it. The employee may, within five (5) workdays, prepare a written response, which will be attached to the written reprimand placed in the personnel file.
- C. Unpaid Suspension – An employee may be suspended without pay when the employee's work performance or misconduct warrants. A record of the suspension shall be included in the employee's personnel file.
- D. Demotion – An employee may be demoted when the employee's work performance or misconduct warrants.
- E. Dismissal – An employee may be dismissed when the employee's work performance or misconduct warrants.

Grievance Procedure

- A. An employee other than a Department Head who is aggrieved by the action of a Department Head under a specific section of the **Town Charter**, or the **Personnel Manual** may file a complaint with the Town Manager. The complaint shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the complaint. The written complaint shall contain a statement of the action about which the employee complains and the section of this chapter that the employee believes has been violated. Decision to demote or dismiss an employee shall not be subject to grievance.
 - (1) The Town Manager shall conduct an informal hearing on the complaint within 15 calendar days of the date it was filed, unless the Town Manager or designee, or the aggrieved employee requests, and both parties agree to an extension of time. The aggrieved employee shall have an opportunity to present their complaint and to question the Department Head and any adverse witnesses. The Town Manager or designee shall render a decision in writing, giving reasons for their decision and making findings of fact, within 10 calendar

days after the hearing concludes. The Town Manager's decision is final and binding.

- B. Department Head appeals. A Department Head who is aggrieved by the action of the Town Manager under a specific section of the **Town Charter** or the Personnel Manual may file an appeal with the Town Council. The appeal shall be filed in writing within 10 calendar days of the time that the employee knew or should have known of the event giving rise to the appeal. The written appeal shall contain a statement of the action being appealed and the section of the **Town Charter** that they believe has been violated. The Town Council shall conduct a hearing within 15 calendar days of the date the grievance was filed, unless the Council requests and the Department Head agrees to an extension of time. The aggrieved Department Head shall have an opportunity to present their position, including the right to present witnesses, and to question the Town Manager and any adverse witnesses. The Council shall render a decision in writing, giving reasons for its decision and making findings of fact, within 10 calendar days after the hearing concludes.
- C. The final written decision in any disciplinary action shall be confidential except to the extent the Freedom of Access law, 1 M.R.S.A. § 401, et seq., requires the decision to be a public record.

6. TECHNOLOGY

6.1 TECHNOLOGY USE

This policy governs the use of the Town's electronic communications and information systems by Town employees, elected officials, and appointees. All communication systems, computer equipment, mobile devices, software issued by the Town to employees, and all information transmitted by or stored in these systems are the property of the Town.

The Town retains control, custody and supervision of all computers and networks owned or leased by the Town. As such, users should have no expectation of privacy in connection with the use of said equipment and/or networks. The Town reserves the right to monitor and remove any hardware, software, data, e-mails, social media content, files or settings on computer systems or devices when deemed appropriate.

Users shall not access messages or information using another employee's password without permission of the Town Manager. Unauthorized duplication, dissemination, removal, installation, alteration of files, passwords, programs, or other property of the Town is prohibited.

Personal Use

The Town understands the occasional need for and will permit incidental use of Town equipment for personal use within the guidelines of this policy. The usage must not

preempt Town business, must not take up an excessive amount of the employee's work time, and must not violate this or any other policy of the Town of Cape Elizabeth.

Users shall not use Town equipment for personal business interests, for profit or non-profit ventures, for political activities related to a Town office, or in any other way that violates a Town policy or directive of the Town Manager or the employee's Department Head. Questions about whether a use is appropriate should be forwarded in writing to the Town Manager for a determination.

Software, Hardware, and Games

All software and hardware required for employees to perform their job will be provided and installed by the Town. Requests for new hardware or software should be made to the employee's Department Head. Games are inappropriate in a business environment and may not be downloaded or played on Town equipment and are prohibited. Downloads, software, or hardware which have not been approved by the Department Head or IT Administrator may compromise the integrity of the Town's systems and are therefore prohibited.

E-Mail

This section relates to both business and personal e-mail sent from and received by a Town computer. The Town provides users with an e-mail address for work-related use. Personal use of the Town's e-mail address is not permitted. A user's personal e-mail shall not be used to conduct Town business. Any transaction of public business over private e-mail may still be subject to the Freedom of Access Act (FOAA). Never transmit an e-mail you would not want made public. Users should not expect privacy in any activity conducted on a Town e-mail. Members of boards and committees should be careful to avoid any deliberation or substantive discussion of board or committee business by e-mail as it may violate Maine's Freedom of Access laws. All e-mails must comply with Town policies. Notwithstanding the Town's right to retrieve and read any message or information sent through or stored on the Town's systems, such messages or information should be treated as confidential by other users and accessed only by the intended recipient. Users should not attempt to gain access to another employee's messages or information unless directed to do so by the Department Head or Town Manager.

Storing and Transferring Documents

Electronic documents, including e-mails, electronic communication and town-related materials should be stored on the Town's network in accordance with state record retention rules. Incidental communication, which is not an official record or transaction of Town business, should be deleted as soon as it is no longer needed. Documents or electronic communications classified as protected or private information under data practices requirements should be stored separately from other files whenever possible or given a unique identifier to help ensure that no confidential communication is erroneously provided upon public request. Any questions regarding whether an electronic communication or other document is a government record for purposes of records

retention laws or is considered protected or private under data practices should be referred to the Department Head or Town Manager. Note that from time to time, the Town Manager or IT Administrator may direct employees to follow certain document storage protocols; these must be followed.

Internet

The following considerations apply to all uses of the Internet whether business or personal.

The Town provides Internet access to users for Town business. Occasional personal use of the Internet is acceptable within the bounds of all Town policies. Users may not at any time access inappropriate sites using Town equipment or systems. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, material advocating intolerance of other people, races or religions, gambling sites, and sites involving any illegal content or activity. This prohibition includes such information accessed through social media sites such as Facebook, X, and Instagram. If they are unsure whether a site may include inappropriate information, they should not visit it. No software or files may be downloaded from the Internet unless approved in advance by the Department Head or Town Manager.

Passwords and Physical Security of Equipment

The IT Administrator is responsible for assigning and maintaining computer passwords. Passwords should not be shared under any circumstances. If it is necessary to access an employee's computer when they are absent, contact the Department Head or Town Manager for permission. Passwords should not be stored near an employee's computer. If possible, log out of their computer whenever they are out of their office, and do not leave Town equipment unattended at any off-site facility.

6.2 SOCIAL MEDIA POLICY

The Town of Cape Elizabeth recognizes that social media can be a valuable way to communicate with members of the community and relay important information to the public. Social media includes websites such as Facebook, X, Bluesky, Instagram, LinkedIn, Snapchat; blogs, and/or any other website where one posts or communicates information in a public or quasi-public online forum (including web based and app based).

Official Town Representatives.

The Town has its own social media presence and only certain, designated employees will be asked to create and/or maintain the Town's social media profiles. An employee may act on behalf of the Town in the social media context only with express authorization from the Town Manager. Any and all content created for or on the Town's social media accounts and systems, and the accounts themselves, are property of the Town. The Town has ultimate discretion over the content posted on its social media accounts and may remove or alter content at any time. This policy also applies to the Town's website and electronic systems.

Use during working hours.

The Town understands that employees are free to create and maintain personal social media profiles during non-work hours and on non-work equipment. Employees generally may not access social media websites for personal use during work time regardless of whether it is on a Town device or a personal device (including but not limited to iPhones, cell phones, iPad, tablets, laptops, or equivalent devices), unless authorized to do so by a supervisor. Social

Media Presence outside of work.

Employees should understand that even when they are engaging in off-duty conduct, including use of social media sites, their actions, words and behavior may reflect upon themselves and the Town. When and if an employee makes any Town-related comment on his/her personal social media, the employee should make it clear that the comment is made in his or her personal capacity and not as a representative of the Town, or on behalf of the Town.

All other policies apply.

The Town expects employees to comply with all applicable employment policies, including the Town's harassment, discrimination, bullying, and confidentiality policies, when using social media. Employees should therefore refrain from making discriminatory, harassing, threatening, violent, abusive or obscene related comments in any way to their employment, or publicizing any confidential information which he/she may have access to due to employment with the Town.

Employees' Rights.

This policy in no way restricts, or should be construed to restrict or inhibit, employees' rights to engage in protected concerted activity, such as discussing wages, hours, or other working conditions, through social media, or other forms of protected free speech, including political speech, as permitted by law.

6.3 ETHICAL USE OF ARTIFICIAL INTELLIGENCE (AI)

To ensure Town employees use AI tools (e.g., generative AI, machine learning, chatbots, decision-support systems) lawfully, ethically, securely, and transparently, consistent with the State of Maine's GENAI Policy and Maine's Freedom of Access Act (FOAA), 1 M.R.S. §§ 401–414.

Who Must Comply

All Town employees, volunteers, contractors, and vendors who use, procure, manage, or are materially affected by AI tools on behalf of the Town.

Core Expectations

- Follow the full AI Policy. Read it, complete the required training, and comply with all procedures.
- Keep a human in the loop. Employees remain responsible for decisions; AI outputs must be reviewed and validated.
- Protect confidential data. Do not enter protected or sensitive information (e.g., Personnel/GA records, attorney-client privileged material) into public or unapproved AI tools.

- Be transparent. Follow required disclosure language when AI interacts with the public or informs high-impact decisions.
- Retain records. Treat prompts, model outputs, logs, and related documentation as public records subject to FOAA and Town/State retention schedules. Direct FOAA requests to the Town Clerk (FOAA Officer).
- Use approved tools only. Moderate or high-risk AI systems require prior review/approval.
- Report issues. Promptly report suspected bias, security incidents, data leakage, or misuse to your supervisor, IT/InfoSec, or the AI Governance Committee.

Quick “Do / Don’t” List

Do

- Sanitize or anonymize data wherever possible.
- Confirm facts, calculations, and legal references independently.
- Follow procurement, contracting, and records retention procedures.

Don’t

- Paste confidential, regulated, or privileged information into public AI tools.
- Allow AI to make or materially influence high-impact decisions without human review and required approvals.
- Use AI to create deceptive content, deepfakes, or discriminatory outcomes.

Approvals & Oversight

- Town Manager and IT Director reviews and approves moderate/high-risk AI systems, sets testing/monitoring standards, and may suspend systems if risks arise.
- IT/Information Security & Legal: Must review procurement, contracts, and security/privacy controls for AI systems.
- Department Heads/System Owners: Ensure compliance, complete risk assessments (e.g., Algorithmic Impact Assessment), provide training, and monitor performance.

Training

Employees who use or supervise AI tools must complete mandatory annual training.

Department Heads must ensure their teams complete any additional training required by the AI Policy.

Records, FOAA, & Retention

AI prompts, outputs, model logs, and related documentation may be public records.

Employees must coordinate FOAA requests with the Town Clerk (FOAA Officer) and follow applicable records retention schedules.

Enforcement

Violations of this section or the full Ethical Use of AI Policy (being created) may result in disciplinary action, up to and including termination, contract termination, restitution, and/or legal action.

Cross-References

- Ethical Use of Artificial Intelligence (AI) Policy (Being created)
- Confidentiality & Records Policies
- Cybersecurity/Information Security Policies
- FOAA / Public Records Policy

- Records Retention Schedules (State of Maine & Town)

SECTION 7: WORK RULES

7.1 WORKWEEK

The Town's workweek begins Sunday at 12:00 a.m. and ends Saturday at 11:59 p.m. The actual workday starting and finishing times may vary from department to department and are to be established by the respective Department Heads, subject to the approval of the Town Manager, and may be changed at any time. The sole consideration for determining the hours shall be the needs of the public and the Town's ability to pay for staff to meet them.

7.3 BREAKS

Daily work breaks for hourly and salary non-exempt paid employees shall be administered in accordance with the following guidelines:

- At a minimum, employees who work six (6) hours or more per day shall be eligible for a thirty (30) minute paid meal break, unless an employee wishes to waive their lunch breaks in writing.
- Employees who work twelve (12) hours or more per day shall be eligible for a thirty (30) minute paid meal break and a thirty (30) minute unpaid meal break.
- Employees who work less than six (6) hours per day shall not be eligible for any paid meal break times.
- Coffee breaks or other brief rest periods and actual break times shall be subject to approval by the Department Head, giving due consideration to the needs of the Town, its customers and other employees. Break times shall be taken so as to minimize any inconvenience to the public and other employees who may require assistance. As such, they are not automatic events to be taken at an employee's discretion.
- Meal breaks that are not paid may be taken away from the workplace if time allows, but all other breaks shall be subject to the discretion of the Department Head.
- Unused break time shall not be accumulated as leave.

7.4 RECORDING TIME WORKED

All non-exempt hourly and salaried employees are required to submit accurate timecards weekly detailing their activities (including absences), which will be reviewed and approved by the Department Head or other supervisory personnel. Employees going on vacation or extended leave should submit timecards in advance.

Timecards are official instruments; altering, falsifying, or in any way tampering with them may result in disciplinary action up to and including termination. Time must be recorded as actual time worked. All employees use the town-approved timekeeping software or approved Town of Cape Elizabeth timesheets. Employees may not allow other employees to complete their timecards.

Exempt Salaried- Exempt salaried employees receive a fixed salary based on their job duties, not on hours worked. Time off must be reported to the payroll department. Upon request, salaried employees must be able to provide records of their hours worked as well as any vacation or sick leave taken.

[7.5 PAY CHECKS](#)

All employees are paid by mandatory direct deposit weekly on Thursdays for the pay period ending the previous Saturday. If Thursday is a holiday, employees will normally be paid on Wednesday of that week.

Payroll deductions and direct deposit shall be authorized in writing by each employee.

The Town follows IRS guidelines and rules for Tax Withholding Forms (Federal W-4 and Maine Withholding). It is the employee's responsibility to determine and elect the appropriate tax withholding from wages.

[7.6. ABSENCES](#)

If employees are unable to work or will be arriving late due to unforeseen circumstances, they must notify their supervisor at least 30 minutes before the start of their workday, absent extenuating circumstances.

Failure to notify the Town of the reason for an absence that exceeds two (2) consecutive work days may be considered a voluntary termination.

If an employee is absent from work or unable to work due to medical reasons, the Town reserves the right to require that the employee presents, prior to returning to work or resuming work, a written statement signed by their health provider (or the Town's designated health care provider) verifying the medical basis of their absence or inability to work and / or that the employee is fit to resume their regular work schedule and duties.

[7.7 TARDINESS](#)

Employees are expected to arrive in time for the start of their workday, and repeated failure to do so may result in disciplinary action up to and including termination.

[7.8 OVERTIME](#)

Overtime for non-exempt employees is calculated on a per-workweek basis and is paid at one and one-half times the employee's regular rate for all hours worked over 40 in that workweek, consistent with federal and state law. To compute an employee's eligibility for overtime, vacation, sick, and holidays are considered hours worked, unless called back into work.

All overtime must be approved and assigned in advance by the appropriate Department Head and working overtime as required is expected of all employees of the Town.

Exempt salaried employees are not eligible for overtime compensation.

[7.9 COMPENSATORY \(COMP\) TIME](#)

With prior agreement, non-exempt employees may accrue compensatory time ("comp time") for hours worked beyond their normal scheduled hours in a workweek. Comp time accrues hour-for-

hour for additional hours that do not exceed 40 total hours in the workweek, and at 1.5 hours per hour for FLSA overtime (hours over 40); if comp time is not elected or available, overtime is paid at time-and-a-half.

The maximum comp time balance is 40 hours; once this cap is reached, additional hours are paid under wage laws (straight time up to 40 hours; time-and-a-half over 40). Comp time is scheduled by the Department Head to meet operational needs and should ordinarily be used in the pay period earned; with a written request, up to 40 hours per calendar year may be used outside the pay period earned. Planned use requires supervisor preapproval, which will not be unreasonably denied.

7.10 ACTING CAPACITY

Acting pay may be awarded to a non-union staff member who has temporarily assumed significant responsibilities of a higher level job. These responsibilities are usually performed in addition to a staff member's primary duties.

7.11 FLEXIBLE SCHEDULES

Salaried employees who are exempt employees and not entitled to overtime pay shall accomplish the work assigned to the position regardless of the hours required to do the work, within reason. Consequently, salaried exempt employees are generally afforded greater flexibility and discretion in their hours of work. Salaried exempt employees who find they are consistently working more than 40 hours per week should notify their supervisor to review their workload.

Subject to advance Department Head approval, a non-exempt employee may "flex" their time within a single workweek when it will not adversely impact service to citizens or create a burden for other employees. Flexing time has the advantage of enabling employees to avoid exceeding the number of hours budgeted for the position or incurring overtime. For example, working late one day and leaving early later in the same workweek. Hours shall not be flexed over a two-week period.

It is the responsibility of each Department Head to ensure that the department's work hours are adhered to by all employees and to review employee job duties as needed to ensure employee workloads are reasonable and distributed as evenly as possible.

7.12 CELL PHONE AND PERSONAL ELECTRONIC DEVICES

This policy outlines the appropriate use of provided or personal cellular phones and other personal electronic devices while at work and the safe use of cellular phones while operating Town vehicles and equipment.

The use of handheld cellular telephones, including text messaging, while operating a Town vehicle or equipment is prohibited. The use of hands-free cellular phones is not in violation of this policy unless otherwise prohibited by law.

Although we allow employees to bring their personal cell phones and other personal electronic devices to work, we expect employees to keep personal phone calls, text messages, and emails to a minimum. While occasional, brief phone calls are acceptable, using social media and making frequent or lengthy personal calls and texts while working can affect productivity and disturb

others. For this reason, employees should silence cell phone ringtones when working in shared spaces and should avoid using cell phones in the presence of the public and coworkers (phone usage for work purposes is an exception). Employees are expected to plan cell phone use to coincide with non-work time, such as breaks.

Text messaging is a convenient and valuable business tool when used properly. As with sending e-mails, however, employees are expected to use discretion and good judgment when sending text messages. As with email and other documents related to Town business, text messages may be subject to Maine's Freedom of Access Act (FOAA). Sending text messages of a confidential or inappropriate nature should be avoided. If non-exempt employees respond to texts, emails, or calls outside of regular working hours, their time must be compensated.

Employees who willfully violate this policy are subject to disciplinary action for flagrant or continuous non-compliance to include having cellular phone or personal electronic device privileges revoked while working. Use of a cell phone or personal electronic device for work related activities outside of normal work hours may be considered time worked. Employees who wish to access work email or who receive a cell phone allowance should consult with their managers regarding the nature of work performed on their cell phone.

[See Appendix B for the Town Reimbursement Policy.](#)

[7.13 PROFESSIONAL APPEARANCE AND DRESS CODE](#)

All employees must present a professional image that supports safety, productivity, and public trust, while allowing reasonable flexibility for job-specific needs and legally protected accommodations.

Employees must maintain good personal hygiene and wear attire and footwear that are neat, clean, safe, and appropriate for:

- The work being performed;
- The setting in which the work is performed; and
- Reasonable professional norms for municipal service.

Natural and artificial scents must be minimized to maintain a well-functioning, inclusive workplace.

[SECTION 8: LICENSING, EDUCATION, AND TRAINING](#)

The Town of Cape Elizabeth strives to support employee competence, compliance, and professional growth in a way that benefits the Town and the public. This applies to all Town of Cape Elizabeth employees unless a collective bargaining agreement (CBA) provides otherwise. Where a CBA conflicts, the CBA governs.

[8.1. LICENSES AND CERTIFICATIONS \(REQUIRED FOR THE JOB\)](#)

1. Maintenance & File Copy- Employees whose positions require a license or certification must keep it current and on file with the Department Head. Employees must notify their

Department Head in writing at least 30 days before an expected lapse, renewal, or change in status.

2. Town Support- With prior approval and subject to budget, the Town pays costs reasonably necessary to maintain required licenses/certifications (e.g., renewal fees and mandatory continuing education).
3. Compliance- Failure to maintain required credentials may affect assignment, pay eligibility, and employment status, up to and including discipline per Town policy.

8.2. TRAINING PLANS & REQUIRED TRAINING

1. Annual Training Plan- ~~As part of the annual performance evaluation, each Supervisor and employee will identify a training plan addressing technical skills, safety, compliance, and development needs tied to job duties and service goals.~~
2. Work Time & Pay- The Town provides release time for training that it requires. Required training outside an employee's normal schedule will be paid time (or comp time for eligible employees), administered in accordance with the Fair Labor Standards Act (FLSA) and Town overtime/comp-time policies.
3. Town-Funded Costs- Fees and reasonable expenses for required training are paid by the Town, subject to pre-approval and budget.

8.3. OPTIONAL/EMPLOYEE-INITIATED EDUCATION & TRAINING (JOB-RELATED)

Eligibility- Regular employees may request Town support for training or education that is not mandated but is directly job-related and provides a clear, immediate benefit to the Town.

Pre-Approval- Submit a request to the Department Head before enrollment (program/course description, dates, costs, and the job-related benefit). Department Heads may approve within budgeted authority; the Town Manager approves requests that exceed department authority or involve out-of-state travel.

Time Status- Time spent on optional training is not compensable unless expressly approved as work time in advance.

Reimbursement – Track 1 (Non-credit courses, seminars, and job-related training).

- Annual cap up to \$500 for tuition/registration and required materials.
- Reimbursed upon proof of completion/attendance (or a passing standard if applicable).

Reimbursement – Track 2 (Credit-bearing coursework).

- Credit-bearing coursework (degree, certificate, or credit course directly related to the current role or a foreseeable Town need) reimbursed at no more than the University of Southern Maine resident per-credit rate for comparable level courses, up to 15 credit hours per fiscal year.
- Minimum grade of “C” or “Pass” required for reimbursement.
- Written approval from the supervisor and Town Manager is required prior to course start.

Funding Limits & Taxes: Approval is contingent on available budget. Reimbursements are administered in accordance with applicable tax law.

No Automatic Advancement: Completion of optional training does not, by itself, entitle an employee to a pay increase, reclassification, or promotion.

Repayment Obligation (12-Month, prorated; Track 2 only): Employees who voluntarily separate from Town employment within 12 months after receiving reimbursement for credit-bearing coursework must repay 50% of the reimbursed amount, unless waived by the Town Manager for good cause. Repayment is not required when separation is due to layoff/position elimination, documented medical inability to work, military orders, or other non-disciplinary, Town-initiated separations.

8.4. CONFERENCES AND TRAVEL

Attendance at out-of-state conferences must be authorized by the Town Manager, subject to budget, travel procedures, and any conditions set at approval (e.g., cost caps, post-conference reporting).

8.5. DOCUMENTATION & RECORDS

Employees must submit proof of completion (grade reports, certificates, CEU records, licenses) within 30 days of course completion for reimbursement and records retention. Departments forward credential updates to the Town Manager's Office file.

8.6. ADMINISTRATION & EXCEPTIONS

Department Heads administer this policy within their areas and ensure consistent application. The Town Manager may approve reasonable exceptions when in the Town's best interest.

SECTION 9: EMPLOYEE LEAVE

9.1 OVERVIEW

Employees are responsible for planning and managing their leave time (e.g., vacations, appointments, personal matters) and should retain some time for unexpected events (e.g., illness, emergencies).

Accrual during extended absences: Except for military leave, employees who are out of work more than twelve (12) weeks annually and have exhausted vacation and sick leave will stop accruing vacation, sick leave, and holiday pay until they return to work.

Collective bargaining: If any provision in this handbook conflicts with a collective bargaining agreement, the collective bargaining agreement governs.

9.2 HOLIDAYS

The Town observes the following paid holidays:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (3rd Monday in January)
- Presidents' Day (3rd Monday in February)

- Patriots' Day (3rd Monday in April)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4)
- Labor Day (1st Monday in September)
- Indigenous Peoples' Day (2nd Monday in October)
- Veterans Day (November 11)
- Thanksgiving Day (4th Thursday in November)
- Day after Thanksgiving
- Christmas Eve (½ day, December 24)
- Christmas Day (December 25)
- New Year's Eve (1/2 day, December 31st)

Eligibility and pay- Holiday pay begins on the first day of employment for full-time employees and for part-time employees regularly scheduled for fifteen (15) or more hours per week. **Holiday pay is provided only when the holiday falls on the employee's regularly scheduled workday, in the amount of the hours the employee is scheduled to work that day. Employees who are not scheduled to work on the holiday will receive a floating holiday of equivalent hours, which must be used within the week before or after the holiday. Use of floating holiday time is subject to approval by the employee's department head.** The half day Christmas Eve and New Year's Eve holiday are to be observed only when the actual Christmas Day and New Year's Day holiday falls on Tuesday, Wednesday, Thursday, Friday, or Saturday and the employee is scheduled to work. Part-time employees not scheduled to work on the holiday are not paid for the holiday.

Working on a holiday (hourly employees). Hourly employees required to work on a Town holiday are paid time-and-one-half for all hours worked on a holiday.

ADD EPL STATEMENT? Add 9.3 - EPL

9.3 VACATION

Accrual (full-time, 40-hour equivalent). Vacation is earned from the first day of employment as follows:

Service Period	Hours/Year	Accrual (Hours/Week)
Hire date through 5th anniversary	96	1.84
5th through 14th anniversary	136	2.61
14th through 19th anniversary	176	3.38
19th anniversary and beyond	192	3.70

*Regular part-time employees accrue vacation on a pro-rata basis (hours worked ÷ 40).

Use and scheduling. Vacation may be taken only as accrued and requires prior approval by the Department Head (Town Manager for Department Heads). Vacation may be used if sick leave is

depleted or for other emergencies not otherwise covered. If an employee becomes ill during an approved vacation, the Town may, at its discretion, allow reclassification of the affected time to sick leave with appropriate documentation. If a holiday occurs during an approved vacation, it is not charged as vacation.

Carryover- Up to ten (80) Hours may be carried into the next calendar year. Any additional carryover requires Department Head and Town Manager approval and a documented plan to use the excess time.

Limits during Workers' Compensation- Vacation does not accrue after one (1) year of continuous absence due to a Workers' Compensation injury.

Payout at separation- Accrued, unused vacation is paid to an employee minus any outstanding debts at separation or to the employee's beneficiary/estate upon death.

For compliance purposes, the first forty (40) hours of **earned accruals** used each year are designated as [MEPL](#) for all Employees.

[9.5 SICK LEAVE & FAMILY SICK LEAVE](#)

Accrual- Regular employees accrue sick leave at one 8 hours per calendar month, up to 1,120 hours maximum. Regular part-time employees accrue on a pro-rata basis. Temporary, On-Call, Variable Hour Part Time, Per Diem, Seasonal, Contract, and Interns are not eligible to accrue sick time, unless otherwise defined in a CBA or Contract.

Permitted uses- Personal illness or injury; medical appointments; qualifying Family and Medical Leave; approved Family Sick Leave. Sick leave is charged consistent with the employee's regular schedule. Absence on paid sick leave does not break service.

Stay-home requirement (contagious illness)- Employees must not report to work when they are ill in a way that could endanger their health or that of others. Employees should stay home (or leave work, with supervisor approval) if they have symptoms reasonably consistent with a contagious illness. If an employee comes to work ill or becomes ill while at work, the supervisor should send the employee home. Employees will use their accruals for this time, and if none available, it will be unpaid.

Family Sick Leave- Employees may use accrued sick, vacation, or compensatory time to care for a child, spouse, or parent who is ill. Employees may choose which paid leave to apply.

Documentation- The Town Manager or Department Head may require a doctor's note or other reliable medical evidence to support use or continuation of sick or family sick leave.

Sick leave payout at separation (good standing)- After ten (10) years of service: one-third ($\frac{1}{3}$) of accrued sick leave, up to forty (40) days, at final base rate. After fifteen (15) years of service: one-half ($\frac{1}{2}$) of accrued sick leave, up to sixty (60) days, at final base rate.

[9.6 BEREAVEMENT LEAVE](#)

Paid bereavement leave is granted as follows:

- Up to five (5) days for the death of a spouse, domestic partner, child, parent, stepparent, stepchild, child of a domestic partner, sibling, or any individual residing in the same household as the employee.
- Up to three (3) days for the death of a grandparent, grandchild, or in-laws (mother-, father-, sister-, or brother-in-law)
- One (1) day to attend the funeral of an aunt, uncle, niece, nephew, or first cousin.

The Town Manager may approve additional leave in unusual circumstances. Part-time employees scheduled fifteen (15) or more hours per week on a year-round basis receive bereavement leave on a pro-rata basis. Proof of death may be required, may be taken within one year following the death.

9.7 JURY DUTY

Regular full-time and part-time employees called to jury duty receive full pay and benefits during the service period. Employees must remit to the Town any reimbursements, excluding mileage reimbursements, received from the court and report to work if released during their regular work hours.

9.8 MILITARY LEAVE (USERRA)

The Town complies with all federal and state military leave requirements. Employees must provide as much advance notice as possible and furnish orders showing the start and end dates of training or service.

Paid differential. Full-time employees receive the difference between their regular base pay and military pay for up to two (2) weeks / ten (10) workdays per calendar year. Eligible part-time employees receive a pro-rata differential. Employees returning from military leave are reinstated in accordance with law.

9.10 EMERGENCY CLOSINGS

The Town does not typically close for inclement weather, power failures, or other emergencies. Employees who believe remaining at work presents a safety risk may, with supervisor approval, use available paid leave to leave or remain home.

When extreme conditions require closing during posted business hours, the Town Manager (or designee) will determine closure times and identify essential positions required to work. Employees who do not have the ability to work remotely will be paid for authorized closure time and will not be required to use paid leave for hours scheduled during the closure. Pre-approved paid leave remains charged as scheduled.

SECTION 10: HEALTH & SAFETY

The Town is committed to a safe, healthy, and respectful workplace for employees and the public we serve. The Town maintains a workplace health and safety program in compliance with the Occupational Safety and Health Act (OSHA) and the Maine Department of Labor, Bureau of Labor Standards (BLS), as applicable to Town operations. This policy applies to all employees (regular, part-time, seasonal, temporary, per diem, and contracted personnel working on Town premises or on behalf of the Town). Questions or safety concerns should be directed to a supervisor, a safety committee member, or the Town Manager.

10.1 ROLES & RESPONSIBILITIES

Town/Department Leadership

- Provide and maintain safe workplaces, equipment, and procedures; ensure compliance with OSHA/Maine BLS and applicable fire/life-safety codes.
- Establish department-specific safety rules and required personal protective equipment (PPE).
- Ensure employees receive required safety training and refresher training; documenting attendance.
- Promptly correct identified hazards and investigate incidents through the Town's post-injury response program.
- Conduct regular safety inspections/appraisals and participate in the Town safety committee.

Supervisors

- Model safe work practices; reinforce safety expectations.
- Orient employees to job-specific hazards, PPE, emergency routes/equipment, and reporting procedures.
- Verify employees use required PPE and follow lockout/tagout, confined space, and other applicable safety procedures.
- Take immediate corrective action when unsafe conditions or behaviors are observed.

Employees

- Work safely, follow Town and department safety procedures, and use required PPE as instructed.
- Keep work areas orderly and free of fire and trip hazards ("good housekeeping").
- Report hazards, near-misses, injuries, illnesses, or unsafe practices immediately to a supervisor, safety committee member, or the Town Manager without fear of retaliation.
- Maintain Town-issued safety gear in clean, sanitary, serviceable condition and request replacement when worn or damaged.

Non-Retaliation: Employees who in good faith report hazards, injuries, or safety concerns or who participate in an investigation are protected from retaliation.

10.2 SAFETY TRAINING & COMPLIANCE

Attendance at Town-required safety training is mandatory. Failure to follow safety rules or to attend required training may result in corrective or disciplinary action, up to and including termination.

10.3 WORKERS' COMPENSATION

A. Reporting & Immediate Care

Emergency care- If immediate medical attention is needed, the employee will be transported to the nearest appropriate clinic or hospital emergency department.

Designated provider - For follow-up after an ER/clinic visit or for any workplace injury/illness, the Town may refer the employee to the Town's designated health-care provider. Scheduling will be handled by the Town **within ten days** at no cost to the employee. (This does not prevent the employee from seeing their own provider at their own cost, including through their health insurance.)

Incident reporting (24 hours)- All work-related injuries/illnesses no matter how minor must be reported to the supervisor as soon as possible and within 24 hours.

Internal Report of Injury (48 hours)- The injured employee completes the Town's Internal Report of Injury; the supervisor signs it and forwards it to the Town Manager within 48 hours. Witness names must be included.

Provider report (M-1)- After each medical visit, the employee must provide an M-1 Report (completed by the treating provider) to their supervisor.

B. Wage Replacement & Supplemental Pay

Waiting period- Maine Workers' Compensation has a seven (7)-day waiting period from the date of incapacity. The Town will typically compensate for the first week of absence (waiting period) due to a compensable injury/illness.

C. Leave Coordination, Benefits & Accruals

FMLA concurrency- If eligible, Workers' Compensation absences run concurrently with federal FMLA, Maine Unpaid Family Medical Leave., and Paid Family Medical Leave.

Health insurance premiums- Group health coverage continues on the same terms as active employment; employees must pay their employee share of premiums. If on paid status (Vacation/Sick/Comp time supplement), premiums are payroll-deducted; otherwise, employees must arrange direct payment with the Town.

Accruals. Sick and holiday accruals do not continue beyond twelve (12) weeks of leave, consistent with [Section 9.1 \(Accrual during extended absences\)](#) and [Section 9.8 \(Benefits and accruals\)](#).

Vacation limits during WC- Vacation does not accrue after one (1) year of continuous absence due to a Workers' Compensation injury. [See Section 9.3 \(Limits during Workers' Compensation\)](#).

Participation in the Maine Public Employees Retirement System (MainePERS). While receiving workers' compensation benefits, those employees who participate in MainePERS may request a bill from MainePERS to pay their MainePERS contributions based on the wages portion of the benefits received. If an employee does not pay the applicable contributions, the employee will not receive any service credit associated with the workers' compensation earnings for that period.

E. Modified-Duty / Return-to-Work

Modified-Duty objective- Where operationally feasible, modified, short-term, or early return-to-work assignments (“Modified-Duty”) will be offered as a positive means of rehabilitation following a compensable injury/illness. Any Modified-Duty assignment must align with documented medical restrictions.

Identification of work- The Town Manager and the employee’s supervisor will review restrictions and first look for suitable tasks within the employee’s department; if none exist, they may look elsewhere in Town operations. If no Modified-Duty is available, the employee remains off work until such work is available, restrictions change, or full duty is possible. The Town Manager (or designee) will notify the employee regarding availability.

Duration- Modified-Duty is generally limited to thirty (30) working days and may be extended at the Town Manager’s discretion based on medical evidence and rehabilitative progress; extensions are reviewed weekly.

Fitness-for-duty- Before returning to full duty, employees must provide medical documentation confirming their ability to perform essential job functions, with or without reasonable accommodation, and specifying any restrictions/limitations.

Compliance- An employee who

(a) fails to return to work promptly after being released fit for duty, or

(b) violates medical restrictions while working for another employer during Workers’ Compensation, Paid Family Medical Leave, or Short-Term Disability leave, may be subject to discipline, up to and including discharge.

10.4 FIRE SAFETY & EMERGENCY PREPAREDNESS

- Maintain clear egress routes; keep areas free of accumulations that could create fire hazards.
- Store flammables and other regulated materials in approved containers/locations per code and department procedures.
- Fire extinguishers are located in marked areas and inspected monthly; certification occurs annually. Supervisors must show employees extinguisher locations, exits, assembly points, and basic use, and ensure prompt reporting of any fire.
- Follow department emergency action plans (EAP), including evacuation, severe weather, active threat, and communications procedures.

10.5 PERSONAL PROTECTIVE EQUIPMENT (PPE)

Employees must wear and use Town-provided PPE and protective clothing when required by policy, training, signage, or supervisor instruction. Keep PPE serviceable and sanitary; request replacements when worn or damaged. Do not bypass or disable safety devices.

10.6 Fitness for Duty Requirement

The Town Manager or a Department Head in consultation with Human Resources may require a medical examination or other assessment if they have reason to believe the physical or mental condition of an employee is affecting the employee's ability to perform the duties of their position safely. Such examination will be with a medical provider designated by the Town at no cost to the employee. If the employee is currently working, the employee may be put on paid administrative leave pending the completion of the medical provider's report. An examination under this section is limited to whether the employee remains capable of performing the essential functions of their position, with or without reasonable accommodation, and without threatening the safety of the employee or the safety of others, and with regard to the employee's job description. If, as a result of the examination and/or assessment, the Department Head or Town Manager concludes that the employee cannot perform the duties of the position, with or without reasonable accommodation, or cannot perform them safely, the Town shall take appropriate action, which may include meeting with the employee to discuss options, a transfer to another position or duties, if one is available, a leave of absence, termination or retirement. Other medical examinations or monitoring in conformity with state or federal mandates may be required.

10.7 Pregnant Workers Fairness Act and Workplace Lactation Policy

The Town of Cape Elizabeth is committed to providing reasonable accommodations to qualified employees or applicants who have known limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the Town an undue hardship. If an employee feels they may require a reasonable accommodation pursuant to the Pregnant Workers Fairness Act in connection with a known limitation, please contact the Labor and Employee Relations Manager, or in their absence, the Town Manager, in order for the Town to review this request and/or engage in the interactive process.

In addition, the Town supports mothers to express breastmilk or breastfeed their nursing child in compliance with the Maine's Law (26 M.R.S.A. § 604), Nursing Mothers in the Workplace, and the Federal PUMP Act (Providing Urgent Maternal Protections for Nursing Mothers Act).

We encourage employees and management to have a positive, accepting attitude toward working women who are expressing breastmilk or breastfeeding their nursing child. We support employees who are expressing breastmilk or breastfeeding their nursing child when they return to work.

It shall be the policy of the Town of Cape Elizabeth to provide:

- **Time to Express Milk or Breastfeed**

Employees will be provided adequate break time to express breastmilk or to breastfeed their child for up to three years following the child's birth. The Town will allow flexibility in the employee's schedule with time to express milk or breastfeed. The time needed beyond will be negotiated between the employee and their supervisor.

- **A Place to Express Milk or Breastfeed (Lactation Room)**

Employees will be provided with a clean room or other location, which is not a toilet stall or bathroom, where an employee may express breastmilk or breastfeed their child in privacy. The Town shall work with mothers and their supervisors to determine a secure and private area for this purpose.

The Lactation Room will be:

- Private
 - Equipped with an electrical outlet
 - In close proximity to the employee's work area when possible
 - Furnished with comfortable seating and a flat surface for pumping equipment
 - Well lit
 - Comfortable temperature
- **Atmosphere of Tolerance**

Discrimination and harassment of employees that are expressing milk or breastfeeding their nursing child in any form is unacceptable and will not be tolerated.

- **Communication**

Information about breastfeeding support after returning to work shall be provided to employees prior to their maternity leave.

[10.9 COMMUNICABLE DISEASE & PUBLIC HEALTH](#)

Employees who have or become aware of conditions that could present a significant risk to coworkers or the public must promptly notify their supervisor or the Town Manager's Office. The Town may require written clearance from a healthcare provider specifying any work restrictions. Medical information will be kept confidential to the extent permitted by law. Employees should follow Town public-health protocols (e.g., exclusion from work when ill, infection-control practices, and any applicable federal/state/local guidance).

[10.10 TOBACCO-FREE WORKPLACE \(INCLUDING VAPING\)](#)

The Town maintains a tobacco-free environment in all municipal buildings and vehicles. Use of tobacco products including cigarettes, cigars, pipes, chewing tobacco, e-cigarettes and vaping devices is prohibited inside Town facilities and vehicles and within 20 feet of entrances, exits, and vents. Employees may use regular breaks for tobacco use only in designated outdoor areas and are not entitled to additional breaks. Dispose of tobacco waste properly. Violations may result in discipline.

[10.11 DRUG & ALCOHOL](#)

General Standard: Employees must report to work fit for duty and remain fit throughout the workday. The use, possession, sale, distribution, or manufacture of illegal drugs or alcohol on Town property, at Town worksites, or while conducting Town business is prohibited.

- Impairing medications: Employees using prescription or over-the-counter medications that may impair performance or safety must consult their healthcare provider/pharmacist and

inform their supervisor if work restrictions or reassignment may be necessary. The Town may require medical verification of fitness.

- DOT-covered/safety-sensitive positions: Employees in positions subject to U.S. Department of Transportation regulations are required to submit to testing (pre-employment, random, reasonable suspicion, post-accident, return-to-duty, and follow-up) as a condition of employment. Alcohol use is prohibited within four (4) hours of performing safety-sensitive duties.
- Reasonable suspicion/post-incident: Employees reasonably suspected of being impaired will be removed from duty and may be required to undergo testing consistent with applicable policies and law.
- Consequences: Violations are subject to discipline up to and including termination, consistent with applicable policies and collective bargaining agreements.

Substance Use Testing (DOT): CDL/safety-sensitive testing is governed by [Appendix D: Alcohol & Controlled Substance Abuse Testing Procedure](#) and 49 CFR Parts 40 and 382. If there is any inconsistency, Appendix D and the cited federal regulations control.

10.12 WORKPLACE VIOLENCE PREVENTION

Violence, threats, intimidation, harassment, sabotage, or behavior that suggests a propensity for violence is strictly prohibited on Town property, in Town vehicles, at Town-sponsored events, or while conducting Town business.

- Report immediately: If there is imminent danger, call 911, then notify the Town Manager's Office when safe to do so. Report restraining/protection orders that may affect workplace safety.
- Response & confidentiality: The Town will promptly investigate and take appropriate corrective action, while maintaining confidentiality to the extent possible and consistent with safety and legal requirements. Retaliation for reporting is prohibited.
- Measures: Responses may include removal from the workplace, security measures, reassignment, counseling, leave, and disciplinary action up to and including termination.

10.13 WEAPONS IN THE WORKPLACE

Except as required by official duties, employees may not possess, carry, conceal, display, use, or threaten to use any weapon in Town buildings, on Town property, in Town vehicles, or while conducting Town business.

- Personal vehicles: Employees may store a lawful weapon in a personal vehicle on Town property only if it is not visible from outside the vehicle, is properly secured in accordance with Maine law, and the vehicle is locked.
- Definition: "Weapons" include firearms and ammunition; knives with blades longer than four inches and prohibited/spring-assisted knives; explosives; stun guns/tasers; bows/crossbows; and other objects reasonably perceived as capable of causing harm.
- Consequences: Violations may result in disciplinary action, up to and including termination.

10.14 SEARCH OF PROPERTY

There are times when the Town must have access to items and space used by employees, and to items which employees may bring onto Town property. It may be as simple as retrieving a file from a vacationing employee's desk or as significant as determining the presence of illegal substances or weapons violations.

Although provided for the employee, all spaces and items remain the Town's property, and management personnel or their agents may inspect them and anything in them at any time, with or without notice. Employees have no expectation of privacy regarding any Town property. While it is preferable that the employee is present for the search, it is not required.

10.15 VIDEO/SECURITY SURVEILLANCE IN THE WORKPLACE

Subject to applicable laws, the Town of Cape Elizabeth reserves the right to install security surveillance cameras for security or safety purposes in work-related areas and global positioning system tracking or other safety devices, including security surveillance cameras, on Town-owned vehicles. Reasons may include, for example, employee safety and security, theft protection, protection of Town property, and related operational purposes.

Employees should not have an expectation of privacy in work areas or work-related areas. Video surveillance cameras are never used in areas where employees would have a reasonable expectation of privacy, such as restrooms or locker rooms. Employee privacy in such areas will be respected to the extent possible.

The primary purpose of the video surveillance system is to allow the after-the-fact investigation of incidents at or with Town property. The Town is responsible for the management of all video surveillance systems used at their locations. The Town Manager or his/her designee is authorized to review footage, which is retained for 90 days, and footage is used only for legitimate business purposes such as safety, security, and related operational purposes. Approved outside contractors may be utilized to assist in technical implementation. Video surveillance installed without the knowledge and approval of the Town is prohibited.

Recorded video is the Town's property and is not made directly available to the Town's employees. The National Labor Relations Act ("NLRA") protects an employee's right to discuss the terms and conditions of their employment with their fellow employees and management. This policy must not be interpreted as infringing upon rights under the NLRA or any other right accorded employees under the NLRA. The Town will implement this policy in a manner that does not violate any rights afforded employees under the NLRA. Please contact the Town Manager if you have questions about this policy.

[10.15 ENFORCEMENT & DISCIPLINE](#)

Compliance with Town safety rules, OSHA/Maine BLS standards, and department procedures is a condition of employment. Violations may result in corrective or disciplinary action, up to and including termination, consistent with Town policy, collective bargaining agreements, and due process requirements.

[SECTION 11: BENEFITS](#)

[11.1 MEDICAL INSURANCE](#)

Selection of an insurance provider and funding of health insurance premiums are determined by Town Council and may change with appropriate notice to employees. Details for the current plan can be found in the Human Resources Department.

Full-time and regular part-time employees working 30 or more hours a week and their families are eligible to participate. An employee must apply for coverage as coverage is not automatic. Regular part-time employees working a regular year-round schedule of at least 20 hours per week, but less than 30 hours per week, pay a pro-rated amount of the premium based on their weekly schedule.

The Town pays 90% of the cost of the premium for those with single coverage. The Town pays 80% of the cost of the premium for those with dependent coverage.

Elections are binding for the plan year unless, during the year, the employee has a qualifying life event.

[11.2 HEALTH INSURANCE BUY-OUT](#)

If a full-time regular employee has eligible health insurance coverage outside the Town of Cape Elizabeth, the Town shall pay a weekly stipend to the employee. This stipend will be considered income for tax purposes but not for base wage retirement calculations. The employee must show proof of said coverage a minimum of once per year and at other times as requested. Employees covered under a Cape Elizabeth School Department plan are not eligible for this benefit.

Eligibility for Coverage	Coverage Selected by Employee	In-Lieu of Payment (Per Bi-Weekly Paycheck)
Eligible for more than single coverage	Elects single coverage	120.00
Eligible for more than single coverage	Elects no coverage	120.00
Eligible for full family coverage	Elects no coverage	250.00
Eligible for full family coverage	Elects employee and children coverage	90.00

[11.3 DENTAL AND VISION INSURANCE](#)

The Town will provide a vision and dental plan for employees. The Employee pays 100% of the premiums. Contributions will be communicated during open enrollment annually.

[11.4 MEDICAL BENEFITS CONTINUATION \(COBRA\)](#)

Federal law (COBRA) gives employees an opportunity to continue health insurance under the Town's plan when a "qualifying" event would normally result in loss of coverage.

11.5 INCOME PROTECTION, LIFE INSURANCE AND AD&D

The Town will provide an income protection, life insurance and AD&D plan for employees. The Employee pays 100% of the premiums.

Employees who elect health insurance coverage through MMEHT receive life insurance equal to one (1) times their annual salary.

Employees are eligible to participate in the MainePERS Group Life Insurance and Group Accidental Death and Dismemberment Plan. Coverage is effective on the first day of the next month after employment commences provided the insurance carrier has accepted the enrollment. The Plan is offered through MainePERS separate from retirement plan membership.

11.7 FLEXIBLE SPENDING ACCOUNT

The Town currently offers payroll deductions to regular full-time employees to fund a flexible spending account. This account provides a way for employees to set money aside on a pre-tax basis for medical expenses and for dependent care. Medical expense reimbursement accounts are limited to the maximum permitted under federal law. Dependent care reimbursement accounts are limited to the maximum allowed by federal law per calendar year per family. The enrollment period for this program occurs once annually or on the initial hire date. Employees fund this account at 100%.

11.8 WELLNESS BENEFIT

The Town shall contribute up to three hundred fifty dollars (\$350) per fiscal year per regular full-time employee as a reimbursement towards expenditures that promote their health, wellness and fitness. Reimbursable items include the purchase of a health club membership or durable fitness equipment, athletic shoes/footwear, as well as yoga or other fitness classes, consultations or services provided by a licensed wellness professional, including nutrition, acupuncture, massage, weight loss, tobacco cessation, etc. (Other programs not enumerated here may also be allowed with prior permission from the Town Manager.) Clothing (except for athletic shoes/footwear) and food are not reimbursable. In the event this type of benefit becomes available within the Town-sponsored health insurance plan, this benefit would be available only to employees who do not participate in the health insurance plan. Employees with a comparable benefit within a CBA are not eligible.

11.9 RETIREMENT

The Town supports employees in preparing for retirement through the following programs (subject to each plan's eligibility rules and governing documents):

- Social Security (FICA)- The Town contributes to Social Security for all employees.

- **MainePERS – Defined Benefit (Law Enforcement Only)**- Eligible law-enforcement employees may elect to participate in the Maine Public Employees Retirement System (MainePERS) defined benefit plan. Employee contributions are required, and the Town also contributes. This is a one-time, irrevocable election that must be made within 30 days of hire; once the decision is made, employees cannot opt in or opt out later.
- **MissionSquare 401(a) – Defined Contribution**- For employees not participating in MainePERS, the Town sponsors a MissionSquare 401(a) plan with up to a 9% employer contribution. Regular part-time employees who work 15 or more hours per week on a year-round basis are eligible for this program (in addition to eligible full-time staff).
- **Section 457(b) Deferred Compensation**. A voluntary retirement savings plan available to all eligible employees at any time. Contributions are 100% employee-funded via payroll deduction.

Notes: Plan eligibility, contribution rates, vesting, and other terms are controlled by the applicable Summary Plan Descriptions (SPDs), collective bargaining agreements, and plan/provider documents. Where there is any conflict, those documents govern. If you have questions about your options or deadlines, contact the Human Resources Department.

[11.10 WORKERS' COMPENSATION](#)

The Town of Cape Elizabeth provides Workers' Compensation insurance in accordance with Maine law for all employees, effective upon employment.

[11.12 EMPLOYEE ASSISTANCE PROGRAM \(EAP\)](#)

The Town will provide confidential and voluntary assistance through its Employee Assistance Program (EAP) offered through Maine Municipal Employee Health Trust to all employees and their family members who may be faced with challenges of financial concerns, legal issues, alcohol or drug problems, marital problems, illness of a family member, emotional worries, childcare problems, etc. For the welfare of employees as well as for effective business operations, the Town encourages its employees to take advantage of this valuable benefit. Getting support is simple and quick! Simply call **1-800-647-9151** or go to www.anthemep.com, choose *Login* in the *Members* box and enter "MMEHT".

APPENDIX A - ACKNOWLEDGMENT FORM

Employees are required to review the Employee Handbook and return this form within 10 days of hire.

As an employee of the Town of Cape Elizabeth, I understand and/or agree that:

☐ I have received The Town of Cape Elizabeth Handbook and have reviewed it, understood it, and have had the opportunity to ask any questions I have about it and any of the policies and procedures contained in it, and I will comply with The Town of Cape Elizabeth Handbook to the best of my ability.

☐ The statements contained in the Handbook are intended to serve as general information concerning my employment with the Town of Cape Elizabeth and its existing policies, procedures, practices of employment and employee benefits. I understand that nothing contained in this Handbook is intended to create (nor shall be construed as creating) a contract of employment (express or implied) or guarantee employment for a definite or indefinite term.

☐ No statement or representation by a supervisor or manager or any other employee, whether oral or written, can change or replace portions of this Handbook, even if they expressly refer to the Handbook. Changes can only be made if approved in writing by the Town Manager.

☐ I also understand that if the Town of Cape Elizabeth does not enforce some of the policies in this Handbook immediately, or at all, in any given instance, it does not mean that the Handbook no longer applies. Nor does it mean that the Town of Cape Elizabeth gives up the right to follow and enforce the policies in the future.

☐ From time to time the Town of Cape Elizabeth may interpret, change, suspend, cancel, or deviate from, all or any part of its policies, procedures, and benefits described in this Handbook.

Employee Name: _____

Employee Signature: _____

Date: _____

APPENDIX B: TOWN REIMBURSEMENT POLICY

WORK RELATED TRAVEL AND TRAINING Employees required to travel on business for the Town are reimbursed for expenses incurred for travel according to this policy. Town employees on official business, out of town for the Town, with prior approval of the Town Manager or their designee, shall be paid at the amounts set by the **Town's Reimbursement Policy** for meals (with no reimbursement for alcohol) and lodging. Eligible mileage reimbursement will be granted at the prevailing IRS rate per mile if using personal vehicles. Receipts are required for all travel expenditures and must be submitted within five (5) workdays upon the employee's return.

Employees who travel frequently during the workday will be provided a car-allowance in place of mileage reimbursement. This requires approval from the Town Manager.

Employees will be paid by an approved appropriation in a departmental budget. The appropriation will be in the best interest of the Town and will be approved by the Department Head. Travel will be accomplished at the least cost to the Town.

The Town complies with the federal Fair Labor Standards Act and its amendment the Portal-To-Portal Act in compensating non-exempt employees for time spent in connection with work-related travel and training. The Town's travel and training policy and practice are as follows:

- A. Travel to and from an employee's residence – not compensable.
- B. Travel from one workplace to another during the same day – compensable.
- C. Travel to a training – compensable if during work hours or for drivers.
- D. One-day assignments in another Town – compensable except regular commute time.
- E. Overnight travel – compensable during regular work hours or when performing work.
- F. Training – compensable unless ALL of the following are true:
 - Outside regular work hours
 - Voluntary
 - Not directly related to current job
 - No productive work performed

CELL PHONE REIMBURSEMENT The Town recognizes that certain employees may need to use personal cell phones for work-related duties. Department Heads must determine eligibility and submit justification during the annual budget process.

Employees approved for an allowance must maintain a personal phone capable of Town business use and meet expectations equal to Town-issued phones. The employee is responsible for their device and service plan.

Biweekly Allowance Rates

Classification	Allowance
Light Cell Phone - (Phone calls)	\$10.00
Medium Cell Phone- (Phone calls & texting)	\$15.00
Heavy Cell Phone- Phone calls, texting and requires apps, web use	\$25.00

This is a taxable benefit paid via payroll. A signed authorization form is required and must be submitted to the Payroll Office. Allowances may be discontinued upon separation, leave of absence exceeding 12 weeks, or at the Department Head's request.

(See separate authorization form for employee signature and approval routing.)

APPENDIX C: TOWN CELL PHONE REIMBURSEMENT AUTHORIZATION FORM

This form is used to authorize a biweekly taxable cell phone allowance for employees who regularly use a personal cell phone for Town business.

Employee Name	
Job Title	
Department	
Classification (check one)	☐ Light (Phone calls) (\$10.00) ☐ Medium (Phone calls & texting) (\$15.00) ☐ Heavy (Phone calls, texting and requires apps, web use) (\$25.00)
Business Justification	
Phone Number Used for Business	
Wireless Carrier	
Start Date of Allowance	

I have received FOAA training.

I understand my rights and responsibilities under Maine's Freedom of Access Act.

I understand this is a taxable benefit and that I am responsible for the device and service.

Employee Signature: _____ Date: ____ / ____ / ____

Department Head Approval: _____ Date: ____ / ____ / ____

Town Manager Approval: _____ Date: ____ / ____ / ____

APPENDIX D: Vehicle Use Policy

A. Driver Guidelines and Reporting Requirements

1. Town vehicles are to be driven by authorized employees only, except in the case of repair testing by a mechanic. Employees must have a valid and current driver's license to operate a Town vehicle, or a personal vehicle with current auto insurance while on Town business.
2. Employees are expected to drive in a safe and responsible manner, follow all State motor vehicle laws, and to maintain a good driving record.
3. Any employee who has a driver's license revoked or suspended shall immediately notify the Department Head by 9:00 a.m. the next business day and **immediately discontinue operation of the Town vehicle**. Failure to do so may result in disciplinary action, including termination of employment.
4. All accidents and/or damage in Town vehicles, regardless of severity, must be reported to the police and to the Department Head. Accidents and/or damage are to be reported immediately (from the scene, during the same day, or as soon as practicable if immediate or same day reporting is not possible).

Accidents in personal vehicles while on Town business* **must** follow these same accident procedures. Accidents involving the employee's personal injury must be reported to the Department Head for a first report of injury, which will be sent to Human Resources for Workers' Compensation purposes. Failing to stop after an accident and/or failure to report an accident may result in disciplinary action, up to and including termination of employment.

5. Drivers must report all ticket violations received during the operation of a Town vehicle, or while driving a personal vehicle for Town business*, within 72 hours to their Department Head.
6. Motor Vehicle Records will be obtained on all drivers prior to employment and will be reviewed annually. A driving record that fails to meet the criteria stated in this policy or is considered to be in violation of the intent of this policy by the Town Manager, will result in a loss of the privilege of driving a Town vehicle until such time as the driver meets any required criteria.
7. Criteria that may indicate an unacceptable record includes but is not limited to: Three or more moving violations or chargeable accidents within a year or any combination of accidents and moving violations. Chargeable means that the driver is determined to be the primary cause of the accident through speeding, inattention, etc. Contributing factors, such as weather or mechanical problems, will be taken into consideration.

B. Authorized Use of Town Vehicles

Employee's privilege to operate a vehicle on official business extends only if the driver operates the vehicle in a safe manner. Proper care in the operation of the assigned vehicle, including the use of seat belts, hands free, obeying the speed limit and rules of the road, shall always be exercised.

Town-owned vehicles shall be driven for official use and work purposes only. Personal use of Town-owned vehicles is not permitted. Non-Town personnel are not permitted in Town vehicles under any circumstance, unless expressly authorized by their Department Head. Unauthorized use will result in disciplinary action.

Town Vehicles shall not be taken home overnight, except as authorized by the Town Manager.

C. Driver Safety Rules

1. Driving on Town business and/or driving a Town vehicle while under the influence of intoxicants and other drugs (which could impair driving ability) is forbidden and is sufficient cause for discipline, up to and including termination of employment.
2. No driver shall operate a Town vehicle when their ability to do so safely has been impaired by illness, fatigue, injury, or prescription medication.
3. State of Maine requires that all drivers and passengers operating or riding in a Town vehicle must wear seat belts.
4. Drivers are responsible for the security of the vehicles assigned to them. The vehicle engine must be shut off, ignition keys removed, and vehicle doors locked whenever the vehicle is left unattended.

D. Definitions

Town Business: Town business is defined as driving at the direction, or for the benefit, of employer. It does not include normal commuting to and from work.

Personal Use: Personal use includes but is not limited to doctors' appointments, personal errands, picking children up from school or daycare, etc. Personal use of a Town vehicle is prohibited unless expressly authorized by the Town Manager or the employee's Department Head.

Moving Violations: A violation of the Maine motor vehicle statutes for which points may be assessed.

APPENDIX D: ALCOHOL & CONTROLLED SUBSTANCE ABUSE TESTING PROCEDURE

The Town of Cape Elizabeth is committed to a drug and alcohol-free workplace. To ensure the safety and well-being of our drivers, employees and the general public, as well as be in compliance with the Federal Motor Carrier Safety Regulations, the Town of Cape Elizabeth has adopted this policy. All CDL employees subject to alcohol and drug testing must be in compliance with this policy at all times while working for the Town of Cape Elizabeth. This will include all time spent operating commercial vehicles, as well as time spent maintaining or repairing these vehicles.

Program Administrator

The Town Manager has been designated by the Town of Cape Elizabeth as the Town's Program Administrator. In this function, the Program Administrator will be responsible to answer any questions from drivers, employees or the public in general. The Program Administrator will handle all information on all tests as confidential. The Program Administrator may provide such information as necessary to enable the appropriate supervisor to take proper disciplinary action as warranted. The Program Administrator may also release test information to the Town's Substance Abuse Professional (SAP) to use to evaluate and recommend appropriate follow-up.

Drivers Subject to Testing

All drivers who must have a commercial driver's license to perform duties that are considered safety-sensitive will be subject to the alcohol and/or drug testing as outlined in this policy and required by Title 49 Code of Federal Regulations Part 382.

Driver Compliance with Regulation

All drivers subject to alcohol and drug testing must always be compliant with the regulations and this policy while in a working status for this company. This will include all time spent driving a commercial vehicle as well as time spent performing safety-sensitive functions or just before or just after performing safety-sensitive functions. Safety-Sensitive Function means all time from the time a driver begins to work or is required to be in readiness to work until the time he/she/they are relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

1. All time at an employer or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the employer.
2. All time inspecting equipment as required by Part 392.7 and 392.8 of 49 C.F.R., and otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time.
3. All time spent at the driving controls of a commercial motor vehicle in operation.
4. All time, other than driving time, in or upon any commercial motor vehicle except time resting in a sleeper berth (a berth conforming to the requirements of Part 393.76 of 49 C.F.R.).
5. All time loading or unloading a commercial motor vehicle, supervising, or assisting in the loading or unloading, attending a commercial motor vehicle being loaded or unloaded,

remaining in readiness to operate the commercial motor vehicle, or in giving or receiving receipts for shipments loaded or unloaded.

6. All time repairing, obtaining assistance, or remaining in attendance upon a disabled commercial motor vehicle.

Substances Tested (DOT 5-Panel Test and Alcohol) as specified in 49 CFR part 40:

The following substances will be tested to determine their presence:

1. Alcohol
2. Marijuana Metabolites
3. MDA-Analogues (MDA and MDMA)
4. Cocaine Metabolites
5. Amphetamines (Amphetamine and Methamphetamine)
6. Phencyclidine (PCP) and
7. Opiates (Morphine, Codeine, 6-Acetylmorphine, Hydromorphone, Hydrocodone, Oxycodone, Oxycodone)

Prohibited Conduct

During the time that the Town's CDL employees are performing their work, they shall not do any of the following:

1. Report to work and/or remain on duty with an alcohol concentration of 0.02 or greater.
2. Possess any alcohol.
3. Use any alcohol.
4. Use any alcohol within four hours prior to going on duty.
5. Use any alcohol within eight (8) hours after an accident which has required the CDL employee to be tested for alcohol concentration.
6. Refuse to submit to a required alcohol and/or controlled substance test.
7. Report to or remain on duty when using any controlled substance, except when used under a physician's orders and when the physician has informed the CDL employee in writing that the use will not affect the safe operations of a commercial vehicle.
8. Report to or remain on duty if the employee has tested positive for controlled substances.

Tests Required

All drivers who are required to be tested for alcohol and/or controlled substance use or misuse will be tested under the following circumstances:

1. Pre-employment or pre-use. All applicants for jobs requiring a commercial driver's license and/or current employees transferring to a job that requires a commercial driver's license will be required to be tested for the use of controlled substances.
2. Random. All CDL drivers are subject to random testing for alcohol and controlled substances at rates determined by the Federal Motor Carrier Safety Administrator. These random tests will be unannounced and will be spread throughout the calendar year. Except as provided in paragraphs (c) through (e) of Part 382.305, the minimum alcohol testing shall be ten (10) percent of the average number of driver positions. Except as provided in

paragraphs (f) through (h) of Part 382.305, the minimum average percentage rate for random controlled substance testing shall be fifty (50) percent of the average number of driver positions. If the company has entered into a consortium pool the 10 and 50 percent levels will apply to the entire pool of drivers in the consortium.

3. Post-accident. Drivers will be alcohol and controlled substance tested following all accidents involving a fatality. If the accident is one where one or more vehicles were towed from the scene of the accident or involves somebody being injured to the degree that the injury must be treated immediately away from the scene of the accident, the driver must also be post-accident tested if the commercial vehicle driver receives a summons for a “moving traffic violation” as a result of the accident.
4. Reasonable suspicion. All drivers that exhibit signs and/or symptoms of alcohol and/or controlled substance use or mis-use, which are observed by a trained company supervisor, while performing safety sensitive functions or just before or just after performing safety sensitive functions will be required to submit to an alcohol and/or controlled substance test.
5. Return-to-duty. A driver who previously tested positive for alcohol and/or controlled substance must submit to a return to duty alcohol and/or controlled substance test. The results must be obtained by the Town of Cape Elizabeth and be negative before the employee may be allowed to perform a safety sensitive function.
6. Follow-up. A driver who previously tested positive and has returned to duty must submit to at least six (6) alcohol/and or controlled substance tests during the first 12 months after returning to work. Follow-up tests will be unannounced and may continue for up to sixty (60) months after returning to work. Any follow-up tests will be at the direction of the Substance Abuse Professional (SAP)

Testing Procedures

The Town is contracted with DISA/AWSI as the Certified Third-Party Administrator to do the Town’s alcohol and controlled substance testing. When a driver has been randomly selected, the employee will be notified by the Program Administrator named in this policy and will proceed directly to the testing area. The Program Administrator will call the collection facility to notify them that the employee is en route. All randomly selected drivers must comply with the lawful requests of the technician doing the alcohol and/or controlled substance test.

The selected driver will be required to provide a urine specimen for controlled substance testing and/or a breath or saliva sample for analysis of alcohol concentration.

The driver will be required to provide photo identification prior to testing. Privacy will be ensured at the facility by means of voiding in a private enclosure. A split sample will be procured and both samples will be sent to the lab.

Proper chain of custody procedures will be followed to ensure that the specimen submitted is indeed the specimen that belongs to the selected driver. The specimen will be sealed to prevent tampering during transport to the laboratory. Federal certified laboratories will be utilized for

testing (drugs) and two separate methodologies will be performed to verify all specimens as positive prior to controlled substances reporting to the medical review office (MRO).

The MRO is a licensed physician that reviews all test results prior to reporting to the company. Should the specimen test positive, the MRO will contact the driver to discuss the test findings and afford the driver an opportunity to discuss his/her test results and any factors that could have contributed to the positive test. Should the driver question the test findings, the driver can request that the split sample be forwarded to another certified laboratory for re-analysis.

All test results are treated as confidential, and no results will be released to outside parties without the driver's express consent or when required by law, rule or regulation or expressly authorized.

All testing for alcohol use or misuse will be conducted only by devices that have been approved by the National Highway Traffic Administration and conducted by trained Breath Alcohol Technicians (BATs) or trained Screening Test Technicians.

Requirement that Drivers Must Submit to Tests

All drivers who are required by Federal Motor Carrier Safety Regulations and this policy to be subjected to alcohol and/or controlled substances testing must fulfill that requirement when so directed by the Alcohol/Drug Testing Program Administrator or a trained supervisor. Failure to comply with the regulations or this policy will be grounds for disciplinary action up to and including dismissal.

Refusal to Test

No driver shall refuse to submit to a post-accident alcohol or controlled substances test required under [§382.303](#), a random alcohol or controlled substances test required under [§382.305](#), a reasonable suspicion alcohol or controlled substances test required under [§382.307](#), or a follow-up alcohol or controlled substances test required under [§382.311](#). No employer shall permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions.

Refuse to submit (to an alcohol or controlled substances test) means that a driver:

1. Fails to appear for any test (except a pre-employment test) within a reasonable time, as determined by the Town, consistent with applicable DOT agency regulations, after being directed to do so by the Town. This includes the failure of an employee (including an owner-operator) to appear for a test when called by a C/TPA (Consortium Third Party Administrator) (see [§40.61\(a\)](#) of this title).
2. Fails to remain at the testing site until the testing process is complete. Provided that an employee who leaves the testing site before the testing process commences (see [§40.63\(c\)](#) of this title) for a pre-employment test is not deemed to have refused to test.
3. Fails to provide a urine specimen for any drug test required by this part or DOT agency regulations. An employee who does not provide a urine specimen because he or she has left the testing site before the testing process commences (see [§40.63\(c\)](#) of this title) for a pre-employment test is not deemed to have refused to test.

4. In the case of a directly observed or monitored collection in a drug test, it fails to permit the observation or monitoring of the driver's provision of a specimen (see [§§40.67\(l\)](#) and [40.69\(g\)](#) of this title).
5. Fails to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure (see [§40.193\(d\)\(2\)](#) of this title).
6. Fails or declines to take a second test the employer or collector has directed the driver to take.
7. Fail to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER under [§40.193\(d\)](#) of this title. In the case of a pre-employment drug test, the employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.
8. Fails to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or
9. Is reported by the MRO as having a verified adulterated or substituted test result.

Disciplinary Action

Any driver who violates either the Federal Motor Carrier Safety Regulations or this policy may be subject to disciplinary action up to and including dismissal.

Any driver who has tested positive for either drugs or alcohol, has performed a prohibited act, or has refused to submit to a drug or alcohol test, will be removed from the safety sensitive position immediately, be reported to the FMCSA Clearinghouse, and directed to a Substance Abuse Professional (SAP). The Substance Abuse Professional (SAP) will:

- provide a comprehensive face-to-face assessment and clinical evaluation of the driver; and
- recommend a course of education and/or treatment with which the employee must demonstrate successful compliance prior to returning to a DOT safety sensitive function

Drivers who are found to have an alcohol concentration of 0.02 or greater, but less than 0.04, will be taken out-of-duty for a minimum of 24 hours.

Confidentiality of Information

Unless the employee or applicant consents, all information acquired by the Town in the testing process is confidential and may not be released to any person other than the employee or applicant who is tested, the Program Administrator, or designees as well as the SAP or Rehabilitation Provider. The foregoing shall not prevent the release of information that is required or permitted by State or Federal Law, or the use of information in any grievance procedure, administrative hearing or civil action relating to the imposition of the test or the use of the test results.

Any employee who wishes to seek personal and confidential advice on alcohol and/or controlled substances should contact a supervisor.

FMCSA Clearinghouse

As of January 6, 2020, the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse was established as a secure, online database for employers and authorized users to provide updated information about CDL and CLP drivers. Any CDL driver has the option to register to view their own Clearinghouse record electronically, or to provide electronic consent for a current or prospective employer to conduct a query or the driver's DOT record. Drivers should be aware that the motor carrier/employer is required to run pre-employment and annual queries through the Clearinghouse, as well as to collect, maintain, and report certain information as required:

- A verified positive, adulterated, or substituted drug test result.
- An alcohol confirmation test with a concentration of 0.04 or higher.
- A refusal to submit to any test required by subpart C of this part.
- An employer's report of actual knowledge, as defined at §382.107:
- On duty alcohol use pursuant to §382.205.
- Pre-duty alcohol use pursuant to §382.207.
- Alcohol use following an accident pursuant to §382.209; and
- Controlled substance use pursuant to §382.213.
- A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process.
- A negative return-to-duty test; and
- An employer's report of completion of follow-up testing.

Information:

The Town will provide each driver subject to the Federal Motor Carrier Safety Regulations a copy of this policy. In addition, the Town will provide printed material which describes the effects of alcohol and/or controlled substance use or abuse on the individual's health, work and personal life, as well as information on the signs and symptoms of an alcohol or controlled substances problem.

ACKNOWLEDGEMENT:

I certify that I have received a copy of the Town of Cape Elizabeth policy, and written material concerning the effects of alcohol and controlled substances on an individual's work and personal life, signs and symptoms of a drug or alcohol problem including a co-worker, and the methods to deal with a substance abuse problem.

Driver's Signature

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[APPENDIX E - TRAINING REQUEST & REIMBURSEMENT FORM](#)

Employee Name: _____

Department: _____

Training Course/Program Title: _____

Date(s) of Training: _____

Provider/Institution: _____

Total Cost Estimate: _____

Cost Breakdown: Tuition: \$____ Books: \$____ Travel: \$____ Other: \$____

☐ Track 1: Department Required ☐ Track 2: Voluntary/Job Related

☐ Syllabus or Class Description Attached

Pre-Approval:

Supervisor Signature: _____ Date: _____

Town Manager Signature: _____ Date: _____

APPENDIX F - CORRECTIVE ACTION PLAN & PERFORMANCE IMPROVEMENT PLAN

CORRECTIVE ACTION PLAN

Corrective Action is part of the disciplinary process and is typically issued in response to a policy violation or misconduct. Its primary focus is to address behavior or actions that do not align with the Town of Cape Elizabeth policies and to outline consequences if the issues persist. The corrective action plan will be in writing and should include:

- a. Behaviors requiring improvement (specific policy violations or inappropriate conduct).
- b. Performance expectations or standards to be met (clearly defined behavioral or procedural corrections).
- c. Recommended activity to monitor/evaluate performance, and a timetable for improvement including a schedule for follow up meetings.
- d. Consequences that will be applied if improvement is not demonstrated.

The plan will be presented to and discussed with the employee. The employee is required to sign the corrective action plan, thereby signifying acceptance of the plan. If the employee refuses to sign the plan, this refusal will be noted in writing and the employee will be asked to provide written reasons for non-acceptance.

PERFORMANCE IMPROVEMENT PLAN

Performance Improvement Plan (PIP) focuses on coaching and supporting employees in achieving specific performance improvements. It is designed to guide employees in meeting performance standards through structured feedback, resources, and development opportunities. A PIP may be implemented in conjunction with counseling, verbal warnings, written warnings, suspensions, or even in the absence of disciplinary actions.

A PIP should include:

- a. Performance areas needing improvement (e.g., productivity, quality, skills, or behaviors).
- b. Clear performance expectations or standards to be met, with measurable outcomes.
- c. Recommended activities or resources to support improvement, such as training, mentoring, or additional supervision.
- d. Timetable for progress evaluation, including regular check-ins and follow-up meetings.

During and/or upon conclusion of a PIP, the supervisor will assess the employee's performance and decide whether the employee has satisfied the terms of the plan. If the employee has failed to satisfy the terms of the plan, the Town of Cape Elizabeth has full discretion to terminate that person's employment **after due process**.

Appendix G: Accommodation Request Form

Employee Name: _____

Department: _____

Job Title: _____

Accommodation Requested: _____

Type of Accommodation: ☐ Disability ☐ Religious

Supporting Documentation Attached: ☐ Yes ☐ No

Employee Signature: _____ Date: _____

Supervisor Signature: _____ Date: _____

Town Manager Signature: _____ Date: _____

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APPENDIX H: REMOTE WORK POLICY

REMOTE WORK POLICY

Remote work allows employees to work from home for up to one day per week as part of a regular schedule. Temporary remote work may be approved for circumstances such as inclement weather or if a child is home sick. These types of arrangements may be considered on an as-needed basis only, with no expectation of ongoing continuance.

Other informal, short-term arrangements may be made for employees on a certified Family Medical Leave to the extent practical for the employee and the organization and with the consent of the employee's health care provider and the Human Resources department, if appropriate. All informal work arrangements are made on a case-by-case basis, focusing first on the needs of the organization and the job description of the employee.

The Town of Cape Elizabeth considers remote work to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Remote work may be appropriate for some employees and jobs but not for others. Remote work is not an entitlement, it is not a Town-wide benefit, and in no way changes the terms and conditions of employment with the Town of Cape Elizabeth.

Any remote work arrangement may be discontinued at will and at any time at the request of either the telecommuter or the organization. Every effort will be made to provide 30 days' notice of such change to accommodate commuting, childcare and other issues that may arise from the termination of a remote work arrangement. There may be instances, however, when no notice is possible.

Individuals requesting formal remote work arrangements must have completed a successful probationary period, a satisfactory performance record and complete the "Work from Home Request Form". Before entering into any remote work agreement, the employee, the employee's supervisor, Department Head, Town Manager and/or Human Resources Director will evaluate the suitability of such an arrangement, reviewing the following areas:

- Employee suitability. The employee and manager will assess the needs and work habits of the employee.
- Job responsibilities. The employee and manager will discuss the job responsibilities and determine if the job is appropriate for a remote work arrangement.
- Equipment needs, workspace design considerations and scheduling issues. The employee and manager will review the physical workspace needs and the appropriate location for the remote work.

If the employee and the supervisor agree, they will complete a Remote Work Request Form to be reviewed and signed by all parties. On a case-by-case basis, the Town of Cape Elizabeth will determine, with information supplied by the employee and the supervisor, the appropriate equipment needed for each remote work arrangement. The HR and IT departments will serve as resources in this matter. Equipment supplied by the Town of Cape Elizabeth will be maintained by the Town of Cape Elizabeth. The Town of Cape Elizabeth accepts no responsibility for damage or repairs to employee-owned equipment. Equipment supplied by the Town of Cape Elizabeth is to be

used for business purposes only. The telecommuter must sign an inventory of all the Town of Cape Elizabeth's property received and agree to take appropriate action to protect the items from damage or theft. Upon separation of employment, all the Town of Cape Elizabeth owned property will be returned to the Town of Cape Elizabeth.

The employee will establish an appropriate work environment within their home for work purposes. The Town of Cape Elizabeth is not responsible for costs associated with the setup of the employee's home office space, such as remodeling, furniture or lighting, or for repairs or modifications to the home office space.

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. Injuries sustained by the employee in the home office location and in conjunction with their regular job duties are normally covered by the Town's workers' compensation policy. Remote work employees are responsible for notifying their supervisor of injuries as soon as possible. The employee is liable for any injuries sustained by visitors to their home worksite.

Remote work is not designed to be a replacement for appropriate childcare. Although an individual employee's schedule may be modified to accommodate childcare needs with advanced approval of the employee's supervisor. The focus of the arrangement must remain on job performance and meeting Town demands.

Temporary Telework/ Remote Work Agreement

Employee Information:

Name: _____ Hire date: _____

Job title: _____

Department: _____

FLSA status: ☐ Exempt ☐ Nonexempt

This temporary telecommuting agreement will begin and end on the following dates:

Start date: _____ End date: _____

If this will be on an on-going, intermittent basis, please check here: ☐

Temporary work location: _____

Employee schedule: _____

Terms and Conditions:

The employee agrees to the following conditions:

- The employee will remain accessible and productive during scheduled work hours.
- Nonexempt employees will record all hours worked and meal periods taken in accordance with regular timekeeping practices.
- Nonexempt employees will obtain supervisor approval prior to working unscheduled overtime hours.
- The employee will report to the employer's work location as necessary upon directive from their supervisor.
- The employee will communicate regularly with their supervisor and co-workers
- The employee will comply with all Town of Cape Elizabeth's rules, policies, practices, and instructions that would apply if the employee was working at the employer's work location.
- The employee will maintain satisfactory performance standards.
- The employee will always maintain a safe and secure work environment.
- The employee will allow the employer to have access to the telecommuting location for purposes of assessing safety and security, upon reasonable notice by the Town Manager.
- The employee will have high-speed internet service. Home internet issues will not be troubleshot by the Town's IT department.
- The employee will report work-related injuries to their supervisor as soon as practicable.
- The employee will arrange regular dependent care and understands that telecommuting is not a substitute for dependent care. In circumstances, exceptions may be made for employees with caregiving responsibilities upon approval by the Town Manager or designee.

The Town will provide the following equipment *(must include item description/make/model/SN)*:

The employee agrees that Town equipment will not be used by anyone other than the employee and only for Town-related work. The employee will not make any changes to security or administrative settings on Town equipment. The employee understands that all tools and resources provided by the Town shall always remain the property of the Town of Cape Elizabeth.

The employee agrees to protect Town tools and resources from theft or damage and to report theft or damage to their supervisor immediately.

The employee agrees to comply with the Town's policies and expectations regarding information security. The employee will be expected to ensure the protection of confidential Town information accessible from their home offices. Employees are not allowed to remove sensitive, confidential files from Town property for any purpose. This includes personnel files, and certain financial information. If an employee is removing a file from Town property, they must receive authorization from the Town Manager or designee and sign out the file(s) when removing them from Town property.

Please initial below to acknowledge and agree to the terms regarding the use of Town equipment.

_____ (Employee Initials)

Required Training:

The Town of Cape Elizabeth will provide ergonomic training and will require all employees to complete the Video Display Terminal training required by the State of Maine located on the server.

Terms of Employment:

The employee understands that all terms and conditions of employment with the Town of Cape Elizabeth remain unchanged, except those specifically addressed in this agreement.

The employee understands that management retains the right to modify this agreement on a temporary or permanent basis for any reason at any time.

The employee agrees to return all Town equipment and documents within five days of separation of employment.

Supervisor Section: Must be completed by supervisor prior to authorization.

The Department Head or designee shall create clear expectations for the work completed at home and develop a communication plan to remain in contact with the employee.

The Department Head or designee may request a report of deliverables or projects completed during the employees work from home assignment.

Position Eligibility: An employee's position may be suitable for telecommuting when the job duties...

- ☐ Are independent in nature.
- ☐ Are responsive.
- ☐ Are primarily knowledge-based.
- ☐ Lend themselves to measurable deliverables.
- ☐ Do not require frequent interaction at the regular worksite with supervisors, colleagues, or the public, in person or by phone.
- ☐ Do not require the employee's immediate presence at the regular worksite to address unscheduled events unless alternative arrangements for coverage are possible.
- ☐ Are not essential to the management of on-site workflow.

Employee Eligibility: Employees may be suitable for telecommuting when their knowledge, skills, and abilities, as determined by the Department Head or designee, include:

- ☐ Demonstrated dependability and responsibility.
- ☐ Effective communication with supervisors, coworkers, and the public.
- ☐ Demonstrated motivation.
- ☐ The ability to work independently.
- ☐ A consistently high rate of productivity.
- ☐ A high level of skill and knowledge of the job.
- ☐ The ability to prioritize work effectively.
- ☐ Good organizational and time management skills.

Employee signature: _____ Date: _____

_____ signature: _____ Date: _____

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APPENDIX J: TIMESHEET FORM



CAPE ELIZABETH TOWN/SCHOOL DEPARTMENT
"Open Minds and Open Doors"



TIME SHEET

Employee Name:

Dept/School:

	DATE	START TIME	LUNCH- OUT	LUNCH- IN	END TIME	Regular Hours	Overtime Hours	Holiday Hours	Vacation Hours	Sick Hours	Comp Used	Comp Earned	Account Code/Notes
Sunday													
Monday													
Tuesday													
Wednesday													
Thursday													
Friday													
Saturday													
TOTAL:						-	-	-	-	-	-	-	

Employee Signature:

Date:

Supervisor Signature:

Date:

Employees work 37.5 hours per week inclusive of a paid 1/2 lunch and add 15 minutes per day worked. Employees are paid for 40 hours. If any employee works between 37.5 and 40 hours per week there is no overtime. Overtime is paid for +40 hours of work.

10 hours per day will be charged for holidays, sick and vacation which is based on the compensated time of 40 hours.

Please track the time you leave each day. If you work less than 40 hours, the time out will remain as is on the template. If you work +40, please state the actual times out so the overtime is documented.

Please also include your lunch time so it is accounted for since it is paid.

APPENDIX K: WELLNESS REIMBURSEMENT FORM

Program Overview

The Town shall provide up to \$350.00 per calendar year to reimburse any employee who works a regular schedule of at least 30 hours per week for expenses related to: Fitness classes, Health club or gym memberships, Smoking cessation programs, Weight-loss programs, or Other bona fide programs leading to improved fitness and health Reimbursement is provided only upon receipt of acceptable documentation and is intended to comply with IRS guidelines.

Employee Information

Employee Name: _____ Department: _____

Work Schedule: ☐ 30+ hours/week ☐ Less than 30 (Not Eligible)

Reimbursement Request Details

Type of Program (check one):

☐ Fitness Class ☐ Health Club/Gym Membership ☐ Smoking Cessation Program

☐ Weight Loss Program ☐ Other qualifying fitness expense): _____

Name of Provider/Vendor: _____

Program Description (general – do not include medical details):

Program Dates (from – to): _____

Amount Paid: \$ _____

Calendar Year of Expense: _____

Required Documentation (attach to this form)

☐ Paid invoice or receipt showing: Vendor name or description of what was purchased, Date(s) of service, Employee name, and Amount paid

Note: Credit card statements alone are not sufficient unless accompanied by an itemized receipt.

IRS Compliance Statement

This reimbursement is a taxable reimbursement under the IRS. In accordance with IRS requirements, original receipts are required. No reimbursement will exceed actual expenses incurred. No cash advances are permitted. Requests must be submitted within a reasonable time after the expense is incurred. Medical diagnoses, treatment details, or protected health information (PHI) must not be submitted.

Employee Certification

I certify that: The expense listed above was paid by me and has not been reimbursed from any other source. The expense qualifies under the Town's Fitness Reimbursement Program. The documentation submitted is accurate and complete

Employee Signature: _____ Date: _____

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Paper Reduction Amendments
Subdivision and Zoning Ordinance
(7-27-2026)

Subdivision Ordinance, Chapter 16

~~Sec. 16-1-4 Definitions~~

~~“Digital plan”~~— the electronic version of plans that are submitted for town review. A digital plan shall comply with the following requirements:

- ~~1. Data source. Plans shall be exported as PDFs (portable document format) directly from the design software. Do not print the plans and then scan the plans for sending digitally. (Scanning the printed drawings degrades the images and causes details to be lost, making it difficult for reviewers to accurately evaluate the plans.) Plans may be scanned if there is no ability to output to PDF format natively and must have a minimum scan resolution of 300 dpi (dots per inch) to maintain quality.~~
- ~~2. File naming. File names shall not be longer than thirty (30) characters. File names shall begin with an abbreviated project name, followed by a drawing name/number that matches the drawing. An index of all files shall be provided for plan sets with four (4) or more plans.~~
- ~~3. File format standards. PDF is required for plans and reports. Drawings created in AutoCAD are preferred to be converted in Vector PDF. PDF files should be optimized and shall not contain layers, in order to improve viewing performance and help reduce file size. File size shall not exceed 10 MB (megabyte), unless recommended by the Town Engineer. Non-drawing files shall be submitted as searchable PDFs. All outputted materials shall be submitted with a minimum resolution of 300 dpi (dots per inch).~~
- ~~4. Uploading. All plan files shall be emailed to the Town Planner. Total attached file size shall not exceed 25 MB for any one email. Multiple emails shall be sent if total attachments exceed 25 MB and the email subject name shall include the project name and part 1, 2, etc as appropriate.~~

Sec. 16-2-3. Review and Approval of Minor Subdivisions

(a) Procedures.

1. Formal Submission. The subdivision applicant, or an agent duly authorized in writing, shall submit to the Town Planner a subdivision application for consideration by the Planning Board together with the fee established in the Town Fee Schedule, ~~and eight (8) paper copies and one (1) digital copy of the proposed subdivision plans and materials.~~ All plans and materials

shall be submitted at least fifteen (15) days prior to the Planning Board's next scheduled meeting, or if the fifteenth day falls on a holiday, the day after the holiday. Prior to the first meeting with the Planning Board, the applicant shall also establish a Review Escrow Account under the terms in Sec. 16-2-1(c) of this Ordinance.

Sec. 16-2-4. Review and Approval of Major Subdivision Plans

(a) Preliminary Plan Procedures.

1. Formal Submission. The subdivision applicant, or an agent duly authorized in writing, shall submit to the Town Planner a subdivision application for consideration by the Planning Board together with the fee established in the Town Fee Schedule, ~~and eight (8) paper copies and one (1) digital copy of the proposed preliminary subdivision plans and materials.~~ All plans and materials shall be submitted at least fifteen (15) calendar days prior to the Planning Board's next scheduled meeting, or if the fifteenth day falls on a holiday, the day after the holiday. Prior to the first meeting with the Planning Board, the applicant shall also establish a Review Escrow Account under the terms in Sec. 16-2-1(c) of this Ordinance.

(c) Final Plan Procedures.

1. Formal Submission. Within six (6) months following the Planning Board's approval or approval with conditions of an applicant's Preliminary Plan, the applicant shall file with the Town Planner for Planning Board consideration, ~~a Final Plan application for the subdivision with eight (8) paper copies and one (1) digital copy of the materials herein prescribed.~~ If such application is not filed within such period, the application shall be deemed withdrawn and shall no longer be considered a pending subdivision application, unless said time limitation is otherwise extended by the Planning Board for good cause.

Appendix A

Minor Subdivision Submission Requirements

A. General submission parameters.

~~Application for Minor Subdivision Review shall be made to the Planning Board by submission of a complete application in a format consistent with the Planning Application Submission Policy. An application for a Minor Subdivision shall consist of fourteen (14) sets of plans drawn to a scale of no larger than forty (40) feet to the inch and supporting materials. The size of plan sheets submitted to the Planning Board shall be no larger than twenty-four (24) x thirty-six (36) inches, but may be smaller with the permission of the Planning Board. A digital copy of the complete application shall also be made available upon request.~~

B. List of Submission items.

The application for approval of a Minor Subdivision shall include all the following information. Information that must be shown on a plan is in **bold type**.

- 1 1. Right, Title or Interest. Evidence of right, title or interest in the site of the proposed
2 subdivision.

3 **Appendix B**

5 **Major Subdivision Submission Requirements**

7 **Preliminary Review**

8 A. General submission parameters

9 Application for Major Subdivision Review shall be made to the Planning Board by submission of
10 a complete application in a format consistent with the Planning Application Submission Policy
11 An application for preliminary review of a Major Subdivision shall consist of fourteen (14) sets
12 of plans drawn to a scale of no larger than forty (40) feet to the inch and supporting materials.
13 The size of the plan sheets submitted to the Planning Board shall be no larger than twenty-four
14 (24) x thirty-six (36) inches. A digital copy of the complete application shall also be made
15 available upon request.

16 B. List of submission items

17 The application for preliminary approval of a major subdivision shall include all the following
18 information. Information that must be shown on a plan is in **bold type**.

- 19 1. Right, Title or Interest. Evidence of right, title or interest in the site of the proposed
20 subdivision.

22 **Zoning Ordinance**

24 **SEC. 19-1-3. DEFINITIONS**

26 ~~**Digital plan:** The electronic version of plans that are submitted for town review. A digital plan~~
27 ~~shall comply with the following requirements:~~

29 ~~1. Data source. Plans shall be exported as PDFs (portable document format) directly from the~~
30 ~~design software. Do not print the plans and then scan the plans for sending digitally.~~
31 ~~(Scanning the printed drawings degrades the images and causes details to be lost, making it~~
32 ~~difficult for reviewers to accurately evaluate the plans.) Plans may be scanned if there is no~~
33 ~~ability to output to PDF format natively and must have a minimum scan resolution of 300 DPI~~
34 ~~(dots per inch) to maintain quality.~~

36 ~~2. File naming. File names shall not be longer than thirty (30) characters. File names shall begin~~
37 ~~with an abbreviated project name, followed by a drawing name/number that matches the~~
38 ~~drawing. An index of all files shall be provided for plan sets with four (4) or more plans.~~

3. ~~File format standards.~~ PDF is required for plans and reports. Drawings created in AutoCAD are preferred to be converted in Vector PDF. PDF files should be optimized and shall not contain layers, in order to improve viewing performance and help reduce file size. File size shall not exceed 10 MB (megabyte), unless recommended by the Town Engineer. Non-drawing files shall be submitted as searchable PDFs. All outputted materials shall be submitted with a minimum resolution of 300 dpi.

4. ~~Uploading.~~ All plan files shall be emailed to the Town Planner. Total attached file size shall not exceed 25 MB for any one email. Multiple emails shall be sent if total attachments exceed 25 MB and the email subject name shall include the project name and part 1, 2, etc as appropriate.

SEC. 19-7-9. PRIVATE ACCESS PROVISIONS

D. Private Accessway Procedures

2. Application Procedure

The owner shall submit a formal application for review and approval of a lot on a private accessway to the Planning Board. The application shall consist of:

- a. a fully executed and signed copy of the application for private accessway review (provided by the Town)
- b. ~~Eight (8) paper copies and one (1) digital copy of a plan and supporting documentation as the information~~ described in Sec. 19-7-9.D.3., Submission Requirements;
- c. a review fee as established by the Town; and
- d. a review escrow fee as established in Sec. 19-9-4.B., Application Review Procedures.

Upon receipt of an application, the application shall be processed and reviewed in accordance with the procedures established in Sec. 19-9-4, Review Procedures.

3. Submission Requirements

Application for a Private Accessway Permit shall be made to the Planning Board by submission of a complete application in a format consistent with the Planning Application Submission Policy. ~~The applicant shall provide eight (8) paper copies and one (1) digital copy of written materials, site plan, maps, or drawings containing the information listed below. The plan, maps, or drawings shall be at~~

~~a scale sufficient to allow review of the items listed under Subsection 4, Private Accessway Standards, but in no case shall be more than fifty (50) feet to the inch.~~

SEC. 19-8-3. RESOURCE PROTECTION PERFORMANCE STANDARDS

A. Resource Protection Permit Procedures

2. Submission Requirements

- a. ~~Application for a Resource Protection Permit shall be made to the Planning Board by submission of a complete application in a format consistent with the Planning Application Submission Policy. The owner of lands in a Resource Protection District shall apply for the Resource Protection Permit by submitting to the Town Planner or the Code Enforcement Officer eight (8) copies and one (1) digital copy of the plans for the proposed location or activity.~~
- b. Upon receipt of all such materials and upon payment by the applicant of fees established in the Town Fee Schedule, the Town Planner shall submit the proposal to the Planning Board; the Town Planner shall also provide a digital copy of all materials to the Conservation Committee for its consideration and any recommendations which it deems advisable. The Conservation Committee may request that the applicant attend a meeting of the Committee to discuss the application.
- c. Unless the Planning Board waives one or more of the following requirements, applications for a Resource Protection Permit shall include the information listed below. For Resource Protection Permit applications in the Resource Protection 3 Floodplain District, the submission requirements in Sec. 6-6-3 of the Floodplain Management Ordinance shall be substituted for the list below, except that item 4. below shall also be submitted. The application shall include:
 1. a detailed site plan for the proposed activity including a map ~~at a scale of one (1) inch equals one hundred (100) feet~~ showing the location, width, depth, and length of all existing and proposed structures, roads, wells, sewage treatment facilities, drainage facilities, and utility installations within three hundred (300) feet of the mapped wetland;

ARTICLE IX. SITE PLAN REVIEW

SEC. 19-9-4. REVIEW PROCEDURES

1
2 **C. Submission Requirements**

3
4 1. General Submission parameters.

5
6 ~~Application for Site Plan approval shall be made to the Planning Board by~~
7 ~~submission of a complete application in a format consistent with the Planning~~
8 ~~Application Submission Policy. The applicant shall submit eight (8) paper copies~~
9 ~~and one (1) digital copy of building and site plans and supporting information~~
10 ~~drawn to a scale of not less than one inch equals fifty feet (1"= 50'). The size of~~
11 ~~plan sheets submitted to the Planning Board shall be no larger than twenty-four~~
12 ~~(24) by thirty-six (36) inches, but a smaller size may be used with the permission~~
13 ~~of the Planning Board.~~

14
15 2. List of Submission items.

16
17 The application for approval of a Site Plan shall include all the following
18 information, unless waived by the Planning Board as described below.
19 Information that must be shown on a plan is in bold type. Submission information
20 shall be shown on the number of plans needed to depict the information in a
21 readable format and each plan shall be individually labeled with a title generally
22 based on the information depicted on the plan, with one plan titled "Site Plan"
23 (Effective November 5, 2016)

- 24
25 a. Right, Title or Interest. Evidence of right, title, and interest in the site of
26 the proposed project. (Effective November 5, 2016)
27
28
29

Memorandum

TO: Cape Elizabeth Town Council
FROM: Planning Board
DATE: July 27, 2026
SUBJECT: Paper Reduction Amendments

Introduction

The Planning Board is recommending amendments to the Subdivision and Zoning Ordinances that reduce the volume of paper submissions to the Planning Board. The amendments include creation of a Planning Application Submission Policy that determines the format of Planning Board submissions.

Process

The Planning Board discussed reducing the paperwork submissions at the June 2nd, and June 16, 2026 workshops, and held a public hearing on July 21, 2026. The Board was motivated by two recent submissions of huge volumes of plans and supporting documents. The Planning Board discussed changes to the *format* of submissions while retaining the content of information required.

In a review of practices in other communities, the “modern” approach is to pull the formatting of Planning Board submissions out of the ordinance and into a policy document that can be updated as technology changes. Consequently, the Paper Reduction Amendments include both amendments to the Subdivision and Zoning Ordinance and creation of a “Planning Application Submission Policy.”



February 17, 2026 Planning Board submission

Summary of Amendments

Page/Line	Description
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1/6	In the Subdivision Ordinance, the definition of “Digital plan” is deleted from the Subdivision Ordinance and added to the new Planning Application Submission Policy. The Digital plan definition was adopted in 2024 and includes technical specifications that are likely to change as technology evolves.
-----	--

- 1/40 The Subdivision Ordinance, Minor Subdivision procedures section, includes a number of copies requirement which has been deleted. Submission requirements should only be included in Sec. 16-2-3 (b), which refers to Appendix A.
- 2/10 The Subdivision Ordinance, Major Subdivision Preliminary Review procedures section, includes a number of copies requirement which has been deleted. Submission requirements should only be included in Sec. 16-2-4 (b), which refers to Appendix B.
- 2/20 The Subdivision Ordinance, Major Subdivision Final Review procedures section, includes a number of copies requirement which has been deleted. Submission requirements should only be included in Sec. 16-2-4(d), which refers to Appendix B.
- 2/30 In Appendix A, the submission *format* requirements are deleted and then established in the Planning Application Submission Policy.
- 3/7 In Appendix B, the submission *format* requirements for a Major Subdivision are deleted and then established in the Planning Application Submission Policy.
- 3/24 The definition of “Digital plan” is deleted from the Zoning Ordinance and added to the new Planning Application Submission Policy. The Digital plan definition was adopted in 2024 and includes technical specifications that are likely to change as technology evolves.
- 4/20 The Private Accessway Permit application format has been deleted and that information is now contained in the Planning Application Submission Policy.
- 4/34 The Private Accessway Permit formatting requirements including number of copies and scale are deleted and are now contained in the Planning Application Submission Policy.
- 5/7 The Resource Protection Permit requirements for number of copies and format are deleted and are now contained in the Planning Application Submission Policy.
- 5/31 The scale requirement for a Resource Protection Permit application is deleted and now is contained in the Planning Application Submission Policy.
- 6/2 The Site Plan submission requirements for number of copies and scale of plans has been deleted and now are contained in the Planning Application Submission Policy.

The Planning Application Submission Policy incorporates the following changes from current practice:

1. The Planning Board will no longer receive a *paper* copy of the Stormwater Management Plan, Traffic Study or deeds. Currently, the entire application must be submitted digitally and is posted to the town website; and this will continue.
2. The Planning Board is allowing submission of plans on 11" x 17" sized paper, which will be close to ½ size plans. A full-size, paper copy of the plans and all materials will be submitted and be filed as the record copy in the Planning office.
3. The Planning Application Submission Policy can be amended by the Planning Board. The *content* required for Planning Board review remains in the Subdivision and Zoning Ordinances and can only be revised with an ordinance amendment.

Recommendation

At the July 21 2026 meeting, the Cape Elizabeth Planning Board voted 7-0 to adopt the following motion:

BE IT ORDERED that, based on the amendments, policy and the information presented, the Planning Board recommends the Paper Reduction Amendments to the Town Council for consideration.



DRAFT
TOWN OF CAPE ELIZABETH
Planning Application Submission Policy
Digital and Paper Copy Requirements
Effective [DATE]

Policy: This submission policy establishes uniform requirements for digital and paper copies of applications submitted to the Planning Board to reduce unnecessary cost, improve review efficiency, and support electronic distribution. These requirements are governed by policy rather than ordinance and may be updated by the Planning Board as technology and workflows evolve. Applicants shall contact the Town Planner prior to submitting an application and if you have any questions regarding the submission requirements. All Planning Board application materials shall be submitted to the Town Planner.

Plan preparation:

Subdivision. Plans shall be drawn to a scale of no larger than forty (40') feet to the inch. The size of plan sheets submitted to the Planning Board shall be no larger than twenty-four (24) x thirty-six (36) inches, but may be smaller with the permission of the Planning Board.

All other reviews. The applicant shall submit site plans and supporting information drawn to a scale of not less than one inch equals fifty feet (1"= 50'), except that Resource Protection Permit plans may be drawn to a scale of not less than one inch equals one hundred feet. (1"=100'). The size of plan sheets submitted to the Planning Board shall be no larger than twenty-four (24) by thirty-six (36) inches, but an alternative size may be used with the permission of the Planning Board.

Planning Board Workshop

Digital Submission: A completed Planning Board Workshop application form and sketch plan should be submitted in digital form.

Planning Board Meeting

Digital Submission: The complete Planning Board application shall be submitted in digital form. All non-plan submission materials shall be compiled into a pdf. When the compiled pdf exceeds 100 pages, it shall include page numbers and a table of contents.

Digital plan: The electronic version of plans that are submitted for town review. A digital plan shall comply with the following requirements:

1. Data source. Plans shall be exported as PDFs (portable document format) directly from the design software. Do not print the plans and then scan the plans for sending digitally. (Scanning the printed drawings degrades the images and causes details to be lost, making it difficult for reviewers to accurately evaluate the plans.) Plans may be scanned if the Town Planner determines there is no ability to output to PDF format natively and must have a minimum scan resolution of 300 DPI (dots per inch) to maintain quality.
2. File naming. File names shall not be longer than thirty (30) characters. File names shall begin with an abbreviated project name, followed by a drawing name/number that matches the drawing. An index of all files shall be provided for plan sets with four (4) or more plans.
3. File format standards. PDF is required for plans and reports. Drawings created in AutoCAD are preferred to be converted in Vector PDF. PDF files should be optimized and shall not contain layers, in order to improve viewing performance and help reduce file size. File size shall not exceed 10 MB (megabyte), unless recommended by the Town Engineer. Non-drawing files shall be submitted as searchable PDFs. All outputted materials shall be submitted with a minimum resolution of 300 dpi.
4. Uploading. All plan files shall be emailed to the Town Planner. Total attached file size shall not exceed 25 MB for any one email. Multiple emails shall be sent if total attachments exceed 25 MB and the email subject name shall include the project name and part 1, 2, etc as appropriate.

Paper Submission:

Public record package. One complete paper submission of full-size plans and all supporting materials shall be submitted.

Planning Board package. Seven (7) paper sets of full size plans or 11" x 17" plan reductions shall be submitted. Supporting materials shall also be provided, specifically a cover letter that includes summaries of the stormwater plan, traffic plan and deeds. Paper copies of the stormwater plan, traffic analysis, or deeds should not be submitted in the paper submission. The Planning Board may also advise the applicant on additional submission materials that do not have to be submitted in paper form.