



# **TOWN OF NEWTON NEW HAMPSHIRE**

## **PERSONNEL POLICIES AND PROCEDURES**

**TOWN OF  
NEWTON, NEW HAMPSHIRE**

**ADOPTED March 11, 1982 (Town Meeting)**

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**JAMES L. DOGGETT, CHAIRMAN**

**MATTHEW A. BURRILL, VICE-CHAIRMAN**

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**ROBERT S. DONOVAN, JR**

**LAWRENCE B. FOOTE**

**LISA L. GONYER**

**BOARD OF SELECTMEN**

**TOWN OF  
NEWTON, NEW HAMPSHIRE**

**PERSONNEL POLICIES AND PROCEDURES  
(Amendments)**

**ADOPTED March 11, 1982 (Town Meeting)**

**AMENDED January 1, 1983  
AMENDED January 1, 1988  
AMENDED January 1, 1991  
AMENDED November 2, 1994  
AMENDED November 16, 1994  
AMENDED September 22, 1995  
AMENDED January 2, 2001  
AMENDED March 19, 2001  
AMENDED December 11, 2001  
AMENDED January 7, 2002  
AMENDED December 2, 2002  
AMENDED February 24, 2003  
AMENDED November 3, 2003  
AMENDED January 4, 2005  
AMENDED July 17, 2006  
AMENDED April 16, 2007  
AMENDED June 25, 2007  
AMENDED September 10, 2007  
AMENDED October 15, 2007  
AMENDED February 4, 2008  
AMENDED June 2, 2008  
AMENDED November 2, 2009  
AMENDED July 19, 2010  
AMENDED January 17, 2011  
AMENDED November 9, 2015  
AMENDED April 5, 2016  
AMENDED August 2, 2016  
AMENDED September 6, 2016**

Town of Newton, NH  
Personnel Policies and Procedures

**INTRODUCTION**

The policies and procedures contained herein are uniform administrative practices for all the Departments contained within our Town. This policy supersedes all previous Personnel Policies and Procedures adopted by the Town of Newton, New Hampshire. In case of conflict, this policy supersedes any other Departmental Rules and Regulations or Policy. (Amended August 2, 2016)

This policy shall in no way abridge the Town of Newton New Hampshire's obligation to abide by State and Federal Statutes and passage of statutes subsequent to the adoption of this policy shall and can make any or all sections of said policy null and void.

The **Equal Employment Opportunity** Policy of the Town of Newton is to provide a fair and **equal employment opportunity** for all employees and job applicants regardless of race, color, religion, national origin, gender, sexual orientation, age, marital status or disability. (Added August 2, 2016)

**EMPLOYEE CANDIDATE BACKGROUND CHECKS (RSA 41:9-b)**

A Employee/Volunteer Candidate Background Check and a Criminal History Records Check (*Form #12 of the Payroll Policy*), along with a complete set of fingerprints taken by a law enforcement agency is required of any candidate for employment, in a position in the Town of Newton, that requires the employee to work with or around children or elderly persons, enter the homes of citizens, collect or manage money, or upon the decision of the Board of Selectmen, prior to a final offer of employment. This shall apply to any candidate age 17 and older. (A candidate under the age of 17 is considered a minor and related criminal records are sealed by a Court of Law.)

The Town may extend a conditional offer of employment to a candidate, with a final offer of employment subject to a successfully completed Criminal History Records Check. (Added July 19, 2010)

**EMPLOYMENT**

The Town of Newton, New Hampshire hires five (5) categories of employees. Each category is defined below. All benefit eligibility is based on the category of employee in which you are assigned by the below listed definitions. All new hires and appointed volunteers are required to fill out a “State of NH Dept. of Safety Criminal Record Release Authorization Form” and a “Town of Newton Authorization to Release” records form, prior to their working for the Town of Newton (to be paid by the Town of Newton from the Department affected). (Amended October 15, 2007)

Full-time or part-time town employees will not be considered for an additional part-time position that would cause them to accumulate more than 40 hours per week on a regular basis. (Added April 5, 2016)

The definition of *regularly* as used in the employee category descriptions below shall be determined by the Board of Selectmen. (Added February 16, 2016)

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### **Salaried Employees**

Individuals who are paid a predetermined and fixed salary bi-weekly to perform all duties required of their position. Salaried employees are exempt from overtime pay. Salaried employees are eligible for the same benefits as Regular Full Time Employees unless otherwise contractually specified (Added August 2, 2016)

### **Regular Full Time Employees**

Individuals, who are scheduled to work forty (40) hours per week, every week for twelve or more consecutive months is considered to be a regular full time employee. No full-time employee of the Town of Newton shall be allowed to apply for a second position with the Town of Newton which would regularly bring their hours to over 40 hours per week. (Added February 16, 2016)

### **Regular Part Time Employees**

Individuals who work twelve (12) or more consecutive months on a pre-determined schedule are considered to be regular part time employees. No part-time employee of the Town of Newton shall be allowed to apply for any additional positions with the Town of Newton which would regularly bring their hours to over 34 hours per week. (Added February 16, 2016)

### **Temporary Employees**

Individuals who are hired to work for a defined period of time are considered to be temporary employees. Summer help is a prime example of this category of employee.

### **On-Call Employees**

Individuals who do not have a defined employment end date or defined schedule are considered to be On-Call Employees. Firefighters are a prime example of this category.

### **Probation Period**

All regular full time and part time employees shall be subject to a probationary period of six (6) months. The Department Head will review the probationary employee's performance no later than the end of the six months to recommend continued employment. Should the Department Head feel that the probationary period be extended, he/she may do so upon the approval of the Board of Selectmen and with written notice of the extended probation period to the probationary employee. Probation period for sworn police personnel shall begin either at the conclusion of their certification by the state's Police Standards and Training Council or if currently certified at their date of hire. (Amended November 3, 2003)

Probation period for fire personnel shall begin at the conclusion of passing their physical.

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**ANNUAL REVIEW**

All Department Heads will review the performance of their staff on or by the employee's anniversary date utilizing a format approved by the Board of Selectmen. (Amended November 3, 2003)

The completed review shall be presented to the Board of Selectman for acceptance and for pay raise consideration. After the Board has signed the review, the employee shall be given a copy of said Annual Review and a copy shall be placed in their personnel file. No department head shall offer a pay increase to any of their employees without prior approval from the Board of Selectman.

**BENEFITS**

**Eligibility**

Regular full time employees are eligible for the benefits as detailed in this section of the policy.

**Effective Dates**

In most cases, the effective date of the benefit is so stated in the respective section. Where otherwise not noted, the benefit becomes effective upon the hiring of an eligible employee.

**Bereavement Leave**

Employees will be granted bereavement leave with pay, for up to three (3) consecutive scheduled work days, which includes the day preceding; the day of; and the day following the funeral. This leave is to be used in the event of the death of the employee's immediate family. Immediate family is defined as: spouse, child, parent, sister or brother, mother-in-law or father-in-law, grandparents.

Employees will be granted bereavement leave with pay, for one (1) scheduled work day, to be used for attendance of the funeral. This leave is to be used in the event of the death in the employee's extended family. Extended family is defined as: sister-in-law, brother-in-law, aunt, uncle, niece, nephew, or grandparents-in-law.

Requests for bereavement leave in addition to the leave defined above must be approved by the employee's supervisor and taken as PTO time or unpaid leave. (Amended September 6, 2016)

**Health Insurance**

All eligible employees will be given the opportunity to enroll in the Town's Health Insurance Program. The employee will be given the choice of a one person, two-person or family membership depending on his/her personal needs. Health Insurance will become effective the first of the month following the date of hire. The details of the coverage are outlined in a booklet provided by the carrier. Eligible employees who have elected not to receive health insurance from the Town and who have provided documentation to Human Resources that they are covered by medical insurance not provided by the Town are given the Health Insurance Buyout option, which is the amount of a sum equal to 10% of the total annual cost of a family plan. If the employee resigns during the year, he/she would be compensated on a pro-rated basis for the number of months worked. Payment for the Insurance buyout will be paid on the last vendor bill manifest of the year.

Health Insurance buyouts are considered fully taxable income by the IRS and are subject to federal employment taxes. It is the responsibility of the employee to notify the Town of any changes in his/her personal status that will affect the coverage required within fifteen (15) days of the change in status. (Amended April 5, 2016)

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**Overtime Compensation** (Added December 2, 2002)

All hourly employees working in excess of forty (40) hours in a scheduled workweek shall be paid at the rate of time and one half for all hours worked over (40) hours. Approval must be authorized by the Department Head prior to the rate of time and one half being paid. (Amended November 2, 2009) A scheduled workweek may include holiday time but will not include PTO "Paid Time Off" or PTO benefits.

**Overtime Pay** (Added April 5, 2016)

On occasion full-time employees may be asked (or required) to work more hours than regularly scheduled on a particular day or for the week at the discretion of their Department Head and under the direction of the Board of Selectmen as circumstances permit. Overtime is paid at the rate of one and one-half (1 ½) hours for every hour worked. An employee cannot use PTO pay and earn Overtime pay on the same day.

**Compensatory Time** (Added November 2, 2009)

On occasion employees may be eligible to receive compensatory time in lieu of overtime pay. The decision to offer the employee compensatory time in lieu of overtime pay is wholly at the discretion of the Department Head, under the direction of the Board of Selectmen and is made on an individual basis as circumstances permit.

Compensatory time accrues at the rate of one and one-half (1.5) hours for every hour worked. (Amended August 2, 2016) If an employee is offered compensatory time and his or her time is covered by another employee at the other employee's overtime rate, then the covering employee may not elect compensatory time in lieu of his or her overtime rate. The scheduling of compensatory time shall be solely at the discretion of the Department Head. Accrued compensatory time must be used before using PTO time. (Added April 5, 2016)

Compensatory time must be noted on the employee's timesheet for the day it is accrued and countersigned by the employee's supervisor on that day's note-line. Compensatory time must be used by the end of the next pay-period and cannot be "banked", accumulated, or saved for future use. When used, compensatory time must be listed on an employee's timesheet and countersigned by the employee's supervisor on that day's note-line. At the end of the next pay-period, any compensatory time remaining will be included in the subsequent paycheck. (Added August 2, 2016) Any compensatory time not listed as being accrued on an employer's timesheet shall not be awarded. (Added April 5, 2016)

**Emergency closings** (Added November 2, 2009)

In the rare event that inclement weather, power / utility failure, fire, flood or some other emergency prevents the operation of your department, you will be paid based on your normal scheduled hours worked during the period of closure. The Town Administrator, in conjunction with your Department Head, is authorized by the Board of Selectmen to determine if your department should be closed. If you choose to stay at home before an official closing is declared, you will not be eligible for

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emergency closing pay. In this situation, the employee must elect to use PTO or PTO Time if available; otherwise no pay will be given.

Police Officers and Highway Department employees have been designated by the Town to be essential personnel for continuous operation during emergencies and these employees will not receive extra compensation except as otherwise determined under the overtime policy. Depending on the nature of the emergency, other employees may likewise be designated to be essential personnel and may be required to continue working during official emergency closings.

**Holidays**

The Town of Newton, New Hampshire observes ten (10) paid holidays. Eligibility for holiday benefits for regular part-time and full-time employees is the date of hire. (Amended 02/24/03)

The observed holidays include:

<b>New Year's Day</b>	<b>January 1</b>
<b>President's Day</b>	<b>3<sup>rd</sup> Monday in February</b>
<b>Memorial Day</b>	<b>Last Monday in May</b>
<b>Independence Day</b>	<b>July 4</b>
<b>Labor Day</b>	<b>1<sup>st</sup> Monday in September</b>
<b>Columbus Day</b>	<b>2<sup>nd</sup> Monday in October</b>
<b>Veteran's Day</b>	<b>November 11</b>
<b>Thanksgiving Day</b>	<b>4<sup>th</sup> Thursday in November</b>
<b>Day after Thanksgiving Day</b>	<b>4<sup>th</sup> Friday in November</b>
<b>Christmas Day</b>	<b>December 25</b>

All of the above named holidays will be observed on the day designated by the State of New Hampshire except for departments that have regularly scheduled weekend hours. Those departments will observe on the actual holiday.

**NOTE:** On 12/18/91, Fast Day was replaced with Civil Rights Day. On 11/16/94, Civil Rights Day was replaced with the Day after Thanksgiving Day. (Amended April 5, 2016)

**Holiday Leave** (Added November 2, 2009)

Holiday compensation shall be based upon the normal hours worked by an employee during a regularly scheduled workweek.

- 1) Saturday Holidays - will be observed on the preceding Friday; Employees with a Monday through Thursday workweek shall observe the holiday on the preceding Thursday.
- 2) Sunday Holidays - will be observed on the following Monday;
- 3) Weekday Holidays - When an employee is not normally scheduled to work on a particular weekday on which the Holiday falls, another workday shall be substituted for that Holiday.

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**REGULAR PART-TIME EMPLOYEES  
HOLIDAY & PTO BENEFITS**

**Eligibility**

Individuals who work twelve (12) or more consecutive months on a pre-determined schedule of 25 or more hours a week, who are paid on an hourly basis, (not fees or salary).

**Probation Period** (Added November 2, 2009)

All regular part-time employees shall be subject to a probationary period of six (6) months or less as determined by the Board of Selectmen. The Department Head will review the probationary employee's performance at the end of their predetermined probationary period to recommend continued employment. Should the Department Head feel that the probationary period be extended, he/she may do so upon the approval of the Board of Selectmen and with written notice of the extended probation period to the probationary employee.

**Bereavement Leave**

Employees will be granted pro-rated emergency bereavement leave with pay, for up to three (3) consecutively scheduled work days. (Amended November 2, 2009) This leave is to be used for attendance at the funeral of a member of the employee's immediate family. Immediate family shall be defined as: to include spouse, child, mother, father, mother- in-law, father-in-law, brother or sister.

(Amended 04/16/07) Requests for bereavement leave in addition to the leave defined above or for other family members must be taken as PTO time or unpaid leave only if approved by the Department Head. (Amended October 13, 2009)

**Holiday**

Eligible employees will be paid on a pro-rated basis on the above listed observed holiday as follows: "Provided they must work their regularly scheduled day before and after the holiday".

**Paid Time-Off**

Paid Time-Off is time, in addition to holidays, for which a part-time employee is paid when not at work. Employees shall not be eligible to use PTO time while earning wages for the same time period in any capacity in or through the town. There are two types of Paid Time-Off (PTO): scheduled and unscheduled. (Added August 2, 2016)

**Status of unused PTO time upon termination** (Added November 2, 2009)

The Town will pay up to ten days of unused PTO time upon termination, for any reason, on a quarterly, pro-rated basis. Example: If an employee left in January, he/she would be entitled to be paid ¼ of their PTO time allotted for the current year, based on their normal working day. (Amended January 17, 2011)

**Holiday & PTO Benefit Hours Will Equal a Normal Working Day**

NOTE: Regular Part-time Employees holiday and PTO benefits will be paid according to their normal working day. An employee that works a varied hourly schedule over the two-week pay period will have his/her biweekly total hours averaged together to determine the "normal working day".

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Eligible employees will qualify for a maximum of 16 days, pro-rated as follows, effective January 1, 2016;

<u>Years of Service</u>	<u>PTO Eligibility (in days)</u>	(Amended 07/16/2013)
1	2	(Amended 11/09/2015)
2 - 4	5	
5	6	
6	7	
7	8	
8	9	
9	10	
10	11	
11	12	
12	13	
13	14	
14	15	
15 & Over	16	

Note: All holidays must be taken within 1 week of official holiday – holidays/PTO days may not be carried over from year to year. (Amended January 7, 2002)

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**FULL-TIME EMPLOYEES** (Amended 02/24/03)  
**PAID TIME OFF POLICY (PTO)**

**Paid Time-Off** (Amended January 2, 2001)

Paid Time-Off is time, in addition to holidays, for which a full-time employee is paid when not at work. Employees shall not be eligible to use PTO time while earning wages for the same time period in any capacity in or through the town. (Added August 2, 2016) There are two types of Paid Time-Off (PTO): scheduled and unscheduled.

**Scheduled PTO**

When an employee knows in advance they will be taking time off and requests approval of the date in writing on the Town of Newton Request for PTO form, from their supervisor as far in advance as possible. The supervisor shall promptly approve or disapprove the request, sign the form and returned it to the employee. If disapproved the reason why shall be noted on the form by the supervisor.

**Unscheduled**

When an unforeseeable situation arises that prevents the employee from reporting to work. The employee is responsible for notifying their supervisor within one half hour of their normal start time that they will be out of work and when they expect to return. The use of unscheduled PTO is expected to be reserved for emergencies.

**Amount of Paid Time Off**

The amount of paid time off each employee is entitled to per year, is determined by length of employment with the Town of Newton as shown by the following chart. (Amended January 7, 2002.)

<u>Employment in years</u>	<u>Amount of PTO in days</u>
1-4	20 days
5-6	25 days
7-8	26 days
9-10	27 days
11-12	28 days
13-14	29 days
15 +	30 days

**First Year of Employment**

The amount of PTO allowed during the first year of full time employment with the Town is calculated by months. Date of hire must be on or prior to the 15<sup>th</sup> of the month for that month to be used in calculating PTO. After sixty days of employment, employees will accrue 13.33 hours per month of PTO. The 13.33 PTO hours allowed each month starts accumulating at the end of the month. (Amended March 19, 2001) On the next calendar year starting (Jan.1) after an employee has been employed for one year, PTO will be calculated as shown on the above chart. (Amended February 24, 2003)

**Borrowing PTO From Subsequent Years**

PTO may not be borrowed from subsequent years under any circumstances.

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### **Carry Over**

PTO may not be carried forward from one year into the next with two exceptions. New employees, who have less than six months service with the Town as of Jan. 1, may carry all of their time into the next year. The second exception is when special circumstances have prevented an employee from using their PTO; the Board of Selectmen may approve carrying time into the next year upon written request. (Amended November 2, 2009)

### **Banking of PTO**

Employees may choose to put up to ten days per year of unused PTO into a “bank account” of time to be used for long term illness. This account may accumulate to a maximum of ninety days. Time may be drawn out of this account only after all current PTO has been exhausted.

### **Status Of PTO Upon Termination**

The Town will pay for up to two weeks of unused PTO upon termination for any reason on a quarterly, pro-rated basis. Example: If an employee left in January, he/she would be entitled to be paid  $\frac{1}{4}$  of their two weeks (10 days) for the current year. i.e. 10 days PTO would allow the employee to be paid for 2½ days PTO pay upon termination. (Amended November 2, 2009) This applies to current PTO only and not to “Banked” PTO. Banked PTO will not be paid out upon termination or resignation. (Amended August 2, 2016)

## **CONSTRUCTIVE APPRAISAL**

### **Verbal Warning**

Such discussions are held in private. The Department Head or Person in Charge verbally warns the employee of the area(s), which needs improvement and offers remedial suggestions.

A memorandum of discussion is written by the Department Head stating the date, time, and nature of warning and remedial suggestions. Both the employee and the Department Head shall sign the memorandum. A copy of the memorandum is placed in the employee's personnel file and a copy is given to the employee. It should be clearly stated in the memorandum that this is a verbal warning.

### **Written Warning**

The Department Head or Person in Charge may give written warning for a repeated offense, which was the source of verbal warning, or an offense, the seriousness of which indicates more than a verbal warning.

Both the employee and the Department Head shall sign the written warning. The written warning shall include date and time of the offense, nature of the offense, remedial suggestions and subsequent action. The warning shall be issued to the employee within five- (5) days' knowledge of the offense and a signed copy shall be placed in the employee's personnel file.

### **Suspension**

The Department Head may suspend an employee for a repeated offense which was the source of both verbal and written warnings or an offense, the seriousness of which indicates more than a written warning.

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The employee shall receive notice of the suspension in writing with the date, time and nature of the offense, remedial suggestions, length of the suspension and subsequent action. A copy of the written notice, signed by both the Department Head and the employee shall be placed in the employee's personnel file.

The Department Head shall make the Board of Selectmen aware of the facts related to the suspension at the next regular Board meeting while in Executive Session.

### **Discharge**

Department Heads may recommend the termination of an employee to the Board of Selectmen. The Department Head shall supply the Board with all the pertinent facts of the case and the supporting documentation of the above-described process.

The Department Head may suspend an employee with the intent to discharge, if in the opinion of the Department Head, the seriousness of the offense is such that it requires such action in the best interest of the employee and/or the Town.

The Board of Selectmen will review the facts of the case and render a decision as expeditiously as possible giving due process to the case. The employee will be given written notice of the Board of Selectmen's decision stating the date, time and nature of the offense(s), which led to the discharge. Copies of all written documentation shall be placed in the employee's personnel file.

### **Appeal Process**

All employees shall have an opportunity to appeal any disciplinary action. The appeal process shall be a two-step process as described herein and below.

**First Step** - The employee may submit an appeal, in writing, to the Department Head within five (5) days of said incident or receipt of warning. The Department Head shall give written response to the employee within five (5) days receipt of said appeal. The Department Head's response shall be a detailed statement of the facts, contentions of the appeal and proposed remedy.

**Second Step** - If the employee is not satisfied with the decision of the Department head, the employee may submit a written appeal to the Board of Selectmen. This appeal must be sent within fourteen (14) days of receipt of the Department Head's response. The Board of Selectmen shall give written response to the employee's appeal within fourteen (14) days of receipt of the appeal. The decision of the Board of Selectmen shall be final.

## SUMMATION

This document details the expectations and benefits of being an employee of the Town of Newton.

This document does not create an employment contract or term or limit the reasons for dissolution of the employment relationship, but rather simply sets out the Town's personnel policies, which may be changed without notice. Your employment with the Town of Newton, New Hampshire is wholly discretionary and regular employment does not guarantee permanent employment.

Now that you have taken a few minutes to read through this document, please sign the last page and return it to the Selectmen's Office as soon as possible.

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I have read the Personnel Policies and Procedures for the Town of Newton, New Hampshire and I agree to abide by the policies contained herein and any future amendments by the Board of Selectmen. (Amended April 5, 2016)

(This must be signed and returned within seven (7) days.) (Amended May 30, 2012)

\_\_\_\_\_

Full Signature

\_\_\_\_\_

Print Full Name

\_\_\_\_\_

Date

DATE RECEIVED: \_\_\_\_\_

OFFICE STAFF:  
SIGNED AS RECEIVED: \_\_\_\_\_