

Employment, Illness,
Disability and Absence
Ordinance
for the Town of Hollis

Enacted: November 2012; Amended: June 13, 2023

Received by and Attested Copy:

Martha E. Huff
Hollis Town Clerk

Town Clerk
Rec'd - 8/18/2023
3pm.

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

Section 1. Authority

This Employment, Illness, Disability and Absence Ordinance is enacted pursuant to the Town's home rule powers conferred by Article VIII, part second of the Maine Constitution and Title 30-A, §2001, 2109 and 3001 of the Maine Revised Statutes Annotated. In the event any State or Federal law is amended in any manner that would affect any section of this Ordinance, this Ordinance shall be automatically amended to comply with such amendments.

Section 2. Purpose.

The purpose of this Ordinance is to establish a written document outlining certain terms and conditions regarding employee compensation and employment during times of extended illness, long term disability or absence.

Section 3. Optional income insurance coverage.

The Maine Municipal Association which is the Town's Insurance provider offers optional Disability Income Insurance to those employees that qualify (at the employee's expense) to provide weekly pay for up to 52 weeks should the employee suffer long term illness or disability and not be able to work. These benefits begin the first day of an accident and the eighth day of an illness. This coverage is available at time of hire for non-elected employees and time of election for elected employees and during specific times of the year may be offered by Maine Municipal as open enrollment.

Section 4. Retirement Plans.

New hires that are eligible for employee benefits as outlined in Town Policy #19 – Insurance Benefits, may elect to participate in the following MainePERS Retirement Plans: 3C Plan for full-time Fire and EMS employees, and AC Plan for all other full-time eligible employees. They are also eligible to participate in the MaineSTART 457 Deferred Compensation Program. Enrollment and plan information is available from the Select Board and Plan Administrators.

Section 5. Paid Time Off.

Town Hall and Library employees must work an average of 20 hours or more per week to be eligible for Paid Time Off.

Parks and Recreation employees must work an average of 30 hours or more per week to be eligible for Paid Time Off.

Fire and EMS employees Paid Time Off will be governed by the Town of Hollis Municipal Fire and Emergency Medical Services Ordinance, as adopted in 2022.

On-call, stipend, temporary, part-time, per-diem and seasonal employees are not eligible for Paid Time Off.

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

Paid Time Off includes the following:

Holiday Pay. Employees will receive pay for holidays that close the Town Hall during a regularly scheduled work day.

Personal Day. Eligible employees may use one (1) day of their available or unused sick time per year as a personal day.

Sick Leave. Sick leave shall be earned at the rate of six (6) work days for each year worked for any employee who averages 20 hours or more per week. The maximum amount of sick leave an employee, may accumulate is twelve (12) days. Additional sick time shall not accrue while any employee is out on any unpaid leave.

Storm Days. If inclement weather closes a Town department, regularly scheduled employees of that department eligible for Paid Time Off will be paid for their regularly scheduled day.

Vacation Time. See Section 6 Paragraph D

No Town of Hollis employee either appointed or elected shall receive compensation when out for an illness, disability or other reason of more than their accrued sick time plus any applicable vacation time unless otherwise defined in this Ordinance. If any employee receives either Optional Income Insurance coverage payments or worker's compensation payments during any absence that qualifies as FML-qualifying leave, that employee may elect, but is not required, to use accrued sick or vacation time to bring their pay up to their usual weekly base pay. Once accrued sick and vacation time are exhausted for any employee, either appointed or elected, the Town shall stop paying that individual when they fail to appear for work and perform their duties as scheduled, unless otherwise defined in this Ordinance or otherwise required under State or federal law.

Section 6. Categories of Leave.

A. Bereavement Leave.

Full-time and part-time employees shall be excused from work with pay for up to five (5) calendar days in the event of the death of spouse, domestic partner (as defined by the Maine Municipal Employee Health Trust), child or parent and up to three (3) calendar days in the event of the death of another member of the immediate family. Immediate family is defined to mean brother, sister, mother-in-law, father-in-law, grandfather, grandmother, grandchildren, step-father, step-mother, stepchildren or other relative living in the same household as the employee. The Department Head with the Select Board's approval may grant bereavement Leave.

B. Leave for Military Reserve Training / Active Duty.

In accordance with State and Federal Law, eligible employees will be granted time off from work for annual training obligations or active service in the United States armed services. Employees engaged in active military service will be placed on military leave of absence status. Employees

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

should advise Department Head or the Select Board of the dates of their military service and present any military orders. The Town will pay employees the difference between service pay and the employee's regular compensation for a period of up to two weeks in any one-year period, provided that the employee on Reserve Service furnishes his/her Department Head or the Select Board an official statement by military authorities giving his/her rank, pay and allowances. Employees should confer with their Department Head or the ~~Board of Selectmen~~ Select Board concerning the rights and requirements of re-employment.

C. Loss of work for Jury Duty.

The Town shall pay to employees, both hourly and salaried, their regularly scheduled pay for time missed while serving on or appearing for jury duty as required (along with a reasonable amount of time for travel to and from the court house). Jury duty and/or subpoenas to appear in Court must be presented to the Town to be eligible for such pay. The employee shall sign over their court pay check to the Town when received.

D. Vacation.

Eligible Town Hall and Library employees who are regularly scheduled to work 20 or more hours per week, and eligible Parks and Recreation employees who are regularly scheduled to work 30 or more hours per week are entitled to Vacation Time.

- I. After the first six (6) months of employment, one (1) week of vacation time will be awarded;
- II. After one (1) year of continuous employment, two (2) weeks of vacation time will be awarded;
- III. After four (4) years of continuous employment, three (3) weeks of vacation time will be awarded;
- IV. After nine (9) years of continuous employment, four (4) weeks of vacation time will be awarded;
- V. A week of vacation is equal to the employee's regularly scheduled weekly hours worked and base workweek pay, and cannot exceed 40 hours of pay for hourly employees;
- VI. Attendance time at regularly scheduled meetings does not add to the regularly scheduled workweek for purposes of determining vacation time or eligibility;
- VII. It is the responsibility of the employee to arrange coverage for their job function during any vacation. No vacation period will be approved if the absence would leave the Town without a qualified employee to perform necessary Town and customer services.

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

VIII. When calculating Budgets for the year all Department Heads use a fifty two (52) week year, and therefore no employee shall receive more than fifty two (52) weeks of pay or compensation in any given year. It is the intention of the Select Board that an employee that has vacation time allotted uses it during that year. Vacation time cannot normally be carried into another year without the recommendation of the Department Head and written approval of the Select Board and,

IX. Upon separation, employees who leave in good standing (including providing the Town a minimum of two (2) weeks' notice) will be paid for any accrued and unused vacation.

E. Earned Paid Leave.

Employees working part time shall earn paid leave up to a maximum of 40 hours per fiscal year. The actual earned paid leave will equal 1 hour for every 40 hours worked during the current fiscal year in accordance with the Bureau of Labor law.

Accrual of earned paid leave begins on the first day of work.

Earned paid leave can be used in increments of one (1) hour for any reason.

All employees with accrued or unused hours of earned paid leave from the previous fiscal year of employment can roll over those hours to the next fiscal year, but can only earn a maximum of forty (40) hours. An example would be if the individual rolled over eight (8) hours from the previous fiscal year, the maximum hours that would be able to earn would be thirty-two (32) hours in the current fiscal year.

Seasonal workers (summer recreational workers hired between June 15th and September 15th) will be eligible for earned paid leave at the rate noted above. At the end of the summer, seasonal workers will be paid for any accrued earned paid leave.

Upon separation, employees who leave in good standing (including providing the Town a minimum of two (2) weeks notice) will be paid for any accrued earned paid leave.

F. Personal Leave of Absence.

In exceptional circumstances, a full time employee, either elected or appointed, may be granted a personal leave of absence without pay and without accrual of sick and vacation time or contribution by the Town towards any employee benefits. Such a leave of absence may be granted only at the discretion of the Select Board with the recommendation of the Department Head concerned, and only after any applicable FML leave, vacation time and sick time has been exhausted.

Such leave of absence without pay shall not exceed six (6) months in length without further approval of the Select Board, and shall only be granted when it appears, because of the past

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

record of the employee, or because of the purpose for which the leave is requested, that it is in the best interest of the Town to grant the leave.

G. Family and Medical Leave Act (FMLA)

As provided by the Federal Family and Medical Leave Act (FMLA), all employees who have worked for the Town for at least 12 months and have worked more than 1,250 hours in the past 12 months are entitled for up to 12 weeks of job-protected leave during any 12 month period for specified family and medical reasons. Employees not eligible for leave under the Federal FMLA may be entitled to up to 10 weeks of leave in a two-year period under the terms and conditions of Maine law.

Specific guidance should be sought through the Federal and State FMLA packages available at the specific website. Individual booklets are available for the Employer and Employee to utilize during this process.

The use of FMLA (Federal or State) shall not be considered a break in service.

H: VICTIMS OF VIOLENCE LEAVE:

The Town will grant reasonable and necessary leave from work for eligible regular full-time and part-time employees who are victims of domestic violence, stalking, or sexual assault as provided for in State law Title 26 MRSA Section 850 (Employment Leave for Victims of Violence):

Leave will be granted for an employee to:

- I. Prepare for and attend court proceedings;
- II. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or
- III. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of violence, assault, sexual assaults under Title 17A, Chapter 11, stalking or any act that would support an order for protection under Title 19A, Chapter 101. As soon as an employee becomes aware of the need of a leave of absence, they must make a written request for leave to his/her supervisor. This request shall be forwarded to the Town Clerk or the Town Select Board's designee for approval as soon as possible. The request must specify the length of leave requested, the reason for the leave, and estimated dates of departure and return. Employees utilizing such leave are required to use any banked and accrued vacation, sick time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave.

MEH

Employment, Illness, Disability and Absence Ordinance for the Town of Hollis

I. **FAMILY SICK LEAVE:** An employee may use up to a maximum of forty (40) hours of "Family Sick Leave" per fiscal year due to the illness of a member of the employee's immediate family. "Immediate family" shall mean the following individuals living in the employee's household: spouse, domestic partner, father, mother, child, stepchild, or other family member. Employees utilizing such leave are required to use any banked and accrued vacation, sick time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave.

J. **SCHOOL ACTIVITY LEAVE:** An employee may use up to a maximum of twelve (12) hours of his/her accrued sick leave per year for the purpose of attending their children's school activities. Employees utilizing such leave are required to use any banked and accrued vacation, sick and/or compensation time during such period(s). Employees who have no such leave banked and accrued shall receive unpaid leave.

Section 7. Time cards.

All Town of Hollis employees' whether appointed or elected must complete a time card each week and sign it. The card should accurately reflect the number of hours in each category: regular, over time, sick, vacation, bereavement, holiday, and other. At least one member of the Select Board shall review and approve the time cards each week. The Select Board may review the data provided on the time cards, and meet with individual employees to provide recommendations as needed to accurately reflect time worked.

Section 8. Absence due to illness or disability.

Any employee who is sick, ill or not able to function at a sufficient level to do the essential functions of their job shall be considered absent due to illness. In certain circumstances, employees may be required to submit to a "fitness for duty" examination (see below) or provide the Select Board with a note from their doctor releasing them to return to work. Certain absences due to illness or disability may also qualify for worker's compensation coverage, and/or may also qualify for Family and Medical Leave. In such event, the requirements of worker's compensation coverage and/or FML may also apply.

Fitness for Duty: All employees are expected to be physically and mentally fit to perform their jobs in a safe manner at all times. If the employee is not able to perform his or her job, or taking any medication that might affect their ability to do their job, the employee must inform their supervisor immediately. If a supervisor believes the employee is not fit to perform his or her duties, the employee may be relieved from duty and may be requested to undergo a medical examination to determine fitness for duty. This exam will be paid for by the Town, and the employee will be compensated during the exam period. Any employee who refuses to cooperate with a determination of whether he or she is fit for duty may be subject to corrective action, up to and including termination. If the employee is not fit for duty, he or she may be eligible for benefits, such as sick leave, family and medical leave, workers' compensation, or others as provided in this Ordinance. This Ordinance provision will be interpreted and applied

**Employment, Illness, Disability and Absence
Ordinance for the Town of Hollis**

so as to conform to applicable law, including the Americans with Disabilities Act, the Maine Human Rights Act, and the Family and Medical Leave Act, as and if applicable.

Section 9. Termination for failure to appear at work.

Any appointed employee who fails to report to work for more than three (3) days without notice or excuse shall be terminated, except in circumstances where the employee is unable, through no fault of his/her own, to provide such timely notice.

Section 10. Notice of termination of employment. The Select Board shall notify the employee in writing that they are no longer employed by the Town of Hollis whenever an employee has reached the limit of their employment due to the provisions of this Ordinance.

Section 11. Filling positions vacated due to illness, disability or resignation of a Town Employee either appointed or elected.

Any position other than Select Board vacated for any reason shall be filled, either on a permanent or temporary basis depending on the circumstances, by an appointment of the Select Board. If the position is that of an elected office, the appointment will be until the next election, either November or June. The person hired would be an interim appointment for elected offices until another person is elected to fill the seat. In the event one of the Select Board vacates or is removed from office, an election must be held as soon as reasonably possible to fill the seat.

Section 12. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity does not affect other provisions of this Ordinance that can be given effect without the invalid provision or application.

Section 13. Effective Date.

This ordinance was voted in to enactment effective November 7, 2012, and was amended on June 13, 2023.

Amendments to this ordinance was voted in under Article 21 at the June 13, 2023 Hollis Annual Town Meeting.

Hollis Select Board:

John Rogala

Mary Hoffman