

PERSONNEL POLICIES AND PROCEDURES MANUAL FOR BARRINGTON NH

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September 17, 2012

January 7, 2013

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**This document supersedes all personnel policies previously
established or approved by the Barrington Board of
Selectmen.**

INTRODUCTORY MESSAGE

WELCOME TO BARRINGTON NH!

Dear Employee,

The purpose of this Personnel Plan is to establish policies and procedures in order to ensure, insofar as possible, uniform treatment and administration of personnel employed by the Town of Barrington.

This manual not only outlines the policies towards the various phases of employment, but it also indicates how policy is to be administered. These policies also aid in achieving fair and equitable interpretations of policy which require personnel action on a regular recurring basis. Moreover, it is our intent that all employees have a deeper understanding of their role in the organization.

The Town of Barrington is committed to providing equal opportunities for all persons making application for employment and for equity in treatment and advancement opportunities for our employees.

It is not the intent of this plan nor should it be interpreted as being an offer or an enforceable obligation on the part of the Town. Neither the text of these policies, nor that of any policy or procedure statement of the Town, is intended to be, or should be construed as a contract of employment or as a contract guaranteeing continued employment. Although we hope that your employment relationship with the Town will be mutually rewarding, employment with the Town is at will and may be terminated by you or the Town at any time.

The overall responsibility for administration of this plan rests with the Board of Selectmen and as delegated to the Town Administrator and Department Heads. The importance of each employee's contribution cannot be overstated. It is the Town's goal to provide residents with the finest and most efficient service possible.

This Personnel Policies and Procedures Manual explains our personnel policies and benefits. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if any employee has any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice those specific questions should be addressed to the Town Administrator or the Finance Director.

Sincerely,

The Board of Selectmen

ABOUT THIS MANUAL

The policies outlined in this Manual should be regarded as guidelines only, which may require changing from time to time. The Barrington Board of Selectmen reserves the right to add to, delete from, or modify this plan either on an individual or organization-wide basis. Such additions, deletions or modifications will be effective when approved or implemented by the employer. The Barrington Board of Selectmen retains the right to make decisions involving employment as needed in order to conduct its work in a manner that is beneficial to the employees and Barrington NH. This Manual supersedes and replaces any and all prior oral or written manuals, policies, procedures, and practices of Barrington NH.

This Manual also summarizes the current benefit plans maintained by Barrington NH for eligible employees. If any questions arise regarding the implementation or interpretation of any benefit plan, the terms and conditions of the actual plan documents and summary plan descriptions will control rather than the summaries contained in this Manual. The Manual (and other plan documents) are not contractual in nature and do not guarantee any continuance of benefits.

This Manual is not, and should not be construed as an express or implied contract and does not modify any existing at-will status of any Barrington employee. It is not intended to create any due process protections or requirements in excess of federal or state constitutional or statutory requirements, nor does it guarantee any fixed terms and conditions of employment and/or benefits. Employment at-will means that employees are free to resign from their employment at any time, with or without cause or notice, and Barrington NH has similar rights and can terminate the employment relationship at any time, with or without cause or notice, except as provided by law.

As used in this manual, “Town” refers to the Board of Selectmen carrying out the directions of Town Meeting and the executive authority vested in them by the state of New Hampshire. As such the overall responsibility for administration of this plan rests with the Board of Selectmen or their representative, the Town Administrator. The Town Administrator shall coordinate the administration of this plan with the Department Heads for administration of the plan within their department.

Please also be aware that Barrington NH reserves the right to change, revise, or eliminate any of the policies, procedures, or benefits described in this Manual at any time, in its sole discretion. If and when provisions are changed, employees will be given replacement pages for those that have become outdated. A copy will also be placed on our bulletin boards.

RECEIPT AND ACKNOWLEDGMENT OF PERSONNEL POLICIES AND PROCEDURES MANUAL

This Personnel Policies and Procedures Manual is an important document intended to help you become acquainted with Barrington NH. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Please read the following statements and sign below to indicate your receipt and acknowledgment of the Manual.

- I have received a link to the electronic copy and have the right to a paper copy if I so request of the Town Personnel Plan as recently amended and adopted and I understand that it is my obligation to read the Personnel Policies and Procedures Manual. I understand that the policies described in the Manual are subject to change at Barrington NH's sole discretion at any time. I understand that this Manual supersedes and replaces all other previous manuals and personnel policies for the Town as of **DATE 2013**.
- I acknowledge that I have the right to terminate my employment with Barrington NH at any time without notice. In turn, I acknowledge that Barrington NH has the right to terminate my employment in its sole discretion, subject to any statutory or federal or state constitutional requirements.
- I am aware that the descriptions of benefits in this Manual are not contractual in nature and do not guarantee any continuance of said benefits. Employees are directed to review the revisions to see any affected fringe benefits.
- I am aware that during the course of my employment, confidential information may be made available to me. I understand that this confidential information must not be given out or used outside of Barrington premises or with non-Barrington employees, except as required by law.
- I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the Personnel Policies and Procedures Manual.

Employee's Name (please print)

Date: _____

Employee's Signature

TABLE OF CONTENTS

I. GENERAL PROVISIONS.....1

 OUR WORKPLACE 1

 EQUAL EMPLOYMENT OPPORTUNITY AND POLICY AGAINST
 DISCRIMINATION 1

 SEXUAL HARASSMENT POLICY 2

 REPORTING PROCEDURE FOR SEXUAL AND OTHER UNLAWFUL
 HARASSMENT, DISCRIMINATION AND RETALIATION 4

 ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES 4

II EMPLOYEE CLASSIFICATIONS5

 EMPLOYMENT AT-WILL 5

 EMPLOYMENT CLASSIFICATIONS 5

 PROBATIONARY PERIOD 6

III. COMPENSATION AND HOURS OF WORK.....7

 REPORTING OF TIME WORKED 7

 PAY/PAY PERIODS 7

 WORK WEEK/HOURS OF WORK 7

 PAYROLL DEDUCTIONS 7

 REIMBURSABLE EXPENSES 9

 OVERTIME 9

 BREAKS AND MEAL PERIODS 10

 SHIFT DIFFERENTIAL & ON CALL 10

IV. TIME AWAY FROM WORK AND OTHER BENEFITS11

 HOLIDAYS 11

 EARNED TIME 11

 EARNED SICK TIME BANK 14

FAMILY AND MEDICAL LEAVE14

MATERNITY LEAVE.....20

PERSONAL LEAVE OF ABSENCE20

MILITARY LEAVE.....21

BEREAVEMENT LEAVE.....23

JURY DUTY/WITNESS LEAVE.....23

LEAVE OF ABSENCE FOR VICTIMS OF CRIME23

ADMINISTRATIVE LEAVE24

MEDICAL BENEFIT PLAN25

OPT-OUT OF HEALTH INSURANCE25

DENTAL PLAN26

LIFE INSURANCE26

RETIREMENT PLAN.....26

COBRA.....27

WORKERS’ COMPENSATION INSURANCE AND REPORTING
WORKPLACE INJURIES27

TEMPORARY ALTERNATIVE DUTY POLICY.....28

UNEMPLOYMENT INSURANCE.....28

SOCIAL SECURITY.....29

ATTENDANCE.....29

SEPARABILITY30

SUPERSESSION.....30

AMENDMENT PROCEDURE.....30

CONFIDENTIALITY.....31

COMPUTER USE AND COMMUNICATIONS EQUIPMENT POLICY.....31

PERSONAL DRESS35

INCLEMENT WEATHER.....35

SOLICITATION AND DISTRIBUTION35

PARKING FACILITIES36

MOTOR VEHICLE VIOLATIONS.....36

OPERATION OF VEHICLES36

SECURITY37

CONFLICT OF INTEREST & ETHICS37

POLICY AGAINST NEPOTISM.....39

SUGGESTIONS AND IDEAS.....39

STANDARDS OF CONDUCT39

DISCIPLINE.....41

DISPUTE/GRIEVANCE RESOLUTION PROCEDURE.....42

PERSONNEL RECORDS43

PERFORMANCE APPRAISALS43

PROMOTIONS, TRANSFERS & JOB POSTINGS.....44

V. EMPLOYEE SAFETY AND HEALTH.....44

BARRINGTON SAFETY PLAN.....44

HEALTH & SAFETY PROGRAM.....44

SAFETY JOINT LOSS MANAGEMENT COMMITTEE.....45

WORKPLACE VIOLENCE.....45

ALCOHOL AND DRUG POLICY46

CDL DRUG AND ALCOHOL POLICY.....47

PRE-EMPLOYMENT URINALYSIS CONSENT FORM.....53

DRUG AND ALCOHOL TERMS OF AGREEMENT FORM.....54

SMOKING POLICY54

WORKPLACE SEARCHES55

VI OTHER.....56

VII SEPARATION FROM EMPLOYMENT57

REQUESTED NOTICE OF DECISION TO TERMINATE EMPLOYMENT.....58

EXIT INTERVIEWS58

HIRING PROCEDURES58

APPLICATION FOR EMPLOYMENT.....63

SAMPLE INTERVIEW QUESTIONS65

TELEPHONE REFERENCE CHECK FORM.....66

SAMPLE OFFER LETTER - Non-Exempt Employees.....67

SECOND INJURY FUND68

NEW EMPLOYEE ORIENTATION CHECKLIST70

SAMPLE JOB DESCRIPTION FORMAT72

COMPENSATION SYSTEM74

REQUEST FOR FAMILY/MEDICAL LEAVE OF ABSENCE.....76

PERSONNEL FILE REQUEST98

CHECKLIST FOR INTERNAL INVESTIGATION OF SEXUAL
HARASSMENT COMPLAINT, INCLUDING DOCUMENTATION OF
INVESTIGATION.....99

DISCIPLINARY/COUNSELING NOTICE105

ADA105

SUPERVISOR’S PRE-DISMISSAL CHECKLIST.....108

CELLULAR PHONE/PDA/SMART PHONE POLICY110

ADA GRIEVANCE PROCEDURE.....112

VIII SAFETY PLAN113

I. GENERAL PROVISIONS

OUR WORKPLACE

As you review this Manual, you will notice that terms such as “workplace” and “premises” appear in many of Barrington NH’s policies. For most employers, such terms encompass the buildings and surrounding property that they own or lease. However, the nature of our work as a municipality requires that our use of these terms have a broader definition. Accordingly, whenever our “workplace” or “premises” is discussed in this Manual, please understand that we are discussing not only Barrington buildings, facilities and properties, but also any remote job site to which you may be assigned to work and any vehicle you may be traveling in or using for Barrington related business.

EQUAL EMPLOYMENT OPPORTUNITY AND POLICY AGAINST DISCRIMINATION

Barrington NH is committed to a policy of equal employment opportunity to all persons based on individual merit, competence and need. Barrington NH will not discriminate against employees or applicants for employment based on any legally-protected status, including, but not limited to: veteran or military status, marital status, physical or mental disability, age, race, color, religion, sex, sexual orientation, pregnancy, national origin, genetic information or ancestry. This policy applies to all terms and conditions of employment including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, benefits and training.

In support of our commitment to equal employment opportunities, Barrington NH prohibits any and all discrimination or harassment of one employee by another employee or supervisor on any of the bases discussed above. Any employee who harasses or discriminates against another employee, citizen, or visitor on any of the bases discussed above will be subject to discipline, up to and including discharge. Prohibited conduct includes:

- epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts that are based on or that relate to race, color, religion, gender, national origin, genetic information, ancestry, pregnancy, age, disability, sexual orientation, marital status, or veteran status;
- written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, gender, religion, marital status, pregnancy, national origin, genetic information, ancestry, age, disability, sexual orientation or veteran status; and,
- Offensive comments, jokes, innuendos, and other statements or conduct based on an individual’s membership in any of the legally protected categories listed above.

Please also refer to Anti-Harassment policy for more information on prohibited conduct.

Barrington NH prohibits all of the activities discussed above, whether engaged in by a supervisor, agent, employee, co-worker, or non-employee (such as a vendor) who is on our premises or who comes in contact with our employees. Any supervisor or employee who harasses or discriminates against another employee or non-employee on any basis discussed above will be subject to discipline, up to and including termination of employment.

If you experience or witness what you believe may be harassment and/or discrimination in violation of this policy, you should immediately report the incident. All reports must be made in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and appropriate action will be taken, depending on the nature and severity of any proven incident.

Retaliation against an employee who complains in good faith about harassment and/or discrimination or who participates in good faith in an investigation of a complaint is a violation of this policy. Retaliation is a form of unlawful harassment and will be handled in the same manner as other forms of harassment. If you believe that you have been subjected to retaliation, you must report the incident in accordance with the Reporting Procedure contained in this Manual.

SEXUAL HARASSMENT POLICY

A. Introduction

Barrington NH's goal is to provide a workplace that is free of sexual harassment. Sexual harassment of employees in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by our Barrington. Further, any retaliation against an individual who has complained about sexual harassment and/or retaliation against an individual who has cooperated in an investigation of sexual harassment is unlawful and will not be tolerated.

Because Barrington NH takes allegations of sexual harassment seriously, we will respond promptly to complaints of sexual harassment. Where it is determined that inappropriate conduct has occurred, whether or not it rises to the level of legally actionable harassment, Barrington NH will act promptly to eliminate the conduct and implement any necessary remedial or corrective action, including disciplinary action where appropriate.

B. Definition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, and nonphysical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of employment; or

- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual, or for awarding or withholding a favorable employment opportunity, evaluation or assistance; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's performance at work, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes a wide range of behaviors from the actual coercion of sexual relations to unwelcome offensive comments, jokes, innuendoes and other sexually oriented statements and unwelcome behavior emphasizing sexual identity. Sexual harassment may be indirect and even unintentional. Employees are prohibited from bringing into the workplace or otherwise displaying any written materials or pictures that are sexually suggestive or offensive in nature.

This policy prohibits all of the activities discussed above, whether engaged in by a supervisor, employee, co-worker, agent or non-employee who is on Barrington premises or who comes into contact with Barrington employees.

It is not possible to list all of the additional circumstances and behaviors that may constitute sexual harassment or other inappropriate conduct that will not be tolerated. However, the following are some examples of prohibited conduct:

- Unwelcome sexual advances, whether or not they involve physical touching;
- Sexual epithets; sexual jokes; written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body; comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Leering, whistling, brushing against the body; sexual gestures;
- Suggestive or insulting comments;
- Inquiries into an individual's sexual experiences; and
- Discussion of one's sexual activities.

C. Complaints of Sexual Harassment

Experience has shown that a clear statement to the person engaging in the offensive behavior is sometimes all that is necessary to stop the conduct. If you believe you are being harassed, we encourage you to let the person engaging in the conduct know how you feel. However, if you do not feel comfortable taking this step, you are not required to do so. If you believe that you have been subjected to sexual harassment, you should report the incident immediately. All reports must be made in accordance with the Reporting Procedure contained in this Manual. The matter will be promptly investigated and where it is determined that such inappropriate conduct has

occurred, action will be taken to eliminate and correct the conduct. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

D. Retaliation

Retaliation against an employee who complains in good faith about sexual harassment or who participates in good faith in an investigation of a complaint is a violation of this policy and is prohibited by law. If you believe that you have been subjected to retaliation, you must report the incident in accordance with the Reporting Procedure contained in this Manual.

**REPORTING PROCEDURE FOR SEXUAL AND OTHER
UNLAWFUL HARASSMENT, DISCRIMINATION AND
RETALIATION**

Any employee who feels that he or she has experienced sexual or other unlawful harassment and discrimination or retaliation should immediately report such actions. All reports must be made in accordance with the following procedure. All complaints will be promptly and appropriately investigated.

1. If you believe that you have experienced sexual or other unlawful harassment, discrimination or retaliation, you should report the incident immediately to the Finance Director or the Town Administrator.
2. Supervisors and managers who become aware of discriminatory or harassing conduct, a complaint of discrimination or harassment, or retaliation must report the conduct and/or complaint immediately to the Finance Director or the Town Administrator.
3. Barrington NH will promptly investigate incidents reported through this procedure. Any employee, supervisor, or agent of Barrington NH who has been found to have engaged in conduct that violates our policies against discrimination and/or harassment will be subject to appropriate remedial and/or disciplinary action, up to and including immediate discharge. The complainant will be informed generally of the outcome of the investigation and whether remedial action is being undertaken by Barrington NH.
4. Barrington NH will conduct all investigations in a discreet manner. Disclosure of complaints will be limited to those with a need to know in order to investigate the complaint and take appropriate remedial action.

ACCOMMODATION FOR INDIVIDUALS WITH DISABILITIES

In accordance with the Americans with Disabilities Act of 1990 (“ADA”) and RSA 354-A, Barrington NH prohibits any form of discrimination in hiring as well as in all terms and conditions of employment against individuals with physical or mental disabilities. We will make every effort to make reasonable accommodations to ensure equal opportunity for qualified individuals with disabilities in the application process and in performing essential job functions,

so as to afford enjoyment of the same benefits and privileges of employment as are enjoyed by employees without disabilities.

Please notify your department head, the Finance Director or the Town Administrator if, because of a disability, you require an accommodation to perform the essential functions of your job. You may be asked to provide medical information regarding your disability and possible accommodations, and we expect that you will engage in this interactive process in good faith so that we may determine eligibility for accommodation and identify reasonable accommodations. We will maintain all medical information in a confidential manner in accordance with the ADA, and will provide reasonable accommodations as required by law. Barrington NH may decline to provide accommodations to individuals who are not qualified individuals within the meaning of the law, and may also decline to provide accommodations that are not reasonable or that cause an undue hardship.

II. EMPLOYEE CLASSIFICATIONS

EMPLOYMENT AT-WILL

Unless otherwise provided in a written contract or unless set forth by statute, Barrington employees are considered to be employees at-will. Employment at-will status enables both Barrington NH and the employee to terminate the employment relationship with or without cause or notice, at any time, for no reason or for any reason not prohibited by law. Neither the policies contained in this Manual, nor any other written or verbal communication by a supervisor or official, are intended to change the at-will relationship or create a contract of employment.

EMPLOYMENT CLASSIFICATIONS

At the time that you are hired, you are classified as full-time, part-time, or temporary and are informed as to whether you qualify for overtime pay. Unless otherwise specified in this Manual or as required by law, the benefits described in this Manual apply only to full-time employees. All other policies described in this Manual apply to all employees, with the exception of certain wage, salary and time off limitations. If you are unsure of which job classification into which your position fits, please ask the Town Administrator.

REGULAR FULL-TIME EMPLOYEES: Individuals who are regularly scheduled to work 35 or more hours per week and whose employment is not temporary.

REGULAR PART-TIME EMPLOYEES: Individuals who are regularly scheduled to work less than 35 hours per week. For individuals who are collecting New Hampshire Retirement benefits part time in a qualifying position it is for working 32 hours a week or less.

TEMPORARY EMPLOYEES: Individuals who are hired for specific periods of time or for the completion of a specific project, also known as seasonal employees. Temporary employees are not eligible for benefits described in this Manual except to the extent required by state or federal law.

NON-EXEMPT AND EXEMPT EMPLOYEES: All employees will be classified as either “exempt” or “non-exempt.” Exempt employees are usually paid on a salary basis and their

duties and responsibilities allow them to be considered exempt from the overtime requirements of the Fair Labor Standards Act (“FLSA”). Therefore, these employees are not eligible to receive overtime pay. Non-exempt employees do not meet the requirements necessary to be considered exempt from the overtime provisions of the FLSA. Therefore, these employees are eligible for overtime pay in accordance with the FLSA and Barrington policy.

Upon hiring or at the time of a promotion, employees are told whether they are classified as exempt or non-exempt from the overtime provisions of the FLSA. If you have questions about whether you are classified as exempt or non-exempt under the FLSA, please contact the Town Administrator.

Certain employees of the Town may be required to maintain a residence within a certain radius of their work place. These personnel are generally considered necessary to handle emergency situations and, therefore, must be able to respond in a timely manner. The job description and work rules of a department will designate these personnel and the expected response time. This requirement will be clearly articulated during the job search to fill vacancies in these positions.

PROBATIONARY PERIOD

All new employees will be required to successfully complete a probationary period, commencing on the first day of employment. The probationary period for all employees other than police officers who will be attending the academy to become certified will normally be three (3) months in duration, and may be extended for an additional 3 month period by the Town Administrator. During the probationary period, an employee is eligible for those benefits for which the position qualifies. The Police officers who attend the academy to become certified will have a probationary period of three months beginning upon the completion of the academy and after any subsequent field training.

The supervisor shall meet with each new employee at the conclusion of one third and of two thirds of the probationary period to review the employee’s performance. Where appropriate, the supervisor will offer remedial suggestions for improvement.

Upon satisfactory completion of the probationary period, employees enter the “regular” employment classification, although they remain employed on an at-will basis.

All employees who have been promoted to new positions shall be required to complete a three month probationary period in the new position before the promotion is considered to be fully approved.

Personnel who leave the employ of the Town and are re-hired more than ninety (90) days after separation, except those granted a leave of absence or recalled after a layoff of less than 12 months, shall serve another probationary period and shall in all other respects be treated as a new employee.

The Board of Selectmen may waive or shorten the requirement of a probationary period in cases of promotional appointments if they deem it to be appropriate.

III. COMPENSATION AND HOURS OF WORK

REPORTING OF TIME WORKED

It is important that your time be accurately reported so that you are compensated for the hours that you work. You may be required to complete time sheets or to punch a time clock. No one is authorized to punch a time clock on your behalf, and falsification of time records could lead to disciplinary action, up to and including termination from employment. Failure to file a time sheet in a timely fashion is grounds for disciplinary action. If there are any changes needed to your weekly time card, then you must initial the change, indicating that you agree to the change and the accuracy of the change. Your supervisor will provide you with details concerning your obligation to report all time you have worked.

PAY/PAY PERIODS

Employees are paid on a weekly basis on Thursdays for all hours worked during the preceding calendar-week pay period. Please review your paycheck for errors. If you find a mistake, report it to your supervisor or the Finance Director immediately. Paychecks will be distributed only to you. Paychecks are distributed either by your supervisor or a representative from the Finance Department. Employees may have payment directly deposited into their bank accounts at no charge if they provide advance written authorization to the Town.

WORK WEEK/HOURS OF WORK

Barrington NH's work week begins on Monday morning at 12:00 a.m. (midnight) and ends on Sunday evening at 11:59 p.m. If an assigned police shift begins on Sunday and carries past midnight, the assigned hours after midnight will be included with the previous day for payroll purposes. Because of the nature of our business, your work schedule may vary depending on your job and department. The Town of Barrington requires the presence and diligent efforts of employees in order to provide the requisite level of service to our community. Accordingly, normal weekday hours vary by department.

The Town of Barrington reserves the right to alter or amend any employee's work schedule at its own discretion and in accordance with the needs of the Town of Barrington. An honor code of conduct exists whereby employees are entrusted to work their scheduled hours. Employees are encouraged to embrace this show of responsibility and commitment to the Town of Barrington, the community and to each other. Employees who are asked by the Town of Barrington to keep time records must also adhere to this honor code when completing their time records. Time records must be completed fully and accurately, and employees may not provide any false information on time records or any other Town of Barrington records.

PAYROLL DEDUCTIONS

A. Payroll Deductions for All Employees

There are two categories of payroll deductions, those required by state or federal law and those allowed by the Town and authorized by the employee. Payroll deductions required by state and federal law include federal withholding, income tax, social security tax, state retirement and wage garnishments as required by law (i.e. child support payments, court-ordered payments, IRS garnishments). If authorized by an eligible employee, Barrington NH will also make payroll deductions for health insurance and voluntary contributions to a 457 retirement plan. These deductions will be itemized on your check stub.

Under New Hampshire law, Barrington NH may not withhold, make use of any portion of, or require any employee to remit any portion of an employee's wages except, with appropriate authorization and if allowed by the Town, as follows: union dues, health, welfare pension, and apprenticeship fund contributions; medical, surgical, hospital and other group insurance benefits without financial advantage to the employer; voluntary contributions to charities; housing and utilities; payments into savings funds held by someone other than the employer; voluntary payments for the recovery of tuition for non-required education costs; voluntary rental fees for non-required clothing; voluntary cleaning of uniforms and non-required clothing; voluntary contributions into cafeteria plans or flexible benefit plans, or both, as authorized by section 125 or section 132 of the Internal Revenue Code; and voluntary payments by the employee for the following: child care fees by a licensed child care provider; fees for the employee's use of a qualifying fitness facility; contributions to a political action committee; installment payments of loans made by the employer to the employee; voluntary repayment of accidental overpayments made to the employee; repayment of unearned advances on vacation or other paid time off where supported by appropriate documentation; required clothing not considered to be uniforms; the use of a demonstrator vehicle as defined in RSA 261:111; and legal plans and identity theft plans without financial advantage to the employer. The Town may decide not to make some or all of the above deductions town-wide even if authorized by an employee.

B. Payroll Deductions for Salaried Exempt Employees

Barrington NH complies with all federal and state laws with regard to deductions from paychecks, including deductions from the salaries of exempt employees. In accordance with the laws, salaried exempt employees receive a predetermined salary which is not subject to reduction because of variations in the quality or quantity of work performed and is not subject to reduction for absences requested by Barrington NH or due to the operating requirements of Barrington NH. Barrington NH recognizes that under federal and state law there are only limited times when a salaried employee's salary can be subject to deductions.

Barrington NH prohibits deductions from salaries that are inconsistent with the status of an exempt employee. Exempt employees should note that salaries are subject to modification from time to time, such as at evaluation time, when an employee's position or responsibilities change, and at other appropriate times. Exempt employees should also note that it is permissible for an employer to apply earned time, vacation, sick, personal and other forms of paid time off to partial or full-day absences for personal reasons, sickness, or disability, and that applying such paid time is not considered a deduction from salary. With adequate notice as specified by law, the Town may also provide for disciplinary time off without pay.

C. Questions Regarding Paychecks and Deductions

If you have any questions or concerns about your paycheck or any deductions from your pay, please contact the Finance Director as soon as possible. If you do not receive a prompt response or are dissatisfied in any way with the response you receive, you should feel free to contact the Town Administrator.

Questions and concerns regarding pay and deductions will be investigated and addressed promptly. If there has been an error, such as a deduction made in error, the employee will receive a corrected check or a check reimbursing the employee for the error, whichever is more practicable under the circumstances.

Employees should feel free to communicate any questions or concerns regarding pay or deductions. Barrington NH will not tolerate retaliation against employees who have expressed concerns using this procedure.

REIMBURSABLE EXPENSES

With prior approval by the Department Head or in the case of Department Heads, approval by the Town Administrator, legitimate expenses will be reimbursed by the Town of Barrington to the employee. Necessary travel incident to duties and performed in the town employee or official's personal vehicle shall be reimbursed at a rate per mile to be determined by the Board of Selectmen.

With prior authorization, town employees and officials shall be reimbursed for meals when on official business involving an overnight stay, or attending a meeting or training session. Reasonable expense of the meal (excluding any alcoholic beverage) shall be allowed.

The reasonable cost of lodging incidental to travel shall be reimbursable, and hotel or motel bills must be attached to expense vouchers.

It is the responsibility of all employees and officials on travel status to make sure there are sufficient funds available before they undertake the travel or incur the expense.

All reimbursement vouchers must be approved by the Department Head and for Department Heads approved by the Town Administrator. The employee must submit receipts in order to be reimbursed. Reimbursement may be in the form of petty cash or a separate check. See the Finance Director with any questions as to whether and what expenses may be reimbursed.

OVERTIME

It may be necessary for you to perform overtime work. All overtime must be approved in advance by the department head. Except in the event of an emergency, Barrington NH will attempt to provide you with advance notice of the necessity for overtime work. Most non-exempt employees, with the exception of certain law enforcement and fire protection employees, are entitled to be paid one and one-half (1-1/2) times their regular rate of pay for all time worked in excess of forty (40) hours per week. Employees in fire protection or law enforcement

activities as those terms are used in sections 7(k) and 13(b)(20) of the Federal Fair Labor Standards Act and applicable regulations shall be subject to a work period of 28 consecutive days. For those employees, overtime will be paid for all hours worked in excess of the average of forty (40) hours per week during that period.

Overtime pay shall not be paid for any period when no work is performed such as earned time, holidays (with the exception of the Highway Department), leaves of absences, and other time off benefits are not counted as “time worked” for purposes of overtime. Holidays count toward time worked in a week for only the Highway Department. You will be advised when you are hired if you are entitled to overtime pay.

Overtime is only paid to non-exempt employees.

“Compensatory time” instead of overtime is unavailable.

BREAKS AND MEAL PERIODS

Generally, all Barrington employees will be provided with a thirty (30) minute meal period/break after five consecutive hours of working, unless it is feasible to eat while working and the employee is permitted to do so. Fire protection and law enforcement personnel will receive meal breaks as established by their respective Departments. One or two paid break periods of fifteen (15) minutes will be granted during the work day if possible, but these breaks are not guaranteed.

Break Time for Nursing Mothers: Employees will be provided with a reasonable break time for the employee to express breast milk for her nursing child for 1 year after the child’s birth each time such employee has need to express the milk. A private area will be provided. For non-exempt employees these breaks are unpaid unless part of a paid break.

SHIFT DIFFERENTIAL & ON CALL

If an employee’s entire regular work shift falls between the hours of 6:00 PM and 6:00 AM he or she will be paid a shift differential of \$1.00 per hour for work time scheduled and worked.

On Call Stand by Compensation: As on call hours are not defined as hours worked under FLSA. Employees who are on call will be paid one hour at their normal hourly rate of pay for each four-hour on call period. An employee who receives on call pay must respond to call backs or will forfeit all on call pay for that week.

Call Back Compensation: As call back hours are defined as hours worked under FLSA, all employees who are called back to duty after the conclusion of the full-time regular workday shall be compensated at a minimum of two (2) hours. These hours will be paid at time and one-half provided the number of hours worked during the workweek meet or exceeds forty hours. If an employee has not met or exceeded forty hours worked during the workweek, call back compensation will be paid at the employee’s regular rate of pay.

IV. TIME AWAY FROM WORK AND OTHER BENEFITS

HOLIDAYS

The Town currently allows 12 holidays each year. On or before January 1 of each year, the Board of Selectmen or the Town Administrator on its behalf will post a list of approved holidays for the coming year. All holidays will be observed on the day designated by the Federal Government other than the day before or after Christmas which is set by the Town Administrator. Normally, holidays falling on a Saturday will be celebrated on Friday. Holidays falling on a Sunday will be scheduled on a Monday. One exception is that those employees at the transfer station will be paid for holidays falling on a Saturday and the hours they work when they also work on a holiday Saturday as well as paid for Christmas if it falls on a Saturday.

1. New Year’s Day - Floats -
2. Martin Luther King - Monday -
3. President’s Day – Monday -
4. Memorial Day - Monday -
5. Independence Day - Floats
6. Labor Day - Monday -
7. Columbus Day - Monday -
8. Veterans Day - Floats
9. Thanksgiving Day -Thursday
10. Day after Thanksgiving - Friday -
11. Christmas Eve or the day after Christmas-Floats
12. Christmas Day - Floats

Police employees and Fire employees will be paid for 12 holidays whether they work them or not and that time will not count as time worked. This will be done by paying these employees 1.84 hours per week throughout the year for employees who average 40 hours per week. This time will not count as time worked. Other employees (but not Police or Fire employees) scheduled to work an approved holiday will be compensated for all such scheduled hours worked in addition to receiving Holiday pay which will be paid at the employee’s regular rate of pay for regularly scheduled hours. Thus if a person is not scheduled to work on a Friday on which a holiday falls, they do not receive holiday pay but if they are scheduled for 10 hours on a Wednesday holiday, they will be paid 10 hours at the regular rate. Holidays are counted as time worked for purposes of overtime for only the *Highway Department employees* and do not count towards overtime for hours worked for any other employee.

EARNED TIME

This policy to allow Earned Time Payment was developed to provide paid time off from work for such reasons as holidays, vacations, sickness, and personal reasons.

- A. The following schedule details the rate at which time will be accrued for all employees, for the indicated consecutive years of employment, prorated by the

number of hours paid. (Schedule is based upon an 8-hour workday, 2080 hours worked annually and shows the highest number of vacation & sick days that can be accrued. Employees who regularly work less than 40 hours will be paid based upon the hours they are regularly scheduled to work. Earned time shall apply to all employees regularly working 20 hours or more).

Town Employees

Group A: 0-4 years of service 8.5%
10 vacation days 12 sick days

Group B: 5-9 years of service 10.4%
15 vacation days 12 sick days

Group C: 10+ years of service 12.4%
20 vacation days 12 sick days

Example: An employee is paid for 40 hours per pay period. His/her time is calculated by multiplying the hours paid by the accumulation percentage and adding the number to the employee's earned time bank.

Town Employees

Group A: 40 hours x 8.5% = 3.4 hours

Group B: 40 hours x 10.4% = 4.16 hours

Group C: 40 hours x 12.4% = 4.96 hours

Earned Time General Rules:

1. Earned Time is available for all employees who regularly work a minimum of 20 hours per week and is calculated upon the number of hours regularly scheduled up to 40 hours in a workweek. Exempt salaried employees are calculated on the basis of 40 hours per week.
2. Earned time is **not** accrued during any period of time when on unpaid leave including short and long term disability.
3. Earned Time can be accrued to a maximum of 320 hours for full-time employees. Part time employees may accumulate to a maximum of 8 times their regular weekly schedule, for example 20 hours per week times 8 equals 160 hours maximum for that part-time employee. Starting January 1, 2014, and at each subsequent January 1, any hours in excess of that maximum limit will be lost without compensation for them, reducing the total earned time down to the maximum. The Town Administrator has the authority to grant a temporary excess of hours for a limited period of time based upon unique circumstances. Upon

- leaving service an employee will not be paid for more than the maximum number of hours allowed above.
4. During the course of any year, including 2012, an employee may only cash in an amount equal to 50% of his or her total annual accrual other than upon termination of employment. During the course of any year an employee of the Police and Fire Department may only cash in an amount up to that equal to 60% of his or her total annual accrual other than upon termination of employment.
 5. Earned time can be used in amounts of one hour or more.
 6. When using Earned Time, the total pay for any one day shall not exceed an employee's usual work hours.
 7. Only the amount of Earned time ACTUALLY accrued and deposited in the Earned Time bank shall be available for use.
 8. All Earned Time requests for reimbursement must be recorded on payroll time sheets and Appendix A must be completed and submitted to Payroll.
 9. Whether through a voluntary or involuntary termination of employment during the first six months, the employee shall forfeit all Earned Time benefits.
 10. Upon termination of employment (other than during the first six months of employment), the employee will be paid for all Earned Time accrued and deposited in the Earned Time bank.

Earned Time Scheduling: Except in emergencies beyond the employee's control, (e.g., an illness, unexpected appointment or occurrence, etc.) all requests to utilize Earned Time shall be granted or denied at the discretion of the employee's immediate supervisor as work schedule permits and on a first come/first served basis.

Earned Time and Sick Days: These are a part of the earned time policy or for those employees in the earned sick bank.

Earned Time: is intended to provide for the continuation of compensation. Therefore, it is advisable for an employee to accrue at least two weeks of earned time as protection for unexpected periods out of work due to illness. No employee may purchase earned time bringing him or her below two weeks of time in the Earned Time bank.

Maternity: See Family Medical Leave section of this personnel policy.

Earned Time Exceptions: Any variation from this Earned Time Policy will require the approval of the Board of Selectmen.

Earned Time Buyout Options: Earned Time may be "bought out" four times a year, as indicated below. Full-time and part-time employee must retain a minimum of two weeks in their Earned Time bank when cashing out. Employees may not purchase hours that would reduce their bank below the minimum required hours. Use of this cash option will be permitted quarterly during March, June, September and December. Such requests must be submitted to Payroll in the first two weeks of the appropriate month and will be paid in the next pay period for that month. (In cases of unique hardship, a person can appeal to the Board of Selectmen for buy-out at another time. The first quarterly buy-out for 2012 will open the month following approval of the amendment with the second in December.) A completed Earned Time Cash

Option Form will be required and must be submitted by the employee to Payroll in a timely manner. (See Appendix A)

SICK BANK

To insure that time previously accrued as sick time but not taken by the employee will not be lost with the initiation of Earned Time. This was created for employees who were hired before 12/31/2000 and had unused sick time. All previously accrued but unused sick time will go into an extended sick-time bank for use by the employee for prolonged sickness or disability only.

Sick Bank Procedure:

- A. Following the second consecutive day of absence due to illness or disability, the employee may submit a request for use of the extended sick-time bank to the department head. These may only be used for the employee’s own illness or that of a family member living in the same household.
- B. The department head will notify the bookkeeper to pay out of the employee’s extended sick bank for the duration of the absence or until the accrued cash balance has been utilized.
- C. The sick bank is closed to any additional deposits of time. No employees may add time to the sick bank and those with a zero balance may not open an account. All time in the sick bank will be converted to dollars as of October 1, 2012 at the current wage rate of each employee who has time in the sick bank. This dollar total will not increase with future salary increases and will be used out by purchasing time at the then current rate of pay. The town will consider budgeting to buy down the total in the sick bank in future years.
- D. Upon separation of employment, accumulated money within the sick bank shall be forfeited, however, when an employee in good standing, who is separating his/her employment with the Town has a minimum of 10, 15, or 20 years of employment with the Town they will be paid on a prorated basis for their years of service as indicated below*:

10 years of service = 50% of accumulated funds
15 years of service = 75% of accumulated funds
20 years of service = 100% of accumulated funds

FAMILY AND MEDICAL LEAVE

Under the Family and Medical Leave Act (“FMLA”), eligible employees may take an unpaid leave of absence and be restored to the same or an equivalent position upon their return to work for any of the following reasons:

- (1) The birth of the employee’s child and to care for the newborn child (leave must be taken within twelve (12) months of the birth of the child);
- (2) The placement of a child with the employee for adoption or foster care, and in order to care for the newly placed child (leave must be taken within twelve (12) months of the adoption or

placement of the child);

(3) The serious health condition of a spouse, parent, minor child, or adult child when the adult child is incapable of self-care and the employee is needed for such care (“covered family members”);

(4) The employee’s own serious health condition that renders the employee unable to perform his or her job;

(5) A “qualifying exigency” (as defined in the Department of Labor Regulations) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on “covered active duty” or has been notified of an impending call or order to “covered active duty” in the United States Armed Forces;

(6) The employee is a spouse, son, daughter, parent, or next of kin of a “covered servicemember” (as defined in the Department of Labor Regulations) who has a serious injury or illness and the employee is needed to care for such person.

Eligibility Requirements: To be eligible for FMLA leave, an employee must satisfy both of the following conditions:

- The employee must have worked for Barrington NH for at least twelve (12) months, and must have performed at least 1,250 hours of work in twelve (12) months prior to a leave request; and
- At the time leave is requested, the employee must either: (a) work at a site where Barrington NH employs fifty (50) or more employees or (b) work at a worksite where Barrington NH employs less than fifty (50) employees if fifty (50) or more employees are employed within a seventy-five (75) mile radius of the worksite.

Leave Entitlement: If an employee takes FMLA leave for a reason stated in paragraphs (1)-(5), above, the employee is entitled to up to twelve (12) workweeks of unpaid leave during a twelve (12) month period. That twelve (12) month period is defined as a "rolling" twelve (12) month period measured backward from the date an employee begins an FMLA leave. In other words, the number of weeks the employee has available upon the beginning of a FMLA leave will be twelve (12) weeks less the number of FMLA leave weeks taken in the twelve (12) month period prior to the beginning of the current FMLA leave (the "Available Leave Weeks"). For example, if an employee used four weeks beginning February 1, 2008, four weeks beginning June 1, 2008, and four weeks beginning December 1, 2008, the employee would not be entitled to any additional leave until February 1, 2009. Beginning on February 1, 2009, the employee would be entitled to start accruing a new four weeks of leave; on June 1, 2009, the employee would be entitled to start accruing four additional weeks; and so on.

If an employee takes FMLA leave for the reason stated in paragraph (6), above, the employee may take up to 26 weeks of unpaid FMLA leave within a single 12-month period. This 12-month period begins on the first day of leave.

An employee who takes FMLA leave for a reason stated in paragraph (6), above, will be limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period. The leave entitlement described in paragraph (6) above is to be applied on a per-covered-service-member, per injury basis such that an eligible employee may be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different covered service-members or to care for the same service-member with a subsequent serious illness of injury, except that no more than 26 workweeks of leave may be taken within any single 12-month period.

Tracking FMLA Leave: When an eligible employee requests any leave of absence that qualifies under the FMLA, Barrington NH has the right to designate such leave as FMLA leave. For example, if an eligible employee suffers a work related injury that qualifies as a serious health condition, Barrington NH has the right to designate any time away from work as FMLA leave. In such circumstances, Barrington NH will provide the employee with the same notifications as though the employee had specifically requested FMLA leave.

Intermittent and Reduced Schedule Leave: Under some circumstances, employees may take FMLA leaves of absences intermittently (in separate blocks of time due to a single FMLA qualifying reason) or on a reduced leave schedule (reducing the usual number of hours an employee works per workweek or workday). Certification will be required to show that an intermittent or a reduced schedule leave is a medical necessity for leaves under paragraphs (3), (4), and (6), above. Other documentation or certification may be required to show that such an intermittent or a reduced schedule leave is necessary in the case of a leave of a “qualified exigency” under paragraph (5), above.

If FMLA leave is for birth and care, or placement for adoption or foster care, as described in paragraphs (1) and (2), above, use of intermittent leave is subject to Barrington NH approval.

When an employee takes intermittent or reduced schedule leave, time spent working will not be counted against the employee’s FMLA entitlement.

Employees taking intermittent or reduced schedule leave will be paid for the time they work, and the leave time away from work will be unpaid unless the employee qualifies for workers’ compensation, short-term or long-term disability, or other benefits. If an employee is a salaried employee, Barrington NH will adjust the employee’s salary based on the amount of time actually worked.

While an employee is on intermittent or reduced schedule FMLA leave, Barrington NH may temporarily transfer the employee to an available alternate position that better accommodates the employee’s recurring leave and that has equivalent pay and benefits.

Employees who take intermittent leave for a planned medical treatment have an obligation to make a “reasonable effort” to schedule the treatment so as not to disrupt unduly Barrington NH’s operations.

Status Of Employee Benefits: Employees are required to use any accrued, unused paid time off days during FMLA leave unless the FMLA leave is otherwise paid through workers’

compensation benefits, short-term disability benefits, or other benefits. The substitution of paid leave time for unpaid leave time does not extend the FMLA leave period. Also, the employee's FMLA leave may run concurrently with other types of leave.

During an approved FMLA leave, Barrington NH will maintain the employee's health benefits under the same terms and conditions applicable to employees not on leave.

- If paid leave is substituted for unpaid FMLA leave, Barrington NH will deduct the employee's portion of the health plan premium as a regular payroll deduction.
- If an employee's leave is unpaid, or is paid through workers' compensation, short-term or long-term disability benefits, or other benefits not provided through Barrington NH's payroll system, the employee must pay his or her portion of the premium by making arrangements with the Finance Director.
- Health and other benefit coverage may be canceled if the employee's premium payment is more than (thirty) 30 days late.

If an employee elects not to return to work at the end of the leave, the employee will be required to reimburse Barrington NH for the cost of the premiums paid by Barrington NH for maintaining coverage during the unpaid leave, unless the employee cannot return to work because of a serious health condition or because of other circumstances beyond the employee's control. If the FMLA leave is for a condition that is covered under Barrington NH's short-term and long-term disability insurance, covered employees may apply for benefit coverage.

Benefit entitlements based on length of service will be preserved at the level earned as of the commencement of the leave, but will not accrue further during the leave period. For example, an employee on leave will not accrue additional sick/personal days.

Requesting Leave: Employees must complete the appropriate FMLA leave request forms. These forms are available from the Finance Director.

If an employee's need for leave is foreseeable, such as for the birth of a child or planned medical treatment, you must give your department head or for department heads the Town Administrator (thirty) 30 days' prior written notice. In cases of planned medical treatment, please make efforts to schedule the treatment to avoid disrupting Barrington NH's operations.

If the need for leave is not foreseeable, the employee must give notice to his or her supervisor as soon as practicable (generally, either the same day or the next business day of learning the employee's need for leave) and the employee must comply with all of Barrington NH's policies regarding absences from work. Failure to provide such notice may be grounds for delaying the leave. If the employee is unable to notify Barrington NH of his/her need for leave personally because of illness, the employee should ask someone else to call on his or her behalf.

Medical Certifications: If an employee is requesting leave because of the employee's serious health condition, a covered family member's serious health condition, or for the serious injury or

illness of a covered servicemember, the employee must provide a medical certification from the appropriate health care provider. It is an employee's responsibility to provide a complete and sufficient certification. Please obtain a medical certification form from the Finance Director for the health care provider to use. If possible, the employee should provide the medical certification before the leave begins. If that is not possible, the employee must provide the medical certification within fifteen (15) days of requesting leave. If the employee does not provide the required medical certification in a timely manner, the employee's leave may be delayed. If you do not provide the certification at all, Barrington NH will not be able to determine whether you are eligible for FMLA leave and your leave will be denied. Barrington NH reserves the right to authenticate or clarify any medical certification if necessary.

In the case of an employee's own serious health condition, or that of a family member's serious health condition, Barrington NH, at its expense, may require an examination by a second health care provider designated by Barrington NH. If the second health care provider's opinion conflicts with the original medical certification, Barrington NH, at its expense, may require a third health care provider agreed upon by the employee and Barrington NH to conduct an examination and provide a final and binding opinion.

Barrington NH may also require subsequent medical recertification. Failure to provide requested recertifications within fifteen (15) days may result in delay of further leave.

Certifications for a Qualifying Exigency: Employees who request a leave for a "qualifying exigency" arising from an immediate family member's call to active duty or impending call or order to active duty will be required to provide a copy of the family member's active duty orders or other documentation issued by the military indicating the member is on active duty or call to active duty status in support of a contingency operation. Other documentation certifying the exigency necessitating the leave will also be required.

Confirmation of Familial Relationship: Employees requesting a leave of absence based on a familial relationship, may be required to provide reasonable documentation or statement of family relationship. This documentation may take many forms, including but not limited to a child's birth certificate, a court document, etc.

Reporting While On Leave: If an employee takes leave because of his or her own serious health condition, to care for a covered family member with a serious health condition, to care for a covered servicemember with a serious illness or injury, or for a qualifying exigency, the employee must contact the office of the Finance Director on a regular basis to provide updates about the status of the need for leave (e.g. the medical condition of the employee or the individual for whom the employee is caring, or other circumstances necessitating leave) and the employee's intention to return to work. In addition, the employee must give notice as soon as practicable (within two (2) business days if feasible) if the dates of leave change or are extended or initially were unknown.

No Work While On Leave: The taking of another job (including self-employment) while on FMLA leave or any other authorized leave may lead to disciplinary action, up to and including discharge.

Returning To Work: At the end of an authorized FMLA leave, the employee will be reinstated to his or her original position or an equivalent position. However, certain highly compensated employees or “key employees” may be denied restoration to their prior or equivalent position if keeping the job open for the employee would result in substantial economic injury to Barrington NH. Key employees are those employees who are among the highest paid ten percent of employees within 75 miles of the worksite.

If an employee takes leave because of his or her own serious health condition, the employee will not be reinstated until the employee provides a fitness for duty certificate from his or her health care provider confirming that the employee is medically able to resume work and perform the essential functions of his or her job. The return-to-work medical certification forms are available from the Finance Director. Barrington NH reserves the right to clarify and authenticate such certification.

Coordination With Maternity Leave: As stated in our Maternity leave policy, Barrington NH provides female employees with a leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth, and related medical conditions. If an employee is also eligible for FMLA leave, the employee’s FMLA leave and Maternity Leave will run concurrently. Please refer to Barrington NH’s Maternity Leave policy for more information regarding Maternity Leave.

For purposes of coordinating FMLA and maternity leaves, maternity disability leave will be treated in the same manner as the FMLA leave of absence described in paragraph (4) above. Maternity disability leave begins when an employee is medically determined to be disabled and ends when medically determined to be able to return to work. If a maternity disability leave is for the number of available FMLA leave weeks or less, the employee may take additional FMLA leave pursuant to paragraph (1) or (2) after the end of the disability period, not to exceed the number of remaining available leave weeks and will be reinstated in accordance with this FMLA policy. If a maternity disability leave exceeds the number of available FMLA leave weeks, then reinstatement will be governed by the maternity leave policy.

Coordination With Other Barrington Policies; Reference To FMLA And Federal Regulations: In the event of any conflicts between this policy and other Barrington policies, the provisions of this policy will govern. The FMLA and the FMLA regulations issued by the U.S. Department of Labor contain many limitations and qualifications that are not stated in this policy. Barrington NH reserves the right to apply the terms of the FMLA and the FMLA federal regulations.

Any questions relative to FMLA leaves, including eligibility requirements, should be directed to the Finance Director at the town offices.

MATERNITY LEAVE

All female employees may take an unpaid leave of absence for the period of temporary physical disability resulting from pregnancy, childbirth or related medical conditions. A maternity leave begins when an employee is medically determined to be disabled and ends when she is medically able to return to work. Employees will be required to take FMLA leave, if they are eligible for such leave, concurrently with maternity leave, as described in our FMLA policy.

Employees must use their accrued earned time before taking unpaid leave under this policy. Employees on maternity leave may also be eligible for short-term or long-term disability benefits.

Employees on maternity leave who are not eligible for FMLA leave or who have exhausted their FMLA available leave weeks will be allowed to continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue medical insurance coverage by making arrangements with Finance Director to pay the entire amount of the appropriate monthly premium in advance each month.

When the employee is physically able to return to work, her original job or a comparable position will be made available to her unless business necessity makes this impossible or unreasonable. An employee who cannot be returned to her original or a comparable position will remain eligible to apply for any available position within Barrington NH.

PERSONAL LEAVE OF ABSENCE

Barrington NH recognizes that due to personal circumstances, it may be necessary for an employee to request more time off than is provided under our policies. A personal leave of absence may be granted at the sole discretion of the Barrington NH Board of Selectmen to employees who have exhausted their leave available under our other leave policies, including earned time, maternity leave and FMLA, and is normally only granted for compelling reasons. There will be a definite "return by date" that is no more than 60 days from the date of the start of the leave. Personal leaves can be extended in increments of up to 60 days at the sole discretion of the Board of Selectmen.

Employees may be granted an unpaid leave of absence by the Board of Selectmen to attend to personal matters in cases in which the Town determines that an extended period of time away from the job will be in the best interest of the employee and the Town. There will be a definite "return by date" that is no more than 60 days from the date of the start of the leave. Personal leaves can be extended in increments of up to 60 days at the sole discretion of the Board of Selectmen.

Personal leaves of absence will be unpaid, and an employee on an unpaid personal leave of absence is not entitled to accrue any benefits, including, but not limited to holidays and earned time.

Employees who are granted a personal leave of absence may continue to participate in our health insurance benefit for the calendar month during which the leave begins. When that calendar month expires, the employee may continue health insurance coverage by making arrangements with the Finance Director to pay the entire amount of the appropriate monthly premium in advance each month.

To request a personal leave of absence, please contact the Town Administrator. You may be asked to provide a written request for the leave and/or a health care provider's certificate if it is for medical reasons stating the reason for the leave and the expected date of return to work. An employee who has taken leave for medical reasons must submit a fitness for duty certificate from his or her health care provider before reinstated to work.

Requests for leave will be considered on a case-by-case basis, taking into account the Town's staffing needs and other factors. If a personal leave is granted, you may not accept other employment of any kind, including a business of your own, while you are on leave. If you are granted a personal leave of absence, you must inform us when you are able to return to work.

We will make reasonable efforts to reinstate employees returning from personal leaves to the same or similar job as held prior to the leave of absence, subject to our staffing needs and other requirements. Please understand that we cannot guarantee reinstatement from a personal leave. If Barrington NH is not able to reinstate an employee returning from leave, the employee's employment will be terminated, and the employee will remain eligible to apply for employment in the future. If an employee fails to return to work following the expiration of the leave, the employee will be considered to have voluntarily resigned from his or her employment with Barrington NH. An employee who accepts full-time employment from another employer while on leave without pay shall be deemed to have voluntarily severed the employer/employee relationship with the Town.

MILITARY LEAVE

Employees who voluntarily or involuntarily serve in the United States armed forces or National Guard (collectively referred to as "uniformed services") will be provided with leaves of absence for such service or training in connection with such service in accordance with the federal Uniformed Services Employment and Reemployment Rights Act ("USERRA").

For each such period of military service, the employee will be paid the difference between service pay and the employer's regular compensation, for up to a maximum of 10 days per calendar year. Military leaves of absence longer than 10 days will be unpaid, unless otherwise required by law. You may elect to take part of, or all of, your accrued vacation time with pay during your military leave of absence, but you are not required to do so.

Notice of Leave Request: An employee needing time away from work for service or training in the uniformed services should make the Town Administrator and Finance Director aware of the need for leave as soon as the employee receives the written or verbal orders. It is requested that notice should be provided at least 30 days before the leave begins where it is at all possible to do so.

An employee's request for leave may include reasonable time off to get personal business in order prior to commencing service in the uniformed services. Reasonable time off will be decided by the Town Administrator based on a case by case basis.

Health Coverage: If a military leave lasts less than 31 days, the employee's health insurance will be continued and the employee will pay his/her regular contribution for the cost of health insurance. Payment for insurance with less than 31 days leave may be paid in advance or upon return through payroll deductions.

If a military leave lasts 31 days or more, then the employee's health insurance coverage will cease and the employee will be eligible to elect to continue his or her health insurance coverage or coverage for dependents at his or her own expense for up to 24 months, in accordance with USERRA. The cost for continuation coverage will be the full cost of the premium, and a 2% administrative fee may also be charged.

When the employee returns to work, he or she will be reinstated to the health insurance benefit with no waiting period, even if coverage terminated during the leave.

Pension: Upon reemployment the employee is treated as if there was no break in service for participating, vesting and accrual purposes. If applicable, the employee may elect to make up any missed contributions or elective deferrals, but is not required to do so.

Reinstatement: Employees wishing to be reinstated following military leave should promptly notify the Town Administrator of their desire to be reinstated. If the leave is for service of less than 31 days, then the employee should return to work on the first full regularly scheduled work day following completion of service, allowing for 24 hours of rest and time for safe transportation back from the service. If the service lasts 31 to 180 days, then the employee should notify Town Administrator of the desire for reinstatement within 14 days of completing service. If the military leave lasts more than 180 days, then the employee should notify Town Administrator of the desire for reinstatement within 90 days of completing service.

Barrington NH will reinstate eligible employees promptly. Eligibility for reemployment will be determined with reference to USERRA and its implementing regulations. Employees seeking reinstatement may be asked to provide documentation of the timeliness of the reinstatement request, the total time spent in service, and/or a statement that the reason for separation or dismissal from service is not disqualifying.

Employees cannot waive their reemployment rights in advance of being released from uniformed service.

Disabled Service Members: If a returning employee was disabled or a disability was aggravated during uniformed service, Barrington NH will make reasonable accommodations and efforts to help the employee become qualified to perform the duties of his or her reemployment position.

Statement Against Discrimination and Retaliation: Barrington NH will not discriminate in hiring, employment, reemployment, or any benefits of employment against any individual because of that individual's service in the United States uniformed services. Barrington NH also will not tolerate any retaliation against any individuals because of their service in the uniformed services or their engagement in any other activities protected under USERRA.

Questions regarding this policy should be directed to the Town Administrator.

BEREAVEMENT LEAVE

Full-time and part-time employees will be granted time off from work without loss of pay in connection with the death of a relative in accordance with the following policy.

In the event of the death of a member of a full-time or part-time employee's immediate family, Barrington NH provides three (3) days paid time off. The three (3) work days usually include the day before the funeral and a day after. Pay for part-time employees will be pro-rated based on the number of hours, if any, the employee regularly works on those days. "Immediate family" includes spouse (or legally recognized equivalent for out-of-state employees), children (including biological or by adoption), step-children, parents, brothers, sisters, step-parents, step-brothers, step-sisters, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, great grandparents, great grandchildren and grandchildren of the employee.

One day off from work without loss of pay will be allowed for the death of a family member not listed above.

Exceptions can be made by the Town Administrator for unique circumstances.

JURY DUTY/WITNESS LEAVE

Barrington NH considers it a civic duty to serve on a jury if summoned and will grant you leave in order to serve on a jury. An employee shall be excused from employment for the day or days required in serving as a juror or witness in any court of the United States or the employee's state of residence. For temporary employees, jury or witness duty will be considered an excused unpaid absence. Part-time and full-time employee called for jury duty or subpoenaed as a witness shall be granted leave, some of which may be partially paid. Employees who are compensated for jury duty or as a witness shall be paid up to ten days in a given calendar year the difference between their regular day's straight-time pay and the amount of compensation they receive for performing their jury or witness duty.

Employees summoned for jury duty must inform their supervisor as soon as possible, and must present a copy of the summons to the Finance Director. If released from jury duty or testifying on any day, the employee is expected to return to work. Exceptions may be made by the Town Administrator for jury duty required beyond ten days.

LEAVE OF ABSENCE FOR VICTIMS OF CRIME

Barrington NH will grant an employee unpaid time off from work to attend court or other legal or investigative proceedings associated with the prosecution of a crime in which the employee

was a victim. For purposes of this policy, a “victim” is any person who suffers direct or threatened physical, emotional, psychological, or financial harm as a result of the commission or attempted commission of a crime.

Employees may also qualify for leave under this policy if they are part of the immediate family of a homicide victim or part of the immediate family of a child under the age of 18 or an incompetent adult who is the victim of a crime. For purposes of this policy, “immediate family” means the father, mother, stepparent, child, stepchild, sibling, spouse, civil union partner, grandparent, or legal guardian of the victim, or a person who is otherwise in an intimate relationship with and residing in the same household as the victim.

An employee needing time off under this policy should notify the Town Administrator or Finance Director as far in advance as possible. The employee may be asked to submit copies of the notices of each scheduled hearing, conference, or meeting that is provided to the employee by the court or agency involved in the prosecution of the crime. Employees must comply with any requests to submit these notices, and failure to do so may result in denial of the leave of absence. Barrington NH will maintain any such notices or records in confidence, and will disclose them only on a need to know basis.

The employee will be notified as soon as practicable whether the leave request is granted or denied. Requests falling within the definitions of this policy will typically be granted unless the leave of absence would cause an undue hardship on Barrington NH. An “undue hardship” for purposes of this policy means significant difficulty and expense. In determining whether an undue hardship may exist, we will consider the size of our operations, the employee’s position, and our need for the employee to be at work.

Leave taken under this policy is unpaid, although an employee may elect to use his or her accrued earned time.

Barrington NH will not discharge, threaten, or discriminate against an employee for taking leave under this policy, and employees taking leave under this policy will not lose any seniority during the leave of absence.

ADMINISTRATIVE LEAVE

Administrative leave is intended to allow the Town to place an employee in a leave status with pay or without pay for a fixed duration pending the conclusion of an investigation, review of performance or other circumstances not covered under other policies of the Town that may require the removal of the employee from the workplace until the matter is reviewed and/or resolved.

A request for administrative leave shall be initiated by an employee’s department head, Town Administrator or in the case of the Town Administrator, the Board of Selectmen, for the circumstances stated above. The request shall clearly state the reasons for the request and the duration of the leave. The request shall be reviewed and approved by the Town Administrator.

The Town Administrator has the right to declare an employee on paid administrative leave for the purpose of a curtailed operation due to weather related incidents or other unsatisfactory

workplace conditions that are out of the Town’s control and that may result in the closing of Town Offices or certain departments.

MEDICAL BENEFIT PLAN

Eligible employees may participate in our medical insurance plan. Full-time employees may enroll in either a single, two-person, or family plan after meeting the eligibility criteria stated in our plan documents. The coverage and type of policy shall be as approved by the Selectmen and is subject to available funds as approved at the Annual Town Meeting. The Town pays 85% of the medical insurance premium with an eligible employee contribution of 15%.

Town employees who work less than 35 hours per week are eligible to purchase, at their expense, single, two-person or multi-person coverage, as appropriate to his/her family status, for hospitalization and medical insurance through the Town’s group policy.

Further information concerning this benefit can be found in the Summary Plan Description available from the Finance Director. Enrollment forms may be obtained from the Finance Director. To assist you with the cost of this insurance, Barrington NH currently pays a portion of the premium for single, two-person, or family coverage. The balance is to be paid by the employee through an authorized payroll deduction. Barrington NH may adjust these contribution amounts periodically in its discretion.

Please see the Finance Director for more details.

OPT-OUT OF HEALTH INSURANCE

Town employees frequently have choices for health insurance coverage. They may have the option to be covered by spouses’ plans through the spouse’s employer(s), or perhaps to cover dependents under someone else’s plan. Town employees will be required to secure, as a benefit of their employment with the Town, a basic package of health insurance for themselves. Full-time employees eligible to receive Town medical insurance may avoid the minimum health insurance coverage requirements and receive a cash payment in lieu of such coverage provided they show satisfactory proof of coverage in a non-Town health insurance plan. Full-time employees eligible to receive Town medical insurance but choosing to have alternative non-Town supplied health insurance coverage and electing to forgo the Town insurance plan for which they are eligible may receive a cash payment. If you opt out, you will receive a portion of the monthly premium savings that you can receive as taxable compensation in your paychecks through the year. The amount you can receive depends on your eligible coverage level as shown below.

Employee Eligible Coverage Level	Weekly Opt Out amount
• Family Coverage	\$150
• Two-person coverage	\$100
• Single coverage	\$ 50

This payment shall be paid weekly through the employee’s pay check. This cash incentive must be considered as income and is subject to withholding of taxes. Payment in lieu of insurance requests must be submitted annually by June 1st.

Application for payment in lieu of insurance shall be made to the Town Administrator on the form shown at Appendix B, and it must be renewed annually each December to continue the payments. Falsification of the application, or failure to notify the Town Administrator immediately when eligibility for benefit ceases, may make employees subject to disciplinary action up to and including termination.

Full-time Town employees who are eligible for health insurance coverage under any other plan for which the Town or Barrington School System also pays the premiums (such as two Town/School employees married to each other) shall not “double dip”. For example, a married couple employed by the Town and/or School each has the right to take a single person plan if they so choose, or one may decline health insurance while the other selects to take two-person or family coverage. In this case, the declining employee shall not be eligible for the cash incentive, as the Town’s taxpayers will receive no cost savings.

Eligible employees are prohibited from declining Town-provided health insurance for themselves or their dependents when no other health insurance coverage is in effect.

DENTAL PLAN

There is no dental plan available to employees.

LIFE INSURANCE

Barrington NH currently provides group life insurance to all eligible full-time employees. The amount of coverage is currently \$25,000, and is subject to change. Upon meeting the insurance underwriter’s requirements, the Town will pay 100% of the employee’s premium up to \$115 per quarter. Please see Finance Director for more details.

RETIREMENT PLAN

Retirement Full time employees eligible for coverage under the New Hampshire Retirement System (employees who work thirty-five (35) hours or more per week) will receive the benefit of the Town’s contribution required by that System. The employees will contribute their share toward the program.

Deferred Compensation All employees of the Town of Barrington, regardless of the hours they may work and having met any required eligibility standards, are eligible to participate in a deferred compensation plans offered through the Town. Participation in any of these programs is strictly voluntary and will involve the employee’s own money through a payroll deduction process.

Town employees may participate in a 457 plan through the Nationwide; the International City/County Management Association Retirement Corporation (IMCA-RC); or the State of New Hampshire Deferred Compensation Program currently administered by the Great West. Any employee not enrolled in one of the first two plans at the time this is adopted may only enroll in the NH Deferred Compensation Program unless granted permission by the Board of Selectmen because of prior enrollment in one of the other two plans with a previous employer.

COBRA

The Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) provides eligible employees and their eligible dependents with the opportunity to continue medical and dental insurance for a period of time, at their own expense, if they would otherwise lose coverage due to certain qualifying reasons. Please see the Finance Director for more information about COBRA.

WORKERS’ COMPENSATION INSURANCE AND REPORTING WORKPLACE INJURIES

On-the-job injuries are covered by Workers’ Compensation Insurance, which is provided at no cost to the employee. We ask for your assistance in alerting Barrington NH to any condition which could lead or contribute to an employee accident.

Reporting Injuries: If you are injured on the job, no matter how slightly, you **must** report the incident immediately to your supervisor. Employees must complete the necessary workers’ compensation forms following any injury. The Finance Director must be given the information as soon as possible. The Workers’ Compensation carrier must also be contacted prior to seeking medical attention (unless it is a life-threatening injury).

Weekly Income Benefits: The amount of the weekly worker’s compensation benefit is set by the New Hampshire Department of Labor. The weekly benefit is currently based upon 60% of an employee’s average weekly wages. These benefits are paid by our workers’ compensation carrier to eligible employees.

Temporary Alternative Duty: Employees with work-related injuries may also be entitled to temporary alternative duty in accordance with New Hampshire’s workers’ compensation laws. Please see the Safety Plan that is in the appendix of this document for more details or speak to the Town Administrator.

Reinstatement: A full-time employee who has sustained an on-the-job injury will be reinstated to his or her former position upon request within eighteen (18) months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A fitness-for-duty certificate may be required before an employee is permitted to return to work.

Under New Hampshire law, an employee’s reinstatement rights expire eighteen (18) months from the date of injury. An employee also will not be reinstated if he/she has accepted a job with another employer at any time after the date of the injury or if there is a medical determination that the employee cannot return to his/her former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

TEMPORARY ALTERNATIVE DUTY POLICY

In accordance with the provisions of RSA 281-A: 23-b, Barrington NH will provide temporary alternative work opportunities for employees who suffer a work-related injury or illness.

When practicable, employees will be returned to their regular duties with modifications consistent with a healthcare provider's stipulated work restrictions. In the event that such restrictions make it impracticable for an employee to perform his or her normal job duties, even with modification, the employee may be reassigned to different duties or a different work schedule and may include assignment to a different department with the town.

The specific assignment of duties shall be determined on a case-by-case basis pursuant to the healthcare provider's restrictions and the work available at the time of the injury or illness.

The Temporary Alternative Work Program will be available to employees for a period of time extending as long as the circumstances of the illness/injury requires, but not longer than four (4) months as dictated by the treating physician and as such duties are available.

The treating healthcare provider and the ill/injured employee share the responsibility of providing Barrington NH the NH Workers' Compensation Medical Form. This form provides information relating to the employee's capabilities necessary to structure a temporary duty program. The Department Head and/or Town Administrator will work with the employee to facilitate a safe return to work program within limitations listed by the treating physician. If necessary, the Town may contact the treating physician for additional information.

After each subsequent visit, the ill/injured employee will be responsible for providing an updated medical form completed by the treating healthcare provider and returned to the Department Head or Town Administrator. Additional modifications will be made to the return to work program as required.

Upon release by the healthcare professional, the employee will assume normal duties of his or her regular position.

For more details one can look at the Safety Plan which is in the appendix of this document.

UNEMPLOYMENT INSURANCE

Barrington NH pays into the unemployment compensation fund established by the State of New Hampshire. Individuals may be eligible for unemployment compensation benefits through the New Hampshire Department of Employment Security upon discharge from employment or reduction of hours from full time to part time pursuant to applicable laws and regulations.

SOCIAL SECURITY

Social Security is a payroll deduction representing your contribution to the federal government's Social Security and Medicare Program. Barrington NH also contributes money on your behalf to the Social Security Program to those who are eligible for Social Security. Police officers and Fire Fighters pay on the Medicare portion only.

ATTENDANCE

Attendance and punctuality are important factors for your success in Barrington NH. However, Barrington NH is aware that emergencies, illnesses, or pressing personal business that cannot be scheduled outside work hours may arise.

If an employee is unable to report to work, or if an employee will arrive late, the employee must contact their department head or in the case of department heads the Town Administrator. The Department head or Town Administrator should be given as much time as possible to arrange for someone else to cover the position until the employee arrives. If the employee knows in advance that he or she will need to be late or absent, the employee is required to request, in writing, this time off directly from their department head or Town Administrator.

For late arrivals, the employee should indicate when he or she expects to arrive for work. If the employee is unable to call in because of an illness, emergency or for some other reason, the employee should arrange to have someone call on his or her behalf.

Absence from work for three (3) consecutive days without notifying the department head or for department heads the Town Administrator will be considered a voluntary resignation. Furthermore, three (3) absences in a 90-day period, or a consistent pattern of absence, may be considered excessive, and the reasons for the absences may come under question.

Tardiness or leaving early is often as detrimental to Barrington NH as an absence. Three (3) such incidents in a 90-day period may be considered a "tardiness pattern" and may be considered excessive, and the reasons for tardiness or leaving early may come under question. Other factors, like the degree of lateness, may be considered.

All employees should be aware that excessive absenteeism, lateness, or leaving early may lead to disciplinary action, up to and including dismissal from employment.

Attendance records will be considered when evaluating requests for promotions, transfers, leaves of absence, and approved time off, as well as disciplinary, termination, and layoff decisions.

SEPARABILITY

If any Chapter or Section of these rules should be held to be invalid by competent authority, the remainder shall not be affected thereby.

SUPERSESION

These rules and regulations shall take effect in 2013 upon the vote of the Board of Selectmen and shall supersede all previous rules, regulations, customs and/or past practices that may be in use on the effective date, unless specific exceptions are made by the Board of Selectmen or within these rules and regulations themselves. Any exceptions shall be noted in the action of the Board of Selectmen to adopt amendments, additions or deletions to these rules.

The employer reserves the right to add to, delete from, or modify this plan either on an individual or organization-wide basis. Such additions, deletions or modifications will be effective when approved or implemented by the employer. This plan is not intended to and does not create contractual obligations for the employer.

The rules and regulations herein shall apply to all employees, unless otherwise noted. These policies shall not apply to contractors, their employees, town officials who are elected; or to bona-fide volunteers of the town. These policies shall be the minimum requirements for all employees, unless otherwise provided.

The Town Administrator or other designee of the Board of Selectmen shall be responsible for the administration of this plan. He/she shall coordinate procedures with the Department Heads, and shall require such regular reports and information as necessary for proper implementation of this plan.

If there is any conflict between these rules and any federal or state law or negotiated agreement, then those rules shall apply.

AMENDMENT PROCEDURE

These rules may be amended and changed from time to time as conditions require and as deemed appropriate by the Board of Selectmen. The Town reserves the right to add to, delete from, or modify this plan either on an individual or organization-wide basis.

Any proposed amendments shall be presented to the Board of Selectmen for action. However, all amendments must be reviewed at least once at a public meeting and shall normally not be rejected nor adopted until at least fourteen (14) days after the public meeting. This will not prevent the Board instituting a temporary change during the time leading up to the public hearing or the days after the public meeting. If any proposed amendment is amended, there shall normally be at least one public meeting held prior to adoption of the amended version of the rule(s).

CONFIDENTIALITY

The Town's information and records relating to Barrington business, operations, plans, projects, strategies, employees, or citizens may be confidential. Many materials are also subject to the Right-to-Know disclosure laws. Knowing the difference is critical and therefore, employees must treat all matters accordingly.

No Barrington information, including, without limitation, documents, notes, files, records, oral information, computer files or similar materials (except in the ordinary course of performing duties on behalf of Barrington NH) may be removed from the Town's premises without permission from the Town Administrator.

Additionally, the contents of the Town's records may not be disclosed to anyone, except as required by law.

Employees unsure about the confidential nature of specific information are expected to seek clarification from their department head or the Town Administrator. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly revealing information of a confidential nature.

COMPUTER USE AND COMMUNICATIONS EQUIPMENT POLICY

Barrington NH provides communication tools including computers, fax machines, telephones, voice mail, e-mail, and access to the Internet to help you do your job. This policy is designed to help you understand our expectations for the use of these resources and to help you use these resources wisely.

All employees should be aware that Barrington NH has the right, but not the duty, to monitor the computer, network, fax, voice mail, e-mail, smart phones, and Internet use of all employees. ***For this reason, employees should not have any expectation of privacy in their use of our computers or other communications equipment, including e-mail, social media sites, and voice mail systems.*** Barrington NH reserves the right to suspend individual user accounts for violation of this policy and to take disciplinary action up to and including termination of employment for the misuse of these resources or other violations of this policy.

The following guidelines apply to all employees:

- Employees should be aware that in addition to having the ability to monitor e-mail messages sent and received on our system (including e-mail messages sent and received from personal e-mail accounts accessed from our system), Barrington NH has the ability and the right to monitor its systems for such things as Internet web site visits, newsgroup discussions, chat room discussions, blogs, social media sites, computer network use, and voice mail accounts. Our computers and other communications equipment and the communications, information, and documents created on them are the property of Barrington NH and may be monitored by Barrington NH at any time.

- Our computers and other communications equipment may not be used to violate any federal, state, or local laws or regulations. Use of any Barrington resources for illegal activity is grounds for immediate termination of employment, and we reserve the right to report the matter to law enforcement authorities. We will cooperate with any resulting law enforcement investigation.
- Barrington NH reserves the right to inspect any and all files stored on our computer network, including any files in private areas of our network, in order to assure compliance with this policy.
- The display or transmission of any sexually explicit image or document by e-mail or through any other means using the Town's system or town supplied communications equipment is a violation of our policy on sexual harassment. Our computers and other communications equipment also may not be used to transmit or display ethnic or racial slurs, or any other comment, message, or image that offensively addresses age, race, sex, sexual orientation, genetic information, religion, national origin, disability, veteran status, marital status or other protected status in a manner that may be viewed as harassing, discriminating, or disparaging of others. Transmission of harassing, discriminatory or otherwise objectionable e-mail or files is strictly prohibited.
- Transmission of any religious or political messages is strictly prohibited. The term political refers to actions like taking positions in partisan politics or advocating for candidates for elected office.
- Access to non-work related obscene or offensive web sites is strictly prohibited.
- Any personal use of our computers or other communications equipment for any commercial activity (other than Barrington business) is strictly prohibited, as is the use of our computers and communications equipment for anything that may not be in the best interest of Barrington NH including, but not limited to, activities that disclose any confidential or proprietary information of Barrington NH. Occasional personal use may occur provided it does not hinder the performance of one's duties and complies with all the other provisions in this policy, similar to taking or making a quick occasional personal phone call.
- Barrington computers and other communications equipment are to be used only by authorized users. Non-employees (other than contracted personnel such as Assessing, IT, temporary agency staff, etc.) may not use the Town's computers, network, or other communications equipment for any reason.
- Use of another employee's account, user name, or password, or access to their personal files without their consent (by anyone other than the Town Administrator, Finance Director, authorized representatives of the IT department, or as part of a police investigation of the individual under the oversight of the Police Chief or outside agency authorized to conduct the investigation) is strictly prohibited. Obtaining, or trying to obtain, other users' passwords, or using programs that compromise security in any way is prohibited other than as part of a secure and confidential appendix to a Continuity of Operations/Emergency Management Plan.

- All passcodes and passwords are the property of Barrington NH. No employee may use a passcode, password, or voice mail access code that has not been issued to that employee by Barrington NH or that is unknown to Barrington NH. Users of the Town's computers, network, and other communications equipment must take reasonable precautions to prevent unauthorized access to our systems. Passwords should not be divulged to unauthorized persons.
- Destruction, theft, alteration, or any other form of sabotage of the Town's computers, programs, software, hardware, networks, websites, files, data, and other communications equipment and resources is prohibited and will be investigated and prosecuted to the fullest extent of the law.
- The breaking into and/or corrupting of any of the Town's computers, network, or other communications equipment is strictly prohibited. Hacking into third party computer or other information systems using the Town's technology is also prohibited, and will be reported to the authorities.
- Any vulnerability in the Town's computers, network, or other communications equipment or resources should be reported immediately to the Town Administrator.
- The use of viruses, worms, or other destructive programs is prohibited. If a virus, worm, or other destructive program is identified, it should be immediately reported to the Town Administrator or Finance Director and the IT consultant or staff.
- Accessing the Town's files or any other files on the network or the system that you do not have a right to access is prohibited unless you have prior written authorization from the Town Administrator or Finance Director.
- Disruptive behavior such as intentionally destroying or modifying files on the network is strictly prohibited. Any form of tampering, including, but not limited to, snooping, drilling down, or hacking, erasing files that should not be erased, or introducing malware or spyware is strictly prohibited.
- Confidential information is not to be transmitted over the Internet or otherwise disclosed without prior authorization and proper encryption. All Barrington data and information is considered confidential unless Barrington NH has granted permission for an employee to disclose that information or unless required by law. Accessing or attempting to access confidential data is strictly prohibited. Confidential information should be used only for its intended purpose. Employees' responsibility for confidentiality continues outside of work. Employees may not work on Barrington documents, data, or other business on home computers or other portable technology without the express prior written approval of the Town Administrator
- All employees are responsible for taking precautions to safeguard the physical security of the Town's network, Internet, computers, and other communications equipment. Disks, CDs, USB portable drives, Zip drives, and other removable drive devices containing sensitive, confidential, or proprietary information should be stored in a locked drawer, whenever possible. Computers should be set to save on power consumption to

automatically start after being unused for a short period of time. Computers should be turned off when not in use for an extended period of time or when an employee is out of his or her office.

- Employees are not allowed to introduce programs or files to our network, Intranet, computers, or other communications equipment media from any external sources, including, but not limited to CDs, disks, Zip drives, personal digital assistants (including, but not limited to, BlackBerries and palm pilots), USB portable drives, and other removable drive devices without prior written authorization from the Town Administrator.
- Employees also may not copy, transmit, or otherwise remove any information from our network, Intranet, computers, or other communications equipment to CDs, disks, Zip drives, personal digital assistants, USB portable drives, or other removable drive devices without prior written authorization from the Town Administrator unless part of providing information to the public or others as a legitimate exercise of one's employment.
- Employees may not intentionally download anything from the Internet, other than information directly related to employment, without prior written authorization. This includes, but is not limited to, screensavers, music, E-mail stationary, and other images.
- Nonexempt employees may not do town work on computers outside the workplace without specific permission and tracking of hours worked because of wage and hour issues.
- All downloaded files or applications are to be scanned for viruses before being saved on the Town's network. The Town Administrator must review all downloaded applications before being installed on the network.
- Barrington NH retains the copyright to any Barrington-related material posted to any forum, newsgroup, chat or World Wide Web page by any employee in the course of his/her duties.
- All information on the network, Intranet, computers, storage devices and other communications equipment is the property of Barrington NH. Deleting, altering, or sharing confidential, proprietary, or any other information during employment or after separation from employment is prohibited, unless you have received prior authorization. Upon separation from employment, any computer or other equipment, including CDs, disks, Zip drives, USB portable drives, personal digital assistants, and other removable drive devices, must be returned with the appropriate passwords, identification codes, and other information necessary for Barrington NH to continue using its equipment. Copies of work-product may be retained with the prior written permission of the Town Administrator.
- All employees are required to report any violations, or suspected violations, of this policy.

PERSONAL DRESS

We expect all employees to come to work with a neat, well-groomed appearance and workplace appropriate clothing. Dress requirements may vary by department; however, certain rules apply across the board to all employees. All clothes should be clean and neat in appearance. Footwear for outside use such as flip flops or other beach type sandals is not acceptable. Jeans, tight-fitting clothing, low riding pants, tank tops, bare midriff (half) shirts, shirts with bare backs, inappropriate shorts, and short skirts or dresses are not considered workplace appropriate clothing. Exceptions to the personal dress policy may be made for inclement weather and for certain work tasks. The Town Offices may allow for a dress-down day at the discretion of the Town Administrator.

If an employee is not dressed or groomed appropriately for work, the employee may be sent home to change. This time will be unpaid unless otherwise required by law.

Any questions concerning dress should be directed to the Finance Director or Town Administrator.

INCLEMENT WEATHER

Employees generally are expected to report to work during inclement weather. However, there may be occasions when some town offices in Barrington NH will be closed due to severe inclement weather. Employees should be contacted of this fact by someone on the inclement weather calling tree and some employees may have responsibility to call certain other co-workers on the calling tree. The cancellation may also appear at the WMUR website and on WMUR-TV or on local radio. Employees will be paid their regular hours at regular pay if the town cancels work but such time does not count towards hours worked for overtime.

If a Barrington NH department is not closed due to inclement weather, but a nonessential employee does not feel he/she can safely get to work, then he/she must call his/her supervisor to explain why he/she cannot get to work. If a nonessential employee does not come to work because of inclement weather, they will not be paid for the hours not worked. That person may use earned time. If an hourly employee's earned benefits have been exhausted, the person will not be paid for the time missed, unless otherwise required by law.

If an hourly employee is at work and their office for Barrington NH closes because of weather, loss of electricity or an emergency beyond our control, that hourly employee will be paid his/her normal hours at that employee's regular wage.

SOLICITATION AND DISTRIBUTION

No solicitation of any kind is permitted during working time, unless first approved by the Town Administrator. "Solicitation" is defined as requests for contributions, donations, raffles, lotteries, membership in organizations, attendance at events, sale of fund raising items, or other similar conduct. "Working time" is defined as time during which the employee is scheduled to be working, exclusive of established break periods, meal times, and time before and after work hours. This rule applies to solicitations of both charitable and non-charitable causes.

No distribution of any non-work related written materials is permitted in any work area of any kind, unless first approved by the Town Administrator. "Work areas" are defined as any Barrington office or facility, other than designated break areas.

Employees may solicit or distribute materials only during break time or outside of scheduled work hours. Persons not employed by Barrington NH are likewise prohibited from distributing materials or soliciting employees on the Town's premises at any time, unless authorized by the Town Administrator.

PARKING FACILITIES

Barrington NH assumes no liability to any employee or official for any damage to or by any motor vehicle owned or operated by any employee or official on Barrington property unless caused by an action of the town, for example a town vehicle striking a parked car.

MOTOR VEHICLE VIOLATIONS

All employees who operate Barrington vehicles are required within seventy-two (72) hours to notify the Town Administrator if they have been convicted of or plead nolo contendere to any and all motor vehicle violations. If the license of any employee who operates Barrington vehicles is suspended, revoked, or otherwise restricted, the employee must notify their department head who shall notify the Town Administrator within one working day of learning of the suspension, revocation, or restriction. No employee is authorized to operate any vehicle on town business while his or her license is under revocation or suspension. Employees who are required to but are unable to drive, may be suspended without pay or face termination of employment.

All employees who operate Town vehicles may be required to provide an official copy of their driving record annually at the Town's expense.

OPERATION OF VEHICLES

Only authorized employees may operate Town of Barrington-owned vehicles. Unless prior written approval has been granted by the Town Administrator, they are not to be used for personal business and are not to be operated at times outside the scheduled workday. Using a Town of Barrington vehicle outside the scheduled workday without Town of Barrington permission will result in disciplinary action, up to and including termination.

Any employee who, as a part of his/her duties, has a need to operate a Town of Barrington-owned vehicle must hold a valid appropriate driver's license and an acceptable driving record. In addition, the Town of Barrington reserves the right to conduct annual motor vehicle record checks as well. Employees must cooperate in completing any required authorizations or other paperwork for the motor vehicle records checks. Copies of the reports received by the Town of Barrington will be furnished to the employee upon request. Having a driving record that, in the opinion of the Town of Barrington, is unsatisfactory, or one that is unacceptable to the Town's risk pool/insurance carrier, may be grounds for disciplinary conduct, including but limited to loss of driving privileges and/or dismissal.

Safe Operation: As employees of a public agency, it is expected that the driving habits of all employees will serve as an outstanding example to the community.

Any employee who drives a Town of Barrington-owned vehicle and receives a citation or any other fine or penalty for unlawfully operating any motor vehicle, Town owned or non-Town of Barrington owned, shall notify the Town Administrator consistent with the above MOTOR VEHICLE VIOLATIONS policy of the citation and/or fine and also shall be personally responsible for the payment of said fine(s) or any costs associated with the actual fine or legal representation in any such related matter. If a person is cleared of the charges the Town shall reimburse the legal representation costs.

Collision: In the event of a collision involving property or vehicle damage, or personal injury, the following steps must be taken:

- The accident must be reported to your supervisor immediately
- An accident report must be completed with the Finance Director.
- At the accident scene, contact the local police department for all accidents regardless of the extent of physical damage.
- If applicable, obtain the other driver's name, address, phone number, description of vehicle, insurance company information as well as the name(s) of any witnesses.
- No repairs should be completed on any damaged Town of Barrington vehicle unless express permission is obtained from the Town of Barrington.

Failure to comply with any of the steps may result in discipline up to and including termination.

Seat Belts: Employees are required to wear seat belts when operating or riding in Town-owned vehicles, or in personal vehicles while on Barrington business. It is recommended that passengers also wear their seat belts, and to the extent required by state or federal law.

Passengers: No passengers will be transported unless related to town business and approved by the department head.

Use Of Cell Phones And PDAs: Except in emergency situations, the use of hand-held cell phones or personal digital assistants to make calls during the operation of a Town-owned vehicle or while driving a personal vehicle on Town of Barrington business is prohibited. Failure to adhere to this policy could result in disciplinary action. Hands-free headsets are acceptable. It is strongly recommended, however, that the operator pull over to the side of the road at a safe location prior to using the cell phone. **TEXTING WHILE DRIVING IS AGAINST LAW AND EXPRESSLY PROHIBITED BY THE Town of Barrington.**

Smoking: Employees are prohibited from smoking in Town-owned vehicles at all times.

SECURITY

It is each employee's responsibility to help ensure that proper security measures are exercised at all times. You should be familiar with emergency exits and with alarm systems and the proper steps to take upon hearing them. Any suspicious person or events should be called to the immediate attention of the police department. Most town offices have panic alarms which should be used when a situation does not feel appropriate.

CONFLICT OF INTEREST & ETHICS

Barrington NH expects its employees and officials to conform to the highest ethical and legal standards. Employees are required to refrain from engaging in any activities that create an actual

conflict or the appearance of a conflict of interest. Employment with the Town carries with it a responsibility to be constantly aware of the importance of ethical conduct. Employees must refrain from taking part in, or exerting influence in, any transaction in which their own interests may conflict with the best interests of the Town. Each employee is individually responsible for adhering to the policy and for reporting violations to his or her line supervisor.

The Town recognizes and respects the individual employee's right to engage in activities outside of his or her employment which are private in nature and do not in any way conflict with or reflect poorly on the Town. Management does reserve the right, however, to determine when an employee's activity represent a conflict with the Town's interests and to take whatever action is necessary to resolve the situation including, but not limited to, suspension, demotion and termination.

The list below includes, but is not limited, to type of activity that would reflect negatively on the employee's personal integrity or that would limit his or her ability to discharge their job duties and responsibilities in an ethical manner. Guidelines A, B, & C shall not apply if the employee does not have the ability 1. to recommend or make the decision to engage the firm and 2. the engagement of the firm is a result of an open public bid and award by the Board of Selectmen and 3. the employee discloses to the Board of Selectmen the relationship before any award is made.

- A) Simultaneous employment by a firm that is a supplier to or contractor with the Town.
- B) Conducting town business with a firm in which the employee, or a close relative of the employee, has a substantial ownership or interest.
- C) Hold a substantial interest in, or participating in the management of a firm from which the Town makes purchases.
- D) Borrowing money from individuals or vendors, other than recognized loan institutions, from which the Town buys services, materials, equipment or supplies.
- E) Accepting gifts whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form--under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.
- F) Speculating or dealing in materials, equipment, supplies, services or property purchased by the Town.
- G) Participating in civic or professional organization activities in a manner whereby confidential information is divulged.
- H) Misusing privileged information or revealing confidential data to outsiders.
- I) Using one's position in the Town or knowledge of its affairs for outside personal gains.
- J) Engaging in practices and procedures that violate federal, state or local laws, ordinances or rules.
- K) Using, directly or indirectly, Barrington funds, assets, or other resources for any unlawful goal or purpose.
- L) Using for private gain any information that was learned in the course of ones duties that is not generally and readily available to the general public.
- M) Engaging in practices that violate federal, state or local laws or ordinances

Employees with any questions regarding these guidelines are required to discuss them with the Town Administrator, prior to engaging in any activity or conduct that may violate this policy, as violations may lead to disciplinary action, up to and including termination.

POLICY AGAINST NEPOTISM

While Barrington NH is committed to hiring the most qualified and capable individuals available for every position, it recognizes the importance of maintaining a collegial and positive work environment. Therefore, no relative may work in the same department as a regular employee if the employment relationship is such that the relative is directly supervised by the employee or where the employment relationship may cause a potential conflict of interest, unless specifically approved by the Town Administrator.

A relative is defined to include spouse, civil union partner, children, parents, step-parents, step-children, brothers, sisters, immediate in-laws, grandparents, grandchildren, or other person living in the employee's household.

SUGGESTIONS AND IDEAS

We are always interested in your constructive ideas and suggestions for improving our operations. We believe that constructive suggestions indicate initiative on the part of an employee, and we encourage employees to submit them. A constructive suggestion notes an issue and offers a reasonable suggestion for improvement.

STANDARDS OF CONDUCT

All employees are required to comply with our standards of conduct, which are intended to promote consistency and harmony in the workplace, and to support the missions and objectives of Barrington NH. We recognize that no list of rules can be all inclusive. Incidents may arise that are not covered by the standards of conduct which may lead to discipline, up to and including termination. The following areas are intended to guide you in recognizing certain behaviors which are clearly prohibited and which are considered by Barrington NH to constitute cause for disciplinary action, up to and including discharge.

1. **Absence and Lateness**

Excessive absenteeism and/or lateness; failing to call in when absent; overstaying allotted break time; leaving the work area or work early without permission; misuse of any leave of absence. Absence of three consecutive working days without notification will be considered a resignation.

2. **Employment/Barrington Records**

Making a false statement on the application form; falsifying Barrington and employment records, falsifying time cards, or failing to maintain an accurate time record.

3. **Attitude**

Using abusive language to any person while at work, creating any type of disturbance, demonstrating a lack of cooperation, verbally abusing or neglecting visitors or residents of Barrington NH.

4. **Safety**

Violation of safety regulations or endangering the health or safety of other persons; failing to report any work-related accidents.

5. **Employee Relations**

Using abusive or profane language to another employee or the public; negligent or intentional destruction of another employee's personal possessions; threatening bodily harm; intent to strike; striking another employee. Using threatening, intimidating, abusive or profane language or other provocation which might reasonably be expected to result in a disturbance.

6. **Crime**

Conviction of any felony or misdemeanor.

7. **Dishonesty**

Dishonesty to a coworker, resident, visitor or to Barrington NH. Violation of the Town's conflict of interest/ethics standards

8. **Incompetence**

Repetition of avoidable mistakes to a point that the mistakes demonstrate a disregard for Barrington NH's interest.

9. **Intoxicants**

Bringing, possessing, dispensing, selling, buying or using alcoholic beverages or illegal drugs on Barrington property or while on the job unless it is part of the police duty assignment; being under the influence of or testing positive for these substances during working hours.

10. **Neglect of Duty**

Negligence in the performance of duties which conflicts with Barrington NH's interest. Neglect of duty resulting in inferior work, equipment breakdown, or waste of materials, supplies or products. Sleeping on the job.

11. **Unsatisfactory Job Performance**

Failing to demonstrate the requisite skills, attitudes, or abilities to satisfactorily discharge the employee's duties.

12. **Weapons**

Possession of any kind of weapons (other than town issued weapons) or other dangerous weapons or explosives on Town of Barrington property other than town issued weapons or privately owned weapons which have been approved by the Barrington Chief of Police specifically to be carried on Town of Barrington property.

13. **Telephone, Facsimile, Computer, E-Mail, Copier**

Excessive use of Barrington telephone, facsimile, computer, e-mail, Internet access and/or copier for personal purposes.

14. **Theft or Destruction of Property**

The attempt or act of theft or negligent or intentional destruction of any Barrington property or the personal property of a coworker, resident or visitor.

15. **Sexual or Other Unlawful Harassment**

Discrimination, sexual or other unlawful harassment, and/or inappropriate conduct in violation of Barrington policies. Retaliation against anyone who has complained of alleged harassment or discrimination or has participated in an investigation of a complaint.

16. **Insubordination**

Acting in an insubordinate manner toward any supervisor or directing abusive or threatening language at any supervisor, employee or official or acting in disregard of any directive of the Town.

17. **Violation of the Town's Policies, Procedures or Rules**

Violating or failing to follow the Town's policies, procedures or rules.

18. **Immoral or indecent conduct on Town property or while on the job**

DISCIPLINE

It is the policy of Barrington NH to take corrective action against employees who violate rules, regulations, or standards of conduct, or who endanger the safety of others, or perform in an unsatisfactory manner. Generally, there are four (4) types of disciplinary actions used by

Barrington NH: documented verbal warning, written warning, suspension, and dismissal. While Barrington NH will apply the concept of progressive discipline when appropriate, it reserves the right to determine the appropriate level of discipline in any circumstance. In addition, nothing in this policy or Personnel Manual undermines the at-will nature of the employment relationship, which may be terminated at any time by either party with or without cause, and regardless of whether any prior disciplinary action has been taken. Barrington NH may also place an employee on administrative leave, paid or unpaid, on a temporary basis, as permitted under federal and state law.

DISPUTE/GRIEVANCE RESOLUTION PROCEDURE

If an employee feels he/she has a dispute or grievance, the employee should present the situation to his/her supervisor so that the problem can be settled by examination and discussion of the facts. It shall be the policy of the Town that any complaint shall be settled at the lowest possible level.

The dispute resolution procedure is as follows:

Step #1: The employee shall verbally bring the complaint to the attention of his/her immediate department head/supervisor within two (2) work days of knowledge of the event causing the complaint. The immediate department head shall verbally respond within two (2) work days of hearing the complaint. For purposes of this process the work days will be defined as the work days of the individual from whom a response or action is required.

Step #2: If any party, including the department head in the case of a supervisor decision, is unsatisfied with the response at the first step, that person shall submit the complaint in writing to the department head. Submission of the complaint to the department head shall be within three (3) work days of the decision of the supervisor in step 1 or when that decision was due, whichever is sooner. The department head shall respond in writing within three (3) work days to this second request.

Step #3: If the employee is unsatisfied with the response at the second step or if the department head failed to respond, the employee shall submit the complaint in writing to the Town Administrator. Submission of the complaint to the Town Administrator shall be within five (5) work days of the department head's written decision or when that decision was due, whichever is sooner. The Town Administrator shall hold a hearing on the complaint and shall render a written decision within ten (10) days of the hearing. The Town Administrator will schedule a hearing on the matter normally within 5 work days, although this will be delayed if there is a scheduling problem or by mutual agreement of the parties.

Step #4 If not satisfied with the written decision of the Town Administrator, the employee or the Department Head shall submit the complaint in writing to the Board of Selectmen within five (5) work days of receipt of the Town Administrator's decision. In the case of a complaint against the Town Administrator by one of his direct reports including Department Heads, the appeal of the issue must be filed in writing with the Chairman of the Board of Selectmen within five (5) days of the event. The Board of Selectmen may conduct a hearing on the matter and will

typically render a written decision within fifteen (15) days of receipt of the complaint. The decision of the Board of Selectmen will be final.

We urge every employee to follow through with a concern rather than be dissatisfied. Any complaint will be investigated and the findings and determination reported back to the employee.

Employee suggestions and comments on any subject are important to the Town so we encourage employees to take every opportunity to discuss them with management. An employee's job will not be adversely affected in any way because an employee chose to use this procedure.

PERSONNEL RECORDS

Barrington NH maintains certain records containing job-related information on all employees to ensure compliance with state and federal law and to keep a record of your progress as an employee. Your personnel file is our record of information relative to your employment. You may inspect your own personnel file during regular office hours, upon reasonable request. However, you may not be permitted to review your personnel file if you are subject to an investigation at the time of your request and disclosure of such information would prejudice law enforcement. File inspection must be done on your own time, and must be arranged through Finance Director for most employees and the Police Chief for police officer files. You may read your personnel file, but you may not remove any portion of the file. Upon request, you will be provided with a copy of all or part of your personnel file.

If upon inspection of your personnel file, you disagree with any of the information contained in such file, you may submit a written statement explaining your version of the information together with evidence supporting such version. Barrington NH will maintain such statement as part of your personnel file and will include the statement in any transmittal of the file to a third party.

It is important that your personnel file includes accurate information regarding who should be contacted in case of emergency. Please notify the Finance Director as soon as possible of any changes in your name, address, telephone number, marital status, dependents and/or beneficiaries.

PERFORMANCE APPRAISALS

In order for you to improve your performance and better understand Barrington NH's expectations, the performance of employees will be periodically reviewed. You will generally receive performance appraisals from the person to whom you report administratively. However, performance review is a continuing process throughout the course of employment, and you may meet with your supervisor to discuss performance more frequently.

Your supervisor will discuss your performance review, giving you the opportunity to understand the expectations of your position and to examine your strengths, as well as areas in which you need to improve. You will have the opportunity to comment on and sign the review. Your signature on the performance appraisal form indicates that you have seen the appraisal; it does not indicate agreement or disagreement with the content of the review.

A performance appraisal is not a contract or a commitment to provide a compensation adjustment, a promotion, a bonus, or continued employment. Appraisals are only one of several factors that Barrington NH uses in connection with compensation, promotion, and retention decisions.

PROMOTIONS, TRANSFERS & JOB POSTINGS

Barrington NH strives to provide employees with the opportunity to make full use of their skills, interests and potential. To support employee growth and development, we will make every effort to promote qualified employees from within Barrington NH, if possible, based upon the needs of Barrington NH and employee qualifications. We may also recruit individuals from outside of Barrington NH, depending upon the circumstances.

In an effort to inform employees of promotion and transfer opportunities, we list vacancies for non-exempt positions on the bulletin boards. Generally, in order to maintain stability, employees who have been working in their current position for less than one year will not be considered for another position, unless Barrington NH, in its discretion, decides otherwise. However, a transfer or promotion initiated by Barrington NH may take place at any time regardless of the employee's length of service in their present position.

Employees may obtain additional information about open positions and request consideration for any opening by contacting the Finance Director. The Board of Selectmen will have final approval over all transfers and promotions.

If a transfer or promotion is granted, the employee's pay rate in the new position will be determined at the time of the transfer or promotion. The pay rate will be based upon the employee's qualifications, experience, job performance evaluations, and other considerations within the discretion of Barrington NH, unless otherwise governed by a collective bargaining agreement or other Barrington policy.

Employees will generally receive a performance evaluation after 30 days in a new position. Another performance evaluation will typically be conducted after two and a half months of service in the new position. Employees may be eligible for a pay increase in conjunction with the month evaluation, depending upon the circumstances.

V. EMPLOYEE SAFETY AND HEALTH

BARRINGTON SAFETY PLAN

The complete safety plan is a part of this personnel plan and is included later in greater detail.

HEALTH & SAFETY PROGRAM

Safety is of great concern to Barrington NH. It is important that we all keep safety foremost in our minds to ensure that our work environment is as safe as possible. Safety can only be achieved through teamwork. Each employee, supervisor, and official must practice safety awareness by being alert, anticipating unsafe situations, and reporting unsafe conditions immediately. Please observe the following precautions:

- a. Notify your supervisor of any emergency situations. If you are injured or become sick at work, no matter how slightly, you must inform your supervisor immediately.
- b. The use of alcoholic beverages, illegal drugs, or the abuse of legal drugs during work hours will not be tolerated. Possession of alcohol or any illegal drugs on Barrington property is prohibited.
- c. The use, adjustment, and/or repair of machines or equipment is to be performed by you only if you are trained and qualified.
- d. Get help when lifting or pushing heavy objects.
- e. Understand your job fully and follow instructions. If you are not sure of a safe procedure for performing work, ask your supervisor.
- f. Know locations, contents, and intended use of all first aid and fire fighting equipment.
- g. Wear personal protective equipment as directed in accordance with the job you are performing.
- h. Understand and practice all safety procedures when handling, loading, or transporting hazardous materials.
- i. All job descriptions include keeping our facilities and lots clean and safe. Every employee must participate in this effort.

Violations of safety precautions may lead to disciplinary action, up to and including termination.

A copy of the town's safety policy is available for review.

SAFETY JOINT LOSS MANAGEMENT COMMITTEE

Barrington NH maintains an active Safety Committee comprised equally of management and regular employees, which meets at least quarterly. All participation is voluntary and is strongly encouraged. If you are interested in becoming a member, please see the Town Administrator for details.

WORKPLACE VIOLENCE

Unfortunately, violence in the workplace has become a reality for many employers. We hope that we never have to face this growing problem. Barrington NH therefore prohibits employees from bringing weapons on our premises, including our parking lots. Moreover, violence and verbal or physical threats of violence of any kind in the workplace or on Barrington property will not be tolerated, and employees engaging in such conduct will be subject to discipline, up to and including separation from employment. Responsive action may also include notifying the police or other law enforcement and prosecuting violators of this policy. If you become aware of any violence or threat of violence, you must immediately report the matter to the Town Administrator or the Chairman of the Board of Selectmen, or if the risk of danger is imminent,

the police should be contacted directly, and then the Town Administrator should be contacted as quickly as practicable.

ALCOHOL AND DRUG POLICY

The Town is committed to providing a safe work environment that is free from the effects of drugs and alcohol.

Drug and alcohol use in the workplace can create health, safety, and security issues for our employees, citizens and visitors. Barrington is committed to providing a safe work environment that is free from the effects of drugs and alcohol. In support of our commitment, Barrington prohibits the following conduct and other conduct which, in our determination, is inconsistent with our commitment:

- the manufacture, distribution, sale, dispensation, possession, storage, or use of a controlled substance, unauthorized prescription drug, or drug paraphernalia at any time on Barrington premises, on Barrington business, or during working hours;
- use, possession, storage, manufacture, distribution, dispensation, or sale of alcohol at any time while on Barrington premises, on Barrington business, or during work hours;
- reporting to work or otherwise working under the influence of drugs or alcohol, or under the influence of legal drugs that may impair your ability to safely perform your job functions;
- reporting to work in a condition that is not fit for work. In addition to being under the influence as mentioned above, other indications of a lack of fitness for duty are smelling of alcohol, appearing to be hung over, or otherwise appearing or being unable to effectively interact with citizens, visitors and co-workers and work safely and properly without impairment;
- failing to submit to a required fitness for duty exam.

Barrington also maintains the following reporting requirements:

- Any employee who is taking medication that may impair his or her ability to safely perform job functions must inform his or her supervisor immediately, and must not perform any work until authorized to do so by Barrington.
- If any employee is involved in drug misconduct (including the use or possession of illegal drugs or unauthorized prescription drugs) on Barrington premises or while working for Barrington NH, Barrington reserves the right to report the incident to law enforcement authorities;
- If any person observes an employee exhibiting behavior that may be indicative of impairment by drug or alcohol use, he or she should immediately report the

behavior to his/her supervisor or if it involves the supervisor or there has been no action taken reporting to the Town Administrator.

Investigations and Searches:

When Barrington determines that there is reasonable cause to suspect that an employee has violated this policy, Barrington reserves the right to inspect, without prior notice, lockers, work areas, desks, cabinets, purses, bags, briefcases, other belongings, and vehicles brought on Barrington premises or at locations where work-related activities are being conducted. Cause to suspect shall be solely in the judgment and discretion of Barrington.

Violations of this Policy:

Employees must, as a condition of employment, abide by the terms of this policy. Violations of this policy will result in disciplinary action, up to and including termination, and may also have legal consequences.

Fitness for Duty Exams:

Barrington reserves the right to require any employee to submit to a fitness for duty exam when there is a reasonable basis for Barrington to believe that the employee may be under the influence of alcohol or drugs or may be otherwise unfit for duty. Fitness for duty exams may include, but not be limited to, tests for the presence of drugs or alcohol. Employees must consent to fitness for duty exams as a condition of employment. The cost of any such fitness for duty exams will be covered by Barrington NH. Within Barrington’s discretion, an employee may be placed on paid or unpaid administrative leave or suspension pending the results of a fitness for duty exam.

CDL DRUG AND ALCOHOL POLICY

SUBJECT: Drug & Alcohol Testing of Employees

DISTRIBUTION: Employees of the Town of Barrington holding a valid
Commercial Drivers License

REFERENCE: (A) 49 CFR – Federal Motor Vehicle Safety
(B) Drug Free Work-Place Act 1988
(Pub. Law 100-690 title V)

I. PURPOSE

This delineates the policy under which the Town of Barrington will comply with Federal Highway Administration mandates, of reference (A), prohibiting the use of certain controlled drugs and alcohol by employees who, by position or function, perform safety sensitive functions that require the possession of a Commercial Drivers License (CDL). Within this policy are the procedures for testing, record keeping and enforcement that will be used by the Town to monitor and ensure compliance.

II. BACKGROUND/DISCUSSION

It is the policy of the Town, under guidelines of reference (B), that all of its work sites, facilities and vehicles be free from alcoholic beverages and illegal substances and that employees

not report for duty in a condition that renders them unable to perform safely and properly. Specifically, the Town's general policy:

Prohibits the use, possession, dispensing, distribution or manufacturing of any Alcoholic beverage or controlled substance by a Town employee on Town premises, work sites, vehicles, or equipment.

Prohibits any employee from performing work duties in an impaired condition resulting from use of alcohol or controlled substances.

Requires employees to notify their department head, within five days, of conviction of a violation of a criminal drug statute if the violation occurred in the workplace or while on duty.

Provides for disciplinary action, up to and including termination, and/or required satisfactory participation in an approved assistance or rehabilitation program as a condition of continued employment.

Beyond this overall commitment to a drug and alcohol free workplace, the Town and employees who perform duties requiring a CDL, will adhere to the distinct requirements set by the Federal Highway Administration. The Federal Highway Administration requires all employers, including the Town of Barrington, to implement and administer specific anti-drug and alcohol abuse programs and a regulated drug and alcohol testing program for those covered employees. The intent of all of these programs and policies is to help prevent accidents and injuries resulting from the misuse of alcohol or the use of controlled substances.

III. DEFINITIONS (Extracted from 49 CFR Federal Motor Vehicle Safety

A. Covered Employee: Any Town employee who must have a valid CDL as a condition of employment. Employees, who possess a CDL, but are not required to as a condition of employment, will not be assigned to duties requiring a CDL unless they meet the same criteria and participate in the same testing program as covered employees.

B. Safety Sensitive Function: An employee is considered performing a safety sensitive function when performing, preparing to perform or having just completed any of the following activities:

1. All driving time in a Commercial Motor Vehicle (CMV) or heavy equipment such as loaders, graders, excavators or any other vehicle or equipment weighing 26,001 lbs. or more.
2. All inspecting, servicing, maintaining or conditioning of any CMV.
3. All time, in or on a CMV, other than driving.
4. All time loading, unloading or preparing a CMV or supervising those activities.
5. All time in readiness, or on call, in readiness to operate a CMV or waiting to be dispatched.

6. All time repairing, obtaining assistance or remaining in attendance of a disabled CMV.
7. All time related to accidents.

B. C. Substance Abuse Professional: A licensed physician, or licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

IV. RESPONSIBILITIES

A. The Town of Barrington as the employer will:

1. Administer and execute the provisions of this policy and defining regulations. The Board of Selectmen or their duly appointed agent will be the coordinator of the program for the Town. For the purposes of this policy, the Town Administrator has been appointed the Board's agent
2. Pay all costs for mandatory testing, training and record keeping. The town may contract for testing and other services related to this policy and will ensure that services related to this policy will ensure that procedures used for testing meet the requirements of reference (A), Part 40. The Town will closely monitor contractor performance to protect the employees, ensure the integrity of the testing processes, and safeguard the validity and attributability of the test results.
3. Provide annual training for all covered employees on the content of this policy and governing directives. Additional training will be provided when changes in the policy or those directives occur. (Material to be provided to employees is outlined in 49 CFR 382.601).
4. Provide specifically targeted training for supervisors and management personnel responsible for the performance of covered employees. This training will include a minimum of one hour of training on the recognition of the abuse of alcohol abuse and one hour on the recognition of the abuse of controlled substance use covering the physical, behavioral, speech, and performance indicators of probable participation in these activities.
5. Ensure confidentiality of individual employee records kept under provisions of this policy and governing directives. Except as required by law or expressly authorized or required by the governing directives, employee records will be released to individuals or outside agencies only with the written authorization of the employee, which indemnifies the Town.
6. Provide anti-drug use and anti-alcohol abuse training. Information on counseling and rehabilitation services will be provided prior to the start of testing and that anyone subsequently hired or transferred will be provided the material through the Employee Assistance Program (EAP) or the Personnel Department.

B. Supervisors, responsible for the safety and performance of employees assigned to them, will:

1. Prohibit employees, about whom they have actual knowledge of prohibited conduct, from performing or continuing to perform safety sensitive functions.
2. Observe and monitor the physical characteristics, conduct, behavior and performance of assigned employees for indications that they may be under the influence of drugs or alcohol. When personal observation provides reasonable suspicion, the employee will be immediately prohibited or removed from safety sensitive functions and directed to submit to appropriate testing.
3. Fully document, in writing within 24 hours, the circumstances, conditions and observances that result in the removal of an employee from safety sensitive functions.
4. Immediately report to the responsible department head and program coordinator any violation of prohibited activities or prescribed procedures.
5. Ensure the employees are scheduled for and attend required training.
6. Make strong effort, short of detaining an employee against his/her will, to arrange transportation to the employee's residence whenever an employee is prevented from reporting for or removed from duty in accordance with this policy.

C. Employees, whose duties require a valid CDL, will:

1. Submit to and cooperate with mandated drug and alcohol testing as delineated.
2. Not report for duty or remain on duty requiring the performance of safety-sensitive functions while using any controlled substance, except when the use pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to safely operate a CMV. Employees must provide written notice from a medical professional to their department head and the program coordinator of any therapeutic drug use.
3. Not report for duty or remain on duty requiring the performance of safety-sensitive functions while under the influence of alcohol. An alcohol concentration greater than 0.02 will preclude assignment to safety-sensitive duties.
4. Not use alcohol while performing safety-sensitive functions.
5. Not consume alcohol within four hours prior to performing safety-sensitive functions.
6. Not consume alcohol after an accident that requires alcohol testing for eight hours or until tested, whichever occurs first.
7. Report immediately to their supervisor any disqualification or incidents that may result in disqualification that occur on or off duty.
8. Properly participate and successfully complete any rehabilitation program prescribed by a substance abuse professional.

V. **TESTING** In accordance with Part 40 reference (a)

A. Requirements for controlled substance testing:

THE NEW HAMPSHIRE OCCUPATIONAL HEALTH ALLIANCE WILL TEST ALL TOWN EMPLOYEES.

1. Random Testing: Periodic, unannounced, scientifically random selection of

covered employees, identified by their social security number, will determine participants to meet the annual requirement for random controlled substance testing. The percentage of covered employees tested will be at least 50 percent, or the minimum percentage applicable for that calendar year as promulgated by the FHWA Administrator.

2. Post Accident Testing: Any employee performing safety-sensitive functions with respect to a Town CMV involved in an accident will be tested as soon as practicable, within 32 hours of that accident, if; the accident involved loss of human life; or a citation for moving violation under State or local law. Testing conducted by Federal, State or local officials having independent authority, conforming to applicable requirements may be considered to meet these requirements.
3. Reasonable Suspicion Testing: Testing will be required whenever an appropriately trained supervisor or management official observes specific, contemporaneous articulable conditions of appearance, behavior, speech or body odors and including chronic or withdrawal symptoms indicating the use of a controlled substance by a covered employee.
4. Pre-Employment Testing: Prior to any final offer of employment, any applicant who will perform safety-sensitive functions must be tested for controlled substances with a negative result. Employees seeking internal transfer or promotion to positions requiring CDL's, will not be assigned to that position or allowed to perform safety-sensitive functions until a controlled substance test with negative results has been completed.
5. Return to Duty Testing: A controlled substance test with verified negative results must be completed for any employee who has previously tested positive before the employee may return to duty requiring the performance of safety-sensitive functions.
6. Screening Testing: Any initial test for the presence of controlled substances. Any non-negative test will result in confirmation testing.
7. Confirmation Testing: A second independent analytic procedure to determine the specific drug or metabolite involved.
8. Follow-up Testing: Following return to duty after removal for controlled substance use, an employee who has completed a prescribed rehabilitation program, will be tested for at least 6 times in the first twelve months after return. Further follow-up testing may be conducted for up to 60 months.

B. Requirements for alcohol testing:

1. Random Testing: Periodic, unannounced, scientifically random selection of covered employees, identified by their social security numbers, will determine the participants to meet the annual requirement for random alcohol testing. The percentage of covered employees tested will be at least 25 percent, or the minimum percentage applicable for that calendar year as promulgated by the FHWA Administrator. Testing will be performed; while the employee is performing safety-sensitive functions; or just after performing safety-sensitive functions. The employee must immediately report to the testing center for testing when notified.
2. Post Accident Testing: Any employee performing safety-sensitive functions with respect to a Town commercial vehicle involved in an accident will be tested within two hours following the accident. The employer shall develop and maintain memos as to

why the driver was not promptly tested. Attempts to accomplish the testing shall cease at eight hours of that accident if alcohol use is suspected, or 32 hours if controlled substance use is suspected, if; the accident involved loss of human life; or a citation for moving violation under State or local law. Testing conducted by Federal, State or local officials having independent authority, conforming to applicable requirements may be considered to meet this requirement.

3. Reasonable Suspicion Testing: Testing will be required, within two hours, whenever an appropriately trained supervisor or management official observes specific, contemporaneous articulable conditions of appearance behavior, speech or body odors indicating prohibited use of alcohol by a covered employee. Testing may be directed just before, while, or just after the period the employee must be in compliance with this policy.
4. Return to Duty Testing: An employee who has engaged in conduct prohibited by this policy, involving alcohol, must have an alcohol test with result indicating alcohol concentration less than 0.02 before being assigned to safety-sensitive functions.
5. Follow-up Testing: Following return to duty after removal for alcohol misuse, an employee who has successfully completed or is participating in a prescribed rehabilitation program, will be tested at a number of times to be determined by the Substance Abuse Professional (SAP), unannounced, in the first twelve months after return. Follow-up testing may be conducted for up to 60 months. This testing will be at the expense of the employee.
6. Screening Testing: any initial test for alcohol. This test is used to determine if confirmation testing is required. Any non-negative test, alcohol greater than 0.02, will result in confirmation testing.
7. Confirmation Testing: Any test resulting in indication of alcohol concentration greater than 0.02 will be followed by a second test within twenty minutes of the original test that read positive to confirm the quantitative date of alcohol concentration. An employee who tests between 0.02 and 0.04 will be removed from duty requiring safety-sensitive functions for 24 hours.

VI. CONSEQUENCES: Prescribed by the Town of Barrington:

- A. Positive Test Result: When prescribed testing results indicate that an employee has engaged in conduct prohibited by this policy, the following will happen:

FIRST OFFENSE: The employee may not return to work until he/she has undergone, at their own expense, evaluation by a Substance Abuse Professional (SAP), commenced treatment if determined necessary by (SAP), and has successfully undergone return to duty testing. The employee must use his/her available leave and then may apply for a leave of absence during this period. Sick time will not be allowed for the employee's use for this purpose.

SECOND OFFENSE: The employee will be terminated effective immediately.

- B. Refusal to Submit: Any employee who has been notified of the requirement for testing who fails to provide adequate breath for alcohol testing, fails to provide adequate urine for controlled substance testing, or engages in conduct that clearly obstructs the testing

process will be considered to have refused to submit to testing. Refusal to submit to testing will result in termination for an employee required by position to have a valid CDL. Other employees will be permanently excluded from assignments requiring a CDL and may be disciplined up to and including termination.

- C. Rehabilitation Failure: When the evaluation of a substance abuse professional determines that a rehabilitation program is required by an employee to resolve problems associated with alcohol misuse or controlled substance abuse, the employee will properly follow the prescribed program as a condition of continued employment with the Town. For employees required by position to have a CDL failure to properly follow or successfully complete a prescribed rehabilitation program, as determined by a substance abuse professional, will result in termination. Other employees will be permanently excluded from assignments requiring a CDL and may be disciplined up to and including termination.
- D. Other Compliance: Any employee or supervisor who fails to comply with provisions and requirements of this policy, except as delineated above, will be subject to disciplinary action up to and including termination.

PRE-EMPLOYMENT URINALYSIS CONSENT FORM

The Town of Barrington has a strong commitment to the health, safety and welfare of its employees, their families, its customers, and the public at large. Therefore, the Town needs to hire and employ workers requiring a Commercial Drivers License (CDL) who are free of illegal and abused drugs and alcohol, and protect employees, their families and the public from the adverse effects of alcohol and drug abuse. The Town requires the final applicant selected for a position requiring a CDL to undergo an Alcohol and Drug Test to detect the presence of alcohol and drug abuse substances in the body.

Any applicant with a positive pre-employment test may be denied employment with the Town by reason of the positive test. Also, any applicant refusing to be tested will be denied employment.

I UNDERSTAND THAT AS REQUIRED BY TITLE 49, CODE OF FEDERAL REGULATIONS, ALL APPLICANTS FOR POSITIONS REQUIRING A COMMERCIAL DRIVERS LICENSE MUST BE TESTED FOR THE USE OF CONTROLLED SUBSTANCES AS A PRE-CONDITION FOR EMPLOYMENT.

I CONSENT TO URINE SAMPLE COLLECTION AND TESTING FOR CONTROLLED SUBSTANCES.

I UNDERSTAND THAT A POSITIVE TEST RESULT FOR CONTROLLED SUBSTANCES WILL RENDER ME UNQUALIFIED TO OPERATE A COMMERCIAL MOTOR VEHICLE AND RESULT IN MY BEING DENIED EMPLOYMENT WITH THE TOWN OF BARRINGTON.

THE MEDICAL REVIEW OFFICER CONTRACTED BY THE TOWN WILL MAINTAIN THE RESULTS OF MY TEST. NEGATIVE AND POSITIVE RESULTS WILL BE REPORTED TO THE TOWN. IF THE RESULTS ARE POSITIVE, THE CONTROLLED

No smoking is allowed in any areas of Barrington buildings, except in the designated smoking area. Anyone wishing to smoke must do so only during authorized breaks in the designated area. Barrington NH hopes and expects that our employees will comply with the non-smoking policy. If you have a concern or complaint with respect to any employee, visitor, or vendor violating this policy, please report such concern or complaint to the Town Administrator.

If an employee fails to comply with these rules, the employee will be subject to disciplinary action, up to and including termination.

WORKPLACE SEARCHES

To safeguard the safety and property of our employees, residents, and Barrington NH and to help prevent the possession and use of weapons and illegal drugs on Barrington premises, it may become necessary to question employees and all other persons entering and leaving our premises, and to inspect any packages, parcels, purses, handbags, briefcases, lunch boxes, or any other possessions or articles carried to and from Barrington property. In addition, Barrington NH reserves the right to search any employee's office, desk, files, locker, or any other area or article on our premises in pursuit of our concern to safeguard the safety and property of employees and Barrington NH. Employees should understand that all offices, desks, files, lockers, and so forth, are the property of Barrington NH and are issued for the use of employees only during their employment with Barrington NH. Inspections may be conducted at any time at the discretion of Barrington NH.

Employees working on or entering or leaving the premises who refuse to cooperate in an inspection, as well as employees who after the inspection are believed to be in possession of stolen property, weapons, or illegal drugs, may be subject to disciplinary action, up to and including discharge.

VI. OTHER

UNIT OPERATING RULES

Each separate and identifiable department of the Town may develop, implement, and revise as necessary such policies, procedures, and rules pertaining to unique operational requirements and their effect upon employees as are needed for efficient performance of the department. Such policies, procedures, and rules should not conflict with these policies and procedures, or amendments thereto, and must therefore be approved by the Board of Selectmen prior to implementation. Where conflicts arise, the policies and procedures outlined in this plan will prevail.

CHAIN OF COMMAND

It is expected and required that all employees will follow the levels of authority, sometimes referred to as the chain of command, in reporting grievances, problems, violations of laws, policies and procedures, etc. This line of reporting is spelled out in the Complaint Procedure.

The only exception to this policy will be for reports of sexual or other harassment. However, no retaliatory action shall be taken against any employee who reports violations of federal and/or state laws to regulatory authority pursuant to the provisions of the state “Whistle Blowers Law” (RSA 275-E).

SOCIAL NETWORKING AND BLOG POSTINGS

Postings on social networking sites such as Twitter, Facebook and MySpace as well as on blogs has become a common activity of many individuals. The Town of Barrington prohibits employees from any such postings, viewing or in any way participating in such sites while on work time or using any of the resources or equipment of the company. There is an exception when an employee is specifically authorized by the Department Head or Town Administrator for a direct business purpose, such as police investigations, or using social media as a tool to communicate official Town business. The Town of Barrington’s internet resources are only to be used in accordance with the office rules and policies on confidentiality, harassment, use of the internet and use of office equipment.

The Town of Barrington neither encourages nor discourages any of its employees from posting on social networking sites or blogging on their own time, using their own equipment. However, employees should be aware that these postings are public, even if access to them is restricted they may be forwarded out of the restricted group by those who have rightful access, and live on virtually forever. And, even if a posting is taken down it never truly disappears but rather continues to exist somewhere in cyberspace. As a result, employees need to be mindful that social networking postings (whether images or comments), even though done on personal time and using personal equipment, can cause damage to not only their own reputation and interests but also the reputation and interests of the Town of Barrington, co-workers, and the public we serve.

Should you choose to blog or participate in any social networking site on your own time, using your own resources and equipment, you are requested to follow the following guidelines:

1. You must never disclose any confidential information of the Town of Barrington.
2. Your postings must not violate any laws or policies of the Town of Barrington, including but not limited to harassment, violence, or confidentiality of other employees or residents.
3. Should you reference the Town of Barrington in any way you must state that the views, opinions, ideas or information belong to you personally and are not in any way attributable to the Town of Barrington.

Employees should report violations of this policy to the Town Administrator. It is the responsibility of all employees to help the Town of Barrington ensure compliance with the policy.

Violation of any aspect of this policy is subject to disciplinary action, up to and including termination of employment, regardless of whether such conduct occurred away from work or on non-work time.

VII. SEPARATION FROM EMPLOYMENT

1. **Termination** An employee may be terminated from employment with the Town for misconduct in connection with his or her work for the Town. The examples that are included in this personnel policy are illustrative, not all-inclusive. Employees terminated for misconduct shall forfeit severance benefits, as they will not have separated in good standing. An employee may be terminated when it is determined that the employee is unsuited for or incapable of performing the work assigned to the quality level required by the Town.

2. **Resignation**

Voluntary separation occurs when the separation is initiated by the employee by:

- A. A written or oral resignation; A statement of resignation is presumed to be accurate and accepted.
- B. Failure to appear without notice for three consecutive work days;
- C. Failure to return from an approved leave of absence;
- D. Failure to report for work upon recall from a layoff or Reduction-in-force; or
- E. Retirement

3. **Layoffs/Reductions-in-Force** The Board of Selectmen may lay off an employee in the service of the Town by reason of shortage of work and/or funds, abolition of the position(s),

other material changes in the organization, or for other reasons beyond the employer's control and which do not reflect discredit upon the employee. The Board of Selectmen will endeavor to provide affected employees with at least two calendar week's notice.

REQUESTED NOTICE OF DECISION TO TERMINATE EMPLOYMENT

Should you decide to resign from your employment with Barrington NH, we ask that you notify your supervisor and the Finance Director of your decision at least two (2) weeks in advance of your planned departure date. Your thoughtfulness will be appreciated, and will allow Barrington NH to maintain work schedules and provide important services to the public.

EXIT INTERVIEWS

In most instances, employees who terminate their employment will be asked to participate in an exit interview with the Town Administrator. The purpose of the exit interview is to discuss any relevant separation benefits and benefit continuation, to receive keys, passwords, security codes, town equipment, etc. and to receive feedback from you on ways in which our Barrington can improve our operations and retention of employees.

VIII. ADDITIONAL POLICIES, FORMS, AND GUIDELINES

HIRING PROCEDURE GUIDELINES

Hiring Procedure for all positions under the responsibility of the Board of Selectmen:

1. Obtain permission to hire for the position. Depending upon the circumstances this may be from the Town Administrator or the Board of Selectmen. This will also determine the extent of involvement by the Town Administrator and Board of Selectmen in the decision making process.
2. Review position description
 - a. Analyze position duties, supervisory structure, job requirements, etc.
 - b. Review structure of department(s) as it relates to the position
 - c. Review and determine grading for position
 - d. Seek approval of any changes in the grading, position description, or departmental structure
3. Recruitment process & schedule
 - a. Determine scope of search.
 - b. Determine if the process will involve an interview team or not and if so select the members.
 - c. Set a reasonable schedule for each task with adequate timelines.
 - d. Develop a list of required and desired qualifications and experience levels based on the position description.
4. Advertise

- a. Consider if the position is going to be advertised first in-house with a decision made at that level before opening to outside applications.
 - b. Balance cost and effectiveness when considering, general Internet sites, newspaper, LGC or professional organizations, list-serves, or other means of notifying potential candidates.
 - c. Use the town's website and post the opening and the position description.
 - d. Consider a shortened version for the newspaper with expanded versions for sites that do not charge by the length of the advertisement, but keep it reasonably brief.
5. Review and screen applications
- a. Grade candidate's application and/or resume based on how well the cover letter and resume indicate the candidate meets the requirements of the position found in the job description.
 - b. Eliminate those that do not meet minimum qualifications and those that are ranked lower in the candidate pool
 - c. Depending upon the position and total number of well-ranked candidates do a phone interview to narrow the field to a manageable size, usually 3-6 candidates.
6. Select and prepare interview team if one is part of the process
- a. Decide scope and role of team and clearly convey that to those recruited.
 - b. Develop questions for standard core questions stressing open ended and situation analysis type questions.
 - c. Explain what kinds of questions cannot be asked.
7. Set time and place for interviews balancing availability of the team with reasonable options for candidates.
8. Start background examination of candidates through a brief review of publically available information
- a. Do an Internet check for readily available information.
 - b. Consider other sources of information that are in the public domain such as town reports, newspapers, and minutes.
9. Interview
- a. Begin ice-breaker question and explain the format.
 - b. Use mainly open ended questions that do not use yes-no answers
 - c. Go through the list of questions to be asked, all of which should focus on job performance, work and communication style and qualifications.
 - d. Ask the same basic questions of all candidates, but further explore specifics based off answers given and information on the resume.
 - e. Before the candidate leaves, have the candidate sign to allow background checks including authorization to look at the candidate's personnel file from prior places of employment, criminal and driving records check, as appropriate a credit check and other such testing.
10. Testing

- a. Decide on appropriate testing including competency testing and other testing to reveal how well the person is suited to the job. This step does not include a physical which cannot be required until after an offer of employment.
- 11. Do detailed background but leave any disability or health questions and testing until after conditional offer of employment. The exception would be situations such as uncertified police candidates who could be asked to pass the Academy entrance fitness requirements, certified candidates who will be subject to the ongoing fitness testing from the state, or a fire candidate to pass a standard job related physical ability test if it is an entrance requirement of the department.
 - a. As appropriate include review of personnel file at prior employers (permission needed from applicant), criminal background, driving record, sex offender list, credit check, or similar research.
 - b. Call references listed plus develop additional ones
 - i. Ask a list of 4-6 questions especially if the reference would hire that person again for the type of job being advertised.
 - c. Consider hiring an outside agency for background check in certain cases provided there is assurance it provides current and comprehensive information. Consider checking other states in which the applicant has lived and worked for the preceding decade.
- 12. Second Interview if needed depending upon results of first Interviews and background check.
- 13. Conditional Offer and then more detail on background
 - a. Any ADA issues, physical based on job description.
- 14. Final offer in standard format with expectations, compensation and benefits.
 - a. Time limit for response of acceptance or rejection of offer
 - b. Starting date
 - c. Necessary paperwork (I9, W4, NHRS or other forms as appropriate) before allowing the employee to work. Use DOL checklist
 - d. Provide copy of Personnel Policy and require applicant to sign that they have received it and will read it.
- 15. Orientation
 - a. Make new employee feel welcome
 - b. Explain processes, location of things, introductions, different roles of others, how things are done, show person around and go over expectations.
 - c. Check back frequently at first to be sure person has any questions answered.

Guidelines - Pre-Employment Inquiries

The following is intended as a guide only. It is not an inclusive list of proper and improper pre-employment inquiries.

--	--	--

	Examples of Proper Inquiries	Examples of Improper Inquiries
(a) Name	Whether applicant has worked for this employer or another under a different name and, if so, what name. Name under which applicant is known to reference if different from present name.	Inquiry into original/maiden name for unlawful purpose of divulging marital status, lineage, ancestry, national origin or descent.
(b) Birthplace and Residence	Inquiry into place of residence and length of time at present address.	Inquiry into birthplace of applicant, or birthplace of applicant's parents, spouse or relatives. Do not require prior to hiring: birth certificate, naturalization or baptismal record.
(c) Religion or Creed	None.	Inquiry into applicant's religious denomination, religious affiliations, church, parish, temple, pastor, minister or religious holidays observed.
(d) Race or Color	None, except for inquiries made for statistical purposes on a form separate from the application when the information will be used <i>only</i> for statistical purposes and answer or failure to answer does not affect hiring decision, and inquiries required by state or federal law or regulation.	Inquiries into race, color of skin, eyes, hair, etc.
(e) Photographs	Photographs may be required only after hiring.	Do not request that applicant provide a photograph before hiring.
(f) Citizenship	Whether applicant is legally permitted to work in the United States.	Inquiries regarding the citizenship of applicant or family members.

	Examples of Proper Inquiries	Examples of Improper Inquiries
(g) National Origin and Ancestry	None, except for inquiries made for statistical purposes only, in the same manner as statistical inquiries regarding race or color, and inquiries required by state or federal law or regulation.	Inquiry into an applicant or family member's lineage, ancestry, national origin, descent, parentage, or nationality.
(h) Organizations	None.	Inquiries regarding membership in unions, trade or professional organizations, social fraternities, lodges or organizations other than unions and trade or professional

		organizations.
(i) Sex and Family Composition	Inquiries as to sex may be made only when required by bona fide occupational qualification (BFOQ) or for statistical purposes in the same manner as for statistics on race or color, or when required by state or federal law or regulation.	Inquiries regarding applicant's sex except for BFOQ or statistical purposes or when required by law or regulation. Inquiries relating to children, child care arrangements, and plans to have children.
(j) Criminal Record	Inquiries regarding convictions that have not been annulled.	Inquiries regarding arrest record, unless there is a business necessity.
(k) Height and Weight	Proper only when required by bona fide occupational qualification.	All inquiries on height and weight except when required by a bona fide occupational qualification.
(l) Marital Status	None.	All inquiries regarding applicant's marital status.
(m) Disability - Physical and Mental	Inquiry regarding how an applicant with an <i>obvious</i> disability would perform the essential functions of the job with or without accommodations.	General, non-job related inquiries regarding any disability.
(n) Age and Date of Birth	Inquiry as to age in order to comply with youth employment laws.	Inquiry into age or birth date when not needed to comply with laws, such as questions regarding retirement.

Town of Barrington

PO Box 660, 333 Calef Highway

Barrington, NH 03825

Phone (603) 664-7009 Fx (603) 664-5179

APPLICATION FOR EMPLOYMENT

The Town is an **equal opportunity employer** and does not discriminate in hiring, promotion, or other employment decisions on the basis of race, sex, color, pregnancy, religion, national origin, sexual orientation, genetic information, marital status, disability, age, veteran or military status, or any other basis protected by law. Equal access to programs, services and employment is available to all persons. Those applicants requiring reasonable accommodation to the application and/or interview process should notify a representative of the Human Resources Department.

PLEASE PRINT (USE INK)

PERSONAL:

Name: _____

(Last)

(First)

(Middle)

(EMAIL ADDRESS)

Current Address: _____ Telephone: _____
 (Street) (Town) (State) (Zip Code) (Include Area Code)

Permanent Address (if different) _____ Telephone: _____
 (Street) (Town) (State) (Zip Code) (Include Area Code)

Have you ever applied for employment here before? ____ Yes ____ No If yes, when? _____

Have you ever worked for the Town before? ____ Yes ____ No If yes, where? _____

WORK EXPERIENCE: PRESENT OR MOST RECENT EMPLOYMENT

Employer: _____ Address _____
 (Street) (Town) (State)

May We Contact Your Present Employer? ____ Yes ____ No

Telephone _____ Kind of Business _____ Name and Title of
 (Include Area Code) Immediate Supervisor _____

Employed From _____ to _____ Job Title _____
 (Mo., Yr.) (Mo., Yr.)

Duties Performed _____

Starting Salary _____ Final Salary _____ Reason for Leaving _____

PREVIOUS EMPLOYMENT:

Employer: _____ Address _____
 (Street) (Town) (State)

Telephone _____ Kind of Business _____ Name and Title of
 (Include Area Code) Immediate Supervisor _____

Employed From _____ to _____ Job Title _____
 (Mo., Yr.) (Mo., Yr.)

Duties Performed _____

Starting Salary _____ Final Salary _____ Reason for Leaving _____

PREVIOUS EMPLOYMENT:

PREVIOUS EMPLOYMENT: (Use additional sheets if necessary to describe all previous employment)

Employer: _____ Address _____
 (Street) (Town) (State)

Telephone _____ Kind of Business _____ Name and Title of
 (Include Area Code) Immediate Supervisor _____

Employed From _____ to _____ Job Title _____
 (Mo., Yr.) (Mo., Yr.)

Duties Performed _____

Starting Salary _____ Final Salary _____ Reason for Leaving _____

EDUCATION:

	Name	Town/State	Degree Received Yes or No	Type of Degree Diploma or GED	Major
High School	_____	_____	_____	_____	_____
College	_____	_____	_____	_____	_____
Other	_____	_____	_____	_____	_____
Trade School	_____	_____	_____	_____	_____

Commercial courses completed (Include skills, typing, shorthand, business machines, personal computers, etc.) _____

GENERAL:

Are you authorized to work in the United States? ____ Yes ____ No (Proof of eligibility to work in the U.S. will be required upon employment.)

Are you 18 years old or older? ____ Yes ____ No How did you happen to contact the Town? _____

Are you available to work full-time ____ part-time ____ temporary ____? If part-time, indicate maximum hours per week ____

What position are you applying for? _____ Starting salary desired _____

Can you perform the essential functions of the job with or without reasonable accommodation? ____ Yes ____ No

Are you currently on layoff or leave from another employer? ____ Yes ____ No

CONVICTION INFORMATION:

Have you ever been convicted of a crime (including pleading guilty or no contest) that has not been annulled by a court, except for minor traffic violations? ____ Yes ____ No (If yes, please fill in information below.)

Conviction information will not necessarily bar an applicant from employment.

	Date	Reason	Disposition of Case	Place
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____

NOTICE: PLEASE READ BEFORE SIGNING

- If I am hired, I agree to abide by the rules and policies of the Town.
- I understand that if I am hired, my employment will be for no definite period, and that my employment and compensation can be terminated with or without cause and without notice, at any time, at the option of either the Town or me.
- I authorize all persons, companies, prior employers, schools, credit bureaus, and government agencies to supply any information concerning my background, education, and employment, and release all parties from all liability for any damage that may result from furnishing same to you. I also release the Town and its agents from all liability from damages arising from this research of my background.
- I certify that the information contained in this application is complete and correct to the best of my knowledge and understand that falsification of this information is grounds for dismissal in accordance with Town policy.
- I certify that all of the information that I provide on this application or in any interview will be complete, true, and accurate. I understand that if I am hired, and any such information is later found to be incomplete, false, or misleading in any respect, I may be discharged.

I have read the above Notice Section or have had someone read or explain to me, and I fully understand it.

_____ (Print Name) _____ (Signature) _____ (Date)

1. Why do you want to change jobs?
2. Does your present employer know you are looking?
3. What attracted you to our Barrington?
4. What interests you most about this position?
5. Why should we hire you?
6. What kind of experience do you have for this position?
7. How do you feel about your career progress to date?
8. What have been your greatest accomplishments?
9. What would you like to be doing five years from now?
10. What would you say is your major weakness?
11. I noticed that there is a five-year gap in your employment history. What were you doing during that five-year period?
12. The job for which you applied requires the following: [insert essential job functions, including lifting requirements, etc.]. Can you perform this job with or without reasonable accommodation?

TELEPHONE REFERENCE CHECK FORM

Name of Applicant: _____

Position Applied for: _____

Person Contacted: _____ Tel. No. _____

Title: _____ Organization: _____

Address: _____ State: _____

Please verify the following information:

1. In what capacity did you know this person: _____
2. Dates of Employment: from _____ to _____
(If applicable)
3. What were his/her duties? _____
4. What position(s) is s/he competent to fill? _____
5. Did s/he have any supervisory responsibilities? _____
6. On a scale of 1-5, 5 being highest, how would you evaluate his/her work? _____
7. What were his/her strong points? _____
8. What weaknesses, if any? _____
9. Would you rehire? _____

Questions specific to the position:

How would you rate, 1-5, his/her ability to perform the following (please define a 1 and a 5):

1. _____
2. _____
3. _____
4. _____

Name of interviewer: _____ Title: _____

Date of interview: _____

SAMPLE OFFER LETTER - Non-Exempt Employees

[Date]

[Name]

[Address]

Dear _____ :

We are pleased to offer you a position with Barrington as a _____. As we have discussed, your starting date would be _____ and you would report directly to _____.

The following are additional terms of our offer:

- You will be paid at the rate of \$ _____ per hour. In addition, you will be entitled to overtime at the rate of 1 ½ times your regular rate for all hours worked in excess of 40 in a work week. You will be paid weekly on Thursdays. Paychecks are available in the Human Resource Office after 9:00 a.m. on Thursdays.
- (if full-time) You and any eligible dependents will be eligible to participate in our group medical coverage on the first of the month following 60 days of employment, provided an enrollment application is completed and returned within 31 days of your start date.
- All Barrington benefits will be explained in detail to you in your orientation package.
- Your regular work schedule will be _____. Your schedule may vary, however, depending upon the needs of Barrington NH.

Your employment is contingent upon completing the Form I-9 (Employment Eligibility Verification) and providing the required documentation establishing your legal right to work in the United States and completing a W-4.

You will be considered to be an employee at-will. You therefore can resign from your employment at any time, for any reason. Likewise, Barrington NH can terminate the employment relationship at any time, for any reason. This letter is not intended to change that at-will relationship or create a contract of employment or for benefits.

We hope that you will accept this offer of employment and look forward to having you join us. Feel free to contact me with any questions regarding this offer.

If you accept this offer of employment, please acknowledge your acceptance by signing and returning the enclosed copy of this letter in the envelope provided. Please also complete the enclosed Second Injury Fund Employee Information Form and return it with your signed acceptance of employment.

Sincerely,

[name] [title]

My signature below indicates acceptance of the offer of employment as outlined in this letter.

[Date]

[Name]

Enclosure

cc: Personnel File

SECOND INJURY FUND

EMPLOYEE INFORMATION FORM

[To be sent with Offer Letter.]

Employee:

Date:

Position:

Date of Hire:

We require the following in order to satisfy our obligations under the New Hampshire Workers' Compensation Law, RSA 281-A. In order to apply for reimbursement from the Second Injury Fund in the event that you may suffer a work-related injury while employed with us, we must have written documentation of any physical or mental impairment that you may have suffered. This documentation and any related information that you provide in connection with this inquiry will be maintained confidentially and separately from your employee personnel file.

This document and any related information that you provide in connection with this inquiry will only be used as permitted under the Americans with Disabilities Act and New Hampshire Workers' Compensation Law.

Please identify any prior or current physical or mental impairments, whether work related or not, including, but not limited to, high blood pressure, diabetes, respiratory or cardiovascular concerns, prior back injuries, and any surgical procedures. Attach additional pages, if necessary.

Nature of Injury Or	Date of Origin	Name & Address Of Treating	Workers' Compensation?	If Yes, Name & Address of
----------------------------	-----------------------	---------------------------------------	-------------------------------	--------------------------------------

Impairment		Provider	(Yes or No)	Employer

Please check here if you have no history of significant Injuries or Illnesses.

I certify that all of the information that I provide on this Second Injury Information Form is complete, true, and accurate. I understand that if any such information is later found to be incomplete, false, or misleading in any respect, I may be discharged from employment.

Signature:

Date:

Witness:

NEW EMPLOYEE ORIENTATION CHECKLIST

Employee's Name: _____ Date of Employment _____

Job Title: _____ Location/Dept. _____

Supervisor: _____

Forms Completed:

- _____ Application for employment
- _____ Signed offer letter
- _____ W-4 federal tax withholding
- _____ State tax withholding (if applicable)
- _____ EEO information questionnaire
- _____ I-9 verification
- _____ Second Injury Fund Form
- _____ Other (specify)

Introduction to the Organization:

- _____ History and general information about Barrington NH
- _____ Personnel Policies and Procedures Manual
- _____ Other policies and procedures
- _____ Sexual and other harassment reporting procedures

Compensation:

- _____ Job title, rate of pay
- _____ Payment of salary--when and how
- _____ Payment of overtime
- _____ Timecard procedure
- _____ Salary increases, performance review system
- _____ Travel arrangements (expense reports)

Benefits:

- _____ Medical insurance coverage and enrollment
- _____ Pre-existing conditions limitations
- _____ Life insurance coverage and enrollment
- _____ Earned time
- _____ Disability leave
- _____ Other leaves of absence
- _____ NH Retirement System plan
- _____ 457 plan
- _____ Other benefits (specify) _____

Town Property:

- _____ Keys
- _____ Credit cards
- _____ Uniforms
- _____ Vehicles
- _____ Other property (specify)

Tour of Facilities:

- _____ Location of work area
- _____ Introduced to all employees
- _____ Location of restrooms, storage for personal belongings, procedure for coffee, lunches, etc.
- _____ Location of cafeteria or local eating places
- _____ Location of bulletin boards

Hours:

- _____ Start and stop times
- _____ Personal calls
- _____ No smoking, eating at workstation, responsibility for good housekeeping, etc.
- _____ Personal appearance and dress
- _____ Punctuality
- _____ Reporting when absent
- _____ Importance of good attendance
- _____ Parking
- _____ Entrance to facilities during off hours
- _____ Other (specify)
- _____
- _____

Operations:

- _____ General operating procedures
- _____ How department integrates with rest of organization
- _____ How job integrates with departmental and organizational operations
- _____ Why the job is important
- _____ Conduct and performance standards
- _____ How work is scheduled
- _____ Job duties and responsibilities

Safety and Health:

- _____ Importance of safety on the job
- _____ Safety is everyone's job/safety responsibilities
- _____ Reporting safety hazards
- _____ Reporting work-related injuries/illnesses
- _____ Copy of Safety Plan

Initial Training:

- _____ Where and when

- _____ Training agenda
- _____ Performance benchmarks, quantity and quality standards

Where to Get Information and Assistance:

- _____ Within the department
- _____ Other departments

Security/Emergency Procedures:

- _____ Opening and closing procedures
- _____ Special security procedures
- _____ Location of exits
- _____ Location of fire extinguishers
- _____ Location of first aid kits
- _____ Procedure in case of earthquake or fire
- _____ Emergency shutdown of facilities

Communications:

- _____ Introduced to management
- _____ Manuals, literature, reading material
- _____ First day lunch companion

Orientation Completed by:

Name _____
Date

My signature below indicates that the items checked above have been covered with me during my new employee orientation.

Signature of New Employee _____
Date

SAMPLE JOB DESCRIPTION FORMAT

Job Title _____ Job Code _____
FLSA Job Status _____ Location _____
Grade _____ Points _____ Department _____
Pay Range _____ Date Written _____

Written By _____

Approval(s) _____

Job Analyst _____

Job Summary _____

Essential Functions _____

Other Responsibilities _____

Accountabilities _____

Supervision:

Received: _____

Given: _____

Job Specifications

Education _____

Experience _____

Initiative _____

Responsibility _____

Contacts _____

Physical Requirements _____

Mental Requirements _____

Supervision _____

Working Conditions _____

Equipment Used _____

COMPENSATION SYSTEM

1. **GENERAL POLICY.** The Board of Selectmen shall be responsible for the development and maintenance of a uniform and equitable pay plan for Barrington, NH which shall consist of minimum and maximum rates of pay for each position and such intermediate steps as deemed necessary and equitable, unless otherwise determined by a collective bargaining agreement. The Board of Selectmen has the authority to make adjustments periodically to the wage matrix including realignment and cost of living increases as well as initial placement upon the matrix. Wages shall be linked directly to the position classification plan and may take into consideration the following factors:
 - A. Ranges of pay for other positions.
 - B. Prevailing rates of pay for similar employment in both public and private organizations.
 - C. Cost of living factors.
 - D. Other benefits received by employees.
 - E. The financial policy and economic conditions of Barrington.
2. **PAY PLAN DEVELOPMENT AND ALLOCATION.** The Town Administrator shall make recommendations for each position level to a pay range based upon the relationship to other levels as defined in the position level plan and by market data. Implementation of adjustments are subject to the availability of funds.
3. **APPOINTMENT.**
 - A. Pay for newly hired employees shall normally be set at the minimum of the pay range assigned to a job class. However, the Town Administrator or Board of Selectmen may approve hires higher on the scale, as warranted by job qualifications and experience subject to the availability of funds.
 - B. The Town Administrator shall not authorize hiring above the midpoint of a pay range except in unusual circumstances.
4. **SELECTIVE SALARY ADJUSTMENT.**
 - A. The Town Administrator may recommend to the Board of Selectmen a

selective salary adjustment in order to mitigate an inequity caused by merit increase, freeze or other similar circumstances. He/She may also make a recommendation to the Board of Selectmen for a one-time merit adjustment based upon exceptional performance.

- B. The Town Administrator shall submit a written rationale supporting the recommendation to the Board of Selectmen.
 - C. A selective adjustment is subject to the availability of funds and guidelines established by the Board of Selectmen.
5. **COST OF LIVING ADJUSTMENTS.** When the Board of Selectmen grants a cost-of-living adjustment (COLA) which adjusts the entire scale, the Board will make clear if steps are also to occur.
 6. **PROMOTION.** When an employee is offered a promotion, the Town Administrator will make a salary recommendation to the Board of Selectmen, who shall vote upon that recommendation before the promotion is completed.
 7. **REASSIGNMENT.** Except when due to a demotion or a disciplinary action, an employee who is reassigned shall be paid at least the same salary received prior to the assignment.
 8. **RECLASSIFICATION.** The Town Administrator may recommend to the Board of Selectmen a reclassification of a position based upon job responsibilities and requirements to a higher or lower level with a subsequent increase or decrease in the salary. Normally if an employee's position is reclassified to a lower level the incumbent will be ineligible to receive a salary increase until the salary range increases to incorporate the incumbent's pay rate. An employee is ineligible to receive cost-of-living increases until the salary range increases above the new level.
 9. **DEMOTION.** If an employee is demoted, either voluntarily or involuntarily, the Town Administrator may treat the employee's salary according to paragraph 8 above or reduce the salary to the applicable pay range.

REQUEST FOR FAMILY/MEDICAL LEAVE OF ABSENCE

DATE: _____

TO: Finance Director

FROM: _____
(Employee Name)

This is to request a Family and Medical Leave of Absence for the following reason (check one):

- the birth of a child in order to take care of the child (leave must be taken within twelve (12) months of the birth);
- the adoption or foster care placement of a child in order to care for the child (leave must be taken within twelve (12) months of the placement);
- a serious health condition affecting my spouse, child, parent, because the ill person is not capable of self-care and I am needed for such care;
- my serious health condition which results in my inability to perform my job;
- a qualifying exigency arising out of the fact that my spouse; son or daughter; parent is on “covered active duty” or call to “covered active duty” status in the Armed Forces; or
- I am the spouse; son or daughter; parent; next of kin of a covered service member with a serious injury or illness, and I am needed to care for such person.

I wish to commence this leave of absence on _____. I anticipate that this leave of absence will end on _____.

NOTICE OF ELIGIBILITY AND RIGHTS & RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT

DATE: _____

TO: _____ (Employee's Name)

FROM: _____

A. NOTICE OF ELIGIBILITY

On _____ you notified us of an event which qualifies for leave under the Family Medical Leave Act (FMLA) due to:

- checkbox the birth of a child in order to take care of the child (leave must be taken within twelve (12) months of the birth);
checkbox the adoption or foster care placement of a child in order to care for the child (leave must be taken within twelve (12) months of the placement);
checkbox a serious health condition affecting my checkbox spouse, checkbox child, checkbox parent, because the ill person is not capable of self-care and I am needed for such care;
checkbox my own serious health condition which results in my inability to perform my job;
checkbox a qualifying exigency arising out of the fact that my checkbox spouse; checkbox son or daughter; checkbox parent is on "covered active duty" or call to "covered active duty" in the U.S. Armed Forces; or
checkbox I am the checkbox spouse; checkbox son or daughter; checkbox parent; checkbox next of kin of a covered servicemember with a serious injury or illness, and I am needed to care for such person.

You notified us that you need this leave beginning on _____ and that you expect leave to continue until on or about _____.

This Notice is to inform you that: (check appropriate boxes; explain where indicated)

- 1. You are checkbox eligible for leave under the FMLA. (See Section B below for Rights and Responsibilities)
2. You are checkbox not eligible for leave under the FMLA, because (only one reason need be checked, although you may not be eligible for other reasons):
checkbox You have not met the FMLA's 12-month length of service requirement. As of the first date of requested leave, you will have worked approximately ___ months towards this requirement.
checkbox You have not met the FMLA's 1250-hours-worked requirement.
checkbox You do not work and/or report to a site with 50 or more employees within 75-miles.

If you have any questions, please contact _____ or view the FMLA poster located in _____.

B. RIGHTS AND RESPONSIBILITIES FOR TAKING FMLA LEAVE

1. Requested Information from Employee

As explained above in Section A, you meet the eligibility requirements for taking FMLA leave and still have FMLA leave available in the applicable 12 month period. **However, in order for us to determine whether your absence qualifies as FMLA leave, you must return the following information to us by _____.** (If a certification is requested, you have 15 calendar days from receipt of this notice to return it; additional time may be allowed in some circumstances). If sufficient information is not provided in a timely manner, your leave may be denied.

- a. You will will not be required to furnish certification to support your request for FMLA leave. A certification form that sets forth the information necessary to support your request is enclosed.
- b. You will will not be required to furnish documentation to establish the required relationship between you and your family members.
- c. You will will not be required to furnish the following other information: _____

- d. No additional information requested.

2. Responsibilities of Employee While On Leave

If your leave qualifies as FMLA leave, you will have the following responsibilities while on FMLA leave:

- a. We will require that you substitute accrued paid leave for unpaid FMLA leave. This means that you will receive your paid leave and the leave will also be considered protected FMLA leave and counted against your FMLA leave entitlement.
- b (i) If you normally pay a portion of the premiums for your health insurance, you must continue to make these payments during the period of FMLA leave. Please contact the Finance Director to make arrangements for these payments.

(ii) You have a 30-day grace period in which to make payment. If payment has not been made timely, your group health insurance may be canceled, provided we notify you in writing at least 15 days before your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work.
- c (i) Due to your status within the Company, you are are not a "key employee" as described in §825.217 of the FMLA regulations. If you are a "key employee," restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us.

(ii) We have have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us.
- d. You will will not be required to furnish us with periodic reports of your status and intent to return to work every 30 days while on FMLA leave.

Note: If the circumstances of your leave change, and you are able to return to work earlier than the date on the first page of this form, you will be required to notify us at least two workdays prior to the date you intend to report for work.

3. Rights of Employee While on FMLA leave

If your leave does qualify as FMLA leave, you will have the following rights while on FMLA leave:

- a. You have a right for up to 12 weeks of unpaid leave in a 12-month period calculated a “rolling” 12 month period measured backward from the date of any FMLA leave usage.
- You have a right under the FMLA for up to 26 weeks of unpaid leave in a single 12-month period to care for a covered servicemember with a serious injury or illness. This single 12-month period commenced on _____.
- b. Your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work.
- c. You must be reinstated to the same or an equivalent job with the same pay benefits, and terms and conditions of employment on your return to work from FMLA-protected leave. (If your leave extends beyond the end of your FMLA entitlement, you do not have return rights under FMLA).
- d. If you do not return to work following FMLA leave for a reason other than: 1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; 2) the continuation, recurrence, or onset of a covered servicemember’s serious injury or illness which would entitle you to FMLA leave; or 3) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during FMLA leave.
- e. If we have not informed you above that you must use accrued paid leave while taking your unpaid FMLA leave entitlement, you have the right to have sick, vacation and/or other leave run concurrently with your unpaid leave entitlement, provided you meet any applicable requirements of the leave policy. Applicable conditions related to the substitution of paid leave are referenced or set forth below. If you do not meet the requirements for taking paid leave, you remain entitled to take unpaid FMLA leave.
- For a copy of conditions applicable to sick/vacation/other leave usage please refer to _____ available at _____.
- Applicable conditions for use of paid leave: _____
_____.

Once we obtain the information from you specified above, we will inform you, within 5 business days, whether your leave will be designated as FMLA leave and count towards your FMLA leave entitlement. If you have any questions, contact _____ or view the FMLA poster located in _____.

DESIGNATION NOTICE UNDER THE FAMILY AND MEDICAL LEAVE ACT

DATE: _____

TO: _____ (Employee's Name)

FROM: _____

We have reviewed your request for leave under the FMLA and any supporting documentation that you have provided. We received your most recent information on _____ and decided:

A. FMLA APPROVED

Your FMLA leave request is approved. All leave taken for this reason will be designated as FMLA leave.

The FMLA requires that you notify us as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown. Based on the information you have provided to date, we are providing the following information about the amount of time that will be counted against your leave entitlement:

Provided there is no deviation from your anticipated leave schedule, the following number of hours, days, or weeks that will be counted against your FMLA entitlement: _____.

Because the leave you will need will be unscheduled, it is not possible to provide the hours, days or weeks that will be counted against your FMLA entitlement at this time. You have the right to request this information once in a 30-day period (if leave was taken in the 30-day period).

Please be advised (check if applicable):

You have requested to use paid leave during your FMLA leave. Any paid leave taken for this reason will count against your FMLA leave entitlement.

We are requiring you to substitute or use paid leave during your FMLA leave.

You will be required to present a fitness-for-duty certificate to be restored to employment. If such certification is not timely received, your return to work may be delayed until certification is provided. A list of the essential functions of your positions is is not attached. If attached, the fitness-for-duty certification must address your ability to perform these functions.

B. ADDITIONAL INFORMATION REQUIRED

Additional information is needed to determine if your FMLA leave request can be approved:

The certification you have provided is not complete and sufficient to determine whether the FMLA applies to your leave request. You must provide the following information no later than _____, unless it is not practicable under the particular circumstances (provide at least seven calendar days), despite your diligent good faith efforts, or your leave may be denied.

(Specify information needed to make the certification complete and sufficient)

We are exercising our right to have you obtain a second or third opinion medical certification at our expense, and we will provide further details at a later time.

C. YOUR FMLA REQUEST IS NOT APPROVED

Your FMLA Leave is Not Approved.

The FMLA does not apply to your leave request.

You have exhausted your FMLA leave entitlement in the applicable 12-month period.

**CERTIFICATION OF HEALTH CARE PROVIDER FOR
EMPLOYEE'S SERIOUS HEALTH CONDITION**
(Family and Medical Leave Act of 1993)

SECTION I: For Completion by the EMPLOYER

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's Name: _____

Employee's essential job functions: _____

 Job description is attached.**SECTION II: For Completion by the Employee**

Instructions to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. You are required to submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. Your response is required to obtain or retain the benefit of FMLA protections. Failure to provide a complete and sufficient medical certification may result in a denial of your FML request. You have at least 15 days to return this form.

Your name: _____
First
Middle
Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

Instructions to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer fully and completely all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (____) _____ Fax (____) _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Mark below as applicable:

2. Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
 No Yes. If so, dates of admission:

3. Dates you treated the patient for condition: _____

4. Will the patient need to have treatment visits at least twice per year due to the condition?
 No Yes.

5. Was medication, other than over-the-counter medication, prescribed? No Yes.

6. Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? No Yes. If so, state the nature of such treatments and expected duration of treatment:

7. Is the medical condition pregnancy? No Yes. If so, expected delivery date: _____

8. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions:

Is the employee unable to perform any of his/her job functions due to the condition:
 No Yes.

If so, identify the job functions the employee is unable to perform:

9. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED:

10. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? No Yes.

If so, estimate the beginning and ending dates for the period of incapacity: _____

11. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee’s medical condition? No Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?
 No Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

12. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? No Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?
 No Yes. If so, explain:

Based upon the patient’s medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER:

(Signature of Health Care Provider)

(Date)

**Safe Harbor Genetic Information Nondiscrimination Act (GINA)
Medical Certification Disclosure**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information, except to the extent that such disclosure is necessary to make a medical certification complete and sufficient in conjunction with an employee's request for leave for a family member's serious health condition. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.'''

**CERTIFICATION OF HEALTH CARE PROVIDER FOR
FAMILY MEMBER'S SERIOUS HEALTH CONDITION**
(Family and Medical Leave Act of 1993)

SECTION I: For Completion by the EMPLOYER

Employer name and contact: _____

SECTION II: For Completion by the EMPLOYEE: Please complete Section II before giving this form to your family member or his/her medical provider. You must return a completed form within 15 days of receiving it. Your response is required to obtain or retain the benefit of FMLA protection. Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request.

Your Name: _____

Name of family member for whom you will provide care: _____

If family member is your son or daughter, date of birth: _____

Describe care you will provide to your family member and estimate leave needed to provide care:

Employee Signature

Date

SECTION III: For Completion by the HEALTH CARE PROVIDER

Instructions to the HEALTH CARE PROVIDER: The employee listed above has requested leave under the FMLA to care for your patient. Answer fully and completely all applicable parts. Several questions seek a response as the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: (____) _____ Fax (____) _____

PART A: MEDICAL FACTS

1. State the approximate date the condition commenced, and the probable duration of the condition

2. Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?

No Yes. If so, dates of admission: _____

- 3. Date(s) you treated the patient for condition: _____
- 4. Will the patient need to have treatment visits at least twice per year due to the condition?
 No Yes.
- 5. Was medication, other than over-the-counter medication, prescribed? No Yes.
- 6. Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)? No Yes. If so, state the nature of such treatments and expected duration of treatment:

- 7. Is the medical condition pregnancy? No Yes. If so, expected delivery date: _____
- 8. Describe other relevant medical facts, if any, related to the condition for which the patient seeks care (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF CARE NEEDED: When answering these questions, keep in mind that your patient’s need for care by the employee seeking leave may include assistance with basic medical, hygienic, nutritional, safety or transportation needs, or the provision of physical or psychological care:

- 9. Will the patient be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? No Yes.

If so, estimate the beginning and ending dates for the period of incapacity: _____.

During this time, will the patient need care? No Yes.

Explain the care needed by the patient and why such care is medically necessary?

- 10. Will the patient need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee’s medical condition? No Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Explain the care needed by the patient, and why such care is medically necessary: _____

11. Will the patient require care on an intermittent or reduced schedule basis, including any time for recovery? No Yes.

Estimate the hours the patient needs car on an intermittent basis, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

Explain the care needed by the patient and why such care is medically necessary:

12. Will the condition cause episodic flare-ups periodically preventing the patient from participating in normal daily activities? No Yes.

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

Does the patient need care during these flare-ups? No Yes.

Explain the care needed by the patient and why such care is medically necessary:

2. A complete and sufficient certification to support a request for FMLA leave due to a qualifying exigency includes any available written documentation which supports the need for leave; such documentation may include a copy of a meeting announcement for informational briefings sponsored by the military, a document confirming an appointment with a counselor or school official, or a copy of a bill for services for the handling of legal or financial affairs.

Available written documentation supporting this request for leave is attached.

- Yes
- No
- None Available.

PART B. AMOUNT OF LEAVE NEEDED

1. Approximate date exigency commenced: _____

Probable duration of exigency: _____

2. Will you need to be absent from work for a single continuous period of time due to the qualifying exigency: No Yes.

If so, estimate the beginning and ending dates for the period of absence:

3. Will you need to be absent from work periodically to address this qualifying exigency?

- No Yes.

Estimate schedule of leave, including the dates of any scheduled meetings or appointments:

Estimate the frequency and duration of each appointment, meeting, or leave event, including any travel time (i.e., 1 deployment-related meeting every month lasting 4 hours):

Frequency: ___ times per ___ week(s) ___ month(s)

Duration: ___ hours ___ day(s) per event

PART C:

If leave is requested to meet with a third party (such as to arrange for childcare, to attend counseling, to attend meetings with school or childcare providers, to make financial or legal arrangements, to act as the covered military member's representative before a federal, state, or local agency for purposes of obtaining, arranging or appealing military service benefits, or to attend any event sponsored by the military or military service organizations), a complete and sufficient certification includes the name, address, and appropriate contact information of the individual or entity with whom you are meeting (*i.e.*, either the telephone or fax number or email address of the individual or entity). This information may be used by your employer to verify that the information contained on this form is accurate.

Name of individual: _____ Title: _____

Organization: _____

Address: _____

Telephone: (____) _____ Fax: (____) _____

Describe nature of meeting:

PART D:

I certify that the information I provided above is true and accurate.

Signature of Employee

Date

**CERTIFICATION FOR SERIOUS INJURY OR ILLNESS
OF COVERED SERVICEMEMBER -- FOR
MILITARY FAMILY LEAVE (FAMILY AND MEDICAL LEAVE ACT)**

SECTION I: For completion by the EMPLOYEE and/or the COVERED SERVICEMEMBER for whom the Employee is Requesting Leave.

INSTRUCTIONS to the Employee or Covered Servicemember: Please complete Section I before having Section II completed. The FMLA permits an employer to require that an employee submit a timely, complete, and sufficient certification to support a request for FMLA leave due to a serious injury or illness of a covered servicemember. If requested by the employer, your response is required to obtain or retain the benefit of FMLA-protected leave. Failure to do so may result in a denial of an employee's FMLA leave request. The employer must give an employee at least 15 calendar days to return this form to the employer.

PART A: EMPLOYEE INFORMATION

(1) Name and address of Employer (this is the employer of the employee requesting leave to care for Covered Servicemember):

(2) Name of Employee Requesting Leave to Care for Covered Servicemember:

First

Middle

Last

(3) Name of Covered Servicemember (for whom employee is requesting leave to care):

First

Middle

Last

(4) Relationship of Employee to Covered Servicemember Requesting Leave to Care:

Spouse Parent Son Daughter Next of Kin

PART B: COVERED SERVICEMEMBER INFORMATION

(1) Is the Covered Servicemember a Current Member of the Regular Armed Forces, the National Guard or Reserves? No Yes

If yes, please provide the Covered Servicemember's military branch, rank and unit currently assigned to:

If no, is the Covered Servicemember a Veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the Veteran is undergoing medical treatment, recuperation or therapy? No Yes. If yes, please provide dates of service: _____.

Is the Covered Servicemember assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients (such as medical hold or warrior transition unit)? No Yes. If yes, please provide the name of the medical treatment facility or unit: _____

- (2) Is the Covered Servicemember on the Temporary Disability Retired List (TDRL)?
 No Yes.

PART C: CARE TO BE PROVIDED TO THE COVERED SERVICEMEMBER

Describe the care to be provided to the Covered Servicemember and an estimate of the leave needed to provide the care:

SECTION II: For Completion by a UNITED STATES DEPARTMENT OF DEFENSE (“DOD”) HEALTH CARE PROVIDER or a HEALTH CARE PROVIDER who is either: (1) a United States Department of Veterans Affairs (“VA”) health care provider; (2) a DOD TRICARE network authorized private health care provider; or (3) a DOD non-network TRICARE authorized private health care provider.

INSTRUCTIONS to the Health Care Provider: The employee listed above has requested leave under the FMLA to care for a family member who is a member of the Regular Armed Forces, the National Guard, or the Reserves who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness. For purposes of FMLA leave, a serious injury or illness is one that was incurred in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating. A complete and sufficient certification to support a request for FMLA leave due to a covered servicemember’s serious injury or illness includes written documentation confirming that the covered servicemember’s injury or illness was incurred in the line of duty on active duty and that the covered servicemember is undergoing treatment for such injury or illness by a health care provider listed above. Answer fully and completely all pertinent parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as “lifetime,” “unknown,” or “indeterminate” may not be sufficient to determine FMLA coverage. Limit your response to the condition for which the employee is seeking leave.

If you are unable to make certain of the military-related determinations contained below in Part B, you are permitted to rely upon determinations from an unauthorized DOD representative (such as DOD recovery care coordinator). Please be sure to sign the form on the last page.

PART A: HEALTH CARE PROVIDER INFORMATION

- (1) Health Care Provider’s Name and Business Address:

- (2) Type of Practice/Medical Specialty:

Please state whether you are either: (1) a DOD Health care provider; (2) a VA health care provider; (3) a DOD TRICARE network authorized private health care provider; or (4) a DOD non-network TRICARE authorized private health care provider: _____

Telephone: (____) _____ Fax: (____) _____ Email: _____

PART B: MEDICAL STATUS

(1) Covered Servicemember's medical condition is classified as (Check One of the Appropriate Boxes):

(VSI) Very Seriously Ill/Injured: Illness/Injury is of such a severity that life is imminently endangered. Family members are requested at bedside immediately. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

(SI) Seriously Ill/Injured: Illness/Injury is of such a severity that there is cause for immediate concern, but there is no imminent danger to life. Family members are requested at bedside. (Please note this is an internal DOD casualty assistance designation used by DOD healthcare providers.)

OTHER Ill/Injured: a serious injury or illness that may render the servicemember medically unfit to perform the duties of the member's office, grade, rank, or rating.

NONE OF THE ABOVE (Note to Employee: If this box is checked, you may still be eligible to take leave to care for a covered family member with a "serious health condition" as provided by the FMLA. If such leave is requested, a separate form must be completed).

(2) Was the condition for which the Covered Servicemember is being treated incurred in line of duty on active duty in the armed forces? No Yes.

(3) Approximate date condition commenced: _____

(4) Probable duration of condition and/or need for care: _____

(5) Is the Covered Servicemember undergoing medical treatment, recuperation, or therapy?

No Yes. If yes, please describe medical treatment, recuperation or therapy:

PART C: COVERED SERVICEMEMBER'S NEED FOR CARE BY FAMILY MEMBER

(1) Will the patient be incapacitated for a single continuous period of time due to his/her medical condition, including any time for treatment and recovery? No Yes.

If so, estimate the beginning and ending dates for the period of incapacity:

_____.

(2) Will the covered servicemember require periodic follow-up treatment appointments?

No Yes. If yes, estimate the treatment schedule:

_____.

(3) Is there a medical necessity for the covered servicemember to have periodic care for these follow-up treatment appointments? No Yes.

(4) Is there a medical necessity for the covered servicemember to have periodic care for other than scheduled follow-up treatment appointments (e.g., episodic flare-ups of medical condition)? No Yes. If yes, please estimate the frequency and duration of the periodic care: _____

Signature of Health Care Provider

Date

**Safe Harbor Genetic Information Nondiscrimination Act (GINA)
Medical Certification Disclosure**

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information, except to the extent that such disclosure is necessary to make a medical certification complete and sufficient in conjunction with an employee's request for leave for a family member's serious health condition. 'Genetic information' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.'"

PERSONNEL FILE REQUEST

TO:

Dated: _____

Re:

S.S. No.: _____

I request a copy of all records relating to my employment with you, including, but not limited to, a complete copy of my personnel file, application for employment, dates of employment, all correspondence, time and attendance records, W-2 forms, W-4 forms, performance reviews, evaluations, occupational health data, medical examinations, disability records, workers' compensation documents, disciplinary documentation, warnings, termination(s), reasons for termination(s), merit awards, rates of pay, and all documents concerning compensation and benefits.

Witness

Address

Town State Zip

CHECKLIST FOR INTERNAL INVESTIGATION OF SEXUAL HARASSMENT COMPLAINT, INCLUDING DOCUMENTATION OF INVESTIGATION

- I. Do The Investigation Promptly**
- II. Choosing The Investigator**
 - A. Trained
 - 1. Significant knowledge of sexual harassment law and prevention techniques
 - 2. Knowledge of Barrington’s policies, history, culture, and employees
 - 3. Skills of an investigator
 - 4. Good investigation techniques
 - 5. Evaluation skills
 - B. Appropriate in Relation to Witnesses, the Accused, and the Accuser
 - 1. No conflict of interest with any witness
 - 2. No conflict of interest with the accused
 - 3. No conflict of interest with the accuser
 - 4. No conflict of interest with the victim of alleged wrongdoing, if any
 - C. Qualities of a Good Investigator
 - 1. Empathy
 - 2. Patience
 - 3. Fairness
 - 4. Perception
 - 5. Persistence
 - 6. Common sense
 - 7. Able to instill confidence
 - 8. Able to present well before a jury
 - 9. Good listener
- III. Take Interim Measures During Investigation**
 - A. Place the complainant or the accused on administrative leave.

- B. Temporarily transfer employees.
- C. Be careful not to punish the complainant.
- D. Change supervisory responsibilities.
- IV. Plan The Investigation**
 - A. Determine whether investigation should be covered by attorney-client or work-product privilege
 - B. Identify documents to review
 - C. Identify witnesses to be interviewed
 - D. Determine the format for recording information
 - E. Prepare a schedule for interviews
 - F. Prepare an outline of questions
 - G. Consult Barrington policy or collective bargaining agreement
 - H. Prepare timetable
 - I. Determine location of interviews
- V. Record The Interview**
 - A. Determine whether the interviews will be recorded
 - B. Determine whether another individual should witness interviews
 - C. Include in Interview Notes:
 1. Date, time and place of interview;
 2. Who was present during interview;
 3. The time that the interview was concluded;
 4. If there is a union involved and the accused declined union representation, a note to that effect;
 5. The question that was asked and the information provided in response;
 6. Ask the interviewee to read and sign (optional).

- VI. Conducting Interviews Of The Complainant, Accused, And Witnesses**
 - A. Discuss Barrington policy regarding investigations
 - B. If disciplinary action may result from interview with witness, and witness is a member of a union, the union representative can be present.
 - C. Focus the interview on facts or matters of which the witness has personal knowledge
 - D. Follow up on answers with more questions
 - E. Ask witness for names of other witnesses or additional documentation to support their statements
 - F. View the premises where the alleged acts occurred
 - G. Use open-ended, non-leading questions
 - H. Before concluding interview, go back through notes and clarify that they are accurate

- VII. Interviewing The Complainant**
 - A. Ask the complainant about the incident or incidents
 - 1. Who harassed the complainant?
 - 2. How did the harassment take place?
 - 3. Where did the incident take place?
 - 4. When (exact date and time) did the incident take place?
 - 5. If the incident occurred more than once, how often and when?
 - 6. What was the complainant's response?
 - 7. Were there any witnesses to the incident? Who?
 - 8. Are there any written or computer-generated (i.e. e-mails) documents regarding the incident? Obtain copies.
 - 9. Obtain copies of the complainant's diary or journal.
 - 10. Did you tell anyone about the experience afterward? Who? When? Where? What was said? What was the other person's response?
 - 11. Are there any other people that have complained about the accused's conduct or any other targets? Who?

- 12. How has the Complainant been affected by the conduct?
 - B. Discuss Barrington NH's policy on harassment.
 - 1. The prohibitions against harassment.
 - 2. Barrington NH's commitment to banning it from workplace.
 - 3. Barrington NH's commitment to a neutral and impartial investigation.
 - 4. Information obtained in the investigation will be shared on a need-to-know basis (do not promise confidentiality).
 - 5. Barrington NH's prohibition against retaliatory conduct. Ask if the complainant has experienced retaliation.
 - C. Repeat the complainant's version of the incident and of the information the complainant has provided you to ensure accuracy.
- VIII. Interviewing The Individual Who Is Alleged To Have Violated Barrington Policy**
- A. Treat with respect and a presumption of innocence
 - B. Give the accused the full opportunity to respond to each and every allegation or complaint
 - C. Explain Barrington policy regarding the infraction and the investigation, including Barrington NH's policy prohibiting retaliation
 - D. Ask the accused what else should be looked into to insure fair investigation
 - E. Explore the relationship between the accused and the complainant
 - F. Ask the accused for any witnesses or additional documentation to support the accused's defenses
 - G. Follow up on witnesses and review documentation
 - H. Repeat the accused's version of the incident and of the information provided by the accused to ensure its accuracy
- IX. Documenting The Investigation**

- A. Compile the Information Obtained
 1. The complaint (if in writing)
 2. Interview notes
 3. Documents and physical evidence
 4. Conclusions about credibility
 5. Your conclusion about what occurred

- B. Prepare a Summary Report
 1. The Complaint
 2. The issues investigated
 3. Witnesses interviewed
 4. Documents reviewed
 5. Other steps taken (including view of location)
 6. Investigation time table
 7. Summary of critical information
 8. Credibility determinations
 9. Findings (do not state make conclusions about whether “unlawful” or “sexual harassment” within the meaning of the law)
 10. Recommendation for remedial action (only if asked to provide)

- X. Making The Decision**
 - A. Notify the Complainant and the Accused of the Conclusion

 - B. If a finding of inappropriate behavior:
 1. Take corrective action and disciplinary action that is reasonably calculated to deter future harassment and that is proportionate to the offense

 2. Examples:
 - Training
 - Review or re-issuance of Barrington policy
 - Apology
 - Verbal reprimand
 - Written warning
 - Special counseling
 - Transfer or reassignment
 - Demotion
 - Withhold bonus
 - Suspension

Discharge

3. If individual found to have engaged in inappropriate behavior is not terminated, regularly meet with complainant to ensure behavior not continuing and no retaliation.
- C. If cannot determine if inappropriate behavior occurred:
1. Reissue policy to all or certain employees
 2. Conduct training for all employees
 3. Regularly meet with complainant to ensure behavior not continuing and no retaliation

DISCIPLINARY/COUNSELING NOTICE

Employee: _____

Department: _____

Date of Occurrence: _____

Discipline:

- Counseling
- Verbal Warning
- Written Warning
- Suspension
- Dismissal
- Other

1. Statement of the problem: (e.g., violation of rules, standards, practices, or unsatisfactory performance)

2. Prior discussion or warnings on this subject: (e.g., oral, written, dates, etc.)

3. Statement of (Town)policy on this subject:

4. Summary of goals/corrective action to be taken:

Please be advised that failure to correct this behavior or further violation of Town Policy will result in disciplinary action, up to and including discharge from employment.

Employee comments: _____

Employee Signature _____ Date _____

Supervisor Signature _____ Date _____

Supervisor's Printed Name _____

**Distribution: One copy to Employee, one copy to Supervisor and original copy to
Human Resources**

ADA

**GRIEVANCES UNDER THE AMERICANS WITH
DISABILITIES ACT**

13.1 Purpose

To set up a grievance procedure under the Americans with Disabilities Act (ADA), which is mandated by federal law for any public entity employing fifty (50) or more persons.

13.2 ADA Coordinator

Pursuant to Section 35.107 of the ADA, the Town of Barrington will designate a person to coordinate its efforts to comply with the Americans with Disabilities Act, including investigation of any complaint alleging non-compliance or actions that would be prohibited by this Act. Through this policy, the Board of Selectmen designate the ADA Coordinator to be the Town Administrator.

13.3 Grievance Procedure

Grievances under the ADA will be handled according to the following five-step procedure:

- i) Any individual may file an ADA grievance. The complaint should be in writing and briefly describe the action alleged to be prohibited by the Act.
- ii) The ADA Coordinator shall conduct an investigation of the complaint as may be appropriate to determine its validity. In cases where the ADA Coordinator is directly involved with the grievance, the grievant shall be given the option of having an alternate ADA Coordinator, named by the Board of Selectmen, for subsequent actions on the grievance.
- iii) Within ten (10) business days, the ADA Coordinator shall meet with the grievant to discuss the findings of the investigation. The ADA Coordinator may attempt to resolve the grievance.
- iv) If unable to resolve the grievance, the ADA Coordinator shall, within ten (10) business days of the meeting with the grievant, forward a report on the facts to the Board of Selectmen, who shall meet within fifteen (15) business days of receiving the report and attempt to resolve the grievance.

- v) If unable to resolve the grievance, the Board of Selectmen shall refer the matter to the Town’s legal counsel.

The right of a person to a prompt and equitable resolution of a complaint filed there under shall not be impaired by the person’s pursuit of other remedies.

SUPERVISOR’S PRE-DISMISSAL CHECKLIST

This checklist serves as a reference and guide to supervisors when considering a serious matter such as employee dismissal.

Employee Name _____ Department _____

Manager _____ Date _____

- | | YES | NO |
|--|--------------------------|--------------------------|
| 1. Have I documented all facts and actions? | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. Have I assembled the records? | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Length of service _____
Performance records (keep examples of unsatisfactory work product)
Attendance record
Performance review records, reflecting candid appraisals
Discipline and warning records
Special action records | | |
| 4. Is my decision based on facts, not inference, suspicion or emotion? | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Has the employee fully understood the job requirements and behavior standards? | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. Have I given the employee specific information where he or she has fallen short in job performance or behavior standards? | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. Has the employee received at least one written warning of possible dismissal? | <input type="checkbox"/> | <input type="checkbox"/> |
| (Where serious misconduct is involved, immediate suspension without warning may be justified. Examples: drinking or drunkenness on duty, dishonesty, theft, immoral or indecent conduct, fighting, insubordination, violation of secrecy of communication rules, sabotage.)
Am I <i>sure</i> the employee understood the warning? | <input type="checkbox"/> | <input type="checkbox"/> |

- | | | |
|---|--------------------------|--------------------------|
| 8. Has the employee had sufficient time and opportunity to correct the condition that led me to take this action? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. Has the employee had an opportunity to be heard? | <input type="checkbox"/> | <input type="checkbox"/> |
| Have I considered the employee's point of view? | <input type="checkbox"/> | <input type="checkbox"/> |
| Have personal difficulties or special, mitigating circumstances been considered? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. Where the situation warrants, has consideration been given to transferring or demoting this employee? | <input type="checkbox"/> | <input type="checkbox"/> |
| | YES | NO |
| 11. Am I sure that discharge will come as no surprise to the employee? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. Is dismissal in this case consistent with past practice? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. Would the Town be able to justify treatment of this employee if he or she claims discrimination or unjust dismissal? | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. Would a jury conclude that our treatment of this employee was fair? | <input type="checkbox"/> | <input type="checkbox"/> |
| 15. Has this decision been discussed with and approved by appropriate levels of higher management? | <input type="checkbox"/> | <input type="checkbox"/> |
| 16. Am I prepared to handle this dismissal tactfully and objectively? | <input type="checkbox"/> | <input type="checkbox"/> |
| 17. Have I scheduled the dismissal interview at a time that will eliminate or minimize the employee's personal contact with other employees before he or she leaves the premises? | <input type="checkbox"/> | <input type="checkbox"/> |
| 18. Have I made arrangements to notify the employee in private? | <input type="checkbox"/> | <input type="checkbox"/> |
| 19. Have I arranged for the final paycheck and am I prepared to explain the amount? | <input type="checkbox"/> | <input type="checkbox"/> |
| 20. Do I know what group life and health insurance the employee has and am I able to explain what will happen to it after dismissal? | <input type="checkbox"/> | <input type="checkbox"/> |
| 21. Is the Personnel Department prepared to conduct a careful exit interview? | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. Have I decided what statements will be made to other employees concerning this person's discharge? | <input type="checkbox"/> | <input type="checkbox"/> |

CELLULAR PHONE/PDA/SMART PHONE POLICY

A. Purpose

To establish guidelines for the issuance and usage of Town of Barrington-owned cellular telephones as well as procedures for monitoring and controlling costs related to cellular telephone use in connection with Town of Barrington business. This policy outlines the cellular phone options supported by the Town of Barrington, guidelines for appropriate use, and other administrative issues relating to cellular phone acquisition and reimbursement. This policy was created in order to enhance employee safety, limit Town of Barrington liability, and help manage telecommunications costs. **Also see usage rules under computer/communications policy above.**

B. General

It is the policy of Barrington NH to consider the issuance of a cellular device when the responsibilities of an employee require:

- The employee to be reachable immediately.
- The employee to be “on call” outside of normal business hours.
- The employee is not normally present at a fixed workstation and timely communication is difficult to transact.
- The employee is required to make frequent and/or prolonged travel.

The final decision on whether an employee will be issued a cellular device rests with the Town Administrator or his designee. At the discretion of the Town, instead of a Town-issued phone, the Town of Barrington may elect to reimburse employees for an employee-owned cellular phone.

C. Issuing a Cellular Telephone

Employees requiring the use of a Town of Barrington-owned cellular phone must go through a process and clearly define why the phone is needed.

D. Town of Barrington-Owned Cellular Phones: Appropriate Use

It is imperative that cellular devices owned by the Town of Barrington used to conduct business be used appropriately, responsibly, and ethically. The following must be observed:

1. Town of Barrington-owned cellular devices are the property of the Town of Barrington and must be treated, used, and safeguarded as such. If an employee damages or loses a Town of Barrington-issued cellular phone, the employee must notify their supervisor immediately.

2. Town issued cellular phones may not be used by anyone other than the employee to whom the phone has been issued, or another Town of Barrington employee or public official with a need to use the phone for Town of Barrington business.
3. Employees shall have no expectation of privacy in the use of Town of Barrington cellular phones. All cellular phones and records related to them, including all itemized bills from the carrier are the property of the Town of Barrington and subject to freedom of information laws. The records and information about or stored on the phones may be used or monitored by the Town of Barrington as it deems warranted. All text messages and voice mails are the property of the Town of Barrington.
4. No employee is to use a Town of Barrington-owned cellular phone for the purpose of illegal transactions, harassment, or obscene behavior, in accordance with other existing employee policies.
5. Any service minutes that are “included” in the monthly plan are property of the Town of Barrington.
6. While these phones should not be used for personal calls, it is understood that an occasional personal call may be necessary. The employee will be asked to reimburse the Town of Barrington for personal calls placed if they surpass the minutes that are “included” with the plan.

E. Reimbursement for Cellular Calls

Employees may be reimbursed for Town of Barrington business calls made on their own cellular telephones; however, such an arrangement must meet the following conditions:

1. You must be approved by your Department Head or the Town Administrator in advance for reimbursement.
2. Reimbursement requests should be made in advance.
3. The monthly reimbursement rate is set at the time of entering the agreement.

F. Policy Non-Compliance

The Department Head and Town Administrator will be advised of any breaches of this policy and will be responsible for taking appropriate remedial action, which may include revocation of the privilege to use Town of Barrington cellular devices.

I, (please print) _____, have read and understand the above **Cellular Phone Policy**, and agree to adhere to the rules outlined therein.

Employee Signature

Date

ADA GRIEVANCE PROCEDURE

GRIEVANCES UNDER THE AMERICANS WITH DISABILITIES ACT

13.4 Purpose

To set up a grievance procedure under the Americans with Disabilities Act (ADA), which is mandated by federal law for any public entity employing fifty (50) or more persons. Employees with non-work-related disabilities who require accommodations to perform their jobs should make accommodation requests to the Town Administrator who is the ADA Coordinator.

13.5 ADA Coordinator

Pursuant to Section 35.107 of the ADA, the Town of Barrington will designate a person to coordinate its efforts to comply with the Americans with Disabilities Act, including investigation of any complaint alleging non-compliance or actions that would be prohibited by this Act. Through this policy, the Board of Selectmen designate the ADA Coordinator to be the Town Administrator.

13.6 Grievance Procedure

Grievances under the ADA will be handled according to the following five-step procedure:

- vi) Any individual may file an ADA grievance. The complaint should be in writing and briefly describe the action alleged to be prohibited by the Act.
- vii) The ADA Coordinator shall conduct an investigation of the complaint as may be appropriate to determine its validity. In cases where the ADA Coordinator is directly involved with the grievance, the grievant shall be given the option of having an alternate ADA Coordinator, named by the Board of Selectmen, for subsequent actions on the grievance.
- viii) Within ten (10) business days, the ADA Coordinator shall meet with the grievant to discuss the findings of the investigation. The ADA Coordinator may attempt to resolve the grievance.
- ix) If unable to resolve the grievance, the ADA Coordinator shall, within ten (10) business days of the meeting with the grievant, forward a report on the facts to the Board of Selectmen, who shall meet within fifteen (15) business days of receiving the report and attempt to resolve the grievance.
- x) If unable to resolve the grievance, the Board of Selectmen shall refer the matter to the Town's legal counsel.

The right of a person to a prompt and equitable resolution of a complaint filed there under shall not be impaired by the person’s pursuit of other remedies.

III. SAFETY PLAN

INTRODUCTION

Each year incidents to Town employees cause untold suffering, loss of productivity, low morale, and inefficient use of thousands of dollars. Investigations have revealed that many of these incidents could have been prevented if the injured employee, fellow workers, or supervisor had used greater caution and expended a little extra effort in safely completing the task at hand. Many incidents have resulted simply because an employee or a supervisor failed to meet their responsibility for ensuring that safe work practices were continuously followed.

Every employee of the Town of Barrington has the right to a workplace free from safety and health hazards (Lab 1403.01). A “Joint Loss Management” program is designed to prevent incidents and illnesses, and is established jointly between the employees and the management of the Town. Unsafe acts, unsafe conditions and incidents all demonstrate a weakness in the management system. This program provides the framework and structure for safety concerns to be managed like any other function of government through planning, organization, leadership, control and communication. It is an established fact that a well-trained, well-disciplined and well-supervised employee operating in a safe and healthful environment is less likely to have an incident.

This manual has been prepared in order to provide all Town of Barrington personnel with a comprehensive set of written safety policies and procedures. Additional safety materials specific to individual departmental operations may be provided from time to time. For this reason, the manual is published in a loose-leaf format so that additional or revised pages may be inserted without the necessity of publishing an entirely new manual.

These policies and procedures have been developed, and are expected to be followed in an effort to minimize incidents in all departments and agencies. The material in this manual will be of no benefit unless it is periodically reviewed and used as intended. Every employee, supervisor and manager shall be expected to be thoroughly familiar with the contents of this manual and shall be held responsible for compliance with the directives contained herein.

TABLE OF CONTENTS

SECTION 1 THE TOWN OF BARRINGTON SAFETY PROGRAM

100 Introduction

- 101 Elements of the Safety Program
- 102 Responsibilities of Individuals
- 103 Physical Examinations and Physical Standards

SECTION 2 JOINT LOSS MANAGEMENT COMMITTEE

- 200 Purpose of a Joint Loss Management Committee
- 201 Establishment of Joint Loss Management Committee
- 202 Duties and Responsibilities of Joint Loss Management Committee

SECTION 3 DEPARTMENTAL SAFETY PROGRAM ACTIVITIES

- 300 Supervision and Coordination of Activities
- 301 Scheduling the Safety Meetings
- 302 Purpose of Safety Meetings
- 303 Subjects that should be Covered
- 304 Safety Meetings
- 305 Safety Materials
- 306 Training Programs

SECTION 4 REPORTING OF JOB INJURIES

- 400 Reporting of Job Injuries by Employees
- 401 Reporting of Job Injuries by Departments
- 402 Verification of Statements

SECTION 5 FUNDAMENTALS OF INCIDENT PREVENTION

- 500 Fundamental Activities for Incident Prevention
- 501 Incidents are Preventable
- 502 Causes of Incidents
- 503 Unsafe Acts
- 504 Unsafe Conditions
- 505 Control of Incident Causes
- 506 Elimination of Unsafe Conditions
- 507 Control of Work Habits
- 508 Safety Orientation of New Employees

SECTION 6 DISCIPLINARY POLICY

- 601 Discipline Policy Rationale
- 602 Discipline Policy

SECTION 7 HANDLING OF INJURIES, INCIDENT REPORTING, and INVESTIGATION OF INCIDENTS

- 700 Purpose
- 701 Handling Emergencies
- 702 Cases to be Investigated
- 703 Persons Making Investigations
- 704 Procedures for Making Investigations
- 705 Reports of Investigations

SECTION 8 MOTOR VEHICLES

- 800 Use of Vehicles
- 801 When an Incident Occurs
- 802 General Maintenance of Town Vehicles
- 803 Physical Safety of Town Vehicles
- 804 Use of Town Vehicles for Official Town Business

SECTION 9 GENERAL SAFETY PRACTICES Lab 1400 - 2007

- Lab 1403.01 Safety and Health Requirements
- Lab 1403.02 Abrasive Blasting
- Lab 1403.03 Abrasive Grinding
- Lab 1403.04 Accident Reporting Requirements
- Lab 1403.05 Aerial Lifts
- Lab 1403.06 Air Tools
- Lab 1403.07 Belt Sanding Machines
- Lab 1403.08 Bloodborne Pathogens
- Lab 1403.09 Chains, Cables, Ropes, and Hooks
- Lab 1403.10 Chipguards
- Lab 1403.11 Compressed Air Use
- Lab 1403.12 Compressed Gas Cylinders
- Lab 1403.13 Concrete, Concrete Forms, and Shoring
- Lab 1403.14 Confined Space Entry
- Lab 1403.15 Cranes and Derricks
- Lab 1403.16 Disposal Chutes
- Lab 1403.17 Dockboards
- Lab 1403.18 Ergonomics
- Lab 1403.19 Excavating and Trenching
- Lab 1403.20 Fall Protection
- Lab 1403.21 Flagperson
- Lab 1403.22 Floor Openings and Open Sides
- Lab 1403.23 Forklift Trucks and Powered Industrial Trucks
- Lab 1403.24 Guards
- Lab 1403.25 Hand Tools
- Lab 1403.26 Hoists
- Lab 1403.27 Housekeeping
- Lab 1403.28 Hygiene and Sanitation
- Lab 1403.29 Jointers
- Lab 1403.30 Ladders

Lab 1403.31	Lasers,
Lab 1403.32	Lock-Out
Lab 1403.33	Machine Guarding
Lab 1403.34	Machinery in a Fixed Location
Lab 1403.35	Mechanical Power Presses
Lab 1403.36	Medical Services
Lab 1403.37	Mechanized Equipment
Lab 1403.38	Noise Exposure
Lab 1403.39	Overhead and Gantry Hoists and Cranes
Lab 1403.40	Personal Protective Equipment
Lab 1403.41	Portable Abrasive Wheel Machinery
Lab 1403.42	Portable Pneumatic Powered Tools
Lab 1403.43	Powder-Actuated Tools
Lab 1403.44	Radiation
Lab 1403.45	Railings
Lab 1403.46	Record Keeping
Lab 1403.47	Respiratory Protection
Lab 1403.48	Revolving Drums
Lab 1403.49	Rollover Protective Structures (ROPS)
Lab 1403.50	Safety Nets
Lab 1403.51	Saws
Lab 1403.52	Scaffolds
Lab 1403.53	Spray Finishing Operations
Lab 1403.54	Storage
Lab 1403.55	Tanks with Open-Surface
Lab 1403.56	Tire Cages
Lab 1403.57	Toxic Substances
Lab 1403.58	Traffic Control
Lab 1403.59	Trash
Lab 1403.60	Tree Care Operations
Lab 1403.61	Wall Openings
Lab 1403.62	Washing Facilities
Lab 1403.63	Welding and Cutting
Lab 1403.64	Welding in Confined Spaces
Lab 1403.65	Wire Ropes, Chains, and Rigging Equipment
Lab 1403.66	Woodworking Machinery

SECTION 10**APPENDIX: FORMS**

Appendix A	Safety Orientation Form
Appendix B	Employee Safety Responsibilities Signature Form
Appendix C	Employee Incident/Near Miss Report Form
Appendix D	Supervisor Incident/Near Miss Investigation Forms

SECTION 11**TEMPORARY ALTERNATIVE DUTY****SECTION 12****SAFETY INSPECTION CHECKLIST:**

Forward

Occupational Safety and Health Program	Checklist # 1
General Work Environment	Checklist # 2
Hazard Communication Program	Checklist # 3
Personnel Protective Equipment	Checklist # 4
Electrical Safety	Checklist # 5
Visual Display Terminal and Computers	Checklist # 6
Hazardous Chemical Exposure	Checklist # 7
Confined Space Operations	Checklist # 8
Fire Safety	Checklist # 9
Lockout and Tagout Procedures	Checklist # 10
Medical Services and First Aid	Checklist # 11
Scaffold Safety	Checklist # 12
Industrial Noise	Checklist # 13
Hand and Power Tools and Equipment	Checklist # 14
Construction Site Safety	Checklist # 15
Portable Ladder Safety	Checklist # 16
Transporting Employees and Materials	Checklist # 17
Machine Guarding Safety	Checklist # 18
Compressors and Compressed Gas Cylinders	Checklist # 19
Motor Vehicle Service and Repair Operations	Checklist # 20
Welding and Hotwork Operations	Checklist # 21
Spray Painting Operations	Checklist # 22
Hoists and Auxiliary Equipment	Checklist # 23
Forklifts and Industrial Trucks	Checklist # 24

SECTION 1

THE Town of Barrington SAFETY PROGRAM

100. Introduction

- a) The Town of Barrington Safety Program is designed to accomplish one primary purpose; TO PREVENT INCIDENTS. Preventing incidents results in saving lives, eliminating injuries, increasing efficiency of operations, and directly and indirectly saving thousands of dollars for both the municipality and its employees. The municipal Safety Program provides not only for the safety of all employees, but also for the safety of the public in regard to the operations of the various departments.
- b) To be successful, the Safety Program must have the continuous, active support of all employees and particularly of those in supervisory and management positions. The "push" for an effective Safety Program must come from the "top" person in each department, section, or crew. If a Department Head or Supervisor appears to be unconcerned about the Safety Program, their employees will adopt this attitude.
- c) It should be pointed out that there is nothing new about the policies and procedures outlined in this manual. In general, the policies and practices outlined in this manual have been in effect for quite some time. This manual has been published and will be updated to provide a readily available reference of written policies and procedures for the guidance of all personnel.

101. Elements of the Safety Program

To ensure that the Town of Barrington Safety Program remains effective, certain elements and

objectives of the Program have been outlined. These are:

- a) To assign safety-related responsibilities to personnel.
- b) To ensure that personnel are assigned to jobs, which they are physically, qualified to safely perform.
- c) To make equipment, work areas, and work methods safe.
- d) To search out safety hazards and eliminate them immediately.
- e) To encourage Employee interest in safety and to maintain that interest.
- f) To control the work habits of personnel by adequate and effective supervision.
- g) To provide proper protective equipment and to make its use mandatory.
- h) To educate and train Employees as to the specific hazards of their jobs.
- i) To investigate incidents in order to determine cause and then to take the action necessary to prevent their recurrence.
- j) To prepare and maintain proper and complete incident records which will allow for evaluation of the Safety Program.
- k) To adopt and enforce safety rules, policies and procedures.
- l)

102. Responsibilities of Individuals

Joint Loss Management Committee: (LAB 600, RSA 281-A:64)

The Joint Loss Management Committee (JLMC) will consist of equal numbers of representatives from Labor and Management. At a minimum the committee will include a representative from Town of Barrington office employees, Police Department, Fire Department and Highway Department. A representative from each Collective Bargaining Unit (if applicable) shall be represented on the JLMC.

The JLMC will meet at least quarterly to develop and carry out workplace safety programs and programs for continuing education for employees on the subject of workplace safety.

In addition to the JLMC, each department is encouraged to organize a Department Safety Committee. This committee should assist the department head with compliance with this policy, help identify training needs and review incidents within the Department with the goal of incident prevention.

Board of Selectmen

The responsibilities of the Board of Selectmen shall include, as a minimum, the following functions:

- a) To provide overall support, direction and commitment;
- b) To ensure that personnel responsible for implementing the provisions of this program understand it, have a copy of it, and are held accountable for their action/inactions in accordance with established personnel policies and procedures;
- c) To provide required resources including funding for safety equipment, personal protective equipment and training materials;

- d) When needed, provide all town personnel with access to outside experts, loss prevention consultants and to insure the exchange of information between departments;
- e) To provide time as part of the normal operations of a department for inspections and the completion of reports when warranted by investigation, and to permit and encourage employees to participate in training programs;
- f) To provide other necessary support and programs as needed.

Town Administrator

The Town Administrator shall have the responsibility for administering the Safety Program in an advisory capacity, and shall report to the Board of Selectmen. The duties of the Town Administrator as they relate to the implementation of the Safety Program are:

- a) The Town Administrator shall work closely with the Safety Committee in formulating safety rules, policies and procedures.
- b) The Town Administrator shall assist departments in planning and conducting safety training and safety education.
- c) The Town Administrator with the assistance of the Finance Director shall maintain the incident record system for the Town, receiving reports for injuries, vehicle incident reports, and investigation reports from the departments, and making required reports to the insurance companies.
- d) The Town Administrator shall prepare and distribute periodical reports to the heads of departments indicating the effectiveness of the Safety Program.
- e) The Town Administrator or designee shall make periodic inspections of work areas for the purpose of discovering unsafe conditions or unsafe practices.
- f) The Town Administrator shall ensure that all incidents, which result in lost-time injuries, are investigated.
- g) The Town Administrator shall take follow-up action, as necessary, to ascertain that corrective action has been taken by heads of departments or Supervisors to prevent recurrence of incidents.
- f) To provide required resources including funding for safety equipment, personal protective equipment and training materials;

Department Head:

Each Department Head shall have responsibility for the Safety Program within their department and building. In addition:

- a) The Department Head shall assure that Employees are properly instructed regarding safe working methods and that Supervisors fulfill their assigned responsibilities in regard to safety instruction and supervision.
- b) The Department Head shall assure that required reports pertaining to injuries, vehicle incidents and investigations are promptly prepared and forwarded for further processing.
- c) The Department Head shall make frequent inspections of work areas for the purpose of discovering and correcting unsafe conditions or unsafe working practices.
- d) The Department Head shall encourage Employees to report immediately any unsafe conditions, equipment, etc., and shall take necessary action to correct same.
- e) The Department Head shall require all personnel to obey safety rules, procedures and policies, and shall take or recommend appropriate disciplinary action whenever deemed necessary.
- f) The Department Head shall require to determine causes of incidents involving personnel or equipment under their supervision and to recommend measures to prevent similar incidents.

Supervisors:

The Supervisor is responsible to the Department Head for the Safety Program as it pertains to personnel and equipment under their supervision. The Supervisor is the "key person" involved in the Safety Program because they are in the best position to observe the work of Employees. Additional responsibilities include:

- a) Giving job instructions to subordinates with special emphasis on the hazards of the work to be performed.
- b) Constantly watching for and immediately correcting unsafe conditions and unsafe working practices as well as reporting to the Department Head those incidents which are beyond the scope of their authority to correct. (Lab 1403.01)
- c) Promptly informing the Department Head of all incidents involving personnel or equipment under their supervision, and taking immediate steps to investigate each incident to determine its cause.
- d) Assuring that proper action is taken any time an Employee is injured. This includes:
 - i) Making sure that the injured Employee receives appropriate medical attention, depending upon the severity of the injury.
 - ii) Completing any necessary forms, reports or other documentation related to the injury and treatment of an Employee under their supervision. This includes, but is not limited to, Workers' Compensation Forms and Incident Investigation Forms.
- e) Enforcing safety rules, policies and procedures and making sure that protective equipment is worn as the hazards of the job dictate such use.
- f) Actively promoting safety to all personnel. This shall be accomplished both through word and actions, and will at all times be stressed as being of the utmost importance.
- g) Informing all Employees of their responsibilities as outlined below.

Employees:

Each Employee is always responsible for his/her own safety, the safety of fellow workers, and the safety of the general public with regard to the work being performed). In addition:

- a) An Employee shall be required to obey safety rules, policies and procedures as a condition of employment. (Lab 1403.01 (b))
- b) An Employee shall wear personal protective equipment such as goggles, hard-hats, etc. as deemed necessary by the one to whom they report, or as conditions dictate.
- c) An Employee, if injured on the job, shall be required to take the necessary action of:
 - i) **Promptly** giving verbal notice to the one to whom they report of any injury received while on the job **REGARDLESS** of the severity of the injury or whether or not medical treatment is required.
 - ii) Filing with the one to whom they report, within 24 hours following any incident or injury, a written report of the incident. (See Section 301 for further detail.)
- e) An Employee shall promptly inform Supervisor of any unsafe equipment, unsafe tools or other hazardous conditions.
- f) An Employee shall obtain specific instructions from a Supervisor in all cases where conditions and/or previous instructions are not completely understood.

103. Physical Examinations and Physical Standards

Physical Examinations:

- a) New Employees may be required to undergo a physical examination. An appointed physician will perform this at the time of employment and in accordance with any State and Federal regulations. The purpose of this is to ensure that the Employee has a baseline set of vital signs, can perform the duties of the job without endangering his or her own health and safety, or the health and safety of fellow employees.
- b) There are certain jobs, which allow for the employment of persons with physical limitations. Therefore, the physical requirements of the particular job will be taken into consideration and reasonable accommodations for physical limitations will be made in accordance with any State and Federal regulations.
- c) Limitations noted upon a physician's examination will be brought to the attention of the Department Head and will then be discussed with the Town Administrator. After consideration of the job description and the Employees' limitations, a determination will be made as to the suitability of the applicant for the job and any appropriate accommodations.

Maintaining Physical Standards:

- a) After employment, an Employee shall be expected to continue to meet any physical standards prescribed for the job at time of employment.

In the event that an Employee develops a physical or mental condition, which may in any way endanger them or the health and lives of fellow employees, the Department Head will initiate action to accommodate the Employee to ensure that work can safely be

performed.

- b) The Department Head or Town Administrator is authorized to require any Employee of their department to undergo, at the Town's expense, a physical examination if it is deemed that such an examination is needed to ascertain the physical condition of the Employee. The Employee will be sent to an examining physician chosen by the **Town**.

Return to Work from Injury or Illness:

- a) Before an Employee is allowed to return to work from an absence due to serious injury, illness or major surgical operation, the Department Head may require the Employee to present a written doctor's release indicating that the Employee is physically able to resume his/her duties. A copy of this release will be forwarded to the Town Administrator office.
- b) At the discretion of the Department Head, and as may be required by Federal or State laws, an Employee may be allowed to return to work on a "limited duty" or Temporary Alternative Duty (TAD) status provided such status will be of a temporary nature. Both the Department Head and the Employee's supervisor must know exactly what limitations will apply to the Employee's work.
- c) When assigning a "limited duty" Employee, consideration must be given as to what effect their physical limitations will have on the workload and safety of fellow Employees on the same work detail. For example, an Employee of a two-person work detail was injured because of overexertion caused when a lift was attempted alone, a load that should have been lifted by two people. The other Employee of the work detail was unable to assist because they were on "limited duty" due to a back injury.

SECTION 2 JLMC
JOINT LOSS MANAGEMENT COMMITTEE

200. Purpose of Joint Loss Management Committee:

The purpose of a Joint Loss Management Committee (JLMC) is to bring workers and management together in a non-adversarial, cooperative effort to promote safety and health in each workplace. A joint loss management committee assists the employer and makes recommendations for change.

201. Establishment of Joint Loss Management Committee:

Under Statutory Authority: RSA 281- A: 64 the Town of Barrington is required to establish a Joint Loss Management Committee. Under RSA 281-A: 64 Part Lab 603.02 the Town of Barrington will comply with the following:

- a) All employers of 5 or more employees shall establish a working joint loss management

committee composed of equal numbers of employer and employee representatives unless exempted by the NH Department of Labor.

- b) An employer's auxiliary, mobile or satellite locations may be combined into a single, centralized joint loss management committee. This committee shall represent the safety and health concerns of all locations.

- c) Joint loss management committees shall be established at each of the employer's primary places of employment, as follows:
 - (1) The size of the committee shall be determined as follows:
 - (i) Employers with 20 or fewer employees shall have a minimum of 2 members;
 - (ii) Employers with more than 20 employees shall have a minimum of 4 members;
 - (2) Employee representatives shall be selected by employees;
 - (3) Where the employees are represented by a single, exclusive bargaining representative, the bargaining representative shall designate the members;
 - (4) Where the employees are represented by more than one labor organization or where some but not all of the employees are represented by an labor organization, each bargaining unit of represented employees and any residual group or unrepresented employees shall have a proportionate number of committee members based on the number of employees in each bargaining unit or group;
 - (5) Committee members shall be representative of the major work activities of the employer;
 - (6) Any employee who participates in committee activities in his/her role as a committee member, including, but not limited to, attending meetings, training activities, and inspections, shall be paid at his/her regular rate or pay for all time spent on such activities;
 - (7) The employer shall respond in writing to recommendations made by the Committee but verbal response that has been recorded in the committee's official minutes shall be deemed a written response;
 - (8) Committee members shall be trained in workplace hazard identification and incident/ incident investigation adequate to carry out the committee's responsibilities; and

- (9) Each employer that has an existing health and safety program determined by the labor commissioner to be effective in the promotion of health and safety in the workplace shall not be required to comply with this part. To obtain a waiver from the commissioner, the employer shall write to the Department of Labor citing:
- (i) Their current safety program;
 - (ii) Names of committee members and whom they represent;
 - (iii) How their existing committee differs from these rules;
- (1) The commissioner shall respond in writing to their request.
- d) The Joint Loss Management Committee will consist of equal numbers of representatives from Labor and Management. At a minimum the committee will include a representative from the Town of Barrington office employees, Police Department, Fire Department and Highway Department.
- e) The JLMC will meet at least quarterly to develop and carry out workplace safety programs and programs that are in compliance with New Hampshire Department of Labor (DOL), American National Standards Institute (ANSI), and National Fire Protection Association (NFPA) Rules and Regulations, Standards, and NH Statutory Laws (State Fire Code, etc.). Provide continuing education for employees on the subject of workplace safety.
- f) In addition to the JLMC, each department is encouraged to organize a Department Safety Committee. This committee should assist the department head with compliance with this policy, help identify training needs and review incidents within the Department with the goal of incident prevention.
- g) Receiving Suggestions or Recommendations.
- h) Procedures shall be established to provide for a system of handling suggestions and recommendations that are submitted to the Committee. It is advisable to establish these when the Committee is organized. Following is a step-by-step procedure for handling recommendations:
- i) Recommendations submitted to Committee by Employees or Committee members.
 - j) Discussion and acceptance, modification or rejection by the Committee.
 - k) Accepted recommendations submitted to head of department. Rejected recommendations returned to originator with reasons therefore.
 - l) Head of department submits written reply to Committee regarding actions taken on recommendations.
 - m) Reviewing all incidents, both vehicle and personal injury.
 - n) Investigating all complaints pertaining to Employee safety.
 - o) Recommending training programs for Employee groups.

202. Duties and Responsibilities of Joint Loss Management Committee (Lab 603.03)

The committee shall:

- a) Meet at least quarterly to carry out their duties and responsibilities. Minutes of meetings

shall be kept and made available for review of all employees;

- b) The committee shall elect a chairperson. The position of chairperson shall be rotated between employee and employer representatives
- c) Develop and disseminate to all employees a committee policy statement;
- d) Maintain current and disseminate to all employees the clearly established goals and objectives of the committee;
- e) Review workplace incident and injury data to help establish the committee's goals and objectives;
- f) Establish specific safety programs, which shall include, but not be limited to, the following:
 - (i) Designation, by name and title, of a person who shall be knowledgeable of site-specific safety requirements and be accountable for their implementation and adherence;
 - (ii) Provisions for health and safety inspections at least annually for hazard Identification purposes;
 - (iii) Performance of audits at least annually regarding the Inspection findings; and
 - (iv) Communication of identified hazards, with recommended control measures, to the person(s) most able to implement controls;
- g) Ensure that the required and necessary safety and health training for employees shall be provided so they may perform their work in a safe and healthy manner and environment. This training shall be conducted at no cost, and without any loss of pay, to the employees;
- h) Assist with the identification and definition of temporary, alternate tasks.

SECTION 3
DEPARTMENTAL SAFETY PROGRAM ACTIVITIES

300. Supervision and Coordination of Safety Program Activities:

a) Town Administrator:

- 1) The Town Administrator shall supervise and coordinate the Town's Safety Program and advise the Board of Selectmen of problem areas and changes in safety procedures as they may be identified.

b) Department Head or a Departmental Liaison Officer:

The Department Head or the Departmental Liaison Officer shall be a person with reasonably high supervisory status. They shall be responsible to the Department Head for the operation of the Safety Program as it pertains to that department.

301. Scheduling of Safety Meetings:

- a) The JLMC will meet at least quarterly to carry out their duties and responsibilities. Minutes of the meeting shall be kept and made available for review by all employees.

302. Purpose of Safety Meetings:

Safety meetings are an integral part of the Safety Program. Their function is:

- a) To arouse and maintain interest in incident prevention.
- b) To develop attitudes sympathetic to the Safety Program.
- c) To educate Employees in every factor entering into the safe performance of their job duties.

303. Subjects Which Should Be Covered:

- a) Safety meetings should pertain to safety matters wherever possible with the exception being for brief announcements or discussions of interest to all Employees, which are necessary from time to time.
- b) Emphasis should be on safety education and training. Some of the most important subjects, which should be covered, are listed below. They need not be taken up in the order given, but those, which are pertinent to the most serious problems of the particular group, should receive primary attention.
- c) Incidents:
- i) Thorough coverage of incidents that have occurred within the departments with emphasis being on cause and procedures for preventing recurrence
- ii) What to do in case of an incident
- iii) Procedures for reporting incident and/or injuries, etc.
- d) Unsafe Acts or Unsafe Conditions: Discussion as to any unsafe acts or unsafe conditions that have been noted.
- e) Other Safety Related Topics: Discussions or talks on falls, safe lifting, motor vehicle safety, artificial respiration, tool safety, materials handling, good housekeeping, fire prevention, use of personal protective equipment, home safety, etc.
- f) Miscellaneous: The JLMC may determine any other items as needed.

304. Safety Meetings:

- a) The chairperson of the Safety Committee shall normally follow an established order of business in conducting meetings. Following is a recommended outline:
- 1) Roll call.
- 2) Reading of minutes from previous meeting.
- 3) Old business - with emphasis on follow-up of reported unsafe conditions listed in minutes of previous meeting.
- 4) Program (film, talk, demonstrations, etc.)
- 5) Review of all incidents that have happened since the last meeting.
- 6) Report of unsafe conditions or unsafe acts from Employees present.

305. Safety Material:

a) Bulletin Boards:

Each operating department shall procure and maintain bulletin boards devoted entirely to the display of safety posters and other material relating to safety. One or more persons should be designated as responsible for posting material received and for keeping it current. Posters will be distributed to the departments.

b) Pamphlets and Booklets:

Occasionally departments shall be furnished with a supply of safety pamphlets or booklets for distribution to all Employees within the department. In many cases the material contained in these pamphlets are suitable for presentation at safety meetings.

c) Safety Signs:

Signs pertaining to safety precautions or restrictions should be procured by the department and posted in applicable areas.

306. Training Programs

In order to assure success, a regular training program for departments should be well planned. A training program that is not properly planned will result in poor reception by Employees and the end result could be worse than if there had been no training at all.

- a) One or more persons should be designated as being responsible for planning the safety-training program in each department.
- b) A variety of unique teaching/training methods are needed to maintain Employee interest. The program may include the following:
 - i) Safety lecture or film.
 - ii) Talk on an appropriate incident prevention subject. The speaker may be a member of the department, the Town Manager, or an outside expert.
 - iii) Demonstration of artificial respiration, first aid, etc., with hands-on experience by Employees.

SECTION 4
REPORTING OF JOB INJURIES

400. Reporting of Job Injuries by Employees:a) Verbal Report to Supervisor.

Employees shall be required to report injuries to their Supervisor as soon as possible after the injury occurs. It should be emphasized that this applies to **ALL** job injuries regardless of the severity of the injury or whether or not medical treatment was required.

b) Written Report to Departmental Office.

In addition to a verbal report to the Supervisor, the injured Employee is required to prepare a written report and submit it to the Supervisor **within 24 hours** of any injury or incident. The following paragraph gives further explanation of such reports. Supervisors shall take follow-up action to see that injured Employees have reports prepared.

401. Reporting of Job Injuries by Departments:a) Initial Reports of Injury.

- 1) Workers' Compensation Report (form 8aWCA) to be prepared by Employee.
 - i) When **any injury** occurs, the injured Employee will prepare a Workers' Compensation Report (form 8aWCA) in the departmental office as soon as possible and **no later than 24 hours** after the time the injury occurred.
 - ii) This report shall be prepared for **all job injuries** even though medical treatment was not required. Information contained in this report is important because it provides the basis for any future claims that the injured Employee might have in connection with the injury. It also serves as a first aid log in compliance with NH DOL Rules.
- 2) First Report of Injury (form 8WC).
 - i) In the event of a lost time or medical treatment injury, the injured Employee's Supervisor will immediately have the Finance Director's office file a First Report of Injury (form 8WC) with the NH Department of Labor and the Workers' Compensation carrier.
 - ii) If the injured Employee is too disabled to come to the departmental office to fill out any required reports, the Supervisor, departmental clerk, or other person designated as the head of department will obtain the required information and have the report prepared.
 - iii) The Report will not be delayed pending the return to work of the disabled Employee.
 - iv) The departmental office will then promptly forward the Report to the Finance Director.
 - v) From the information contained in the Incident Investigation Report and the First Report of Injury, the Finance Director or designee will prepare and distribute necessary reports to the Town Administrator for the Joint Loss Management Committee **Note:** All personal identifiers (name, address, social security number, etc) shall be redacted from any report provided to the Joint Loss Management Committee.

402. Verification of Statements:

- a) Whenever an Employee claims to have been injured in the course of their employment, the **Town** is obligated to provide, if necessary, an initial medical examination to determine whether or not the injury was, in fact, received as a result of employment.
- b) When the Supervisor is not an actual eye witness to an incident resulting in an injury, he/she shall make every effort to verify the statements of the injured Employee as part of the incident investigation procedure to assure that:

- i) The injury occurred on the job, and
 - ii) Circumstances described by the injured Employee are correct.
- c) If there is reason to doubt statements made by the injured Employee, or evidence indicates that all or part of the statements are false, the Employee will be informed of these findings.
- d) If the Employee persists in claiming that the injury was job connected, a Workers' Compensation Report must still be submitted. The Supervisor or Department Head will also attach a memorandum to the Report detailing the reasons why he/she believes that the Employee's statements are not correct.
- e) Employees who make false statements concerning job injuries (which statements can be documented as being false), are subject to dismissal from their jobs as well as being held liable for the repayment of any compensation or medical payments received by them in connection with the injury.

SECTION 5
FUNDAMENTALS OF INCIDENT PREVENTION

500. Fundamental Activities for Incident Prevention:

- a) Successful incident prevention requires a minimum of four fundamental activities:
 - i) A study of all working areas in order to detect, eliminate, or control physical hazards, which contribute to incidents.
 - ii) A study of all operating methods and practices.
 - iii) Education, instruction, training, and discipline to minimize human factors, which contribute to incidents.
 - iv) Thorough investigation of incidents in order to determine other circumstances, which may contribute to incidents.

501. Incidents are Preventable:

- a) Many persons, either through ignorance or misunderstanding, believe that incidents are the inevitable results of unchangeable circumstances, fate, or a matter of luck.
- b) It must be emphasized that incidents do not happen without cause, and the identification, isolation and control of these "causes" are the underlying principles of all incident prevention techniques.
- c) No person in a Supervisory position can be effective in the job of incident prevention without being convinced that incidents can be prevented and without a constant striving

to prevent incidents in their immediate supervisory area.

502. Causes of Incidents:

Causes of incidents are divided into three major categories:

- a) Acts of Nature (floods, hurricanes, etc.). Statistics indicate that 2% of all incidents are caused by Acts of Nature.
- b) Unsafe Physical or Mechanical Conditions. Statistics indicate that 10% of all incidents are caused by unsafe conditions.
- c) Unsafe Acts of People. Statistics indicate that 88% of all incidents are caused by unsafe acts of people.

Obviously the greatest percentages of incidents are caused by unsafe acts; therefore, emphasis of an incident prevention program should be on the elimination of these unsafe acts.

503. Unsafe Acts:

- a) The majority of unsafe acts of persons may be assigned to one or more of the following classifications:
Failure to follow instructions or proper job procedures.
 - 1) Failure to take necessary safety precautions when performing maintenance on equipment, i.e. cleaning, oiling, adjusting, or repairing equipment that is moving, electrically energized, or pressurized.
 - 2) Failure to use available protective equipment such as gloves, goggles, hard-hats, etc.
 - 3) Failure to wear safe personal attire.
 - 4) Failure to secure a work area or warn others of the safety hazards in the work area.
 - 5) Failure to use equipment properly.
 - 6) Failure to maintain the proper function of safety devices.
 - 7) Failure to exercise common sense when performing job duties.
 - 8) Improper use of hands or body parts.
 - i) Taking an unsafe position or posture.
 - ii) Operating or working at unsafe speeds.
 - iii) Unsafe placing, mixing, combining of hazardous substances.
 - iv) Using tools or equipment known to be unsafe.
 - v) Driving errors.
 - vi) Horseplay.

- b) Unsafe acts are usually brought about by one of the following:
 - 1) Lack of knowledge, skill, coordination or planning.
 - 2) Improper attitudes.
 - 3) Physical or mental limitations.
 - 4) Temporary lack of safety mindedness at time of incidents.

504. Unsafe Conditions:

- a) Most unsafe or hazardous conditions can be grouped into one of the following classifications:
 - 1) Defectiveness, inferiority, or unsuitability of tools, machinery, equipment, or materials.
 - 2) Hazards of surroundings. (Poor housekeeping)
 - 3) Hazards of methods or procedures being implemented.
 - 4) Hazards of improper employee placement. (Person not mentally or physically compatible with job requirements.)
 - 5) Inadequate safeguarding of machinery, equipment, work areas, etc.

505. Control of Incident Causes:

There are three main methods utilized in the control of incident causes. These are sometimes referred to as “**The Three E’s of Safety**” and are outlined in the section below.

To be completely effective, incident prevention controls cannot be applied “hit or miss”. All controls will be directed toward the solution of specific problems, which are based on a collection of facts relating to unsafe acts or unsafe conditions.

a) Engineering:

- 1) Environmental causes of incidents or unsafe conditions can be eliminated through the application of engineering principles.
 - i) When an operation is mechanically and physically safe, it helps reduce the risk of unsafe acts by Employees. Machines are less apt to fail than humans.
 - ii) It may be necessary to make mechanical revisions or modifications to eliminate existing unsafe conditions and, in some cases, to prevent unsafe acts.
 - iii) Design of machine guards, automobile brakes, traffic signals, pressure relief valves, and handrails are varied examples of safety engineering at work.

b) Education and Training:

- 1) Just as safety engineering is the most effective way of preventing environmental incident causes (unsafe conditions), safety education is the most effective tool in the prevention of human causes (unsafe acts).
 - i) Personnel will gain useful knowledge and develop safe attitudes through adequate instruction in safety principles.
 - ii) Safety consciousness developed in personnel through education will be supplemented and broadened by specific, additional instruction in safe working habits, practices and skills.

- iii) Training gives each employee a personal safety tool by developing in them habits of safe practice and operation. This is very important.

c) **Enforcement and Supervision:**

- 1) Usually incidents can be prevented through adequate safety engineering and education. However, there are some people who are a hazard to themselves and others because of their failure to comply with accepted safety standards.
 - i) Strict enforcement of safety practices is imperative, as incidents are frequently the direct result of violations of safety principles. This is particularly true of vehicle incidents, many of which are caused by unsafe acts constituting violations of traffic laws.
 - ii) Department Heads and Supervisors are responsible for enforcing safety standards and regulations. Failure to do so, in some cases, would be condoning conduct which may lead to an incident which otherwise would have been preventable.
 - iii) Violations of safety practices should be backed by prompt corrective action.

506. **Elimination of Unsafe Conditions:**

One of the most effective means of preventing incidents is to eliminate unsafe conditions. To talk safety while unsafe conditions exist and remain unaddressed will obviously create a barrier to Employee understanding of, acceptance of, and cooperation in the program.

a) **Supervisor Involvement:**

- 1) The Supervisor must take the initiative in safety-related matters. This should be done without additional instruction from higher authority.
- 2) The principle goal of the Supervisor should be to search out hazardous conditions and eliminate them **before** they cause work interruption or injury. Too often an unsafe condition is allowed to exist simply because it has not caused an incident--yet. The job **must be** made safe as possible.
- 3) If the elimination of an unsafe working condition is beyond the Supervisor's authority, it is his/her responsibility to bring it to the attention of their immediate Supervisor or Department Head.

b) **Procedures for Elimination of Unsafe Conditions.**

- 1) Remove all obstacles and impediments to the safe movement of personnel, vehicles or machines.
- 2) Repair damaged floors, broken steps, broken glass, cracked walls and ceilings.
- 3) Replace worn or damaged tools.
- 4) Install guards for moving parts of machinery, fans, etc.
- 5) Provide protective equipment such as goggles and hard-hats.

- 6) Insist on good housekeeping practices - remove debris, waste material and obsolete or useless equipment.
- 7) Replace worn electrical wiring and fixtures.
- 8) Post signs warning of hazards in certain areas.

507. Control of Work Habits:

Regardless of the degree of safety built into a job, unsafe actions on the part of human beings will always be a cause of injuries. Teaching Employees good work habits means showing them how to do their tasks with less risk to themselves, less spoilage of materials, and less damage to equipment.

a) Showing the "Why" as Well as the "How".

An Employee, from time to time, may need to be reminded **why** a safety procedure is in place. It may be necessary to insist that an Employee repeat a certain step or work practice to stress the seriousness with which safe practices are regarded by the department.

Demonstrations of "Right" and "Wrong" ways of performing tasks should be conducted as a basis for showing **how** one work habit is preferred over another.

b) Providing Adequate and Constant Supervision.

- 1) It is important to provide watchful supervision on subsequent performances.

c) Implementing Disciplinary Action for Failure to Comply.

- 1) When the right way has been presented and agreed to by the individual workers, it is essential that failure to comply be noted. No matter how skillful an Employee may be in performing his duties, if they are not performed safely, the Employee will not be performing acceptably.
- 2) Flagrant or repeated disregard of safety rules should be met with appropriate disciplinary action, including discharge if necessary.

508. Safety Orientation of New Employees:

a) Attitudes Which Promote Safety Consciousness.

- 1) It is imperative that the Department Head, Supervisor, and fellow Employees exhibit proper attitudes about incident prevention and safety to all new Employees.
- 2) The new Employee must also be told that unsafe workers will not be tolerated. In addition, Employees should be told that they are always required to obey safety rules and instructions, wear protective equipment whenever required, and attend safety meetings. These are necessary conditions to be met in order to continue employment with the Town.

b) Previous Experience is Never an Adequate Substitute for Proper Instruction.

- 1) It will never be taken for granted that the previous experience and apparent qualifications of the new Employee mean that "somewhere along the way" they have learned to do the job in a safe manner.

For example, a driver's license plus many years of driving experience does not automatically exempt a newly hired vehicle operator from being thoroughly instructed in safe driving practices. The Employees must be made aware of what is expected of them in their capacity of operating a Town vehicle, and they must be checked to assure that this role is understood.

c) The Supervisor Will Do Review and Follow Up with the New Employee.

- 1) The Supervisor will meet with the new Employee, being sure to point out the possible hazards involved in doing the job.
- 2) If possible, the new Employee should be assigned to work with a safety-minded Employee during the first few weeks.
- 3) The Supervisor will check on the new Employee at frequent intervals.
 - i) The new Employee will be asked about any problems that may have arisen.
 - ii) The new Employee will be reminded of safe work practices.
 - iii) The Supervisor with regard to any tendency of overlooking safety procedures will promptly and vigorously warn the new Employee.
 - iv) New employee will be issued a copy of the Safety Program
 - v) Complete Safety Orientation Form (appendix A)
 - vi) Complete Employee Safety Responsibilities Signature Form (appendix B)

SECTION 6
DISCIPLINE POLICY

600. DISCIPLINE POLICY RATIONALE:

Employers are required to promulgate safety policies and disciplinary procedures to deal with those employees who fail to comply with a safety program. Implicit in these requirements is the expectation that the safety program and disciplinary procedures will be enforced. We fully expect to have problems when disciplining employees for safety violations. Some issues we anticipate are:

1. Employee accusations of unfair/unequal enforcement.
2. Employee accusations of no enforcement.
3. Using your disciplinary actions to cast a poor light on your personnel practices.
4. Employees trying to get revenge on supervisors or co-workers.
5. Calling into question the character and integrity of the employer by casting a poor light on the employer's supervisory practices and/or personalities.
6. Use of information about your personnel practices at Department of Labor hearings to try to portray the employer as only giving lip service to safety issues.

The key to an effective disciplinary process insures that the rights and obligations of the

employer and employee are guarded.

In 1982, the N.H. Supreme Court defined these processes in the Appeal of Byron Miller (122 NH 933). The case involved an appeal of the denial of unemployment compensation benefits because of employee misconduct and in large part was the result of violations of safety rules. The court wrote:

Miller began working for Preview Products in 1979 and on at least three occasions received reprimands and suspensions for various reasons relating to safety-procedure infractions (emphasis added). The fourth incident leading to his discharge occurred when he allegedly jumped off a loading dock despite orders not to do so.

An unemployment compensation system is predicated upon benefits being paid to those who become unemployed through no fault of their own. No compensation is to be paid to one who is terminated because of "misconduct connected with this work". Isolated and inadvertent instances of unsatisfactory conduct are not sufficient for a finding of "misconduct", but recurring careless or negligent acts are enough to constitute "misconduct".

Safety in the workplace is not only a legal requirement but also a sound social policy for employer and employee alike (emphasis added).

Mr. Millers' employers had a progressive disciplinary process in place. He had been warned and suspended before being terminated for jumping off the loading dock. The employee was told that his conduct violated company policies and was told of the consequences of continued violations (i.e. further disciplinary action which, in this case, included a suspension and ultimately, discharge). The court has repeatedly found that a safe workplace is a reasonable rule.

The employer, in all cases of alleged misconduct, must conduct a thorough and fair investigation before administering discipline. In addition, the employer must use discipline a fair and consistent fashion. Simply stated, the discipline must reasonably be related to the seriousness of the proven offense and the employee's record. It is essential that the employer administered and not let the employee talk the employer out of administering the penalty.

A fair process requires that the employer inform the employee of the precise nature of the offense and any verbal or written warning tells the employee the consequences of further violations. A fair process also allows the employee to present his/her version of events and any evidence or mitigating circumstances.

601. DISCIPLINE POLICY

- a) It is the Town of Barrington Policy to place as few restraints on personal conduct as possible. We are justifiably proud of our employees and the manner in which they conduct themselves. We rely on individual good judgment and a sense of responsibility. Each employee is expected to act in an appropriate manner. However, for the protection of our property, business interests and other employees, we have established certain rules of conduct. Violations of any rule cannot be ignored.
- b) Employees who have recurring injuries will be counseled. Employees who are incident-prone present a danger to themselves and to others. Appropriate action will be taken after consideration, which could include further training, counseling, job change (if possible and qualified), or disciplinary action if required.
- c) These rules are published for the employee's information and to minimize the likelihood

of any employee, through misunderstanding or otherwise, becoming subject to any disciplinary action. It is only fair that the employee should be familiar with those rules the organization considers to be important. It is also fair that the employee be apprised of the procedures to be used should any disciplinary action be required. We believe in using a process that is fair to all, yet maintains employee responsibility.

- d) For these reasons we use a progressive discipline model for handling disciplinary/performance issues. This model is designed to bring deficiencies to the attention of the employee in as non-confrontational a manner as possible.
 - 1) Based on the severity of the offense, Town management reserves the right to discipline employees up to and including termination at any time.
 - 2) Any discipline will be consistent with the appropriate bargaining agreement and or personnel policies.
 - 3) The following disciplinary steps are a guideline to be following by department heads and supervisory staff however depending upon the severity of the offense steps can be skipped including starting with termination for particularly serious violations:
 - i) First Offense: Verbal warning (documented in file)
 - ii) Second Offense: Written warning (documented in file)
 - iii) Third Offense: Suspension without pay (documented in file)
 - iv) Fourth Offense: Termination

In the event that any conflict with local, state or federal law exists, the law will take precedence.

- e) Department Heads and/or supervisors are responsible for counseling employees as problems occur involving adherence to the policies, procedures and rules of the organization and work unit.
- f) All Town jobs require the full attention of employees. Using excessive alcohol when off duty could impair performance and is discouraged. Working under the influence of alcohol or drugs could cause injury to others and therefore, will not be tolerated. The Town strongly encourages any employee with any drug or alcohol dependency to seek appropriate counseling or medical attention. Employees must always be in good physical and mental condition to operate equipment and machinery. Employees noted in poor condition on the job may be sent home.

Section 7

HANDLING OF INJURIES, INCIDENT REPORTING, and INVESTIGATION OF INCIDENTS

700. Purpose:

A workers' compensation injury is defined as an incidental injury or death arising out of and in the course of employment and all occupational diseases arising out of and in the course of employment. There are definitive State requirements for reporting these injuries, which are summarized in this section and to which conformance by all employees is mandatory.

Naturally, the first thing to do when an incident occurs is to ensure that proper medical treatment is provided.

Incident investigation is important and necessary if future incidents are to be prevented. Investigations are primarily concerned with finding the "cause" of the incident and are not necessarily concerned with fixing "blame".

Investigations must be kept objective, factual, and free from the "punishment" motive, otherwise they will do more harm than good. This is not to say that responsibility may not be fixed where personal failure has caused the incident, or that such person should be excused from the consequences. Investigations also provide information through which recommendations for corrective action can be developed. Corrective action may involve additional training, mechanical revision, and direct supervision or enforcement measures.

However, the investigation itself is concerned only with the facts and the investigating individual or group is best kept free from involvement with the consequences.

- a) The Principle Purposes Of Incident Investigation.
 - 1) To determine the cause of an incident so that similar incidents may be prevented through mechanical improvement, better supervision, and/or Employee instruction.
 - 2) To publicize the particular hazard among Employees and their Supervisors and to direct attention to incident prevention in general.
 - 3) To determine facts bearing on legal liability.

701. Handling Emergencies:

Judgment is a key factor in handling any emergency. Employees are expected to exercise their best judgment based upon circumstances. The following is a list of guidelines to follow. However, if there is any question whatsoever about the seriousness of an injury, call for help and take every due precaution to preserve life.

- a) The employee/supervisor/management personnel shall call the appropriate emergency service (medical, fire, police, or rescue). **Call 911.**
- b) The employee shall notify his/her supervisor.
- c) The employee will follow reporting and investigation requirements.

702. Cases to be investigated:

The immediate supervisor, or other designated individual, will **investigate all incidents** and near misses that occur within their jurisdiction of authority. The purpose of the investigation shall be to determine what happened, why it happened, and what steps should be taken to prevent a reoccurrence of the incidents. An incident investigation report shall be filed in writing with the Finance and Personnel Director within 72 hrs.

- a) Every incident, which results in death, disabling injury or Town property damage, shall be investigated.
- b) Near-misses or incident resulting in non-disabling injuries will also be investigated

because they are equally important from the safety standpoint. An incident that results in only slight injury to a person may easily result in death to the next person.

703. Persons Making Investigations:

a) Department Heads:

- 1) Department Heads are responsible for immediately notifying the Town Manager whenever a "lost-time" injury occurs.
- 2) Every incident will be formally investigated. The Department Head, their designee, the Supervisor or a member of the Departmental Safety Committee shall make investigation of all incidents and injuries.

b) Supervisors:

- 1) A Supervisor shall be required to investigate and document every incident and near miss, which involves personnel or equipment under his or her supervision. This should be for the purpose of taking or recommending corrective action, or preventing recurrence of similar incidents.

704. Procedures for Making Investigations:

Each investigation should be started as soon as possible after the incident. A delay of only a few hours may permit important evidence to be destroyed, or removed, intentionally or unintentionally.

The following guides are to be used by persons conducting investigations:

1. Arrive at Incident Scene Promptly.

In order to obtain facts while they are still fresh, investigators should arrive at the scene as soon as possible after an incident has been reported.

2. Conduct Interviews With Involved Parties.

The injured person, the Supervisor and all witnesses will be interviewed to obtain results, and allow each person to relate what happened in his own way. The investigator, if necessary, should make only brief notes, at this time. Complete, formal statements, if required, can be made later.

3. Note Conditions and Evidence.

Record information as to conditions present at the time of the incident. These could relate to weather, mechanical defects, or other unsafe working conditions. Also note any physical evidence that is available. If possible, photographs should be taken of the scene.

4. Note Any Reference to Unsafe Acts.

Note any reported unsafe acts that may have contributed to the incident.

705. Reports of Investigation:

Written reports of investigation will be as complete as possible, preferably in narrative form. The report should include information that would answer the following questions:

WHO was injured or WHAT was damaged?

- HOW did the incident happen?
- WHERE and WHEN did it happen?
- WHO saw it happen?
- WHAT persons, equipment, materials and conditions were involved?
- WHY did the incident happen?

The investigator must be particularly thorough in determining the WHY of each incident. For example, in the case of an Employee receiving an eye injury, the investigator might list the cause as "failure to wear goggles". The WHY of this incident is: "Why didn't the Employee wear goggles? Were goggles available? If so, was the Employee instructed to wear them? If so, why didn't the Employee wear them?"

- WHAT could and should have been done to prevent it and similar incidents?

SECTION 8
MOTOR VEHICLES

The following is a guideline pertaining to the use of motor vehicles owned by the Town of Barrington.

800. Use of Vehicles:

- a) Reckless driving will **NOT** be tolerated, even on emergency calls.
 - 1) The Town Police Department, the New Hampshire State Police, or other Police Agency having jurisdiction or responding to assist under Mutual Aid will investigate incidents involving Town vehicles.
 - 2) The Supervisor will see that all the necessary reports are made and proper action is taken in accordance with rules and regulations.
- b) **Seat belts: in All Town own vehicles are mandatory; also if you are using your personal vehicle (POV) on town time wearing your seat belt is mandatory.** Seat belts are required of all passengers (although prisoners being transported in a police car will be at the discretion of the police officers). Emergency personnel may remove their seatbelts as they approach their destination if deemed necessary for safety reasons.
- c) Use of Town Vehicles will ALWAYS Require the Permission of a Supervisor.
- d) Permissibility of Passengers in Town vehicles.
 - 1) Town personnel shall not allow any non-Town employee to ride with them in any Town vehicle without first securing the permission from the Department Head, except as follows:
 - i) Persons using vehicles pursuant to paragraph 9 hereof; or
 - ii) Persons taken into custody or persons necessary to aid an investigation which is being made by a Police Officer, or Fire Officer or.
 - iii) Police Officers or Employees of the Town offering authorized assistance

to an Police Officer or Employee to whom a vehicle has been assigned in his performance of official Town business; or

- iv) Emergency situations in which it is reasonably impracticable to obtain prior permission or in the interest of Public Safety.

801. When an Incident Occurs:

When Town vehicles are involved in any incident, **STOP IMMEDIATELY IN A SAFE LOCATION**, the immediate Supervisor must be called at once regardless of the extent of damage to the vehicles or whether or not personal injury has occurred.

- Set out and or turn on warning devices.
- Assist injured persons, but DO NOT move if likely to cause further injury.
- The radio dispatcher should be notified immediately of conditions surrounding the incident request a police officer and supervisor.
- Give your name, address, employer name and address, vehicle registration number, and operator's drivers license number to police
- DO NOT admit fault. Discuss details **only** with your supervisor, and the investigating police officer.
- If you have no radio equipment and or phone, stop a passerby and ask him or her to call for help.
- Secure names and addresses of witnesses or first persons at the scene.
- If you strike an unattended vehicle and owner cannot be located you MUST place your name and the Town's address securely on the vehicle.
- Protect the vehicle from any further damage
- Complete driver's report at incident scene.
- Drivers subject to post incident testing shall remain readily available for such testing.
- If serious bodily injury occurs or there is a fatality, post incident drug and alcohol screening will be required by the investigating agency. It is also required for various accidents involving an employee with a CDL license.
- A report for our insurance carrier should be completed any time a Town-owned vehicle is involved, regardless of amount of damage or location of incident. Return the completed forms to your supervisor upon return.
- Personnel may be subject to disciplinary action when damage to Town vehicles results from their carelessness or poor judgment.

802. General Maintenance of Town Vehicles:

- Personnel who have vehicles assigned to them shall be held personally responsible for their condition. They are to be reported to the Supervisor and scheduled for maintenance.

- When a vehicle breaks down, the operator shall immediately notify the immediate Supervisor as well as the radio dispatcher. The Supervisor will instruct the operator in accordance with the rules and regulations.
- Personnel are responsible for the cleanliness of the vehicle. They shall keep windshields and windows clean so that vision will not be impaired.
- Proper tire pressure must be maintained.
- Kicking or slamming of doors or forcing the windows of Town vehicles is forbidden. If doors or windows do not operate properly, they are to be reported to the mechanic at DPW.
- No personal equipment shall be installed on Town vehicles without prior approval from the Department Head.
- Personnel must not push or tow any vehicle or object with a Town vehicle unless said vehicle is properly equipped for such purpose other than emergency situations.

803. Physical Safety of Town Vehicles:

- a) Except in extreme emergencies, personnel are forbidden to leave vehicles unlocked when they contain Town property or other valuables.
- b) Under no circumstances are ignition keys to be left in the vehicles.
- c) Engines are to be turned off when vehicle is not in use and unit is left unattended.
- d) Persons who are permanently or temporarily subject to recall and who have vehicles assigned to them will keep the vehicles either at their homes or at the designated area for the vehicle, whichever is determined necessary for administrative efficiency by the Department Head. In making such determination, the Department Head shall regulate the use of assigned vehicles according to the following classifications:
- e) Persons to whom Town vehicles are assigned vehicles shall monitor the two-way radio when using the vehicle.

804. Use of Town Vehicles for Official Town Business:

Any Officer or Employee may use or travel in any Town vehicle as is necessary or convenient to perform official Town business, including the observation of Town facilities or the operation of Town government.

SECTION 9
GENERAL SAFETY PRACTICES

Under Statutory Authority: Administrative Rules for Safety and Health Lab 1400 pursuant to: RSA 281-A & RSA 277, the National Fire Protection Association (NFPA), the New Hampshire State Fire Code 6000, the International Building Code (IBC), and American National Standard Institute

(ANSI) The Town of Barrington will comply to the following scope of rules:

Lab 1403.01 Safety and Health Requirements.

- a) Each employer shall furnish to each of its employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees.
- b) Each employee shall comply with all safety rules and regulations which are applicable to their own actions and conduct.
- c) The employer shall instruct each employee in the recognition and avoidance of unsafe conditions and in the rules applicable to his work environment to control or eliminate any hazards or other exposure to illness or injury.
- d) The use of any machinery, tool, material, or equipment which is not in compliance with any applicable requirement of these rules shall be prohibited.

Lab 1403.02 Abrasive Blasting:

- a) Blast cleaning nozzles shall be equipped with an operating valve which shall be held open manually. A support shall be provided on which the nozzle may be mounted when not in use.
- b) Blast cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air shall be maintained at all openings in the enclosure during the blasting operation.

Lab 1403.03 Abrasive Grinding:

- a) Abrasive wheels shall be used only on machines provided with safety guards.
- b) The following shall be exempt from the safety guard requirements:
 - i) Wheels used while within the material being ground; and
 - ii) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.
- c) Abrasive wheel safety guards for bench and floor stands and for cylindrical grinders shall not expose the grinding wheel periphery for more than 65 degrees above the horizontal plane of the wheel spindle. The protecting member shall be adjustable for variations in wheel size so that the distance between the wheel periphery and adjustable tongue or end of the peripheral member at the top shall never exceed 1/4 inch.
- d) Abrasive wheel safety guards shall cover the spindle end, nut, and flange projections.
- e) An adjustable work rest of rigid construction shall be used to support the work on offhand grinding machines. Work rests shall be kept adjusted closely to the wheel with a maximum clearance of 1/8 inch.
- f) Machines designed for a fixed location shall be securely anchored to prevent movement, or designed in such a manner that in normal operation they shall not move.
- g) All abrasive wheels shall be closely inspected and ring-tested before mounting to insure that they are free from defects.

Lab 1403.04 Accident Reporting Requirements:

- a) Within 8 hours after its occurrence, an employment incident which is fatal to one or more

employees or which results in the hospitalization of 3 or more employees shall be reported to the Commissioner of Labor. Notification may be given by telephone by calling (603) 271-6297, 271-3699 or 271-3170.

Lab 1403.05 Aerial Lifts.

- a) All vehicle mounted aerial-lift equipment shall be in accordance with American National Standards Institute (ANSI) A92.2-1979, "Vehicle-Mounted Elevating and Rotating Aerial Platforms".
- b) Prior to the use of an aerial-lift device, a visual inspection and operational check shall be made in accordance with the manufacturer and owner's instructions, by a competent person.
- c) Operators of aerial-lift equipment shall be provided with some means of anchorage to which a safety belt or lanyard can be secured to the buckets, platforms, or booms.
- d) The combined load, including workers, material, and tools, shall not exceed the rated lift capacity as stated by the manufacturer. Such rated lift capacity shall be conspicuously and permanently posted on the lift.
- e) When operating an aerial-lift device, the operator shall look in the direction of travel of the bucket and be aware of the booms in relation to all other objects and hazards.
- f) All hoses affecting the nonconductive characteristics of equipment shall be made of nonconductive material. Hydraulic fluids for insulated equipment shall be of the insulating type.
- g) An aerial-lift truck shall not be moved when the boom is elevated **in a working** position with workers in the basket, except for equipment that is specifically designed for **this type** of operation. The booms of a fully articulated aerial device shall not be considered elevated in a working position when the basket is directly in front of or behind the truck with the booms held as low as feasible and low enough so that the operator's **head is** below the highest point of the vehicle.
- h) During aerial-lift operations, workers not engaged in line clearance shall maintain a minimum clearance of 10 feet (3 m) from energized conductors rated 50 kV phase-to-phase or less. For lines rated over 50 kV phase-to-phase the minimum clearance shall be 10 feet plus .4 inches (3 m plus 10 mm) for each kilovolt over 50 kV phase-to-phase.
- i) **This section shall not apply to fire fighting apparatus.**

Lab 1403.06 Air Tools:

- a) Pneumatic power tools shall be secured to the hose or whip with a mechanical conductor to prevent incidental disconnection.
- b) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being incidentally expelled.
- c) The manufacturer's safe operating pressure for all fittings shall not be exceeded.
- d) All hoses exceeding 1/2 inch inside diameter shall have a safety device at the source of supply or branch line to reduce pressure in case of hose failure.

Lab 1403.07 Belt Sanding Machines:

- a) Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley.

Lab 1403.08 Bloodborne Pathogens:

Universal precautions, an approach to infection control in which all human blood and certain human body fluids are treated as if known to be infectious, shall be observed in all situations where there is a potential for contact with blood or other potentially infectious material and the following requirements shall be met:

- a) All human blood and body fluids shall be treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens.
- b) Employees responding to an emergencies or other situations where blood or body fluids are present shall wear single use disposable gloves, such as surgical or examination gloves, wash hands after removal of gloves, and wear eye protection when blood or other potentially infectious materials might be splashed.
- c) Work procedures shall include safe handling and disposal of needles and sharps, used bandages and gauze, linens, and all other emergency items that come in contact with blood or other potentially infectious materials.

Lab 1403.09 Chains, Cables, Ropes, and Hooks:

- a) Chains, cables, ropes and hooks shall be visually inspected daily by a competent person, for deformation, cracks, excessive wear, twists and stretch, and defective gear shall be replaced or repaired.
- b) Hoist ropes on crawler, locomotive, and truck cranes shall be free from kinks or twists and shall not be wrapped around the load.
- b) All U-bolt wire rope clips on hoist ropes shall be installed so that the U-bolt is in contact with the short or non-load carrying end of the rope. Clips shall be installed in accordance with the clip manufacturer's recommendation. All nuts on newly installed clips shall be retightened after the first hour of use.

Lab 1403.10 Chipguards:

- a) Protective shields or barriers shall be provided in operations involving cleaning with compressed air, to protect personnel against flying chips or other such hazards.

Lab 1403.11 Compressed Air Use:

- a) Compressed air used for cleaning purposes shall not exceed 30 psi. However, this limitation shall not apply to concrete form or mill scale, or to areas where compressed air is used in a fixed process, such as attached to a machine.

Lab 1403.12 Compressed Gas Cylinders:

- a) Valve protection caps shall be in place when compressed gas cylinders are transported, moved, or stored.
- b) Cylinder valves shall be closed when work is finished and when cylinders are empty or are moved.
- c) Compressed gas cylinders shall be secured in an upright position at all times, except if necessary for short periods of time when cylinders are actually being hoisted or carried.

- d) Cylinders shall be kept far enough away from the actual welding or cutting operation or protected by a fire resistant barrier so that sparks, hot slag, or flame will not reach them. When this is impractical, fire resistant shields shall be provided, as required by NFPA 5 IB.
- e) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least 1/2 hour.
- f) Compressed gas shall not be used for cleaning purposes.

Lab 1403.13 Concrete, Concrete Forms, and Shoring.

- a) Employees shall not work above vertically protruding reinforcing steel, unless it has been protected to eliminate the hazard of impalement.
- b) Powered and rotating-type concrete troweling machines that are manually guided shall be equipped with a deadman-type operating control.
- c) Formwork and shoring shall safely support all loads imposed during concrete placement. Drawings or plans of jack layout, formwork, shoring, working decks, and scaffolding systems shall be available at the job site.

Confined Space Entry:

Lab 1402.02 Confined Space means a space that:

- a) Is large enough and so configured that an employee can bodily enter and perform assigned work;
- b) Has limited or restricted means for entry or exit;
- c) Is not designed for continuous employee occupancy;
- d) Contains or has a potential to contain a hazardous atmosphere;
- e) Contains a material that has the potential for engulfing an entrant;
- f) Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross section; or
- g) Contains any other recognized serious safety or health hazard.

Lab 1403.14 Confined Space Entry

- a) The employer shall evaluate the workplace to determine if any areas are confined spaces. If any are identified, the employer shall inform exposed employees by posting danger signs or by any other equally effective means of the existence and location of and the danger posed by the confined spaces.
- b) A minimum of 2 employees shall be assigned to work activity involving entry into a confined space. One employee shall act as an attendant/observer and remain outside of the space for the duration of the entry operation.
- c) Conditions in the confined space shall be tested before entry operations and monitored while employees are in the confined space.

- d) Testing required by (c) above shall include testing of the internal atmosphere with a calibrated direct reading instrument, for the following conditions in the order listed:
 - (1) Oxygen content;
 - (2) Flammable gases and vapors; and
 - (3) Potential toxic air contaminants.
- e) The employer shall establish and implement the means, procedures and practices required to eliminate or control hazards and make the confined space safe for conducting entry operations. For example, purging, making inert, flushing or ventilating the confined space, using appropriate personal protective and retrieval equipment.
- f) Confined space entrants shall use appropriate personal protective and retrieval equipment. The retrieval equipment shall allow for attendant/observer non-entry rescue.
 - a. The employer shall provide training so that all employees whose job duties involve confined space entry procedures acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned to them.
 - b. The above training shall include the nature of the hazards involved, the necessary precautions to be taken, and in the use of personal protective and any other equipment necessary for safe entry.
- g) A procedure shall be implemented which shall require documentation that the above steps were taken prior to entering a confined space.

Lab 1403.15 Cranes and Derricks.

- a) The employer shall comply with the manufacturer's specifications and limitations as supplied by the manufacturer.
- b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be conspicuously posted on all equipment and complied with. Instructions or warnings shall be visible from the operator's station.
- c) Equipment shall be inspected by a competent person before each use and during use, and all deficiencies corrected before further use.
- d) Accessible areas within the swing radius of the rear of the rotating superstructure shall be barricaded to prevent employees from being struck or crushed by the crane.
- e) No part of a crane or its load shall be operated:
 - (1) Within 10 feet **of a line** rated 50 kV or below;
 - (2) Within 10 feet + 0.4 inches for each 1 kV over 50 kV for lines rated over 50 kV, or;
 - (3) Within twice the length of the line insulator, **but** never less than 10 feet.
- f) The requirements of the above do not apply where electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, or where insulating barriers have been erected to prevent physical contact with the lines.
- g) All crawler, truck, or locomotive cranes in use shall meet the requirements as prescribed in the ANSI B30.5-1982, Safety Code for Crawler, Locomotive and Truck Cranes, as amended by B30.5a-.1984, and B30.5b-1985.

Lab 1403.16 Disposal Chutes.

- a) Whenever materials are dropped more than 20 feet to any exterior point of a building, an enclosed chute shall be used.
- b) When debris is dropped through holes in the floor without the use of chutes, the area where the material is dropped shall be enclosed with barricades not less than 42 inches high and not less than 6 feet back from the projected edges of the opening above. Warning signs of the hazard of falling material shall be posted at each level.

Lab 1403.17 Dock-boards:

- a) Dock-boards shall be strong enough to carry the load imposed on them.
- b) Portable dock-boards shall be anchored or equipped with devices which shall prevent their slipping. They shall have handholds or other effective means to allow safe handling.
- c) Wheel chocks or other devices shall be provided to prevent railroad cars from being moved while dock-boards are in position.

Lab 1403.18 Ergonomics:

- a) It shall be the responsibility of each employer to evaluate all incidences of ergonomically related injuries, such as repetitive motion trauma, carpal tunnel syndrome and back injuries, and to make necessary workplace modifications to prevent recurrences.
- b) The employer shall develop training procedures for employees who might be subject to ergonomic exposures such as those listed above.

Lab 1403.19 Excavating and Trenching:

- a) Before excavation underground utilities shall be identified and marked, and utility companies contacted to determine if there are underground utility installations in the area.
- b) A competent person as defined in Lab 1402.01 shall inspect and evaluate the condition of all trenches and excavations prior to permitting an employee to enter.
- c) An inspection shall be performed at the beginning of each day and at least 3 to 4 times during the workday thereafter and
 - 1) Attention shall be given when adverse weather conditions might affect the condition of the excavation or trench.
 - 2) If evidence of possible cave-ins or slides is apparent, all work in the excavation shall cease until the requirement of (d) below have been met to safeguard the employees.
- d) The walls and faces of trenches 5 feet or more deep, and all excavations, in which employees are exposed to danger from moving ground or cave-in shall be guarded by a trench protective system, or sloping of the ground.
- e) In excavations which employees might be required to enter, excavated **or** other material shall be stored and retained at least 2 feet or more from the edge of the excavation.
- f) Trenches 4 feet deep or more shall have an adequate means of exit such as ladders or steps in the protected area of the trench. The exit shall be located so as to require no more than 25 feet of lateral travel.

- g) Excavations near retaining walls, utility poles and other objects that are supported by compacted soil shall be supported at all times to prevent their collapse or undermining.

Lab 1403.20 Fall Protections:

- a) Each employee on a walking/working surface with an unprotected side or edge which is 4 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems or personal fall arrest systems.
- b) The requirement in (a) above shall apply to:
 - (1) Hoist areas;
 - (2) Holes;
 - (3) Formwork and reinforcing steel;
 - (4) Ramps;
 - (5) Runways and walkways;
 - (6) Excavations;
 - (7) Bricklaying;
 - (8) Working above dangerous equipment;
 - (9) Roofing work;
 - (10) Precast concrete erection;
 - (11) Wall openings; and
 - (12) Other walking/working surfaces.
- c) This section shall not apply to stairways, ladders and scaffolds, cranes and derricks or steel erection.

Lab 1403.21 Flag person:

- (a) At work sites on or adjacent to a highway or street, where signs, signals, and barricades do not provide protection from traffic, a flag-person shall be provided.
- (b) A flag-person shall be provided with and shall wear a highly visible warning garment while flagging. Warning garments worn during low-light conditions or at night shall be equipped with retro-reflectorized material that is visible through the full range of the flag person's body motions.
- (c) A flag-person shall be provided with and shall use a combination Stop/Slow Paddle while flagging. The paddle shall be:
 - (1) Highly visible; and,
 - (2) At least 18 inches in height and width; and,
 - (3) The lettering at least 6 inches in height.

Lab 1403.22 Floor Openings and Open Sides:

- a) Every stairway and ladderway floor opening shall be guarded by a standard railing on all exposed sides except at the entrance. The entrance to ladderway openings shall be guarded to prevent a person from walking directly into the opening.
- b) Every hatchway and chute floor opening shall be guarded by a hinged floor opening cover equipped with standard railings to leave only one exposed side or a removable railing with toeboard on not more than 2 sides and fixed standard railing with toeboards on all other exposed sides.
- c) Every floor hole into which persons can incidentally walk shall be guarded by either a standard railing with standard toeboard on all exposed sides, or a floor hole cover

capable of supporting at least twice the weight of employees, equipment, and materials that might be imposed on the cover at any one time. All covers shall be secured to prevent incidental displacement and shall be marked with the word "**hole**" or "**cover**" to provide warning of the hazard.

Lab 1403.23 Forklift Trucks and Powered Industrial Trucks:

- a) If at any time a powered industrial truck is in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.
- b) Forklift trucks with extended lifts shall be equipped with an overhead guard unless operating conditions do not permit.
- c) Fork trucks shall be equipped with a vertical load backrest extension when the type of load presents a hazard to the operator.
- d) The brakes of highway trucks shall be set and wheel chocks placed under the rear wheels to prevent the truck from rolling while forktrucks are entering or leaving.
- e) Employers shall verify that the above equipment shall be operated by competent individuals as defined in Lab 1402.01.

Lab 1403.24 Guards:

Guards for mechanical power transmission equipment shall be made of metal or other rigid material. Wood guards may be used in the woodworking and chemical industries, in industries where atmospheric conditions would rapidly deteriorate metal guards, or where temperature extremes make metal guards undesirable.

Hand Tools:

Lab 1403.25 Hand Tools:

- a) Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment furnished by employees.
- b) All hand tools shall be kept in safe condition. Handles of tools shall be kept tight in the tool, and wooden handles shall be free of splinters or cracks. Wedges, chisels, and similar tools, shall be free of mushroomed heads. Wrenches shall not be used when sprung to the point that slippage occurs.
- c) Electric power operated tools shall either be double insulated, grounded, or used with ground fault circuit interrupters.

Supervisory Requirements

1. **Supervisors Should Assure That Tools and Equipment are in Good Condition.**

- a) Tools, which develop defects while in use, shall be removed from service, tagged and not used until they have been reconditioned or replaced.
- b) Impact tools such as chisels, drills, hammers, and wedges with mushroom heads shall not be used until they have been reconditioned or replaced.
- c) Hammers, axes, shovels and similar tools shall not be used if the handles are loose,

cracked or splintered, or which otherwise present a hazard.

- b) Shovels, picks and similar tools shall not be handled in such a manner as to endanger other workers nor shall they be left lying in such a manner as to cause persons to trip.
- e) Where proper and safe tools are not available for the work on hand, the Employee should report the fact to the Supervisor.

2. Supervisors Should Assure That Tools are not Misused by Employees.

- a) Sharp edged or pointed tools shall have the edge or point guarded at all times when not in use. Shovels and rakes left on the ground shall have sharp or pointed edges placed toward the ground.
- b) All electric power hand tools shall be properly grounded. If the power cord attached to the tool does not have a three-prong plug, the tool shall be grounded by attaching one end of a wire to the metal frame of the tool and the other end to a grounded structure. Never remove the ground plug from an electrical plug.
- c) Extension cords shall not run across walkways, or through oil or water. Cords will be inspected frequently for kinks, worn insulation, and exposed strands of wire. Cords found to be defective shall be replaced. Ground Fault Circuit Interrupters (GFCI's) must be used in damp and wet areas.
- d) Tools, equipment and materials shall not be thrown or dropped from one Employee to another or from one level to another, but shall be transferred from hand to hand by use of a hand line or some similar safe method.
- e) Tools are to be carried in a toolbox, bag, or tool belt and not in pocket or pants belt. This is especially applicable to pointed or edged tools.
- f) Tools lying around benches, near machines, and on floors or ladders cause incidents (and get lost). Tools are to be returned to kit or storage when no longer needed.
- g) Employees are to be cautioned to use the right size and type tools for the job.

Use of Hand Tools:

1. Wrenches:

- a) Be sure wrenches are adjusted to fit tightly, or are the correct size open-end or box wrenches.
- b) Pull; don't push, when using a wrench.
- c) Don't tighten a nut or bolt too much. You may strip the threads or snap the bolt.

- d) When stooping and using a wrench or when using large wrenches on heavy work, brace yourself to avoid slipping or being thrown off balance. When using a wrench lying on your back, don't let it slip and hit your face.
 - e) Never hit a wrench with a hammer unless the wrench is made for striking.
 - f) Open end and adjustable wrenches which have defects such as worn threads, spread jaws, etc., shall not be used as they are likely to slip.
 - g) Don't use a pipe or other wrench extension on a wrench handle to increase leverage. This often causes stripped threads, broken bolts, sudden loosening of nuts or bolts, slipping of the pipe from the wrench, and broken wrenches and fingers.
2. When pulling on a wrench above you, stand out of its line.
- i) Place wrenches so that the pull will be on the stationary jaw.
2. Screwdrivers:
- a) Don't use screwdrivers with broken or rounded points or bent shafts.
 - b) When using a screwdriver, place work on a solid object; never hold it in the palm of your hand.
 - c) Keep the screwdriver shank lined directly over the screw head.
 - d) Never use pliers or wrenches on the shanks of screwdrivers unless they are designed for that use.
3. Hand Saws:
- a) Use each type of saw only for the purposes for which it is intended. Keep saws sharp, teeth properly set.
 - b) Start the cut carefully so that the saw will not jump and strike you.
 - c) Be sure that the materials to be cut are firmly supported or secured. When sawing horizontally, cut on the side opposite the direction in which you want the cut off parts to fall.
4. Chisels:
- a) Hold the chisel in your fingers with a steady but relaxed grip. Keep your eyes on the cutting edge and not the chisel head.

b) Clamp small pieces in a vise before chiseling them. Chip toward the stationary jaw of the vise. Chip away from yourself. Do not hold stock in your hand.

c) Wear goggles when working with a chisel.

5. Punches.

a) Keep the points of center punches ground and the faces of starting and pin punches square.

b) Don't use center punches on materials hard enough to dull or shatter the points.

c) Be sure punches are held firmly in position before striking, especially on round surfaces. Strike lightly at first, then increase the force.

6. Files and Rasps:
- a) Files and other tools with pointed tongs shall be equipped with suitable handles.
 - b) Cut only in the forward direction. Ease pressure on the backward stroke. When teeth become clogged, clean them with a file card (a brush with short, stiff bristles).
 - c) When storing files or rasps in toolboxes wrap each tool with cloth or paper.
 - d) Don't use files and rasps on material that are too hard or soft. Hard objects wear the teeth smooth. Soft objects clog the teeth. Smooth cutting faces may cause the tool to slip suddenly and injure you.
 - e) Never hammer on files or rasps or use them as pry bars, chisels or punches.
 - f) When filing small objects, use a vise.
- (1) Hack Saws:
- a) Pace the blade in the frame so the teeth point toward the end of the frame and away from the handle. Tighten the blade rigidly.
 - b) Cut away from yourself, and saw with straight, long strokes, using almost the whole blade. Relieve pressure on the backward stroke.
 - c) Judge cutting speed by the hardness of the metal. Forty to fifty strokes per minute is right for metals of average hardness. A faster rate may ruin the blade.
 - d) Don't saw objects that are too hard. Test objects for hardness with the front or rear end of the blade.
- (2) Pliers.
- a) Use pliers only when no other tool will do the job.
 - b) Don't use pliers as wrenches.
 - c) Use cutting pliers only for cutting soft metals, never on hardened metals or as nail pullers.
 - d) When cutting wire that is under tension, protect yourself so the wire can't fly and strike you. When cutting wire in rolls and on bales, load cars, trucks and boxes use longhand wire cutting pliers. **Always wear eye protection.**
- (3) Axes and Hatchets.

- a) Check the ax head to see that it is sharp and has no defects. A dull ax will often glance off the wood being cut and strike the user.
- b) Check the ax to make sure the handle is not cracked and that the ax head is securely attached.
- c) Be sure that others are a safe distance away from you and clear the area of obstructions (vines, limbs, brush, etc.) that may catch the ax as it is swung.
- d) A narrow ax with a thin blade should be used for hard wood, and a wide ax with a thick blade for soft wood.
- e) Ax blades should be protected with a sheath or other guard. When the blade cannot be guarded, it is safe to carry the ax at one's side in a manner that it will not strike the leg or foot when walking. The blade of a single-edged ax should be pointed down when being carried.
- f) To start the cut with a hatchet, it is good practice to strike the wood lightly, then force the blade through by striking the wood against a solid block of wood.
- g) Using a hatchet or ax to drive nails is a poor practice.
- h) A sledgehammer is unsafe to use if it has a split handle or a loose or heavily chipped head.
- i) Sledgehammer heads should be "dressed" whenever they begin to check or mushroom.
- j) A sledgehammer so light that it bounces off the work is hazardous; likewise, one too heavy is hard to control and may cause body strain. Select one of the proper weight for the work to be done.
- k) Claw hammers are designed for driving and drawing nails. Their shape, depth of face, and balance make them unsuitable for striking objects such as cold chisels.

Use of Power Tools:

A. **General:**

- 1) Know your power tool.
 - i) **Read owner's or operating manual carefully.**
 - ii) Learn the tool's applications and limitations, as well as the specific potential hazards peculiar to it.

- iii) Use the proper tool for the job you are doing. Don't force a small tool or attachment to do the job of a heavy-duty tool. It will do the job better and safer at the rate for which it was designed.
- 2) **Always wear the proper Personnel Protective Gear (PPE) for the proper tool being utilized**
 - 3) All visitors should be kept a safe distance away from work areas.
 - 4) When not in use, tools should be stored in dry, high, locked-up locations.
- B) Use Common Sense:
- 1) Ground all electrical tools - unless double insulated.
 - 3. If a tool is equipped with a three-prong plug, it should be plugged into a three-hole (grounded) electrical receptacle.
 - ii) If an adapter is used to accommodate a two-prong receptacle, the adapter wire must be attached to a known ground. Do not rely on the screw securing the receptacle cover plate to be an acceptable ground. Check before using.
 - iii) Never remove the ground prong of a three-prong plug.
 - iv) If working in a damp or wet area a ground fault interrupter (GFCI) **must** be used.
 - 2) Maintain a safe working environment:
 - i) Keep work area clean. Cluttered areas and benches invite incidents.
 - ii) Avoid use of electric power tools in damp or wet locations.
 - iii) Maintain proper footing and balance at all times. Don't allow debris to accumulate under foot.
 - 3) Dress appropriately for the job:
 - i) Loose clothing or jewelry which may get caught in moving parts should not be worn.
 - ii) Rubber gloves and footwear should be used when working outdoors under wet weather conditions or wet soil conditions with an electrical tool. (Ground fault circuit interrupters are required.)
 - iii) Use safety glasses. Use a face or dust mask if the cutting operation is dusty.
 - 4) Treat the tool properly:
 - i) Never carry a tool by the cord, or yank it to disconnect it from a receptacle.
 - ii) Keep the cord away from heat, oil, and sharp edges.

- iii) Keep guards in place and in working order.
- iv) Keep tools sharp and clean at all times for the best and safest performance.
- v) Disconnect tool when not in use or if you leave the work area.

C) Always Implement Principles of Basic Safety:

- 1) Use clamps or a vise to hold work. It's safer than using your hand, and it frees both hands to operate the tool.
- 2) Don't carry a plugged-in tool with your finger on the switch.
- 3) Use only approved, grounded, properly insulated, and inspected extension cords.
- 4) Always examine both the cord and connections of an electrical power tool before using. When using pneumatic hand tools, make sure hose is properly connected and keep air valve closed until the gun is actually ready to use.
- 5) Remove adjusting keys and wrenches; see that keys and adjusting wrenches are removed from the tool before connecting tool to the source of power.

6) Wear proper personal protective equipment

D) Follow Guidelines for Using Specific Tools:

- 1) When using compressed air: (Lab 1403.12)
 - i) Use only sound, strong hose with secure couplings and connections.
 - ii) Be sure there are no sharp points on metal hose parts.
 - iii) Close control valve in portable pneumatic tools before turning on air.
 - iv) Before changing one pneumatic tool for another, turn off air control valve. Never kink hose to stop airflow.
 - v) Wear suitable goggles, mask, protective clothing, and safety devices.
 - vi) Never use air to blow dust or chips from the hair, clothing or safety devices, or from the skin.
 - vii) When using compressed air, see that no nearby workers are in line of airflow. Compressed air can be dangerous. Never point the hose at anyone.

- ix) All compressed air supplies used for blowing with air must be equipped with regulators to reduce the air supply to 30 p.s.i

x) Wear proper personal protective equipment

2) When using bench or hand grinders: (Lab 1403.54)

- i) Wear goggles or face shield even though the wheel has a safety shield.
- ii) Make sure the protective hood is on the wheel.
- iii) Set the tool rest no more than 1/8 inch from the wheel. Stop the machine before adjusting rest.
- iv) Stand out of line when starting up.
- v) Feed the work gradually - give a cold wheel a chance to warm up.
- vi) Use only the face of the wheel unless it is designed for edge printing.
- vii) Do not strike the wheel suddenly or use too much pressure.
- viii) Report at once any grinder that appears to be unsafe.
- ix) Check the grindstone to ensure that it is properly designed for the work being done and the speeds being used.
- x) Do not use grinder if tool rest or shield is missing.

xi) Wear proper personal protective equipment

3) When Using Chain Saw: (Lab 1403.79, also refer to OSHA 1910.266)

Before operational use complete a Chainsaw Safety Check:

- Chain Brake
- Throttle Interlock
- Chain Catcher
- Chain tension
- Muffler
- Chain saw kickback
- Chain sharpness
- Cutter shape
- Depth usage setting
- Lubrication
- No chain movement when engine is at idle

- i) Never work alone, but make certain that other Employees in the area should keep a safe distance from a running saw. Have a cleared work area.

ii) Wear proper personal protective equipment including eye protection, hearing protection, approved chainsaw chaps, safety shoes, gloves and

hard-hat.

- iii) Always carry the saw with the chain brake engaged, guide bar and saw chain to rear, and the muffler away from the body.
- iv) Make sure the chain brake is in good condition. Never remove the chain brake.
- v) Never operate saw with an excessively loose chain. Keep teeth sharp.
- vi) Make sure chain is not touching anything before starting.
- vii) Stand at engine end of running saw, keeping body parts away from saw chain.
- viii) Always hold the saw below waist high.
- ix) Avoid "running" chain contact. (Chain should not run on bar while idling.) Adjust the clutch and carburetor to prevent this.
- x) Never cut with the tip of the blade.
- xi) Exercise extreme caution when felling a tree.
- a) **Wear all required personal protective equipment.**
 - b) Inspect the tree for dead wood, which may fall during the cut.
 - c) Plan ahead.
 - (1) Plan an escape route, making sure that it is clear of debris.
 - (2) Warn others in tree fall area. Do not fell trees within 150 feet of other operations unless precautions to warn personnel are taken.
 - d) Make the cut carefully and deliberately.
 - e) Exercise extra safety precautions as the tree begins to fall.
 - f) Shut off engine.
 - g) Move 10 to 20 feet away from the base along your cleared route.
- xiv) When limbing a felled tree, keep a firm grip on the handle of the saw with

the thumb locked under the handle. Limbs can snap back as they are cut and throw the saw against you.

xv) Shut off engine when refueling, adjusting, cleaning, etc. Use spout can to refuel. Keep fuel in approved safety cans.

xvi) Place saw out-of-way when not in use.

4) Electric Hand Tools

- a) Keep tools in good condition, i.e., cleaned, oiled and repaired.
- b) Always use grounded or double insulated tools.
- c) Wear eye protection while using electric hand tools.
- d) Do not use electric tools in the presence of flammable vapors or gases.
- e) Use of electric hand tools in wet or damp locations should be avoided. When use is necessary, a power supply protected with a ground fault circuit interrupter (GFCI) is required.
- f) Take care of cords.
- g) Use only approved and inspected 3-wire extension cords. Always examine both the cord and connections carefully before using.
- h) Never use electric tools having worn or damaged cords, damaged plugs, defective switches, or other defective parts, which might give an electric shock.
- i) Never hang an extension cord over nails or other sharp edges, allow it to become kinked, or leave it where a vehicle may run over it. Wire or insulation will be damaged.
- j) It is bad practice to patch any serious injury to cord insulation with tape. Replace the cord.
- k) Store the extension cord in a clean, dry place where it can lie loosely coiled.

HAZARD COMMUNICATION PROGRAM

Employees who might be exposed to toxic substances during the course of their work shall be informed of the nature and hazards of these substances in accordance with N.H. RSA 277-A "Worker's Right to Know Law."

- a) Engineering and administrative controls shall be implemented, whenever feasible, to maintain concentration levels below the levels established by the American Conference of Governmental Industrial Hygienists (ACGIH), 1995-96 and published in "Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment".

- b) When engineering and administrative controls are not feasible to achieve acceptable levels, protective equipment shall be used to keep the exposure of employees below the established limits.

1. PURPOSE:

- a) This Administrative Regulation sets forth policy and procedures relating to Hazard Communication compliance by compiling hazardous chemical lists, by using Material Safety Data Sheets (MSDS's), by ensuring that containers are labeled, and by providing employees with training.

2. POLICY:

- a) All Department Heads and Supervisors or their designee will coordinate the Hazard Communication Program within their respective departments by ensuring that containers are labeled properly, compiling a hazardous chemicals list, and providing employees with training.
- b) The Joint Loss Management Committee will review and update the program, as necessary. Copies of the written program will be located within each Town building.
- c) Under this program, employees will be informed of:
- d) The contents of the hazard communication standard;
- e) The hazardous properties of in-house chemicals with which they work;
- f) Safe handling procedures;
- g) Measures to take to protect oneself from these chemicals

3. List of In-House Hazardous Chemicals:

The Department Heads or their designee will ensure that a list of all hazardous chemicals used in any Town building is compiled, and will update the list as necessary.

The list of chemicals identifies all of the chemicals used in each facility. Each list also identifies the corresponding MSDS for all chemicals. A master list of these chemicals will be located at the Public Safety Complex.

4. Material Safety Data Sheets:

- a) MSDS's provide employees with specific information on chemicals they may be exposed to. The Maintenance Supervisor will maintain a binder with an MSDS on every substance on the list of hazardous chemicals MSDS Index. A master MSDS manual will be maintained at the **Town** Fire Department.
- b) Each Department Head or their designee shall be responsible for acquiring and updating MSDS's. The Department Heads shall contact the chemical manufacturer or vendor if additional research is necessary or if an MSDS has not been supplied with an initial shipment received by the Town

5. Labels:

- a) The Department Heads or their designee shall ensure and verify that all containers received for use are properly labeled (**NFPA 704 label**) as to the contents, note the appropriate hazard warning and list the name and address of the manufacturer, importer, or responsible party.
- b) If you transfer chemicals from a labeled container to a portable **container** that is intended only for your **immediate use**, **labels are not required on the portable container**.

6. Training:

- a) Department personnel who work with or are potentially exposed to in-house hazardous chemicals will receive initial training on the Hazard Communication Program and the safe use of those hazardous chemicals by the Department Heads or his or her designee.
- b) Employees will be required to sign a form to verify that they have received training, received written material, and understand the policies on hazard communication.

7. Contractor Employees:

- a) Each contractor bringing chemicals on-site must provide the Town with the appropriate hazard information on these substances, including the labels used and the precautionary measures to be taken in working with these chemicals.

Handling Chemicals

All Employees should be aware that all chemical products may be potentially harmful or dangerous if improperly mixed or applied or when used without protective equipment or in a manner not consistent with the manufacturers guidelines. Many commonly used products not commonly regarded as "hazardous" are, in fact, chemicals and can cause injury if not properly used. Extreme care should be used at all times by personnel who are working with acids, caustics, solvents, pesticides, toxic, petroleum based or other chemical products (specific rules for certain activities and/or use of specific chemicals are provided in departmental safety policies and procedures).

Basic safety information relating to the usage of chemicals is outlined as follows:

Material Safety Data Sheets (MSDS) will be obtained from the manufacturer or supplier for all hazardous chemical products used by the Town.

The MSDS will be kept in the appropriate departments and made available to Employees on request.

Always consult the MSDS before working with a new product. The MSDS provides information on the product such as: the physical and health hazards, proper handling methods, spill cleanup data, fire fighting information and required protective equipment.

Never mix chemical products unless its safe to do so. Many common products are incompatible or become unstable when mixed. Consult the MSDS or ask a knowledgeable superior.

First aid information is provided on the MSDS. Take the MSDS and/or product label with you to the doctor or hospital if you suffer an injury or illness due to contact with or exposure to a chemical.

All containers of chemicals must be labeled.

When using small quantities of a chemical, use the entire chemical or return it to the original container.

Never leave any quantity of hazardous material in an unlabeled or improper container.

No food or drink shall be allowed in areas where potentially toxic or harmful chemicals are stored, mixed or otherwise handled.

Caution should be used to avoid spills or splashes when handling chemicals. Spilled chemicals should be cleaned up and properly disposed of immediately.

Wash hands frequently.

Wear protective clothing, respiratory protection, rubber gloves, protective goggles and face shield when required. The safe way to handle chemicals is as if they are all dangerous.

Ensure adequate ventilation. Do not use chemicals, which release toxic, noxious or harmful vapors or fumes in a confined space or an area, which is not adequately ventilated.

Keep fire and flames away from flammable materials. Smoke only in authorized areas.

In case of a chemical fire, use only the correct extinguishing agent. Be aware of noxious or toxic fumes. If a fire cannot be safely and quickly extinguished, notify the Fire Department and leave the area.

If you are exposed to a chemical product, take immediate first aid precautions and seek medical assistance. First aid information is provided on the MSDS. Take the MSDS and/or product label with you to the doctor or hospital.

If acid or caustic materials come in contact with the eyes or skin, flush immediately with large amounts of water. Get medical attention for any eye injury.

Lab 1403.26 Hoists.

- (a) The employer shall comply with the hoist manufacturer's specifications and limitations as to the proper use and installation of the equipment, whether at a portable or fixed location.
- (b) Rated load capacities, recommended operating speeds, and special hazard warnings or instructions shall be visibly marked on cars and platforms.
- (c) Hoistway entrances of material hoists shall be protected by full width gates or bars.
- (d) Hoistway doors or cages of personnel hoists shall be not less than 6 feet 6 inches high and shall be protected with mechanical locks which cannot be operated from the landing side and shall be accessible only to persons on the car.
- (e) Overhead protective coverings shall be provided on the top of the hoist cage or platform.

Lab 1403.27 Housekeeping.

- (a) Form and scrap lumber with protruding nails and all other debris shall be kept clear from all work areas.
- (b) Combustible scrap and debris shall be removed from work areas at least daily.
- (c) Trash shall be disposed of at frequent intervals.

(d) All places of employment, passageways, storerooms, and service rooms shall be kept clean and in a sanitary condition.

(e) All floors shall be kept clean, dry, safely maintained and free from trip hazards.

Additional Information:

Office Safety

- (a) Good housekeeping in the office is a must
- (b) Keep your desk and cabinets clean and orderly.
- (c) Clean up spilled or splashed liquids on the floor. This might prevent someone from falling.
- (d) Slips of paper, a pencil, or even a paper clip on the floor can cause a slip or fall. If you see something on the floor, take the time to stop and pick it up.
- (e) An open drawer of a desk or cabinet is a hazard, which can cause you or others to trip or collide. Keep drawers and cabinet doors closed.
- (f) The standard four-drawer filing cabinet can cause injury if it upsets as a result of opening a heavily loaded top drawer. Open only one drawer at a time.
- (g) Use handles when closing desk drawers, files, safes, and doors.
- (h) All chairs should be used sensibly:
 - i) Don't tilt them or slump back. The added strain on the chair can cause it to break or slip, resulting in injury to the occupant.
 - ii) Remove defective chairs from use.
- (e) If you must reach high or climb, use a safe ladder. Do not use a chair for climbing. Do not stand on drawers, cabinets or boxes, etc.

Electric and Electronic Equipment Should be Monitored for Safety:

- (a) Make sure that typewriters and adding machines are properly fixed in place. Work at a comfortable height
- (b) Don't attempt any electrical repairs.
- (c) Cords on electrically operated machines and telephones create a tripping hazard when left on the floor or in walkways. Arrange the work area to avoid this hazard.
- (d) When using extension cords, place them so that they do not lie in a traffic area (tripping hazard) or through doors, which may cut the cord (fire or shock hazard).

Minimize the use of extension cords. Do not overload electrical circuits.

- (e) Do not remove the ground prong of a three-prong plug. Electrical equipment with a three-prong plug requires a three-hole (grounded) receptacle. If an adapter must be used to accommodate a two-prong receptacle, have maintenance personnel assure that the adapter is properly grounded.

Always Practice Basic Principles of Safety:

- (a) Walk, don't run.
- (b) When walking in hallways keep to the right, especially at corners.
- (c) Do your reading at your desk, not while walking.
- (d) When using stairways, take your time and use the handrails.
- (e) Don't stand in front of a closed door that may be opened suddenly.
- (f) Smoke in authorized areas only. Remember the fire hazard - use ash trays, not wastebaskets.
- (g) Daydreaming is a dangerous habit. Keep your mind on the job.
- (h) Sharpened pencils should be placed point down in pencil holders. Other sharp objects, i.e., scissors, letter openers, etc., should be covered or placed down to prevent puncture wounds.
- (i) Carry pencils, fountain pens, scissors, etc., in such a way that the sharp end cannot cause puncture wounds to you or others.
- (j) Report all defective equipment to your Supervisor for repair.

Building Maintenance:

- (a) Always practice good housekeeping in the workplace.
 - (i) Poor housekeeping breeds fire. All storage areas should be kept neat with cardboard boxes, paper and other combustible materials being removed to safe storage bins immediately.
 - (ii) **Never** use a stairway or exit way for a storage area, even on a temporary basis.
- (b) When replacing bulbs or fluorescent tubes, observe the following precautions:
 - (i) Ask persons to move from under fixture.
 - (ii) Select ladder of proper height.
 - (iii) Remove globe (cover) and place on desk or floor beneath ladder.
 - (iv) Remove bulb with protective device if bulb is hot, or allow it to cool.
 - (v) Be sure fluorescent tubes are properly locked in place.

- (vi) Replace globe and fittings, using both hands, making sure that they are secure.
 - (vii) Never carry light bulbs in pockets.
 - (viii) Light bulbs should never be wiped with a damp cloth while still in socket. Do not use an oily cloth to wipe light bulbs.
 - (ix) Report any fixtures or appliance from which electrical shock is received or which sparks, is unusually hot or otherwise appears defective.
 - (x) Be aware that defective fluorescent tubes may contain powder that can be harmful or fatal.
- (c) **Disconnect all power sources while working and place a warning sign on the power box control warning that work is in progress.**
- (d) Inspect all portable electrical equipment periodically.
- (e) Replace broken windows or door panes promptly. Always handle broken glass carefully.
 - (i) Do not handle broken glass with your bare hands.
 - (ii) Always place broken glass in suitable container and dispose of promptly.
 - (iii) Do not place broken glass in trashcans or wastebaskets that are accessible to other Employees or to the public.
 - (f) Remove from use any metal receptacles which are broken or which have jagged edges, i.e., ashtrays, trashcans or waste bins.
 - (g) Always place adequate warning signs when cleaning floors, stairways, etc. Wet or slick floors, stairways or handrails can cause incidents. **Never** allow a stairway or handrail to become slippery.
 - (h) Never use fingers or bare hands to comb down mops.

Garage and Shop Safety:

Shop Employees are constantly surrounded with serious hazards on the job. In order to prevent incidents, it is essential that physical and human failure be overcome by maintaining safe garage conditions and by following safe practices. The following are general rules for improved garage safety. (Specific rules for certain activities are provided in departmental safety policies and procedures.)

- a) General Principles of Safety:
- b) Ensure that there is proper ventilation. Guard against carbon monoxide gas from the exhaust of running engines.

- c) Keep a pair of safety goggles handy and wear them when doing work in which eye protection is needed. (See Section 8, Paragraph 1.)
- d) Always keep a suitable fire extinguisher near at hand and ready to use.
- e) Keep aisles and open spaces on the floor free of tools and parts.
- f) Be sure your feet are clear of passing automobiles or moving machinery when you get under a car, truck or piece of equipment.
- g) Use a safe grip (thumb not around handle) when it is necessary to crank start an engine.
- h) Never allow grease and oil to remain on a floor where you or others might slip on it and fall.

Lab 1403.29 Jointers:

- a) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which shall cover the section of the head on the working side of the fence or cage, and a guard which shall cover the back of the cage or fence.
- b) A jointer guard shall automatically adjust itself to cover the unused portion of the head, and shall remain in contact with the material at all times.

Lab 1403.30 Ladders.

- (a) Fixed ladders shall comply with the following requirements:

- (1) Rungs shall have a minimum diameter of 3/4 inch, if metal, or 1-1/8 inches, if wood.
- (2) Rungs shall be a minimum of 16 inches in length and be spaced uniformly no more than 12 inches apart.
- (3) Cages, wells, or safety devices, such as fall prevention systems for ladders shall be provided on all ladders more than 20 feet in length.
- (4) Landing platforms shall be provided each 30 feet of travel, where cages are provided. Where no cage is provided, landing platforms shall be provided for every 20 feet of travel.
- (5) Tops of cages on fixed ladders shall extend at least 42 inches above top of landing. The bottom of the cage shall be not less than 7 feet or more than 8 feet above the base of the ladder.
- (6) Side rails shall extend 3-1/2 feet above the landing.

- (b) Portable ladders shall comply with the following requirements:

- (1) Stepladders shall be equipped with a metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position.
- (2) Ladders shall be inspected prior to use and those which have developed defects shall:
 - a. Be withdrawn from service for repair or destruction;
 - b. Be tagged or marked as "Dangerous, Do Not Use."

- (3) Ladders that are not self-supporting shall be erected on a sound base at a 4/1 pitch and placed to prevent slipping.
- (4) The side rails of a ladder used to gain access to a roof or platform shall extend at least 3 feet above the landing.
- (5) Portable metal ladders shall not be used for electrical work or where they might contact electrical conductors.

Lab 1403.31 Lasers.

- (a) Only employees who have had training by the employer or equipment manufacturer shall be assigned to install, adjust, and operate laser equipment.
- (b) Employees shall wear appropriate eye protection designed to safeguard against potential exposure to laser light greater than 0.005 watts (5 milliwatts).
- (c) Beam shutters or caps shall be utilized, or the laser turned off, when laser transmission is not actually required. When the laser is left unattended, such as during lunch hour, overnight, or at change of shifts, the laser shall be turned off.
- (d) Employees shall not be exposed to light intensities above the following:
 - (1) Direct staring - 1 micro-watt per square centimeter;
 - (2) Incidental observing - 1 milliwatt per square centimeter;
 - (3) Diffused reflected light - 2-1/2 watts per square centimeter.
- (e) Employees shall not be exposed to microwave power densities in excess of 10 milliwatts per square centimeter.

Lab 1403.32 Lockout:

All stored energy hazards including but not limited to the following shall be released, locked-out, or otherwise rendered non-hazardous prior to commencement of any work which could subject the employee to potential injury:

- (1) hydraulic pressure;
 - (2) pneumatic pressure;
 - (3) steam pressure;
 - (4) vacuum;
 - (5) electricity;
 - (6) mechanical; and
 - (7) gravity.
- (b) Padlocks shall be made available to employees for the purpose of locking-out equipment when required.
 - (c) Only the individual who is working on the equipment shall be allowed to remove the lockout device.

Lab 1403.33 Machine Guarding:

- a) Machine guarding shall be provided to protect employees from hazards such as those created by point of operation, nip points, rotating parts, flying chips and sparks.
- (b) Shall comply with the following requirements:
 - (1) The guard shall be such that it cannot pose an accident hazard in itself;
 - (2) Point of operation guarding devices shall be so designed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.
- c) Machines which require point of operation guarding include:
 - 1) guillotine cutters;
 - 2) shears;
 - 3) alligator shears;
 - 4) power presses;
 - 5) milling machines;
 - 6) power saws;
 - 7) jointers; and
 - 8) forming rolls and calendars.
- (d) Special supplemental hand tools shall be used for placing and removing materials within the danger zone of the machine.
- (e) Guards shall be required within 7 feet of the floor or working platform to protect from the following machinery:
 - (1) fan blades;
 - (2) belts;
 - (3) pulleys;
 - (4) sprockets;
 - (5) chains;
 - (6) flywheels;
 - (7) shafting;
 - (8) shaft projections;
 - (9) gears;
 - (10) couplings; and
 - (11) rotating or reciprocating parts.
- (f) Flywheels protruding through a working floor shall be guarded;
- (g) Where both runs of horizontal belts are 7 feet or less from the floor or working surface, the guard shall extend at least 15 inches above the belt.

- (h) Safety sleeves shall be required to guard couplings with bolts, nuts or set screws extending beyond the flange.
- (i) Belts, pulleys, and shafting located in rooms used exclusively for power transmission apparatus shall not be required to be guarded when the following requirements have been met:
 - (1) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance; or
 - (2) The route followed by the oiler is protected in such a manner as to prevent accidents.

Lab 1403.34 Machinery in a Fixed Location:

Machines designed for a fixed location shall be securely anchored to prevent walking or moving, or designed in such a manner that they shall not move in normal operation.

Lab 1403.35 Mechanical Power Presses.

- (a) The employer shall provide and ensure the usage of point-of-operation guards or properly applied and adjusted point-of-operation devices, per the manufacturer's recommendation, to prevent entry of hands or fingers into the point-of-operation by reaching through, over, under and around the guard on every operation performed on a mechanical power press. This requirement shall not apply when the point-of-operation opening is 1/4 inch or less.
- (b) A guard shall be placed over the treadle of foot-operated presses.
- (c) Pedal counterweights, if provided on foot-operated presses shall have the path of travel of the weight enclosed.
- (d) Machines using full revolution clutches shall incorporate a single stroke mechanism except where automatically fed in continuous operation and where the points of operation are safeguarded by a fixed barrier guard.

Lab 1403.36 Medical Services. In addition to the medical chest required in RSA 277:6, emergency telephone numbers for ambulance service, hospital, or physician shall be posted throughout the facility.

Lab 1403.37 Mechanized Equipment:

- a) All construction equipment in use shall be checked at the beginning of each shift to assure that all parts, equipment, and accessories that affect safe operation are in proper operating condition and free from defects. All defects shall be corrected before the vehicle is placed in service.
- b) No employer shall use any motor vehicle, earthmoving, or compacting equipment having an obstructed view to the rear unless:
 - 1) The vehicle has a reverse signal alarm distinguishable from surrounding noise level; or
 - 2) The vehicle is backed up only when an appointed observer signals that it is safe to do so.

- c) Heavy machinery, equipment, or parts thereof which are suspended or held aloft shall be blocked to prevent falling or shifting before employees are permitted to work under or between them.

Lab 1403.38 Noise Exposure:

- a) Protection against the effects of occupational noise exposure shall be provided when the sound levels exceed those shown in Table 3, Permissible Noise Exposures. Feasible engineering or administrative controls shall be utilized to keep exposure below the allowable limit.
- b) When engineering or administrative controls fail to reduce the noise level to within the levels of Table 3, personal protective equipment shall be provided and used to reduce the noise to an acceptable level.
- c) Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

TABLE 3 - PERMISSIBLE NOISE EXPOSURES

<u>Duration per day, hours:</u>	<u>Sound level dBA Slow response</u>
8.....	90
6.....;	92
4.....	95
3.....	97
2.....	100
1-1/2.....	102
1.....	105
1/2.....	110
1/4 or less.....	115

Lab 1403. 39 Overheads and Gantry Hoists and Cranes.

- (a) All functional operating mechanisms, air and hydraulic systems, chains, rope slings, hooks, and other lifting equipment shall be visually inspected before each use by the operator.
- (b) Complete inspection of the crane shall be performed at one to 12 month intervals.

- (c) The inspection shall include the following:
 - (1) Identifying deformed, cracked, corroded, worn, or loose members or parts; and
 - (2) Ensuring the good working order of the following:
 - a. brake system;
 - b. limit indicators;
 - c. power plant; and
 - d. electrical apparatus.
- (d) Overhead cranes shall have stops at the limit of travel of the wheels.
- (e) The rated load of the crane shall be plainly marked on each side of the crane.
 - (1) If the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block, and
 - (2) The marking shall be clearly legible from the ground or floor.

PERSONAL PROTECTIVE EQUIPMENT

Lab 1403.40 Personal Protective Equipment:

- a) The employer shall be responsible for assessing the hazards, and providing and requiring the use of appropriate personal protective equipment where indicated based upon that assessment.
- b) Where employees furnish their own personal protective equipment, the employer shall be responsible to assure its adequacy and to ensure that the equipment is properly maintained and in a sanitary condition.
- c) Employees working over or near water, where the danger of drowning exists, shall be provided with a U.S.Coast Guard-approved life jackets or buoyant work vests.

Additional requirements:

1. Head Protection:

- a) Approved ANSI hard-hats shall be furnished to and shall be worn by personnel who are working in and around areas where there is a possibility of head injury.

2. Eye Protection:

- a) Goggles, face shields, or other suitable eye protection shall be required for wear by Employees whenever there is danger of exposing the eyes to flying particles chemical substances, harmful light rays, dirt or grease falling from under vehicles, blood/bodily fluids, or other conditions considered harmful by the Supervisor.
- b) Suitable eye protection devises will be purchased and furnished by the department.

3. Hand Protection:

- a) Employees may be required to use appropriate work gloves in completing their duties.
- b) The department shall furnish specialized hand protection such as rubber gloves, welding gloves, etc.

4. Foot Protection:

- a) Employees are required to wear safety shoes whenever they are working in an area where heavy objects, machinery, tools or other potential hazard pose an increased risk that foot injuries may occur.

5. Clothing:

- a) Employees are required to dress appropriately. Standard dress will be trousers and shirt. Shorts and T-shirts may be worn in certain circumstances.

- b) Employees are further required to use appropriate personal protective clothing and equipment when necessary.

Lab 1403.41 Portable Abrasive Wheel Machinery:

- a) Abrasive wheels shall be used only on machines provided with safety guards.
- b) The following shall be exempt from the safety guard requirement in (a) above:
 - 1) Wheels used while within the work being ground; and
 - 2) Mounted wheels, used in portable operations, 2 inches and smaller in diameter.
- c) A safety guard shall cover the spindle end, nut and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel.
- d) Safety guards used on right angle head or vertical portable grinders shall have a maximum exposure angle of 180 degrees and the guard shall meet the minimum requirements:
 - (1) The above guard shall be so located so as to be between the operator and the wheel during use.
 - (2) Adjustment of the guard shall be such that pieces of an accidentally broken wheel shall be deflected away from the operator.

Lab 1403.42 Portable Pneumatic Powered Tools:

- a) Safety clips or retainers shall be securely installed and maintained on pneumatic impact tools to prevent attachments from being incidentally expelled.
- b) Hose and hose connections used for conducting compressed air shall be designed for the pressure and service to which they are used.

Lab 1403.43 Powder-Actuated Tools:

- a) Only employees trained by the employer or equipment manufacturer shall be allowed to operate powder-actuated tools.
- b) All powder-actuated tools shall be tested by the employee before each use and all defects discovered before or during use shall be corrected.

- c) Tools shall not be loaded until immediately before use. Loaded tools shall not be left unattended.

Lab 1403.44 Radiation.

- (a) Employers shall provide controls to prevent any employee from being exposed to radiation, either ionizing or electromagnetic, in excess of acceptable limits as established by He-P 4001.
- (b) Each radiation area shall be conspicuously posted with visible signs and/or barriers.
- (c) Employers shall maintain records of the radiation exposure of all employees who are required to work in these areas.

Lab 1403.45 Railings:

- a) A standard railing shall consist of top rail, intermediate rail and posts, and shall have a vertical height of 42 inches from upper surface of top rail to floor, or platform.
- b) A railing for open-sided floors, platforms, and runways shall have a toeboard whenever persons can pass beneath the open side, or where there is equipment with which falling materials could cause a hazard.
- c) Railings shall be of such construction that the complete structure shall be capable of withstanding a load of at least 200 pounds in the vertical or horizontal direction.
- d) This section shall not apply to scaffolding and stairway railings.

Lab 1403.46 Record Keeping:

- a) An annual log of all workplace injuries and illnesses, for which an employer's first report of injury is submitted to the department of labor, shall be kept at the place of employment and made available to a safety inspector upon request.
- b) Employers having existing records or logs of injuries and illnesses, required by other agencies, may provide them to meet this requirement.
- c) The log shall include, at a minimum, the following information:
 - 1) Date of injury;
 - 2) Name of employee;
 - 3) Occupation of employee;
 - 4) Description of the injury or illness;
 - 5) Whether lost time was involved; and
 - 6) The date employee returned to work.

Respiratory Protection Program

Lab 1403.47 Respiratory Protection.

- (a) Respirators shall be selected by the employer on the basis of the hazard to which the worker is exposed and shall be provided by the employer as necessary to protect the health of the workers.
- (b) Employees who are expected to use respirators shall be fit tested to ensure that an adequate face-to-facepiece seal can be maintained.
- (c) Both the supervisors and the workers shall be instructed, by the employer, in the selection, use, and maintenance of respirators.
- (d) Respirators shall be cleaned and disinfected, and shall be inspected during cleaning and deteriorated parts shall be replaced.
- (e) Respirators for emergency use shall be inspected at least once a month and after each use.
- (f) When not in use, respirators shall be stored in a clean and sanitary location.

Additional References: OSHA 1910.134, NIOSH 42 CFR 84, ANSI Z88.2

Inspection Guidelines:

- a) Even though employees may be voluntarily using respirators, adverse health conditions can be caused by the wearing of a respirator itself. Examples include, but are not limited to;
 - 1) An employee's health being jeopardized by the wearing of a respirator (e.g., employee has a cardiac and/or pulmonary disorder that could be aggravated by respirator use),
 - 2) The wearing of a dirty respirator that can cause dermatitis or ingestion of a hazardous chemical;
 - 3) The sharing of a respirator that leads to transmittal of disease.

Program Administrator:

A "respiratory protection program administrator" is required to oversee and evaluate the respirator program. This individual must be suitably trained and have the appropriate accountability and responsibility to manage the full respiratory protection program.

Companies with multiple worksites may have a program administrator at each worksite, as long as this person is qualified and retains the accountability and responsibility for the day-to-day operation of the specific program for that site. Alternatively, a company may opt to have one program administrator for several sites and/or one program for several similar sites as long as the program contains the necessary elements and addresses the hazards at those sites.

Medical Evaluation - 1910.134(e):

Employers must provide a medical evaluation to determine each employee's fitness to wear a respirator. The evaluation must be provided before the initial fit-testing and before the respirator is used for the first time. Medical evaluations consist of the administration of a medical questionnaire, which is found in the mandatory Appendix C of the standard, or provision of a physical examination that elicits the same information as the questionnaire for the employee. An employer, who opts to provide physical examinations, to his or her employees, need not also administer the medical questionnaire.

These evaluations are required for all respirator users except for employees who voluntarily use dusts masks and for those whose only respirator would be the use of escape-only respirators. SCBA's are not considered escape-only respirators. Employees who refuse to be medically evaluated cannot be assigned to work in areas where they are required to wear a respirator.

In order to maintain strict confidentiality of the information obtained in the questionnaire, the employer's role is limited to distributing the blank questionnaire to the employee for him or her to fill out, or providing it to the PLHCP, who will administer the questionnaire to the employee. If the employer provides the questionnaire to the employee, an addressed and postage-paid envelope should also be provided for the employee to mail it to the PLHCP. The employer's may also maintain the questionnaire and findings medical office, if the health office is administratively separate from the employer's central administration offices.

If the employer does not have or chooses not to use an in-house medical staff, arrangements must be made for a physician or other licensed healthcare professional (PLHCP) to perform the medical evaluations. The PLHCP may be a physician, a registered nurse, a nurse practitioner, a physician assistant, or other licensed health care professional acting within the scope of his or her state license, registration, or certification. The PLCHP must be legally permitted by his or her professional license to conduct the type of medical evaluation required by the respirator standard. Scope of practice for non-physician PLCHPs will vary from state to state. All PLCHPs who participate in any aspect of the medical evaluation must be practicing within the scope of their license. For assistance in determining which state licensing board or agency to contact to determine a PLCHP's legally permitted scope of practice, the CSHO can contact the Directorate of Technical Support in OSHA's National Office.

The employer must ensure that the questionnaire is administered in such a manner that employees can understand the content and the confidentiality of the record is maintained. Where the employee cannot understand English, the employer must have the questionnaire translated into the employee's language either through a translator or a translated written copy. The questionnaire has been translated into Spanish and is available on OSHA's homepage (www.osha.gov) in the Respirator Q & A Document. In cases where the employee cannot read, the employee can request someone other than the employer to orally read them the questionnaire or the PLHCP may obtain through an interview or examination the same information requested on the medical questionnaire.

Fit Testing-1910.134(f):

Fit testing is required for all employees using negative or positive pressure tight-fitting respirators, where such respirators are required by OSHA or where the employer requires the use of such a respirator.

A fit test is not required for voluntary users or for escape-only respirators.

The fit test must be performed before the respirator is used in the workplace. It must be

repeated at least annually and whenever a different respirator face piece is used or a change in the employee's physical condition could affect respirator fit. If the respirator subsequently becomes unacceptable (i.e., causes irritation or pain to the employee) to the employee, the employee must be given the opportunity to select a different respirator face piece and be retested.

Qualitative Fit-Testing (QLFT) may be used to fit test negative pressure air-purifying respirators, if they will only be used in atmospheres less than ten times the PEL, since existing evidence only validates the QLFT protocols listed in Appendix A to identify respirators that achieve a fit factor of 100. For greater concentrations, Quantitative Fit-Testing (QNFT) must be used.

When quantitative fit-testing is used, **all** full-face piece respirators must meet or exceed a fit factor of 500, while quarter - and half-mask respirators must meet or exceed 100. For quantitative fit testing may be used. While atmosphere-supplying respirators are fit tested in the negative pressure mode, these respirators are most often used as positive pressure respirators in the workplace. Positive pressure atmosphere supplying respirators that pass the QLFT or QNFT fit test may be used at the higher protection factors assigned these respirators. See Table 1 for a summary.

Facepiece Seal Protection (g)(1):

Inspection Guidelines - The CSHO should be alert for the presence of facial hair (more than one day's growth) that comes between the sealing surface of the respirator and the face as well as other conditions that could result in facepiece seal leakage or interfere with valve function of tight-fitting respirators, such as the presence of facial scars, the wearing of jewelry, or the use of headgear that projects under the facepiece seal. Corrective glasses or goggles or other personal protective equipment (such as faceshields, protective clothing, and helmets) must not interfere with the seal of the facepiece to the face of the user. If employees wear other safety equipment with their respirators, the employee must pass an appropriate fit test while wearing the equipment to determine if it interferes with the seal.

Employees should be observed to determine if the seal check procedures are being performed each time the respirator is donned. The procedure used must be one listed in Appendix B-1 or recommended by the manufacturer if the employer demonstrates it is as effective as those listed in Appendix B-1. Alternative seal checks must be based on scientific studies. [The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece when the exhalation valve or surface is covered, the user exhales gently, and there is no evidence of outward leakage at the seal. The negative check requires covering the inlet opening or surface, inhaling gently, and having the facepiece remain in a slightly collapsed condition with no inward leakage of air detected.]

Maintenance and Care of Respirators - 1910.134 (h)(1):

Respirators must be cleaned and disinfected as often as necessary to keep them in a sanitary condition. They must be properly stored to prevent damage and contamination, inspected regularly and repaired as necessary.

Inspection Guidelines:

- a) To ensure that respirators are clean and in good working order, the employer can have respirators cleaned and repaired in a centralized operation where respirators are passed out to employees: or
- a) The employer may require the respirator user to perform all cleaning and respirator maintenance functions. The CSHO should verify that the procedures in the mandatory Appendix B-2 or an equivalent method specified by the manufacturer are being followed and are performed by employees who are adequately trained in the proper respirator care procedures. Respirators issued to more than one employee must be cleaned and disinfected before being worn by another user.
 - b) The use of individually-wrapped cleaning towelettes may be used as an interim method in the cleaning schedule for individually assigned respirators, but they must not be the only method in place. During fit-testing, towelettes may also be used between employees being tested, however these respirators must be thoroughly cleaned at the end of each day, using the procedures in Appendix B-2.

Identification of Filters, Cartridges, and Canisters 1910.134 (j):

The employer must ensure that all canisters and filters are properly labeled and color coded with the NIOSH approval label and that the label is not removed, obscured, or defaced while in service. This requirement enables the employee using the respirator to check and confirm that the respirator has the appropriate filters before the respirator is used and also allows fellow employees, supervisors, and the respirator program administrator to readily determine that the employee is using the appropriate filters.

- 1) Inspection Guidelines. The CSHO should verify that properly labeled filters and canisters are being used, and that the labels remain legible.
- 2) Citation Guidelines. Date and time labels applied to the filters/cartridges should not be considered violations, but the employer must obscure as little as possible of the label to allow ready identification.

Training and Information 1910.134 (k):

The employer is required to provide effective training to employees who wear respirators. Training must be provided prior to an employee's use of a respirator in the workplace and must be comprehensive and understandable. Training must recur annually, and more often if retraining appears necessary to ensure safe use. The employer must ensure that each employee can demonstrate knowledge of all items in (k)(1)(i) thru (vii). Pre-testing may be used as a training aid to determine extent of retraining required.

Program Evaluation 1910.134(l):

The employer must conduct evaluations of the workplace to ensure the written respiratory protection program is properly implemented. The employer must observe and consult employees to determine if they have any problems with the program and ensure

that the respirators are used properly.

Record keeping - 1910.134(m):

For every employee required to wear a respirator, the employer must establish and retain medical evaluations and fit-testing records. Medical evaluation records must also be retained for employees who wear elastomeric facepiece respirators. An employee's medical evaluation records must be made available to the employee and to OSHA in accordance with 1910.1020. The employer must also make an employee's fit-testing records available to that employee and to OSHA. The standard does not intend for the employer to make an employee's medical or fit-testing records available to any other individual unless that individual is the employee's "designated representative" as defined in 1910.1020(c)(3).

Lab 1403.48 Revolving Drums.

Revolving drums, barrels, or containers shall be guarded by an interlocked enclosure that shall prevent the drum from revolving unless the guard enclosure is in place.

Lab 1403.49 Rollover Protective Structures (ROPS):

Except for sideboom pipelaying tractors and compactors, rollover, protective structures of substantial strength shall be used with the following types of materials handling equipment:

- (1) All rubber-tired, self-propelled scrapers;
- (2) Rubber-tired front-end loaders;
- (3) Rubber-tired dozers;
- (4) Wheel-type agricultural and industrial tractors;
- (5) Crawler tractors;
- (6) Crawler-type loaders;
- (7) Motor graders, with or without attachments, that are used in construction work; and
- (8) forklifts trucks and powered industrial trucks.

Lab 1403.50 Safety Nets.

Where nets are used, operations shall not be undertaken until the net system is installed by a person trained by the employer or equipment manufacturer and the system complies with all industry standards.

Lab 1403.51 Saws.

- (a) Band Saws shall comply with the following requirements:
 - (1) All portions of band saw blades shall be enclosed or guarded except for the working portion of the blade between the bottom of the guide rolls and the table; and
 - (2) Band saw wheels shall be fully enclosed according to the following requirements:
 - a. The outside periphery of the enclosure shall be solid; and

b. The front and back shall be either, solid wire mesh or perforated metal.

(b) Portable Circular Saws shall comply with the following requirements:

(1) All portable power-driven circular saws having a blade diameter greater than 2 inches shall be equipped with guards above and below the base plate or shoe.

(2) The lower guards shall cover the saw to the depth of the teeth, except for the minimum area required to permit the base plate to be tilted for bevel cuts, and shall automatically return to the covering position when the blade is withdrawn from the work.

a. The above provision shall not apply to circular saws used in the meat industry for meat cutting purposes.

(c) Radial saws shall comply with the following requirements:

(1) Radial saws shall have an upper guard which completely encloses the upper half of the saw blade.

(2) The sides of the lower exposed portion of the blade shall be guarded by a device that shall automatically adjust to the thickness of the material and remain in contact with the material being cut.

(3) Radial saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted.

(4) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the table, or the position necessary to complete the cut in repetitive operations.

(5) Radial saws shall be installed so that the cutting head shall return to the starting position when released by the operator.

(d) Swing or Sliding Cut-Off shall comply with the following requirements:

(1) All swing or sliding cut-off saws shall be provided with a hood that shall completely enclose the upper half of the saw.

(2) Limit stops shall be provided to prevent swing or sliding type cut-off saws from extending beyond the front or back edges of the table.

(3) Each swing or sliding cut-off saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel.

(4) Inverted cut-off saws shall be provided with a hood that shall cover the part of the saw that protrudes above the top of the table or material being cut.

(e) Table Saws shall comply with the following requirements:

(1) Circular table saws shall have a hood over the portion of the saw above the table, so mounted that the hood shall automatically adjust itself to the thickness of and remain in contact with the material being cut.

(2) Circular table saws shall have a spreader aligned with the blade spaced no more than 1/2 inch behind the largest blade mounted in the saw. The provision of a spreader in connection with grooving, dadoing, or rabbeting shall not be required.

(3) Circular table saws used for ripping shall be equipped with a device which will prevent material from kicking back toward the operator and shall be properly adjusted.

(4) Feed rolls and blades of self-feed circular saws shall be protected by a hood or guard to prevent the hand of the operator from coming in contact with the in-running rolls at any point.

Lab 1403.52 Scaffolds:

Lab 1403.52 Scaffolds. The following requirements shall apply to scaffolds:

- (a) Scaffolds shall be erected on sound, rigid footing capable of carrying the maximum intended load without settling or displacement;
- (b) All planking shall be scaffold grade or equivalent as recognized by approved grading rules for the specie of wood used; and
- (c) The maximum permissible spans for 2 x 10 or wider planks are shown in Table 4, Planking Material Thickness.

Table 4 – Planking Material Thickness

Working load (p.s.f.)	Full Thickness Undressed Lumber			Nominal Thickness Lumber	
	25	50	75	25	50
Permissible Span (ft.)	10	8	6	8	6

(d) The maximum permissible span for 1-1/4 x 9 inch or wider plank of full thickness is 4 feet, with medium loading of 50 p.s.f.;

(e) Scaffold planking shall be overlapped a minimum of 12 inches or secured from movement;

(f) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches;

(g) Defective parts of all scaffolding and accessories shall immediately be replaced or repaired; and

(h) An access ladder or equivalent safe access shall be provided.

(i) Mobile platforms shall be tightly planked for the full width of the scaffold except for necessary entrance opening. Platforms shall be secured in place.

(j) All employees working on suspension scaffolds shall be protected by a safety life belt attached to a lifeline which shall comply with the following requirements:

(1) The lifeline shall be securely attached to substantial members of the structure, not the scaffold, or to securely rigged lines, which shall safely suspend the employee in case of a fall.

(2) In order to keep the lifeline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the lifeline shall be changed as the work progresses.

(k) Tubular welded frame scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally.

(1) The cross braces shall be of such length as shall automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid; and

(2) All brace connections shall be made secure.

Lab 1403.53 Spray Finishing Operations:

- a) In conventional dry type spray booths, overspray dry filters or filter rolls shall ensure an average air velocity over the face of the booth of not less than 100 linear feet per minute.
- b) Electrostatic spraying operations may be conducted with an air velocity of not less than 60 linear feet per minute, or more, depending on the volume of the finishing material being applied and its flammability and explosion characteristics.
- c) Visible gauges or an audible alarm or pressure-activated devices shall be installed to indicate or insure that the required air velocity is maintained.
- d) Filter pads shall be inspected and clogged filter pads discarded and replaced. Filter rolls shall be inspected to insure proper replacement of filter media.
- e) Spray booths shall be so installed that all portions are readily accessible for cleaning.
- f) A clear space of not less than 3 feet on all sides of a spray booth shall be kept free from storage or combustible construction.
- g) There shall be no open flame or spark producing equipment in any spraying area nor within 20 feet thereof, unless separated by a partition capable of stopping vapor travel.
- h) Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area shall be of explosion proof type.
- i) The quantity of flammable or combustible liquids kept in the vicinity of spraying operations shall be the minimum required for operations and shall not exceed a supply for one day or one shift.
- j) Whenever flammable or combustible liquids are transferred from one container to another, both containers shall be bonded and grounded to prevent discharge sparks of static electricity.
- k) All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of non-spark material.
- l) Residue scrapings and debris contaminated with residue shall be immediately removed from the premises.
- m) "No Smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms.

Lab 1403.54 Storage:

- a) All stored materials stacked in tiers shall be stacked, blocked, interlocked, and limited in height so that they are secure against sliding or collapse.
- b) Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or pest harborage. Vegetation control shall be exercised when necessary.
- c) Where mechanical handling equipment is used, sufficient safe clearance shall be allowed for aisles, at loading docks, through doorways, and whenever turns or passage is made.

Lab 1403.55 Tanks with Open-Surface:

- a) Where ventilation is used to control potential exposure to employees, it shall reduce the concentration of the air contaminant to the degree that a hazard to employees does not exist.
- b) Whenever there is a danger of toxic substances being splashed, the employees shall wear either tight-fitting chemical goggles or an effective face shield.
- c) Near each tank containing liquid, which might be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch. At no time shall water pressure for eyewashes exceed 25 p.s.i. Alternatively, deluge showers and eye flushes shall be provided.
- d) All employees working in and around open-surface tank operations shall be trained by the employer as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

Lab 1403.56 Tire Cages:

A safety tire rack, cage, or equivalent protection shall be provided and used when inflating, mounting, or dismounting tires installed on split rims, or rims equipped with locking rings or similar devices.

Lab 1403.57 Toxic Substance.

- (a) Engineering and administrative controls shall be implemented to protect workers from exposure to hazardous and toxic substances such as radioactive substances or other hazardous substances which are defined as a toxic substance.
- (b) When engineering and administrative controls are not feasible to achieve acceptable levels, protective equipment shall be used to keep the exposure of employees below the established limits.

Lab 1403.58 Traffic Control:

- a) Effective means for control of pedestrian and vehicular traffic shall be instituted on every job site where necessary.
- b) Traffic-control devices shall conform to the applicable federal and state regulations or to applicable sections of Federal Highway Administration Manual of Traffic control Devices -

1988 with revisions.

Lab 1403.59 Trash:

All sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a menace to health and as often as necessary to maintain good sanitary conditions.

Lab 1403.60 Tree Care Operations:

- a) Head protection shall be worn by workers engaged in tree operations. The head protection worn shall contain the manufacturer's certification that it complies with ANSI Z89.1-1981. When working in proximity to electrical lines, the head protection worn shall contain the manufacturer's certification that it is a Class B hard hat which complies with ANSI Z89.1-1981 with revisions.
- b) Safety belts, tree-trimming saddle belts, or a saddle formed by a double bowline on a bight shall be worn to protect workers above ground level.
- c) Saddle belts or safety belts used for climbing operations shall have forged support rings. Snaps used in climbing ropes or in safety straps, for attachment to the forged support ring, shall be of self-closing safety type. Forged support rings shall be designed so that the snaps will not become disengaged, or roll off accidentally.
- d) Climbing ropes shall be used when working aloft in trees. Manila ropes shall have minimum diameter of 1/2 inch (12 mm) and shall be 3 or 4 strand first-grade manila, with a rated breaking strength of 2385 pounds or equivalent strength and durability. Synthetic rope shall have a maximum elasticity of not more than 7 percent.
- e) Climbing ropes shall not be used to lower limbs or other parts of trees, or to raise or lower equipment.
- f) The employer shall provide, and the employee shall use, chaps specifically designed to foul a moving chain whenever chain saws are used.
- g) All employees shall be instructed in the hazards associated with working in close proximity to overhead power lines.
- h) It shall be the responsibility of a competent person to determine whether tree care operations can be safely performed near energized power lines.
- i) Rescue procedures for employees working above ground shall be established by the employer, and the employees trained accordingly.
- j) Brush chipper access panels for maintenance and adjustment shall be closed and secured prior to operation of brush chippers.
- k) Each rotary drum tree or brush chipper or disk-type tree or brush chipper not equipped with a mechanical in-feed system shall be equipped with an in-feed hopper not less than 85 inches (2.15 m) measured from the blades or knives to ground level over the centerline of the hopper, and shall have sufficient height on its side members so as to prevent personnel from

contacting the blades or knives of the machine during normal operations.

- l) Each disk-type tree or brush chipper equipped with a mechanical in-feed system shall have a quick stop and reversing device on the in-feed. The activating lever for the quick stop and reversing device shall be located across the top, along each side of, and as close to the feed end of the in-feed hopper as practicable and within easy reach of the operator.
- m) Equipment on which workers stand and spray while the vehicle is in motion shall be equipped with guard rails around the working area.
- n) When using portable powered brush cutting saws no one except the operator shall be within 10 feet (3 m) of the cutting head of the brush saw.
- o) The power unit shall be equipped with a quick shutoff switch readily accessible to the operator.
- p) When operating chain saws the manufacturer's operating and safety instructions shall be followed.
- q) Chain saws weighing more than 15 pounds (6.8 kg) that are used in trees shall be supported by a separate line, except when used from an aerial-lift device.
- r) The engine shall be stopped when power saws are being carried. The saw need not be stopped between cuts during consecutive felling, bucking, or limbing or cutting operations on reasonably level ground. The chain shall not be turning and the operator's hand shall be off the throttle lever while operators move between work locations. One-man saws shall be carried by the worker on his/her side with the guide bar of the saw pointed to the rear. A two man saw shall be carried by 2 workers.
- s) The engine shall be stopped for all cleaning, refueling, adjustments, and repairs to the saw or motor where practical, except where manufacturer's procedures require otherwise.

Lab 1403.61 Wall Openings:

- a) Wall openings, from which there is a drop of more than 6 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded.

Lab 1403.62 Washing Facilities:

- a) Washing facilities shall be provided in every place of employment except for mobile crews or normally unattended work locations where employees have ready access to nearby sanitary facilities, maintained in a sanitary condition.

- b) A cleaning agent and either individual hand towels, sections of cloth or paper, warm air blowers, or clean individual sections of continuous cloth toweling shall be provided at washing facilities.

Lab 1403.63 Welding and Cutting:

- a) Welding equipment shall be chosen for safe application to the work and shall **be** installed properly. Employees designated to operate welding equipment shall be properly instructed and qualified by the employer or equipment manufacturer to operate it.
- b) Mechanical ventilation shall be provided when welding or cutting in an area with less than 10,000 cubic feet per welder, or where the overhead height is less than 16 feet.
- c) Proper shielding and eye protection to prevent exposure of personnel from welding hazards shall be provided.
- d) When welding in a fixed location the welder shall be enclosed with a booth, or non combustible screening, with a finish of low reflectivity with respect to visible and ultraviolet radiation.
- e) Proper precautions for fire protection such as isolating welding and cutting, removing fire hazards from vicinity, and providing a fire watch shall be taken in areas where welding or cutting is being done.
- f) When welding operations requiring fluxes, coverings, coatings, or alloys, or involving fluorine compounds, zinc, lead, beryllium, cadmium or mercury produce specific health hazards, a competent person shall evaluate potential exposure and ensure necessary protective measures, such as ventilation and personal protective equipment, are used.
- g) Welding and cutting operations shall be shielded by non-combustible or flameproof shields to protect employees from direct arc rays.
- h) Arc welding and cutting operations shall be shielded by non-combustible or flameproof shields to protect employees from direct arc rays.
- i) When electrode holders are left unattended, the electrodes shall be removed and the holder shall be placed or protected so that they cannot make electrical contact with employees or conducting objects.
- j) All arc welding and cutting cables shall be completely insulated and be capable of handling the maximum current requirements for the job. There shall be no repairs or splices within 10 feet of the electrode holder, except where splices are insulated equal to the insulation of the cable. Defective cable shall be repaired or replaced.
- k) Fuel gas and oxygen hose shall be easily distinguishable and shall not be interchangeable. Hoses shall be inspected at the beginning of each shift and shall be repaired or replaced if defective.
 - 1) Oxygen and fuel gas regulators shall be in proper working order when in use.

Lab 1403.64 Welding in Confined Spaces:

- (a) In addition to the requirements in Lab 1403.14 all welding and cutting operations carried on in confined spaces shall be ventilated to prevent the accumulation of toxic substances or possible oxygen deficiency.
- (b) In such operations where it is impossible to provide such ventilation, air supplied respirators or hose masks, which are labeled to indicate they are approved by (MSHA) Mine Safety and Health Administration for this purpose, shall be used.
- (c) In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be labeled to indicate it is approved by (MSHA) Mine Safety and Health Administration.
- (d) Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment, a worker shall be stationed on the outside of such confined spaces to ensure the safety of those working within.
- (e) Oxygen shall never be used for ventilation\

Additional requirements:

- 1. A 4-gas air monitor will be used at all times

Lab 1403.65 Wire Ropes, Chains, and Rigging Equipment:

- a) Wire ropes, chains, ropes, and other rigging equipment shall be inspected prior to use and as necessary during use to assure their safety. Defective gear shall be removed from service.
- b) Job or shop hooks and links, or makeshift fasteners, formed from bolts and rods, or other such attachments, shall not be used.
- c) When U-bolts are used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.
- d) When U-bolt wire rope clips are used to form eyes. Table 5, Number and Spacing of U-bolt Wire Rope Clips, shall be used to determine the number and spacing of clips:

Table 5 – Number and Spacing of U-Bolt Wire Rope Clips
Number of Clips

Improved Plow Steel Rope Diameter Inches	Drop Forged	Other Material	Minimum Spacing (inches)
1/2	3	4	3
5/8	3	4	3-3/4
3/4	4	5	4-1/2
7/8	4	5	4-1/2
1	5	6	6
1-1/8	6	6	6
1-1/4	6	7	7-1/2
1-3/8	7	7	8-1/4

1-1/2	7	8	9
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Lab 1403.66 Woodworking Machinery:

- a) All woodworking machinery such as table saws, swing saws, radial saws, band saws, jointers, tenoning machines, boring and mortising machines, shapers, planers, lathes sanders, veneer cutters, shall be effectively guarded to protect the operator and other employees from hazards inherent to their operation.
- b) A power control device shall be provided on each machine to make it possible for the operator to cut off the power to the machine without leaving his or her position at the point of operation.
- c) Power controls and operating controls shall be located within easy reach of the operator while he or she is at his or her regular work location, making it unnecessary to reach over the cutter to make adjustments. This shall not apply to constant pressure controls used only for setup purposes.
- d) Each operating treadle shall be protected against unexpected or incidental tripping.
- e) Disconnect switches shall be capable of being locked or tagged in the off position.
- f) On applications where injury to the operator might result if motors were to restart after a power failure, provision shall be made to prevent machines from automatically restarting upon restoration of power.

Prevention of Lifting Injuries

The common types of injuries due to lifting are: 1) back strain, 2) hernia, and 3) muscle strains and sprains. These injuries can be the results of an overstretching of certain muscles and generally can be avoided by the following proper lifting techniques and use of proper equipment. All personnel should lift safely using the following guidelines:

- a) Do Not Attempt to Lift More Than You Should:
 - i) Never pick up anything that is too heavy or bulky for one person to handle. Get help when needed.
 - ii) Use tools and equipment such as chain falls, hoists, levers, hand trucks, power loaders, etc., when possible rather than lifting by hand.
 - iii) Never pick up an object with a sudden jerking motion. Avoid lifting and twisting in a single motion.
 - iv) Always keep the load close to the body. Avoid over extension.
- b) Lift Objects Properly;
 - i) Plan your lift. Make sure the travel path is clear.

- ii) Get a good footing. Place feet about shoulder width apart.
 - iii) Get a firm grip. Balance the load.
 - iv) Bend at the knees to grasp the weight. Get good position over the load.
 - v) Maintain the natural curve of the back. Lift with the legs and all the muscle groups.
 - vi) Look at the load. Tuck the chin to keep the neck and spine aligned.
 - vii) Lift gradually by straightening the legs. Bring the load close to the body or step to the load as you lift.
- c) Practice Preventative Strategies to Keep Yourself Physically Fit:
- i) Get proper rest.
 - ii) Maintain correct weight and good diet habits.
 - iii) Quit smoking.
 - iv) Participate in a regular program of exercise.
 - v) Use good posture when sitting, standing and sleeping.

Barricades and Warning Signs

Work area protection is the adequate safeguarding or protection of pedestrians, motorists, warning signs, lights, flags, traffic cones, high level standards, barricade rope, flagman, etc., on approaches to work areas, excavations, open manholes, parked equipment, blocked traffic lanes, etc.

- a) Public Awareness:
- i) The public must be made aware before they get to the work area that the presence of work forces and equipment forms an obstruction to the normal flow of pedestrian and/or vehicular traffic.
- b) Have a Worksite Safety Plan:
- i) The possibility of an incident occurring is greatly minimized by proper planning, design, installation, and operation and maintenance of safeguards, coupled with the use of common sense.
- c) Follow Basic Guidelines to Facilitate Safety:
- i) Pre-inspect the job site for traffic conditions.
 - ii) Schedule the job for a time when traffic conditions are most favorable to do the job safely.
 - iii) Keep the size of the work area at a minimum and allow only necessary equipment and vehicles in from the work areas.

- iv) Open manholes and excavations shall be adequately identified and protected. Necessary precautions should be taken to assure proper support of loads in the area of excavations.
- v) The unauthorized removal of any protective barricade shall be prohibited. Temporary removal requires other safety controls, such as the posting of flagman to direct traffic. Whoever removes a barricade shall be responsible for its replacement.
- vi) Protective or warning devices shall be removed from the job site as soon as they are no longer necessary.
- vii) The Police and Fire Departments shall be informed of all jobs where barricades are in service, and shall make periodic checks on the aforementioned job sites to see that barricade protection is in good operating condition during the hours of darkness.

Follow Proper Procedures for Using Jacks and Lifts:

- a) Jacks:
 - i) Make sure the jack has the correct capacity rating for the job. Never use a jack about which you have any doubt.
 - ii) Make sure the footing is substantial; use boards or blocks at right angles to the lift.
 - iii) Position the jack properly for the lift.
 - iv) Position the jack so there will be an unobstructed swing of the handle, thus protecting your knuckles.
 - v) Never leave a jack standing under a load with the handle in the socket; something might strike the handle and knock the jack out of position.
 - vi) Make sure that all jack-lifting loads are braced diagonally, so that the jacks cannot tip over.
 - vii) Before jacking a vehicle set the hand brake and chock the wheels so that the vehicle cannot roll.
 - viii) Never rely on jacks alone to support any load you have to work under. Use plenty of substantial blocking - have an ample factor of safety. If jack stands are used, inspect them before using and position them properly to support the vehicle.

- b) Lifts:
 - i) Car lifts or only trained garage personnel familiar with all safety features of the particular type being used shall operate grease racks.
 - ii) Vehicles placed on lifts should be raised until the wheels clear the floor and then re-checked for proper position before fully raising.
 - iii) Safety pin or safety leg will be locked securely in position before working under a raised lift.
 - iv) It is best to stand to the side - not in front - of a vehicle to guide it onto a lift.

Follow Practical Guidelines When Using Tools and Lamps:

- a) Use only approved and inspected portable electric tools and electrical extension lamps (see section on portable power tools).
- b) Always use a well-guarded and grounded lamp.
- c) If flammable liquids, vapors, or dusts are present make sure that you are using a safe type of lamp and guard; ask your Supervisor if you are not entirely sure. If at all possible, eliminate the hazard before proceeding with work.
- d) Do not try to patch the insulation of a defective cord; get a new cord.

- e) If the cord is too short to reach the necessary distance, do not splice it; get a new cord or another extension.
- f) It is a bad practice to pull on the cord to disconnect a wall plug; the wires may be loosened or pulled free from the socket.
- g) Do not drag a cord over nails, hooks, tools or other sharp edges, as this may cause a short circuit; if flammable vapors or dusts are present, an explosion may result.
- h) Do not allow the extension cord to touch acids, oil, solvents, or even water, unless it has a proper kind of insulation to protect it.

Exercise Extreme Care When Using Gasoline and Other Flammable Liquids:

- a) Gasoline shall not be used for cleaning purposes. It has a very low flash point and is therefore a fire hazard. Use an approved non-flammable cleaner. Also, much commercial gasoline contains tetraethyl lead. Due to the hazard of lead poisoning, do not wash hands or other parts of the body with gasoline.
- b) Do not allow gasoline to stand in open containers. If gasoline must be kept, use only approved safety cans.
- c) Keep flames and sparks away from gasoline and alcohol or anti-freeze vapors. Such vapors can cause an explosion.
- d) If your clothes become soaked with oil, gasoline or other flammable liquids, change them at once. Hand-rinse such clothing to ensure that a vapor explosion does not occur in an electric washer or dryer.
- e) Follow basic safety guidelines when refueling vehicles and equipment.
 - i) Always observe "no smoking" rules.
 - ii) Shut off the engine.
- f) In order to prevent ignition from static electric Town stored within the vehicle, touch the metal nozzle on gas hose against car bumper. During the entire filling operation, the nozzle shall remain in constant contact with the vehicle.
- g) Do not overfill vehicle fuel tanks. If overflow does result, immediately flush with water.
- h) Gasoline dispensing equipment shall be located outdoors.

Take the Necessary Precautions When Working With Batteries:

- a) Removing or replacing a battery:
 - i) When removing or replacing a battery, disconnect the ground cable (usually black or green in color) first

- ii) Disconnect the positive cable (usually red in color) second
 - iii) Replace or service battery, connect positive cable, then connect the ground cable
 - iv) Hybrid cars connect Fire Department for assistance
- b) Handle batteries with caution. They contain sulfuric acid. Wear eye protection. Keep battery charging areas well ventilated to prevent buildup of hydrogen gas which can explode.

B. Ladder and Scaffolding Safety:

Ladders.

Remember basic rules for ladder safety. The ladder falling or the climber losing his balance and falling causes most ladder incidents. Here are some important precautions:

Never use a makeshift ladder: They cause more incidents than all other causes together.

Avoid standing on the top of a stepladder. Use a ladder tall enough to let you stand at least three steps from its top.

Always face the ladder and use both hands when climbing or descending.

Use the right length ladder for the job so you won't have to reach to work from an unsafe position.

It is dangerous to reach out too far from a ladder in any direction; move the ladder as the work may require.

Step toward the ends of a step. Do not place your weight in the center of a step.

Use a safety belt if the character of the work requires it.

It is unsafe to use a ladder as a horizontal member of a scaffold.

Always be aware of other hazards in the work environment.

Never set a ladder where it or you can come in contact with unprotected electrical wires. Remember, all wires are dangerous. If work is required around electrical services, have a Supervisor contact the utility company.

If the ladder is placed before a doorway, lock the door or have someone guard it. Protect the ladder base from traffic, if necessary.

If your shoes are muddy or otherwise slippery, clean them before you climb.

Use extra caution when using tools while on a ladder.

Tools should never be left on a stepladder unless tool holders are provided.

Carry tools in suitable pockets; or have tools and all other objects hoisted with rope and bucket.

Use extreme caution when using tools requiring great force to operate. If a tool slips, you could be thrown from a ladder.

Make sure the ladder is in proper repair.

Make sure the ladder is not defective.

Check for cracked or damaged side rails and cracked, loose or missing rungs, steps or cleats.

Inspect for rot or splintered surfaces and loose, bent or broken hardware, such as hinges, spreaders or extension locks. Never use a ladder, which is unsafe.

Use the ladder properly.

Be sure to establish safe footing for the ladder.

Never use boxes or other makeshifts to increase the height of a ladder.

Use a ladder with safety feet suitable for the floor or ground it stands on.

If the floor is extra slippery, tie the ladder at the base or have someone hold it.

Make sure the feet are firmly and evenly supported. Place the ladder's feet parallel with the top support and on solid footing.

In setting up a ladder, place it so the distance between the foot of the ladder and the base of the structure is approximately one-fourth of the distance from the base to the point of bearing.

Raise the ladder safely.

When using a stepladder, make sure it is fully extended before you climb.

Raise extension ladders to the vertical position (or against the wall) before extending. Leave ample overlap between sections: for extended lengths up to 39 feet, three feet; 38 to 44 feet, four feet; and 44 to 55 feet, five feet.

When raising a long ladder, have someone hold the base, if possible. Otherwise, tie the base or block it against something solid. Get help when raising a heavy ladder.

Ladders leading to landings or walkways should extend 36" to 42" above the point of bearing.

Set the ladder so that the side rails extend 3-1/2 feet above a top landing.

Tie the ladder or have someone hold it if used where likely to shift, on roofs or high places, or if the indicated angle cannot be observed. Do not work in a high wind.

Be sure the ladder is placed at a safe angle against the wall or other solid backing. An angle of about 75 degrees with the horizontal is recommended.

FIRE PREVENTION MEASURES:

Smoke only in designated outside areas.

Wastebaskets are not ashtrays. **Do not discard smoking materials into a wastebasket at any time.**

Do not empty ashtrays into wastebaskets at the close of a workday.

Unplug electrical coffee pots, hot plates, and like appliances at the end of each workday.

Turn off electric typewriters and like electrical equipment when not in use and at the end of the workday.

Avoid overloading electric circuits. If it is necessary to use triple or four-way sockets for commonly used electrical equipment in the office, then more circuits are needed.

Extension cords can be a hazard especially when stapled, run under rugs or through doorways. Request additional circuits.

Use portable electric heaters with great care. Avoid placing such appliances near combustibles. Unplug electrical heaters at the end of the workday.

Flammable or combustible materials should be properly maintained and stored.

Keep storage of combustible materials at a minimum. Remove trash, cardboard, etc., daily.

Wipe up and Sweep workplace floors and remove dust, shavings and sawdust daily.

Dispose of oily, solvent or paint covered and gasoline soaked rugs in approved fire metal covered containers only.

Flammable cleaning fluids and gasoline for edger's and lawn mowers should not be stored in buildings occupied for offices, public assembly and like uses. Only enough fluids for immediate usage should be kept on hand in work areas.

Flammable liquids shall be stored in an approved Flammable Liquid cabinet meeting OSHA 1910.106 and NFPA 30. Flammable liquids shall be put and kept only in metal cans. Safety cans are required for gasoline.

Be careful that light bulbs do not come into contact with combustibles in storage areas. Combustibles should be placed no closer than 18" from light bulbs.

Fire Safety:

Throughout this handbook, fire prevention measures are given for various on-the-job activities: Observe them.

BE PRO ACTIVE, NOT REACTIVE:

You should:

Be Familiar With Basic Fire Prevention Guidelines.

Have a plan for exiting your work area in case an emergency evacuation is ever called for. It is also a good idea to have an alternate plan in the event your first route of exit is blocked.

Know and follow the evacuation plan of your work area. A large fire or explosion may necessitate a change in the plan. Keep calm, and follow the instructions of the emergency or Supervisory person(s) directing you to the safest exit.

Fight a small fire. Use good judgment; do not endanger yourself or others. Your safety and the safety of your fellow workers is foremost.

Know where fire extinguishers are located in your work area and know how to use them. Extinguishers should be used only on incipient (beginning) stage fires.

Use the proper type of extinguisher to fight the fire.

Use a Class A (water extinguishers) or ABC dry chemical fire extinguisher on paper, wood, and cloth fires.

Use a Class B or ABC dry chemical or CO2 extinguishers on gasoline, oil, grease, or other flammable chemicals.

Use a Class C or ABC dry chemical or CO2 extinguisher on electrical fires.

IN CASE OF FIRE, DO NOT PANIC...KEEP CALM

Activate an early warning device (i.e. pull station), Evacuate the building, **Call 911**

Stay out of heat and smoke. Do not go into a burning building unless you are a properly trained and equipped fire fighter with proper back-up. If in a fire situation, protect yourself from heavy smoke by covering your mouth and nose with a cloth (wet if possible) and move as closely to the floor as possible.

Keep near a door for your escape.

WHEN in DOUBT, GET OUT! And STAY OUT! Do not re-enter the building until Fire officials declare it is safe to do so.

REMEMBER P.A.S.S.:

P - Pull safety Tab and pin

A - Aim the extinguisher stream at the base of the fire.

S - Squeeze the handle together.

S - Sweep nozzle of extinguisher back forth near base of fire

When the fire is out, leave the area. Close the doors. The Fire Department will assure that the fire is out and that the area is safe to re-enter.

If despite your efforts, the fire increases or the smoke becomes increasingly thicker, **Close the door and leave the area. Do not take unnecessary chances.**

Elevators are not emergency exits and should not be used in case of fire.

WALK quickly to the exits. Once outside, move a safe distance away from the building to allow fire fighting equipment-unhindered access to the building.

Do not attempt to move vehicles away from the building unless so directed by your Supervisor, Fire or Police officials.

Remember that EACH FIRE IS DIFFERENT.

C. **ELECTRICAL FIRES:**

Unplug electrical equipment, or turn off current at box. Do not attempt to extinguish an electrical fire. The potential of electrical shock is too great.

Use CO2 or dry chemical extinguisher. **Never use water on an electrical fire.** The potential of electrical shock is too great.

D. **CLOTHES FIRE:**

Do not let a person whose clothes are on fire run – it fans the flames. Remember the rule: STOP, DROP, COVER and ROLL.

Smother the fire by rolling the victim up in a rug, blanket, canvas (be sure the canvas has no oil or grease on it), or a heavy coat. As the victim is rolled in the smothering material, be sure his head is not covered up.

Get medical attention for the victim immediately. Treat for shock.

E. CAR/TRUCK ENGINE FIRES:

Be aware that vehicle fires can accelerate rapidly. Materials used in vehicle interiors can give off highly toxic fumes. If a fire cannot be easily extinguished, get safely away from the vehicle.

Shut off the engine and disconnect the battery, if possible.

Use a dry chemical or Co2 extinguisher.

BEWARE of spilled gasoline.

OUTSIDE FIRES: - grass, leaves, brush, etc. Fight this type of fire by teamwork:

Rake, dig, or wet down a four (4) feet wide "fire-brake" between the fire and endangered buildings or equipment.

Working along the edge of the fire, knock down flames with brooms, shovels, or water.

Have someone follow-up to put out sparks.

Do not take chances - always have an escape route open.

REMEMBER These Five Basics if a Fire Occurs:

KEEP CALM...DO NOT PANIC, but move quickly!

Sound the alarm.

Call the Fire department.

Evacuate the area.

Fight a small fire only if you can safely escape. Use good judgment; do not endanger yourself or others. Your safety and the safety of your fellow workers is foremost.

APPENDIX

**Town
SAFETY ORIENTATION FORM**

Employee Name: _____

Position: _____

Date Hired: _____

Check Appropriate Employee Status:

New Employee: Full-time: Part-time/Seasonal: Rehire:

Check Completed Items:

- Purpose of orientation
- Reporting of incidents to supervisor immediately
- Tour of facilities and equipment
- Vehicle safety

First Aid/Kit:

- Obtaining treatment
- Location in facilities
- Emergency Telephone Numbers

Potential hazards on the job:

- What they are
- How to use equipment safely
- Care and use of personal protective equipment

What to do in event of emergencies:

- Exit locations and evacuation routes
- Use of fire fighting equipment (extinguisher, hose)
- Specific procedures (medical, chemical, fire, etc.)
- Emergency Telephone Numbers

The total safety program:

- Function of Joint Loss Management Committee
- Introduced to Joint Loss Management Committee Representative
- Safety policies and procedures

Personal work habits:

- Proper lifting techniques
- Horseplay, good housekeeping, no smoking policy
- Safe work procedure
- Proper use of equipment

We have discussed the items checked above. I will consciously try to perform my assigned duties safely.

Supervisor's Signature _____ Date _____

Employee's Signature _____ Date _____

**SAMPLE
EMPLOYEE SAFETY RESPONSIBILITIES SIGNATURE FORM**

As an employee of the Town of Barrington _____ I will:

Observe all **Town** safety rules and apply the principles of incident prevention in my day-to-day duties.

Report any job-related injury, illness or property damage to my supervisor and seek treatment promptly.

Report hazardous conditions (unsafe equipment, floors, material) and unsafe acts to my supervisor or Joint Loss Management Committee representative promptly.

Observe all hazard warnings and no smoking signs.

Keep aisles, walkways and working areas clear of slipping/tripping hazards.

Know the location of fire/safety exits and evacuation procedures.

Keep all emergency equipment such as fire extinguisher, fire alarms, fire hose, exit doors and stairways clear of obstacles.

Not report for work under the influence neither of alcoholic beverages or drugs nor to consume them while on **Town** property.

Refrain from fighting, horseplay, or distracting my fellow workers.

Observe safe operating procedures for all equipment I am authorized to operate.

Follow proper lifting procedures at all times.

Ride as a passenger in a vehicle only if it is equipped with a passenger seat.

Be alert to see that all guards and other protective devices are in their proper places when operating equipment.

Not wear frayed, torn or loose clothing, jewelry, or long unrestrained hair near moving objects or other sources of entanglement, or around electrical equipment.

Actively participate in the **Town's** efforts to provide a joint loss management program.

I hereby acknowledge that I have received a copy of the employee safety responsibilities form, and that my responsibilities were explained to me.

Employee Signature _____ Date _____

Town
TEMPORARY ALTERNATE DUTY PROGRAM

In accordance with the provisions of RSA 281-A: 23-b, the **Town** will provide temporary alternative work opportunities for employees who suffer a work-related injury or illness.

When practicable, employees will be returned to their regular duties with modifications consistent with a physician's stipulated work restrictions. In the event that such restrictions make it impractical for an employee to perform their normal job, even with modification, the employee may be reassigned to different duties or a different work schedule and may include assignment to a different department with the **Town**.

The specific assignment of duties shall be determined on a case-by-case basis pursuant to the physician's restrictions and the work available at the time of the injury or illness.

The **Town** has no obligation to provide temporary alternative work opportunities to employees who suffer a non-work related injury or illness.

I HEREBY ACKNOWLEDGE THAT I HAVE RECEIVED A COPY OF THE TEMPORARY ALTERNATE DUTY PROGRAM AND THAT MY RESPONSIBILITIES WERE EXPLAINED TO ME.

EMPLOYEE SIGNATURE _____ DATE _____

**Town
Employee(s) Incident/Near Miss Report**

To be completed by employee directly involved in personal injury and or equipment incident or near miss. Must be completed within 24 hours of incident.

Name: _____ Department: _____

Job Title: _____ How Long Employed: _____

Date of Incident: _____ Date of this Report: _____

Was anyone injured? Y N

If yes: Name: _____

 Address: _____

DESCRIBE FULLY HOW THE INCIDENT HAPPENED. WHAT WAS THE EMPLOYEE DOING, WHAT MACHINE OR EQUIPMENT WAS BEING USED; WHERE DID THE INCIDENT HAPPEN ON GROUNDS, IN BUILDING, ROAD, OR VEHICLE.

WHAT CAUSED INCIDENT? GIVE CONTRIBUTING FACTORS, EXAMPLE: POOR LIGHTING, SLIPPERY SURFACE, FAILURE TO USE SAFETY EQUIPMENT, PROPER SAFETY EQUIPMENT PROVIDED, ETC.

WHAT ACTION WILL YOU TAKE TO AVOID A RECURRENCE?

IS THIS YOUR FIRST INCIDENT? YES / NO IF, NO, PLEASE GIVE DATES OF OTHERS.

DESCRIBE CORRECTIVE ACTION RECOMMENDED WHICH IS BEYOND YOUR AUTHORITY.

EMPLOYEE SIGNATURE: _____ DATE: _____

IMMEDIATE SUPERVISOR: _____ DATE: _____

Any other comments:

**Town
Supervisor's Incident / Near Miss**

Investigation Report

To be completed by supervisor directly involved in the employees occupational injury, disease, equipment incident or near miss. Must be completed within 24 hours after knowledge of Incident.

Name: _____

Department: _____

Job Title: _____

Date of Incident: _____

Time of Incident: _____

Date of this Report: _____

DESCRIBE FULLY HOW THE INCIDENT HAPPENED. WHAT TOOK PLACE OR WHAT CAUSED YOU TO MAKE THIS INVESTIGATION:

WHY DID IT HAPPEN? GET ALL THE **FACTS** BY STUDYING THE JOB AND SITUATION INVOLVED (TAKE PICTURES IF POSSIBLE)

WHAT SHOULD BE DONE?

WHAT HAVE YOU DONE THUS FAR? TAKE OR RECOMMEND ACTION, DEPENDING UPON YOUR AUTHORITY.

FOLLOW UP WAS ACTION (S) EFFECTIVE?

HOW WILL THIS IMPROVE OPERATIONS?

SUPERVISOR SIGNATURE: _____ DATE: _____

IMMEDIATE SUPERVISOR: _____ DATE: _____