CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX

APPENDIX

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS

Chapter A160, PERSONNEL RULES AND REGULATIONS

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 9-14-2009.[EN(1)] Amendments noted where applicable.]

GENERAL REFERENCES

Code of Ethics -- See Ch. 13.
Pensions -- See Ch. 46.
Personnel -- See Ch. 48.
Salaries and compensation -- See Ch. 57.

At-Will Statement and Contract Disclaimer

Nothing in these Personnel Rules and Regulations is intended to grant permanent employment to any person, either implicitly or explicitly. Similarly, nothing in these policies is intended to create, or constitute a part of, any express or implied contract of employment between the Town of Simsbury (hereinafter "Town" or "employer") and any of its present or future employees. Any oral statements or representations which conflict with this position are unauthorized and may not be relied upon by any employee. Town employees are employed on an "at-will" basis. This means that they may be terminated at any time and for any lawfully permissible reason. Similarly, employees may leave the Town's employ at any time and for any reason, provided the requirements of the "Resignation" section of this manual are met.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 1, General Provisions

SECTION 1, General Provisions

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 1, General Provisions / § 1.00. Authority to revise.

§ 1.00. Authority to revise.

The Town reserves the right to modify, revoke, suspend, terminate or change any or all such policies or rules, in whole or in part, at any time without notice. The language used in the personnel policies and rules is not intended to create nor is it to be construed to constitute a contract between the Town and any or all of its employees.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 1, General Provisions / § 1.10. Authorization for rules, severability.

§ 1.10. Authorization for rules, severability.

These rules are provided for by Section 1002 of the Town of Simsbury Charter, as amended from time to time. If any section or portion thereof is found not to conform with federal or state law or the Town Charter, such finding shall not affect the remainder thereof.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 1, General Provisions / § 1.20. Exclusions.

§ 1.20. Exclusions.

Employees working under a collective bargaining agreement will refer to their contract, except for items not covered by the contract, in which case these personnel rules and regulations shall prevail.

Included as attachments at the end of this chapter are Equal Employment Opportunity statement, Harassment and Sexual Harassment Policy, and Workplace Threats and Violence Policy.

APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 2, Administration

SECTION 2, Administration

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 2, Administration / § 2.00. Administration.

§ 2.00. Administration.

A. In accordance with Section 602 of the Town Charter, the First Selectman is the Personnel Director for the Town with the exception of Board of Education employees. The First Selectman may, from time to time as he or she deems necessary, delegate duties and responsibilities to a designee for the purpose of carrying out these rules and regulations.

B. The Board of Selectmen may establish, rescind or amend such administrative procedures as it may consider necessary for implementation of these Personnel Rules and Regulations. Such Personnel Rules and Regulations and any amendments thereto shall become effective upon being approved by resolution of the Board of Selectmen.

C. The First Selectman shall be responsible for the proper administration of these rules and regulations. The Board of Selectmen may revise these Personnel Rules and Regulations as appropriate.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 3, Records and Reports

SECTION 3, Records and Reports

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 3, Records and Reports / § 3.00. Personnel records.

§ 3.00. Personnel records.

Personnel Records for Town employees shall be maintained by the First Selectman, who shall also maintain records of all official acts under the Personnel Rules and Regulations. Employees may examine their own personnel records in accordance with the procedures established by the First Selectman and state and federal law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 3, Records and Reports / § 3.10. Personnel reports.

§ 3.10. Personnel reports.

Department heads shall promptly submit data on proposed appointments, status changes, or separations pertaining to the classified service at such time, in such form, and with such supporting information as these rules prescribe or as the First Selectman deems necessary.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment

SECTION 4, Recruitment

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment / § 4.00. Recruitment policy.

§ 4.00. Recruitment policy.

A. The Town of Simsbury, as an Equal Employment Opportunity Employer, will consider applicants for employment with the Town and candidates for promotion on the basis of their qualifications for a position without regard to race, color, religious creed, age, sex, national origin, ancestry, marital status, sexual orientation, present or past history of mental disorder, mental retardation, learning disability or physical disability, including, but not limited to, blindness, except in the case of a bona fide occupational qualification or need, and to treat applicants and employees in a nondiscriminatory fashion. The Town conforms to all related state and federal law.

B. Department heads will submit requisitions to fill position openings to be authorized by the First Selectman. Applications are accepted only when there is an opening that is listed as a

job vacancy.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment / § 4.10. Employment administration.

§ 4.10. Employment administration.

A. The First Selectman, with the assistance of the department heads, is responsible for the administration of all employment policies and procedures, including, but not limited to, posting job openings, recruitment, advertising, interviewing (including oral exam panels), testing, screening, reference checking, referring qualified applicants, certifying candidates, orientation and induction, and Affirmative Action.

B. Nothing in this section shall diminish or alter the responsibility of the Police Commission for personnel matters within the Police Department as set forth in Section 715 of the Charter of the Town of Simsbury.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment / § 4.20. Announcements.

§ 4.20. Announcements.

A. The First Selectman shall make known vacancies in the classified services by posting announcements for such vacancies on official bulletin boards and at least one newspaper having a general circulation in the area and in such other places as may be deemed necessary. Announcements for promotional vacancies will be posted on official bulletin boards.

B. Announcements shall specify the title and salary range of the position, the essential functions to be performed, minimum qualifications of prospective applicants and other information the First Selectman deems pertinent. Applications provided by the First Selectman shall be made on forms that include the Town's Equal Employment Opportunity statement.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment / § 4.30. Veteran's preference.

§ 4.30. Veteran's preference.

All persons honorably discharged from active armed forces service who have served in time of a war declared by the United States Congress in the armed forces, i.e., veterans who take an examination for original appointment to the Town service and receive a passing grade shall have five points added to the examination grade if the veteran is not eligible for disability compensation or pension from the United States through the Veterans' Administration, and shall have 10 points added to the examination grade if the veteran is eligible for such disability compensation or pension. Names of veterans shall be placed on the list of eligibles in the order of such augmented rating. Credits shall be based upon examinations with a possible rating of 100 points. Applicable periods of war are determined in accordance with Connecticut General Statutes Sections 7-415 and 27-103.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment / § 4.40. Notification of examination results.

§ 4.40. Notification of examination results.

Each applicant, when applicable, shall be given notice of the final grade and relative standing on the employment list, or failure to attain a place on the list. While exceptions may be made under appropriate circumstances, corrections of test results or ratings will generally not invalidate certifications or appointments already made.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment / § 4.50. Establishment of employment lists.

§ 4.50. Establishment of employment lists.

A. Employment lists, in rank order, shall be of three kinds: eligible list, promotional list, and re-employment list.

B. The First Selectman shall establish and maintain such lists for the various classes of positions in the competitive service as deemed necessary or desirable to meet the needs of the service. The names of eligible candidates shall be placed on promotional lists and eligible lists in the order of their grades.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment / § 4.60. References.

§ 4.60. References.

A. As part of the pre-employment procedure, former supervisors, employers and references provided by candidates are verified by the First Selectman in consultation with the department head. References and other checks (which may include but not be limited to motor vehicle, credit status, criminal and financial histories, as well as verification of education, employment history and professional license) are documented and made part of the applicant's file, with the exception of candidates for a sworn position within the Police Department. These background checks are made prior to an offer of employment, and the information is part of the applicant's file. All such information is handled as confidential information to the extent permitted by applicable law.

B. Reference checks of candidates for a sworn position within the Police Department shall be a part of an extensive background check conducted by the Police Department and shared with the Chief of Police, First Selectman and Police Commission, upon request, during the hiring process. Such backgrounds shall remain in the confidential possession of the Chief of Police and be made available to the First Selectman, and Police Commission, upon request.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 4, Recruitment / § 4.70. Disqualification.

§ 4.70. Disqualification.

A. Reasons for disqualification. The First Selectman may reject any application:

(1) Which indicates on its face that the applicant does not possess the minimum qualifications required for the position;

(2) Which was not filed by the announced closing date for receiving applications, unless prior to such date an extension of time has been publicly announced;

(3) If the applicant cannot perform the essential functions of the job for which he or she seeks employment, or, if the individual is disabled within the meaning of the ADA, cannot perform the essential functions of the job even with reasonable accommodation; or

(4) If the applicant has made any false statement of material fact or practiced any deception or fraud in his/her application.

B. Notification. Whenever any application is disqualified, the First Selectman shall give written

notice to the applicant of such rejection, by first class mail addressed to the latest address on the application form.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 5, Appointments

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SECTION 5, Appointments

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 5, Appointments / § 5.00. Appointments to the classified service.

§ 5.00. Appointments to the classified service.

A. Appointments to fill vacancies within the classified service are made in accordance with Section 803 of the Town Charter.

B. New positions within the classified service are established in accordance with Section 1002 of the Town Charter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 5, Appointments / § 5.10. Notification of probationary appointment.

§ 5.10. Notification of probationary appointment.

At the time of appointment, the First Selectman notifies the appointee, in writing, of the following:

A. Wage or salary;

B. Hours of employment;

C. Flex-time schedule where applicable;

D. Wage payment schedule; and

E. The job description of the position for which he/she has been hired.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 5, Appointments / § 5.20. Medical examination post-offer; pre-employment examinations.

§ 5.20. Medical examination post-offer; pre-employment examinations.

A. A medical examination, including a drug test, showing ability to perform the essential functions of the position is required in all cases as a condition of employment. A standard medical form is supplied by the Town for this purpose.

B. A background check which may include motor vehicle record, credit status, criminal and financial histories, as well as verification of education and employment history and professional license is required in all cases as a condition of employment.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 5, Appointments / § 5.30. Probationary period.

§ 5.30. Probationary period.

For securing the most effective adjustment of a new employee to his/her position and for determining that an employee's work meets required standards, all appointments are for a probationary period, normally not to exceed one year. The department head may extend the probationary period with the approval of the First Selectman.

A. Evaluation of performance. During the probationary period, the First Selectman or his/her designee shall evaluate the job performance of the employee; and, where appropriate, complete a written evaluation. The extent and type of the evaluation shall be determined by the First Selectman.

B. Dismissal. During the probationary period, the First Selectman may terminate an employee. Such termination shall be based on the First Selectman's assessment of the needs of the Town and the employee's job performance. Criteria for dismissal would include, but not be limited to, demonstration of inability or unwillingness to perform the duties of the position, lack of dependability, habits which detract from job performance, misrepresentations in the application, incompatibility with supervisor, or any other criteria determined to be relevant to the decision of the First Selectman. Notification of such dismissal shall be in writing.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 5, Appointments / § 5.40. Notification of regular appointment.

§ 5.40. Notification of regular appointment.

Upon the successful completion of the probationary period, the First Selectman or his or her designee shall notify the employee in writing of regular appointment. A Regular Employee is one who has successfully completed his or her probationary period.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 5, Appointments / § 5.50. Emergency appointments.

§ 5.50. Emergency appointments.

A. For the purposes of this section, the term "emergency" is defined as meaning an instance in which public business would be stopped or causes a serious loss or inconvenience to be brought upon the public if not addressed.

B. In an emergency, the First Selectman may authorize the appointment of any qualified person to a vacant position when the First Selectman believes the appointment is necessary to prevent stoppage of public business or loss or serious inconvenience to the public. Such appointment is valid for the duration of the emergency without regard to the rules affecting appointments.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 6, Classification

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SECTION 6, Classification

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 6, Classification / § 6.00. Classification plan.

§ 6.00. Classification plan.

The First Selectman is responsible for the preparation of a classification plan which shall become effective upon approval by resolution of the Board of Selectmen. The classification plan is a statement of the essential functions of each position in the classified service, of the minimum qualifications for appointment, and of the pay ranges for such positions. All positions in the classified services are grouped into pay grades. Written job descriptions are prepared for each position.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 6, Classification / § 6.10. Position classification.

§ 6.10. Position classification.

The classification plan as submitted by the First Selectman and approved by the Board of Selectmen reflects the Town's assessment of the essential functions of each position and the skills and experience necessary to perform the essential functions.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 6, Classification / § 6.20. Reclassification.

§ 6.20. Reclassification.

When the First Selectman determines that the duties of a position have changed materially so as to necessitate its reclassification, that position may be allocated to a more appropriate pay grade, whether newly created or currently existing, in the manner set forth above.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 6, Classification / § 6.30. Classified positions.

§ 6.30. Classified positions.

All positions are classified regular full-time, regular part-time, part-time/seasonal and temporary, and are defined as follows:

A. Regular full-time. A regular full-time employee is one employed for a minimum of 40 hours per week on a yearly basis and is entitled to all the employee benefits offered by the Town.

B. Regular part-time. A regular part-time employee is one employed for a fixed number of hours, but less than 40 hours per week, on a yearly basis. Such employee may be paid on an hourly or prorated salaried basis.

C. Part-time/seasonal. A part-time/seasonal employee is one employed in a position as needed. (Hours could vary from week to week or month to month). A seasonal employee is one employed for a period of not more than 120 calendar days in any calendar year in a position as needed.

D. Temporary. A temporary employee is one employed in a position established for a specific period of time or for the duration of a specific project or group of assignments.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation

SECTION 7, Compensation

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.00. Pay plan.

§ 7.00. Pay plan.

The First Selectman shall prepare and submit to the Board of Selectmen a pay plan for each grade in the classified service, showing the minimum and maximum rates of pay. In arriving at such salary ranges, consideration may be given to the Town's financial conditions and policies, prevailing rates of pay for comparable work in the general labor market area, conditions of work, and suggestions of department heads.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.10. Pay plan review.

§ 7.10. Pay plan review.

The First Selectman shall review the plan annually and recommends to the Board of Selectmen necessary revisions to reflect the Town's goals, priorities, needs and economic conditions and to attract and retain qualified personnel in the classified service.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.20. Starting salary rates for regular full-time employees.

§ 7.20. Starting salary rates for regular full-time employees.

A. Placement on salary/wage schedule. The starting rate of pay offered for recruitment purposes is normally the minimum rate of the pay ranges. The First Selectman may approve initial compensation at a rate higher than the minimum rate of pay for the grade when the First Selectman determines in his or her sole discretion that such action is appropriate.

B. Starting rate on return from military service. Any regular employee who leaves the Town service to enter the armed forces shall be reinstated to the extent required by state and federal law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.30. Salary rates for other than full-time employees.

§ 7.30. Salary rates for other than full-time employees.

A. Regular part-time employees. Such employees are paid on an hourly basis at the wage schedule rate for specific positions.

B. Wage schedule for part-time, seasonal and temporary employees. Employees who work less than 1/2 the normal work week, or less than 10 months per year, are paid the legally required state minimum wage rate.

   (1) Exceptions to this wage schedule may be based on the needs of the Town and made for employees with special skills, experience, or as the labor market requires, at the discretion of the First Selectman.

   (2) Specific wage schedules for part-time, seasonal and temporary employees are maintained and reviewed annually by department heads and recommended to the First

Selectman.

C. Hourly employees. All hourly employees are paid for the actual number of hours worked during the pay period, including 1 1/2 times their regular rate of pay for any hours worked in excess of 40 in a single work week.

D. Salaried employees.

(1) All salaried employees are paid their annual salary divided by the number of pay periods per year.

(2) Salaried, non-exempt employees are paid 1 1/2 times their regular rate of pay for any hours worked in excess of 40 in a single work week.

(3) Salaried, exempt employees are not eligible for overtime.

E. Compensatory time in lieu of overtime. Employees eligible for overtime payment may request, in writing, to receive compensatory time off in lieu of overtime payments in accordance with Section 8.10C of these Personnel Rules and Regulations.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.40. Pay adjustments.

§ 7.40. Pay adjustments.

Rates of pay shall be raised or lowered appropriately to reflect promotions or demotions respectively. A transfer to a position of the same pay range, however, will not result in a pay adjustment.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.50. Rate of pay for leaves of absence.

§ 7.50. Rate of pay for leaves of absence.

A. Absence without leave. Any employee absent without leave is not paid for the time absent.

B. Reserve duty. An employee called to reserve duty may request, in writing, advanced payment of his/her salary, provided the employee will be required to reimburse the Town any amount earned or paid to the employee for reserve duty, up to but not exceeding the amount of

advanced pay.

C. Jury duty.

(1) The Town will pay full-time employees regular straight time wages that the employee would have otherwise received for a standard workday for the first five days of an employee's jury duty; after that, the Town will then pay the difference between jury duty pay received from the court and the regular straight time wages the employee would have otherwise received for a standard workday or week. Compensation shall be payable only if the employee gives the Town notice from the court indicating that they served either a half or full day and the appropriate compensation.

(2) Employees who are excused from jury duty, prior to completing a full day, are expected to return to work. Depending on the circumstances, 2nd and 3rd shift employees may or may not be required to work while on jury duty.

(3) Jury duty time off is considered as time worked in the computation of overtime.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.60. Payroll deductions.

§ 7.60. Payroll deductions.

Payroll deductions are made as required by law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.70. Credit Union.

§ 7.70. Credit Union.

Employees may join the Capitol Regional Federal Credit Union.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 7, Compensation / § 7.80. Direct deposit.

§ 7.80. Direct deposit.

Employees may request from the Finance Department that deductions be made from paychecks and automatically deposited in an account with an eligible full-service bank.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 8, Hours and Conditions of Employment

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SECTION 8, Hours and Conditions of Employment

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 8, Hours and Conditions of Employment / § 8.00. Attendance.

§ 8.00. Attendance.

A. All departments maintain attendance records for employees during each respective pay period and furnish reports of such attendance annually to the First Selectman.

B. Excessive or habitual lateness, absenteeism, or falsification of time records are considered serious infractions and will lead to discipline, up to and including dismissal.

C. The usual work week is considered to be at least 40 hours per week, Monday through Friday, subject to any differences that may apply to represented employees under applicable collective bargaining agreements.

D. Time records will be kept for exempt and non-exempt employees indicating sick, personal, vacation or other paid leave time utilized. All departments maintain attendance records for employees during each respective pay period and furnish reports of such attendance to the First Selectman.

E. Exempt employees will complete time sheets indicating the time the employee begins work and the time the employee discontinues work at the end of the day.

F. Non-exempt employees must accurately record on a daily basis the time they begin and end their work, as well as the beginning and ending time for each meal period. The beginning and ending time of any partial day worked or a departure from work early for personal reasons should be recorded on the time record. The employee also shall enter all overtime hours worked.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 8, Hours and Conditions of Employment / § 8.10. Overtime.

§ 8.10. Overtime.

A. Hourly and non-exempt employees. Hourly and non-exempt employees are compensated at overtime rates in accordance with applicable state and federal wage and hour laws. Represented employees should refer to their collective bargaining agreement for specific information regarding overtime pay or compensation.

B. Exempt employees. It is expected that exempt employees shall normally work a minimum of 40 hours per week and are required to work as many hours as necessary to satisfactorily perform their job duties without regard to hours per day, week or month. Since attendance at meetings of Town agencies shall be considered part of the duties of the position and not eligible for compensation, it is expected that such employees will schedule their own work in such manner as to effectively and efficiently complete assignments in a timely manner.

C. Compensatory time.

(1) Compensatory time may be given to hourly and non-exempt employees in lieu of overtime pay with the prior written approval of the First Selectman or his/her designee. All requests for compensatory time in lieu of overtime pay must be made in writing by the employee requesting such time to the First Selectman. Employees meeting these requirements will be provided with 1 1/2 hours of compensatory time for every one hour worked in excess of 40 hours in a single work week.

(2) Exempt employees are required to work as many hours as necessary to satisfactorily perform their job duties and therefore are generally not entitled to compensatory time. However, in extraordinary situations, exempt employees may be granted compensatory time in the sole discretion of the First Selectman.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 8, Hours and Conditions of Employment / § 8.20. Outside employment.

§ 8.20. Outside employment.

Full-time employees are not allowed to be employed by any entity other than the Town without prior approval of the Town. The First Selectman shall have sole discretion to determine whether

the proposed outside employment will interfere with the employee's duties to the Town and whether to grant or deny approval. Any employee who receives approval and accepts other employment is subject to call to perform his or her regular Town duties first. Once granted, approval may be revoked at any time within the sole discretion of the First Selectman.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 8, Hours and Conditions of Employment / § 8.30. Town supplies and equipment.

§ 8.30. Town supplies and equipment.

Town employees will not use Town supplies or equipment except for authorized Town purposes. No Town supplies or equipment may be removed from Town property without authorization.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 8, Hours and Conditions of Employment / § 8.40. Conflict of interest.

§ 8.40. Conflict of interest.

Employees are obligated to disclose any financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any board or commission to the Board of Selectmen in compliance with Section 1103 of the Charter of the Town of Simsbury and Chapter 13 of the Code of Ordinances, as amended from time to time.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits

SECTION 9, Employee Benefits

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.00. Eligibility.

§ 9.00. Eligibility.

Eligible employees shall receive benefits as determined by this section.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.10. Vacations.

§ 9.10. Vacations.

A. Vacation schedule for full-time employees.

(1) Vacation earned in one fiscal year shall be used by the end of the next fiscal year. Employees shall earn paid vacation time for each completed month of service based upon the following schedule:

Total Service	Vacation Allowance
Hire Date	3 weeks
5 years	4 weeks
15 years	5 weeks

(2) For employees in Position Level E-3 or above, "service" time includes time accumulated in the same or similar positions with other employers, when previous experience is a prerequisite for employment. The amount of such additional "service" time shall be subject to approval by the First Selectman.

B. Vacation Schedule for regular part-time employees.

Service as of July 1	Vacation Entitlement Based on Average Number of Hours Worked in a 52-Week Period
Less than 6 full years	0.83 day per month
6 full years and less than 15 full years	1.25 days per month

Service as of July 1	Vacation Entitlement Based on Average Number of Hours Worked in a 52-Week Period
15+ full years	1.66 days per month

Vacation for eligible part-time employees shall be prorated based upon the number of hours worked weekly compared to the regular work week. Eligible part-time employees shall receive vacation pay based upon 1/5 of their straight time weekly pay. For example, an employee regularly scheduled to work 17 1/2 hours per week, earns 0.83 of a 3 1/2 hour day or 2.9 hours of vacation time a month.

C. Carry-over of vacation. Vacation earned in one fiscal year shall be used by the end of the next fiscal year. However, under extenuating circumstances, the First Selectman may permit the carry-over of up to 10 days for a period not to exceed six months. In the case of the First Selectman, such a carry-over shall be allowed if approved by the Board of Selectmen.

D. Vacation pay at termination. For regular full-time employees, pay for accrued vacation time is provided upon separation. An employee is paid for vacation time earned the previous fiscal year and not used in the present fiscal year. Accrued vacation time shall consist of no more than the total of: a) vacation entitlement for the current fiscal year less the amount of that entitlement actually taken as vacation; b) vacation time earned the previous year and not yet taken, plus; c) any carry-over vacation granted under Section 9.10C and not yet taken.

E. Payment of salary in lieu of vacation. A continuing employee may not trade in vacation day(s) for compensation.

F. Break in service. Vacation time is determined by the length of continuous service. For purposes of computing vacation time, employees who leave the Town service for one year or more, other than layoff, and are later restored are considered as new employees.

G. Advanced vacation. No employee may take vacation time beyond the amount earned except in the most unusual of circumstances. Requests for advanced vacation must be submitted by the department head to the First Selectman, in writing, subject to approval by the First Selectman. In the case of the First Selectman, approval must be granted by the Board of Selectmen.

H. Advanced Vacation Pay. In order for employees to receive vacation pay in advance, the Personnel Action Form reporting vacations to be taken must be received in the Finance Department at least one week before the day of last payroll distribution before the start of vacation to allow for the drawing of the check.

I. Holiday celebrated during vacation. Observed holidays established by these Rules are not considered in the computation of vacation credit as a part of the vacation time.

J. Sickness while on vacation. An employee who becomes ill while on vacation may not charge such illness to sick leave, unless a medical certificate confirms said illness, and the request is approved by the First Selectman. In the case of the First Selectman, approval must be granted by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.20. Sick leave.

§ 9.20. Sick leave.

When it is necessary for an employee to take sick leave due to non-occupational illness or disability, the salary of the full-time employee may be continued for a period not to exceed six months upon the approval of the First Selectman and based on the needs of the Town as determined in the sole discretion of the First Selectman. Among the factors he or she may choose to consider are the nature of the disability or illness, the service record of the employee, and the recommendation of an attending physician and/or a Town chosen physician. A paid sick leave up to one month's pay may be granted to probationary employees.

A. Notification of illness. In order to be paid for sick leave, an employee must notify his/her department head within one hour of the time the employee is due to report for duty, unless otherwise specified by the department head.

B. Use of Sick Leave. Sick leave is a privilege to be used only in the following cases:

(1) Personal sickness or physical incapacity for which compensation is not payable by any employer under the terms of the Workers' Compensation Act of the State of Connecticut.

(2) Enforced quarantine of the employee in accordance with community health regulations.

(3) The First Selectman or his/her designee may grant up to five paid sick leave days to any employee who takes leave to address the illness or physical incapacity of a "family member" as defined in the Family Medical Leave Act Policy, Section 9.30 of these Personnel Rules and Regulations.

C. Abuse of sick leave privilege. Abuse of sick leave privilege is considered a sufficient cause for discipline up to and including dismissal.

D. Medical reporting requirements.

(1) Consecutive days of sick leave. An employee must submit a doctor's certificate in excess of four consecutive sick days. For absences of more than five consecutive sick days, an employee must submit a doctor's certificate which includes anticipated length of employee's absence, date employee can safely return to work, and any physical limitations imposed by the illness.

(2) Non-consecutive sick leave absences. After five non-consecutive occurrences of sick leave in any twelve-month period, and/or if it appears that there has been an abuse of sick leave, the department head may require a doctor's certificate for subsequent sick days. Subsequent paid sick days must be requested and approved by the department head and the First Selectman.

E. Recording of sick leave. Sick leave days are recorded regularly in the personnel records and the First Selectman reviews all such records periodically.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.30. Family and Medical Leave Act/Policy.

§ 9.30. Family and Medical Leave Act/Policy.

A. Eligible employees: reasons for leave.

(1) As required by the Family and Medical Leave Act of 1993 ("Act"), the Town of Simsbury ("Simsbury") will grant up to 12 weeks of unpaid leave per year to eligible employees who have completed one year of service (which need not be consecutive) and who have worked at least 1,250 hours in the twelve-month period preceding the request for leave. Simsbury will use a twelve-month period rolling forward as the FMLA year.

(2) Leave may be taken for the following reasons:

(a) The birth of a son or daughter.

(b) The placement of a son or daughter through adoption or foster care.

(c) To care for a spouse, child, or parent with a serious health condition.

(d) The employee's own serious health condition.

(e) A qualifying exigency arising out of the fact that a spouse, son, daughter, or parent is on active duty, or has been notified of an impending call to active duty status, in the Armed Forces in support of a contingency operation ("qualifying exigency").

(3) In addition, an eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service-member 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 is entitled to a total of 26 weeks of leave in a single twelve-month period to care for the service-member. Military caregiver leave is available during a single twelve-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

B. Use of available leave. An eligible employee shall exhaust all applicable accrued paid leave for any part of the unpaid leave for the care of a dependent. Any accrued or available sick leave shall be substituted for any part of the twelve-week period taken for the serious health condition of the employee. Leave taken for the care of a dependent may be taken intermittently or on a reduced leave schedule when medically necessary. Any hours of leave taken intermittently are deducted on an hour-by-hour basis from the aggregate twelve-week entitlement.

C. Notice. Where leave is foreseeable, the employee must provide 30 days' notice of his or her intent to take leave; where this is not possible, the employee must provide such notice as practicable. If the leave is taken for foreseeable medical treatment, the employee must make a reasonable effort to schedule the treatment so as not to disrupt unduly the operations of the employer.

D. Certification.

(1) The request of an employee for the family or medical leave must be supported by a certification issued by a health care provider which states the date on which the serious health condition commenced, the probable duration of the condition, the appropriate medical facts regarding the condition and whether the employee's serious health condition makes the employee unable to perform his/her functions; for a leave to care for a family member, the employer may require certification as to the need of the employee to care for the family member and an estimate of the amount of time needed; and for intermittent leave, the dates of expected treatment and anticipated duration. Such certification must be provided with 15 calendar days, where practicable.

(2) The employer may require, at its own expense, that the employee obtain a second opinion by a health care provider designated or approved by the employer concerning any information in the original certification. If the second medical opinion differs from the initial opinion, a third medical opinion, at the employer's expense and direction may be required. This third medical opinion is final and binding on the employer and the

employee. The Town may also require employees to periodically report during their leave on their medical status and intention to return to work.

E. Spouses with same employer. Spouses employed by the same employer may be limited to a total of 12 work weeks of leave in any twelve-month period if the leave is taken for the birth, foster care placement or adoption of a child or for the serious health condition of a parent. The twelve-week limit for both spouses does not apply in the case of leave for other reasons. In those cases each employee is entitled to 12 weeks of leave. "Leave to care for a new child must be completed within 12 months of the birth or placement of the child. If both husband and wife work for the Town, no more than a total of 26 weeks' leave during the one-year period will be granted to the couple for military caregiver leave. However, each spouse may be entitled to additional leave for other qualifying reasons under the Act." "Whenever there is a question of definition of a term used in this policy, the definitions used in the Act will apply."

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.40. Leaves of absence.

§ 9.40. Leaves of absence.

A. Occupational injury leave.

(1) Injury leave, as distinguished from sick leave, means paid leave given to an employee because of the absence from duty caused by an accident or injury that occurred while the employee was engaged in the performance of his/her duties for the Town.

(2) The Town may supplement, for a period not to exceed six months, the payments made under workers' compensation insurance so that the employee will receive his/her normal weekly pay for the period of time he/she is on injury leave. The employee must sign an agreement to reimburse the Town the amount of his/her workers' compensation pay if he/she wishes to be paid by the Town prior to his/her submission of the workers' compensation pay voucher.

B. Leave of absence. The First Selectman, upon recommendation of the department head, may grant leaves of absence when necessary, with or without pay, up to a maximum of two months. The Board of Selectmen may grant leaves of absence for periods longer than two months. Employees on an approved leave of absence will be responsible for the payment of any applicable health insurance premium cost sharing.

C. Bereavement pay. Three paid days off will be allowed for death in the immediate family (spouse, parent, parent-in-law, child, sibling, grandparent or grandchild) and one paid day off

for the death of the employee's niece, nephew, aunt or uncle. Nothing contained herein shall prohibit the First Selectman from granting additional unpaid bereavement leave at his/her discretion.

D. Military leave. The First Selectman grants military leave upon request for active duty in the National Guard or armed forces in accordance with Section 7-461 of the General Statutes of the State of Connecticut and applicable federal law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.50. Holidays.

§ 9.50. Holidays.

A. Paid holidays.

(1) The following holidays are granted with pay:

New Year's Day

Martin Luther King, Jr. Day

Presidents' Day

Good Friday

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Friday following Thanksgiving Day

Christmas Day

(2) Two additional holidays will be observed each year. The date of these floating holidays shall be determined by the submission of requested dates by the employee and approval by the First Selectman based on the needs of the Town.

(3) When a holiday falls on a Saturday, the preceding Friday shall be the day off, and when a holiday falls on a Sunday, the following Monday shall be the day off. Exceptions to this section are at the discretion of the First Selectman.

B. Attendance on days prior to and immediately after a holiday. Employees are not paid for holidays unless they work the last scheduled day prior to the holiday and the first scheduled day after the holiday unless such employees are on vacation, or on leave authorized by the First Selectman or department head.

C. Holiday Pay for Regular Part-Time Employees. Regular part-time employees receive holiday pay based upon 1/5 of their average week's pay for each holiday.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.60. Personal days.

§ 9.60. Personal days.

Subject to the approval of the First Selectman, employees shall be entitled to three paid personal days annually which may be used for personal business that cannot be scheduled during non-work hours. Personal days may not be carried over from year to year.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.70. Tuition reimbursement education incentive.

§ 9.70. Tuition reimbursement education incentive.

The following are conditions to reimburse employees for tuition, books, administrative fees, or other related charges:

A. Request in writing to the department head stating the name of the course and cost.

B. Prior approval by the department head and First Selectman.

C. No more than two courses will be reimbursed per year.

D. Course must be work-related.

E. Course must be successfully completed with a passing grade of "C" or higher for reimbursement.

F. The maximum reimbursement shall be the rate charged by the University of Connecticut.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.80. Individualized Professional Development Plans.

§ 9.80. Individualized Professional Development Plans.

In conjunction with the annual Performance Review process, each employee will be encouraged to develop an Individualized Professional Development Plan. Pay increases associated with merit may be based on this annual review process.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.90. Insurance benefits.

§ 9.90. Insurance benefits.

The Town provides a health insurance plan (including family coverage), life insurance, and long-term disability insurance to full-time non-bargaining employees. Regular part-time employees may join the group insurance plans, except long-term disability, as provided in Section 9.94.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.91. Health insurance.

§ 9.91. Health insurance.

Insurance coverage shall be paid for on a basis as adopted by the Board of Selectmen from time to time.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.92. Life insurance.

§ 9.92. Life insurance.

Life insurance, in an amount equal to two times the employee's annual salary, shall be provided to full-time non-bargaining employees.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.93. Long-term disability.

§ 9.93. Long-term disability.

Long-term disability coverage is provided to employees in accordance with the plan. Employees may request a summary plan description through the First Selectman's office.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.94. Regular part-time employees.

§ 9.94. Regular part-time employees.

Regular part-time employees may join the group insurance plans, except long-term disability, with the Town paying 50% of the premiums for the employees. Premiums for dependents of the employees are not paid for by the Town. Dependents may be included in health insurance coverage with the employee paying all of the dependent's premium. The Board of Selectmen, however, may change the Town's contribution share from time to time. Ongoing participation is contingent on continuing to meet the plan's eligibility requirement and making premium contributions on a timely basis.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.95. Continuation of insurance.

§ 9.95. Continuation of insurance.

During an employee's absence under the Town's disability plan or workers' compensation, the Town continues to pay its portion of the cost of the employee's health insurance benefits. It is the employee's responsibility to continue payment for any contributory portion of benefits.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 9, Employee Benefits / § 9.96. Deferred compensation.

§ 9.96. Deferred compensation.

Employees are eligible to participate in the Deferred Compensation Plan in accordance with applicable federal and state laws.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes

SECTION 10, Personnel Status Changes

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.00. Transfer.

§ 10.00. Transfer.

Transfer of an employee from one position to another without change in rate of pay may be affected when:

A. Further training and development of an employee in another position is beneficial to the future staffing potential of the Town; or

B. The employee meets the qualification requirements.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.10. Promotion.

§ 10.10. Promotion.

Insofar as practicable and consistent with the best interest of the Town, vacancies in the classified service may be filled by promotion from within the classified service. All Town employees are eligible and encouraged to apply for all vacancies in the Town classified service. Successful completion of certain job-related courses may be required as a condition to promotion.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.20. Demotion.

§ 10.20. Demotion.

An employee may be demoted to a position of lower pay range for which he/she is qualified for reasons, including but not limited, to the following:

A. He or she would otherwise be laid off because his/her position is being abolished;

B. His or her position is reclassified to a lower grade;

C. Lack of work;

D. Lack of funds; or

E. Another employee has returned to such position from an authorized leave.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.30. Separation.

§ 10.30. Separation.

Separations from the classified service are designated as one of the following types and are accomplished in the manner indicated: resignation, layoff, disability, retirement, dismissal, and death.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.31. Resignation.

§ 10.31. Resignation.

A. An employee in good standing desirous of voluntarily leaving the classified service must notify his/her department head at least two weeks before leaving the service, in the form of a written resignation, stating the effective date and reasons for leaving. The First Selectman may permit a shorter period of notice because of extenuating circumstances. The resignation is forwarded to the First Selectman with a statement by the department head as to the resigned employee's service performance and pertinent information concerning the reason for the resignation. Failure to comply with this rule may be cause for denying future employment with the Town and loss of accrued vacation time. When possible, an employee who is leaving classified service will be scheduled with the First Selectman, or department head, for an exit interview.

B. Employees are normally expected to provide written notice to the Office of the First Selectman of their intention to leave the Town's employment two weeks in advance of their last day of work. This two weeks' written notice shall be considered a "working" notice period: it is expected that an employee will be at work during the period of notice.

C. If, after requesting and being granted vacation leave, a floating holiday, compensatory time, and/or earned days, an employee gives the notice described above and seeks to utilize any of the various types of leave specified above during the "working" notice period, the Town will have the right to reconsider the granting of the leave request, including the withdrawal of a previously approved leave.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.32. Layoff.

§ 10.32. Layoff.

When a position must be discontinued or abolished for reasons including, but not limited to, a change in job requirements, reorganization, lack of work, or lack of funds, the department head shall submit a report to the First Selectman together with a recommendation as to the employee to be laid off.

A. Order of layoff. The order of layoff is based on the Town's needs as determined by the First Selectman. Factors may include, but not be limited to, the employee's relative suitability, competence and performance for the jobs that remain and length of continuous service with the Town except that no regular full-time or regular part-time employee shall be separated while there is a temporary or probationary employee performing duties for which the regular

employee is qualified, provided the employee makes application for the position.

B. Notice of layoff. Employees subject to layoff are notified in writing not less than two calendar weeks prior to the effective date, absent emergency or other extenuating circumstances.

C. Re-employment list. If the employee is certified as having given satisfactory service, the name of the employee laid off is placed on a re-employment list for a period of one year. Time spent on the re-employment list does not constitute a break in continuous service, if the employee is rehired.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.33. Disability.

§ 10.33. Disability.

An employee may be separated for disability when he or she cannot successfully perform the essential functions with or without reasonable accommodation because of a physical or mental impairment. Action may be initiated by the employee, the employee's legal representative, or the Town, but in all cases, it must be supported by medical evidence. The Town may require an examination at its expense to be performed by a physician of its choice.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.34. Retirement.

§ 10.34. Retirement.

A regular full-time employee who has at least five years of consecutive service may exercise the option of leaving Town service through retirement.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.35. Dismissal.

§ 10.35. Dismissal.

At any time during or after the probationary period, a department head, with the approval of the First Selectman, may dismiss an employee whose performance does not meet the required

standards or for disciplinary reasons.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.36. Death.

§ 10.36. Death.

Separation is effective as of the date of death. All compensation due is paid to the estate of the employee, except for such sums as by law must be paid to the surviving spouse.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 10, Personnel Status Changes / § 10.37. Conditions of separation.

§ 10.37. Conditions of separation.

At the time of separation and prior to final payment, all records, assets, or other items of Town property in the employee's custody are transferred to his/her department head. Any amount due because of a shortage in the above will be collected through appropriate action.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 11, Disciplinary Actions

SECTION 11, Disciplinary Actions

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 11, Disciplinary Actions / § 11.00. Disciplinary action.

§ 11.00. Disciplinary action.

Disciplinary action will be determined by the circumstances. The First Selectman may terminate any employee. The four-step process set forth below is a model, but the First Selectman need not follow this model and may skip or modify one or more of the steps if the circumstances so

dictate. The four model stages are as follows:

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 11, Disciplinary Actions / § 11.10. Oral reprimand.

§ 11.10. Oral reprimand.

The supervisor gives the employee a verbal warning for poor job performance or a violation of rules. At this time, the supervisor outlines the specific problems and areas that need to be changed, and informs the employee of further disciplinary action in the case of continued poor performance or violation. Oral reprimands are documented by the supervisor and placed in the employee's personnel file with a copy to the employee.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 11, Disciplinary Actions / § 11.20. Formal reprimand.

§ 11.20. Formal reprimand.

The supervisor gives the employee a formal reprimand in writing and places it in the individual's personnel file. The written reprimand includes the date and description of the incident, reference to the personnel policy which is violated, and statement of further disciplinary action should the situation not improve, and is to be signed by the employee, with a copy given to the employee.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 11, Disciplinary Actions / § 11.30. Suspension.

§ 11.30. Suspension.

The supervisor may remove the employee from his/her job and suspend him/her with or without pay with the signed approval of the department head and First Selectman for a period not to exceed 30 days. A written memorandum outlines the circumstances leading to the suspension and sets goals for improvement. It is reviewed with and signed by the employee and permanently placed in the employee's personnel file.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 /

APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 11, Disciplinary Actions / § 11.40. Dismissal or demotion.

§ 11.40. Dismissal or demotion.

If previous discipline has not resulted in the required improvement, or when the misconduct is serious enough to warrant this action, the employee may be dismissed or demoted by the First Selectman. The basis for dismissal or demotion is summarized in a letter of dismissal or demotion to the employee.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 11, Disciplinary Actions / § 11.50. Hearing.

§ 11.50. Hearing.

Prior to dismissal, an employee may request, in writing, a hearing before his/her supervisor and/or the First Selectman. Upon such written request, the department head and/or First Selectman will schedule a hearing. (Refer to Section 12, Employee Complaint and Hearing Procedure.)

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 12, Employee Complaint and Hearing Procedures

SECTION 12, Employee Complaint and Hearing Procedures

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 12, Employee Complaint and Hearing Procedures / § 12.10. Reasons for complaint filing.

§ 12.10. Reasons for complaint filing.

A. Discharge, suspension, or other disciplinary action.

B. Interpretation of job description.

C. Interpretation of Town or Department policies.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 12, Employee Complaint and Hearing Procedures / § 12.20. Complaint procedure.

§ 12.20. Complaint procedure.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 12, Employee Complaint and Hearing Procedures / § 12.21. Time Limits.

§ 12.21. Time Limits.

A. Since it is important that complaints be processed as rapidly as possible, the number of days indicated at each step is considered as a maximum. The time limit specified may, however, be extended by written agreement.

B. If an employee does not file a written complaint at step one of the formal procedure within three working days after the employee knew or can reasonably be expected to have known of the act or condition on which the complaint is based, then the complaint is considered waived.

C. Failure of the employee at any step to appeal a complaint to the next step within the specified time limits is deemed to be acceptance of the last decision rendered.

D. Failure of the Town to render a decision within the specified time limit is deemed to be denial of the complaint submitted, and the employee may proceed to the next step within the time limit which would apply if a written denial had been rendered on the day on which the time period for response expired.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 12, Employee Complaint and Hearing Procedures / § 12.22. Regular full-time and regular part-time employees.

§ 12.22. Regular full-time and regular part-time employees.

A. For regular employees, employee complaints concerning the administration of these rules are

as follows:

(1) The complaining employee first notifies his/her immediate supervisor in writing of the nature and facts of the complaint within three working days after its occurrence. The immediate supervisor meets and discusses the complaint with the employee and notifies him/her of his/her decision in writing within six working days after the employee's notification.

(2) If a satisfactory solution is not reached under (1) above, the employee submits the nature and facts of the complaint in writing to the department head within three working days of the conclusion of action under (1) above. After the department head receives such complaint, he/she meets as soon as practical and discusses the matter with the concerned parties and notifies the employee of the decision in writing within six working days of the meeting. If the employee's immediate supervisor is the department head, he or she proceeds to step 3.

(3) Complaints not satisfactorily resolved at the department level, or for which a reply is not given in the specified time, are submitted in writing to the First Selectman's designee within three working days of the completion of action under (2) above. The First Selectman's designee then meets with the employee and such other persons as the First Selectman's designee deems necessary for the discussion and settlement of the complaint. The First Selectman's designee renders a written resolution of the complaint within six working days of its receipt.

(4) Complaints that cannot be satisfactorily resolved by the First Selectman's designee may be submitted to the First Selectman for final decision within three days of completion of action under (3) above. The First Selectman will investigate and render a final decision within a reasonable time of receipt.

(5) The Personnel Sub-Committee substitutes for the First Selectman on all complaints initiated by persons whose appointment and removal is made by the First Selectman, for the second step in the process. If the matter remains unresolved, these employees may submit a complaint involving suspension, demotion or dismissal only to the full Board of Selectman for final decision within three days of completion of action of the Personnel Sub-Committee.

(6) The First Selectman and department head, as applicable, is notified immediately of each step of the process. In the case of a supervisor below department head level receiving the first notice, the department head is also notified.

13, Exhibits

SECTION 13, Exhibits

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 13, Exhibits / § 13.10. Exhibit 13.10, Report of Outside Employment Form, is included as an attachment at the end of this chapter.

§ 13.10. Exhibit 13.10, Report of Outside Employment Form, is included as an attachment at the end of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / SECTION 13, Exhibits / § 13.20. Exhibit 13.20, Conflict of Interest Acknowledgement Form, is included as an attachment at the end of this chapter.

§ 13.20. Exhibit 13.20, Conflict of Interest Acknowledgement Form, is included as an attachment at the end of this chapter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / Equal Employment Opportunity

Equal Employment Opportunity

[Amended 9-12-2011]

It is the policy of the Town to provide equal employment opportunities to all applicants and employees regardless of race, color, religion, creed, sex, age, national origin, marital status, handicap, ancestry, sexual orientation, gender identity or expression, past or present history of mental disorder, mental retardation, learning disability, or physical disability, including, but not limited to, blindness, except in the case of a bona fide occupational quality or need, and to treat

applicants and employees in a non-discriminatory fashion in compliance with all state and federal law. This policy applies to all areas of employment, including recruitment, hiring, training and development, promotion, transfer, termination, layoff, compensation, and all other conditions and privileges of employment in accordance with applicable federal, state, and local laws.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / Harassment and Sexual Harassment Policy

Harassment and Sexual Harassment Policy

[Amended 9-12-2011]

A. Introduction.

The Town recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex and from peers as well as supervisors. It is the goal of the Town of Simsbury to promote a workplace atmosphere free of discriminatory intimidation, and to that end, harassment of any kind of employees occurring in the workplace or in other settings in which employees may find themselves will not be tolerated. The procedures outlined below in the section entitled Complaints of Harassment and Sexual Harassment equally apply to harassment based on protected characteristics other than sexual harassment, including but not limited to race, color, age, religion, sexual orientation, marital status, ethnicity, ancestry, national origin, disability, or gender identity or expression.

B. Sexual Harassment.

1. *Federal and State Law.*

Sexual harassment is against the law. Title VII of the Civil Rights Act of 1964 is the

specific federal law prohibiting sexual harassment. It is also prohibited by the Connecticut Fair Employment Practices Act, Conn. Gen. Stat. Section 46a-60.

2. *What is Sexual Harassment?*

Sexual harassment is defined as any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when:

a. Submission to conduct is made either explicitly or implicitly a term or condition of an individual's employment;

b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

c. Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Examples of sexual harassment include:

a. Offering employment benefits or giving preferential treatment in exchange for sexual favors;

b. Retaliation against or getting someone back who turns down sexual advances;

c. *Visual Conduct:* leering, making sexual gestures, displaying sexually suggestive objects, pictures, cartoons, calendars, magazines, or posters;

d. *Verbal conduct:* whistling and catcalls making or using derogatory or sexual comments, epithets, slurs, or jokes. Referring to another person as "doll," "babe," "honey," or a name of this type;

e. Verbal sexual advances or propositions, including repeated and unwanted requests for a date;

f. Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual;

g. Obscene or sexually orientated computer or phone mail messages, suggestive or obscene letters, notes or invitations;

h. Physical conduct, such as touching, an unwanted neck and shoulder massage, assault, impeding or blocking movements; and

i. Repeated and unwelcome comments about one's physical appearance or attire.

C. Complaints of Harassment or Sexual Harassment.

Any employee who believes that s/he has been subject to harassment or sexual harassment has the right to file a complaint. This may be done in writing or orally. The employee should immediately contact the First Selectman or Department Head. If the Department Head or First Selectman is the alleged harasser or if the employee feels uncomfortable contacting the Department Head or First Selectman, the employee should immediately contact the Director of Social Services or any other department head with whom he/she is comfortable discussing the matter. All complaints of harassment or sexual harassment will be promptly and thoroughly investigated. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. The investigation will include a private interview with the person filing the complaint and with witnesses, where necessary. The Town will also interview the person(s) alleged to have committed sexual harassment. The findings of the investigation, along with any other proposed actions will be

sent in writing to the individual who files the complaint and the person(s) alleged to have committed harassment or sexual harassment, as appropriate.

D. Retaliation Prohibited.

Any employee who reports unlawful harassment or cooperates in the investigation or a complaint will be protected from retaliatory action. If it is determined that inappropriate conduct has occurred, the Town will act promptly to eliminate the offending conduct, and where it is appropriate, will also impose discipline.

E. Disciplinary Action.

If it is determined that inappropriate conduct has been committed by an employee, the Town will take such action as is appropriate under the circumstances. Such action may range from counseling to termination of employment, and may include such other forms of disciplinary action as the Town deems appropriate under the circumstances.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / Workplace Threats and Violence Policy

Workplace Threats and Violence Policy

Nothing is more important to the Town than the safety and security of its employees. Threats, threatening behavior, intimidation, harassment or acts of violence against customers, employees, clients, visitors, guests, or other individuals by anyone on Town property or during working time will not be tolerated. Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and prosecution.

Except as may be required as a condition of employment, (1) no employee shall bring into any worksite any weapon, including, but not limited to, any firearm, including a BB gun, whether

loaded or unloaded, any knife, including a switchblade or other knife having an automatic spring release device, a stiletto, any police baton or nightstick or any martial arts weapon or electronic defense weapon, or dangerous instrument including, but not limited to, any instrument, article, or substance that, under the circumstances, is capable of causing death or serious physical injury; (2) no employee shall use, attempt to use, or threaten to use any such weapon or dangerous instrument in a worksite; and (3) no employee shall cause or threaten to cause death or physical injury to any individual in a worksite.

Any person who makes threats, exhibits threatening behavior, or engages in intimidating, harassing or violent acts on Town property shall be removed from the premises as quickly as safety permits, and shall remain off Town premises pending the outcome of an investigation.

Upon completion of its investigation, the Town will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

All Town personnel are responsible for notifying a supervisor any threats that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a Town site, or is connected to Town employment. Employees are responsible for making this report regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. Any supervisor who becomes aware of threatening behavior must immediately notify the First Selectman. Any employee who reports unlawful workplace threats or violence or cooperates in the investigation of a complaint will be protected from retaliatory action.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / EXHIBIT 13.10 - Report of Outside Employment Form

EXHIBIT 13.10 - Report of Outside Employment Form

REPORT OF OUTSIDE EMPLOYMENT

Per Section 5.3/8.3 Town Personnel Rules and Regulations

DATE: _____

NAME: _____

DEPARTMENT: _____

Please complete the appropriate section below:

I do not have employment outside of my position with the Town of Simsbury.

_____

(Signature)

I presently have additional employment outside of my position with the Town of Simsbury.

_____

(Signature)

NATURE OF OUTSIDE EMPLOYMENT

Employer: _____

Address: _____

Phone Number: _____

Comments: _____

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / Exhibit 13.20 - Conflict of Interest Acknowledgement Form

Exhibit 13.20 - Conflict of Interest Acknowledgement Form

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT

PART I ADMINISTRATIVE LEGISLATION/Chapter 13, ETHICS, CODE OF/

Acknowledgment Form and Charter Section 1103

I have read Section 1103 of the Charter of the Town of Simsbury, the Code of Ethics Ordinance, and the Guidelines issued thereunder. I understand my responsibilities as a member of _____, an employee of the Town or a consultant retained

by _____, and I am in compliance with the Charter and the Code of Ethics. I have indicated in the space below any areas of conflict should they arise in matters before our board, commission, agency or department, and I agree to report any future conflicts under the provisions of Section 1103 of the Charter.

Areas of Exception:

CONFLICTS OF INTEREST – SECTION 1103

CONFLICTS OF INTEREST. It is hereby declared to be the policy of the Town that any elected or appointed officer, any member of any board or commission or any employee of the Town who has a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or any board or commission, shall disclose that interest to the Board of Selectmen, which shall record such disclosure upon the official record of its meetings. Such disclosure of a financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or of any board or commission shall disqualify such elected or appointed official or such member of a board or commission or such Town employee from participation in the awarding, assignment or discussion of said contract, transaction or decision. Violation by any such official, board or commission member or employee of the provisions of this section shall be grounds for his/her removal.

_____

Signature

_____ Date: _____

Name (Please Print)

Code of Ethics Acknowledgement Form 2009

Instructions for the Acknowledgment Form

Thank you for your service to the Town of Simsbury. The purpose of this acknowledgement form is to confirm your understanding of the Simsbury Code of Ethics and your obligations to disclose and disqualify yourself from any conflict of interest that should arise. It also provides you the opportunity to identify possible future conflicts before they arise.

The Simsbury Charter Section 1103 and § 13-12 of the Code of Ethics require the disclosure of any "financial interest, direct or indirect, in any contract, transaction or decision of any officer or agent of the Town or of any board or commission."

Please list in the box labeled Areas of Exception any relationships you have, positions you hold (volunteer or otherwise), or circumstances that you believe could contribute to a conflict of interest between the Town of Simsbury and your personal or professional interests, financial or otherwise. Reportable disclosures may include any entity or organization for which you or a family member are an employee, consultant, officer, director, or owner if that business conducts any business with or represents the interests of others before the Town of Simsbury or any of its boards or commissions.

If you have any questions on how to complete this form, please contact your supervisor or the Chair of the Board or commission on which you serve.

Please Note: Disclosure of a possible Area of Exception on this form does NOT relieve you from reporting the disclosure again when it arises and disqualifying yourself from the conflict of interest situation in accordance with either section of the Charter and/or Code.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A160, PERSONNEL RULES AND REGULATIONS / Drug and Alcohol-Free Workplace Policy

Drug and Alcohol-Free Workplace Policy

TOWN OF SIMSBURY

DRUG AND ALCOHOL-FREE WORKPLACE POLICY

Adopted by Board of Selectmen, September 14, 2009

Town of Simsbury

Drug and Alcohol-Free Workplace Policy

TABLE OF CONTENTS

I. Purpose

II. Applicable Federal and State Regulations

III. Terms and Definitions

IV. Categories of Testing

V. Policy Standards

1. Use of Prescribed and Over the Counter Medication
2. Requirement of Cooperation with Testing Procedure

VI. Employee Awareness Program/Supervisor Training Program

VII. Testing Methodology

1. Pre-Employment
2. Random Testing
3. Reasonable Suspicion Testing

-Reasonable Suspicion Alcohol

-Reasonable Suspicion Controlled Substances

A. Drug Test

B. Alcohol Test

4. Post Accident-Testing
5. Return to Duty Testing
6. Unannounced Follow Up Testing

VIII. Urine Collection and Alcohol Testing Procedures

IX. Employees Admitting to Drug and/or Alcohol Abuse Prior to Notification of Test

X. Amendments to Policy

I. PURPOSE

The purpose of this document is to outline the policy of The Town of Simsbury to comply with Federal and State of Connecticut requirements to maintain a drug and alcohol free workplace for the employees of the Town. The Town of Simsbury is firmly committed to operating in the safest and most efficient manner possible. As a responsible employer, the Town of Simsbury is also committed to promoting the safety and welfare of its employees and the public. The widespread problem of drug and alcohol abuse in our society is a potential threat to those objectives, endangering not only the public, but also the future of the Town of Simsbury and the personal lives of its employees.

It is the responsibility of each employee to ensure that he/she is drug free in compliance with the requirements outlined in this policy.

II. APPLICABLE FEDERAL AND STATE REGULATIONS

This policy was developed and will be implemented in accordance with the following Federal and State of Connecticut rules and regulations, which are applicable to the Town of Simsbury:

- Title 49 of the Department of Transportation, Federal Highway Administration, and the regulations thereto provide for Controlled Substance Testing: This statute and these regulations provide for testing of all applicants and employees who have the potential to operate commercial motor vehicles with a gross vehicle weight rating (GVWR) over 26,000 pounds, transport 16 or more passengers (including the driver) or transport placarded hazardous materials as deemed by the Town of Simsbury.

- State of Connecticut General Statute § 14-261b: Allows testing of employees who drive vehicles with a GVWR of 10,001 pounds or more but not more than 26,000 pounds, mechanics who repair or service such vehicles or a commercial motor vehicle, as defined in Conn. Gen. Stat. § 14-1, or a forklift operator, driver or mechanic to submit to

testing as provided by Federal Law. "Driver" means an employee driver or a contract driver under contract for 90 days or more in a period of 365 days.

- State of Connecticut General Statutes 31-51t through 31-51aa: Allows reasonable suspicion testing of any individual currently employed or formerly employed and currently being rehired by the Town of Simsbury within 12 months of terminating employment including individuals in managerial positions. "Prospective employee" means any individual applying for employment with the Town of Simsbury, other than an individual who terminated employment with the Town of Simsbury within 12 months prior to such application.

III. TERMS AND DEFINITIONS

Legal Drug – Includes prescribed drugs and over-the-counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

Illegal Drugs – Any drug which: (a) is not legally obtainable; (b) may be legally obtainable but has not been legally obtained; or (c) is being used in a manner or for a purpose other than as prescribed. The term "illegal drugs" also refers to mind-altering and/or addictive substances which are not sold as drugs or medicines but are used for mind or behavior altering effect.

Employees – All workers at the Town of Simsbury, including; full and part time, temporary, seasonal and contractors.

Job Applicant – A person who has applied for, or is being considered for a position. NOTE; this does not include anyone who has previously worked for the Town within the last 12 months.

Safety Sensitive Position – Any position which requires the performance of physical or supervisory tasks directly affecting operations which, if performed improperly, could result in injury or death to employees or others or could result in significant property damage. A position may also be classified as sensitive if it involves responsibilities requiring a high degree of trust and confidence. Designation must be obtained from the Connecticut Department of Labor for a position to be classified as safety sensitive.

On Duty – Includes all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the company in any capacity.

Town Property – Includes work sites, parking lots, vehicles, or offices owned, rented, utilized, or serviced by the Town; or employee-owned or employee-rented vehicles on the property of the Town, and locations where the employee represents the Town in any capacity.

Under the Influence – Any behavior of an employee while at work which is inhibited by use of drugs or alcohol.

Use – The presence of illegal drugs and/or alcohol on or in an employee while at work.

Fit for Duty – Assumes employees arrive at work able to perform job duties without the influence of any substances.

Medical Review Officer (MRO) – A licensed physician with MRO certification who provides consultation and guidance with regard to drug testing and who is responsible for reviewing laboratory results generated by testing agent.

Substance Abuse Professional (SAP) – A licensed physician, a licensed or certified psychologist, a licensed or certified social worker, a licensed or certified employee assistance professional, au alcohol and drug abuse counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, but not

state certified drug and alcohol counselors, who provide a comprehensive assessment and clinical evaluation to determine if an employee requires assistance to resolve drug and/or alcohol misuse problems. When an SAP determines that an employee does require assistance in this regard, the SAP must recommend a course of treatment which the employee must successfully complete before being allowed to return to work.

Designated Employer Representative (DER) – The Town of Simsbury employee assigned the task of maintaining confidential employee files/information on issues of substance abuse in the workplace.

Refused Drug Test – Refusing to consent to drug testing, switching or adulterating a specimen, or failure to complete or sign any drug test related form.

Split Sample Testing – The urine specimen is collected in a sterile, single-use, sealed container which shall be unwrapped in the presence of the employee who is to give the sample. For split sample testing, the procedure shall be followed with both specimen bottles, or if only one collection bottle is to be used, the split sample shall be poured into a second container in the presence of the employee. The second or "split specimen" will be tested for the presence of drugs if the test on the first specimen is positive.

Verified Positive Test Result – A drug test which was conducted using reliable methodology and produced two positive results.

Employee Assistance Program (EAP) – A program which functions as a professional, confidential, counseling service for a company's employees.

Counseling – Recognized forms of counseling include individual, group, self-help, religious, family, in-patient, out-patient and any combinations thereof.

Rehabilitation – The process of participating in counseling for the purpose of terminating drug and alcohol abusive behavior.

Successfully Rehabilitated – A person who has successfully completed a counseling program within a defined period of time. (Experience has shown that 18 months is the minimum time frame for successful rehabilitation. Remaining drug free is a life long effort of recovery.)

IV. CATEGORIES OF TESTING

Detection will be accomplished through the following categories of drug and alcohol testing as outlined in 49 U.S.C. § 31306, 49 CFR Part 40 and Part 382, and Conn. Gen. Stat §§ 31-51t to 31-151aa:

1. Pre-employment (all employees)

2. Random Testing (safety-sensitive employees covered by Federally mandated program and Conn. Gen. Stat. § 14-261b only – for example, drivers, forklift operators, mechanics)

3. Reasonable Suspicion (all employees)

4. Post Accident (safety-sensitive employees only = drivers, forklift operators, mechanics)

5. Return-To-Duty (all employees)

6. Unannounced Follow Up Testing (all employees)

The drugs to be tested for are as follows:

Marijuana

Cocaine

Phencyclidine (PCP)

Opiates

Amphetamines

Alcohol – Blood Alcohol Concentration (B.A.C.) levels of .02 or greater will preclude an individual from performing a safety-sensitive function as defined by the Federal Motor Carrier Safety Regulations for a period of 24 hours. *Levels >/= .02 are considered positive.*

All employees with B.A.C. levels >.02 will be provided transportation to their residences by the Town of Simsbury.

The Town of Simsbury will train all appropriate supervisory personnel to recognize the signs and symptoms of substance abuse.

V. POLICY STANDARDS

Employees are prohibited from using, selling, manufacturing, receiving, distributing, dispensing or possessing any illegal drug. No employee may be under the influence of alcohol while on duty. "On duty" includes all working hours, as well as meal periods and break periods, regardless of whether on premises, and all hours when the employee represents the Town of Simsbury in any capacity. The abuse of prescription or over the counter (OTC) drugs is also prohibited. These restrictions apply to employees while on Town property, while operating Town or personal vehicles on Town business, or while representing the Town in an official capacity on or off the Town premises. Possessing any illegal drug or drug paraphernalia in a locker, desk, automobile or other repository on Town premises is prohibited. The illicit use of controlled substances is prohibited at any

time.

When the Town of Simsbury has any reason to believe that an employee is violating this policy, that employee can be asked by the designated Town official to submit immediately to a search or inspection at any time while on Town property. This includes a search of an employee's person and/or the requirement that the employee make their locker, personal belongings, work station, or vehicles available for inspection. An employee's refusal to consent to a search or inspection when requested by the Town will be regarded as a violation of this policy and is grounds for disciplinary action.

If the Town has a reasonable suspicion that the employee is under the influence of drugs or alcohol, the Town may request that the employee consent to a test for those substances. Any employee who tests positive as indicated by the test and confirmed by the Medical Review Officer will be subject to disciplinary action up to and including termination. In addition, any employee who refuses such a request shall be subject to disciplinary action up to and including termination.

In the event an Employee tests positive for drugs, the Employee has the right to have the "split" specimen analyzed at a different SA.M.H.S.A. certified laboratory. If requested, this test will be performed at the Employee's expense. In the event an Employee cannot "void" (shy bladder) after consuming 40 fluid ounces over a three-hour period, the Employee will be evaluated by a medical doctor to determine if this is a physical problem. If not, the test will be classified as a "refusal" i.e. dealt with as a positive.

Any employee who tests positive for alcohol, B.A.C. of .02 or higher, will be subject to disciplinary action up to and including termination.

No employee shall perform safety-sensitive functions within four hours after using alcohol. The Town of Simsbury shall not permit an employee to perform or to continue to perform safety-sensitive functions, while having actual knowledge that a driver has used alcohol within four hours of performing their safety-sensitive function. In the event that an employee cannot perform the breath test (shy lung), he/she will be evaluated bye medical doctor to determine if there is a medical condition that prohibits the employee from

performing the breath test. If the doctor determines that there is not an existing medical condition, the test, will be classified as a "refusal" i.e. dealt with as a positive.

Any expenses associated with Substance Abuse Professional evaluation and/or rehabilitation services resulting from a positive drug or alcohol test will not be paid for by the Town, except as provided for under the group health insurance benefits provided by the Town.

1. Use of Prescribed and Over the Counter Medication

The Town of Simsbury will permit prescribed and over-the-counter medication and/or the use of medication on the Town premises, specifically prescribed for the employee by his/her physician; that is clearly labeled with the employee's name, the name of the medication and the physician's Federal Drug Enforcement Administration license number, provided the substance is used at the dosage prescribed or authorized and it does not impair the employee's ability to perform his or her job or endanger their safety or the safety of others. It is the responsibility of the employee to notify the employee's immediate supervisor that they are using a prescription drug and to produce documentation of this drug prior to commencing work.

The Medical Review Officer will make a good faith judgment with knowledge of the employee's assigned duties and on the basis of the available medical history, that use of the substance by the employee at the prescribed or authorized dosage level is consistent with the safe performance of the employee's duties. Any medication brought on Town property must be carried in its original container.

2. Requirement of Cooperation with Testing Procedure

Each employee required to be tested pursuant to this policy must cooperate with the collection procedures. If a person refused to cooperate with the collection process, the collection site person shall inform the designated employer representative and shall document the non-cooperation on the Urine Custody and Control form.

Any person who refuses to cooperate in providing a sample or is found to have, in any way, tampered with or substituted a sample shall be terminated

VI. EMPLOYEE AWARENESS PROGRAM/SUPERVISOR TRAINING PROGRAM

A major tool in the battle against drug use is education and awareness. Accordingly, the Town of Simsbury will educate its employees about the dangers of drugs, their effects and consequences. The education program will help motivate employees to understand the problems associated with using drugs, the misuse of alcohol and the ways such use could compromise their personal functioning as well as their functioning on the job. To accomplish this objective, a number of approaches will be taken to include the following:

- An employee education and training program for all employees. The education component shall include: Informational material on the dangers of drug and alcohol abuse on personal health, safety and the work environment, and the manifestations and behavioral patterns that may indicate drug or alcohol abuse.

- The Town of Simsbury Drug and Alcohol-Free Workplace Policy including the consequences of violating the drug and alcohol policy.

- The resources available including: drug and alcohol counseling, rehabilitation, and Employee Assistance Programs (EAP).

Supervisory employees who will be determining when an employee is subject to drug and alcohol testing based on reasonable suspicion under this policy shall receive at least one hour of additional training on the physical, behavioral, and performance indicators of probable drug use and one hour on the symptoms of the abuse of alcohol. Supervisors and managers will be trained in the following:

- Work related performance behaviors in relation to drug and alcohol, including intervention techniques with employees with substance abuse problems.

- How to use the EAP and/or community resources.

- How to supervise an employee with performance problems.

- What to expect from those employees in substance abuse rehab programs.

VII. TESTING METHODOLOGY

All drug testing conducted pursuant to this policy will be performed via urinalysis. Alcohol tests may be conducted by the use of an initial screen (non-evidentiary test) and if the presence of alcohol is detected, the confirmation test will be conducted on an Evidentiary Breath Testing unit (E.B.T.). In the absence of a non-evidentiary test the screening test will be conducted on an E. B. T. The E. B. T. will be operated by a Breath Alcohol Technician (B.A.T.). All of the above procedures will be consistent with 49 CFR Part 40 and Conn Gen. Stat. § 31-51t et. seq.

1. Pre-Employment (all employees)

All final applicants for employment as employees are required to submit to a drug test. The applicant will be informed that the urine specimen being collected will be tested for drugs to include Marijuana, Cocaine, Opiates, Phencyclidine (PCP) and Amphetamines. Final applicants will be required to sign a form (see attached) consenting to the drug test and authorizing the release of any drug and/or alcohol test results to the Town of Simsbury.

Any applicant who decides not to cooperate in the pre-employment drug test may withdraw his/her application. No record will be maintained of the declination. Final applicants who test positive for drugs will be rejected for employment. Pre-employment alcohol testing is required under the DOT/FHWA but is suspended until further notice. If and/or when Pre-employment alcohol testing is reinstated the testing methodology used will be Breath Alcohol Testing devices in accordance with the DOT mandated program. The Town of Simsbury will follow the DOT guidelines as far as how the test should be administered as well as the confidentiality and integrity of the results and record keeping.

2. Random Testing (safety-sensitive employees covered by the Federally mandated program and Conn. Gen. Stat. § 14-261b only-drivers, forklift operators, mechanics).

All employees as defined in the Federally mandated Program and Conn. Gen. Stat. § 14-261b, will be subject to random drug and alcohol testing. Selection of employees to be tested will be administered by a Third party Management Company utilizing a validated computerized random selection program. This program ensures that every covered employee has an equal opportunity of being selected at any given time. The annual testing rate for drugs is 50% of the total covered employees and 25% for alcohol.

Notification of an employee's selection will not be provided until the employee's tour of duty in which the drug and alcohol test is to be conducted. Immediately upon notification of being randomly selected the employee is to proceed to the collection facility.

There will be two separate pools one of which will be for the Federally mandated employees and the other pool will be for the Connecticut General Statutes § 14-261b covered employees.

3. Reasonable Suspicion Testing (all employees)

Under this type of testing, the employee will be removed from service without pay pending the outcome of the test(s). The employee will be returned to service with back pay if the outcome of the test(s) is negative.

In all eases where an employee is subject to reasonable suspicion testing, an evidentiary report of reasonable suspicion must be completed and signed by a supervisor before the test results are released or within 24 hours of the observed behavior, whichever is earlier. Supervisory employees must receive at least one hour on drug and one hour on alcohol training in the physical, behavioral, and performance indicators of probable drug and alcohol use if they will be determining when an employee is subject to testing

based on reasonable suspicion under this section.

Reasonable Suspicion Alcohol – an employer shall require an employee to submit to an alcohol test when the employer has reasonable suspicion to believe that the employee has violated the prohibitions of this policy and the FHWA guidelines subpart "B" concerning alcohol. The employer's determination that reasonable suspicion exists to require the employee to undergo an alcohol test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee.

Reasonable Suspicion Controlled Substances – an employer shall require an employee to submit to a controlled substance test when the employer has reasonable suspicion to believe that the employee has violated the prohibitions of this policy and the FHWA guidelines subpart "B" concerning controlled substances. The employer's determination that reasonable suspicion exists to require the employee to undergo a controlled substances test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The observations may include indications of chronic and withdrawal effects of controlled substances. The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a trained supervisor or a trained Town of Simsbury official.

Reasonable suspicion does not require certainty. Mere hunches or "gut feelings", however, are not valid in making a reasonable suspicion determination. If supervisors with training in the identification of the signs and symptoms of drug and alcohol use reasonably conclude that there are objective facts indicative of use of drugs and or alcohol, this is sufficient justification for testing.

A. Drug Test

Employees of the Town of Simsbury are required to submit to a urine analysis for the purpose of detecting the presence of controlled substances (drugs) when a supervisory employee has reasonable suspicion as defined above.

B. Alcohol Test

Employees of the Town of Simsbury are required to submit to a breath alcohol test for the purpose of detecting the presence of alcohol when a supervisory employee has reasonable suspicion as defined above.

Under this type of testing, the employee will be removed from service without pay for 24 hours if the confirmation alcohol test result is .02 to .039 B.A.C. (an alcohol confirmation test result of .02 or greater is considered a positive by the Town of Simsbury).

If the confirmation alcohol test result is .04 or greater the employee is deemed to be positive for alcohol and must be removed from their safety sensitive function immediately. The employee is no longer qualified to perform his/her safety sensitive function until evaluated by a SAP who determines that the employee has properly followed any rehabilitation program recommended and takes a Return-To-Duty test with a negative result (the cost of the SAP evaluation, rehabilitation services and Return-To-Duty drug test will be paid for by the employee). The employee will be subject to unannounced follow up testing with a minimum of six tests in the first 12 months (Follow up testing will be scheduled and paid for by the Town of Simsbury).

4. Post Accident Testing (safety-sensitive employees covered under the Federally mandated program, only – drivers, forklift operators, mechanics)

Under this type of testing, employees may be removed from service without pay pending the outcome of the test(s). The test(s) must take place within 32 hours of an accident as defined below: The alcohol test should be conducted within two hours, but no later than eight hours after the accident. If the test is not conducted within these parameters, the reason must be documented. The employee will be returned to service with back pay if the outcome of the test(s) is negative. Post-accident drug testing is required of any employee involved in an accident as defined below:

"Accident" means an occurrence associated with the operation of a commercial vehicle, if.

- There is a fatality (Test is mandatory);
- A vehicle is towed from the scene (if the accident and a citation (includes a written warning) is issued to the employee, and
- Medical treatment is administered away from the scene of the accident and a citation (includes a written warning) is issued to the employee.

(Except in cases involving fatalities, a test is not required if a citation (includes a written warning) is not issued to the employee).

If an alcohol test required under this section is not administered within two hours following the accident, the employer shall prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If the alcohol test is not administered within eight hours following the accident, the employer shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Records of tests that could not be completed within eight hours shall be submitted to the FHWA in Washington, DC., upon request of the Associate

Administrator. If a controlled substances test is required under this section and is not administered within 32 hours following the accident, the employer shall cease attempts to administer a controlled substances test and shall prepare and maintain on file a record stating the reasons the test was not promptly administered. Records shall be submitted to the FHWA in Washington, D.C., upon request of the Associate Administer.

If the Town of Simsbury's employee has not received a citation (includes a written warning) immediately, the Town of Simsbury representative should follow up with the local law enforcement agency at a minimum of four times within the first eight hours of the accident via telephone and fax communication to verify if the Town's driver will be issued a citation (includes a written warning) and document such communications and maintain on file. If the Town representative does not receive a conclusive report from such law enforcement agency, the Town representative should continue the communication follow up until either a final conclusion is determined or 32 hours has elapsed from the time it was determined that the accident could possibly meet the definition of an accident as stated in this section.

5. Return-To-Duty Testing

After being evaluated by a Substance Abuse Professional (SAP) to determine that the employee has properly followed any rehabilitation treatment/assistance program, any employee who tested positive must have a negative Return-To-Duty drug and/or alcohol test result before returning to work.

6. Unannounced Follow Up Testing

Upon returning to work (after a negative Return-To-Duty test) the MRO or SAP will schedule unannounced Follow Up tests for up to 60 months. For alcohol at least six tests must be conducted in the first 12 months upon reporting to work.

VIII. URINE COLLECTION AND ALCOHOL TESTING PROCEDURES

All aspects of urine analysis, drug and alcohol testing, collection and Chain of Custody procedure shall be conducted in strict accordance with the Town of Simsbury's Substance Abuse Testing Procedures and the Department of Human and Health Services (D.H.H.S.) standards as outlined in 49 CPR Part 40.

IX. EMPLOYEES ADMITTING TO DRUG AND/OR ALCOHOL ABUSE PRIOR TO NOTIFICATION OF TEST

In accordance with and subject to other applicable policies and procedures, any employee who admits to Controlled Substance Abuse and/or Alcohol Abuse prior to notification that a drug and or alcohol test is required, may avoid termination on the basis of Drug Abuse or Alcohol Misuse and be allowed the opportunity to reform. Any employee who seeks assistance as stated above must be evaluated by a Substance Abuse Professional (SAP) to determine if assistance is needed. If assistance is needed, the employee shall submit to rehabilitation treatment/assistance as a condition for continued employment with the Town of Simsbury, and the employee further agrees that any such continued employment with the Town is contingent upon successful completion of any rehabilitation treatment/assistance as well as take a return to duty drug or alcohol test and be subjected to unannounced follow up testing, as required by the Employee Assistance Program (EAP). The Town of Simsbury must receive in writing a signed original letter by the SAP of their evaluation and the Town reserves the right to speak with the SAP with regards to their evaluation. Any rehabilitation costs will be paid for by the employee.

X. AMENDMENTS TO POLICY

The Town of Simsbury reserves the right to amend this policy at any time, at its discretion or in accordance with any applicable law.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING

Chapter A161, PURCHASING

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury 3-23-1992.[EN(2)] Amendments noted where applicable.]

GENERAL REFERENCES

First Selectman duties -- See Charter Section 602.
Expenditures and accounting -- See Charter Section 912.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-1. Purpose; objectives.

§ A161-1. Purpose; objectives.

A. Be it resolved by the Board of Selectmen of the Town of Simsbury that in order to amplify Sections 602 and 912 of the Town Charter and to provide a systematic and uniform standard of purchasing policies, the Board hereby adopts the following procedures which are incorporated into this chapter.

B. Purchasing objectives:

(1) To procure materials, supplies, equipment, public improvements, and services at the lowest cost consistent with the quality and service rendered.

(2) To conduct purchasing without regard to political affiliation, race, sex, age, religion, national origin, disability, family relationship or business associations of vendors, contractors or consultants.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-2. Purchase orders required.

§ A161-2. Purchase orders required.

All proposed purchases shall be supported by a purchase order issued prior to purchase, signed by the issuing department head and the Finance Director or his agent. Oral approval may be given in emergencies but shall be followed immediately by a written purchase order.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-3. Annual orders.

§ A161-3. Annual orders.

Annual orders of items used on a volume basis, which exceed, in the aggregate, $2,000, shall follow the procedures outlined below. No scheduled purchase on the annual order shall exceed $100 unless authorized by a purchase order.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-4. Verbal and written quotes.

§ A161-4. Verbal and written quotes.

Purchases in amounts from $500 to $2,000 shall have documented verbal quotes, whenever possible, from at least three vendors. Purchases in amounts from $2,000 to $7,500 shall have written quotes, whenever possible, from at least three vendors.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-5. Bids; contracts required.

§ A161-5. Bids; contracts required.

Purchases or contracts expected to exceed $7,500 shall require formal sealed bids and the execution of a written contract between the lowest responsible, qualified bidder and the Town. Such sealed bids shall.be opened in public at the time and place designated in the specifications. The Town may accept substitutes that meet the same criteria as outlined in the specifications. Requests for formal sealed bids shall be issued by the issuing department head, received by the date due and turned in to the Finance Director.

A. Bids expected to be between $7,500 and $25,000 shall be solicited from at least three vendors from a list of interested vendors. The vendor list shall be maintained, updated, and distributed by the Finance Director or his agent. A notice shall be published in a newspaper having a general circulation in the Hartford area, during the first week of May and the first week of June each year, inviting all interested vendors and contractors to submit their names and area of interest to the Finance Director. Vendors may be added to the list at any time, or at the initiative of the Finance Director. Every attempt shall be made to retain a list containing no fewer than three vendors. In case of exception, approval of the Board of

Selectmen shall be required.

B. Purchases or contracts expected to exceed $25,000 shall be advertised at least 10 days prior to the bid opening in a newspaper having a general circulation in the Hartford area by means of a formal "invitation to bid."

C. An appropriate fee may be charged for a copy of plans and specifications, said fee, or portion thereof, to be refunded upon return of the plans and specifications within the designated period.

D. A bid bond equal to 5% of the bid, a 100% performance bond and a 100% labor and materials or payment bond shall be posted for all contracts in excess of $15,000, other than commodities, in a manner acceptable to the Director of Finance.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-6. Awarding of contract.

§ A161-6. Awarding of contract.

The Finance Director or the First Selectman is authorized to award contracts, with the following exception, which shall be awarded by action of the Board of Selectmen: any bid other than the lowest responsible bid when the contract or purchase is in excess of $5,000.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-7. Signing of purchase orders or contract.

§ A161-7. Signing of purchase orders or contract.

A. The Finance Director and/or First Selectman is authorized to sign all purchase orders. The First Selectman is authorized to sign all formal contracts approved under the appropriate procedure as stipulated herein.

B. Under an existing contract, any change order which increases the contract amount shall be subject to prior budgetary approval by the Finance Director and approved by the First Selectman for any change in the scope of the project.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-8. Rejection of bids.

§ A161-8. Rejection of bids.

The board, person or agent having the authority to award may reject any or all bids, part of all bids or all bids for any one or more supplies or contractual services included in the proposed contract, or waive defects in same when the public interest will be served best thereby.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-9. Determination of equal bids.

§ A161-9. Determination of equal bids.

In the case of equal bids involving a local and outside vendor, the local vendor shall be given preference, providing that both are equally qualified to perform the service. If two equally qualified outside (local) bidders submit equal bids, the winner shall be selected by drawing lots or the flip of a coin.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-9.1. Local vendor preference; Town-based business. [Added 10-26-2009]

§ A161-9.1. Local vendor preference; Town-based business. [Added 10-26-2009]

A. "Town-based business" defined. "Town-based business" shall mean a business with a principle place of business located within the Town of Simsbury. A business shall be considered to be a Town-based business by establishing through competent evidence that the business has a bona fide principle place of business in Simsbury. Such evidence shall include proof of fee ownership or a long-term lease of the real estate for the building where the principal place of business is operated. A documented Town-based business shall maintain such status throughout the term of any contract with the Town of Simsbury. Failure to maintain such status or to keep current on all property tax obligations to the Town of Simsbury or the Simsbury Fire District shall be grounds for the Town to terminate the contract.

B. Local vendor preference. For the procurement of any goods advertised for bid pursuant to the Town's Purchasing Regulations, as amended, the lowest responsible bid shall be determined in the following order:

   (1) Any Town-based business which has submitted a responsible, responsive bid for

purchases exceeding $2,500 but less than $250,000, which is not more than 5% higher than the lowest qualified bid or quote, may be awarded the contract so long as such Town-based business meets the specification requirements and details and agrees to provide the supplies, materials, equipment, commodities and/or services which are the subject of such procurement at the same price and the same contract terms as the lowest qualified bid received. Notwithstanding the foregoing, to qualify for the bid award, each Town-based business shall meet all other terms, conditions and requirements set forth in the purchasing regulations and the bid solicitation. This section shall not apply to bids for purchases in excess of $250,000.

(2) In the event that more than one Town-based business submits a bid or quote not more than 5% higher than the lowest qualified bid or quote, the award shall be to that Town-based business originally submitting the lowest qualified bid or quote.

C. Implementation of local bidder preference. Any bidder claiming to meet the requirements of a Town-based business as defined in this section shall be required to submit a signed Town-based bidder affidavit form with the bid submittal. Such affidavit shall include a certification that the Town- based business is paid in full on all current property tax obligations owed to the Town of Simsbury and the Simsbury Fire District. Failure to submit the Town-approved affidavit form shall result in disqualification as a Town-based bidder and ineligibility for contract award unless such requirement is waived by the Town upon a finding by the Town that such waiver is in the Town's best interest. This section applies to bids submitted by vendors and contractors that will directly supply the Town's requirements and specifically excludes agents and/or subcontractors of general contractors.

D. Restrictions on use of local bidder preference. This section shall not apply to any bid solicitation were the preference created by this section would violate federal and state law or any existing contracts. This section shall not apply in bid solicitations where the bid requested involves a cooperative purchasing arrangement between the town and other municipalities, the State of Connecticut or the Capitol Region Council of Governments Purchasing Council.

E. Expiration. This section shall expire on November 1, 2013, unless it is reauthorized by the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-10. Exemption from bids.

§ A161-10. Exemption from bids.

A. Purchases made through or on the basis of regional or state agency bids shall be exempted

from any bidding procedures.

B. A purchase may be made or contract awarded for a supply, service or construction item without a competitive bid when it is determined that there is only one source for the required supply, service or construction item. Such determination shall be made after appropriate advertisement in the newspaper, trade magazine, or similar medium of general circulation.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-11. Professional services contracts.

§ A161-11. Professional services contracts.

Contracts for professional services (legal, engineering, architectural, etc.) shall not be governed by these regulations, but every effort shall be made to secure well-qualified professionals at the best terms possible for the Town.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-12. Emergencies.

§ A161-12. Emergencies.

A. In case of emergency the First Selectman may, or in the best interest of the Town, the Board of Selectmen may, waive the procedures outlined herein, and the Board of Selectmen may prescribe alternative procedures for specific situations.

B. Emergency situations shall be those in which the operation of a department would be seriously hampered; or in which life, limb or property may be endangered; or in which the health or welfare of the general public is seriously threatened.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-13. When effective; revisions.

§ A161-13. When effective; revisions.

These bidding and purchasing regulations shall become effective as of March 23, 1992, and may be revised or amended from time to time by formal action of the Board of Selectmen.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 /

APPENDIX / Chapter A161, PURCHASING / § A161-14. Board of Education transactions.

§ A161-14. Board of Education transactions.

Separate procedures shall be established for Board of Education transactions.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-15. Conflict with Charter or state law.

§ A161-15. Conflict with Charter or state law.

In the event of any conflict between these procedures and the Charter of the Town of Simsbury or the Connecticut General Statutes, these procedures shall be construed to conform to the Charter or statutes, as the case may be.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A161, PURCHASING / § A161-16. Review and adoption.

§ A161-16. Review and adoption.

The procedures outlined herein shall be reviewed, amended if necessary, and adopted by the Board of Selectmen on an annual basis. These procedures shall remain in effect until amended.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE

Chapter A162, RULES OF PROCEDURE

[HISTORY: Adopted by the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN]

ARTICLE I, Board of Selectmen [Adopted 12-7-2009[EN(3)]]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-1. Adoption of standards.

§ A162-1. Adoption of standards.

The Board of Selectmen adopts Robert's Rules of Order as a general guide for the conduct of all regular and special meetings. The Board of Selectmen will conduct its business in accordance with all other applicable rules and regulations including state statutes and the Town Charter.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-2. Inclusion of items on agenda; distribution of agenda.

§ A162-2. Inclusion of items on agenda; distribution of agenda.

When possible, the agenda, along with relevant resource material, will be distributed to the Board members four days prior to the meeting. Items not specifically included on the agenda may be included by a two-thirds vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting. Under no circumstances will any item be added to the agenda later than 9:00 p.m. or two hours after the beginning of the meeting, whichever is earlier. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-3. Placement of items on agenda by Board member.

§ A162-3. Placement of items on agenda by Board member.

A member of the Board may have an item placed on the agenda by contacting the First Selectman or Director of Administrative Services at least seven days prior to the meeting.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-4. State of the Town Message.

§ A162-4. State of the Town Message.

The First Selectman may present a "State of the Town Message" at the beginning of one regular meeting per month.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-5. Public participation.

§ A162-5. Public participation.

One period of not less than 20 minutes may be set aside at the beginning of each regular meeting of the Board of Selectmen to allow members of the public present to address the Board. Each speaker will be limited to five minutes. After all those who wish to speak have done so, previous speakers may be allowed to speak again at the end of the meeting for an additional five minutes, at the pleasure of the Board. When the First Selectman identifies a number of speakers who wish to speak in public audience which would exhaust the time allowed, a shorter period for each speaker shall be set Any citizen so speaking shall identify himself/herself by name and address and if he/she is representing a group or organization, he/she may so state. The First Selectman, upon approval by unanimous consent, may allow additional public participation on an agenda item under discussion. From time to time, the Board of Selectmen may schedule special meetings or regular meetings devoted to a particular topic or topics.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-6. Time placement of agenda items.

§ A162-6. Time placement of agenda items.

When a board, commission, organization, or individual is invited to the meeting to discuss a particular agenda item, that item shall be placed on the agenda at the time requested, if possible.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of

Selectmen [Adopted 12-7-2009EN] / § A162-7. Routine agenda items.

§ A162-7. Routine agenda items.

All other items of a routing nature, such as ratification of bid awards, tax rebates, resignations and appointments, communications, committee reports, etc., shall be placed in the final portion of the agenda.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-8. Executive session.

§ A162-8. Executive session.

The Board of Selectmen may enter executive session as permitted by Connecticut General Statutes.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-9. Votes and minutes of Board of Selectmen.

§ A162-9. Votes and minutes of Board of Selectmen.

In accordance with Chapter 14, Section 1-225, of the Connecticut General Statutes entitled "Freedom of Information Act," the votes of each member of the Board of Selectmen upon any issue before the Board of Selectmen shall be reduced to writing and made available to the public within 48 hours. These votes shall also be recorded in the minutes of the Board of Selectmen meeting. Further, a draft of the minutes of the Board of Selectmen meeting shall be available for public inspection within seven days of the session to which they refer. The First Selectman's office will post the actions taken by the Board of Selectmen and both the draft and final version of the meeting minutes on the Town's Web site when available.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-10. Completion of meetings.

§ A162-10. Completion of meetings.

It is the Board of Selectmen's objective to complete meetings by 10:30 p.m. when possible.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A162, RULES OF PROCEDURE / ARTICLE I, Board of Selectmen [Adopted 12-7-2009EN] / § A162-11. Expiration.

§ A162-11. Expiration.

These Rules of Procedure will be in effect until the end of the Board's term, December 2011.

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A163, SPECIAL ACTS

Chapter A163, SPECIAL ACTS

[The following is a list of the Special Acts passed by the General Assembly of the State of Connecticut relating to the Town of Simsbury. The complete text of these Special Acts is on file in the Clerk's office.]

CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v36 Updated 10-01-2013 / APPENDIX / Chapter A163, SPECIAL ACTS / § A163-1. List of Special Acts.

§ A163-1. List of Special Acts.

Act No.	Approval Date	Subject
102	3-27-1939	Providing for biennial elections
Unnumbered	5-21-1945	Abating taxes on property of Tariffville Fire District
264	7-22-1945	Collection of taxes and tax liens
Unnumbered	3-29-1949	Procedure to elect members of Zoning Board of Appeals
Unnumbered	7-5-1951	New bridge over Farmington River

Act No.	Approval Date	Subject
119	5-1-1953	Amends Act No. 102 of 1939 regarding officials to be elected
495	7-1-1953	Authorization to establish retirement system
463	5-29-1956	Authorization to establish Town Planning and Zoning Commission
31	4-22-1959	Validation of acts and omissions of Zoning Board of Appeals
32	4-22-1959	Validation of 4-6-1949 Special Town Meeting
25	4-25-1961	Validation of actions of Zoning Commission, Town Plan Commiss- ion and Zoning Board of Appeals
75	5-16-1961	Validation of acts and omissions of Zoning Commission
421	7-10-1961	Validation of certain ordinances adopted by Town Meetings
32	5-24-1965	Authorizing Board of Education to present claim to State Department of Education for cost of fire doors and smoke barriers
75-31	5-16-1975	Right of Simsbury Sewer Association to levy sewer liens
85-99	7-8-1985	Payments in lieu of taxes by Metropolitan District to Farmington River watershed towns
87	6-2-1987	Exemption for reimbursing the state for the provision of potable water
90-23	6-6-1990	Authorization of state grant commitments for school building projects

Act No.	Approval Date	Subject
92-14	5-27-1992	Authorization of state grant commitments for school building projects
93-41	6-29-1993	Authorization of state grant commitments for school building projects
96-15	6-12-1996	Authorization of state grant commitments for school building projects
03-6	5-12-2003	Validation of the results of a referendum held 5-21-2002 relating to resolutions appropriating funds for various capital projects

Endnotes

1 (Popup - Popup)

Editor's Note: : This legislation also superseded the former Ch. A160, adopted 7-14-1986 by resolution, as amended.

2 (Popup - Popup)

Editor's Note: This resolution also repealed former Ch. A161, Purchasing, adopted 5-30-1990.

3 (Popup - Popup)

Editor's Note: This resolution also superseded former Ch. A162, Rules of Procedure, Art. I, Board of Selectmen, adopted 12-3-2007.