



TOWN OF GRAY
GRAY TOWN COUNCIL WORKSHOP
AGENDA • DECEMBER 14, 2022

**Gray Town
Council Workshop**

Town Council Chambers
24 Main Street, Gray, ME 04039
<https://us06web.zoom.us/j/89830243111>
Phone 646-558-8656 / Meeting ID: 89830243111

5:30 PM

CALL to ORDER

Roll Call

WORKSHOP 5:30 PM

- Discuss/finalize personnel policy/travel reimbursement policy
- Finalize Public Works Director job description/reorganization plan
- Discuss set backs for small sheds/structures - to determine if it is added to workplan
- Discuss Principle Group final report
- Discuss newspaper public notice rate comparisons

** The Town of Gray is an equal opportunity employer and complies with all applicable equal access to public accommodations law. If you are planning to attend a Town Council or Town committee or board meeting and need assistance with a physical disability, please contact the Town Manager's office at least 48 hours in advance of the meeting to have the Town assist you. 657-3339. TTY 657-3931.*



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

OFFICE OF THE TOWN MANAGER

Nate Rudy, Town Manager
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(207) 657-3339

December 1, 2022

TO: Gray Town Council

RE: Proposed clarifications to the Town Travel Policy and the role of the Human Resources department in personnel matters

As the administrator of the Town Personnel Policy, I have attached my recommendation for revisions to the document to clarify the role of the new Human Resources Director position in personnel matters, and to clarify elements of the travel policy.

Gray seeks to attract and retain the best candidates in an increasingly competitive employment environment, in which public service jobs are not as attractive as they once were. Modern families are increasingly blended and/or multi-generational, and Maine, Cumberland County, and Gray are diversifying to include people of different ethnic and belief backgrounds. Maine's new discrimination by association laws require renewed discretion in how Gray requires employees to document their travel expenses, and the travel policy should not be used as an avenue to interpret expenses in a manner that discriminates against a particular employee, their health needs, their manner of lifestyle with respect to eating or lodging needs, or their familial/household associations to people in protected classes.

My policy recommendations clarify policy matters related to employee travel expenses, embody Gray's commitment to diversity and equity, and acknowledge that the cost of employee travel goes beyond just the cost of travel, lodging, and meals. Our travel documentation should not require employees to reveal personal information that could be used to discriminate against them, or could invite such accusations and legal challenges. The policy recommendations follow broadly accepted accounting standards, protect Gray from liabilities, and simplify the travel reporting process for the employee, work managers, and accounting. There will be negligible or no change in the cost to the Town between the per-diem and receipt reimbursement methods. The proposed policy

ties travel reimbursement rates to a broadly used standard that factors in cost differentials for different destinations and is regularly updated by the Federal government. It also explicitly states that Town funds will not be used to purchase alcohol or other intoxicants. It leaves discretion for the Town Manager to approve the purchase of alcoholic beverages related to business development purposes. It protects the Town from the risk of costly discrimination litigation.

The revision includes a provision for Town Department Heads and the Town Manager to communicate known travel dates and expenses as part of the annual budget setting process. It also identifies the Human Resources Director as the primary contact for questions related to the Personnel Policy, and corrects language related to the extension of probationary employment periods beyond the legally permitted duration of six months.

Harassment & Discrimination

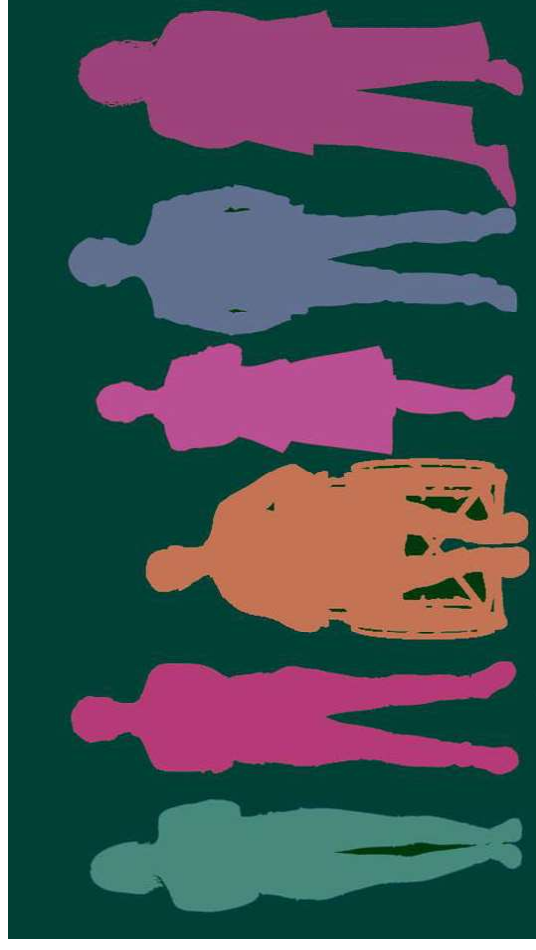
2022 Legal Update

Maine Municipal Association Labor and Employment Law Seminar
October 25, 2022

Tara A. Walker, Esq. (she/her/hers)
Bernstein Shur
Labor & Employment Practice Group

Associational Discrimination

- ADA- May not take certain actions against an individual who has a relationship or association with a disabled person because of that relationship/association.
- Title VII – May not take certain actions because of a relationship to a third party on the basis of a protected characteristic, i.e., one’s sex, race, etc.
 - Specific contours are still being developed following Supreme Court’s decision in *Bostock*.
- MHRA tracks the ADA and Title VII.



Familial Status

MHRA: Now includes “familial status” defined as:

- One or more individuals who have not attained 18 years of age and are living with a parent or another person having legal custody of the individual or individuals or the designee of the parent or other person having custody with the written permission of the parent or other person; or
- One or more individuals 18 years of age or older who lack the ability to meet essential requirements for physical health, safety or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions.
- The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or who is in the process of securing legal custody of any individual who has not attained 18 years of age.



Familial Status Discrimination

- Tina, a human resources employee, has agreed to the Town's "remote work" agreement, which (for purposes of this hypothetical) specifies that "remote work is not a substitute for childcare" and that employees are required to obtain adequate childcare for all hours worked remotely.
- Two days in a row, Tina has not logged in during scheduled hours. Rather they have sent you responses to e-mails late into the night, at 9:00p and 10:00p.
 - **Can the Town counsel or discipline her?**
- Same facts, but now the employee is failing to respond in a timely way to e-mails. Last week, you asked Tina to review some documents for a project that is due on Thursday, but she did not respond until late Tuesday night, two days before the project is due. By that time, you had already reassigned the project to Tim, another employee.
 - **Can the Town counsel or discipline her?**

PERSONNEL POLICY

Town of Gray

Adopted: February 2, 2010

Amended: February 21, 2012

Amended: February 18, 2020

Amended: June 7, 2022

[Amended: November 15, 2022](#)

Table of Contents

Section 1 - Mission Statement.....	5
Section 2 - Definitions.....	5
Section 3 - Administration.....	6
Section 4 - Employment.....	7
A. Applications.....	7
B. Classifications.....	8
C. Probation.....	8
D. Conduct.....	9
E. Professional Dress Standards.....	10
F. Electronic Communications Policy.....	11
G. Telephone and Personal Cell Phone Usage.....	11
H. Smoking.....	11
I. Drug Free Workplace Act.....	11
J. Drugs.....	12
K. Alcohol.....	12
L. Personnel Files.....	12
M. Evaluations/Reviews.....	12
N. Outside Employment.....	12
O. Vital Information.....	13
P. Conflict of Interest.....	13
Q. Confidentiality.....	14
Section 5 – Hours of Work.....	14
A. Overtime.....	14
B. Compensatory Time.....	15
C. Absences.....	15
D. Call-In.....	16
E. Emergencies.....	16
Section 6 – Compensation.....	16
A. Pay Schedule.....	16
B. Pay Dates.....	16
C. Position Changes.....	16
D. Cost of Living Adjustment (COLA) / Merit Raises.....	17
E. Fire / Rescue Per-Call Stipend.....	17

F.	Travel Expenses	17
G.	Outside Compensation	18
Section 7 - Benefits		18
A.	Social Security	18
B.	Health and Major Medical Insurance.....	18
C.	Life Insurance	18
D.	Town Offered Optional Benefits	18
E.	Retirement.....	18
F.	Sick Time	19
G.	Personal Time	20
H.	Vacation Time.....	20
I.	Discretionary Time	21
J.	Bereavement Time.....	21
K.	Leave of Absence.....	21
L.	Military Service Leave.....	21
M.	Holidays	22
N.	Jury Duty.....	23
O.	Family Medical Leave Act.....	23
P.	Earned Paid Leave	23
Q.	Remote Work.....	23
R.	Emergency Telework.....	26
Section 8 – Resignations		26
Section 9 – Disciplinary Procedures.....		27
A.	Just Cause	27
B.	Disciplinary Actions	27
C.	Suspension	27
D.	Discharged Without Just Cause	27
E.	Employee Termination	27
Section 10 – Grievance Procedure		28
Section 11 –Harassment		29
A.	Sexual Harassment.....	29
B.	Harassment.....	30
C.	Reporting a Complaint.....	30
D.	State Law	30
Section 12 – Political and Outside Activities		30

Section 13 – Safety.....	30
A. Workers Compensation.....	31
B. Infectious Disease	31
Section 14 – Severability.....	31
APPENDIX A - FAMILY MEDICAL LEAVE ACT	32
APPENDIX B – MAINE FAMILY MEDICAL LEAVE ACT.....	39
APPENDIX C - ELECTRONIC COMMUNICATION POLICY	42
APPENDIX D – EMPLOYER / EMPLOYEE CONTRIBUTION.....	44
APPENDIX E - OPTIONAL BENEFITS	45
APPENDIX F – INFECTIOUS DISEASE POLICY.....	46
APPENDIX G – EARNED PAID LEAVE.....	49

Be it hereby resolved by the Gray Town Council of the Town, Maine:

Section 1 - Mission Statement

The Town of Gray (hereafter “Town”) recognizes that employment within its government shall be based on merit. As an Equal Opportunity Employer, the Town shall employ and promote employees without discrimination as to race, creed, age, sex, sexual orientation, disability, national origin or political affiliation; the best qualified persons who are available at the salary level established for the position, with first preference being given to citizens of the Town, all other factors being equal.

The Personnel Policy that follows is designed to promote and maintain equal employment conditions for all Town employees. Positions have been classified, where necessary, to clarify policies which apply strictly to employees with similar duties, authority, compensation or responsibilities. This policy is adaptive in nature and may be amended to meet the Town's future needs. This policy shall be applicable to all employees as defined within and is not a contract of employment.

Section 2 - Definitions

- 1) Appointing Authority: The Town Manager or the Town Council.
- 2) Employee: Denotes any person hired to a position by the Town Manager.
- 3) Regular, Full-Time: Employees who are not in a temporary, per-diem or probationary status and who are regularly scheduled to work the Town’s full-time schedule are, generally, eligible for the Town’s benefit package, subject to the terms, conditions and limitations of each benefit program. Reference Appendix for Employer / Employee Contributions.
- 4) Regular, Part-Time: Employees who are not assigned to a temporary, per-diem or probationary status and who are regularly scheduled to work less than a full-time schedule, but no less than 20 hours per week. These employees receive all legally mandated benefits and are eligible for the Town’s benefit package at full cost to the employee subject to the terms, conditions and limitations of each benefit program. Reference Appendix for Employer / Employee Contributions. If hours worked during a pay period drop under 20 hours per week, no vacation or sick time will be accrued for that pay period.
- 5) Probationary: Employees whose performance is being evaluated to determine whether further employment in a specific position or with the Town is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classifications.
- 6) Temporary: Employees who may or may not work a specified number of hours per week but who is employed on a ~~short-short~~ term basis at the discretion of the Town, usually for a specified term or project or are employed as part of seasonal operations, and whose employment will normally end at the conclusion of those seasonal operations during any given year.

Employment beyond any initially stated period does not; in any way imply a change in employment status. Temporary employees retain their status until they are legally notified of a change. A change to or from this category can be accomplished only with the written consent of the Town Manager. Although temporary employees receive legally mandated benefits they are ineligible for the Town's benefit package.

- 7) Per-diem: Employees who routinely work either a full-time or a part-time schedule and who accept additional compensation in lieu of participation in all but legally-mandated benefits. The Town offers this category in limited classifications and to a limited number of employees, such as Rescue EMTs. Service in this category cannot be credited in any way toward any benefit program, even if the employee is later assigned to a benefit-eligible classification. A change to or from this classification can be accomplished only with the written consent of the Town Manager.
- 8) FLSA: Fair Labor Standards Act.
- 9) Legally Mandated Benefits: Social Security and Workers Compensation Insurance.
- 10) Full-Time Schedule: For the purposes of determining benefits eligibility, a full-time schedule means a minimum of thirty-five (35) hours per week, based on a calendar year.
- 11) Good Standing: Employees who are not the subject of disciplinary action by the Town are considered in good standing.
- 12) Immediate Family: Includes parents, spouse/domestic partner, brother, sister, children (including step-children), grandparents, mother-in-law, father-in-law, sister-in-law, brother-in-law.
- 13) Hire Date: The date when an individual is notified of their employment with the Town of Gray. This date is not to be confused or used synonymously with an employee's start date which effects their benefit eligibility date.
- 14) Start Date: The date on which an employee actually commences work for the Town of Gray. This date is used to determine an employee's benefit eligibility date as applicable.

Section 3 - Administration

The Town Manager shall be the Administrator of the Personnel Policy. It shall be their duty to:

- a) Encourage and exercise leadership in the development of sound personnel practices among the departments of the Town;
- b) Advise the Gray Town Council regarding manpower needs and utilization;
- c) Foster and develop programs for the improvement of employee effectiveness including training, safety, health, counseling and courtesy when dealing with the public and respectfulness of municipal property;

- d) Establish and maintain records of all Town employees in the public service, setting forth as to each employee: classification, title, salary or status, sick time, vacation time and any other relevant data;
- e) Ensure that at least one bulletin board shall be set up within easy access to each employee for the purpose of required Department of Labor posters, advertising job position openings, public notices, departmental regulations, etc.;
- f) Apply and perform any act, which may be necessary or desirable to carry out the purposes and provisions of the Personnel Policy.

Section 4 - Employment

A. Applications

- 1) Original hires to positions in Groups I, II, III and IV shall be announced by posting notices in the Town Office, Post Office and such other places within the Town as may be deemed appropriate by the Town Manager, including at least one newspaper of general circulation. The Town Manager shall have final hiring authority on all municipal hires.
- 2) Applications shall be made on forms provided by the Town. Such forms shall require information covering training, experience and other pertinent information. All applicants must sign their application forms. Any misrepresentations, falsifications or material omissions may result in an applicant's exclusion, or, if the person has been hired, termination.
- 3) Preference may be given to qualified applicants who are residents of the Town.
- 4) Vacancies in positions above the entrance level shall be filled by promotion whenever, in the judgment of the Town Manager, it is in the best interests of the Town to do so. In the case of promotion, appropriate consideration shall be given to the applicant's qualifications, record of performance or seniority.
- 5) A person responsible for the hiring of new employees within a department may not hire a relative. A relative is a "person connected with another by blood or affinity".
- 6) The Town is an Equal Opportunity Employer and is committed to complying fully with the Americans with Disabilities Act (ADA).
- 7) The Town complies with the Immigration Reform and Control Act of 1986. Each new employee must complete Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility the original to be kept on file with the ~~Finance~~Human Resources Department.
- 8) The Town will check references and needed licensure of qualified job applicants.

- 9) An offer of employment is conditional on the following where applicable: a medical examination, a psychological evaluation, a criminal background check, a drug and alcohol test and a driving record. It is the practice of the Town of Gray to initiate at least a criminal background check for all prospective employees, as well as necessary independent contractors and volunteers to ensure the welfare and safety of the citizens in the Town of Gray.

B. Classifications

The Town Manager shall develop and recommend a classification plan for all positions in Groups I, II, III and IV. The classification plan shall consist of job descriptions specifying title, typical duties and responsibilities. The Town Manager shall assign the position a salary or wage range in accordance with the adopted pay schedule.

Before the classification plan, or any part thereof, shall become effective, it shall be approved, by order from the Gray Town Council.

The Town has established four (4) employment classifications.

- a) Group I: All full-time, salaried exempt employees.
- b) Group II: All full-time, hourly paid employees
- c) Group III: All regular part time employees.
- d) Group IV: All probationary, temporary, casual and per-diem employees. (This category **does not** include full-time hires in probationary status.)

C. Probation

The probationary period is intended to give a new employee the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Town uses this period of time to evaluate an employee's capabilities, work habits, and over-all performance. Either the employee or the Town may end the employment relationship at will, during the probationary period, with or without cause or advance notice.

All new or rehired employees shall work on a probationary basis for the first six months from their date of hire or a time as established in writing by the Town Manager. Probationary basis shall be consistent with regulations as established by the FLSA. ~~The Town Manager at their discretion may extend an employee's probationary status, but for no longer than an additional six (6) months.~~

During the initial probationary period, new employees are eligible for legally-mandated benefits. New employees shall not be eligible for health care benefits until the first day of the month following the first thirty (30) days of employment after their start date. New employees shall be eligible for other benefit programs at full cost to the employee. (A list of Town-offered optional benefits is available in Appendix E) Upon satisfactory completion of the initial probationary period, employees enter the established classifications.

An employee who is promoted or transferred within the Town may be required to complete a secondary probationary period with each reassignment to a new position. Any significant absence will automatically extend a probationary period by the length of the absence.

In cases of promotions or transfers within the Town, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary probationary period. If this occurs, the employee may be allowed to return to their former position or to a comparable position for which the employee is qualified, depending on the availability of such positions and the Town's needs.

Employment status is not changed until the end of the secondary probationary period that results from a promotion or transfer within the Town.

D. Conduct

All employees of the Town are expected to follow rules of conduct that will protect the interest and safety of all employees and the Town. Situations or conduct which would reflect negatively or bring discredit upon the Town are also unacceptable. It is not possible to list all forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions that may result in disciplinary action, up to and including termination of employment:

- a) Theft or inappropriate removal or possession of property;
- b) Falsification of time-keeping records;
- c) Working under the influence of alcohol or illegal drugs;
- d) Possession, distribution, sale, transfer or use of alcohol or illegal drugs in the workplace while on duty or while operating employer-owned vehicles and equipment;
- e) Fighting or threatening in the workplace;
- f) Boisterous or disruptive activity in the workplace;
- g) Negligence or improper conduct leading to damage of employer-owned or customer-owned property;
- h) Insubordination or other disrespectful conduct;
- i) Violation of safety or health rules;
- j) Smoking in prohibited areas;
- k) Sexual or other unlawful or unwelcome harassment;
- l) Possession of dangerous or unauthorized materials such as explosives/firearms in the workplace;
- m) Excessive absenteeism or any absence without notice;
- n) Unauthorized absence from the work station during the workday;
- o) Unauthorized use of Town owned equipment;
- p) Illegal or inappropriate activity engaged in while using Town-owned vehicles and equipment, including, but not limited to violation of federal/state law or local ordinance, including those governing cell phone usage and text messaging regulations.
- q) Violation of the Personnel Policy;

- r) Unsatisfactory performance or conduct.

(This list is not intended to be exclusive.)

E. Professional Dress Standards

Appropriate professional attire ensures a safe, distraction-free work environment. Town of Gray employees, including volunteers, interns, and any other individual who would represent the Town, are expected to dress appropriately, and present a professional image while at work.

Professional Attire

Professional attire is expected of all employees consistent with the work location and the nature of work. Employees are asked to use good judgment and present themselves at all times in a manner that best represents the Town. Inappropriate attire includes clothing that is too tight or revealing; clothing with rips, tears, holes, or frays; or any extreme style or fashion in dress, footwear, accessories, fragrances, or hair. Basic elements for appropriate attire include clothing that is in neat and clean condition.

Examples of appropriate Town Hall office and Gray Public Library attire include:

- **Shirts:** Shirts with collars, professional or business casual blouses or tops. Examples of inappropriate shirts include T-shirts, shirts with inappropriate slogans, tank tops, muscle shirts, camouflage, and crop tops.
- **Pants:** Dress slacks, trousers, and denim. Examples of inappropriate pants include shorts, camouflage, and pants worn below the waist or hip line.
- **Shoes:** Dress shoes, loafers, dress sandals. Examples of inappropriate footwear include flip-flops and construction or hunting boots.

Departments may elect to establish different standards based on job roles, safety / OSHA requirements, and level of interaction (or lack thereof) with members of the public. Departments with specific uniform practices in place should refer directly to department guidelines.

ID Badges

Employees visiting or working in Town Hall and the Library must wear their Town-issued ID badge and display the badge where it can be easily read. Picture IDs should be clear and unmarked.

Procedures

Department heads or those with supervising responsibilities are accountable for supporting and enforcing dress and appearance standards in their areas of responsibility. This includes coaching employees whose appearance is inappropriate. Employees who do not meet a professional standard may be sent home to change, and nonexempt employees will not be paid for that time. Repeated violations will lead to

disciplinary action as determined by the Personnel Policy. Questions about procedures should be referred to Human Resources or the Town Manager.

Accommodations

Exceptions and reasonable accommodations will be made as needed. For instance, managers may make appropriate exceptions for special occasions or in the case of inclement weather, at which time employees will be notified in advance. An employee who is unsure of what is appropriate should check with his or her department head.

Additionally, the Town of Gray respects the religious beliefs of its employees and will make, upon request, an accommodation in terms of workplace attire when accommodation is available and does not create an undue hardship or safety issue for the Town. Requests for religious accommodation should be made in writing to the Town Manager.

F. Electronic Communications Policy

See Appendix for current policy.

G. Telephone and Personal Cell Phone Usage

Staff are expected to avoid making or receiving personal calls during work hours. Urgent calls to/from family members can be made/received and should be brief. Employees are expected to exercise the same discretion in using personal cell phones.

Employees contacted by creditors or collection agencies should immediately inform the caller of this policy and end the call. The employee should inform the agency in writing advising them not to contact them at work. Creditors failing to honor such a request can be reported to the Federal Trade Commission at www.ftc.gov.

H. Smoking

Smoking is not allowed in any workplace. It is the policy of the Town to comply with all applicable federal/state laws, and local ordinance regarding no smoking in the workplace and in public places.

Excerpt from the Town of Gray “No Tobacco, Alcohol or Medical Marijuana Use” Ordinance:

“No person(s) shall use or partake of any form of tobacco, alcohol or medical marijuana on/in Town of Gray property, 365 days a year, 24 hours a day. There will be no designated areas to use or partake of any form of the same on/in Town of Gray property. No litter associated with tobacco, alcohol or medical marijuana may be discarded on/in Town of Gray property.”

I. Drug Free Workplace Act

Under the Drug-Free Workplace Act, any employee who performs work for a

government contract or grant must notify the Town of a criminal conviction for drug-related activity occurring in the workplace. Employees concerned with substance dependency and abuse issues are encouraged to discuss these matters with their supervisor or the Town Manager.

J. Drugs

No employee may use, possess, distribute, sell or be under the influence of drugs while on the job or representing the Town. Prescription drugs may be used only if they do not impair the employee's job performance. Violations will result in disciplinary action, which may include termination.

K. Alcohol

No employee may use, possess, distribute, sell or be under the influence of alcohol while on the job and / or representing the Town at official Town proceedings or at Town-hosted events. Violations will result in disciplinary action, which may include termination.

L. Personnel Files

The Town maintains a personnel file on each employee. Personnel files are confidential and are the property of the Town. Personnel files are to be kept locked and secured under the Town Manager's control. Title 26 M.R.S.A § 631 provides employees with access to their personnel records (including former employees and duly authorized representatives). However, a written request for such information must be submitted to the Town. File review and copying must take place at the location where the personnel files are maintained, during normal office hours unless, at the Town Managers discretion, a more convenient time and location for the employee is arranged. Employees are entitled to one free copy of their personnel file per calendar year upon written request.

M. Evaluations/Reviews

Supervisors and employees are strongly encouraged to discuss job performance, goals and professionalism. Formal Written Performance Evaluations are to be completed every twelve months, on or about the anniversary of the date of hire. Employee evaluations shall be signed by the employee, Department Head and Town Manager. An employee may attach a written statement within ten (10) calendar days after any evaluation given to be included in their personnel file.

N. Outside Employment

A Town employee may engage in outside employment. However, no employees may engage in outside employment which in any manner interferes with the proper and effective performance of the duties of their position, results in a conflict of interest, or if it is reasonable to anticipate that such employment may subject the Town to public criticism or embarrassment. Employees must inform their Department Head who shall inform the Town Manager of their outside employment. If the Town Manager determines that such outside employment is disadvantageous to the Town, they shall

notify the employee in writing that the outside employment must be terminated. Any employee who engages in employment outside their regular working hours shall be subject to perform their regular duties first.

O. Vital Information

In order to comply with federal and state regulations as well as for insurance and payroll purposes, employees must notify the [Finance](#)[Human Resources](#) Director, in writing, of any of the following changes:

- a. Address and/or telephone number
- b. Change in marital status
- c. Change in dependent status
- d. Legal change in name or citizenship status
- e. Additional or relevant education or skills acquired since date of
- f. employment
- g. Person to be notified in case of emergency
- h. Change in military status or reserve requirements

P. Conflict of Interest

No employee of the Town shall have any financial interest in or profit from any contract, purchase, sale or work performed by the Town unless otherwise provided for by the Town Council. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or immediate family as listed in the definitions portion of this Policy. Actual conflicts of interest, as well as incidents or situations which create the appearance of a conflict, must be avoided.

- 1) Purchasing - No Town employee who is authorized to make purchases shall have any interest, either directly or indirectly in any contract with the Town. No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence or transactions involving purchases, contracts or leases, it is imperative that they disclose this, as soon as possible, to an officer of the Town, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.
- 2) Gratuities - Compensation paid to the employee in accordance with the Pay Schedule, and reasonable expenses as approved by the Town Manager, shall constitute the sole remuneration for services rendered by an employee in the discharge of Town duties. No additional reward, gift or other form of remuneration shall be accepted by any employee for the discharge of their Town duties. Acceptance of nominal gifts, such as food and refreshments in the ordinary course of business, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.

Personal gains may result not only in cases where an employee or relative has a

significant ownership in a firm with which the Town does business, but also when an employee or relative receives any “kickbacks”, bribes, substantial gifts or special consideration, as a result of any transaction or business dealings involving the Town.

Q. Confidentiality

During the course of their duties, employees of the Town are often privy to information about individuals, which is sensitive and should be kept confidential. Examples include, but are not limited to, labor relations, General Assistance and personnel actions. Employees are expected to respect the confidential nature of such information. Violations will result in disciplinary action, which may include termination.

Section 5 – Hours of Work

The hours of work (starting times, quitting times, lunch times and overtime) will be established within each department subject to the Town Manager's approval.

The hours of work may be changed by mutual agreement of the Department Head and the department employees, subject to Town Manager's written approval.

A. Overtime

Any time actually worked in excess of 40 hours in one work week shall be compensated by overtime pay at a rate of time and one-half, with the exception of employees in Group I. For those employees in Group I, it is understood that compensation is based on the job responsibility; and the person filling the position will be expected to accomplish the work assigned to the position regardless of hours required. For the purposes of overtime calculation, holiday and vacation time will be considered time actually worked, with the exception of floating holidays. Public Works and Maintenance employees will be paid overtime for time worked after their normal daily scheduled hours.

In accordance with FLSA, temporary summer Recreation employees are exempt from overtime.

In accordance with FLSA, Law Enforcement and Fire Protection Employees are entitled to overtime if they work in excess of 212 hours in a consecutive twenty-eight (28) day period.

Fire Protection personnel include firefighters, paramedics, emergency medical technicians, rescue workers, ambulance personnel, or hazardous materials workers who:

1. are trained in fire suppression;
2. have the legal authority and responsibility to engage in fire suppression;
3. are employed by a fire department of a municipality, county, fire district, or State; and
4. are engaged in the prevention, control and extinguishment of fires or response

to emergency situations where life, property, or the environment is at risk.

B. Compensatory Time

Compensatory time is paid time that is earned and accrued by an employee in lieu of immediate cash payment for working overtime hours. Accrual of compensatory time in hours will equal 1.5 the overtime hours worked to correctly compensate the employee in regular hours. (see example below)

- a. Overtime hours worked 2.5 hours = 2.5 hours multiplied by 1.5= 3.75 compensatory time hours.

All compensatory time accrued must be used within six months of their accrual date. At such a time, expired compensatory time will be paid out at the current rate of pay for the employee in the regular hours as calculated, as the regular hours have already been calculated at the required 1.5 rate.

Unless otherwise indicated in writing, each employee will be paid for the overtime hours worked during the normal payroll process. Each Department Head may determine whether the needs of their department are better served by allowing compensatory time to accrue for their employees in lieu of immediate cash payment for overtime hours worked. An employee may submit a written request to their Department Head for accrual of compensatory time in lieu of immediate cash payment for working overtime hours in advance of the hours worked, which will be subject to the Department Head's advance approval.

C. Absences

In the event of an absence due to illness or other personal cause, it is the responsibility of employees to notify their Department Head directly of the absence, as early as possible, but no later than fifteen (15) minutes after their scheduled starting time. If the Department Head is unavailable the employee should contact the Town Manager's Office. A signed Absence request form must be submitted to the [FinanceHuman Resources](#) Department within three working days for Payroll purposes if utilizing eligible time. Absenteesim and excessive tardiness may lead to disciplinary action and/or possible termination.

A completed Absence request form must be submitted by the employee to their Department Head to request utilization of eligible time available. Scheduled Absence requests must be submitted with sufficient time in advance of the requested time off. The Department Head will process an Absence request within a reasonable amount of time (not to exceed five business days unless otherwise indicated to the employee in writing within that time frame). Department Head approval of such requests should cause a minimum loss of service to the public and is subject to approval by the Town Manager. Department Head requests shall be submitted to the Town Manager.

D. Call-In

Except as otherwise provided by law, any employee in Group II who is subject to

being called in to work during their normal off-duty hours shall be paid a minimum of three (3) hours pay for each such call-in. Should they be required to work less than two (2) of the three (3) hours, three (3) hours will be the maximum paid in lieu of overtime compensation. Should they be required to work more than two (2) of the three (3) hours, overtime pay will be calculated on actual time worked.

E. Emergencies

Emergencies requiring the closure of any of the Town's facilities will be announced on local radio and television stations. Employees should be notified no later than one hour prior to the normal opening of the Town's affected public facilities. Employees who scheduled to work will be paid their normally-scheduled hours during official closures. Emergency and essential staff may be asked to work during official closures and will receive regular pay.

Section 6 – Compensation

A. Pay Schedule

The Town Manager shall prepare a pay schedule for all of the positions in the Town. The pay schedule shall reflect fairly the difference in duties and responsibilities and shall be related to compensation for comparable positions in other public and private employment.

The Town Manager shall submit the pay schedule to the Gray Town Council in the form of a resolution. The Council may adopt the pay schedule with or without amendment. Thereafter, no position shall be assigned a salary higher than the maximum provided for the position unless the pay schedule is amended in the same manner as herein provided for its adoption.

Any pay schedule amendments of position or re-assignment requests shall be brought to the attention of the Town Manager by the Department Heads. Changes will be made by the Town Manager in writing and will be based on employee merit.

B. Pay Dates

All employees are paid bi-weekly. If payday falls on a regularly scheduled holiday, employees will receive pay on the last day of work before the regularly scheduled payday. To receive pay before a scheduled vacation or to have pay direct-deposited to bank accounts, employees must submit a written request to the Finance Department. Any questions concerning payroll deductions may be addressed to the Finance Department.

C. Positions Changes

When an individual position is changed by reorganization, creation of a new position, or a change in duties and responsibilities, revisions of the pay schedule or possible job classification changes are necessary and the Town Manager shall recommend the necessary revisions to the Town Council for their approval.

When a regular employee is out for an extended period of time due to illness or injury, the Department Head must review the vacancy to determine if the operations can continue without the position being filled temporarily. The written analysis must include the cost benefits of using existing personnel, including any overtime incurred, versus the promotion or hiring to fill the vacancy. If it is determined that the position must be filled during this period the following shall apply:

- 1) Promotions: In those cases where a regular part-time employee is temporarily promoted to fill the full-time vacancy, the person promoted shall be entitled to receive, all benefits provided to that position as indicated in the positions job classification. The time served in the temporary position shall count towards their second probationary period (as referenced under Section 4-C). Should the individual be returned to their regular part-time status, they shall be entitled to receive all benefits provided to that position as indicated in the positions job classification.
- 2) Hire: If a new person is hired temporarily to fill the full-time vacancy they shall only be entitled to the legally mandated benefits and holiday pay. If they are hired to the position as a full-time employee, then the time worked shall count towards their initial probationary period.

D. Cost of Living Adjustment (COLA) / Merit Raises

Any salary or wage adjustment based on COLA will commence on July 1, of each respective year.

Merit raises will be based on an employee's annual performance evaluation. Merit raises will be awarded as determined in writing by the Town Manager.

E. Fire / Rescue Per-Call Stipend

Fire and Rescue per-call "time" is not included in actual time calculations and is not included in overtime calculations.

F. Travel Expenses

1. Local Travel Expenses

Employees required to drive personal vehicles for approved, ~~legitimate~~ municipal purposes shall be reimbursed by the Town at the current federal mileage rate. Other ~~reasonable-approved~~ expenses will also be reimbursed using a prorated Federal per-diem rate.

- a) ~~however, r~~Requests for local travel reimbursement must be approved by the employee's Department Head or the Town Manager, and must be accompanied by itemized receipts or submission of a travel expense form claiming prorated Federal per-diem reimbursement.

- b) Authorization for personal car use by employees for routine Town business will be at the discretion of the Town Manager. All employees must show proof of insurance and a valid driver's license.
- c) Authorization for personal car use by employees for a specific purpose and approved, in writing, in advance by the Town Manager.
- d) ~~All out-of-town travel expenses for employees must be authorized by the Town Manager, in writing, in advance of the use for which reimbursement is sought.~~
- e) Reimbursement for authorized personal car use shall be at a rate as determined by the Town Council, which will be no less than the Federal mileage rate.
- f) All vehicle travel mileage outside of Gray shall be calculated from City Hall, 24 Main Street, Gray, ME, and mileage calculations shall be documented by the employee and submitted along with the reimbursement request.
- g) When two or more persons travel together on official authorized trips, costs shall be paid to one employee based on the total mileage involved.
- h) Employees are prohibited from purchasing alcohol or intoxicants using Town funds.
- i) Travel expense reimbursements related to grant funded activities shall comply with the reporting requirements of the funder.

2. —Overnight Travel Expenses

Employees are occasionally required to travel overnight and/or out of town for meetings, events, and professional training and certification purposes.

- a. ~~All~~ Out-of-town travel expenses for employees must be authorized by the Town Manager or their designee, in writing, in advance of the use for which reimbursement is sought.
- b. Travel expenses will be reimbursed using either a submission of itemized travel expense receipts or an employee may elect to receive the Federal per-diem rate for lodging and meal expenses.
- c. All vehicle travel mileage outside of Gray shall be calculated from City Hall, 24 Main Street, Gray, ME, and mileage calculations shall be documented by the employee and submitted along with the reimbursement request.
- d. It is understood that travel to conferences and training events may require lodging at rates that exceed the Federal per-diem rate. Employees should make the best effort to balance travel goals, personal safety, and the cost of lodging, and submit documentation of the lodging expense and the Federal per-diem rate with their request to the Town Manager to deviate from the per-diem rate.

- e. Employees electing to use the Federal per-diem meal expense rate may request an advance on their expense report to help cover travel costs.
- f. Employees shall pro-rate total daily meal expenses by one third (1/3) for meals that are covered by the registration for an event, and for meals occurring before or after partial travel days, unless they receive written permission to deviate from this policy.
- g. Employees are prohibited from purchasing alcohol or intoxicants using Town funds.
- h. Travel expense reimbursements related to grant funded activities shall comply with the reporting requirements of the funder.

3. Managerial Authority

Town Department Heads will include anticipated professional development and training travel expenses for department staff in their annual budget proposal, including the purpose of the travel, a list of those travelling, the duration of travel, the estimated cost, and the source of funding. The Town Manager will review annual budget proposals before submitting them to the Town Council.

The Town Manager will include their own anticipated professional development and training expenses in their annual administrative budget proposal, including the purpose of the travel, the duration of travel, the estimated cost, and the source of funding. The travel schedule will be reviewed by Town Council as part of the Town's annual budget development.

Other training sessions and opportunities to participate in professional conferences may arise during the year. Town Department Heads will approve any unanticipated travel costs and time, provided the cost is within their department budget. Unbudgeted travel costs and time can be submitted to the Town Manager for review.

The Town Manager will submit their own unanticipated travel costs and time to the Town Council for review and approval prior to travel.

Town staff may participate in economic development activities that require use of Town funds for outreach events, meetings with prospective developers and business representatives, and campaigns to develop strategic business relationships.

- a. Expenses for economic development campaigns must be authorized by the Town Manager, in writing, in advance of the use for which reimbursement is sought.
- b. Economic development travel and expenses should follow the Town's local and overnight travel policies.
- b-c. The Town Manager has discretion in pre-approving use of Town funds for economic development purposes, including use for travel, lodging, meals, alcohol, and entertainment.

G. Outside Compensation

Any employees receiving payment for services, from non-Town sources, rendered during their normal work day and for which work day Town compensation was given, shall turn the entire amount of that compensation over to the Town Treasurer. This provision does not apply to activities outside the workday or during periods of vacation.

Section 7 - Benefits

A. Social Security

The Town participates, jointly, with employees in Social Security payments. This is a federally mandated benefit and is dependent on current Federal Government standard reimbursements.

B. Health and Major Medical Insurance

Employees in Groups I, II and III are eligible to participate in a Town-sponsored group health insurance plan, which includes hospitalization and Major Medical. The Town will contribute toward coverage for employees in Groups I, II and III as determined annually by the Municipal Budget. When employment ceases, the Town will terminate payment of this benefit and COBRA will be offered as mandated by federal law. COBRA is to be administered by the insurance company if possible. New employees shall not be eligible for health care benefits until the first day of the month following the first thirty (30) of employment after their start date.

C. Life Insurance

Employees in Groups I, II and III may be eligible for Life Insurance at a rate of 1 times their annual salary. The Town will pay toward coverage for employees in Groups I, II and III as determined by the Town Council (according to the most updated Appendix).

D. Town Offered Optional Benefits

Employees in Groups I, II and III may be eligible for other optional benefits at full cost to the employee. A list of Town offered optional benefits is available in the Appendix.

E. Retirement

Employees in Groups I, II, and III are eligible to participate in the Town-established retirement plan. For Groups I and II, the Town will match up to an amount as determined by the Town Council (according to the most updated Appendix), should an employee elect to participate. All new employees shall not be eligible for retirement benefits for the first sixty (60) days of employment.

F. Sick Time

The Town has established a sick time benefit to ensure that employees have a financial resource during periods of illness. The Town does not view sick time as additional

vacation or personal time to be utilized at the will of the employee. Sick time shall be used during periods of actual illness or at the written discretion of the Town Manager. Sick time may be utilized to care for an employee's immediate family as listed in the definitions portion of this Policy. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

Employees in Groups I & II shall be entitled to one (1) day of sick time for each month while employed by the Town. For accrual purposes, one (1) sick day shall equal eight (8) work hours. They shall accrue 3.692 hours per bi-weekly pay period.

Employees in Group III shall earn sick time at an hourly rate of .04615 hours for every hour worked. This accrual rate is determined as follows:

$$3.692 \text{ hours per bi-weekly pay period} / 80 \text{ hours per pay period} = .04615 \text{ per hour}$$

For example, an employ working 20 hours per week (40 hours bi-weekly) would accrue 1.846 sick hours per pay period ($40 \times .04615 = 1.846$).

For the purposes of sick accrual calculations, holiday and vacation time will be considered time actually worked. Sick time, personal time, discretionary time, FMLA and bereavement time will not be considered time actually worked.

The Town Manager may require a physician's certificate as a condition of an employee's utilization of sick time. Employees, who utilize three or more days of sick time consecutively, may be required to furnish a physician's certificate, explaining the employee's condition in direct relation to their ability to perform their job responsibilities in accordance with their job description. Persons drawing workers' compensation or absent on an FMLA absence will not accrue sick time.

All unauthorized use of sick time shall be considered as an unauthorized absence from work and as unpaid time. Unauthorized use of sick time shall be considered an action subject to discipline.

Accrual Cap

Accrual of sick time will not exceed 960 hours. Employees who have an excess of this cap as of January 1, 2023 will maintain their sick time hours until such time as the accrued hours may fall below 960 hours, at which time the cap will be in force.

Sick Time Donation

Regular full-time employees and regular part-time employees may choose to donate up to twenty-four (24) hours to another full- or part-time employee of the Town of Gray in a fiscal year.

Payout for Accumulated Sick Time

As of October 1, 2022, employees in Groups I & II, having achieved at least ten (10)

years of service to the Town of Gray will be entitled upon separation to pay equal to one half of that employee's accumulated sick time, not to exceed three hundred and sixty (360) hours.

As of October 1, 2022, employees in Groups I & II having achieved at least five (5) years of service will be entitled upon separation to pay equal to one half of that employee's accumulated sick time, up to two hundred (200) hours.

As of October 1, 2022, payout is not available to employees in Groups I & II having achieved less than five (5) years of service.

An employee who is not in good standing upon separation from employment for any reason will receive no payout of accumulated sick time.

G. Personal Time

Any employee in Groups I or II will receive an annual personal time allocation of 16 hours. Personal time does not accrue year to year and is not subject to payout upon separation.

Whenever possible, personal time must be requested and approved in advance by the employee's work manager / Department Head. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

H. Vacation Time

Employees in Groups I & II shall be entitled to two (2) weeks (80 hours) of vacation time each year. Employees with five years of service shall be entitled to three (3) weeks (120 hours) of vacation time each year. Employees with ten (10) years of service shall be entitled to four (4) weeks (160 hours) of paid vacation time each year. For accrual purposes, one (1) vacation day shall equal eight (8) work hours. Vacation time shall be accrued to each eligible employee during each pay period at the following rates:

- a. Under five years of service-3.08 hours;
- b. Five-ten years of service-4.62 hours;
- c. Ten years of service and after-6.16 hours.

Employees in Group III shall earn vacation time at an hourly rate of .0385 hours for every hour worked. This accrual rate is determined as follows:

$$3.08 \text{ hours per bi-weekly pay period} / 80 \text{ hours per pay period} = .0385 \text{ per hour}$$

For example, an employ working 20 hours per week (40 hours bi-weekly) would accrue 1.54 vacation hours per pay period ($40 \times .0385 = 1.54$).

Whenever possible, vacation time must be requested and approved in advance by the employee's work manager / Department Head. The Town also recognizes employees' ability to use time consistent with Maine's Earned Paid Leave Law.

Vacation time is not intended to be cumulative. Vacation time will cease accruing at the employee's individual limit as determined by their year's of service and their employment classification. Exceptions may be made at the written discretion of the Town Manager.

Exceptions may be made at the discretion of the Town Manager; provided however, with respect to the Town Manager's own annual time, they must, each year, advise the Town Council of the status of their annual time and, if applicable, request written permission from the Town Council to carry the same forward to the next year. Copies of the Town Manager's status report on their own annual time and the Town Councils written response shall be placed in the Town Manager's personnel file. Town employees and the Town Manager must take extended time within 180 days of the year earned.

I. Discretionary Time

Additional time off with pay may be granted in writing to any employee by the Town Manager at their discretion. Such time must be used within one (1) calendar year and is not payable to the employee upon separation from employment in good standing.

J. Bereavement Time

Special time with pay shall be granted to employees in Groups I, II & III for up to three (3) days for absence caused by the death of a member of the immediate family, as listed in the definitions portion of this Policy.

K. Leave of Absence

Other than FMLA, a leave of absence without compensation shall not exceed a length as determined in writing by the Town Manager and shall be based on the employee's past work performance.

A person on a leave of absence without pay shall not be entitled to holiday, sick or vacation pay. The Town Manager may permit holiday, sick and vacation pay on notice if extenuating circumstances exist and the leave of absence is less than thirty (30) days.

L. Military Service Leave

Employees in Groups I & II who are members of the organized military reserves and who are required to perform field service will be granted Military Service Leave in addition to the vacation leave, but not to exceed two (2) weeks in any calendar year. For any such periods of Military Service Leave, excluding weekend duty, the Town will pay the employee the balance between base pay and the employee's regular daily compensation; the total equaling their regular pay. The employee shall furnish the [Finance/Human Resources](#) Department with an official statement from military authorities indicating their rank, pay and allowances.

M. Holidays

Paid holidays for employees in Groups I & II and III shall be as follows:

New Year's Day	Labor Day
Martin Luther King Jr. Day	Indigenous Peoples' Day
Presidents' Day	Veterans Day Thanksgiving Day
Patriots' Day Memorial Day	The Day after Thanksgiving
Juneteenth	Half Day before Christmas
Independence Day	Christmas Day
New Year's Day	Labor Day

Employees in Groups I, II shall be compensated for their normal regularly scheduled working hours on the date of the holiday or its observance date (as described below (a)). If a holiday falls on a date that is not a normal regularly scheduled working day for any employee in Groups I & II, the holiday shall be accrued as floating holiday time to be used within 6 months following the date of the accrual. If a holiday falls on a date that is not a normal regularly scheduled working day for any employee in Group III, the holiday shall be accrued as floating holiday time at a rate of one-half the average daily schedule for the employee, as worked for the previous three months, to be used within 6 months following the date of the accrual. Floating holiday time is not intended to be cumulative and is not included in overtime calculations.

The Department Head may request payment through payroll for employees for holiday hours which would normally be accrued as floating holiday(s) if the accrual of such floating holiday(s) will cause a loss of service to the public or potentially interfere with the productivity of a department. All such requests are subject to the written approval of the Town Manager. Floating holiday time paid instead of accrued is not included in overtime calculations.

- a. When a holiday falls on a Sunday, the following Monday shall be observed for all employees who are not regularly scheduled for Sunday. When a holiday falls on a Saturday, the preceding Friday shall be observed for all employees who are not regularly scheduled for Saturday.
- b. Because of the nature of the position, certain employees in Groups II & III may be required to work during a holiday. Should this occur, hourly paid employees will be paid time and a half for the hours worked on the holiday for all holidays except Thanksgiving and Christmas, for which they will be paid holiday pay plus two times their hourly rate for hours worked on the holidays.
- c. There is one standard exception to the holiday schedule. The Transfer Station will be closed on Easter Sunday and open on Patriots' Day without holiday compensation being paid for hours worked on Patriots' Day. Other exceptions to the holiday schedule may be necessary when considering the dates of the holiday (or their observance date) and the needs of the Town, or by a written request of the Department Head to the Town Manager. Any such exception(s) is/are subject to the approval of the Town Manager and must be determined with sufficient advance time to notify the public.

N. Jury Duty

A Town employee called for jury duty will receive his or her regular pay check. They are required to forward any payments received for their jury duty service to the [Finance](#) [Human Resources](#) Department with the exception of mileage reimbursement. This procedure will compensate employees for any difference in pay. Employees excused from jury duty must report back to work if it is during their normal working hours.

O. Family Medical Leave Act

See Appendix for details.

P. Earned Paid Leave

See Appendix for details.

Q. Remote Work

The purpose of this policy is to define the Town of Gray's rules for remote working or teleworking (i.e., when employees work any hours from a location other than Town facilities). The Town of Gray recognizes that, in some cases, telework arrangements can provide a mutually beneficial option for both the Town and its employees. This policy is intended to set expectations and ensure that work goals can be met, and it may be altered at any time as needed.

Eligibility

The Town Manager will determine which positions are most suitable for remote work, depending on the Town's needs and the position's responsibilities.

Not all jobs can be performed from off-site locations. In general, positions requiring face-to-face interaction with customers and office personnel are not suitable for telecommuting arrangements.

While employees and work managers have the freedom to develop arrangements tailored to employee and departmental needs, the following basic requirements must be met:

- Employees must be able to carry out the same duties, assignments, and other work obligations at their remote workspace (or home office) as they do when working on Town premises. At a minimum, employees should maintain a remote workspace where they can attend remote meetings, participate in phone calls, and conduct their work assignments comfortably and without interruption.
- The IT Systems Administrator must confirm the suitability of workspace equipment, such as hardware, software, anti-virus protection, phone/fax, and Internet/data lines.
- Candidates for temporary telecommuting arrangements must demonstrate good time-management and organizational skills, and be self-motivated, self-reliant, and disciplined.

To request a remote work arrangement, employees must submit their request in writing to their supervisor. This request must outline a proposed work schedule, specific deliverables, and procedures to ensure continuity of business.

Eligibility determinations will be made thoughtfully and reviewed with the employee for any changes or updates at least annually.

All remote work must receive prior approval, and a Remote Work agreement prepared by Human Resources must be signed by the employee, department head, and Town Manager. Evaluation of remote employees' performance will focus as much on work output and completion of objectives as time-based performance. Employees and department heads should meet frequently to discuss progress and results.

The Town Manager reserves the right to revoke the eligibility of an employee for remote work at his/her discretion. Notice of revocation will be given as far in advance as possible, but shall not be required.

Hours and Availability

Positions working remotely will be provided with the number of hours they are expected to work on site and/or remotely. The workweek should approximately mirror normal business hours on Town premises.

- Employees must be readily available to their work managers and co-workers during core work hours. There are two core periods each day. The first runs from 9:30 a.m. to 11 a.m. and the second from 1:30 p.m. to 3 p.m.
- Employees must be available to attend scheduled meetings and participate in other required office activities at the remote workspace as needed. Except for extraordinary circumstances, the Town normally provides at least 24 hours' notice for such events.
- Employees must arrange for flextime and/or other accommodations for childcare during their work hours as part of maintaining an uninterrupted remote workspace, particularly during core hours.

Employees will report their hours and activities to their supervisor.

- Those who are classified as non-exempt (Groups II-IV) must record all hours worked on a Time Card worksheet and provide this information to their supervisor. Time Card worksheets should be submitted on a weekly basis on Fridays by 12:00 p.m.
- Non-exempt employees who need to work outside of scheduled work hours will seek approval from their supervisor whenever possible, and will report any overtime to their supervisor and the [Finance](#)[Human Resources](#) Director.

Workspace & Equipment

The employee will establish an appropriate work environment within his or her remote workspace for work purposes.

- Employees should seek a quiet and distraction-free working space, to the extent that such a space is possible.

- Employees are expected to maintain their workspace in a safe manner, free from safety hazards.
- Employees are required to notify the Town of any illness or injury incurred in the course and scope of performing work remotely.

As a general rule, the Town of Gray will not be responsible for costs associated with the setup of the employee's remote workspace, such as remodeling, furniture, or lighting, nor for repairs or modifications to the remote workspace. However, if an employee is in need of a reasonable accommodation in accordance with the Americans with Disabilities Act (ADA), an employee may submit such a request to Human Resources and such requests will be considered to the extent that a reasonable accommodation exists and would not create an undue hardship on the Town of Gray.

The Town of Gray will determine the equipment needs for each employee on a case-by-case basis. If the Town provides equipment used for remote work, it is to be used for Town business purposes only. Employees must keep it safe and avoid any misuse.

Consistent with the Town's expectations of information security for employees working at the office, employees working remotely will be expected to ensure the protection of proprietary Town and citizen information accessible from their remote workspace. Specifically, employees must:

- Keep their equipment password protected.
- Store equipment in a safe and clean space when not in use.
- Follow all data encryption, protection standards, and settings.
- Refrain from downloading suspicious, unauthorized, or illegal software.
- The Town discourages the use of an employee's home workspace for the conduct of in-person meetings or for visitation by coworkers or the public in connection with work being conducted remotely and shall not be liable for any damage or injury sustained by any person other than the employee authorized to work in such remote workspace.

Town Records

During remote work, employees shall be required to maintain all work product and records in a manner consistent with the Town's standard recordkeeping practices and in full compliance with the Maine Freedom of Access Act and Record Retention Rules established by the Maine State Archivist. Employees shall not delete or destroy any records that are otherwise required to be maintained by the Town per these laws and rules. It shall be the responsibility of the employee to ensure that he/she can satisfy these recordkeeping requirements while working remotely.

Meeting Etiquette

While distractions are often unavoidable, employees should strive to keep them to a minimum.

- No music or television in the background is permitted during meetings.
- Employees should remain muted during video or audio conferencing unless the employee is speaking.
- Turning on video is encouraged but not required.

- Employees should avoid eating food during a virtual meeting unless invited to do so by the meeting host.
- Smoking or vaping is not permitted during a video conference.
- Casual dress is acceptable; however, use discretion. Loungewear, pajamas, or other apparel considered inappropriate in a professional work setting are not permitted while an employee is working remotely.
- Avoid multi-tasking. Employees are expected to give their full attention to meetings as if the meetings were held in-person.

R. Emergency Telework

In the event of an emergency such as a weather disaster or pandemic, the Town Manager may allow or require certain employees to temporarily work from home to ensure business continuity.

- These employees will be advised of such work requirements by the Town Manager or the employee's department head.
- These employees are required to follow the guidelines provided in the Remote Work Policy.

Preparations should be made by employees and department heads well in advance to allow remote work in emergency circumstances. The Communications & Information Department is available to review equipment needs and to provide support to employees in advance of emergency telework situations.

Section 8 – Resignations

An employee may resign from Town employment in good standing. Good standing (as defined in the definitions section of this policy) shall, in this instance, require the submittal of a written notice fourteen (14) working days in advance of the last day of work. Failure to comply with this rule may be cause for denying future employment with the Town and disqualify the employee from any payments that may have been issued to them for a resignation in good standing. The Town Manager may shorten the period of notice for extenuating circumstances.

Section 9- Disciplinary Procedures

A. Just Cause

The Town shall base disciplinary actions or measure on a "just cause" basis.

B. Disciplinary Actions

The appointing authority shall have the right to impose disciplinary action, on any employee whose work performance or conduct, in the judgment of the appointing authority, justifies such action.

The steps of disciplinary action are as follows:

- 1) First written warning
- 2) Second written warning
- 3) Suspension (as defined below in C.)
- 4) Termination

All warnings must clearly identify each issue of discipline, as well as the appropriate corrective measures to be taken by the employee (including their time frame for completion) in order for the appointing authority to consider each issue as resolved.

There are certain types of employee problems that are serious enough to justify immediate suspension or termination. Notice of such action against an employee must be in writing and filed with the employee not later than the effective date of action. Such notice shall specify the penalty and contain a statement of the reason or reasons therefore. The employee shall have the right of appeal, as outlined in the grievance procedure.

C. Suspension

As step 4 (four) in the disciplinary action process, suspension of any employee's employment may be done in writing at the discretion of the appointing authority, with special consideration to the following written conditions:

- 1) Suspension with or without pay;
- 2) Specific time frame;
- 3) Conditions for reinstatement.

D. Discharged Without Just Cause

If it is determined that an employee has been discharged without just cause, he or she shall be reinstated to his or her former position with full pay for all time lost. In the event that a Department Head wants to discharge an employee, the action shall first be approved by the Town Manager.

E. Employee Termination

Employment may be terminated for the following reasons:

- 1) Resignation -voluntary employment termination initiated by an employee;
- 2) Discharge -involuntary employment termination initiated by the Town;
- 3) Layoff -involuntary employment termination initiated by the Town for non-disciplinary reasons or
- 4) Retirement -voluntary employment termination initiated by the employee meeting age, length of service and any other criteria for retirement from the Town.

At the time of termination an exit interview may be scheduled. Employees will receive final pay in accordance with State law at the next regularly scheduled pay date.

Town Property: Employees must return all property belonging to the Town at the time of their termination or upon immediate request.

Section 10 – Grievance Procedure

Grievances are limited to written disputes, claims or complaints of those issues which are related to aspects of the employer-employee relationship between the employee and the Town. The grievance in writing must include the following:

- A clear and concise statement of the facts giving rise to the grievance, including date, time and place of the alleged incident, if any, relating to the grievance, and characterizing each particular act or omission;
- A copy of any documents relating to the grievance (if any); and
- A statement setting forth the remedy sought.

To resolve the grievance the following course of action should be taken consecutively:

- 1) The grievance shall be filed in writing with the Department Head within five (5) working days of the alleged incident, particular act or omission. The Department Head shall issue a written decision within five (5) working days from the date received.
 - a. If the grievance arises from an alleged incident, particular act or omission on the part of the Department Head, the grievance shall be filed with the Town Manager within five (5) working days of the alleged incident, particular act or omission.
- 2) The individual may appeal the decision of the Department Head to the Town Manager within five (5) work days of the date of receipt of the Department Head's decision. The Town Manager shall issue a written decision within five (5) working days from the date the appeal is received. The Town Manager's decision shall be final.
 - b. If the grievance arises from an alleged incident, particular act or omission on the part of the Town Manager, other than a decision of the Town Manager on appeal of a grievance or disciplinary action, the

grievance shall be filed with the Town Council within ten (10) working days of the alleged incident, particular act or omission. The Town Council will hold a hearing, within fifteen (15) working days, in regard to said grievance and issue a decision. The decision of the Town Council shall be final.

Section 11 –Harassment

It is the policy of the Town that all our employees should be able to work in an environment free from all forms of harassment. Harassment, as defined by this policy, is prohibited. All employees must avoid offensive and inappropriate or harassing behavior at work and are responsible for assuring that the workplace is free from hostile behavior at all times.

This policy refers not only to supervisor-subordinate actions but also actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

A. Sexual Harassment

Sexual harassment is the attempt to control, influence or affect the career, salary, or job of an individual in exchange for sexual favors. Sexual harassment can also be conducted which creates a hostile or offensive work environment or unreasonably interferes with a person's ability to perform their job. Sexual harassment is an extremely serious matter. It is prohibited in the workplace by a person and in any form.

- 1) Specific conduct which is prohibited includes, but is not limited to:
 - a) Threats or insinuations, implicit, that any employee's refusal to submit to sexual advances will adversely affect the employee's retention, evaluation, wages, promotion, duties or any other condition of employment;
 - b) Unwelcome sexual flirtations, advances, or propositions;
 - c) Verbal or written abuse of a sexual nature;
 - d) Graphic verbal comments about an individual's body;
 - e) Sexually degrading words used to describe an individual, or
 - f) The display in the workplace of sexually suggestive objects, comments or pictures.

Any Department Head or employee who is found after appropriate investigation to have engaged in sexual harassment will be subject to discipline, up to and including discharge.

B. Harassment

Derogatory or vulgar comments or actions regarding a person's sex, sexual orientation, religion, age, ethnic origins, race, physical appearance, or the distribution of written or graphic materials having such an effect, are prohibited. Any employee who believes he/she has been the subject of such harassment should report the alleged conduct to their Department Head or the Town Manager. Any Department Head or employee who is found, after appropriate investigation, to have engaged in any harassment will be subject to discipline, including discharge.

C. Reporting a Complaint

Any employee who believes he/she has been the subject of harassment should report all alleged acts to their Department Head or the Town Manager. If the complaint involves an employee's direct supervisor or if the employee feels uncomfortable with reporting the matter to their direct supervisor, the complaint should be brought to the attention of the Town Manager. If the complaint concerns the town Manager then the employee should bring the matter to the attention of the Town Council Chairperson.

D. State Law

Effective October 19, 1991, the Maine Legislature passed a new law regarding Sexual Harassment in the Workplace. In compliance with this law, the Town is also required to provide annual written notification to all employees regarding sexual harassment. The Town is also required to provide training to all new employees on sexual harassment before their first anniversary of employment. In addition, new supervisors must receive information on their responsibility to take immediate and corrective action in addressing sexual harassment complaints.

Section 12 – Political and Outside Activities

Except as otherwise provided by law, no person who is an employee of the Town shall be eligible to hold any elective office in the Town government. No Town employee shall orally, by letter, or in any other manner, solicit or assist in soliciting any assessment, subscriptions or contributions for candidate for elective office in the Town government. This shall not prevent Town employees from becoming, or continuing to be, members of any political organization, from attending political functions, running for any Town, State or Federal elected position, or from voting with complete freedom in any election. The Town Manager shall endeavor to keep all municipal properties free of political or campaign literature and materials.

Section 13 – Safety

The Town of Gray recognizes that an organized and systematic loss control program is important to our operational and administrative systems. The safety and health of employees and of the public and the protection from loss of the Town's physical facilities is both a moral and legal obligation.

It is intended that the Town of Gray will undertake initiatives to maintain safe and healthful

working conditions and facilities, develop safe operating procedures, and utilize its financial and personnel resources to achieve a loss free environment of our employee for our employees and for the public.

The responsibility for this undertaking is shared by the Manager, Supervisors and employees. Oversight of the loss control/safety program will be done by a Committee of various employees as approved by the Town Manager. However, all employees must work cooperatively to ensure that workplace safety is a matter of continual concern, equal in importance to all other operation considerations.

The Town requires all employees to complete mandatory safety training that complies with Federal (OSHA), State and local requirements. Each Department Head is required to ensure the proper training for each of their employees. Written proof, signed by the employee and Department Head/Certified Training Authority or a valid Certificate of course completion, shall be required for all training, and will be added to each employee's Personnel File. Employees are expected to abide by all safety rules and regulations, which shall be posted on bulletin boards, announced at staff meetings or otherwise communicated by the Town. An employee's failure to comply may result in disciplinary action and/or termination.

A. Workers Compensation

The Town participates in a federally mandated Workers Compensations Program. The following actions are required by all employees:

- 1) All accidents to personnel, no matter how minor, during the work schedule must be reported immediately to the Department Head or the Town Manager. The Town requires the first injury report to be filed with Workers Compensation within three (3) days of incident. A copy of the report will be forwarded to the [Finance/Human Resources](#) Department so it can added to the employees confidential personnel file.
- 2) All employees suffering an on-the-job accident will be sent to the Town-specified doctor for examination at the Town's expense.
- 3) The employee, if eligible, will be entitled to utilize sick, vacation or personal time respectively for any regularly-scheduled time missed between the incident and the date that Workers Compensation benefits may begin.

B. Infectious Disease

See Appendix for the Infectious Disease Policy.

Section 14 – Severability

If any provision of this Personnel Policy to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the Personnel Policy which can be given effect without the invalid provision or application. For this purpose, the Personnel Policy is severable.

APPENDIX A - FAMILY MEDICAL LEAVE ACT

The **Family & Medical Leave Act** (29 U.S.C. § 2601 et seq.) is a federal law guaranteeing unpaid time off for employees to deal with family and personal matters. In 2008, the FMLA was amended, through the National Defense Authorization Act of 2008 (PL 110-181), to provide new leave entitlements related to military service. In addition, comprehensive new regulations promulgated by the U.S. Department of Labor (DOL) in November, 2008 have clarified and revised some FMLA requirements, effective January 16, 2009.

“Traditional” Non-Military FMLA Leave. The law requires covered employers to grant up to **12 workweeks** of unpaid leave in a 12-month period to eligible employees for the following reasons:

- 1) the birth and care of the employee’s newborn child;
- 2) placement of a child with the employee for adoption or foster care;
- 3) to care for the employee’s spouse, son, daughter or parent, (but not parent-in-law) with a serious health condition; or
- 4) for the employee’s own serious health condition that makes him/her unable to perform the functions of his/her position.

“*Serious health condition*” is defined in detail in DOL regulations. See 2008 regulations [29 C.F.R. §§ 825.113; 825.115](#). “*Son or daughter*” means a biological, adopted, or foster child, stepchild, legal ward or in a loco parentis relationship who is either under age 18, or over 18 and incapable of self care due to a physical or mental disability. See 2008 regulation [29 C.F.R. § 825.122](#) for more details.

Military FMLA Leave. Two new leave entitlements were provided in 2008 to deal with military family leave issues.

(1) **Military Caregiver Leave.** Eligible employees may take up to **26 workweeks** of unpaid leave within a 12-month period for the purpose of caring for a “covered servicemember.” The employee must meet the basic FMLA eligibility requirements discussed below and must also be the spouse, son, daughter, parent or “next of kin” of a covered servicemember.

- “*Next of kin,*” for the purposes of Military Caregiver leave, is the nearest blood relative of that individual other than the servicemember’s spouse, parent, son or daughter according to list of priorities in the regulations at [29 C.F.R. § 825.127](#).
- “*Covered servicemember*” means a current member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. The term “*serious injury or illness*” is defined (**only** for the purpose of deciding who is a “covered servicemember”), as an injury or illness incurred by the member in the line of duty on active duty in the Armed Forces that may render the member medically unfit to perform his/her military duties. See 2008 regulation [29 C.F.R. § 825.127](#).
- Unlike other FMLA leaves, Military Caregiver leave starts on the first day leave is taken and ends 12 calendar months from that date, regardless of the usual method the employer uses to calculate the 12 month period for other FMLA leaves. See discussion below.
- An employee is limited to a combined total of 26 workweeks of FMLA leave in one 12-month period, which includes all FMLA leave taken for any reason.

- An employee may take additional 26-week Military Caregiver leaves for a different service member or to care for the same servicemember with a subsequent injury or illness, provided that no more than 26 weeks of leave may be taken in one 12-month period.
- The Military Caregiver Leave entitlement became effective immediately upon passage on January 28, 2008.

(2) **Qualified Exigency Leave.** Eligible employees may take up to **12 workweeks** of unpaid FMLA leave in a 12-month period because of a “qualifying exigency” arising out of the fact that the employee’s spouse, son, daughter or parent is a “covered military member” who is on active duty, or call to active duty status, in support of a contingency operation.

- A “*qualified exigency*” is defined in the regulations to include a number of broad categories for which leave may be used. These include:

- o Short-notice deployment (used up to 7 days from notification date);
- o Military events and related activities;
- o Childcare and school activities;
- o Financial and legal arrangements;
- o Counseling (other than with a medical provider);
- o Rest and recuperation leave of up to 5 days;
- o Post-deployment activities (may be used up to 90 days from termination of active duty status); and
- o Additional activities not part of the categories listed above, but agreed to by employer and employee.

Additional detail and examples of each of the types of qualifying exigency are provided in the 2008 regulations at [29 C.F.R. § 825.126](#) and in the U.S. DOL [Fact Sheet on Military FMLA Leave](#).

- “*Covered military member*” as used for Exigency Leave is *not* the same as the term “covered servicemember” as used for Military Caregiver Leave. A “covered military member” includes members of the National Guard, the Reserve, or certain retired members of the Regular Armed Forces or retired Reserve. The Exigency Leave entitlement was **not** extended to family members of members of the Regular Armed Forces. In addition, the call to duty must be a federal call to active duty. State calls to active duty are not covered unless under certain orders of the United States President as listed in the regulations. See 2008 regulation [29 C.F.R. § 825.126\(b\)](#) for more detail. 29 C.F.R. § 825.126(b)

- An employer may request copies of the military member’s orders or other documentation from the military, and may request that the employee provide certification of the exigency. The DOL has created a form ([Form WH-384](#)) that employers may use for this purpose. Also see 2008 regulation [29 C.F.R. § 825.309](#) for more information. 29 C.F.R. § 825.309

Employee Eligibility:

In order to be eligible for any type of FMLA leave, an employee must work for a covered employer and meet the following criteria:

- The employee must have worked for the employer for at least 12 months (in total, and not consecutively). According to the 2008 FMLA regulations, employers do not need to count breaks in service of more than 7 years. Several exceptions to the 7 year limit are listed in 2008 regulation [29 C.F.R. § 825.110\(b\)](#);
- The employee must have worked at least 1,250 hours over the 12-month period immediately preceding commencement of the leave;
- The employee must work at a job site at which there are at least 50 employees or at least 50

employees must work within 75 miles of the work site.

All “public agencies” are covered employers under the federal FMLA. 29 C.F.R. § 825.108. This includes federal and state governments, municipalities, or government agencies. *Id.* However, even though a municipality is a “covered employer” under the FMLA, it may not be required to provide FMLA leave to its employees because the municipality may have no “eligible” employees. As noted above, in order to be eligible for FMLA leave, an employee must work at a worksite where there are at least 50 employees, or at least 50 employees must work within 75 miles of the employee’s worksite. Thus, in practice, a municipality must have at least 50 employees (within a 75-mile area) before it will be required to grant leave under the federal FMLA. See 2008 regulation [29 C.F.R. § 825.108\(d\)](#).

Determining number of employees employed: Before deciding if the 50-employee threshold has been met, one must determine which entity is the “public agency” or municipal employer. Generally, a municipality is considered a single employer for purposes of determining employee eligibility. See [29 C.F.R. § 825.108\(c\)](#). Often questions arise as to whether the “municipality” includes school, sewer, water or other municipal functions, or whether these are separate employers for purposes of the FMLA. DOL regulations indicate that this determination should be made on a case by case basis and that the U.S. Bureau of Census, *Census of Governments* may be used as one guiding factor on this issue. See [29 C.F.R. § 825.108\(c\)](#) and www.census.gov/govs. Once the bounds of the municipal employer are determined, one must then determine how many “employees” that employer employs. The FMLA uses the same definition of “employee” used in the Fair Labor Standards Act. ([29 U.S.C. § 203](#)). Because there are numerous exceptions and qualifications applicable to the determination of the municipal employer and number of employees, municipalities are strongly encouraged to seek legal advice in determining if the 50-employee threshold has been met.

Counting the 12-month leave period:

The law requires employers to provide 12 workweeks of leave within a “12-month period” for all types of FMLA leave except Military Caregiver leave. Employers may choose among 4 methods to calculate the 12-month leave period provided the method chosen is applied consistently and uniformly to all employees. See [29 C.F.R. § 825.200](#). These are:

- (1) a calendar year;
- (2) any fixed 12-month year, such as a fiscal year, or a year beginning on the employee’s anniversary date;
- (3) a 12-month period measured forward from the date any employee’s first FMLA leave begins; or
- (4) a rolling 12-month period measured backward from the date an employee uses FMLA leave.

Municipal employers that have eligible employees (i.e., over 50 employees within a 75-mile radius) are encouraged to adopt a policy that notifies employees of the method the employer has chosen to measure the 12-month period. If the employer does not designate a method of calculating the leave year in advance, the employer must allow employees to use whatever counting method that would be most beneficial to the employee. [29 C.F.R. § 825.200](#). When implementing (or changing) a method of calculating the leave year, the employer must give at least 60 days notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. *Id.*

Certification:

Employers may require that employees provide certification of the need for leave under the Military Exigency leave entitlement. The DOL has issued a form that may be used to certify this exigency. See [Certification of Qualifying Exigency for Military Family Leave \(Form WH-384\)](#).

Employers may require medical certification of the need for leave when leave is requested to care for the employee's family member, a covered servicemember or for the employee's own serious health condition. Generally, the employee must be allowed at least 15 days to obtain the certification. The DOL has published three new forms that may be used to obtain medical certification Individual forms were created to certify:

- (1) the employee's own serious health condition ([Form WH-380-E](#));
- (2) a family member's serious health condition ([Form WH-380-F](#));
- (3) and a covered service member's serious injury or illness ([Form-385](#)).

Second or third medical opinions are potentially available at employer expense. See the DOL's [Compliance Guide](#) for more information concerning medical certification and 2008 regulations at [29 C.F.R. § 825.305 – 825.313](#).

Recertification of the need for leave may be required generally no more often than every 30 days and only in connection with an absence. Additional guidelines and restrictions, including those relating to recertification of intermittent leave, are outlined in the regulations at [29 C.F.R. § 825.308](#) and [825.305](#).

Fitness for Duty. Pursuant to a uniformly applied policy, an employer may ask for medical certification of fitness to return to work upon completion of approved leave for the employee's own serious health condition. Any such inquiries must be consistently applied, and must be sought only in regard to the particular health condition that caused the need for leave. Under the 2008 FMLA regulations, an employer may require that the certification address the employee's ability to perform the essential functions of the job, *if* the employer provided a list of these essential functions no later than the time it provided the [Designation Notice \(Form WH-382\)](#) to the employee. In addition, the Designation Notice must have indicated that the Fitness for Duty Certification would be required to address these functions. No second or third opinions on a Fitness for Duty certification are allowed, although an employer may ask for clarification of the certification within specific limits in the regulations. See 2008 regulation, [29 C.F.R. § 825.312](#). For more information concerning certification requirements, see 2008 regulations at [29 C.F.R. §§ 825.305 – 825.313](#).

Intermittent Leave:

If medically necessary, intermittent leave or a reduced work schedule must be allowed under the federal FMLA to care for a child, parent, or spouse or for the employee's own serious health condition. Intermittent leave may also be used to care for a covered servicemember with a serious injury or illness. In addition, only the amount of leave actually used while on an intermittent/reduced leave schedule may be charged against the employee's leave entitlement. Employers may not require an employee to use more time than necessary and must account for the intermittent leave, using the smallest time segments available in their timekeeping system (which must be an hour or less). Intermittent leave for the birth or placement of a child is only available with consent of the employer. See [29 C.F.R. § 825.202 - 825.205](#).

Employer Notice Requirements:

- o All covered employers must post the DOL's **FMLA Poster/General Notice** ([Form WH-1420](#)) in a conspicuous location even if the employer has no eligible employees. (Note: the DOL has issued a new poster in conjunction with its 2008 regulations).
- o Employers with any eligible employees *must* provide the same information contained in the FMLA Poster/General Notice in any handbooks and/or any written policy materials. If the employer does not maintain policy manuals or written policy materials, the employer must provide general information on FMLA rights to new employees at the time of hire. Electronic distribution of the notice is allowed, if certain conditions are met. See new regulation [29 C.F.R. § 825.300](#).
- o Within five business days after a leave request is received, or the employer has been made aware of the employee's need for leave, the employer must give the employee a notice concerning his/her basic eligibility for leave (e.g. whether the employee has worked for the employer for 12 months, 1,250 hours and/or whether the 50 employee threshold has been met). At the same time, the employer must also furnish a notice outlining the employee's rights and responsibilities relating to FMLA leave. The notice must indicate any requirement to provide certification of the need for leave, whether military or non-military. Specific information which must be included in the notices includes: requirements relating to substitution of paid leave, key employee status, requirements for periodic reports, benefit premium payments, and several other items listed in new regulations at [29 C.F.R. § 825.300\(b\)](#). The notice of eligibility may be verbal or in writing. The DOL has created a sample form entitled,

Notice of Eligibility & Rights and Responsibilities ([Form WH-381](#)) which satisfies this employer obligation.

- Within five business days after the employer gains enough information to make a determination as to whether the requested leave qualifies as FMLA leave (e.g. medical certification has been received), the employer must provide a "**Designation Notice**" to the employee. The Designation Notice notifies the employee whether the leave will be designated as FMLA leave and counted against the employee's leave entitlement. If the employer plans to require a fitness for duty certification upon return to work, and/or if the employer will require that the certification address the essential functions of the employee's job, these requirements must be included in the Designation Notice, along with a list of those essential functions. A sample **Designation Notice** ([Form WH-382](#)) has been prepared by the DOL. See 2008 regulations, [29 C.F.R. § 825.301](#) for more details on Designation Notice requirements.
- The employer must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement. If the amount of leave is known at the time the employer designates the leave as FMLA-qualifying, the employer must notify the employee of the number of hours, days, or weeks that will be counted against the employee's FMLA leave entitlement in the Designation Notice. If it is not possible to provide the information with the Designation Notice, the employer must provide notice of the amount of leave counted against the employee's FMLA leave entitlement upon the request by the employee, but no more often than once in a 30-day period and only if leave was taken in that period. The notice may be oral or in writing, but if oral notice is given, it must be confirmed in writing no later than the following payday. The written notice

may be in any form, including a notation on the employee's pay stub. See 2008 regulation 29 C.F.R. § 825.300(d)(6).

Employee Notice Obligations:

Generally, employees must provide at least 30 days notice of the need for leave that is foreseeable. See [29 C.F.R. § 825.302](#) for more detail. For unforeseeable leave, an employee or his/her spokesperson must provide notice to the employer as soon as practicable under the facts and circumstances of the particular case. The regulations provide that it generally should be practicable for the employee to provide notice of unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements. See [29 C.F.R. § 825.303](#) for more detail.

Preservation of benefits:

During an approved leave, the employer must maintain the employee's group health insurance on the same terms as if the employee continued to work.

The employer is not required to maintain other non-health insurance benefits (such as life insurance) during the leave. However, the FMLA does require employers to restore an employee returning from approved leave to the same benefits he/she had prior to the leave, with no penalty or waiting periods. Thus, if an employee fails to pay his/her benefit premiums during the leave, an employer may decide to continue such benefits at its own expense during the leave or should make sure that applicable benefit plans allow immediate resumption of benefits. See the [DOL Compliance Guide](#) and 2008 regulation [29 C.F.R. §§ 825.209 – 825.215](#) for more information.

Substitution of Paid Leave:

FMLA leave is generally unpaid leave. However, employees may substitute available paid leave for otherwise unpaid FMLA leave. Employers may also require that an employee use available paid leave. Any paid leave time used by the employee does count toward the employee's FMLA leave entitlement. The 2008 regulations clarify that if an employee wants to substitute paid leave, he/she must comply with the employer's paid leave policies and procedures with respect to use of that paid leave. The employer must notify employees of any additional procedural requirements that apply to the use of paid leave in the **Notice of Rights and Responsibilities** (given to employees when leave is requested). See 2008 regulation [29 C.F.R. § 825.207](#) for more information.

Reinstatement:

Upon return from an approved leave, the employee must be reinstated to the same or an equivalent position, with the same pay, benefits, and other terms and conditions. Certain exceptions apply for "key employees." See DOL [Compliance Guide](#) for more information on key employees.

Education employees:

Special rules apply to some employees of local educational agencies, including public elementary and secondary schools. “Instructional employees” are subject to special rules when taking leave (a) more than 5 weeks prior to the end of a term; (b) less than 5 weeks prior to the end of a term; and (c) less than 3 weeks from the end of a term. For more information see: [29 C.F.R. § § 825.600 – 825.604.](#)

Discrimination:

An employer may not interfere with, restrain or deny the exercise of FMLA rights. Employees may not be discharged or discriminated against for taking leave. Nor may the use of FMLA leave be used as a negative factor in a “no fault” attendance policy or in any employment action, including hiring, promotion or disciplinary actions. See 2008 regulation, [29 C.F.R. § 825.220.](#)

Enforcement:

The FMLA is enforced by the U.S. DOL’s Employment Standards Administration, Wage and Hour Division. The agency investigates complaints of violations, and is authorized to bring action in court to compel compliance. In addition, eligible employees may bring a private lawsuit against an employer for violations. An employee is not required to file a complaint with the Wage and Hour Division prior to bringing such action. See 2008 regulations at [29 C.F.R. § 825.400 – 825.404.](#)

APPENDIX B – MAINE FAMILY MEDICAL LEAVE ACT

Maine has enacted its own Family Medical Leave Law (MFMLA) entitling eligible employees of certain employers to 10 workweeks of leave in any two-year period. (26 M.R.S.A. § 843 *et seq.*; PL 2007 c. 233) The MFMLA is modeled after the federal FMLA, but has some important differences. It is very possible that some employees could be covered under either the state or federal FMLA laws, or both. Thus, when presented with a leave request, an employer should analyze the eligibility requirements of each law separately.

Covered Employers:

Maine’s FMLA applies to city, town and municipal agency employers with 25 or more employees. *See* 26 M.R.S.A. § 843(3). The law defines “employee” quite broadly, to include any person “permitted, required or directed by an employer in consideration of direct or indirect gain or profit to engage in any employment.” Employee does not include an independent contractor. 26 M.R.S.A. § 843(1).

Employee Eligibility:

Employee eligibility under the MFMLA differs from the federal FMLA in three important ways:

- In order to be eligible for MFMLA leave, an employee must have worked for the same employer for at least 12 *consecutive* months (under federal law, the 12 month work requirement need not be consecutive).
- An employee must work at a permanent worksite with at least 15 employees.
- Under the MFMLA there is no 1,250 hour work requirement.

Thus, in some situations, an employee may not qualify for federal FMLA leave because the individual has not worked 1,250 hours in the previous year, but the individual may qualify for Maine FMLA leave because he/she has been employed for 12 consecutive months.

Leave Entitlement:

Under the MFMLA, an eligible employee is entitled to up to 10 workweeks of leave in a two-year period for the following reasons. Effective September 20, 2007, the Legislature added “domestic partners” to the entitlement to leave, and added a new entitlement to leave for military deaths/injuries. Effective July 18, 2008, the MFMLA includes a right to leave for the purpose of caring for a sibling. (PL 2007 c. 519).

- (1) the birth of the employee’s child or the employee’s domestic partner’s child;
- (2) placement of a child 16 years of age or less with the employee or with the employee’s domestic partner in connection with the adoption of the child by the employee or the employee’s domestic partner;
- (3) A child, a domestic partner’s child, parent, domestic partner, sibling or spouse with a serious health condition;
- (4) The employee’s own serious health condition;
- (5) The donation of an organ of that employee for a human organ transplant;

(6) The death or serious health condition of the employee's spouse, domestic partner, parent, sibling or child if the spouse, domestic partner, parent, sibling or child as a member of the state military forces, as defined in 37-B M.R.S.A. §102, or the U.S. Armed Forces, including the National Guard and Reserves, dies or incurs a serious health condition while on active duty. PL 2007 c. 388; PL 2007 c. 261.

Serious health condition is defined in the law as an illness, injury, impairment or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential medical care facility; or (b) continuing treatment by a health care provider. 26 M.R.S.A. § 843(6).

Domestic partner is defined as: the partner of an employee who:

- Is a mentally competent adult as is the employee;
 - o Has been legally domiciled with the employee for at least 12 months;
 - o Is not legally married to or legally separated from another individual;
 - o Is the sole partner of the employee and expects to remain so;
 - o Is not a sibling of the employee; and
 - o Is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements, joint financial arrangements or joint ownership of real or personal property. PL 2007 c. 375.

Sibling is defined as "a sibling of an employee who is jointly responsible with the employee for each other's common welfare as evidenced by joint living arrangements and joint financial arrangements."

Intermittent Leave:

In response to a 2006 court decision that held that the MFMLA contained no requirement for intermittent leave, the Maine Legislature amended the law to allow intermittent leave in circumstances similar to the federal law. See *Brown v. Eastern Maine Medical Center*, 2006 U.S. Dist. LEXIS 50593 (D.Me. 2006); PL 2006 c. 233.

Effective September 20, 2007, the MFMLA requires covered employers to provide intermittent leave or a reduced work schedule, if medically necessary, for the employee's serious health condition, a parent, child, domestic partner or spouse with a serious health condition, or for organ donation. Intermittent leave for the birth, adoption or foster care placement of a child is available only by agreement of the employer and employee. PL 2006 c.233.

If intermittent leave is taken, the employer may temporarily transfer the employee to an available alternative position for which the employee is qualified and (1) which has equivalent pay and benefits and (2) better accommodates the intermittent leave schedule. PL 2006 c. 233.

Employee Notice/Certification:

An employee needing leave is required to give at least 30 days prior notice of the intended start and end of leave, unless prevented from giving notice by a medical emergency.

The employee may be required to provide medical certification from a physician to verify the amount of leave needed. Note that the law allows an employee that has "in good faith" relied on treatment by prayer or spiritual means, pursuant to the tenets of a recognized church or

religious denomination, to submit certification from an accredited practitioner of those healing methods. 26 M.R.S.A. § 844(1)(B).

Employers must post a poster concerning MFMLA, available from the Maine DOL.

Preservation of Benefits:

An employer must allow an employee on leave to maintain employee benefits at his/her expense. The parties may negotiate to maintain benefits at employer expense.

Restoration:

At the conclusion of an approved MFMLA leave, the employer must restore the employee to the same or an equivalent position with same seniority status, benefits, pay and other terms and conditions of employment. There is a limited exception to the employee's right to job restoration, if the employer can prove that the employee was not restored to the same or equivalent position due to conditions unrelated to the employees exercise of leave rights. 26 M.R.S.A. § 845.

Discrimination:

The use of leave may not result in the loss of any employee benefits accrued before the leave was taken. Nor may the leave result in loss of seniority or contract rights. In addition, an employer may not interfere with, restrain or deny the exercise of or the attempt to exercise any right provided under the MFMLA. Nor may an employer discharge, fine, suspend, expel, discipline or in any other manner discriminate against any employee for exercising any right under the Maine FMLA or for opposing any practice made illegal by the MFMLA. 26 M.R.S.A. § 846-7.

APPENDIX C - ELECTRONIC COMMUNICATION POLICY

The Town of Gray (“the Town”), in an age of growing technology and electronic communication, is implementing a policy to clearly define employee expectations and responsibilities.

“**System**” means all telephones, computers, facsimile machines, voicemail, e-mail, and other electronic communication, copying or data storage systems or equipment leased, owned or in the possession of the Town, including, but not limited to, any computer, computer system, or any storage device or medium that the Town provides to an employee or that is physically or electronically connected to any other part of the System. “**Electronic Communication**” means all electronic communications, data, software, files, and other information created, modified, located upon, received or transmitted by, or stored upon, any part of the System, including, but not limited to e-mail, voicemail, and Internet usage.

All parts of the System are owned by the Town and/or are provided solely for use in the Town’s business activities. All Electronic Communications are the Town’s property. The Town has the right and the ability to monitor and review all Electronic Communications at any time without notice to its employees or any other party and for any purpose whatsoever.

Town employees may not use the System, or send, receive, create or store Electronic Communications upon the System, in a manner that is illegal, disruptive to others, or that interferes with the Town’s business activities. All Town employees are prohibited from using any part of the System to harass others, or to download, obtain, display, store, receive or transmit:

- a) Any information that is sexually explicit, obscene, or of a sexual nature, that contain libelous or defamatory material, or that would not be permitted on any bulletin located on Town property;
- b) Any ethnic, racial or religious slurs, or anything that is, or may be construed as, disparagement of others based on race, color, national origin, ancestry, gender, sexual orientation, age, disability, religious or political beliefs, or any other basis prohibited by law; or
- c) Any communications that are derogatory of fellow employees (except as may be required as part of the Town’s business activities). The System may also not be used to solicit anyone for any commercial, religious, charitable, or political causes, or for outside organizations. Except as otherwise provided below, the System may not be used for any purpose that is not related to Town business.

E-mail is used to transmit and receive messages internally and externally on matters of business connected to the Town. The occasional employee use of e-mail with permissible content for personal matters is not prohibited, but is discouraged.

Voicemail is used to leave messages for employees regarding matters of a business nature. Voicemail boxes will occasionally be emptied to free up System space.

Internet Usage is to be limited to matters of business connected to the Town. The occasional use of the Internet for otherwise permissible personal matters is not prohibited, but is discouraged. Any downloading of materials or loading of programs/software onto any part of the System without permission from Town technical staff is prohibited.

The workplace activities of Town employees reflect upon, and may create liability for, the Town. The person signing as an employee below acknowledges receiving a copy of this policy and understands that the Town may take disciplinary action, up to and including termination of employment, against any employee who violates the terms of this policy as those terms may be changed and/or supplemented from time to time by the Town.

APPENDIX D – EMPLOYER / EMPLOYEE CONTRIBUTION

A. Retirement Contribution:

Ordered the Gray Town Council will match the retirement contribution amount for the town employees at 6% and will increase the contribution at 7.5% for 10 years of service, 8% for 15 years of service, 8.5% for 20 years of service and a maximum of 9% for 25 years of service and that the increase to employees retirement plan will not exceed the employee's contribution.

APPENDIX E - OPTIONAL BENEFITS

- A. Vision Plan
- B. Dental
- C. Income Protection
- D. Medical Reimbursement Plan
- E. All other Town Manager approved plans that are 100% Employee funded

APPENDIX F – INFECTIOUS DISEASE POLICY

A. Purpose

This is to establish the policy of the Town for managing infectious disease issues as they relate to employees and/or prospective employees including but not limited to the following diseases: AIDS, Chickenpox, Hepatitis A, Hepatitis B, Impetigo, Measles, Mumps, Pertussis, and Parasitic Infestations. Any employee or volunteer who could or does come into contact with bodily fluids while performing their job as a Town employee or volunteer, should immediately reference the Town Exposure Control Plan. Copies of the Exposure Control Plan are available in the Town Manager's office, as well as in the Police, Fire/Rescue, Public Works and Community Services Departments.

B. Policy

1. It is the policy of the Town to assure to the extent possible a safe and beautiful work environment.
2. It is also the policy of the Town to ensure full compliance with state, federal, and local requirements dealing with infectious diseases.
3. Town procedures shall comply with the Center for Disease Control recommendations for specific infectious diseases. These recommendations will be available through the employee's Department Head.
4. It is the obligation of all Town employees to take all reasonable precautions to protect themselves, co-workers, clients and the public from infectious diseases.
5. The Town shall make available to all employees and volunteers who have occupational exposure the Hepatitis B vaccination series and post exposure evaluation and follow-up. Please reference the Town Exposure Control Plan for detailed information on necessary procedure to follow.

C. Procedures

- 1) The Town will not discriminate against employees and/or prospective employees with infectious diseases who are otherwise qualified to perform their job functions with reasonable accommodation. Employees with infectious diseases will be treated under existing policies, state, federal, and local requirements, and collective bargaining agreements.
- 2) Where allowed by law, the Town retains the right to test employees for infectious diseases.
- 3) The Town must maintain confidentially regarding an employee's health status, and does not have a duty to inform other individual or organizations unless required by law.

- 4) Upon medical confirmation of an infectious disease that may be a threat to the public health, the affected employee has the responsibility to notify the Town's Personnel Administrator, and to carry out his or her assigned duties if reasonable accommodations can be made.
- 5) Upon notification by an employee that an infectious disease has been confirmed and is a threat to the public health, the Personnel Administrator will:
 - a) Secure, if possible, all appropriate releases for information from the employee and notify those individuals for whom those releases have been acquired.
 - b) Assist in the identification of reasonable accommodations to be made, if any.
 - c) Assist individual departments, if necessary, in complying with this policy.
 - d) The Town will treat all occupational infectious disease injuries or illnesses according to state law.
- 6) The Town will provide appropriate educational opportunities and current informational material on infectious disease issues, including prevention, protection, control measures, and treatment practices.
- 7) Individual departments have the right to develop protocols regarding infectious disease control provided that those protocols conform to this policy.
- 8) An employee cannot refuse to carry out his or her assigned duties when dealing with a co-worker or the public with an infectious disease unless that individual makes a threat of harm to the employee. Failure to adhere to this procedure will result in disciplinary action.

D. Accidental Needle Stick Procedure

Police, fire, rescue and solid waste personnel have the highest risk of exposure to needles and syringes. Exposure to a used, contaminated needle places an employee at risk for contracting an infectious disease. In the event of an accidental puncture with a contaminated needle, the procedure is as follows:

- 1) Wash the puncture site thoroughly with soap/disinfectant and water.
- 2) Report the incident to your supervisor.
- 3) Police, fire or rescue personnel must notify the medical facility receiving the patient of the incident.
- 4) Complete Incident and/or Workers Compensation forms.
- 5) Establish your potential exposure risk to infectious diseases.

6) Notify your Department Head to establish your:

- a) Tetanus status,
- b) Hepatitis B status, and
- c) HIV exposure.

7) Seek further medical attention if necessary.

E. Procedure for Exposure to AIDS infection

If a Town employee is exposed to the blood or body-fluid of a known or highly suspected AIDS infected person:

- 1) Wash the exposed areas thoroughly with soap and water. Clean any spills with one (1) part bleach to ten (10) parts water solution.
- 2) Report the incident to your supervisor.
- 3) Complete the Incident and Workers Compensation forms.
- 4) Notify your Department Head as soon as possible to schedule an appointment for a voluntary blood test.
- 5) The blood test will be drawn within two weeks of the incident, six months later, and nine months later. The blood test is sent to the Maine Public Health Division in Augusta. Results are received approximately one week later. You will be notified of the test results.
- 6) If all three specimens are negative, you are considered not to be infected.
- 7) Counseling occurs with each visit or when requested, and is also available to family members and co-workers.
- 8) Emotional counseling is available through a counselor of the employee's choice and to be provided by the Town.
- 9) Strict confidence will be maintained in all incidences unless appropriate medical and/or information releases have been obtained.

APPENDIX G – EARNED PAID LEAVE (Effective January 1, 2021)

As defined by 26 MRSA Section 1043(11), The State of Maine’s Earned Paid Leave (EPL) Law requires employers with more than 10 employees to provide earned paid leave equal to or in excess of the Earned Paid Leave Law.

Covered Employees: Covered employees under the Earned Paid Leave Law include, but may not be limited to, full-time, part-time, temporary, on-call, call firefighters (under certain work events and unless excluded as outlined below), and per diem employees.

Exclusions: Employees determined to be seasonal employees by the Unemployment Insurance Commission will not accrue Earned Paid Leave during the seasonal period of June 15 – September 15. Employees, such as Election Workers and call firefighters, who are paid less than \$1,000 in a calendar year, are excluded from the Earned Paid Leave Law. Additionally, call firefighters who are only paid when they choose to respond to a fire or other emergency may also be excluded from the Earned Paid Leave Law.

Regular Full-time and Part-time Employees: The Town of Gray currently provides a benefit greater than this EPL law for its regular full-time and part-time employees through its paid vacation, sick, personal, and wellness policies. To comply with Maine’s Earned Paid Leave Law, regular full-time and part-time employees may utilize up to 40 hours of accrued vacation, sick, or personal time during the calendar year for any type of time off as needed. Employees in this classification should refer to the Town’s established paid leave policies and contact their supervisor or Human Resources for clarification.

Accrual of Earned Paid Leave (EPL): All Covered Employees, other than Regular Full-time and Regular Part-time Employees as outlined above, are entitled to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one calendar year of employment. Accrual of this leave begins at the start of employment, but may only be used as set forth below. Unused EPL time will roll over and be available to the covered employee in their next year of employment. However, the maximum amount of EPL available to the covered employee will not exceed 40 hours in one calendar year.

Use of Earned Paid Leave: Once eligible employees, including probationary employees, have been employed for 120 calendar days, they may use earned paid leave in increments of a minimum of ½ hour (30 minutes) for any reason, such as illness, personal and family emergencies, personal time, and vacation. Per diem and on call employees, who sign up, accept shifts when available to work, or are called in to work, may utilize Earned Paid Leave if they need to arrive late or leave early for a shift or have signed up for a shift but are not able to make or work the shift for some unforeseen reason. Per diem and on call employees are not eligible to use EPL for days on which they have not been assigned to a shift.

Notice Requirements: Eligible employees must provide at least four weeks’ prior notice to their supervisor of their intent to use this leave, unless leave is for an emergency, illness, or other sudden necessity where advance notice may not be feasible, and then notice must be given as soon as practicable.

Restrictions of use of Earned Paid Leave: EPL may be denied or canceled by the Department Head during defined peak work periods where approval of such leave would inhibit the ability of the department to safely maintain adequate levels of service to the community.

Leave Accrual upon Separation: (1) Regular full-time and part-time employees: Any unused Earned Paid Leave will be paid to regular full-time and part-time employees at time of separation consistent with existing Town vacation, sick, and personal time policies. (2) Temporary, on-call, and per diem employees: Employees of this classification who are covered employees and not otherwise excluded from eligibility to accrue EPL will not be paid for any unused and accrued Earned Paid Leave upon separation of employment. If a temporary, on-call, or per diem employee returns to work within 365 days of their last date of employment, that employee is entitled to any unused balance of EPL.

**TOWN OF GRAY
EMPLOYEE PAID TIME OFF**

Accrual Rates

Full-Time Employees (Groups I & II)		
Years of Employment	Vacation Time per Pay Period	Sick Leave per Pay Period
Less than 5 years of Service	3.08 hours per pay period	3.692 hours per pay period
5-10 Years of Service	4.62 hours per pay period	<i>See above</i>
10 Years of Service or More	6.16 hours per pay period	<i>See above</i>

Part-Time Employees (Group III)		
Years of Employment	Vacation Time per Pay Period	Sick Leave per Pay Period
Less than 5 years of Service	.0385 hours per hour worked	.04615 hours per hour worked
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Vacation Time Accrual Cap

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Maximum Vacation Time	Notes
Less than 5 years of Service	Two weeks (80 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.
5-10 Years of Service	Three weeks (120 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.
10 Years of Service or More	Four weeks (160 hours)	Accrual ceases at employee's individual limit at left. Time paid out upon separation.

Sick Time Accrual Cap

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Maximum Sick Time	Notes
Less than 5 years of Service	960 hours	Employees who have an excess of this cap as of October 1, 2022 will maintain their sick time hours until the accrued hours may fall below 960 hours.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Payout for Accumulated Sick Time

Full-time Employees Only (Groups I & II)		
Years of Employment	Payout Amount	Notes
Less than 5 years of Service	0	No sick time paid out upon separation of employment.
5-10 Years of Service	50% of accrued sick time amount, 200 hours maximum	Employee must be in good standing with the Town.
10 Years of Service or More	50% of accrued sick time amount, 360 hours maximum	Employee must be in good standing with the Town.

Personal Time

Full-time Employees Only (Groups I & II)		
Years of Employment	Time Received each Year	Notes
Less than 5 years of Service	16 hours	Personal time does not accrue year to year and is not subject to payout upon separation.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Bereavement Time

Full-Time and Part-Time Employees (Groups I-III)		
Years of Employment	Bereavement Time	Notes
Less than 5 years of Service	Up to 3 days of absence caused by the death of a member of the immediate family	See definitions portion of the Personnel Policy.
5-10 Years of Service	<i>See above</i>	<i>See above</i>
10 Years of Service or More	<i>See above</i>	<i>See above</i>

Earned Paid Leave

Covered Employees	EPL Accrual and Utilization	Notes
Groups I-III (Full-Time and Part-Time Employees)	Up to 40 hours of accrued vacation, sick, or personal time may be used during the calendar year for any type of time off as needed.	Refer to the Town's established paid leave policies for more information.
Group IV (All temporary, seasonal, and per diem employees)	Entitled to earn one hour of paid leave for every 40 hours worked, up to 40 hours in one year. After 120 days of employment, EPL time may be used in 30-min increments for any reason.	Accrual of this leave begins at the start of employment. Refer to EPL section above for requirements, exclusions, and restrictions.

Digest of Amendments

Originally Adopted March 1, 1979

Amended

December 21, 1999

September 18, 2001

December 4, 2001

April 6, 2004

January 6, 2009

February 17, 2009

July 7, 2009

February 2, 2010

February 21, 2012

February 18, 2020

June 7, 2022

Repealed and Replaced including Appendices

Acknowledgment

I acknowledge that I have received a copy of the Town Personnel Policy, and I do commit to read and follow these policies.

I am aware that if, at any time, I have questions regarding Town policies I should direct them to my Department Head or the FinanceHuman Resources Department.

I know that Town policies and other related documents do not form a contract of employment and are not a guarantee by Town of the conditions and benefits that are described within them. Nevertheless, the provisions of such Town policies are incorporated into the acknowledgment, and I agree that I shall abide by its provisions.

I also am aware that Town of Gray, at any time, may on reasonable notice, change, add to, or delete from the provisions of the Town policies for which I will be notified.

Employee's Printed Name

Position

Employee's Signature

Date



TOWN OF GRAY

Henry Pennell Municipal Complex
24 Main St, Gray Maine 04039
www.graymaine.org

OFFICE OF THE TOWN MANAGER

Nate Rudy, Town Manager
nrudy@graymaine.org
(207) 657-3339

December 1, 2022

Upon the resignation of the former Public Works Director, Foreman Tim Estes was elevated to the role of Interim Public Works Director and has offered to remain in that role while the Town decides on next steps for re-filling an administrative position.

I understand that Council has in the past considered plans to hire an engineer to fill the role of Public Works Director, which would improve the Town's ability to review plans, costs, and options for public works projects and provide other expertise to assist with Town planning and other functions.

I have reviewed the management structure of ten other comparably sized municipalities, in terms of population and tax base, and make the following observations and recommendations:

- Six of the ten municipalities have the same director over Public Works and Solid Waste and Recycling, and some also share an assistant to the director across departments.
- Three of the municipalities have a certified public engineer on staff.
- The Town of Yarmouth has a public engineer on staff, but also has a Public Works Director, Highway Superintendent, and Administrative Assistant. The other two municipalities with engineers have that person in a Director position over multiple departments.
- Yarmouth's engineer is in charge of their wastewater treatment plant, supports the planning department, handles most major construction projects, assists the planning department with road planning and bid specs, assists the Town Manager with capital planning for buildings and bridges, and manages stormwater compliance.
- Municipalities with an engineer rely on the Public Works superintendent to manage daily duties and prepare annual department budgets.
- Municipalities that have sewer departments are required to have a certified person on staff to oversee the sewer operation, and frequently that person is a public engineer.

I have spoken with Gray's Transfer Station Director, who advises that he may be considering retirement in a few years, and that there is currently not a person on staff who is fully trained to take over his duties and responsibilities. Although we are in no hurry to see his retirement day come, he has offered to allow a new Director to "job shadow" with him to learn how he manages operations and relationships with outside service providers to maintain the Transfer Station operations. There are also opportunities for more formal coordination between Public Works and Buildings & Grounds, in use of shared resources and collaboration on implementing building maintenance identified in the Town's facility study.

In the event that Gray implements sewer infrastructure, we will need a person on staff certified to maintain the sewer system, and a public engineer serving as Director of multiple departments could also oversee the sewer operation.

The benefits to having an engineer on staff include but are not limited to:

- Less reliance on contracted services for some engineering needs, such as plan review and driveway permit inspections.
- Increased understanding of road and infrastructure design and construction, and increased insight into potential cost- and time-saving alternatives.
- Insight on expected stormwater management planning requirements for Gray.
- Certification and experience with administering a municipal sewer service.
- Coordination on management of public infrastructure and other assets across departments, and potential cost savings from shared services and resources.

Updating the current Public Works Director position to a Town Engineer position or hiring a certified public engineer to serve in the Director capacity, will require that the Town also hire another light equipment operator to maintain winter plow truck routes, as the former PW Director also drove a truck and it is not likely that a typical Town Engineer job description would include that training. There have already been discussions in the Public Works and Buildings and Grounds Departments about requesting another driver position that might serve as a Buildings and Grounds staff member during the summer season.

This table shows an estimate of the change in wages from current staffing to the proposed staffing, not including benefits:

PW Dept Admin Positions	Current Admin	Wage	Proposed Admin and Staff	Proposed Wage
	Dir. Of PW	85,000	Dir. Of Public Services (P.E.)	105,000
	Foreman	57,000	Public Works Superintendent	71,000
	Assistant	11,000	Assistant	11,000
			Light Equipment Operator	46,400
Total		153,000	+80,400	233,400

This does not reflect any potential future cost reductions from potential changes in the administrative structure of other departments, or the benefits of reducing administrative duties from other staff in these departments.

POSITION DESCRIPTION TOWN OF GRAY, MAINE

POSITION TITLE: PUBLIC SERVICES ADMINISTRATOR **DATE CREATED:** 12/9/2022

Classification: Full Time, Salary

Narrative: Performs complex analytical work in providing office and engineering support and field engineering support for environmental, infrastructure, roads/streets/sidewalks, and other Public Works projects and programs ensuring technical competence and compliance with all current codes and criteria. The Public Services Administrator also oversees or participates in planning for the Town's infrastructure systems.

Supervision: This position reports to the Town Manager. This position supervises the Assistant Director of Public Works and the Public Works department. This position works directly with the Directors of Solid Waste and Recycling, Planning, and Buildings and Grounds in a collaborative and advisory role.

POSITION RESPONSIBILITIES/TASKS

The tasks of the Public Services Administrator are varied and situational, but commonly include the following areas:

- Perform all Public Works project design, estimating, preparing bid specifications, bidding, supervision, inspection, and contract administration
- Oversees project management for the construction of municipal public works projects. Determines applicable codes, regulations, and requirements for assigned projects
- Develop project reviews and comments to the permitting offices, cost estimating, preparation of bid specs, and performance inspection and surety management
- Perform Transportation project planning, grant applications and project administration through state and regional agencies (MDOT and GPCOG), and support citizen committees for long range and project transportation and community infrastructure planning
- Perform structural, mechanical, and electrical and civil engineering support for maintenance and capital repairs and planning for town buildings and building maintenance; including support for citizen committees on energy conservation, access, and security
- Responsible for compliance with Town and community storm water management programming, public outreach and education, construction and post construction compliance, illicit discharge detection and enforcement actions, mapping, reporting and housekeeping
- Assist with Town initiatives to reduce and recycle waste streams
- Provide General Engineering and project leadership in a wide variety of municipal projects including but not limited to improvements to public facilities, public service and infrastructure capacity planning, facility infrastructure repairs or design, dam inspections and repairs
- Provide strong citizen engagement and customer services, including team support for other departments in meeting citizen service and informational needs
- Provide GIS mapping and technical support for all Town departments
- Provide wastewater collection and treatment system engineering planning, design, support, and executive oversight
- Function as Road Commissioner

Peripheral Duties

- Monitor inter-governmental actions affecting public works
- Assist in the training of other Town personnel in public works design and construction techniques

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

- High School Diploma G.E.D/High School Equivalent Associate Degree
 Bachelor's Degree Advanced Degree

Prior Experience Required:

- Graduation from a four-year college or university with a degree in civil engineering or a closely related field; and
- Minimum of three years previous professional civil engineering experience;
- Three years of supervisory experience; or
- Any equivalent combination of education and experience.

Prior Experience Preferred:

- Minimum of five years previous professional civil engineering experience including at least two years utilities; or any equivalent combination of education and experience.

Certifications & Licenses

- Must possess a valid State driver's license or can obtain one prior to employment.
- Licensed or ability to become licensed as a Professional Engineer in Maine.

Necessary Knowledge, Skills and Abilities

- Thorough knowledge of civil engineering principles, practices and methods as applicable to a municipal setting
- Thorough knowledge of applicable Town policies, laws, and regulations affecting Department activities
- Considerable skill in arriving at cost estimates on complex projects
- Skill in operating the listed tools and equipment
- Ability to communicate effectively, orally and in writing, with employees, consultants, other governmental agency representatives, Town officials, and the general public
- Ability to conduct necessary engineering research and compile comprehensive reports
- Ability to establish and maintain effective working relationships
- Skill in operation of personal computer and Microsoft Office

Tools & Equipment Used

Personal computer, including word processing, spreadsheet, and data base and computer-aided-design software; GIS applications software; standard drafting tools; surveying equipment including level and electronic distance measuring devices; motor vehicle; phone; mobile radio.

Physical Requirements / Other

- The physical demands described here represent those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- Work is performed mostly in office settings. Some outdoor work is required in the inspection of various land use developments, construction sites, or public works facilities. Hand-eye coordination is necessary to operate drafting instruments, land surveying instruments, computers, and various pieces of office equipment.

Physical Requirements/Other (continued):

Shift Length	<input checked="" type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input type="checkbox"/> Nights		<input checked="" type="checkbox"/> Evening (Occasional/Rare)		<input type="checkbox"/> Rotating
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Lifting/Carrying (pounds)	Never	Rarely	Occasionally	Frequently	Constantly
0-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10-25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25-50	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
50-100	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typical distance carried: within area <input checked="" type="checkbox"/> between areas <input type="checkbox"/> throughout facility <input type="checkbox"/>					
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ladders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift above shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift below knees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel/Crawl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements, and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

POSITION DESCRIPTION TOWN OF GRAY, MAINE

POSITION TITLE: ASSISTANT DIRECTOR OF PUBLIC WORKS **DATE CREATED:** 12/9/2022

Classification: Full Time, Salary

Narrative: The Assistant Director of Public Works is responsible for the regular management and supervision of department staff to complete the duties of the department, including the four seasons of road maintenance, drainage systems maintenance, and construction. This individual should have the skills and working knowledge, including equipment knowledge and applications, to administer the various public works functions for the Town. This individual must be able to communicate with residents, schedule and coordinate crews of equipment operators, truck driver/laborers, mechanics and/or laborers engaged in street, sidewalk, maintenance and construction, snow and ice control or removal, storm drains; and limited automotive or equipment maintenance. The Assistant Director participates in the operation of equipment and performance of manual operations, as necessary. This position requires availability after hours and during municipal emergencies.

Supervision: This position reports to the Public Services Administrator. This position supervises the Public Works department.

POSITION RESPONSIBILITIES/TASKS

The tasks of this position are varied and situational, but commonly include the following areas:

- Direct the Town's road and infrastructure construction and maintenance duties in consultation with the Public Services Administrator
- Lead and coach all department staff including a crew of Equipment Operators, and Truck Driver/Laborers engaged in the construction and maintenance of municipal streets, and snow and controlled ice removal
- Assist with driveway permitting and code enforcement requests as assigned by the Public Services Administrator
- Administrate the Town's fueling facilities
- Assist Gray Fire Rescue when needed with incident response and collaboration on projects
- Maintain concise records of all equipment, materials, and supplies as well as personnel records, time sheets, and accounts payable, working with Finance and HR
- Ensure that purchasing of equipment, disposables, and material required for Public Works activities is conducted in a timely basis and adheres to the Town budget
- Effectively communicate with the public as needed on matters related to Public Works duties and projects
- Inspect work to ensure conformance with given standards and makes necessary adjustments in assignments and methods to correct deficiencies
- Supervise and participate in the operation of department equipment including heavy and light equipment, trucks and other equipment and tools
- Operate transit and related equipment to set grades
- Supervise and participate in the work of a crew engaged in a variety of Public Works activities.
- Process citizen complaints; maintain good public relations
- Receive written or oral assignments, contract the crew and collect necessary equipment, assign work for each member of the crew, and instruct crew in proper methods of work
- Maintain records of materials, equipment and manpower assigned to jobs; maintain records of sufficient detail to indicate total job costs when completed
- Perform related work and other duties as assigned by the Public Services Administrator.

POSITION REQUIREMENTS/QUALIFICATIONS

Education & Experience

Minimum Education Required:

- High School Diploma G.E.D/High School Equivalent Associate Degree
 Bachelor's Degree Advanced Degree

Prior Experience Required:

- Three years of experience with public works operations involving the operating of all levels of equipment, and experience in construction, repair, winter road maintenance, and maintenance of PW facilities; or any equivalent combination of education and experience.

Prior Experience Preferred:

- Five years of experience with public works operations involving the operating of all levels of equipment, and experience in construction, repair, winter road maintenance, and maintenance of PW facilities; or any equivalent combination of education and experience.

Certifications & Licenses

- Must possess a valid Class B (or above) State of Maine motor vehicle operator's license, or can obtain one prior to employment
- Safety certifications
- Must live within a 30-minute drive of Gray

Necessary Knowledge, Skills and Abilities

- Considerable knowledge of materials, methods, techniques commonly used in street and sidewalk construction activities
- Considerable knowledge of the hazards and safety precautions of public works operations
- Working knowledge of the operation of construction and equipment such as front-end loaders, backhoes and graders used in road construction work and ability to supervise and direct the activities of employees engaged in the operation of such equipment
- Ability to lay out, direct and supervise the work of a crew performing road maintenance activities and to obtain efficient results
- Ability to understand and follow complex oral and written directions
- Ability to establish and maintain harmonious relationships with employees and to effectively obtain satisfactory work output
- Ability to deal with the public in a courteous and professional manner
- Thorough knowledge of Public Works operations

Physical Requirements / Other

- The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.
- Work is performed in roadways, construction sites, public works facilities, and office settings. Physical strength and agility are necessary for performing this job. Hand-eye coordination is necessary to operate vehicle instruments, computers, and various pieces of equipment.

Physical Requirements/Other (continued):

Shift Length	<input checked="" type="checkbox"/> <8 hrs	<input checked="" type="checkbox"/> 8-12 hrs	<input type="checkbox"/> >12 hrs	<input type="checkbox"/> 24/7 operation	<input type="checkbox"/> On call
<input checked="" type="checkbox"/> Days:	<input type="checkbox"/> Nights		<input checked="" type="checkbox"/> Evening (Occasional/Rare)		<input type="checkbox"/> Rotating
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Lifting/Carrying (pounds)	Never	Rarely	Occasionally	Frequently	Constantly
0-10	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10-25	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
25-50	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
50-100	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
>100	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Typical distance carried: within area <input checked="" type="checkbox"/> between areas <input type="checkbox"/> throughout facility					
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Sitting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Walking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Stairs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ladders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift above shoulders	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reach/lift below knees	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kneel/Crawl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DEFINITION KEY	Never: 0 hours	Rarely: <10 minutes/shift or up to 1 hour per week	Occasionally: up to 1/3 shift	Frequently: 1/3-2/3 shift	Constantly: >2/3 of shift
Postures/Tasks	Never	Rarely	Occasionally	Frequently	Constantly
Work overhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Grasp with hands	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Keying	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Mousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Writing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements, and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

POSITION DESCRIPTION TOWN OF GRAY MAINE

POSITION TITLE: PWD LIGHT EQUIPMENT OPERATOR/TRUCK DRIVER/LABORER

DATE CREATED/ REVISED: 10/18/01; 10/28/19; 03/18/2020

Classification: Full Time/Hourly

Narrative: This position requires the individual(s) to operate a class of equipment that is considered light equipment including, but not limited to, backhoes, trucks, front end loaders, street sweeper and other equipment/tools to complete various all season jobs as assigned. Individuals in this position may be assigned to various pieces of equipment as determined by the Crew Leader or Public Works Director.

Supervision: Supervision is provided to this position on a regular basis. This position generally does not provide supervision to other personnel. Occasionally they may provide supervision when small crews are assigned to a specific job and the task of assuring that workers complete their work in an appropriate sequence is required.

ESSENTIAL TASKS, SKILLS AND REQUIREMENTS:

- Possess and maintain the necessary State of Maine and Federal vehicle operator's licenses, minimum Class B, to operate the vehicles in this class of equipment;
- Be able to work in varying weather and terrain conditions;
- Be able to work consistently during times other than the normal workday depending on the season;
- Be able to lift weights over their shoulder in excess of 50 pounds;
- Perform physical abilities to complete the position requirements.

EXAMPLES OF POSITION TASKS: (ILLUSTRATIVE ONLY AND NOT ALL INCLUSIVE)

- Operates all the equipment in this class as assigned;
- Assists in maintaining the equipment being used by checking fluid levels, air pressure and providing fluids and lubrication in the field as required;
- Operate equipment outside of this class as directed;
- Report equipment problems to the crew leader and mechanic;
- Operate all equipment and vehicles in accordance with all prescribed department, state and federal rules, regulations and requirements including safety standards;
- Complete a variety of tasks as assigned including, but not limited to:
 - Manual tasks;
 - Traffic control;
 - Assisting other personnel;
 - Attaching and dismantling snowplow equipment;
 - Removing and disposing of dead animals and other debris in and around roadways/town properties;
- Perform additional assignments as required.

POSITION REQUIREMENTS/QUALIFICATIONS

Minimum education: High School Diploma G.E.D Associates Degree
 Bachelor's Degree Advanced Degree

Prior Experience: 2 Years of direct experience in this position or field.

Specialized Training: State of Maine Commercial Driver's License (class B or above), safety certifications.

Applicant must reside within a distance suitable to arrive within 30 minutes of being called out.

Acknowledgement

I have received a copy of this position description and having reviewed it, agree with its description and requirements and understand that it is the basis for my performance and evaluations.

Name of Employee: _____ Date: _____

Name of Supervisor: _____ Date: _____

From: [Kristen Muszynski](#)
To: [Jonathan Hartt](#)
Subject: PB discussion of shed setback
Date: Friday, December 9, 2022 11:11:45 AM

Hi Jon:

This was discussed at the Oct. 13, 2022 planning board meeting, as their feedback was requested by the council. The board expressed support for reducing the setback for structures of 160 sf and smaller.

From the meeting:

Dan Cobb felt the 160' is too large for a reduced setback on some sites. May want to restrict by zone to reduce impact on abutters. Concerned about unintended consequences.

Melinda Sheehee noted that 160' should have minimal impact, as it is too small to be used for a car. Feels 10' setback would be minimum setback that would be appropriate.

David Phelps proposed sliding scale of smaller sheds having a smaller setback than larger ones.

Below is an excerpt from the memo for that meeting:

IV. NEW BUSINESS

1. Accessory structure setbacks

Does the board support or have comment regarding a reduced setback for accessory structures that are smaller than a one-car garage, in residential districts?

Related Notes

At this time, per the town ordinance, small accessory buildings are subject to the same requirements for setbacks as principal structures. The Zoning Board of Appeals at its August 24 meeting granted a variance for the setback of an accessory structure and suggested that the town could implement reduced setbacks for smaller structures, as oftentimes requiring a 50' or 30' rear and side setback places the shed in the middle of a property owner's backyard.

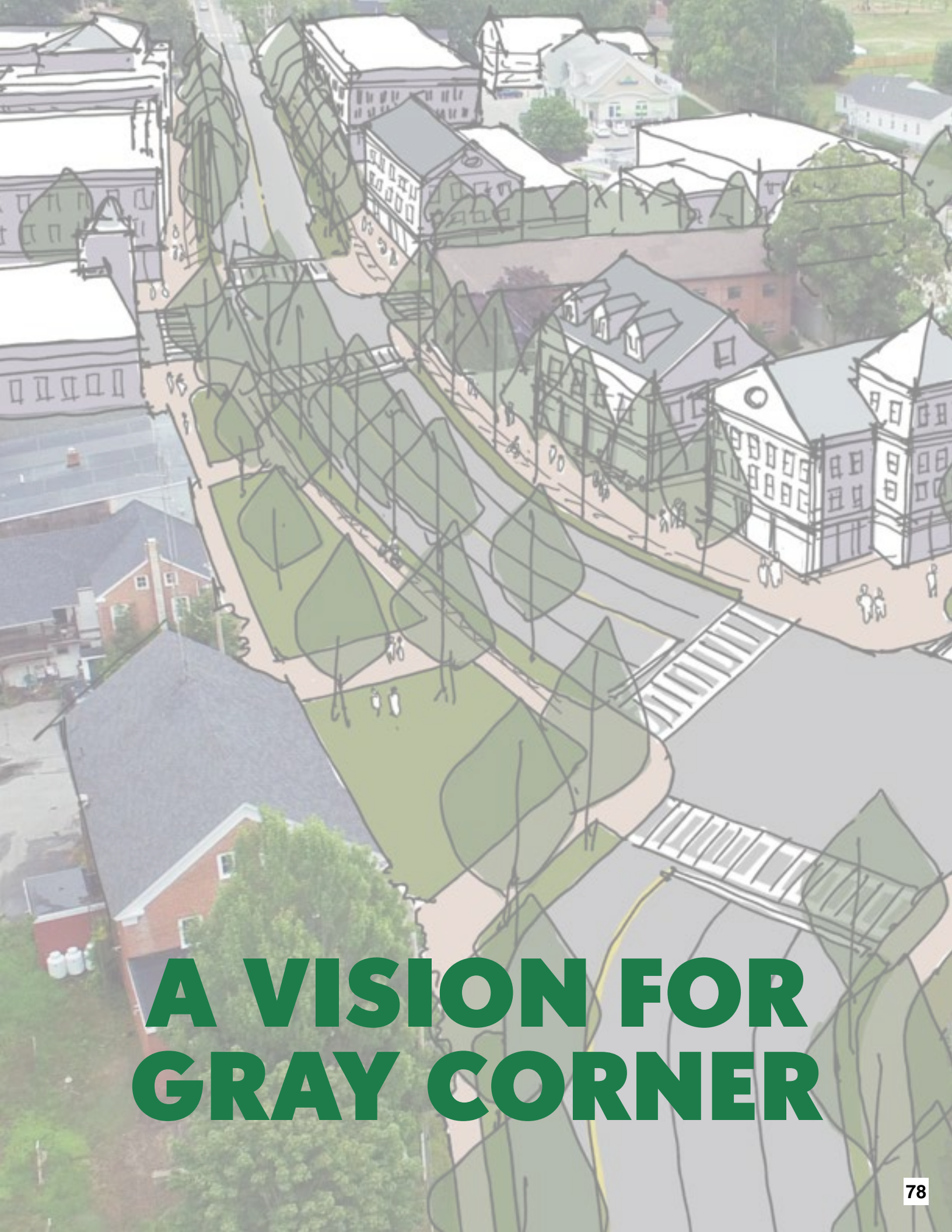
The code officer supports reduced setbacks for accessory structures under 160 sf. Most sheds are less than 160 sf and larger structures are approaching the size of a small one car garage.

This change could be addressed as an independent change or as part of the new zoning that is being revised. The town council plans to discuss this issue at an upcoming workshop and has requested planning board input. If the council decides to pursue an ordinance change, the Community Development office will draft the revised language with input from the Ordinance Advisory Board and that language will go through the public hearing and council review/approval process.

Kristen Schulze Muszynski
Community Planner
Town of Gray
207-657-3339 Ext. 114

This electronic mail message and any attachments hereto, as well as any electronic mail message(s) that may be sent in response to it, may be considered public records, and may

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A VISION FOR GRAY CORNER

GRAY, MAINE

A VISION FOR GRAY CORNER

DECEMBER 2022
GRAY, MAINE





*People create great places.
We are grateful to the 200+
residents, business owners,
elected officials, board and
committee members, and staff
for contributing to this effort.*

LETTER

Greetings to Gray Residents,

The Town Council engaged Principle Group to continue a conversation which began with the new Comprehensive Plan. Gray Village will be transformed in the next 3-5 years by two major infrastructure projects: (1) the Maine Department of Transportation led Main Street/Route 100 project which runs from the New Gloucester town line south through the Village and on towards the Maine Turnpike interchange; and, (2) the Town led Yarmouth Rd/Route 115 project which runs from about 62 Yarmouth Rd to Main Street in the Village. In both cases, the Town is partnering with the MDOT to define the scope of the projects and ensure the end results provide the increased safety and enhanced approaches which will facilitate the revitalization of the Village.

The Comprehensive Plan provides a framework identifying the Values and Vision the residents have for Gray. The Village Visioning process completed by Principle provided opportunities for residents to translate those Values and Vision into specific features, design standards, safety approaches and reconfigurations which will convert the Village from an extension of the highway system into the small-town New England Village from our beginnings.

Gray has always been known for the convergence of major roadways. Our location provides an opportunity to invite others here. With your support, we can transition from a place to drive through to a place to stop and enjoy. We can create a Village where residents want to live, where older people can age in place, where businesses have the support to flourish, and recreation and community events are a daily part of life.

This report provides more details about options for reaching these goals. Some may work out, others may not, and it will not happen overnight, but over years. It represents a big step forward in laying out “what Gray wants” and will be used to provide more leverage and concrete requirements to our state level partners giving the residents more control over our Town.

We thank you so much for your participation thus far and ask that you continue to come out to share your thoughts, ideas and to show your support for this important work.

Respectfully,

Sandy Carder,
Town Council Chair

ACKNOWLEDGEMENTS

Town Council

Sandra Carder
Michael Curtis
Krista Chappell
Dan Maguire
Martin Meaney

Town Staff

Anthony Dahms
Alec Dodd
Kyle Hadyniak
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Ritika Narang

TND Engineering

Chester Rick Chellman, P.E.

Greater Portland Council of Governments

Sarah Baker
Claire Luning (RC Fellow)
Kelly Rehberg
Lucy Sinclair (RC Fellow)

CONTENTS

INTRODUCTION	9
Community Engagement & Perspectives	14
BIG IDEAS	19
Reclaim the Village Center for People	22
Foster a Multi-Generational Community	24
Strengthen and Connect Neighborhoods	26
Build up the Local Economy	28
Create an Overlapping Network of Paths, Streets, and Trails	30
DESIGN	35
Site Plan	36
Gray Corner	42
Main Street	44
Brown Street	46
Colley Hill	48
Zoning and Development	50
Streets	54
Village Gateway Catalyst Site	60
NEXT STEPS	65





INTRODUCTION

A New Framework for Gray Village

Gray wants to reclaim its roads from cars and give them back to the people. This plan lays out a strategy to do just that.

In November of 2020, Gray voted to approve a new Comprehensive Plan. That Plan calls for focused growth and development in Gray Village, with a denser and more walkable pattern focused on human comfort and quality of life. Gray's streets are not and should not continue to be treated like highway on-ramps. Today's cars and trucks move through the Village at speeds often in excess of the posted speed of 30 miles per hour. Gray should become a stopping place rather than a place you drive through - with slow, safe streets that demand civilized behavior from drivers.

There will be a short transitional period - but Gray is fortunate that funding has already been allocated by the Maine Department of Transportation to fix key intersections and streets. And Gray, knowing infrastructure investments are coming, has been actively engaging in capital improvement planning. The Town Council committed to hosting a public engagement effort and hiring Principle Group and its project partners to draw plans and renderings to articulate what Gray's vision is for Gray Corner. This plan is a culmination of years of planning, passion, and dedication on the part of many people.

With infrastructure improvements on the horizon, this is Gray's generational

opportunity to establish a new identity and framework for daily life - one in which walking, bicycling, strolling, supporting and growing businesses, age-unlimited independence and housing choice could be transformed. This will leave behind a different legacy to Gray's children while making an indelible mark on older people who wish to age in place rather than be forced to leave their community for lack of safe streets and available housing in the Village.

For landowners and business owners, this work deeply considers how the project will impact business. Where in the plan you may see existing parking lots replaced by buildings, parking shifts to the street. Street parking is one of Gray's untapped assets. With slower, safer and more inviting streets outside the doors of businesses and residences, more people will want to be in Gray Village. A 30 second delay might force drivers (particularly trucks) to seek alternatives. The tradeoff: the people of Gray get to have beautiful, safe streets, outdoor cafes and restaurants and thriving shop fronts. Gray, in a short few years, could become a destination, a 1 - 2 hour resting stop before continuing to the mountains or lakes, and an even better place to live.

As the Town and MeDOT move through engineering and design, the preferred design scenario selected by the Town Council and the people of Gray should be the basis for all design decision-making.



This is a Conceptual drawing created during the public design week.

All plans and drawings shown in this report are conceptual only, and are subject to change.

This report provides a preferred design scenario as well as alternatives, giving the Town Council, residents, and stakeholders a number of options to consider. The plans have been drawn to scale, using data provided by the Town, MeDOT, and through the state's GIS data portal. Principle recommends that, should there be any notable deviation from the Council's selected design scenario, our design team is called upon to provide assistance. Plan annotations offer critical information to guide engineering decisions and fiscal investments.



MAIN STREET
GRAY CORNER
GRAY, ME.



(Top) This image is of Main Street looking south towards the original location of the monument at the intersection of what are today known as Yarmouth Road (formerly Greenleaf) and Main Street. In the foreground (right), Shaker Road (formerly Church Street) meets Main Street.

(Left) Five roads converge in this historic map of Gray Village.

Photo Credit: Gray Historical Society



*Gray Village Aerial Image,
2018.*

COMMUNITY ENGAGEMENT & PERSPECTIVES



Walking tour with the Gray community during the Design Week.



On June 27th, and from July 27 to July 30th, 2022, residents of Gray and local stakeholders were invited to participate in “Un-pave Paradise,” an intensive, multi-day Village design event to develop a vision for the Gray Village Center. The combination of marketing, events, and personal invitations to social networks successfully brought over 200 people to the table, lending their passion, local knowledge, and keen ideas for how Gray’s village evolves.



Throughout the course of countless conversations with Gray’s residents, stakeholders and leadership, it was universally agreed upon that the primary concern for Gray Village is slowing the vehicles down and reprioritizing who Gray’s streets are for: people, not cars. People expressed a desire to enhance the

already good lifestyles they feel they have in Gray, by making the Village an attractive destination for all, and a welcome place for new business investment, multi-unit housing, connected streets, trails and public spaces to move about the Village.



**Conceptual Drawing, Subject
to Change**







BIG IDEAS

Common Spaces

Benches
on
Sidewalks

Historic
+ Buildings

DO
PAR

BIG IDEAS

for Tray Village

ALL
PEDE
High
Red
Corner to

NING
OPTIONS

100%
energy
sustainability

Brick
is too
Slippery!

one-

This set of five Big Ideas touches on social, emotional, physical and structural needs and desires sourced from you, the people of Gray - about and for Gray Village.

- Reclaim the Village Center for People
- Foster a Multi-Generational Community
- Strengthen and Connect Neighborhoods
- Build up the Local Economy
- Create an Overlapping Network of paths, streets, and trails

All ideas appear as they were submitted to the Big Ideas Wall during the design week.

Many ideas sourced from the community have been incorporated into the plans and drawings within this report, but not all have been stitched in. As part of annual goal setting, the Town Council, Comprehensive Plan Implementation Committee and other boards and committees should consider how to integrate the big ideas into municipal efforts. Through open and collaborative goal-setting, different boards and committees can work together with staff to advance priorities.

Some big ideas suggest action by/from the private sector - such as attraction of new businesses and investment in comforts and amenities to private property. The big ideas communicate a desire for change, not a mandate. All ideas are just that - ideas - until people take action to implement.

Finally, in the design week studio many precedent photos were displayed to illustrate ideas and concepts both raised by the team and participants. Each big idea has been presented with a handful of precedents, annotated to describe how an idea can be implemented.



1 Reclaim the Village Center for People

Today, Gray's roads are operating as an extension of the highway. During this process, residents have affirmed the vision for the Village Center expressed in the Town's newly adopted Comprehensive Plan - that roads become streets, safe and slow, belonging to the people who live here and own businesses here. And that by prioritizing people, not cars, the Village becomes a place to stop and stay rather than simply a pass through to somewhere else.

- “
- Slow traffic down to make it safer
 - Explore traffic calming measures (i.e. bumpouts, narrow lanes, signs that say “slow down”, safety islands)
 - Make Brown Street one-way
 - Keep Brown Street as a two-way street
 - Close Center at Main Street
 - Widen Route 115 to have two lanes at the light coming from Yarmouth
 - Improve clarity of navigating intersection of Rt 115 and Portland Road
 - Simplify intersections
 - Improve timing of lights
 - Consider a roundabout at Main Street-Route 100-Yarmouth Road
 - Speed monitor on Rt 115 Yarmouth Road to keep people to 30 mph
 - Create safer pedestrian crossings
 - Create all pedestrian lights to allow for corner to corner or diagonal crossing
 - Make crosswalk at Historical Society raised and a brighter color to improve safety
 - Add streetlights
 - Bus stop to Portland
 - Lower turnpike toll to prevent trucks diverting off I-95
 - Don't allow 18-wheelers through town
- ”

2

**Foster a
Multi-Generational
Community**

Residents expressed a strong desire for a greater sense of community. There is broad interest for more gathering places and programming to engage with each other and foster social interactions. Whether they are recreational activities, parks, or community events, both older people and young families want more opportunities to connect with the Village Center.

- “ Build More Community Gathering Places
- Design a multi-generational community center (and pool)
 - Build more recreation facilities such as a basketball court, tennis court(s), pickleball court(s), skate park, small playground (nature playground?), bocce, tetherball, shuffleboard, arcade, trampoline park
 - Build a concrete pump track for skateboard, roller skate, roller blade, bike, and scooter
 - Create public spaces
 - Firepits
 - Pretty ice skating “places”
 - Create a music or performance space
 - Sledding hill
 - Add pocket parks or a gateway park
 - Make a park on some fringe area at the cemetery
 - Create a dog park
 - Place colorful benches in walking/ park areas
- Designate picnic areas
 - Develop space for food trucks
 - Provide more spaces for kids of all ages
 - Establish community garden(s)
 - Install public art
 - Expand Activities for All
 - Expand multi-generational recreational opportunities (softball, cornhole tournament) through coordination with the rec department
 - Organize Creating Community Events
 - Outdoor movie nights
 - Concerts in the park
 - Public holiday events (ex. Christmas parade)
 - Start a seniors and kids walk together program (have seniors volunteer to walk children to after school activities)
 - Formalize and expand the historic walking tour with placards at historic locations
 - Multilingual books in the library ”

3

**Strengthen
and Connect
Neighborhoods**

Residents want to accommodate people at every stage of life. People expressed concern for lack of affordable housing, an inability to age in place or buy homes that are affordable to live near jobs. Residents also identified a need to maintain beautiful neighborhoods through design and aesthetic improvements.

- “ • Affordable senior housing
- Create a 5-Story height ordinance
- Affordable rental units - both business and residential
- Use the former mill housing Farmhouse on Mayall Road as model for future multi-unit housing
- Develop vegetative storm systems (i.e. rain gardens, canopy trees)
- Preserve and showcase historic places and buildings
- Promote neighbors to keep their yard clean. Landlords and business owners do a better job with keeping property neat, clean, and maintained (i.e. repair unsafe and unsightly falling shutters, gutters, parking lot signs, etc.) ”

4

Build up the Local Economy

People love Gray and want to make it a destination, not just an exit or pass-through off the highway. During the Design Week residents said they want to attract local businesses to provide opportunities to increase the tax revenues while reducing property taxes. This means fixing up rehabilitating existing buildings, offering more dining options, and bringing in commercial businesses.

- “
- Attract more small, independent businesses in village
 - Clothing shop
 - Candy store
 - Movie theater
 - Pet store
 - Keep larger businesses and gas stations stay outside of village area
 - Clark’s Block needs to be fixed up
 - Create municipal parking lot with space for food truck court
 - Rehabilitate or remove Manny’s
 - 100% energy sustainability
 - Bring localized medical services (primary care providers or an urgent care) to the plaza
 - More dining options
 - Bakery/cafe/breakfast place
 - More Lunch spots
 - Edible Main Street
- ”

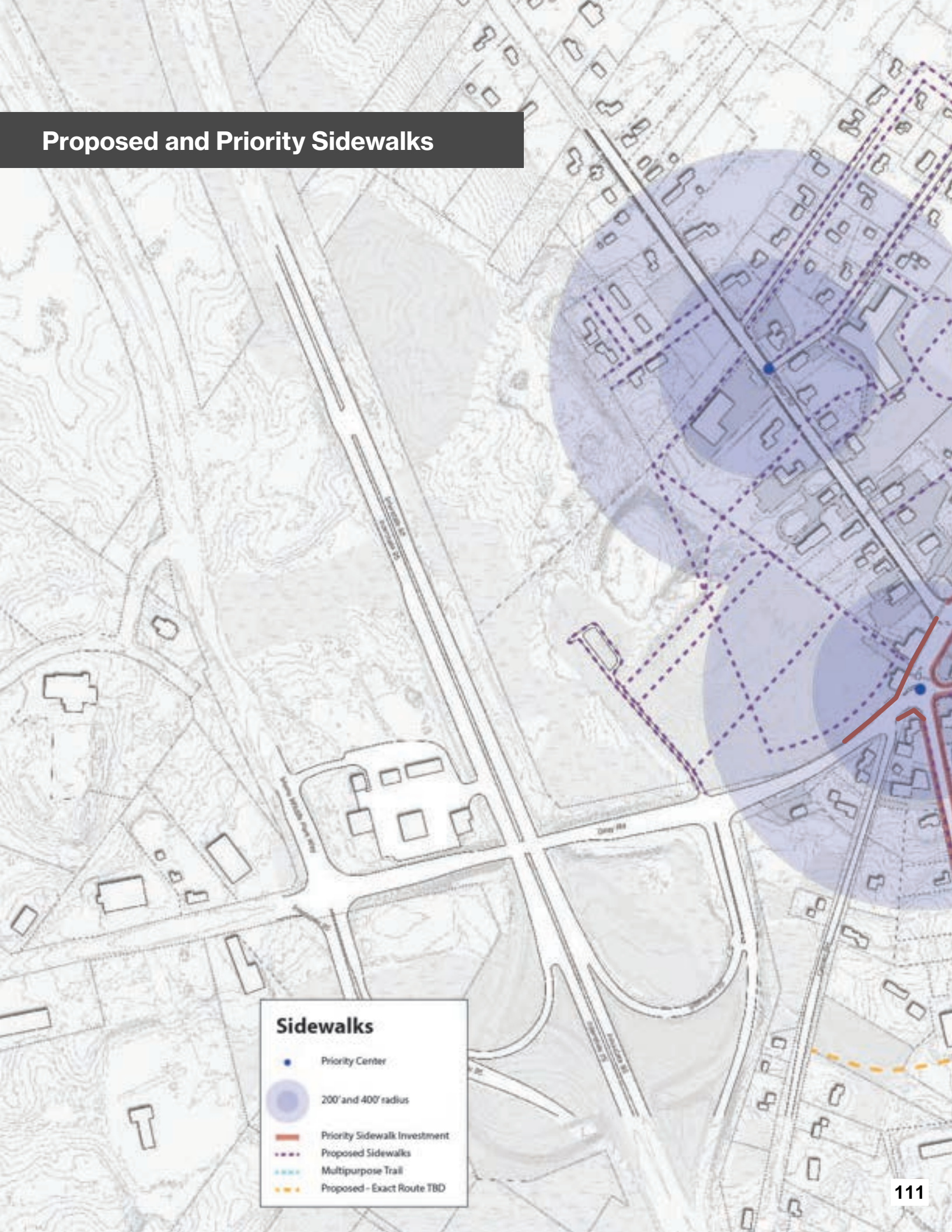
5

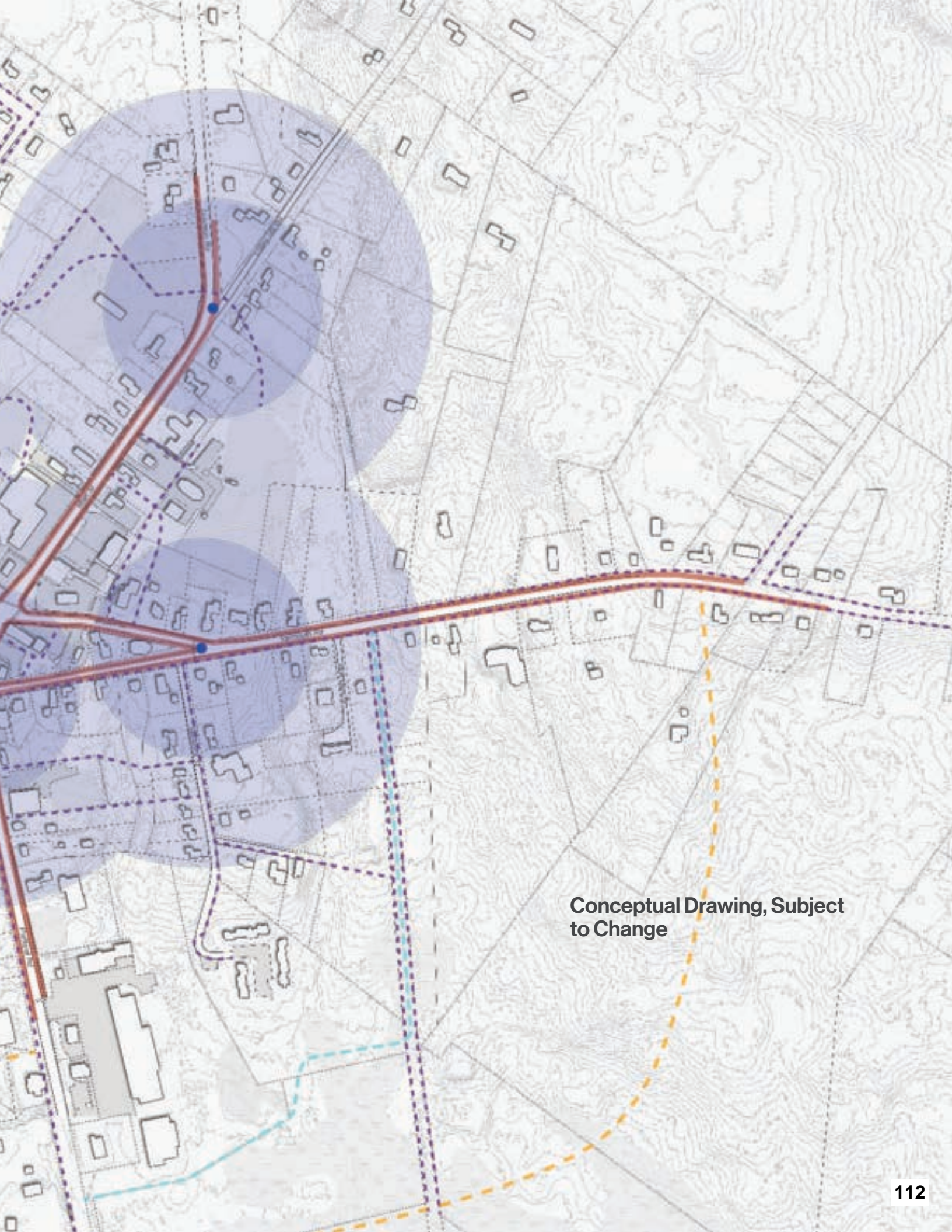
**Create an
Overlapping
Network of
Paths, Streets,
and Trails**

Gray residents want more opportunities to walk and bike around town. However, these paths are relatively disconnected. Weaving together thoroughfares within the Village and radiating outward will boost mobility, increase sociability, foster independence (especially amongst young people and elders), create safer vehicle movements, and connect town assets.

- “ • Extend sidewalks from the Village along Main Street/Lewiston Road and Shaker Road
- Add sidewalks on major streets (Yarmouth and Brown)
- Add bike lanes along major roads within the Village and extended beyond Village on Main Street/ Lewiston Road
- Expand walking and biking trails around village
 - Add trails through the cemetery
 - Turn interurban railroad bed into walking or multi-use path with nature viewing (coordinate with ATV club)
 - Extend path to the back side of Russell School
- Add bike lane in front of and sidewalks all the way to the Middle School
- Create directional signage for pedestrians (i.e. 5 minutes from here to library)
- Put benches on sidewalks
- Improve, and maintain, street landscaping (trees, perennials and annuals, grass, etc.)
 - Spread out bird houses along Village Trail
- Brick on some sidewalks is too slippery
- Connect the village to schools, Libby Hill, and Wilkies Beach at all mobility levels ”

Proposed and Priority Sidewalks





**Conceptual Drawing, Subject
to Change**





DESIGN

The site plan is centered around the goal of creating a “Complete Neighborhood” within the village. This design approach explores how to integrate Main Street with the land surrounding it through a network of complete streets that prioritize people first and cars second.

Within all village blocks, a mix of uses, activities and building types are provided, ensuring that the people who live here and come to the village on a daily basis can lead full, independent and dignified lives. In the preferred plan, commercial neighborhood amenities like coffee shops and markets can (and should) sit next to small, multi-family apartments. Blocks of slow neighborhood streets can provide children and older people alike with safe connections between home, school, social and recreational amenities.

KEY DESIGN MOVES:

- Reduce the size of the two major intersections, and prohibit free-flowing right turn movements
- Accommodate multiple uses and activities in every village block located within a 15 minute walk of the center of the village
- Reclaim portions of Main Street to expand sidewalks and designate space for bicycles
- Let buildings, new and existing, be parked on the street, in municipal parking lots, or share parking
- Fill in the gaps between buildings with new housing, businesses, and civic spaces



What is a Complete Neighborhood?

A “Complete Neighborhood” is a neighborhood where people have safe and convenient access to the goods and services needed in daily life. A fundamental design principle of a Complete Neighborhood is scale: human scale is paramount, allowing for easy and convenient walking and biking. Thriving neighborhoods have enough people living and working near local shops and services to create a vibrant local economy that can meet the needs of people of all ages and abilities.

Illustrative Master Plan



Conceptual Drawing, Subject to Change

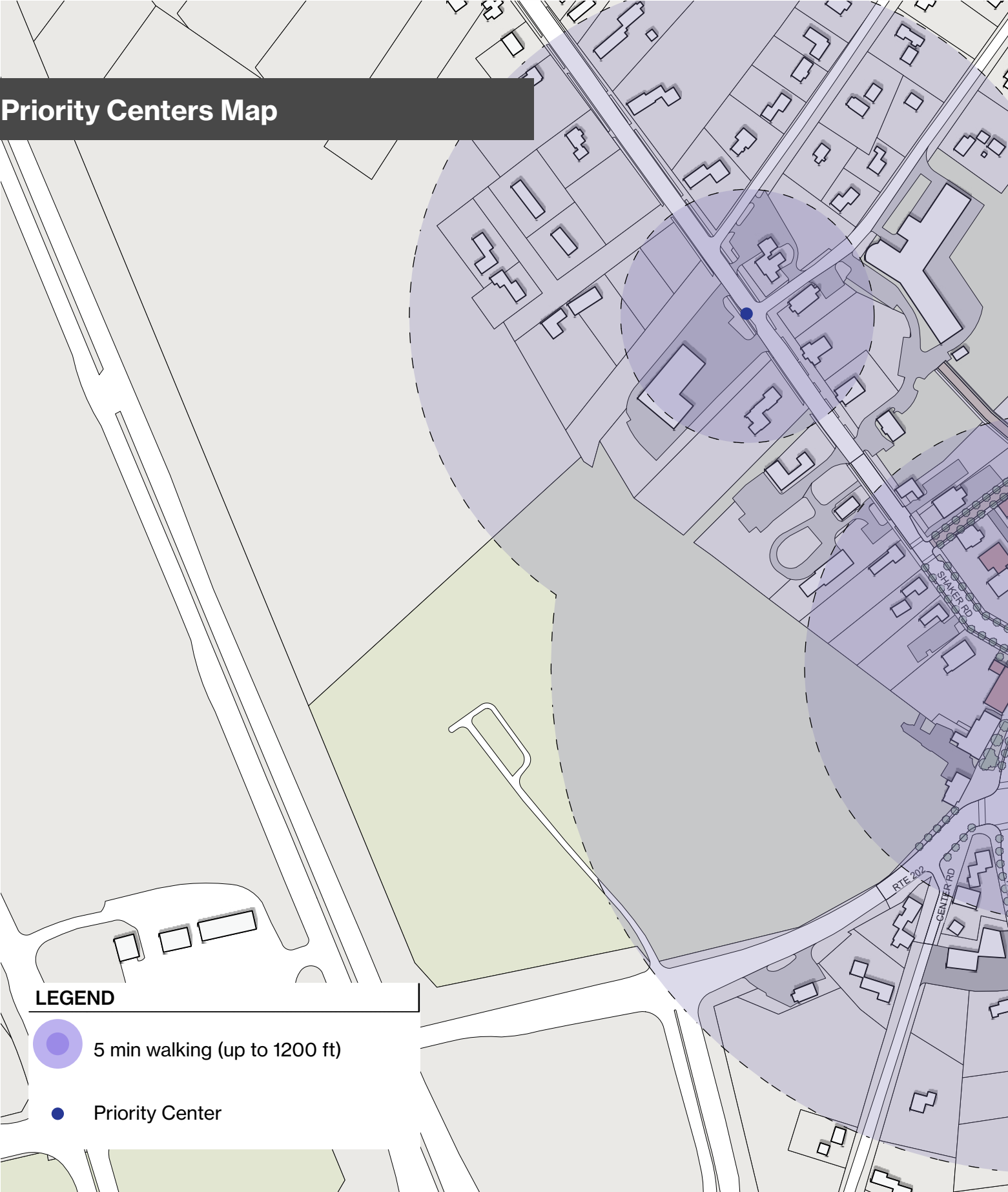


Plan Notes

- A** New Intersection Design prioritizing narrow pedestrian crossings at Main Street/Yarmouth Road & Portland Road
- B** Realignment of Brown Street/Shaker Road at the intersection with Main Street
- C** New Open Space at Brown and Main Street
- D** Service Alley
- E** New neighborhood street
- F** Realignment of the intersection of Brown Street and Yarmouth Road
- G** New neighborhood street along shared with the Pennell Park pathway
- H** New Plaza in front of Gray Historical Society
- I** Relocated Veteran's Monument
- J** Catalyst Site with a new Baseball Field surrounded by new infill development
- K** Realignment of the intersection of Main Street and Colley Hill Road

Potential New Infill Development

Priority Centers Map





The pattern of development in and adjacent to the village is quite spread out. Using the 5-minute pedestrian walk-shed as an analysis tool we can see clear opportunities to develop in a tighter, village-appropriate pattern.

GRAY CORNER



Plan Notes

- A** New Intersection Design prioritizing pedestrian crossings at Main Street/ Yarmouth Road & Portland Road
- B** Public space in front of the Historic Society, designed to allow access to their driveway and the Cemetery
- C** Potential Infill development to contain the corners and create an urban environment
- D** Service Alley
- E** Turning lane to Portland Road

The big design move here returns the civic heart and life to Gray Corner. Wide slip lanes and the paved shoulder is replaced with civic space in front of the Historic Society and old fire station, and generously wide sidewalks on both sides of the street.

The intersection of Yarmouth and Portland Road with Main Street and Route 202 functions as a buffer between the highway road geometry and the Gray Village. With adjustments in intersection alignments, new buildings fill in to create a feeling of intimacy and shelter for people. Crossing distances are shorter, turning movements tighter and slower, and native plantings provide visual interest and shade to the street.



MAIN STREET



Plan Notes

- A** Realigned squared intersection design at Main Street & Shaker Road/Brown Street
- B** Town Square in the southeast corner with active uses
- C** Relocation of the monument into the new Town Square
- D** Stimson Hall with infill development
- E** Potential Infill development key to create a 100% corner, where all corners are built and active
- F** Infill development in surrounding parcels
- G** New Main Street Design with on-street parking

The site plan shows how Main Street could look 10, 20 years from now when the street is repaired and the property values increase to support the redevelopment of what are today auto-oriented commercial uses.

A right-angle corner fronted on all sides by buildings and civic space is created at Shaker and Main Street, creating a true village center with active uses. The intersection with Shaker Road is realigned and the monument moved into a Town Square.

Stimson Hall could accept additional buildings surrounding it, encouraging its historical rehabilitation. Surrounding parcels can be reconfigured with new infill development served by parking and lanes behind buildings.



BROWN STREET



Plan Notes

- A** Squared intersection design at Brown Street & Yarmouth Road
- B** Green space in front of the church
- C** Small new garden space resulting of the new intersection alignment
- D** Brown Street design with on-street parking
- E** New Yarmouth Rd street design with sidewalks and landscaped buffers

This section of the site plan shows the design solution widely supported by the community: realigning the intersection of Brown Street at Yarmouth Road to force drivers heading west on Yarmouth Road to make slow, right hand turns to continue on Brown Street.

The street includes on-street parking amenity for businesses and the church, and a new formal public space is created where currently asphalt exists. Sidewalks wrap from Brown Street onto Yarmouth Road, providing a looping connection back to the heart of the Village.



COLLEY HILL



Plan Notes

- A** Squared intersection design at Main Street & Colley Hill Road
- B** Small new garden space resulting of the new intersection alignment
- C** New Infill buildings fronting Main Street
- D** New Main Street design extending into Lewiston Rd with on-street parking
- E** New Baseball Field included in the proposed design for the Village Gateway Catalyst Site
- F** New Infill buildings flanking the proposed new Baseball Field

In this section of the site plan, alignment adjustments are recommended to remove the sharp angled intersection of Colley Hill entering Main Street. Vehicles will now slow down to make turns, and the road aligns with the new neighborhood streets of the Village Gateway Catalyst Site.

Some width is removed by tightening up the curve in the street. This, combined with a new, larger building fronting Main Street will create the friction and discomfort to force drivers to slow down sooner. On-street parking continues in this section of Main Street, helping to support new neighborhood development.



Growing inside the village is a stated goal of the new Comprehensive Plan, as is the call to amend zoning to accomplish this goal. To be most helpful, the approach this report takes is to match up the vision and plans contained herein with the urban regulations that would be needed to accomplish the kind of build out that Gray wants to see.

Note: this section is technical in nature, as it describes legal language found in zoning and land use law. Efforts to simplify language have been made while retaining its legal nature.

Key Village Urban Regulations:

DISTRICT WIDE

- Eliminate discretionary terms and areas of vagueness from the existing ordinance and permitting process. Discretionary terms describing buildings and architecture such as, “shall be compatible” should be avoided. Discretion should be reserved for explicitly stated reasons. Any place in the ordinance that allows for a waiver should provide corresponding performance standards to review the request and guide decision-making.
- Replace discretionary language with a pattern book that articulates architectural design standards such as: features, massing, materials, window placement, roof pitches and how to treat additions or expansions of existing structures.
- Adopt a definition of “Theoretical Lot Lines” to allow for the placement of multiple buildings on a site without requiring division of land.
- Allow buildings to derive frontage on a thoroughfare, civic space, right-of-way, or easement. Driveways do not count as thoroughfare types.
- Consider eliminating all permitting fees for projects that create multi-unit housing building types (3+ unit to 12 unit buildings) on a single, infill lot.



BUILDINGS

- Adopt a set of approved building types to control the size and scale of buildings. For larger building types, such as large apartments, inns, and mixed use buildings, allow up to 5 stories in height and up to 200' in width to allow buildings to fill out the frontage of a human-scaled, walkable village block.
- Establish a range of ground floor heights keyed to building types to allow for a variation in building heights along the street. Historic places have this pattern of height variation. Modern places controlled by maximum height (as expressed on total feet) read as inauthentic, fake, and sterile.
- Require commercial buildings in the village to create shop fronts, with door entries spaced no further than 25 feet apart.
- Adopt fenestration requirements to ensure that buildings relate to the street by providing a rhythm of door and window openings
- Eliminate the dwelling/lot area requirement to attract multi-family housing building types and encourage infill between existing buildings.
- Require residential buildings fronting on public streets to include stoops or porches to create connection to the street.
- Develop a set of pre-approved missing middle building types. Pre-approved building types that create less than 4 units on a lot could bypass site plan review.

SITES

- Increase the allowed maximum lot coverage (buildings plus all impervious surfaces) to 90%
- Reduce minimum lot widths to 16' to permit fee-simple row houses. For new lots, set a maximum lot width of 200'. This finer grain lot dimension results in a lot and block pattern that is tighter, more urban village and supportive of walking.
- Set a maximum perimeter block length of 1320', again to yield an urban village block pattern. Larger blocks are appropriate in other areas of town where more commercial industrial and warehouse buildings are located.
- Where a larger block exists today and the site is accepting infill development, or its creation cannot be avoided in future, require a mandatory pedestrian passageway every 180' and no narrower than 12' between buildings. (12' will require special fire rating; 40' will not). Both private developments and municipal streets projects should adhere to this standard.
- Blocks should be a minimum width so as to provide two rows of developable lots.
- Eliminate mandatory off-street parking for missing middle housing building types (triplex, and up to 12 unit small apartments or mixed use

buildings).

- Expedite site plan review for any application that removes asphalt in exchange for creating sidewalks, shared streets or any hardscaped surfaces for use by pedestrians
- Implement a fast and simple one page permit application for "Site Activation" projects that turn parking or portions of a site into community gathering spaces and amenities, such as pop-up play spaces, cafes, outdoor markets and temporary retail or food and beverage kiosks. Allow permitting of temporary projects (six months or less) to happen at the staff level. Do not treat such temporary changes to sites as a change of use.

SUBDIVISION

- Adopt the subdivision exemption allowing buildings with 4 units or more to be reviewed as a site plan. Decrease the permitting time-frame for smaller scale multi-family housing (12 units or less)) to be less than or equal to the timeframe for site plan review. Any move to reduce permitting times and hurdles creates incentive to the market to deliver missing middle housing.





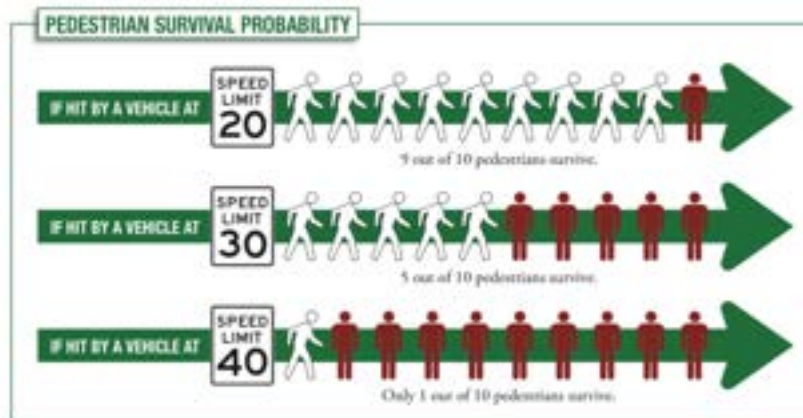
STREETS

Streets are the outdoor living rooms of neighborhoods. The best-designed streets consider the evolving needs of people who need them, supporting personal independence and fostering dignity, particularly for children and older people.

However, hostile streets that operate under the assumption of car-dependence and assume that all people are able-bodied and unburdened by mobility, sight or auditory challenges lead to division, exclusivity, isolation, and limitations on work and social activities. Gray is at a pivotal point to reclaim space from cars and give that space back to people for walking, strolling, gathering, dining, socializing and daily life. Strategic action on the part of the Town is necessary to put in place a connected, safe network of complete streets that sets up the infrastructure framework for coming growth.

KEY DESIGN MOVES:

- Slow the movement of vehicles through the Village by eliminating free-flowing right turn lanes
- Reduce the size of intersections shortening crossing distances for pedestrians
- Narrow the travel lanes to reduce speed
- Add on-street parking to support business while creating further friction to the street and protection of pedestrians from moving vehicles
- Provide dedicated bicycle facilities to separate bicyclists from moving vehicles
- Beautify the street with landscaping and street trees
- Provide convenient and frequent cross walks and resting places for pedestrians to support mobility, particularly for children and older people

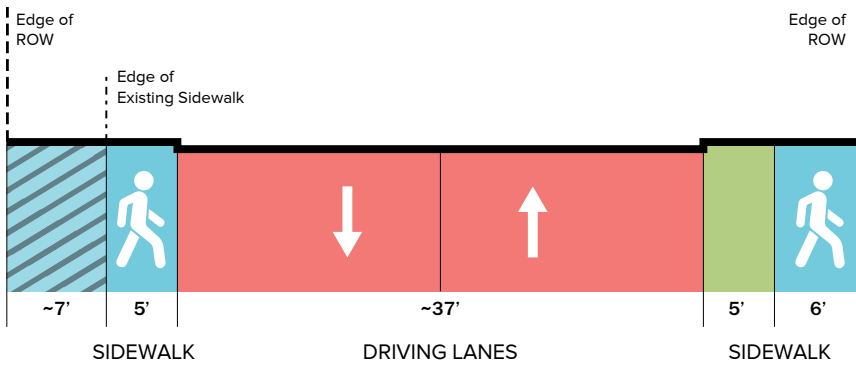


Source: FHWA Pedestrian Safety Strategic Plan: Background Report, 2010



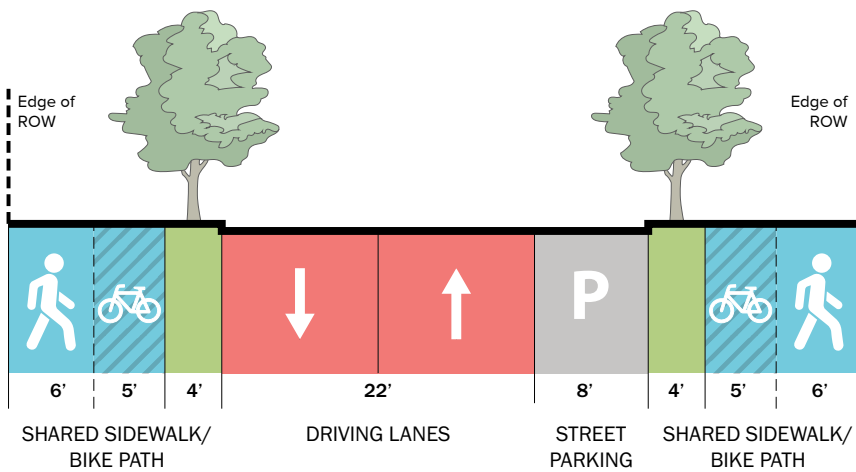
Main Street





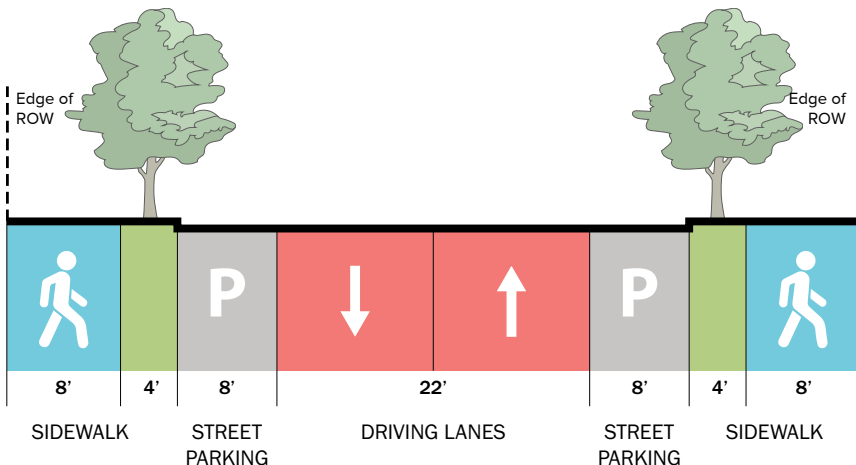
EXISTING CONDITIONS:

- Unnecessarily wide driving lanes and road shoulder
- Narrow sidewalks
- West ROW occupied by abutting parcels
- Lack of shade, furniture, and other pedestrian-oriented amenities
- Constant curbcuts



PREFERRED DESIGN:

- Driving lanes width limited to 11 ft.
- On-street parking on the east side of Main Street
- Wider sidewalk functioning as a shared sidewalk/bike path
- Planting strip on both sides of the street



DESIGN ALTERNATIVE:

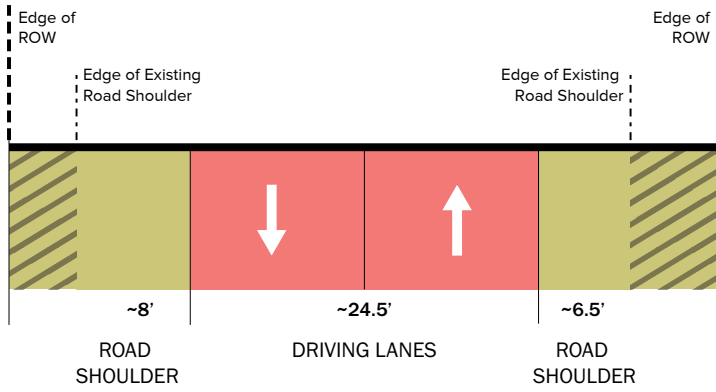
- Driving lanes width limited to 11 ft.
- On-street parking on the both sides of Main Street
- Wider sidewalk
- Planting strip on both sides of the street
- Cyclist share the street with the regular traffic

Yarmouth Road



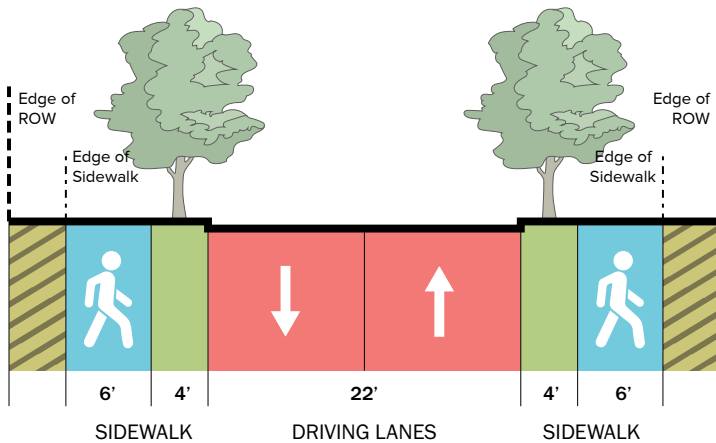
EXISTING CONDITIONS:

- Fast moving traffic and no pedestrian infrastructure
- Wide driving lanes
- Unsafe to walk. No sidewalks, just a dirt path along the road shoulder
- ROW unclear and potentially occupied by abutting properties



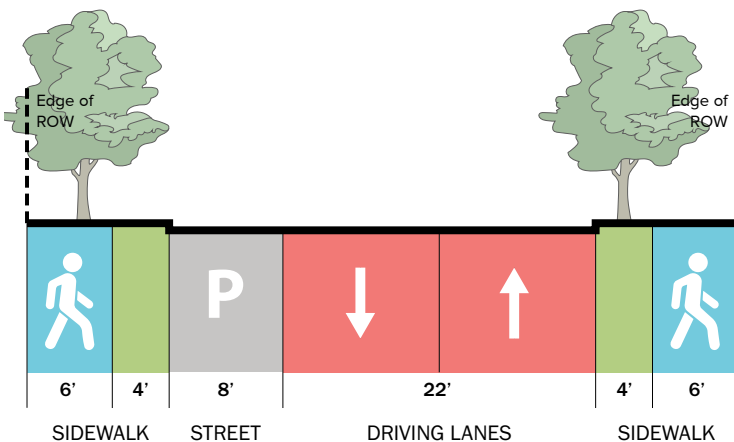
PREFERRED DESIGN:

- Driving lanes width limited to 11 ft.
- New sidewalks with a planting strip on both sides
- Not all the ROW is utilized, allowing to minimize conflict with abutting properties



DESIGN ALTERNATIVE:

- Driving lanes width limited to 11 ft.
- Potential on-street parking on the north side of the street.
- New sidewalks with a planting strip on both sides.
- Utilization of the entire ROW, potentially requiring the relocation of some fences and retaining walls.



VILLAGE GATEWAY CATALYST SITE

In 2021, Gray residents voted to acquire an approximately 6 acre site with the intention of guiding the kind of growth it wants to see in the village center. In recent years, the pressure to build housing has meant the loss of parcels in the village to single family housing. Leadership recognized that land within the village is scarce, and voters supported the idea of a master planned new neighborhood for what is today an open field.

As envisioned, this area will have a number of activities and building types to address what Gray wants to attract and see more of in the village. There will be spaces for active play, social living, and possibly senior and multigenerational housing with apartments. Trail connectivity is also a priority, especially between the schools and Pennell Campus where many programmatic activities happen.

In its current form, Gray village is about one block deep. The spaces behind buildings on Main Street and (Short) Shaker Road - used for parking lots and circulation driveways - provides an opportunity to reorganize and repurpose how this space is used.

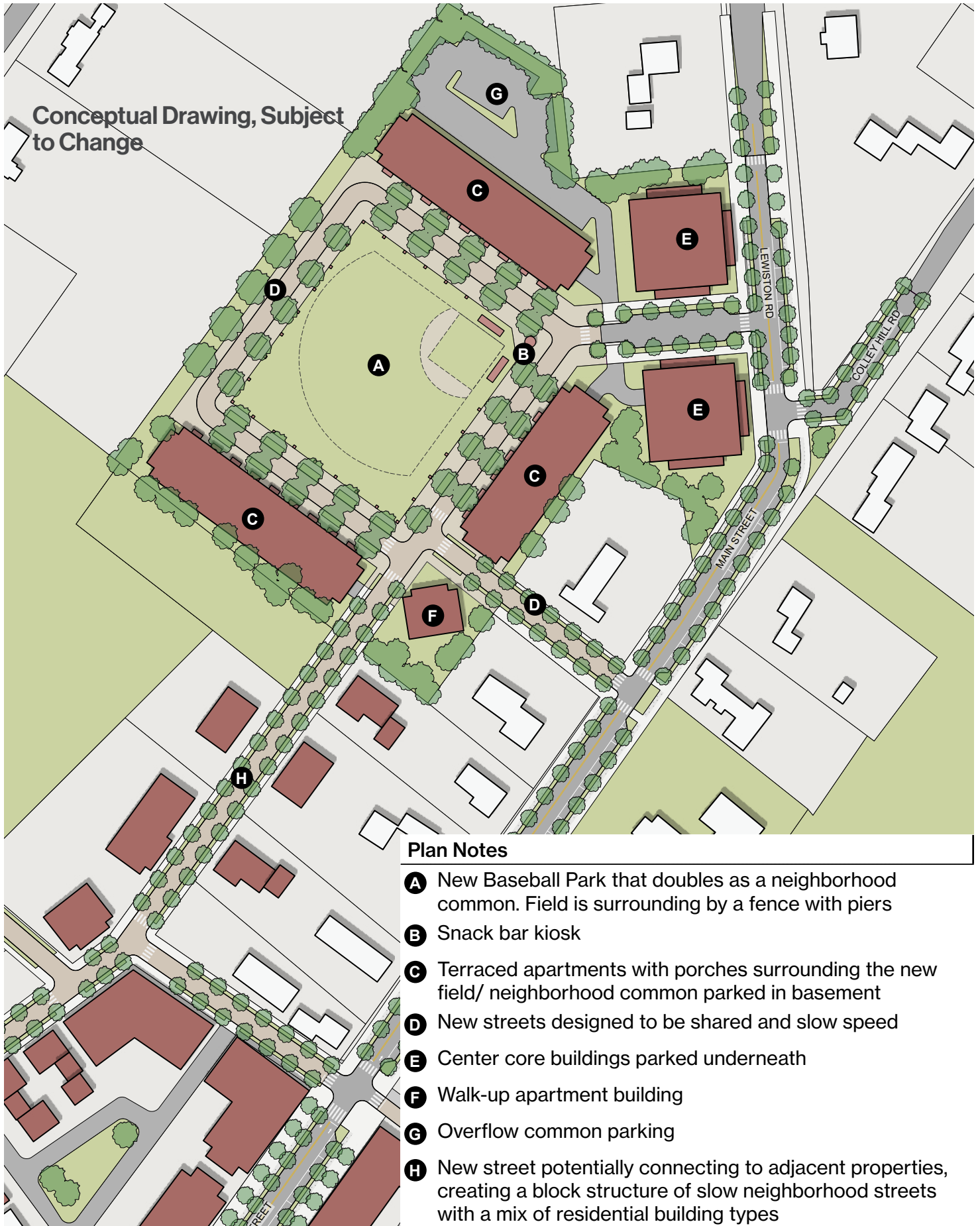
SITE BACKGROUND

- Site is a flat field, with frontage on Main Street near the intersection of Colley Hill Road
- Located almost directly across from Pennell Campus with the elementary school along its western boundary
- A trail grant was awarded to extend the VALT trail to connect Pennell Campus to the school; location of route not fixed per the grant award, but intended for location along the southern property line
- Zoning Map designation is “VC” and should be considered for rezoning to “VCP” or the most dense zoning district





Conceptual Drawing, Subject to Change



Plan Notes

- A** New Baseball Park that doubles as a neighborhood common. Field is surrounded by a fence with piers
- B** Snack bar kiosk
- C** Terraced apartments with porches surrounding the new field/ neighborhood common parked in basement
- D** New streets designed to be shared and slow speed
- E** Center core buildings parked underneath
- F** Walk-up apartment building
- G** Overflow common parking
- H** New street potentially connecting to adjacent properties, creating a block structure of slow neighborhood streets with a mix of residential building types

The preferred site plan sees the village gateway site integrated with a new block structure of complete streets, providing frontage opportunities for many new buildings. New building sites could accommodate some taller, more dense multi-family buildings to attract the private market to build much desired senior and workforce housing.

New streets may be continued to connect to adjacent properties if/when further development occurs, creating a secondary street network parallel to Main Street. This will provide multiple opportunities for pedestrian connections within the site and to adjacent destinations such as the school and municipal buildings.

The build out of the village gateway site will require partnership with private developers to ensure it happens in alignment with Gray’s desired vision for the site. Well-designed private spaces are provided between buildings, using a mix of native plants and trees, hardscaping, and pedestrian comforts (low key lighting, seating).



Examples of Apartment buildings that could surround the new field/neighborhood common.

(Top) Hotchkiss School Residence Halls, RAMSA Architects.

(Left) Capitol Square, Union Studio.





NEXT STEPS

NEXT STEPS

The hard work of the Town Council and community will continue, as many of the ideas described in this report will require further conversation, exploration, and decisions as the plans transition to engineering. The spirit of an “all hands on deck” process, and the invaluable energy built during the design week can continue to be leveraged. What follows is a recommended set of next steps the Council can take, in addition to working collaboratively with the MeDOT to advance engineering and design for the streets.

ENGAGE THE COMMUNITY AT KEY TOUCH POINTS

The making of this plan for Gray Corner benefited immensely from the involvement of community members and board and committee volunteers. Gray residents love their town, and the dedication they feel to show up and be part of decision-making is evident. The community conversations at the workshops and special topic meetings provided essential input to the process. And, residents expressed gratitude for leadership taking on this important work and investing in an engagement platform that allowed easy participation.

Council should continue to invite the public to engage at key touch points, and take moments to celebrate milestones as they are reached. Hosting special plan open houses and events will encourage continued participation.

ADVANCE ZONING DISCUSSIONS

This report also includes a number of zoning recommendations to allow for new development to take a desired

form in Gray. As the streets and infrastructure discussions advance, the Town can also begin to take next steps to create a Pattern Book for Gray Village and made modifications to parts of the zoning ordinance that might be holding back good development from happening - and timely decisions being made.

ADOPT A QUICK-BUILD SPIRIT

Entrepreneurs in Gray could be supported to take on some of the desired changes people would like to see to existing commercial properties if a fast staff review and sign-off process were in place. Ideas such as parking lots to gathering or play space, raised beds for pollinators and food growing, outdoor seating, cafes, and incubator retail market stalls could be tested if a simple one page application process was created. These kinds of quick-build projects invite the business community to easily participate in making Main Street more beautiful and more inviting to be here.

KEEP PARTNERING AND LEVERAGING RELATIONSHIPS

Gray's staff and leadership have done a remarkable job of connecting with supportive networks such as the Bicycle Coalition of Maine, Greater Portland Council of Governments, and Maine Council on Aging to tap resources and talents to move Gray Village forward towards the future it wants. Continue asking for assistance. All three organizations can prove helpful seeking funding and with public education around issues of equity, transportation, housing choice and being the most age-friendly multi-generational community Gray can be.

DISTRICT COMMITTEE

The Town Council may want to consider forming a special Village District Committee tasked with the sole responsibility of planning,

seeking grants, and working with the local business community to lift Gray Village up. This committee should be comprised of people who particularly feel passionate about the ideas expressed in this report, who are entrepreneurial-minded, and who have understanding of the development industry.

CELEBRATE!

Last, the implementation of plans the scale of this one will take many years to happen. Successes along the way should be celebrated. We recommend Gray considers hosting a celebratory 1 year community check in and family block party on the Pennell Campus in Summer 2023.

Bottom Left: Turn portions of under-used parking spaces into beautiful outdoor places to dine. Bottom Right: test street improvements with temporary materials.



Newspaper public notice rate comparisons

Provided by Cyndy Bell, Advertising Accounts Manager for the Lakes Region Weekly/The Forecaster/ Maine Women Magazine

Note: All of these publications are owned by MASTHEAD MAINE, as are the Sun Journal and Portland Press Herald. (The only daily in Maine that is not owned by Masthead is the Bangor Daily News.)

Rates as of Dec. 7, 2022

Sample size ad measures 5 inches wide by 4 inches tall

To run in the Lakes Region Weekly as a display ad, the cost is \$116.75.

The average per col rate comes to \$14.59 per col inch. This is our 52 week discounted rate for the Lakes Region Weekly deadline is Tues at 10 am.

To run in our classified section of the Forecaster and Lakes Region Weekly, the deadline is Monday at 9 am the ad would run in all 6 of Masthead's local weekly papers.

The size of the width of classified is for a 2 col is 3.25 for example, to run a 2 col by 4 tall ad b/w only in classified would cost \$236.75 (3.25 wide by 4 tall). This rate is \$29.59 per col inch.

To run a classified in the Sun Journal, similar size as above is a 3.75 wide (3 col. Their columns are narrower) by 4 tall cost is \$387.75 Deadline is two days prior to run date. \$32.31 per col inch.

To run same in the PPH classified, same size as the SJ (3.175 wide by 4 inches tall b/w), cost would be \$218.15 weekdays. Sunday would be \$293.15. Rate is \$24.43 per col inch. Deadline is noon, 2 days prior so to run on a Friday needs to be in by noon on Wed.

Of course you might be able to get your copy into smaller sizes than the samples I just mentioned. But I'm giving you apples for apples in size.