

**Town of Middletown  
Handbook  
For Seasonal/Temporary  
Employees**



**Town of Middletown Employee Handbook  
For Seasonal/Temporary Employees**

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## **WELCOME**

Whether you have just joined the Town or have been with us for a while, we are confident that you will find our organization to be a dynamic and rewarding place in which to work. We consider the employees of the Town to be critical resources and we look forward to a productive and successful association.

This handbook has been especially prepared for you to serve as a guide for the employer / employee relationship. The topics covered in this handbook apply to seasonal/temporary employees of the Town of Middletown. It is important to keep several things in mind about this handbook.

- This handbook contains only general information and guidelines. It is not intended to be comprehensive or to address all of the possible applications of, or exceptions to, the general policies and procedures described. It is not intended to supercede department rules and regulations that may cover many of your terms and conditions of employment. If you have any questions, you should address them to Human Resources.
- Neither this handbook nor any other Town document, confers any contractual right, either expressed or implied, to remain in the Town's employ or guarantee any fixed terms and conditions of your employment. Your employment is on a voluntary, at-will basis and is not for a specific time, and may be terminated at any time by the Town or by you.
- The procedures, practices, policies, and benefits described here may be modified or discontinued from time to time. We will make every effort to inform all employees of any changes as they occur, but cannot guarantee immediate advance notice of changes.
- Some of the subjects described here are covered in detail in the Town's official policy and procedure documents. For more detailed information please contact Human Resources.

We are pleased to have you as a Town of Middletown employee and sincerely hope that our association will always be mutually beneficial.

Shawn J. Brown  
Town Administrator

## **SECTION 1 – TOWN ORGANIZATION, STRUCTURE AND POLICY STATEMENTS**

### **1.1 MISSION STATEMENT**

Our mission is to preserve the character and quality of life in the Town of Middletown. We strive to achieve our mission by improving the quality of services and supporting well-balanced growth in the most cost-effective and responsible manner possible. As we work towards our goals we will treat all members of our community, Town Government, volunteers and employees with respect and dignity.

### **1.2 VISION**

We envision being a leader in providing innovative efficient municipal government operations deserving of public confidence, while demonstrating a strong commitment to preserving our cultural traditions and pristine resources, and respecting our diverse community. Our administration is committed to the health, safety, and welfare of the public we serve and to ensuring the quality of life for future generations. We will ensure that town government is responsive and accessible, and that all sectors of the population are welcomed and encouraged to participate in town governance. We see a future committed to continuing to build valuable partnerships, and collaborating with other communities, state agencies, and private organizations in order to meet challenges. We endeavor to plan for and take advantage of opportunities that will improve our community now and in the future.

### **1.3 VALUES**

The Town of Middletown values:

- Honesty, integrity and accountability in our work and treatment of all members within the community
- Commitment to employee development, excellence, and recognition
- Innovation, creativity and expanding the use of technology in the delivery of our services where
- it improves efficiency and effectiveness to the benefit of the community
- Collaboration, communication, and encouragement of community participation
- Conservancy of the environment and quality of life now and for future generations
- Demonstrate exemplary standards of professional and ethical conduct
- Safeguard and maintain responsible fiscal management practices
- Commitment to employee and community health, wellness and fitness
- Diversity in our employees and our community

### **1.4 TOWN AND GOVERNMENT FACTS**

The Town of Middletown was established in 1639 and incorporated as a Town in 1743. The Town is governed by a seven member Town Council and an appointed Town Administrator. Local elections are held every two years in even years for all Town Council members. The Town adopted a Home Rule Charter on November 5, 1968, under which all powers of the Town are vested in the elected Town Council. The Town Council may enact local legislation subject only

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to the limitations imposed by the Charter, the State Constitution and the General Laws. Under the Charter, the Town Council determines policy, enacts law and appoints the Town Administrator. The Town of Middletown currently has a population of approximately 18,000 residents.

More general and historical information on the Town of Middletown can be found at the Middletown Historical Society website [www.middletownhistory.org](http://www.middletownhistory.org) and on the Newport County Chamber of Commerce website [www.newportchamber.com](http://www.newportchamber.com) under Communities / Middletown.

## **1.5 TOWN DEPARTMENTS**

The Town of Middletown is organized into the following departments serving under the Town Administrator:

<u>Department</u>	<u>Department Head</u>
Assessment/Collections	George Durgin, Assessor/Collections
Building/Zoning	John Kane, Jr., Building Official
Finance/Human Resources	Marc Tanguay, Finance Director Cecilia Dursi, Human Resources Manager
Fire	Peter Faerber Jr., Fire Chief
Planning	Ronald Wolanski, Planning/Economic Dev. Dir.
Police	Anthony Pesare, Police Chief
Public Works	Tom O’Loughlin, Public Works Director Will Cronin, Facilities/Operations Manager
Senior Center	Arleen Kaull, Senior Center Director
Technology	Matthew Wainwright, IT Director
Town Clerk/Canvassing /Probate/Municipal Court	Wendy Marshall, Town Clerk
Town Engineer	Warren Hall, Town Engineer

Middletown Town Hall hours of operation are 8:00 am – 4:00 pm M-F year-round. Please visit the Town of Middletown website at [www.middletownri.com](http://www.middletownri.com) for specific information on departmental operations, the Town Council, School Committee, and all Town Boards and Commissions.

The Middletown School Department is directed by a five member School Committee, elected by the Town of Middletown, which determines and controls all policies affecting the administration, maintenance, and operation of the public schools. The School Committee appoints a superintendent of schools as its chief administrative agent. This Handbook does not apply to School Department employees.

The Middletown Public Library is supported by the Town in many ways as if it were a Department of the Town. Pursuant to State law, however, it is managed and operated by an independent Board of Trustees who appoint an Executive Director to serve as the Chief Executive Officer of the Library. Employees of the Library are not employees of the Town government, so this Handbook does not apply to them.

## **1.6 EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT**

The Town of Middletown is committed to equal employment opportunities for all. Equal Employment Opportunity has been, and continues to be, a fundamental principle of the government of the Town of Middletown. Employment and promotion are based upon personal capabilities and qualifications, without regard to race, color, religion, gender, age, national origin, disability, sexual orientation, gender identity or expression, or any other protected characteristic as established by law. This policy applies to all terms and conditions of employment including policies and procedures relating to recruitment and selection, hiring, compensation, working conditions, benefits, and termination from employment. Appropriate disciplinary action may be taken against any employee willfully violating this policy. Questions or concerns regarding this policy should be directed to the Human Resources Department. Any concern will be investigated promptly. Any employee who has a basis for believing in good faith that a violation has occurred must report it to the Human Resources Department.

## **1.7 AMERICANS WITH DISABILITIES POLICY STATEMENT**

The Town of Middletown is committed to complying with all applicable provisions of the Americans With Disabilities Act (“ADA”). It is the Town’s policy not to discriminate against any qualified employee or applicant with regard to any terms or conditions of employment because of such individual’s disability or perceived disability so long as the employee can perform the essential functions of the job. Consistent with this policy of nondiscrimination, the Town will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the Town aware of his or her disability, provided that such accommodation does not constitute an undue hardship to the Town. Employees with a disability who believe they need a reasonable accommodation to perform the essential functions of their job should contact their department head and the Human Resources Department.

## **1.8 TOWN ADMINISTRATOR OPEN – DOOR POLICY STATEMENT**

The Town of Middletown has an Open Door Policy for all employees. This means that every supervisor’s and manager’s door is open to every employee, subject to specific departmental rules and regulations, in order to encourage open communication, feedback, and discussion about any matter of importance to an employee. Although the Town recognizes that most problems can and should be solved in discussion with your immediate supervisor, it is possible that this approach may be inappropriate, in which case you are free to bring your issues and concerns in certain circumstances directly to the Town Administrator.

By listening to you, the Town is better able to improve, address complaints, and to foster employee understanding of Town practices, processes and decisions. While there may not be an easy answer or solution to every concern, you will find that supervisors, managers, Human Resources and the Town Administrator are willing to listen and to help bring about a solution or a clarification whenever possible.

## **SECTION 2 - ADMINISTRATIVE POLICIES**

### **2.1 DRUG FREE WORKPLACE POLICY**

The Town of Middletown, as an employer, is responsible for maintaining safe, efficient, working conditions for its employees by providing a drug-free workplace, in compliance with the federal Drug Free Workplace Act of 1989. The Town of Middletown is firmly committed to promoting high standards of health, safety, and efficient service; thus our goal is to maintain a work environment free from the effects of drug abuse.

Municipal employees shall not engage in the unlawful manufacture, distribution, sale, possession, dispensing or use of controlled substances (drugs) while on the job or on any municipal work site.

In recognition of substance dependency as a treatable health condition, the Town is equally committed to providing the opportunity for employees with substance abuse problems to obtain professional help from the Town's Employee Assistance Program (EAP).

#### Definitions

1. Conviction: A finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes.
2. Criminal Drug Statute: A Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use or possession of any controlled substance.
3. Illegal Drug: Any drug which is not legally obtainable, or which is legally obtainable but has not been legally obtained. The term includes prescription drugs not legally obtained and not being used for prescribed purposes.
4. Legal Drug: Includes prescribed drugs and over-the-counter drugs that have been legally obtained and are being used for the purpose for which they were prescribed or manufactured.
5. Under the Influence: For the purpose of this policy, this means that the employee is noticeably affected by a drug.
6. Workplace: Includes non-municipally owned property which is used in the conduct of municipal business, including property used temporarily for business related purposes, such as lodging sites rented for seminars, training, or other municipal activities.

The following conditions shall be applicable to all employees of the Town of Middletown:

1. Employees shall be required, as a condition of their employment, to abide by the terms and conditions of this Drug-Free Workplace Policy.
2. An employee shall notify his/her Supervisor of any criminal drug statute conviction for a violation occurring in the workplace no later than five (5) days after such conviction. Failure to do so will result in discipline, up to and including dismissal.

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3. If a convicted employee works in a federally funded program, the involved federal grant agency shall be notified of the conviction within ten (10) days of the Town receiving notice of the conviction.
4. An employee convicted under any criminal drug statute for a violation occurring in the workplace, while on or off duty, or on duty away from the workplace, shall be immediately dismissed for the first offense.
5. In the absence of compelling mitigating circumstances, an employee convicted under any criminal drug statute for a violation not occurring in the workplace and while not on duty shall be subject to immediate dismissal for the first offense [if convicted of a felony. If the conviction is not a felony, discipline up to and including dismissal may be imposed, including for the first offense.
6. Appropriate disciplinary and/or corrective action is to be taken within thirty- (30) days after the employer receives notice of a conviction. This, however, is not to be construed to limit the authority of the employer to take such corrective action thereafter.
7. An employee not convicted under any criminal drug statute, but who engages in the illegal manufacture, distribution, dispensation, possession or use of controlled substances in any municipal workplace while on or off duty, or on duty away from the workplace, shall be subject to dismissal for the first occurrence. An employee engaging in such actions while off duty and away from the workplace may be subject to discipline, up to and including dismissal, including for the first offense.
8. Any employee on municipal premises who appears to be under the influence of or who possesses illegal or non-medically authorized drugs, or who has used such drugs on municipal premises, may be temporarily relieved from duty pending further investigation.
9. Sometimes the use of legal drugs can endanger the safety of the employee or others. Employees, who feel or have been informed that the use of such a drug may present a safety risk, are to report such drug use to their immediate supervisor, who may reassign work on a temporary or permanent basis.
10. Employees must observe other work rules and regulations established by their departments regarding the use, possession or presence of drugs involving their employment.
11. Employees who have substance abuse problems are encouraged to participate in the Town's Employee Assistance Program (EAP) or a rehabilitation program.
12. Each employee of the Town of Middletown shall make a good faith effort to maintain a drug-free workplace and uphold and promote this policy.

## **2.2 TECHNOLOGY AND SOCIAL MEDIA POLICY**

The purpose of the Town's Technology Policy is to communicate Information Technology security standards concerning the use, protection, and preservation of computer information systems, networks and data processed or stored on any of the Town of Middletown computing devices. This policy applies to all full-time, part-time, seasonal, and temporary employees, volunteers, interns, vendors, and contractors to the Town of Middletown (users).

The Town computing devices, software, Internet, Intranet and E-mail access are intended to increase the productivity of users in their official duties. All personnel who access or make decisions affecting the Town of Middletown's computer based information assets plays a role in protecting these assets. Users are expected to use these resources in a manner consistent with Town policies, applicable law, and job responsibilities. Users will be held accountable for protecting the Town's computer-based information. Inappropriate or illegal use or failure to comply with this policy or with the Town's security standards may result in disciplinary action up to and including termination.

The Town's computing devices and information systems are intended for business use in performing the duties of a user's job. Users should utilize electronic resources in a manner that reflects positively on themselves and the Town of Middletown. Users granted User ID's and access to the Town's computing assets are responsible for any and all transactions, inquiries, e-mails, and activities performed with their User ID's. Users shall secure their User ID's to prevent unauthorized use. No User subject to this policy will use the User ID of another user without express permission of the user assigned to the User ID. Personal use of the Town's computers is permitted on a limited basis, during non-working/break time.

Users are given access to the Town's computer network to assist them in performing their jobs. Except for confidentiality created by law (such as attorney-client communications), a user should not have any expectation of privacy in anything created, stored, sent, or received on the Town's computer network. Computer files and electronic communications via the Internet or electronic mail are subject to the State of Rhode Island Open Records Act and the Town reserves the express right to monitor, in any way, the activities of a user while engaging in any electronic communications and to review any material created, stored, sent or received using Town computing assets. Town employees who have been authorized by the Town to perform work from home are responsible for ensuring that all work products are saved to the appropriate place on the Town's network.

### Login ID's

Users shall have an Information Services assigned login ID and an associated login password. Login ID's should be cancelled immediately by notifying Information Services in writing when access is no longer required by the User.

### Passwords

It is the responsibility of the User to protect and secure the Town network. Giving passwords to other Users or any other individual for any system or remote access will be subject to the appropriate disciplinary action.

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E-mail

All messages distributed via the Town of Middletown E-mail System are the property of the Town of Middletown Government. There should not be an expectation of privacy in messages that are created, stored, sent, or received by the Town's E-mail System. E-mails may be monitored without prior notification, as the Town of Middletown Government deems necessary.

*Caution:*

*Special consideration should be given before communicating confidential and/or sensitive information such as performance reviews, disciplinary and/or correction actions, attorney-client privileged information, personnel information, and health or medical information via electronic communications.*

Generally Acceptable Uses:

A User who exercises the privilege of using the Internet or e-mail will:

- Use Internet and e-mail technologies to conduct Town business.
- Ensure that all communications are professional, truthful, appropriate, and lawful.
- Use language and subject matter that reflects business purposes and is in compliance with Town policies and procedures and all state and federal laws.
- Ensure that the activity does not interfere with the User's productivity.
- Be responsible for the content of all communications sent over the Internet. All communications should show the User's name.
- Be responsible for all computer transactions made with the User's User ID and password.
- Verify and ensure the accuracy of any information obtained from Internet resources prior to using such information for a business purpose.
- Engage in limited personal use only with prior approval from the User's Department Head or designee. If approved, such personal use shall be incidental, occasional, of short duration, on the employee's break time and not result in expense to the Town or violate a prohibition under the policy standards, this policy or other Town policies.

Generally Prohibited Uses:

Any User who exercises the privilege of using the Internet or e-mail is accountable for his/her actions and communications related to electronic transactions or messages and will not:

- Engage in communicating (creating, sending, copying, or forwarding) any obscene, harassing, threatening, discriminatory, or fraudulent messages, e-mail, chain messages, chain e-mail, or any other message or e-mail, which violates Town policy.

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- Access, view or download any non-business related information from any web site, chat room, newsgroup, messaging, e-mail or any other electronic location of an adult nature (obscene, sexual, or pornographic) unless pursuant to Town business (i.e. law enforcement).
- Transmit any messages anonymously or using an assumed name; attempt to obscure the origin of a message or misrepresent User's job title or position with the Town.
- Send or forward emails containing libelous, defamatory, racist, sexist or obscene remarks. If you receive an email of this nature, you should delete it and notify your manager/supervisor, if appropriate.
- Send chain mail.
- Forge or attempt to forge email messages, or disguise or attempt to disguise your identity when sending mail.
- Send Spam messages, viruses, or worms.

### Remote Access

Remote access to the town-wide network can only be authorized by the Information Services Department.

### Direct Network Access

Users and on-site contractors should use equipment approved by the Town of Middletown Information Services Department to attach to the Town of Middletown Government network. The Town of Middletown Information Services Department should be notified immediately of lost or stolen client machines or network interface cards (NIC).

### Wireless Access

All access points or wireless clients to be installed on the Town of Middletown network must be approved by the Information Services Department and should be installed by staff of the Information Services Department. The Information Services Department should be notified immediately of lost or stolen client machines or network interface cards (NIC). These devices must be immediately unregistered from all access points.

### Network Designs/Firewalls

All site network designs must be reviewed and approved by the Town of Middletown Information Services Department prior to implementation. All site network designs involving external access, such as a vendor, should be reviewed and approved by the Town of Middletown Information Services Department.

### Hardware and Software

The physical control and security of hardware and software assets assigned to a department are the responsibility of the Department Head. Computer equipment and computer software must be

approved by a designated Town of Middletown Information Services representative prior to purchase. This includes:

- Desktop computers
- Laptops
- Personal Digital Assistants (PDAs)
- Communications Equipment
- Personal Computing Software
- Non-purchased Software
- Operating Systems
- Application Systems
- Network Devices

#### Vendor Equipment

All vendor supported machines that are attached to the Town of Middletown data communications network must have current anti-virus software loaded.

#### Disposal of Assets Containing Town Data

When computer equipment or storage media containing town data becomes obsolete, all data should be erased from all electronic media before disposal. This erasure should be accomplished by such means as physical destruction or low-level media formatting by approved erasure software. Department heads should seek the assistance of the Information Technology department prior to disposing of any electronic devices that may contain sensitive data.

#### Social Media

The Town of Middletown provides the following guidelines for the personal usage of social media to ensure that employees use appropriate discretion in relation to the use of references to the Town of Middletown and related Town Departments so as to not discredit the Town, its Departments or its employees.

Employees should strive to ensure their social media posts are respectful, fair and courteous to fellow co-workers and the public and avoid inappropriate postings that may include discriminatory remarks, harassment, threats of violence or similar inappropriate and unlawful conduct. Postings that violate the Town of Middletown's policies, such as anti-discrimination and anti-harassment policies, will not be tolerated and may subject you to disciplinary action up to and including termination.

Barring state law or binding employment contracts to the contrary, the Town of Middletown employees shall abide by the following guidelines when using social media:

- a. Employees are prohibited from accessing social media sites, such as but not limited to Twitter, Facebook, Flickr, Myspace, LinkedIn, and YouTube, during work hours. If an employee chooses to use social media sites during non-work hours, the employee must abide by this policy and any other relevant Town of Middletown policies (i.e., anti-harassment, etc.).
- b. Employees may not post anything on the Internet in the name of the Town of Middletown or any Town Department or in a manner that could reasonably be attributed to Town of Middletown or any Town Department without prior written

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authorization from the employee's supervisor. Any comments directly or indirectly relating to the Town of Middletown or Town Department must include the following disclaimer: "The postings on this site are my own and do not represent the Town of Middletown's positions, strategies or opinions."

- c. As public employees, Town employees are cautioned that speech on - or off - duty, made pursuant to their official duties - that is, that owes its existence to the employee's professional duties and responsibilities - is not protected speech under the First Amendment. Employees should assume that their speech and related activity on social media sites will be a reflection on the Town of Middletown as a whole.
- d. Maintain the confidentiality of the Town of Middletown's trade secrets and confidential information, such as internal reports, policies, processes, know-how, technology and internal business-related confidential communications.
- e. When using social media, Town of Middletown employees should be mindful that their speech becomes part of the worldwide electronic domain. Therefore, adherence to the Town of Middletown's policies and procedures is required in the personal use of social media. In particular, employees are cautioned not to post the following:
  - 1. Speech containing obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise bias against any race, any religion, or any protected class of individuals.
  - 2. Speech involving themselves or other Town of Middletown personnel reflecting behavior that would reasonably be considered reckless or malicious.
- f. Engaging in speech noted herein may provide grounds for undermining or impeaching an employee's testimony in civil or criminal proceedings. Defense counsel in civil or criminal cases search for material posted by employee's on websites with the hope of finding incriminating statements that can be used in a legal proceeding. When an employee's postings indicate bias or other incriminating information, they become of great value to lawyers seeking to impeach an employee's testimony and may be detrimental to the outcome of a case.
- g. Employees should be aware that they may be subject to civil litigation for purposefully:
  - 1. Publishing or posting willfully false information that harms the reputation of another person, group, or organization (defamation);
  - 2. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
  - 3. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.
- h. Employees should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.

- i. Employees should expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the Town of Middletown at any time without prior notice.

Any employee becoming aware of or having knowledge of a posting and/or website that is in violation of the provisions of this policy shall notify a supervisor immediately for further review.

Employees should be aware of the issues that may arise from the misuse of social media. The use of social media should be managed according to the guidelines presented in this policy. Employees must be made aware of the fact that, regardless of privacy settings, pictures, videos, and text they post online could be made available to individuals for whom it was not intended. As previously stated, social media site content is now frequently used by attorneys to impugn a person's reputation or show bias.

### **Sanctions**

Violation of this Policy or the Information Technology Security Standards will lead to discipline, which may include restriction or revocation of access, as well as other disciplinary action up to and including termination. Users should also be aware that violation of this Policy or the Security Standards in some circumstances could lead to the imposition of criminal sanctions.

## **2.3 EMERGENCY CLOSINGS – WEATHER CONDITIONS**

It is the Town's policy to continue operations despite inclement weather unless the conditions threaten to make employee transportation to or from work impossible or especially dangerous. Supervisors will be responsible for notifying all employees who report directly to them if the office will be closed. The Town Administrator or his/her designee is the only Town official who has the authority to close Town offices and facilities due to emergencies. In the event the Town offices and facilities are closed due to an emergency condition, a general announcement will be made to local media, if possible, including television and/or radio stations (WADK-1540 AM/wadk.com or WPRO-630 AM/wpro.com) and will also be posted on the Town Intranet, Town website and communicated via CODE RED, the Town-wide emergency notification system.

It is the employee's responsibility to report to work as scheduled at all times including during inclement weather conditions. In the event inclement weather conditions prevent an employee from reporting to work, the employee is required to notify their supervisor. Seasonal employees will not be compensated for time not worked.

## **2.4 EMPLOYEE CONDUCT**

Employees are expected to report to work as scheduled and to carry out their duties and responsibilities to the best of their abilities. Employees must at all times conduct themselves in a courteous, civil and professional manner. Conduct that may be characterized as uncivil, abrasive, hostile or obstructive impedes the Town's business. Employees shall always conduct themselves in the best interests of the Town, its employees and its citizens, whether the employee is on or off duty.

In furtherance of these policies,

1. All employees are expected to conduct themselves according to the highest standards of courtesy and professionalism and owe each other, their supervisors and the citizens of the Town respect, diligence and protection against unjust and improper criticism or attacks.
2. Any employee whose conduct or performance is found to constitute misconduct, incompetence or otherwise to be in violation of Town policies, rules or procedures will be subject to disciplinary action. Disciplinary action may range from a verbal warning to termination, based on the nature of the violation and/or the employee's record with the Town.

In recognition of the foregoing, if any employee believes in good faith that a person's conduct or behavior is contrary to the objectives stated in these standards, he/she shall call attention to the behavior to the offending party and request that the offending behavior be stopped immediately and file a report with his/her supervisor.

## **2.5 SUSPECTED MISCONDUCT/DISHONESTY**

Like all organizations, the Town of Middletown is faced with risks from wrongdoing, misconduct, dishonesty, and fraud. The Town must be prepared to manage these risks and their potential impact in a professional way.

The impact of misconduct and dishonesty may include the following:

- The actual financial loss incurred
- Damage to the reputation of our organization and our employees
- Negative publicity
- The cost of investigation
- Loss of employees
- Loss of customers
- Damaged relationships with our contractors and suppliers
- Litigation
- Damaged employee morale

Our goal is to establish and maintain an environment of fairness, ethics, and honesty for our employees, our residents, our vendors, and anyone else with whom we have a relationship. To maintain such an environment requires the active assistance of every employee and manager every day.

The Town is committed to the deterrence, detection, and correction of misconduct and dishonesty. The discovery, reporting, and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

For purposes of this policy, misconduct and dishonesty include but are not limited to the following:

- Acts that violate the Town of Middletown's Charter and ordinances

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- Theft or other misappropriation of assets, including assets of the Town, our residents, vendors or others with whom we have a business relationship
- Misstatements and other irregularities in Town records, including the intentional misstatement of the results of the operations
- Wrongdoing
- Forgery or other alteration of documents
- Fraud and other unlawful acts
- Any similar acts

The Town of Middletown specifically prohibits these and any other illegal activities in the actions of its employees, managers, executives, and others responsible for carrying out the Town's activities.

### Reporting

It is the responsibility of every employee, supervisor, manager, and executive to report in a timely manner any suspected misconduct or dishonesty to his or her supervisor. Supervisors, when made aware of such potential acts by subordinates, must immediately report such acts to their direct supervisor. Any reprisal against any employee or other reporting individual because that individual, in good faith, reported a violation is strictly forbidden.

Due to the important yet sensitive nature of the suspected violations, effective professional follow-up is critical. Supervisors, while appropriately concerned about "getting to the bottom" of such issues, should not under any circumstances perform any investigative or other follow up steps on their own. Concerned but uninformed supervisors represent one of the greatest threats to proper incident handling. All relevant matters, including suspected but unproved matters should be referred immediately to those with follow-up responsibility.

### Additional Responsibilities of Supervisors

All employees have a responsibility to report suspected violations. However, employees with supervisory and review responsibilities at any level have additional deterrence and detection duties. Specifically, personnel with supervisory or review authority have three additional responsibilities:

- First, supervisors must become aware of what can go wrong in their area of authority.
- Second, supervisors must put into place and maintain effective monitoring, review, and control procedures that will prevent acts of wrongdoing.
- Third, supervisors must put into place and maintain effective monitoring, review, and control procedures that will detect acts of wrongdoing promptly should prevention efforts fail.

Authority to carry out these three additional responsibilities is often delegated to subordinates. However, accountability for their effectiveness cannot be delegated and will remain with supervisors.

Responsibility and Authority for Follow-Up and Investigation

The Town Administrator has the primary responsibility for all investigations involving the Town of Middletown municipal operations.

Properly designated members of the investigative team will have

- Free and unrestricted access to all Town records and premises, whether owned or rented.
- To the extent permitted by law, the authority to examine, copy and/or remove all or any portion of the contents of the files, desks, cabinets, and other storage facilities (whether in electronic or other form) without the prior knowledge or consent of any individual who might use or have custody of any such items or facilities when it is within the scope of the investigation or related follow-up procedures.

All investigations of alleged wrongdoing will be conducted in accordance with applicable laws and Town procedures.

Reported Incident Follow-Up Procedure

Care must be taken in the follow-up of suspected misconduct and dishonesty to avoid acting on incorrect or unsupported accusations, to avoid alerting suspected individuals that follow-up and investigation is underway, and to avoid making statements, which could adversely affect the Town, an employee, or other parties.

Accordingly, the general procedures for follow-up and investigation of reported incidents are as follows:

1. Employees and others must immediately report all factual details as indicated above.
2. The Town Administrator, or his/her designee, has the responsibility for follow-up and, if appropriate, investigation of all reported incidents.
3. All records related to the reported incident will be retained wherever they reside.
4. The Town Administrator, or designated investigative officer, may obtain legal advice at any time throughout the course of an investigation or other follow-up activity on any matter related to the report, investigation steps, proposed disciplinary action or any anticipated litigation.
5. Neither the existence nor the results of investigations or other follow-up activity will be disclosed or discussed with anyone other than those persons who have a legitimate need to know in order to perform their duties and responsibilities effectively.
6. All inquiries from an attorney or any other contacts from outside of the Town, including those from law enforcement agencies or from the employee under investigation, should be referred to the Town Administrator.

7. Investigative or other follow-up activity will be carried out without regard to the suspected individual's position, level, or relationship with the organization.

All questions or other clarifications of this policy and its related responsibilities should be addressed to the Town Administrator, who shall be responsible for the administration, revision, interpretation, and application of this policy.

## **2.6 PROGRESSIVE DISCIPLINE POLICY**

The Progressive Discipline Policy of the Town establishes standards of employee conduct and outlines potential consequences for non-compliance with these standards, in order to ensure an equitable approach to resolving problems that may arise in the workplace. The policy encourages positive employee/employer relations by providing for the fair treatment of all employees while ensuring that all employees are aware of their obligations and the consequences of disregarding those obligations. The Town is committed to ensuring that employee misconduct is handled in an appropriate manner.

The purposes of disciplinary action are, in most cases, to give an employee the opportunity to correct poor behavior or job performance, or else to remove from the workforce an employee who has either failed to respond to prior corrective action or else committed an offense justifying immediate termination of employment.

The Town of Middletown generally recognizes two categories of discipline that may be imposed to address violations of employee standards of conduct or performance: (1) progressive corrective action and (2) immediate termination. Other disciplinary action, including but not limited to demotion or mandatory referral to counseling, may be taken in appropriate cases.

### Progressive Corrective Action

Progressive Corrective Action is the responsibility of the Department Head, or designee. Depending on the nature, seriousness, severity and other circumstances, any of the following steps may be taken in response to a first offense, and steps may be skipped. In routine cases, however, the following steps may be expected to be implemented:

**Step 1 Oral Counseling** – Counseling is used in situations where the department head feels that discussion, instruction/training will resolve the employee's performance or behavior problem. It ensures that the employee knows what performance is expected and how it is to be accomplished. Oral Counseling Sessions should be documented by the department head or designee.

**Step 2 Verbal Warning** – Verbal warning is generally used when a problem persists after the supervisor has brought it to the employee's attention through oral counseling. The department head or designee outlines the circumstances leading to the discipline and verbally warns the employee that should another offense occur, the employee will be given more serious discipline which might include termination of employment. The verbal warning should be documented by the department head or designee, copied to the employee for signature, and forwarded to the Human Resource Department for inclusion in the personnel file. A copy will be provided to the appropriate bargaining agent, if any.

**Step 3 First Written Warning** – Should an incident arise that is considered serious enough to warrant immediate delivery of a written warning letter, or should previous discipline justify, the department head or designee shall meet with the employee and present a letter outlining the circumstances of the problem behavior. The employee will be advised that should another

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offence occur the employee will be subject to further disciplinary action up to and including dismissal. A copy of the letter will be copied to the employee for signature, and forwarded to the Human Resources Department for inclusion in the employee's personnel file. A copy will be provided to the appropriate bargaining agent, if any.

**Step 4 Final Written Warning / Suspension Without Pay** – In cases of severe, continuing or recurring misbehavior or poor performance, the department head or designee presents a final written warning outlining the circumstances. The employee will be advised that should any further misconduct or poor performance occur, the employee will be subject to immediate dismissal. A copy of the Final Written Warning will be copied to the employee for signature, and forwarded to the Human Resources Department for inclusion in the employees personnel file. A copy will be provided to the appropriate bargaining agent, if any.

A suspension may be imposed at this stage in the progressive discipline process. There are three kinds of suspension:

1. **Investigative Suspension** – a period during which an employee is relieved of job duties because of alleged serious misconduct, and it is necessary to conduct a full investigation to determine the facts of the case. The employee will be paid for the period of investigative suspension, unless he/she requests extension of the suspension, in which case extension will be granted only by agreement without pay. This form of suspension may occur whenever the Town deems it appropriate in investigating any suspected or known infraction, whether at the final warning phase or not.
2. **Disciplinary Suspension** – a period given as discipline along with a final written warning. Disciplinary suspension is imposed without pay, after written notice to the employee and an opportunity for the employee to be heard.
3. **Crisis Suspension** – Given at the discretion of the department head when action must be taken immediately. May lead to a disciplinary suspension and/or termination. Crisis suspension is with pay.

#### Termination of Employment

On recommendation made by the department head, in writing, to the Town Administrator for dismissal of the employee or on the Town Administrator's determination that a hearing should be held on the subject, the Town Administrator will provide the employee with written notice of the charges and the date, time and place when the employee may be heard on the charges, also advising that the department head has recommended termination of employment. The Town Administrator will conduct the hearing, and will make the final decision regarding the termination.

Suspension without pay and/or termination may be the first and only step taken in the discipline process, if the offense is severe enough to warrant it.

#### Conduct Typically Resulting in Discipline and/or Termination

Depending on the nature, seriousness and severity of the violation, the following are, without limitation, examples of the kind of conduct that could result in Progressive Corrective Action:

- Excessive absenteeism or tardiness

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- Poor attitude or cooperation
- Loafing, loitering or other abuses of work time
- Incompetence or poor work performance
- Failure to comply with dress and/or grooming standards
- Solicitation and/or distribution of non-work related materials

The following are, without limitation, examples of conduct that could result in Immediate Termination of employment:

- Theft
- Fighting at work
- Insubordination
- Dishonesty or fraud
- Disorderly conduct
- Neglect of duty
- Violation of safety rules and/or policies
- Falsification of employment records or documents
- Threatening, obscene or abusive language and/or conduct
- Damaging or destroying Town of Middletown property or the property of others
- Failure to return to work following an approved absence from work
- Possession of weapons on Town property, except for authorized police personnel
- Possession, consumption, distributing, and/or selling alcohol or illegal drugs on Town property, except unopened containers of alcohol may be in personal vehicles.
- Reporting to work under the influence of alcohol or drugs
- Endangering the safety and/or health of oneself or others through unsafe acts or omissions
- Unauthorized removal of any property, documents or records of the Town or others
- Unlawful harassment or discrimination against another employee
- Refusal to cooperate fully in a workplace investigation
- Retaliating against another employee for making a complaint or for providing information during a workplace investigation
- Multiple and/or excessive rules violations or other misconduct
- Commission of a felony
- Divulging confidential information without authorization
- Absence from work for over two days without notice to the employer

At any time during the progressive discipline process, the Town may refer the employee to the Town's Employee Assistance Program for confidential counseling. At each step of the progressive discipline process, the Town's authorized representative meets with the employee and a representative (if requested) privately, unless circumstances call for immediate action. The opportunity for representation of the employee during investigative meetings and/or follow-up meetings is provided. The Town's goal is to clearly identify the problem so that the employee understands it, and allow the employee the opportunity to explain. The Town will conduct an investigation into the facts and circumstances and may recess the meeting if additional investigation is required after hearing the employee. The Town's representative will explain the expected behavior and the consequences to the employee if the problem is not resolved. All progressive disciplinary steps are to be thoroughly documented.

An employee may follow the Grievance Procedure and Appeal Process with the Personnel Review Board, as outlined in Chapter 37.060 – 37.062 of the Middletown Town Code, if the employee feels aggrieved as a result of a Progressive Disciplinary action.

## **2.7 CUSTOMER SERVICE**

The Town of Middletown is committed to excellence in Customer Service. Through our continued efforts to improve the delivery of superior quality services to the community, the Town strives to be responsive, proactive and in touch with the changing needs and expectations of the Middletown community. By setting a high standard of professional and ethical conduct, the Town promotes an environment of open and honest government that takes pride in responding to the needs of our customers.

## **2.8 ETHICS AND CONFLICT OF INTEREST**

The Town of Middletown operates under the State of Rhode Island Code of Ethics, which sets forth standards of conduct for all public officials and employees. If you are unclear as to whether an action may constitute unethical behavior or cause a conflict of interest, it is recommended that you first speak with your supervisor and then contact the Rhode Island Ethics Commission at 401-222-3790 or [www.ethics.ri.gov](http://www.ethics.ri.gov). The Ethics Commission educates and advises public officials and employees about the standards of conduct set out in the Code of Ethics. Another resource available to public officials and employees who may need information regarding ethics guidelines is the Ethics and Conflicts of Interest Guide For Municipal Officials, available at the RI League of Cities and Towns website, [www.rileague.org](http://www.rileague.org).

It is the policy of the Town of Middletown that each employee conducts his/her business affairs with such standards of integrity that no conflict of interest exists or can be reasonably implied or construed. All employees should comply with the ethical standards of the Town as set forth in this Handbook. If a situation feels awkward, then the employee should ask:

- Is my action legal and ethical?
- Does my action comply with Town policy?
- Is my action appropriate in the situation?
- Would my action not be an embarrassment to the Town, if known?
- Does my action agree with my personal and/or professional ethics or behavior?
- Would I be able to successfully defend my actions in the media?

**An employee should be able to answer “yes” to all of these questions before taking action or compromising themselves in the situation.**

Unethical business conduct, actions or even the appearance of unethical behavior is unacceptable under any condition. The reputation of the Town depends on each employee applying common sense in situations where specific rules of conduct are insufficient to provide clear direction. A strong sense of personal ethics, which should extend beyond compliance with applicable laws, is necessary to guide the behavior of all employees.

A conflict of interest can arise in dealings with anyone with whom the Town transacts business: taxpayers, contractors, vendors, banks, insurance companies, and anyone we contact and make agreements with. Employees should not be transacting business with any of the groups

mentioned above for personal gain. Employees should not borrow money or accept advances or other personal payments or gifts or entertainment from any entity that has transactions with the Town. Employees should not enter into any transaction, acquire any interest, or take any action, which, in his/her own judgment is contrary to the interest of the Town or is incompatible with loyalty and obligation inherent to his/her employment. Employees should not directly or indirectly solicit any gift or accept or receive any gift, whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form, under the following circumstances: 1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or 2) the gift was intended to serve as a reward for any official action on their part. Specific information regarding ethics and conflict of interest in public contracting in the Town of Middletown, along with information on criminal penalties and sanctions that may be imposed for violating the ethical standards set forth, can be found in Chapter 33A of the Town Code.

Failure of an employee to conduct himself/herself ethically and/or without conflict of interest will result in disciplinary action up to and including termination of employment.

## **2.9 OUTSIDE EMPLOYMENT**

Employees are prohibited from participating in outside work activity if such activity negatively affects the time or quality of their work, causes a conflict of interest between such outside work and their employment with the Town or otherwise casts discredit upon Town government. In general, outside work activities are not allowed when they:

- Prevent the employee from fully performing work for which he or she is employed at the Town, including overtime assignments;
- Involve organizations that are doing or seek to do business with the Town, including actual or potential vendors or customers; or
- Violate provisions of law or the Town's policies or rules.
- Implicate moral, ethical or conflicts issues that otherwise could cast discredit on the Town government.

If an employee is engaged or is expected to become engaged in outside work activities which may or may not be in conflict with this policy, the employee should request written permission from his/her department head to engage in such outside activity. The granting of permission to engage in outside work activities may be withdrawn if such activity begins to conflict with this policy. The employee may also request an advisory opinion from the Ethics Commission.

## **2.10 PERSONAL PROPERTY / WORKPLACE PRIVACY**

Employees should have no expectation that their workplace and/or materials contained within their workplace are private and not subject to disclosure. From time to time, supervisors and other authorized persons may have a legitimate business need to enter an employee's workplace including, but not limited to, offices, Town vehicles, computers, cabinets, and desks (including personal property brought to the workplace, which is used in the course of day-to-day business) to search for documents, files and other work related items. In addition, in cases of suspected employee misconduct or criminal activity, the Town may search the workplace for evidence of such misconduct and will cooperate with law enforcement officials in any criminal investigation.

## **2.11 HARASSMENT / SEXUAL HARASSMENT POLICY**

The Town of Middletown is committed to maintaining a work environment that is free of inappropriate or disrespectful conduct, where bigotry and intolerance, including unlawful discrimination on the basis of gender, sexual orientation, gender identity and expression, race, color, ethnicity, religious beliefs, disability, or age, have no place, and where any form of employee-to-employee coercion or harassment that insults the dignity of others and interferes with their freedom to work is unacceptable. Harassment of any kind may subvert the mission of the Town and threaten the careers, experience, and well-being of employees, and therefore it is prohibited.

### Definitions

(A) Harassment:

The Town of Middletown defines harassment as unwelcome verbal or physical conduct which on the basis of gender, sexual orientation, gender identity or expression, race, religion, national origin, age or physical ability has the purpose or effect, from the point of view of a reasonable person, either of:

1. Unreasonably interfering with an individual's work performance, or employment opportunity, or
2. Creating an intimidating, hostile, or offensive work environment.

Harassment can take many forms and can include slurs, comments, jokes, innuendoes, pictures, cartoons, pranks or other verbal or physical conduct, which is based upon a person's protected status. (i.e. race, religion, creed, color, national origin, gender, sexual orientation, gender identity or expression, age, or disability).

(B) Sexual Harassment:

Sexual harassment is a type of harassment and occurs when the verbal and physical conduct described above is sexual in nature or is gender-based, that is, directed at a person because of their gender. Sexual harassment does not refer to casual conversation or compliments of a socially acceptable nature.

Sexual harassment is a form of unlawful gender discrimination and means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to the conduct is either explicitly or implicitly a term or condition of employment.
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting such individual.
3. The conduct unreasonably interferes with the individual's job performance or creates a work environment that is intimidating, hostile, or offensive.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior come within one of the above definitions:

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1. Unwelcome verbal behavior such as comments, suggestions, jokes, or derogatory remarks based on gender
2. Physical behavior such as pats, squeezes, repeatedly brushing against someone's body, or impeding or blocking normal work or movement
3. Posting of sexually suggestive or derogatory pictures, cartoons, or drawings, even at one's work station;
4. Unwanted sexual advances, pressure for sexual favors and/or basing employment decisions (such as an employee's performance evaluation, work assignments, advancement) upon the employee's acquiescence to sexually harassing behavior in the workplace.

(C) Workplace Misconduct:

Workplace misconduct, which does not meet the definition of harassment as described above, is inappropriate or offensive conduct and is unwelcome, unsolicited and disrespectful of the individual. Workplace misconduct is prohibited by the Town of Middletown. Examples of workplace misconduct would be joking, teasing, spreading rumors, yelling, cursing, threatening, or conduct which has not become pervasive or egregious enough to meet the legal definition of harassment or sexual harassment.

Harassment, particularly sexual harassment, can be difficult to define. Misconceptions abound. For this reason, the Town of Middletown strongly urges employees to use the harassment reporting policy to report all incidents of suspected harassment, sexual harassment or other inappropriate behavior as soon as possible. This policy is intended to assist the Town in addressing not only illegal harassment, but also any conduct that is otherwise offensive and inappropriate and to support the Town of Middletown's commitment to maintain a respectful and productive workplace for all employees.

Complaint Reporting

The Town of Middletown is committed to diligently enforcing its harassment/sexual harassment policy by promptly and impartially investigating all complaints. When any form of harassment is discovered, the Town shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to handle complaints in a fair, discreet and timely manner to:

1. Decide if the behavior alleged in the complaint took place and constitutes harassment, which violates federal and/or state law and Town policy or constitutes harassment in the form of inappropriate or offensive behavior, which violates Town policy.
2. Stop the offending behavior.
3. Restore the complainant's working environment.
4. Take steps to prevent retaliation and repetition of the harassment.
5. Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.

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Investigation Procedures

The following procedures are to be used for reporting and investigating harassment complaints:

1. Any employee who feels victimized by harassment or who witnesses harassment should report verbally or in writing to the employee's supervisor immediately. If the employee's immediate supervisor is the source of the alleged harassment, or is so closely associated with the source of the harassment that the employee does not feel comfortable reporting to that person, the employee may report the complaint to the department head, or department head designee, to the Chief of Police, or to the Human Resources Director.

Chief Of Police –           Middletown Police Department  
  123 Valley Road  
  Middletown, RI 02842  
  401-846-1144

Human Resources -       Human Resources Department – Town Hall  
  350 East Main Road  
  Middletown, RI 02842  
  401-846-5781

2. Any supervisor or department head that learns of or receives a complaint of harassment is obligated to report it to the Town Administrator.
3. If the complaint alleges harassment, the Town will conduct a prompt investigation.
4. Normally, the Department Head will be assigned to conduct the investigation. The investigation may be assigned to legal counsel, a qualified independent investigator, another member of management or a combination of these.
5. The investigation may include, but is not limited to, obtaining all factual evidence, conducting interviews and obtaining witness statements, determining whether a reasonable basis exists for the allegations of harassment/sexual harassment, determining if there has been a violation of federal or state law and/or Town policy, and affording the accused the opportunity to respond verbally or in writing to the allegations.
6. Every effort shall be made to conduct the investigation promptly so as to respect the rights of all individuals involved and the investigation will be done in as confidential a manner as is practicable.
7. Upon completion of the investigation and based upon the findings of the investigation and the conclusions of the written report, if any, the Department Head and/or Town Administrator will promptly relay the results of the investigation to the accused and the complainant.
8. If the Town finds that harassment has occurred, the Town will take appropriate corrective disciplinary action, which may include but is not limited to, verbal and/or written warnings, probation, suspension, demotion and/or termination.

9. If the Town does not find that harassment/sexual harassment occurred or that the alleged incident(s) did not constitute harassment/sexual harassment, the matter shall be referred back to the Department Head for further appropriate action, if any. For example, if workplace misconduct may have occurred but not harassment/sexual harassment, the Department Head may act upon the findings.
10. An employee found to have reported harassment/sexual harassment in bad faith or intentionally or willfully falsely reported harassment/sexual harassment will be subject to disciplinary action up to and including termination.
11. All employees must cooperate in an investigation of harassment/sexual harassment. Any employee who fails to do so will be subject to disciplinary action up to and including termination.

#### Retaliation is Prohibited

It is unlawful to retaliate against an employee for filing a complaint of sexual harassment or harassment for other unlawful causes. It is unlawful to retaliate against an employee for cooperating in an investigation of a complaint of sexual harassment or harassment for other unlawful causes. Any form of retaliation against employees for making bona fide complaints of harassment or cooperating in an investigation is strictly prohibited, and will result in disciplinary action up to and including termination.

#### External Agencies

The Town is committed to taking prompt action whenever a complaint of harassment arises. Where harassment is found to have occurred, prompt remedial action is provided under this policy. Therefore, employees are expected to process any claims pursuant to this Policy, and a purpose of this Policy is to make recourse to outside agencies unnecessary. However, should you feel it necessary to contact an outside agency, contact information for State and federal employment discrimination enforcement agencies are:

Rhode Island Commission for Human Rights  
180 Westminster Street, 3rd Floor  
Providence, RI 02903

Equal Employment Opportunity Commission  
Boston Area Office  
John F. Kennedy Federal Bldg., Room 475  
Boston, MA 02203

## **2.12 SMOKE FREE WORKPLACE POLICY**

The Town of Middletown is a Smoke Free Workplace in accordance with the Rhode Island “Workplace Smoking Pollution Control Act” and is committed to providing a clean, healthy, productive, and safe environment for all employees, citizens and visitors.

Smoking is prohibited inside all Town municipal buildings, including entrances, exits, lobbies, stairways, elevators and restrooms. Smoking is also prohibited inside all Town municipal parking and maintenance garages, and all municipal vehicles owned and leased by the Town of Middletown.

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Smoking will only be permitted in outdoor areas on Town property outside of Town municipal buildings as follows:

- Outdoor areas must be physically separated from the enclosed workplace to prevent the migration of smoke into the workplace.
- Outdoor areas must be at least fifty (50) feet from any exit and entrance doorways to Town municipal buildings.

“No Smoking” signs must be clearly posted at all entrances to Town municipal buildings and on bulletin boards, bathrooms, stairwells and other prominent places. No ashtrays are permitted in any indoor area.

“No Smoking” stickers are to be affixed to the inside center of the front windshield above the rear-view mirror, or in plain view to the driver and passengers if this location is not appropriate, on all Town owned and leased vehicles. Compliance with these guidelines is strictly enforced.

Department Heads are responsible for ensuring that all department members are adhering to this Policy. The Town Fire Marshal will inspect for compliance during routine inspections of the Town. Compliance with the Town of Middletown Municipal Smoke-Free Workplace Policy is mandatory and will be enforced for all Town municipal employees and visitors, with no exceptions. Employees who violate this policy will be subject to disciplinary action.

Any employee disputes involving smoking should be handled through the Town’s procedure for resolving work-related problems, and the Town will take the appropriate steps to resolve the issue. If the problem persists, any person who wants to register a complaint citing a violation of this Policy and the “Public Health and Workplace Safety Act” can also submit a written and signed letter of complaint to:

Rhode Island Department of Health  
Office of Environmental Health Risk Assessment  
3 Capitol Hill – Room 201  
Providence, RI 02908-5097  
Phone (401) 222-3424

The RI Department of Health enforcement staff will take appropriate action to resolve the problem.

The Town of Middletown shall not discharge, refuse to hire or in any manner retaliate against an employee, applicant for employment, resident or visitor because they exercise any rights afforded by this Policy, or report or attempt to prosecute a violation of this Policy. Any questions regarding the Town of Middletown Municipal Smoke Free Workplace Policy should be directed to your supervisor or the Human Resources Department.

An employee who violates the Act or Regulations shall reimburse the Town of Middletown, who would be liable for civil penalty as follows:

1. A penalty of two hundred fifty dollars (\$250) for the first violation;
2. A penalty of five hundred dollars (\$500) for the second violation;
3. A penalty of one thousand dollars (\$1,000) for the third and subsequent violations; which shall be assessed and recovered in a civil action brought by the

town solicitor, having jurisdiction over the licensed holder, in the Town Municipal Court or any Court of competent jurisdiction.

In any civil action alleging a violation of Section 23-20.10-14 of the Act or Section 5.0 of the Regulations, the Court may:

1. Award up to three (3) times the actual damages to a prevailing employee or prospective employee;
2. Award court costs to a prevailing employee or prospective employee;
3. Afford injunctive relief against any employer who commits or proposes to commit a violation of the Act or these Regulations.

Any fines owed under the Act or these Regulations shall be paid within thirty (30) days of judgment entered. Failure to pay within thirty (30) days will result in the doubling of the penalty.

### **2.13 TELEPHONE AND CELLPHONE USE**

Town telephones are important to our everyday operation and are provided to facilitate official Town business. The use of Town telephones to receive or make personal calls is not permitted except for reasonable local incidental calls. Employees are required to reimburse the Town for the cost of any personal toll calls.

No personal cellphone use is allowed during working hours, unless it is used for an emergency phone call.

Individual departments may establish rules further limiting or monitoring the use of Town telephones.

### **2.14 VEHICLE USE POLICY**

Town of Middletown employees authorized to operate Town-owned or Town-leased vehicles/equipment will be provided with a copy of the Town's Vehicle and Equipment Use Policy and will be required to sign a Vehicle Use Agreement.

### **2.15 EMPLOYEE PARKING**

There is no designated employee parking. Beach employees should park in the North West side of the parking lot.

### **2.16 TOWN PROPERTY**

The Town of Middletown provides Town property to certain employees for use in performing assigned duties, such as computers, laptops, cell phones, beepers, etc. Each employee is responsible for all Town property issued to him/her and is expected to exercise care to maintain Town property in its best possible working condition, to follow all safety guidelines when using Town property, and to ensure its proper utilization. Each employee must notify his/her supervisor immediately if assigned Town property appears to be damaged, defective or in need of repair to prevent deterioration of Town property and prevent possible injury to employees or others. Employees may be responsible to reimburse the Town for the cost to replace damaged property, depending on the circumstances.

Misuse of Town property may result in disciplinary action, including termination of employment. The Town reserves the right, at its discretion, to inspect any employee's Town property (including but not limited to computers, laptops and phones) to the extent necessary to ensure that it is being used as assigned and in compliance with Town policies and local, state and federal law.

Upon termination of employment, each employee must return all assigned Town property in good working condition to Human Resources within no more than five business days. If Town property is not returned within five business days after termination of employment, the Town will take appropriate action, including but not limited to requiring reimbursement for the cost of replacement of the property or reporting the unreturned Town property as stolen to local law enforcement.

## **2.17 WORKPLACE SAFETY**

It is the policy of the Town of Middletown to ensure that all employees work under the safest possible conditions in each department. To this end, every reasonable effort will be made to provide and maintain a safe and healthy work environment, safe equipment, proper materials and to establish and require safe work practices at all times. The Town expects every employee to make job safety a part of their daily concern. As an employee of the Town of Middletown, it is your duty and responsibility to observe rules of conduct and safety, to properly use any and all safety equipment provided, and to stop and immediately report any unsafe activity to your immediate supervisor. The Town of Middletown Safety Committee meets regularly to review safety concerns of employees and to recommend health and safety initiatives and training for the Town.

Beach employees are prohibited from using musical devices or ear buds while they are on duty.

## **2.18 WORKPLACE VIOLENCE POLICY STATEMENT**

The Town of Middletown does not tolerate any type of workplace violence committed by or against employees including physical and/or verbal threats. Employees are prohibited from making threats or engaging in violent activities. Possession of firearms or weapons of any sort on Town property or grounds by anyone other than sworn police officers authorized to possess firearms is absolutely prohibited. The Town maintains a no tolerance work place violence policy and violations of this policy constitute misconduct and may lead to disciplinary action including suspension or termination.

## **2.19 REPORTING INJURIES, ILLNESSES AND ACCIDENTS**

Town employees must report all accidents, injuries or illnesses that occur while at work immediately to their supervisor or department head, no matter how slight they may appear. The proper forms and procedures for reporting job related injuries, illnesses and accidents are available on the Town's website. It is the responsibility of each department head to submit them to Human Resources (Employee Injuries) of the Finance Office (Property damage). It is the responsibility of the supervisor/department head to ensure that an incident report and /or First Report of Injury Report is completed and submitted to Human Resources within 24 hours, if possible, of a work-related accident, injury or illness.

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In the event of a vehicular accident involving a Town owned or leased vehicle or while on Town business, employees should report all information immediately to their supervisor or department head. The department head is then responsible for completing the Trust Automobile Liability Claim Form and submitting it to the Finance Office along with the police report, within 24 hours, if possible, of an automobile accident.

## **SECTION 3 - EMPLOYMENT**

### **3.1 RECRUITMENT AND HIRING**

The Town of Middletown is an equal opportunity employer that strives to ensure fair, consistent, effective and efficient recruitment and selection practices when hiring the most suitable candidates. In accordance with Town Code Chapter 37, seasonal/temporary employees fall under the non-classified positions within the Town. Therefore, the recruitment, selection and hiring responsibility is under the direction of the Town Administrator or designee.

For more detailed information on Town of Middletown Employment Information and the Personnel Board and Classified System, please refer to the Town Code Chapter 37, Civil Service. <http://www.amlegal.com/library/ri/middletown.shtml>

### **3.2 UNIFORMS, DRESS CODE AND APPEARANCE**

It is important for all employees to project a professional image of the Town of Middletown. In order to clearly outline what is expected in terms of dress and appearance from each employee, the Town identifies what is acceptable professional attire and what is not. This applies to all employees, with the exception of employees who are required to wear uniforms or other special attire, in which case they would have a separate dress code for uniformed attire.

The Town expects all employees to maintain a neat, well-groomed appearance at all times. Managers and supervisors are responsible for interpreting and enforcing dress and grooming standards in their areas of responsibility. This includes counseling employees whose appearance is inappropriate, and if the appearance is unduly distracting or the clothing is unsafe, the employee may be sent home to correct the problem. Repeated disregard for the dress code policy may result in disciplinary action up to and including termination of employment. Please refer to department rules and regulations for more specific information.

Beach employees shall be required to report to work in full uniform as follows, as amended from year to year. Employees who report to work without the required uniform will be sent home:

**Management:**

- Must wear a lanyard with a picture ID (with employee's name on it) at all times
- White Dry fit polo shirt with Town logo on the front and STAFF on the back in large print (Full-Time seasonal employees shall receive 3 shirts; Part-Time seasonal employees shall receive 2 shirts )
- Khaki pants/shorts

**Supervisors:**

- Must wear a lanyard with a picture ID (with employee's name on it) at all times
- Blue dry fit polo shirt with Town logo on the front and STAFF on the back in large print (Full-Time seasonal employees shall receive 3 shirts; Part-Time seasonal employees shall receive 2 shirts )
- Khaki pants/shorts

**Non-Management / Non-Supervisors:**

- Must wear a lanyard with a picture ID (with employee's name on it) at all times
- Fluorescent green dry fit T-Shirt with Town logo on the front and STAFF on the back in large print (Full-Time seasonal employees shall receive 3 shirts; Part-Time seasonal employees shall receive 2 shirts )
- Crew Members shall wear blue pants/shorts; all others shall wear khaki pants/shorts

**Lifeguards:**

- Uniform shall be red in color
- Bathing suits (2)
- Sweat pants (1)
- Three quarter pull over wind breaker (1)
- Dry fit T-Shirts (2)
- Uniform shall be numbered for identification purpose

### **3.3 ATTENDANCE**

The Town expects employees to report to work on a consistent basis and in a timely manner. Beach employees shall report to work 15 minutes prior to the beginning of their shift. In the event you are unable to report to work you are required to notify your supervisor as soon as is practicable, preferably at least one hour prior to the start of your workday. If you intend to be away from work for personal reasons you are required to obtain advanced approval from your supervisor. The Town reserves the right to require from employees who exhibit a pattern of absenteeism or in the Town's judgment abuse leave time, to provide appropriate documentation verifying the need to be absent from work. Abuse of leave time constitutes misconduct and will lead to disciplinary action.

### **3.4 EMPLOYMENT OF RELATIVES**

The Town maintains a policy restricting the employment of any individual who is related to a supervisor in the same town division. In the event a Town employee is eligible for a transfer or promotion into a division in which a relative is employed such transfer or promotion will be considered on a case-by-case basis to avoid creating any potential conflicting situation in regard to any aspect of the employment relationship.

### **3.5 POSITION DESCRIPTIONS**

The Town has prepared position descriptions that list the essential duties and responsibilities, necessary knowledge, skills and abilities, minimum requirements, physical demands and equipment used for each Town position. A copy of your position description may be obtained from the Department of Human Resources. A position description is not intended to be an all encompassing list of all of your duties and responsibilities and may be amended from time to time by the Town. Employees should become familiar with the job requirements as outlined in their position descriptions.

### **3.6 MEAL PERIODS**

It is the policy of the Town of Middletown to grant time off without pay during the workday for a meal period. This meal period will vary from department to department based on operational and

job scheduling requirements. Employees should review the meal period policies with their supervisor

### **3.7 PERSONNEL RECORDS**

The Town generally treats personal employee information as confidential and respects the need for protecting each employee's privacy by enforcing secure information handling procedures on the part of all personnel whose job duties involve gathering, retaining, using, or releasing personal information about the organization's employees. Records maintained in a personnel file are generally considered public records under Rhode Island law. However, some documents contained in personnel files or otherwise maintained by the Town, will not usually be made public, including medical, benefit, personal financial and educational records, and any other records made confidential by law. It is the Town's practice to delete social security numbers from records provided pursuant to a public records request.

The Town collects and retains personal information it needs to conduct business and to effectively administer its employment and benefit programs. The Town needs personal and job-related information about employees that is accurate, complete, and relevant for its intended purpose. An employee should promptly report to his or her department payroll clerk and to Human Resources any change in information that affects employment or benefits such as: marital status, newborn/adopted children, change of address, change in telephone number, change in tax exemptions, insurance and retirement beneficiaries.

Internal access to personnel files is limited to supervisory personnel, and to others who have a legitimate need to know. All other internal requests may be made as requests for public records. In accordance with and to the extent permitted by Rhode Island General Law Chapter 38-2, Access to Public Records, and Chapter 28-6.4 Inspection of Personnel Files, employees may request to inspect and obtain a copy of their personnel files. The Town will respond to such requests within a reasonable period of time and in accordance with state law.

### **3.8 RESIGNATIONS AND TERMINATIONS**

A voluntary separation from Town employment is generally considered a resignation and is initiated by the employee. It is expected that an employee submit his or her resignation in writing to their supervisor or department head as far in advance as possible, with a minimum of at least two weeks notice prior to their last day of work required, as is customary.

Absence from work for over two days without notice to the Town will be considered a voluntary resignation.

All employees will receive their final paycheck on the pay date immediately following their last day of work.

### **3.9 TOWN OF MIDDLETOWN SUGGESTION PROGRAM**

The purpose of the Town Suggestion Program is to recognize and encourage citizens and employees to develop innovative ideas which will enhance the efficiency, and effectiveness of Middletown Town government through reduced or eliminated expenditures, conserved energy, generation of revenues, increased productivity, better customer service, enhanced public safety, and/or improved quality of government operations and to reward their talents. The goal of the

program is to create a continuously improving and responsive government through an environment of open communication of ideas that maximizes the participation of citizens and employees in the operation of government at all levels.

### **3.10 POLITICAL ACTIVITY**

No employee of the Town of Middletown shall engage in any inappropriate political activity or hold any elective office in the Town of Middletown. This policy shall not prevent any Town employee from becoming a candidate for any elective office.

For further specific information on inappropriate political activity, please refer to Article IX Section 914 of the Middletown Town Charter.

<http://www.amlegal.com/library/ri/middletown.shtml>

## **SECTION 4 - COMPENSATION AND PAYROLL**

### **4.1 BI-WEEKLY PAYROLL PERIOD**

Classified employees receive the wages and other compensation as provided by their collective bargaining agreement. Non-classified employees receive the wages and other compensation in accordance with Town policy and as approved in the annual Town budget or related budget documents. All regular full time, part time, and seasonal employees are paid on a bi-weekly basis, with Friday being the regular payday. In the event a holiday occurs on a regular pay date, the paychecks will be dated and released on the Thursday immediately preceding the pay date. Employees have the option of electing direct deposit of their bi-weekly pay at any time, unless otherwise required by the Town. Paychecks will be distributed by your department head or authorized designee.

### **4.2 PAYROLL DEDUCTIONS**

The Town of Middletown makes all legally required deductions from employee paychecks. Contact the Human Resources Department for information on required payroll deductions.

### **4.3 TIME AND ATTENDANCE RECORDS**

All Department Heads are legally required to maintain time sheets or time cards documenting hours worked, in accordance with the established time and attendance procedure.

## **SECTION 5 - LEAVE POLICIES**

### **5.1 TEMPORARY DISABILITY INSURANCE (“TDI”) AND TEMPORARY CAREGIVER INSURANCE (“TCI”)**

Rhode Island’s TDI/TCI program provides paid leave benefits to eligible RI workers. The program is financed by employee payroll deductions and is administered by the Rhode Island Department of Labor and Training.

TDI provides benefit payments to injured RI workers for weeks of unemployment caused by a temporary disability or injury. If you have become ill or injured and meet all of the following requirements, you may be entitled to receive TDI benefits:

1. You are unable to work due to illness, surgery, or injury for a minimum of seven consecutive days or more, and
2. You are under the care of an approved Qualified Health Care Provider and
3. You have a timely exam: an in-office physical exam the week within the calendar week in which the first day of unemployment due to sickness occurs or within the calendar week prior or subsequent thereto.
4. You earned enough qualifying wages during the base period to be monetarily eligible.

TCI provides benefit payments of up to four weeks per year to eligible caregivers. If you are caring for a seriously ill: child, spouse, parent, parent in-law, grandparent, domestic partner, or you are bonding with a newborn child, adopted child or foster child within the first 12 months of parenting; you may be eligible to receive TCI benefits if you meet the following requirements:

1. You are unable to work because you are caring for a seriously ill family member or bonding with a child and
2. You provide the Rhode Island Department of Labor and Training with the required medical evidence of the seriously ill family member and your need to care for him/her or the required proof of parent child relationship for bonding claims and
3. You earned enough in qualifying wages to be monetarily eligible.

Employees must provide 30-days advance written notice to The Town of Middletown of the need for TCI leave, unless unforeseeable circumstances make such notice impossible. The Town of Middletown will hold an employee’s position or a comparable position until the employee returns from TCI leave.

You can apply for TDI or TCI benefits by completing an application. The application form may be obtained from one of the following sources:

1. Visit [www.dlt.ri.gov/tdi](http://www.dlt.ri.gov/tdi) to file online.
2. Visit the web site to download a TDI application.
3. Call (401) 462-8420, Option #1 to request that an application be mailed to you.

## **5.2 MILITARY LEAVE**

An employee of the Town of Middletown who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted an unpaid military leave of absence for required military service, training or related obligations, in accordance with the law. In the event that the time of such training is optional, the time shall be designated at the discretion of the Town.

Upon receipt of an eligible employee's application for reinstatement, they will be promptly reinstated to the position they vacated at the rate of pay as if they were continuously employed, if the job still exists.

The Town of Middletown administers all employment and reemployment related to military leave in accordance with the requirements set forth in the Uniformed Services Employment and Reemployment Rights Act (USERRA). For additional information on USERRA, visit the Department of Labor website at [www.dol.gov/vets](http://www.dol.gov/vets)

## **5.3 JURY DUTY**

An employee who is required to be absent from work to perform jury duty shall notify his or her supervisor in advance and shall be granted an unpaid jury duty leave. The Town encourages employees to request a deferral of their civil obligations to another time, when the employee is not scheduled for work, if possible. An employee on jury duty is expected to report to work any day he or she is excused from jury duty.

## **5.4 HOLIDAYS**

The Town of Middletown recognizes eleven (11) holidays for which most of the Town's business operations are closed. They are New Year's Day, Martin Luther King Day, President's Day, Memorial Day, Independence Day, Victory Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

## **SECTION 6 - EMPLOYEE BENEFITS / PROGRAMS**

### **6.1 EMPLOYEE WELLNESS**

The Town of Middletown strongly believes in the importance of employee wellness in the workplace, and therefore works to promote activities that contribute to the physical, emotional, and psychological well being of all its employees. Through educational awareness, the support of behavioral and lifestyle changes, and creating a supportive environment, the Town is committed to encouraging and promoting activities and programs that contribute to overall employee wellness, to the extent permitted by law and available resources.

### **6.2 EMPLOYEE TRAINING**

The Town of Middletown believes that continuous training and development is important for improving the performance of its employees and enhancing the services provided by the Town for the public. The Town also recognizes the value and importance of providing opportunities to employees to develop their job-related knowledge and skills throughout their careers with the Town. The Town encourages all employees to be accountable for their continuous learning throughout their careers.

Your department head or the Human Resources department will have information regarding specific in-service training and also Town-wide employee training being offered.

### **6.9 EMPLOYEE ASSISTANCE PROGRAM**

The Town of Middletown is committed to the well being of all of our employees. The Town recognizes that a wide range of issues, not always directly associated with one's job function, can have an effect on an employee's job performance. Through early intervention many of these issues can be resolved and the impact on job performance and general health minimized. Towards that end the Employee Assistance Program (EAP) has been established to provide professional expertise to employees and their family members when dealing with problems of a personal nature. Employees are encouraged to utilize the program on a self-referral basis for a wide range of personal problems including but not limited to: substance abuse, marriage and family, stress, emotional or psychological, interpersonal relationship, legal, financial and other personal or family difficulties.

For additional information on the EAP contact the Human Resources department or call 1-800-833-0453 or go to [www.coastlineeap.com](http://www.coastlineeap.com).

### **6.10 WORKERS' COMPENSATION BENEFITS**

The Town complies with the provisions of Rhode Island Workers' Compensation Law and provides legally required benefits to any covered employee who is injured or becomes ill as a result of his or her employment. The Rhode Island Workers Compensation system is a form of no fault insurance designed to provide assistance to employees injured at work for medical expenses and lost wages.

Any employee who sustains a job-related injury or illness is required to immediately report the injury or illness to his or her supervisor. Job-related injury is defined as an injury suffered by the employee while in the course of performing his/her job duties. The supervisor or department head is responsible for completing the required Employee Accident Report Form and submitting it to Human Resources within 24 hours of the incident, if possible.

## **6.11 TOWN RECYCLING PROGRAM**

The Town of Middletown is committed to preserving our environment and therefore encourages recycling efforts town-wide. There are well-marked recycling receptacles conveniently located in all office and meeting areas within the Town buildings so that all employees, residents and visitors can recycle appropriate materials.

**ACKNOWLEDGEMENT OF RECEIPT**

I understand that, nothing in any of the Town’s rules, policies, handbooks, procedures or other documents relating to employment creates any express or implied contract of employment. No past practices or procedures, whether oral or written, form any express or implied agreement to continue such practices or procedures. No promises or assurances, whether written or oral, which are contrary to or inconsistent with the limitations set forth in this paragraph create any contract of employment unless: 1) The terms are put in writing; 2) The document is labeled “Agreement” or “Contract;” 3) The document expressly (not implicitly) states the inconsistent term; and 4) the document is signed by the Town Administrator and approved by vote of the Town Council.

I hereby acknowledge receipt of the Town of Middletown’s Employee Handbook for Seasonal/Temporary Employees and I understand that it is not a contract of employment. Further, I attest that I have read the handbook thoroughly and understand its contents.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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**FORWARD TO THE OFFICE OF HUMAN RESOURCES**

Accepted by: \_\_\_\_\_

Date Received: \_\_\_\_\_

*Signature*

\_\_\_\_\_  
*Title*