STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, August 26, 2019 at 6:50 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Marston Lovell recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: Marshall Archer, Roger Gay, William Doyle, Lynn Copeland, Alan Minthorn, Micah Smart, and Nathan Johnston. City Administrator Kevin Sutherland and City Clerk Michele Hughes were also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

➢ NATIONAL WOMEN’S EQUITY DAY

Mayor Lovell recognized today as National Women’s Equity Day. In 1973 U.S. Representative Bella Abzug of congress designated August 26th as Women’s Equity Day. The date was selected to commemorate the 1920 certification of the 19th Amendment to the Constitution. It was a combination of a massive peaceful civil rights movement by women that had its formal beginnings in 1848 at the first world’s first women’s rights convention in Seneca Falls, New York. It is important to note the drive to win the vote was a broad and diverse effort.

A. RECOGNITION OF SUSAN SMITH

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CITY OF SACO MAINE
PROCLAMATION

WHEREAS, the City of Saco, Maine wishes to recognize the service to her City and accomplishments of Susan L. Smith on her 45th Anniversary as an Esteemed and Innovative Educator for the City of Saco; and

WHEREAS, She began her career as an Educator on September 1, 1974 when the Saco Board of Education decision to hire her took effect. Susan is and has always been a lifelong learner. She has been on a Continuous Quest to learn and continues to pursue knowledge to improve her craft. Susan has dedicated her life to childhood education. She promotes that dedication among her peers; and

WHEREAS, Susan has set an example of innovation in learning. She implemented the first half-day pre-Kindergarten program at Fairfield School in 1984; and initiated the first all day Kindergarten at Fairfield School in 1999. In both efforts, her focus was to serve a population of the most at risk learners; and

WHEREAS, Susan’s service to her peers has been wide ranging. She has served on the English Language Arts Committee, Professional Development Team, Academic Council, Calendar, and Professional Growth and Evaluation Committee. Susan has served as chief negotiator for the Saco Education Association; she has served as a negotiator for the Saco Education Association since 1999; and
B. MUNICIPAL RESOURCES INC. PRESENTATION

Mr. Alan Gould of Municipal Resources Inc. addressed the City Council on the status of the current executive search.

We have undertaken the process to recruit and help you select a City Administrator. The ads started running on the 9th and it was posted in all the typical venues and it will run for 30 days. One of my associates has been in touch with I believe all of you. The input that you have given to him has allowed us to create what we call an ideal candidate profile/community profile and a challenge statement. That is about a 7-page document. I believe Ms. Roy has posted it to the website. It is also posted to the webpage that MRI has put up specifically for this recruitment. That helps give candidates an opportunity to learn what they can about your community. What the specific challenges might be and what you are looking for. The input you provided also allows us to develop some essay questions which will come into the process a little further down the road.

We have also created an e-mail address that allows input from anybody in the community and any stake holders: sacocityadministratorrecruitment@mrigov.com. The e-mails will go directly to the recruitment team and I read every one of them. This will help us filter out the candidates and understand what some of the issues are with the community.

The deadline will be about September 9th. At that point we will have reviewed and screened the resumes. We will send out essay questions to the top tier candidates and allow them 10-14 days to complete the essays. We will then score the essays, preliminary background checks, and phone interviews. We will work with the city on a further screening process for the interviews with a panel here and then with the Mayor and Council.

V. PUBLIC COMMENT

➢ Stephen Shiman – School Board Liaison – The school board voted 6-0 to use the First Parish Congregational Church at a cost of $3,000 per month for a 1-year contract. One of the things that is going to come up this year is what happens longer term. But, I’m please that approximately 125 students will be accommodated at both there and the rec center and at Fairfield. We were able to accommodate all those who wanted pre-k this year. I was delighted to hear because I didn’t realize the kindergarten was not all that old either. So, we have extended down quite a bit since 1999 when it became full time for the kindergarten. I was pleased that we were unanimous in doing this. I think we have a good solution for this year and I’m glad that it worked out.
We are not only ensured of space for the preschoolers, but it will be quite an issue for other grades as well in other locations. We are a growing community, and this is something that we need to bring up earlier in the year so that we have time to work on it and we will be doing that. The other huge issue that we hope to hear in September regarding the state willingness to build either way whether they do or whether they don’t, we have a thing to deal with. If they don’t it is a little bit bigger. Either way we have something coming up this year that probably can’t wait much longer. It will be probably 6 years after that when we have something really finalized. I’m hopeful that this year is going to be a very important year. Mr. Shiman clarified that he meant “Young School” and not “Fairfield School” as to where the Pre-K students would be accommodated.

Stephen Shiman, 15 Bayview Terrace – A issue came up that was tricky to deal with because it deals with neighbors. Apparently, a couple of years ago the council passed an ordinance about short-term and long-term rentals. Short-term rentals like weekly rentals are not legal anywhere in Saco except on waterways. That is what I was told by Code Enforcement. I didn’t know that, and my neighbors didn’t know that. But, since I went to Code Enforcement, I told them all. In the meantime, some of my neighbors have been renting weekly. From a neighborhood stand point of view, sometimes that is not so good and that is why you passed that thing to begin with. But I think in fairness to the people who are doing the renting there should be some way to get out information once a law is passed to let people know about it. Otherwise, it is going to continue to happen. So, at this point my question to you as a council is “What is the best way to get information out to the public what the regulation is?” so that people don’t make the mistake. We really can’t blame them if nobody knows about it. So, my understanding is if it happens, they notify them not to do it again, if someone complains about it. But as a neighbor I don’t like doing that because I don’t want to hurt anybody but on the other-hand I don’t want the rentals that are weekly.

VI. CONSENT AGENDA

Councilor Copeland asked to have consent agenda items #A & B pulled and voted on separately.

Councilor Minthorn moved, Councilor Gay seconded to approve consent agenda items #C, D, and E as follows:

C. Council to Waive Fees for Public Works Facility – Move to waive the collection of all City generated building, inspection, and impact fees for the purpose of constructing and operating the new Public Works Facility on 15 Phillips Spring Road.

D. Solid Waste Ad Hoc Committee – Be it ordered that the City Council authorize the creation of a Solid Waste and Recycling Ad Hoc Committee to revise the existing ordinance and procedures and allow the Mayor to confirm appointments to the Committee as necessary. Further move to approve the order.

E. Public Safety Building Ad Hoc Committee – Be it ordered that the City Council authorize the creation of a Public Safety Building Ad Hoc Committee to assist in the planning of a new Public Safety Building and allow the Mayor to confirm appointments to the Committee as necessary. Further move to approve the order.

The motion passed with seven (7) yeas.

A. Non-Union Personnel Policy – Councilor Minthorn moved, Councilor Archer seconded “Move to approve the Non-Union Personnel Policy, effective August 26th, 2019. The motion passed with six (6) yeas and one (1) nay – Councilor Copeland.

City of Saco

Personnel Policy for non-union employees
CHAPTER 1 - EMPLOYMENT POLICIES

1.1 Recruitment
The City of Saco believes that hiring qualified individuals to fill positions contributes to the overall success of the City. All applicants must submit a written application form, a resume and a letter of intent to the Human Resources department. All permanent full and part-time applicants will need to satisfy a pre-employment physical examination if they have received a conditional offer of employment. Pre-employment drug urinalysis consent and testing is mandatory for all positions. All employees must submit to a background check prior to employment. All offers of employment are contingent on satisfactory results from required background checks and tests. See Department specific SOPs for further requirements.
Current employees with a satisfactory employment status may apply for internal job openings. For non-union positions, the position will be posted internally for five (5) business days, followed by an external posting. Depending on circumstances, the City Administrator may waive the five (5) day internal posting and authorize a simultaneous posting of the position. The consent of the employee’s manager and the HR department may be necessary for employees with less than one year of service with the City of Saco. Present employees will be given first consideration in filling a vacancy if they meet the required job qualifications and satisfactory work performance.

1.2 Employment Designations
A. **Full-Time Employment** is the appointment of an employee to work thirty (30) hours or more per week and fifty-two (52) weeks per year in a budgeted position on a continuing and indefinite basis. They are eligible for the City’s benefit package, subject to the terms, conditions, and limitations of each benefit program starting on the first of the month following the hiring date.
B. **Part-Time Employment** is appointment of an employee to work less than thirty (30) hours per week and more than twenty (20) hours per week and fifty-two (52) weeks per year, in a single budgeted position on a continuing and indefinite basis. Benefits eligibility will be on a pro-rated basis (holidays, bereavement, optical and dental, vacation, sick leave, and health insurance).
C. **Full-Time Temporary** employment is an appointment to a standard workweek (37.5 hours or 40 hours depending on the department, on a regular basis but for a definite limited time. Such employees are not eligible for benefits.
D. **Part-time Temporary** employment is an appointment to fill a temporary position of less than one year and works a standard workweek of less than 37.5 hours. Such employees are not eligible for benefits.
E. **Seasonal and property tax work-off** employment is an appointment to a position for which the customary employment is 6 months or less. Such employees are not eligible for benefits.

1.2A Work Schedule:
Non-Union Employees working within City Hall work a 37.5-hour work week Monday through Thursday 8:30 a.m. to 5:00 p.m. Fridays 7:30 a.m. to 4:00 p.m. Department Directors and Deputy Directors outside of City Hall work a 40-hour work schedule. Work times vary for other non-union employees outside of City Hall. The start and end time is determined by the Director of the Department.

1.3 Probation
The probationary period for all employees will last for 6 months from the date of hire, except as otherwise provided by law. During the probationary period, the department director or designee shall conduct an evaluation after 3 months of employment and again after 6 months of employment. During this time, employees have the opportunity to evaluate our environment as a place of work and management has an opportunity to evaluate the employee. In the probationary period, both the employee and the employment relationship is terminable at will, either with or without cause and with or without notice, at any time during the employment relationship. The probationary period can be extended more than once at the City’s sole discretion and that it also becomes effective at the time of transfer, reassignment, or promotion. Employees successfully completing the probationary period will be considered regular full-time or regular part-time employees.

1.4 Reduction in Workforce
A reduction in force or layoff policy involves a decision to discontinue employment for a certain number of employees due to a loss of municipal revenues, reorganization of a City department, or lack of need for the work performed by a position or group of positions. Any contemplated reduction in force policy shall consider job performance and seniority of service in the current position.

1. A permanent full-time employee shall not be laid-off, if there is a vacant position in another department for which the employee is fully qualified. Each permanent full-time employee subject to layoff shall be given as much advance notice as circumstances permit.
2. Temporary employees may be laid-off at any time by the department head or City Administrator, without consideration of job performance or seniority.
1.5 Resignations and Rehiring

A. Notice of Resignation: An employee wishing to leave employment in good standing (defined as; having complied with all explicit obligations, while not being subject to any form of sanction, suspension, or disciplinary censure) shall submit a written resignation to the Human Resources Office as soon as possible, but at least fourteen (14) calendar days in advance of the last day of actual work. Department Heads shall provide at least a 30 day written notice of resignation prior to the effective date stating the reasons for the resignation. The City Administrator and/or department head may permit a shorter period of notice if extenuating circumstances exist.

Upon separation, the City shall pay all wages owed as well as earned vacation pay. In addition, employees in good standing shall receive 35% of accumulated sick leave, provided that the employee has completed 10 years of consecutive full-time employment. At retirement or separation after 20 years of consecutive full-time employment, an employee in good standing shall receive 50% of accumulated sick leave. At retirement or separation after 30 years of consecutive, full-time employment with the City of Saco, an employee in good standing will be paid in an amount equal to wages for 70% of the accrued sick leave on the date of separation. If an employee passes away while in employment with the City, their significant other (defined under state statute) is entitled to wages in an amount equal to 100% of the accumulated unused sick days of the deceased employee.

B. Rehiring: Any City employee resigning from the City in good standing may make application for employment as positions within the City become available. Each former employee, however, must meet all of the qualifications set forth for the particular vacancy prior to filing an application. A rehired employee shall not be entitled to any benefits or accruals from their previous service and shall be subject to a stipulated probationary period of six months.


1.6 Discipline Policy and Procedures

A. Disciplinary action may be imposed upon a City employee for failing to fulfill their responsibilities as an employee. Whenever work habits, attitude, production, or personal conduct falls below a desirable standard, the City Administrator or their designee shall begin the proper disciplinary steps to correct the individual behavior of the employee. The City reserves the right to bypass any of the steps and proceed immediately to greater discipline, corrective action, or dismissal, depending on the attendant circumstances.

B. Work Rule Violations and Prohibited Acts

Prohibited acts are actions, which may occur separately from any other work rule violation, are deemed serious in nature, and are subject to progressive discipline. Examples illustrative in nature and not limited to such prohibited acts are:

2. Insubordination.
3. Arrest or conviction of a felony.
4. Working under the influence of drugs or intoxicants/alcohol (drinking on the job).
5. Endangering the safety of employees.
(6) Inducing others to commit unlawful acts.
(7) Falsifying City records.
(8) Receiving payments for unauthorized work.
(9) Stealing City equipment or property.
(10) Acting as a contributing factor to the cause of an accident involving City vehicles, major equipment or other property damage.
(11) Acting as a contributing factor to causing negligent injury to coworkers.

This list is not meant to be all-inclusive but is designed to provide employees with examples of behavior that may result in disciplinary procedures leading to the termination of employment.

C. Progressive disciplinary action shall include oral reprimand, written reprimand, suspension, and discharge upon a work rule violation or other employee misconduct. Generally, the four steps will consist of the following actions:

(1) Oral reprimand. An oral warning to erring employees that their conduct or behavior is unacceptable and that further infractions will lead to more severe penalties. The supervisor who gives the reprimand will document the oral reprimand and said documentation shall become a part of the employee’s personnel file for one year.

(2) Written reprimand. A written reprimand, usually after a previous oral reprimand, regarding work rules, conduct or performance. The report will become a part of the employee’s personnel file for two years.

(3) Disciplinary suspensions. An ordered absence from duty, without pay, for a full workweek or some multiple of a workweek due to repeated violations of minor misconduct or for a single serious incident or offense, or an ordered absence from duty without pay of less than a full workweek for a violation of safety rules of major significance. A record of the suspension will be signed by the employee and retained permanently in the employee’s personnel file.

(4) Dismissal. A last resort action for an employee who fails to improve their conduct or performance after imposition of progressive disciplinary actions or for single unlawful acts, which result in termination of employment.

1.7 Performance Evaluations

A. The City Administrator or their designee shall be responsible for the development and implementation of an employee evaluation system. The employee evaluation shall apply to all non-union employees.

B. The City Administrator shall conduct an annual employee evaluation of each department director and of staff within Administration. Each director shall, in conjunction with the City Administrator, conduct annual employee evaluations of each full-time employee in their department through the development of a department level policy. Once completed, the evaluation form shall be signed by the evaluated employee and shall be filed in the employee’s Human Resources personnel record as a permanent document.

1.8 Grievance Procedure

Any employee aggrieved due to some condition of their employment may appeal within seven business days, giving written notice of the grievance to their immediate supervisor. The employee’s department director shall rule on the grievance within seven business days after the presentation of the grievance and shall notify the employee of their ruling in writing. The director will send a copy of the grievance and their ruling to the City Administrator or their designee.

The employee has the right to appeal in writing to the City Administrator or their designee within seven business days and they shall receive a written reply within two weeks. The decision of the Administrator or their designee shall be final, unless the grievance involves a policy matter, which must be determined by the City Council.
CHAPTER 2 - WAGES AND HOURS OF WORK

2.1 Classification System
The City Administrator may develop a system for classifying non-union positions within the City, including pay ranges for those positions. Classification systems and pay ranges are subject to change at any time. The establishment of pay ranges or grades for any position does not guarantee the occupant of that position any particular rate of pay.

Employee classification relates to work schedules and eligibility for benefits. See Section 2.1 Employment Status for a full description of the following employee classifications: 1) Full-time Employment, 2) Part-time Employment, 3) Full-time Temporary Employment, 4) Part-time Temporary Employment and, 5) Seasonal.

2.2 Hours of Work and Rest Periods
A. There shall be variations in the hours worked each week by positions of the same class in different departments. The Department Head, with approval from the City Administrator shall establish regular hours for any department.

B. All full-time employees are entitled to two (2) fifteen-minute (15) rest periods at approximately the midpoint of each half (four hours) of their daily work schedule. Breaks shall not exceed fifteen (15) minutes, including time taken to travel from and back to the employee’s workstation. Employees are encouraged to take breaks away from the public workspaces and to use the rest areas provided by the City.

2.3 Wages and Salary
Hiring salary or hourly wage is determined by the requirements of the specific job, market value, as well as skills and experience. Collective bargaining unit positions are governed by the union contracts.

2.4 Overtime Pay and Compensatory Time
A. Salaried personnel are required to perform the duties of their positions without reference to hours worked and are not eligible for overtime pay. Full-time employees who are paid hourly are eligible for overtime in accordance with the Fair Labor Standards Act (FLSA).

   1. Hourly employees, who are authorized by their supervisor to work more than the established workweek, will be paid at a rate of one and half times the employees’ regular hourly rate.

B. An employee may be granted personal (compensatory time) time off as compensation for extra hours worked. Compensatory time shall be computed as equal to the extra hours worked and must be taken within 30 days. Salaried personnel may be eligible for compensatory time when asked by the City Administrator to support activities or projects outside the standard job requirements of the individual position.

C. All compensatory time shall have prior written approval of the Department Director.

2.5 Severance Pay
Upon separation in good standing from the City, an employee with 10 years of consecutive full-time employment, will receive, as separation pay, 35% of their accumulated sick leave. At retirement or separation, after 20 years of consecutive full-time employment, an employee in good standing shall receive 50% of their accumulated sick leave. At retirement or separation after 30 years of consecutive, full-time employment with the City of Saco, an employee in good standing will be paid in an amount equal to wages for 70% of the accrued sick leave on the date of separation. When an employee dies, the widow or guardian of minors, if no widow, is entitled to wages in an amount equal to 100% of the accumulated unused sick days of the deceased employee.
2.6 Pay Days and Deductions
The City pays employees on a bi-weekly basis for the previous two (2) weeks of work. Paydays are on every other Friday, with paychecks and direct deposits commencing on said day. Deductions from employees’ pay will include all mandatory deductions (such as Social Security, Medicare, Federal and State taxes), as well as deductions for any elective benefits employees have selected. The City may also deduct from employees’ pay the employees’ share of any premiums or plan contributions for insurance, retirement, and similar plans that are elected by the employee. The City may make other deductions as required by law or court order.

Employees should examine their paychecks/pay stubs immediately to ensure they have been properly paid for all hours and that no improper deductions have been made. Any payment errors must be reported to the Human Resources department.

Overpayment of Employee Wages: Maine Legislature Statutes; Chapter 7, Title 26 Contents, 635.
Overcompensation by Employer: Should the City have overcompensated an employee through employer error the City may not withhold more than 10% of the net amount of any subsequent pay without the employee’s written permission, except that, if the employee voluntarily terminates employment, the City may deduct the full amount of compensation for any wages due.

Net Amount: The amount of money due to an employee as compensation after any deductions or withholdings other than an employer’s withholding for the purpose of recovering any overcompensation.

Overcompensation: Any compensation paid to an employee that is greater than that to which the employee is entitled under the compensation system established by the City, but does not include fringe benefits, awards, bonuses, settlements or insurance proceeds in respect to or in lieu of compensation, or expense reimbursements.

2.7 Time Cards and Time Clock
Accurately recording time worked is the responsibility of all hourly employees. Time worked is the time actually spent on a job performing assigned duties and is recorded via the time clock or a time card. The time card/clock is a legal instrument. Altering, falsifying, tampering with time cards, failing to record time, or recording time on another team member’s time card may result in disciplinary action, including termination of employment. Salaried employees must also complete a weekly time record, for the purposes of tracking use of leave and other absences, as well as trainings.

2.8 Mileage Reimbursement
Eligible Mileage reimbursement will be granted at the prevailing IRS rate.

2.9 Work Related Travel
Employees required to travel on business for the City are paid a sufficient amount to cover expenses accrued in a reasonable manner. City Employees on official business, out of town for the City, with prior approval of the City Administrator or their designee, shall be paid at the amounts set by the City’s Reimbursement Policy for meals and lodging and shall be paid the IRS rate per mile if using personal vehicles. Receipts are required for all travel expenditures and must be submitted upon the employees return and within five (5) workdays.

Employees will be paid by an approved appropriation in a departmental budget. The appropriation will be in the best interest of the City and will be approved by the department director. Travel will be accomplished at the least cost to the City.

2.10 Travel/Training Expense
The Portal-To-Portal Act, and amendment to the FLSA clarifies travel reimbursements:

Travel to and from an employee’s residence: Employees do not need to compensate for time spent traveling from the employee’s resident to their workplace before the start of the workday or
traveling form their workplace to their homes after the workday is over. An exception to this, is if the employee is called back to the worksite. These hours may be counted as hours worked.

**Travel from one workplace to another during the same day:** The City is required to continue to compensate all employees whom travel from one workplace to another location during the same workday as hours worked.

**Travel to a Training:** When employees are required to go to a training during their normal work hours; the driver and the passengers are paid for hours worked. If the travel is not during the normal hours, and no one in the car is working; then the only one who is compensated is the driver.

**Travel to another city on one-day assignments:** The City must compensate an employee for time spent traveling to and from another city in the same day.

**Travel that keeps employees away from home overnight:** When employees are required to travel from their home and that travel spans more than one workday, an employer must include in hours worked the time actually spent traveling, e.g., in a car or on an airplane or train, only if it occurs during the employee’s normal work hours.

Example: If an employee normally works from 8:00 a.m. and after 5:00 p.m. the City is only required to include time spent traveling during that time period as hours worked. Time spent traveling before 8:00 a.m. and after 5:00 p.m. would not need to be included.

Example: If an employee normally works Monday through Friday from 8:00 a.m. to 5:00 p.m. and the employee is traveling on a Saturday, the City is required to count as hours worked for the time spent traveling by the employee between 8:00 a.m. and 5:00 p.m. on that Saturday.

Example: If an employee actually performs work on a non-workday while they are traveling, the City counts that time as hours worked regardless of what time the work is performed.

**Training:** The City compensates all non-exempt employees for the time they spend in training. In order for training time to be considered unpaid, the training must meet ALL of the four criteria:

1) Attendance is outside of the employee’s regular work hours;
2) Attendance is voluntary;
3) The course, lecture, or meeting is not directly related to the employee’s; current position; and;
4) The employee does not perform any productive working during such attendance.

Under the FLSA regulations, training is considered directly related to the employee’s job if it is designed to help the employee handle their current job more effectively as distinguished from training the employee for another job or higher position.

**Travel or Training and Pet Boarding:** The City does not compensate an employee for boarding their pet while they are on a required training.

**CHAPTER 3 - BENEFITS AND SERVICES**

3.1 Vacations

A. Except for those employees who are discharged, dismissed following an absence without leave, or otherwise terminated for cause, the City shall grant vacation to its employees. Employees covered by this Personnel Ordinance shall be entitled to accumulate vacation time in accordance with the following schedule. The City Administrator shall have the authority to negotiate higher vacation accrual rates for individuals that recognizes previous non-City of Saco years of experience and education.
<table>
<thead>
<tr>
<th>Years of Continuance Service (begin accruing)</th>
<th>Maximum Annual Vacation Hours Accumulation</th>
<th>Maximum Annual Vacation Days Accumulation</th>
<th>Hours of Vacation Accrued Per Bi-weekly Pay Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date of hire to the start of the 5th year</td>
<td>75 hours (75-hour pay period) 80 hours (80-hour pay period)</td>
<td>10 Days</td>
<td>2.88 (75-hour pay period) 3.07 (80-hour pay period)</td>
</tr>
<tr>
<td>Beginning 5th year to the start of the 10th year</td>
<td>112.50 hours (75-hour pay period) 120 hours (80-hour pay period)</td>
<td>15 Days</td>
<td>4.33 (75-hour pay period) 4.62 (80-hour pay period)</td>
</tr>
<tr>
<td>Beginning 10th year to the start of the 25th year</td>
<td>150 hours (75-hour pay period) 160 hours (80-hour pay period)</td>
<td>20 Days</td>
<td>5.77 (75-hour pay period) 6.15 (80-hour pay period)</td>
</tr>
<tr>
<td>Beginning the 25th year to retirement</td>
<td>187.5 hours (75-hour pay period) 200 hours (80-hour pay period)</td>
<td>25 Days</td>
<td>7.21 (75-hour pay period) 7.69 (80-hour pay period)</td>
</tr>
</tbody>
</table>

B. Vacation time shall accrue biweekly at the rate established in the table.
C. Vacations shall be scheduled at a time mutually agreed upon between the employee and the appropriate department head or the employee and the City Administrator. The City Administrator or their designee shall approve vacation time for department heads. Employees under probation shall not be granted vacation leave during the six-month probationary period. Unless otherwise negotiated with the administrator at the time of hire nor paid if termination occurs within the probationary period.
D. If a holiday falls within an employee’s vacation period, the employee shall not have that day charged against their accumulated vacation days.
E. Any absence from duty from which sick leave is paid or for official leaves of absence, of 90 days or less, shall not constitute a break in service record for vacation accrual purposes.
F. No employee shall be entitled to work their vacation with pay, except in cases of extreme emergency conditions and with the expressed permission of the City Administrator.
G. The employee shall not have more vacation time on the books than what is specified on the schedule above on their anniversary date.
H. Employees who have completed 25 years of service will receive an additional one-week vacation in recognition to their service to the City of Saco. The employee will continue to accrue this additional week until retirement or resignation.
I. Accrued vacation leave shall be paid to an employee in good standing upon their separation from the service or to their beneficiary or estate upon their death.
J. Regular part-time employees who work more than 20 hours per week will accrue vacation time at the rate of 1.614 hours per pay period.

3.2 Holidays
The City of Saco observes the following paid holidays, unless otherwise specified in the employee’s union contract:
1. New Year’s Day
2. Martin Luther King Day
3. President’s Day
4. Patriot’s Day
5. Memorial Day
6. Independence Day
7. Labor Day
8. Indigenous Peoples Day
9. Veteran’s Day
10. Thanksgiving Day
11. Day after Thanksgiving
12. Christmas Day
13. ½ Day Christmas Eve
14. ½ Day New Year’s Eve

Holidays are to be observed on the day of legal observance. If any of the holidays fall on a Sunday, the following Monday shall be the observed holiday; if it falls on a Saturday, the preceding Friday shall be the observed holiday.

All regular full-time employees are to be paid 7.5/8 hours for a holiday according to their regular work schedule (37.5/40 Hours per week) and 3.75/4 hours for a ½-day holiday. Regular part time employees, whose normal work week is at least twenty (20) hours per week, shall be paid for 3.75 hours for a full holiday and 1.875 hours for a ½-day Holiday.

Because of the nature of the position, certain employees are required to work during a holiday. These employees will receive holiday pay in addition to regular wages for time worked.

3.3 Retirement

All full-time employees are able to participate in the Maine Public Employees Retirement Services (MainePERS) or the City’s own retirement programs; the Empower 457 Deferred Compensation Program, the ICMA 457 Deferred Compensation Retirement Plan or the ICMA 401(a) Retirement Plan, as provided by State statute and State Retirement and/or adopted by the City Council. The City shall contribute to only one of the above at a level commensurate with union contracts and equal to 5% of the employee’s gross wages ("gross wages" are defined by Internal Revenue Service Publication 525. The definition reads as follows, "Gross wages is everything received in payment for services including wages, salaries, commissions, fees and other forms of compensation such as overtime, bonuses and fringe benefits.") However, if the employee chooses the Maine Public Employees Retirement Services (MainePERS), the City shall contribute the applicable percentage established by the Maine Public Employees Retirement Services (MainePERS) on an annual basis. Employees are able to select from the following plans:

(1) Maine Public Employees Retirement Services (MainePERS). Participants of MainePERS and future new enrollees may also contribute to the 457 plans noted below but not to the 401(a) plan. However, no employer contributions are to be made to this additional retirement plan.

(2) International City Manager’s Association - Retirement Corporation (ICMA RC). All full-time eligible employees are offered the option of participating in the 401(a) Qualified Retirement Plan with ICMA. If an employee chooses to participate in this plan, the City’s contribution of 5% shall be contributed to this plan. The employee shall make a mandatory contribution of 5% of their gross wages.

(3) Empower Deferred Compensation Plan. All full-time eligible employees are offered the option of participating in the 457B Deferred Compensation Plan with Empower. If an employee chooses to participate in said plan, the City shall contribute 5% of the
employee's gross wages and the employee can contribute an additional amount as allowed by federal regulation.

(4) International City Manager's Association - Retirement Corporation (ICMA RC) 457 Plan. All full-time eligible employees are offered the option of participating in the 457 Retirement Plan. The employee has the option to have the City contribute its 5% of their gross wages and/or the employee can also contribute an additional amount as allowed by federal regulation.

Enrollment requirements, mandatory employee contribution [for the Maine Public Employees Retirement Services (MainePERS) and the ICMA 401(a) Retirement Plan], City contribution and benefit provisions shall be determined by state statute and/or City Council action.

3.4 Short Term and Long-Term Disability
An employee's sick leave and vacation time can be used in conjunction with the income protection insurance to ensure continued compensation or the employee must otherwise cover their other benefit expenses when out on disability. For short-term disability, the City's Income Protection Vendor covers 66 2/3% of the weekly gross salary. The remaining 33 1/3% is reimbursed by the employee's accrued sick time first and then accrued vacation time if the employee chooses to make their check whole for each week. Any employees who do not have enough vacation or sick time to support employee portions of elected benefits MUST pay their portion prior to the start date of the disability. If payment is not made, the City may stop coverage until the payment is made.

For long-term disability, the City's Income Protection Vendor covers a percentage 60% of the weekly gross salary. The remaining 40% is reimbursed by the employee's accrued sick time first and then accrued vacation time if the employee chooses to make their check whole for each week. The City of Saco provides all full-time employees working a minimum of 30 hours or more per week long term disability benefits. The benefit pays a maximum of $1,000 or 60% of an employee’s monthly salary. Employees can buy additional long-term disability coverage during open enrollment or as a new hire. Employees may purchase additional long-term disability insurance. The monthly benefit cannot exceed $6,000. Example: Annual salary of $60,000/12 x 60% = Monthly benefit $3,000. Except for unforeseen circumstances, such as an emergency, prior to going out on any disability, employees will meet with Human Resources to understand their benefit deductions and payment plan.

3.5 Life Insurance
A. All full-time employees of the City are eligible for basic life insurance, as provided by state statute and accepted by the City Council. Such coverage will be automatic, unless specifically refused, in writing, by the employee. If an employee does not participate in the City’s health coverage, they are not covered under the City’s Life Insurance policy. However, the employee is eligible to purchase life insurance at a nominal fee.

B. In the event of the death of a full-time nonunion employee, life insurance benefits shall be equal to the employee's annual salary, and it shall be the responsibility of the Personnel Officer to make new employees aware of all options available to them.

3.6 Health Benefits
A. The City will provide a Maine Municipal Association (MMA) group insurance plan, which provides Maine Municipal Employees' Health Trust medical coverage and, in addition, major medical coverage (or an equivalent level of insurance coverage). The City's MMA Employees' Health Trust coverage and level of service shall be established by the City Council. Currently this is an 80% employer/20% employee share.
B. Full-time employees and their families are eligible to participate. An employee must apply for coverage and coverage is not automatic. A new employee becomes eligible after a thirty-day waiting period.

C. The Maine Municipal Employees’ Health Trust coverage shall be determined by the City Council. The employee will pay any difference.

D. Any employee who does not elect to receive health insurance benefits and can demonstrate that they have insurance coverage, shall be eligible to receive $1,950 of the savings realized by the City each year.

3.7 Worker’s Compensation
The City of Saco shall provide Workers’ Compensation coverage to its employees.

3.8 Training and Tuition Assistance
The City of Saco recognizes and encourages professional development and personal growth for employees. Both the City and its employees profit from the provision of educational training opportunities at reasonable expense to the City. Training programs shall be designed to improve the quality of performance and bring about more efficient or more economical operation. Employees will have to receive approval for training programs in advance from the City Administrator or department director, if attendance during normal working hours or reimbursement of tuition and/or expenses is expected.

Tuition Assistance: The City will reimburse the employee at the time of submitting a passing grade of B or better half of the tuition expense. The City does not reimburse the employee for any additional expenses; such as: books, computer software, computers, etc.

3.9 Sick Leave
A. Regular full-time employees are entitled to sick leave at an accrual rate of 3.4615 hours per pay period for employees who work a seven-and-one-half-hour work day and 3.6923 hours per pay period for employees who work an eight-hour day for each bi-weekly pay period worked. Sick leave may be accumulated not to exceed 900 hours for employees who work a seven-and-one-half-hour day and 960 hours for employees who work an eight-hour day. Regular part-time employees, who work at least 20 hours per week, are entitled to 1.938 hours per pay period of sick leave. If the employee is on sick leave, credit will still accrue. Cumulative sick leave hours are computed from the original date of employment. Probationary employees may not use accrued sick leave without their department director’s approval.

B. Illness for which sick leave may be granted is defined as actual personal illness or bodily injury. Regular full-time employees who work a seven- and one-half-hour day may use up to 37.5 hours and those who work an eight-hour day may use up to 40 hours per year to care for ill family members to be deducted from the employee’s accrued sick leave. Employees who work a seven- and one-half hour day may have an additional 37.5 hours and employees who work an eight-hour day may have 40 additional hours of family leave which will remain in effect unchanged for the duration of the contract. Approvals may be made at the discretion of the department director and City administrator.

C. Attendance Incentive—the City shall pay all full-time employees an incentive of 7.5 for 37.5-hour employees or 8 hours of pay to 40-hour employees who uses sixteen (16) hours or fewer of sick leave in each six-month period beginning January 1 through June 30 and July 1 through December 31 for each calendar year. Employees who use sixteen hours or fewer in two consecutive six months periods will earn an additional four-hour incentive pay. Employees may deposit the incentive into the ICMA-RHS account.
D. Any absence (except as covered elsewhere in the regulations) of three days or longer for illness requires a doctor's certificate before returning to work. In addition, another examination, by a doctor of the City's choosing, and at the City's expense, may be required.

E. At any time, the department director may request that a qualified physician designated by the City, certify the condition of the employee, to justify the continued absence from employment, as a condition precedent to the continuance of sick pay.

F. When an employee is absent due to any injury compensable under the Workers’ Compensation Act, payment to the employee under any insured disability plan of the City or insured medical payment plans of the City shall comply with 39 M.R.S.A. § 111-A. Editor's Note: See now 39-A M.R.S.A. § 222. An employee so injured is entitled to use up to a maximum of 22 earned and accumulated sick days, when no payments are available under any insured disability plan, prior to receiving their first check for incapacity payments under 39 M.R.S.A. § 51. Editor's Note: See now 39-A M.R.S.A. § 201.

G. When an employee is absent due to any injury not compensable under the Workers’ Compensation Act, the employee is entitled to use accumulated sick days and vacation time prior to receiving payments under the short-term disability plan. While receiving payments from the disability plan, the employee shall continue to earn and accumulate sick leave and other leave benefits until that employee is separated from employment with the City.

3.10 Personal Leave
An employee may elect to utilize 15 hours for a seven-and-one-half-hour employee and 16 hours for an eight-hour employee of accrued sick time per year as personal days. Personal leave is pro-rated for part-time employees. In the event that an employee utilizes more than 15 hours for a seven-and-one-half-hour employee and 16 hours for an eight-hour employee of accrued sick time or any combination of sick or personal leave in a six-month period, the employee shall forfeit their bonus pay or earned day off.

3.11 Leave for Military Reserve Training and Active Duty
In accordance with state and federal law, all employees who have completed probation will be granted service leave, in addition to vacation leave, of at most, two weeks in any calendar year. For any period of service leave, the City will pay the employee the balance between service pay and the employee's regular compensation. The total of both will equal the regular pay of the employee that is disbursed in service of the City during the period of leave; the employee on service leave must furnish their department director an official wage statement by military authorities giving their rank, pay, and allowances. It is the responsibility of the department director to contact the payroll specialist to make appropriate wage adjustments.

A. Upon approval by the City Administrator, an employee may be granted time off, with pay, if required to appear before a draft board or at the direction of such board.

B. The City Administrator may grant a leave, without pay, to an employee called to military duty for purposes other than annual routine training.

C. As used in this section, "Military" means the United States Air Force, the United States Army, the United States Navy, the United States Marine Corps, the United States Coast Guard, the Maine National Guard, the Maine Air National Guard and any and all components.

3.12 Family Military Leave
In accordance with Maine Law Title 26, Chapter 7, Subchapter 5, §814, Family Military Leave is available to:

- City employees that have been employed for at least twelve (12) months, and
- have worked at least 1,250 hours during the prior twelve (12) months, and
• who have a spouse, domestic partner or child who is a resident of the State and is deployed for military service for a period lasting longer than 180 days, are entitled to up to fifteen (15) days of family military leave per deployment.

3.13 Jury and Witness Duty Leave
Any permanent employee called for jury duty or subpoenaed by a legislative, judicial or administrative tribunal, shall be allowed time away from work with pay for such purposes. Upon receiving the sum paid for jury services or witness fee, the employee shall submit the warrant, or its equivalent to the payroll specialist for wage adjustments.

3.14 Leave for Victims of Domestic Violence
The City will grant reasonable and necessary paid or unpaid leave from work for eligible regular full-time and part-time employees who are victims of domestic violence, stalking, or sexual assault as provided for in State law Title 26 M.R.S.A. Sec. 850 (Employment Leave for Victims of Violence):

   Leave will be granted for an employee to:
   A. Prepare for and attend court proceedings; Receive medical treatment or attend to medical treatment for a victim who is the employee’s daughter, son, parent or spouse; or
   B. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.

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

3.15 Bereavement Leave
   A. Family death. In the event of the death of an employee’s spouse, legally recognized partner, children, mother and father, the employee shall be granted five days’ leave of absence, with full pay, to make household arrangements.
   B. In the event of the death of an employee’s sister, brother, stepparents, stepchildren, grandmother, grandfather, spouse’s grandparents, grandchildren, father-in-law, mother-in-law, sister-in-law or brother-in-law, the employee shall be granted up to three days’ leave of absence, with full pay, to make household adjustments and arrange for or attend the funeral services. This provision shall also apply to out-of-town deaths. The employee may be required to furnish their immediate supervisor with proof of death.
   C. For relatives other than those mentioned above, such as aunt, uncle, niece, nephew or first cousin, one day’s leave, with pay, to attend the funeral will be granted. The City Administrator may grant additional leave under this subsection in unusual or exceptional circumstances.

3.16 Family Medical Leave
The Family and Medical Leave Act ("FMLA") guarantees many eligible City employees’ rights to certain types of unpaid leave and job reinstatement upon returning from such leave. Additional information on the FMLA can be obtained by contacting the Human Resources Department and by referring to the FMLA notice posted on the official bulletin board at each department. Generally, the FMLA allows up to 12 weeks of leave during a “rolling” 12-month period for the birth of a child; the adoption of a child or placement of a child for foster care; to care for a spouse, domestic partner, significant other, son, daughter, or parent who has a serious health condition; or because of an employee’s own serious health condition that makes the employee unable to perform the functions of their job.
A. Requesting FMLA Leave

To obtain a leave of absence based on an employee's own serious health condition, the employee must provide their supervisor with a note from the employee's doctor no later than the fifteenth calendar day of absence indicating the date on which the serious health condition commenced, the probable duration of the condition, appropriate medical facts within the knowledge of the employee's doctor regarding the condition, and that the employee is unable to perform the functions of their position because of the condition. The employee will be required to provide periodic updates from the employee's doctor on the serious health condition, as well as a fitness-for-duty certification when the employee seeks to be reinstated, consistent with the FMLA. If, for medical reasons, the employee is unable to deliver any doctor's note required under this paragraph, the employee may have a friend, family member or health care provider deliver them. The employee must provide a medical release upon returning from any medical leave.

To obtain leave so that an employee may care for a spouse, domestic partner, significant other, child or parent with a serious health condition, the employee must provide their supervisor with a note from that individual’s doctor stating that the employee is needed to care for the individual and estimating the amount of time involved. The employee may be required to provide periodic updates on the family member's condition and on the employee's continued need to care for that person consistent with the FMLA.

To obtain leave based on the birth or placement for adoption or foster care of a child or on planned medical treatment and such leave is foreseeable, an employee must notify their supervisor and the Human Resources Department and complete required paperwork, not less than 30 days before the employee plans to commence leave. If it is not possible to give 30 days' notice, the employee must give as much advance notice as is practicable.

Generally, FMLA can be taken intermittently or on a reduced leave schedule. However, when the qualifying event is the birth or placement of a child, an employee can only take intermittent or reduced leave with the permission of their department director. Any requests for intermittent or reduced leave should be made to the Human Resources Department.

B. Benefits During FMLA Leave

The City requires any employee taking leave under FMLA to utilize accrued sick and vacation leave during the leave of absence, provided that it is not used to receive more compensation than the employee would receive were the employee working. The City also requires employees to utilize, to the maximum extent allowed, any other City-sponsored benefits (such as disability or wage benefits) while the employee is on FMLA leave.

During any FMLA leave, the City will maintain its share of an employee's coverage under any group health or insurance plan on the same conditions as if the employee was not on leave. If necessary, the employee must make arrangements with Payroll and Benefits to make any such payments.

C. Returning from FMLA Leave

An employee must present an acceptable fitness-for-duty certification upon return from FMLA leave, which was the result of the employee's own serious health condition. An employee returning from FMLA will normally be reinstated to the same position the employee held before the leave or to a position with equivalent pay, benefits, and other terms and conditions of employment.
If an employee fails to return to work at the expiration of their approved leave of absence, the employee will be considered to have voluntarily resigned the day after completion of the leave of absence and will be terminated effective on that date. If an employee is offered a job for which the employee is qualified and refuses it, or if the employee accepts other employment during the leave, the employee will be considered to have voluntarily terminated their employment. In the event that an employee does not return to work following FMLA leave, in certain circumstances, the City may recover from the employee the cost of any payments made to maintain the employee's benefit coverage. Please contact the Human Resources Department if you have any questions about this issue.

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D. Key Employee Exception

The City may deny certain FMLA rights to an employee who is considered a "key employee" under the Act. Under this exception, employees who are paid on a salary basis and are among the highest paid 10% of all employees within a 75-mile area of the employee's worksite may not be entitled to restoration following FMLA leave if the restoration of that employee will cause substantial and grievous economic injury to the operations of the City. In this "key employee" situation, the employee may be given an opportunity to return to work for the City in an alternative position, but not necessarily at the same level or pay.

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B. Employee Handbook – Councilor Minthorn moved, Councilor Smart seconded to approve the Saco Employee Handbook, effective August 26th, 2019.

Amendment – Councilor Copeland moved, Councilor Johnston seconded that prior to implementation that it has legal review. The motion passed with five (5) yeas and two (2) nays – Councilor Gay and Archer.

Mayor Lovell called for a vote on the main motion with amendment. The motion passed with seven (7) yeas.

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**INTRODUCTION**

Welcome to the City of Saco!

The City of Saco Government is committed to providing and promoting a high quality of life, safety, and business success to residents, visitors, and future generations, and thus making Saco an excellent place to work, play, and raise a family. City Departments and employees are vital to the City’s ability to carry out these goals.

Being an employee of the City of Saco puts you in a unique position of trust. It is important that you fully understand the emphasis the City places on maintaining the public’s trust in the City and its employees. The City of Saco expects that you will conduct yourself, personally and professionally, in a manner that will maintain that trust.

Kevin L. Sutherland
City Administrator
PURPOSE

This Handbook provides guidelines to aid all employees of the City of Saco in understanding working conditions, policies, benefits, and procedures that relate to their employment with the City. The information contained in this handbook applies to all employees of the City of Saco. In addition, there are two additional sets of documents that you’ll be presented with depending on whether or not your position is under union representation (specific union contract or non-union personnel policy) and specifically which department you’ll be working for (Department Standard Operating Procedure(s) (SOP(s))).

The Handbook is a summary of our policies, which are presented here only as a matter of information. The policies within this handbook do not apply to School Department Employees, Elected City officials, or appointed members of City boards.

As an employee of the City, you are responsible for reading, understanding, and complying with the provisions of this Handbook. Each employee will be provided an electronic copy of the Handbook and will be required to acknowledge their agreement to comply with the policies within the handbook. A copy of the Handbook will be available online on the Human Resources page of the City’s website at www.sacomaine.org, as well as accessible on the City’s internal SharePoint site which will be the most current version and reflect any changes that are made, as the City deems appropriate and necessary and approved by Council.

In addition, conflicts or changes in local, state, or federal laws take precedence over the contents of personnel policies, whether or not those changes have or have yet to be incorporated into the policy.

This handbook supersedes all previous employee handbooks, memos, and individual policies that have been issued on subjects covered in this handbook. No individual supervisor or department head has the authority to change the policies of this Handbook at any time. If there are any inconsistencies between this handbook and any City Ordinance, the City Ordinance will take precedence.

BACKGROUND AND VISION

The City of Saco, Maine, with a population of over 19,000 is the eighth largest city in the State of Maine. Saco is home to a growing population of residents, a revitalized and repurposed mill district, a world-class education system, a picturesque downtown, a thriving economy, and many recreational opportunities. It is located in coastal southern Maine, a relatively prosperous area of an otherwise less prosperous northern New England state.

City’s Vision Statement . . . Our vision is a high quality of life for Saco citizens and central to this vision is a sustainable economy that offers an opportunity for everyone to have rewarding employment and for business to prosper, now and in the future. The people of Saco bring this vision into reality by working together and building on our tradition of hard work, dedication, and ingenuity.

The City Council’s Vision Statement for the city from the Strategic Plan appears highlighted above; both the staff and council visions, and the resulting Strategic Plan, drive the broader goals for the organization. As noted in the Strategic Plan, “the intent of this plan is to provide strategic direction for the management of the city and to align department objectives with this direction.”

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Chapter 1
GENERAL POLICIES

1.1 Equal Opportunity Employment
As an Equal Opportunity Employer, the policy of the City is to provide equal opportunity to all employees, applicants, and those seeking promotions without regard to religion, age, sex, sexual orientation (including gender identity and expression), genetic predisposition and information, race, color, ancestry, national origin, physical or mental handicap or disability, except as a bona fide occupational qualification, and any other category protected under Maine and federal law. Reasonable accommodations will be made for any qualified individual, applicant, or employee, in accordance with the provisions of the Maine Human Rights Act and the Americans with Disabilities Act.

The City will endeavor to select the best-qualified persons who are available at the salary level established for the position. It shall be the duty of the City Administrator or their designee to seek out the most desirable employees for the City, and they shall determine the means of recruitment. All employment opportunities with the City of Saco shall be based on merit and upon a person’s ability to perform the job duties and responsibilities of the particular position.

Employees with questions or concerns about discrimination in the workplace are encouraged to bring these issues to the attention of the Human Resources Director or the City Administrator. Employees can raise concerns and make reports without fear of reprisal or retaliation. Anyone found to be engaging in unlawful discrimination may be subject to disciplinary action, including termination of employment.

1.2 Harassment Policy
It is the policy of the City of Saco to maintain a work environment free from all forms of harassment, intimidation, and discrimination. Harassment is prohibited in connection with any employee activity including, but not limited to, relations with other employees, supervisors, prospective employees, clients, vendors, City officials, or members of the public. Any allegation of harassment will be promptly investigated.
Therefore, the City of Saco strictly prohibits and does not tolerate any type of harassment, sexual or otherwise, in the form of unwelcome or unwanted verbal, physical, or visual conduct of its employees based on the protected characteristics of race, color, gender, marital status, pregnancy, national origin, age, religion, sexual orientation, disability, citizenship, veterans’ status, or any other characteristic protected by law. Sexual Harassment is a form of employment discrimination and is illegal under both federal and state law. The City of Saco will not tolerate retaliation or discipline against any employee who files a complaint of harassment or who cooperates in any investigation of a complaint of harassment.

Sexual and other types of harassment may take many forms. These forms include, but are not limited to:

A. Offensive verbal conduct such as remarks, comments, jokes, slurs, lyrics, or sexually explicit conversation;
B. Offensive material, including sexually explicit pictures or objects, cartoon drawings, photographs or other communications, including videotape, e-mail, internet programs, blogs, or websites;
C. Offensive physical conduct, or sexual advances, including touching, and
D. Sexually degrading words used to describe an individual.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment; (quid pro quo)
B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions which affect that individual, or
C. Such conduct substantially interferes with an individual’s work performance or creates an intimidating, hostile, or offensive working environment. (hostile work environment)

Verbal conduct alone may constitute unlawful harassment. The effect of the harassing activity, not the harasser’s intent, may make the conduct unlawful. Unwelcome sexual advances need not occur at work in order to be unlawful: if the harassing activity creates a hostile or offensive work environment, the activity is unlawful regardless of where it occurs.

Unlawful Discrimination

Discrimination based on a protected class status is also illegal. Protected classes include race, national origin, age, religion, sexual orientation (including gender identity and expression), veteran status, whistleblower status and others defined by state and federal law. Harassment under such circumstances is prohibited. All such complaints will be addressed and, if necessary, appropriate action will be taken. Employees should report any discrimination immediately to any department director, Human Resources, the City Administrator or the Mayor and are protected from retaliation in any form. All complaints of retaliation will be investigated, and prompt remedial action will be taken. Any report of alleged harassment or discrimination that is made in a knowingly false or clearly frivolous manner is prohibited, will not be tolerated, and will be appropriately addressed should it occur, including possible disciplinary action.

Complaint Procedure

If you believe that you are being subjected to any type of harassment or if you have any concerns about harassment, the process is noted below:
A. Document
If possible, document or otherwise record any incident of alleged harassment, including the date, time, place, details of what has been said or done, who was present, and the surrounding circumstances.

B. Communicate
If you are comfortable doing so, clearly and directly communicate to the offending individual that their conduct is offensive and unwelcome, and request that the behavior stop. However, this step is not required.

C. Report
You should immediately bring the matter to the attention of your supervisor. However, if your supervisor is somehow involved in the harassment, unavailable, or if you are uncomfortable talking to that person; you should report this matter to the Human Resources Director at (207) 710-5037; the City Administrator at (207) 282-4191, or to another Supervisor with whom you feel comfortable.

D. Investigation and Resolution
The person receiving the complaint will promptly start a confidential preliminary investigation into the matter. After the completion of the preliminary investigation, if it is determined that there is reasonable cause for a violation of the policy, the city will verbally notify the complainant and the charged employee of the finding. The charged employee will be asked to respond to the complaint and additional investigation will be made to the extent appropriate in each case. After the investigation is completed, any employee who is determined to have engaged in unlawful discrimination or harassment will be subject to appropriate corrective disciplinary action to stop the inappropriate conduct, up to and including termination.

We take allegations of sexual and other harassment and retaliation very seriously. We will work with you to resolve your complaint promptly and fairly. Managers and supervisors are responsible for monitoring conduct, which can be construed to be harassment and for initiating necessary action to eliminate such behavior. All information will be held in confidence and will be discussed only with those who have a need to know in order to either investigate or resolve the complaint. We will seek to keep any information obtained as confidential as possible, although confidentiality cannot be assured.

If you believe that you are being harassed, you also have the right to file a complaint with the Human Rights Commission (MHRC) within six months of the unlawful act or unlawful discrimination. To file a charge or obtain more information on the procedure, you may contact the Commission at (207)624-6050 or by mail at:

Human Rights Commission
51 State House Station
Augusta, ME 04333-0051

1.3 Whistleblower Policy
The City of Saco encourages its employees to report improper governmental action taken by City officers, or employees and protects City employees who report improper government actions. Any employee who is aware of a violation of the law; or a condition or practice that risks any person’s health and/or safety; is required to immediately report the circumstances to the Human Resources Director or to the City Administrator. Employees must provide information about the issue and allow a reasonable time for it to be corrected. The employee will be requested to provide a detailed report in writing. The City will investigate the report promptly and act promptly to take any necessary remedial action. Employees who report any violations are protected from retaliation from all other employees and supervisors. Violations of this policy may result in appropriate disciplinary action, up to and including discharge.
1.4 Lactation Accommodation Policy
As part of our family-friendly policies and benefits, the City of Saco supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. Women who breastfeed and need to express milk during the working day, will work with their supervisor and Human Resources to determine how to best accommodate the needs of the mother while still maintaining job performance. For up to one year after the child’s birth, any employee who is breastfeeding her child may use lunch and/or break times to express breast milk for her baby. If an employee needs to take more than two breaks during the day to express milk, the employee will need to use unpaid or personal time. Any breast milk stored in the City refrigerators must be labeled with the name of the employee. Employees storing milk in the refrigerator assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration, and tampering.

1.5 Immigration Law Compliance
The City of Saco employs only United States Citizens and non-United States Citizens authorized to work in the United States in compliance with the Immigration Reform and Control Act of 1986. Each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if their previous I-9 is no longer retained or valid. If the State of Maine or the federal government enacts any more stringent immigration requirements, the City will comply immediately, and without prior notice, with such standards.

1.6 Americans with Disabilities Act
In accordance with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Maine Human Rights Act, Title 5 M.R.S.A. §4551, et seq., the City of Saco will not discriminate against qualified individuals with a disability, in relation to the disability, concerning job application procedures, hiring, advancement or discharge, compensation, job training and other terms, conditions, and privileges of employment.

It is the policy of the City of Saco to provide reasonable accommodations for qualified individuals with disabilities. Federal law (the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990) and state law (the Maine Human Rights Act) establish the rights of individuals with disabilities. Reasonable accommodation shall be provided in a timely, cost-effective manner. The essential functions of a job need not be modified to accommodate an individual with a disability.

Any individual with a disability who believes they have been subjected to discrimination on the basis of a disability may discuss the complaint with a supervisor and/or file a grievance with the Human Resources Department. It is unlawful for the City, its employees, contractors, or grantees to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance. Questions, concerns, complaints, or requests for additional information regarding this notice may be forwarded to the Human Resources Director, the designated Americans with Disabilities Act Compliance Officer.

1.7 Workplace Safety
The City of Saco and its employees are committed to providing a safe working environment. The City’s goal is to minimize human injury or illness and property loss or business interruption caused by accidents, fire, or other hazards.

All employees must adhere to all Occupational Safety and Health Administration (OSHA), federal, and state regulations and comply with the following general rules.
A. All accidents or injuries must be reported to a supervisor immediately.
B. Horseplay and practical jokes in work areas will not be tolerated.
C. Employees are to be careful with their hands when operating any machinery and must see to it that others do not harm themselves on their machines.
D. Shortcuts that jeopardize employee safety are not tolerated and will result in immediate discipline.
E. State and Federal regulations require that mandatory safety training are held annually. Employees are expected to attend these trainings. If training is scheduled during a time
that is not convenient for the employee, the employee and/or Department Head must notify the Human Resources Department for an alternative training schedule. Each employee is expected to obey safety rules and exercise caution and common sense in all work activities. Employees must immediately report any unsafe conditions to their supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report, or where appropriate, remedy such situations, may be subject to disciplinary action including termination of employment. Employees are protected from reprisal or retaliation for reporting any safety issue.

Employees are required to immediately report any work-related injury or accident they have sustained, informing their supervisor without delay (barring an emergency, in which case seek emergency care). Appropriate care for the employee will be facilitated in accordance with the City’s expectations and requirements to provide timely reports of any workplace injuries that have been sustained. The employee may be directed by their supervisor or Human Resources to complete a timely incident report, as appropriate. Any questions regarding this policy should be directed to the Human Resources Department.

1.8 Workplace Threats and Violence
The safety and security of employees of the City of Saco, and the public who conduct business in municipal buildings, is of paramount importance to the City. Therefore, threats, threatening behavior, or acts of violence against or by employees, visitors, guests, or other individuals on City property will not be tolerated. Any person who acts in a violent or threatening manner, either verbal or physical in nature, will be removed from the premises as quickly as safety permits. At the City’s discretion, employees and/or members of the public may be barred from City premises pending the outcome of an investigation. Any employee who engages in such behavior may be suspended and/or terminated.

It is the goal of the City to have a workplace free from acts or threats of violence. All City personnel are responsible for notifying their supervisor and/or the Human Resources Department of any threats that they have witnessed, received, or have been told that another person has witnessed or received. The City of Saco recognizes the sensitivity of information regarding threats or threatening behavior and will recognize and respect the privacy of the reporting employee(s) or citizen(s) to the extent permitted by the law.

1.9 References
It is the City’s policy to provide only, date of hire, date of termination or resignation, title, and terms of employment to potential future employers. All requests for references about current, retired, or terminated employees must be referred to the Human Resources Director. No supervisor is authorized to give information about current or former employees without the prior approval of Human Resources.

1.10 Nepotism
Employees who are relatives may not occupy a position of influence over each other’s employment, promotion, transfer, or other related management decisions. The term “relative” includes an employee’s mother, father, sister, brother, child, stepmother, stepfather, stepsister, stepbrother, stepchild, niece, nephew, uncle, aunt, grandparent, grandchild, or in-laws within one of these categories. Spouses, domestic partners, or significant others may not be employed in the same department or under each other’s direct or indirect supervision. Employees must disclose to the Human Resources Director any employment relationship that may cause a potential conflict of interest. If this is not disclosed and is discovered during time of employment, the employee may be terminated.
Employees who marry, become related by marriage, or make a significant commitment to each other, may continue their employment if they do not work in a direct or indirect supervisory relationship of each other, work in the same department or otherwise present problems in supervision, safety, security, or morale. If a problem arises, the employees, supervisors, or co-workers may report the problem to the City Administrator. The City will investigate and, if necessary, to eliminate the problem, will attempt to reassign one or both of the employees to an available position for which the employee is qualified. If, however, no such position is available, one of the employees will be asked to leave the City’s employ, based on the City’s best interests.

If both employees are equally qualified, the two employees will have 30 days to reach a decision of which employee will leave the City. If two employees do not reach a decision, the City may terminate the employment of both.

1.11 Fragrance-Free Workplace
A fragrance-free environment helps create a safe and healthy workplace. The City expect that all offices and spaces used by staff and visitors remain free of scented products. Personal care products such as cologne, perfume, aftershave lotions, scented lotions, fragranced hair products, perfumes and similar products are not to be work in the facilities owned and operated by the City including City vehicles. Use of air fresheners are prohibited. Use of cleaning products other than those purchased by the City are prohibited for cleaning personal workplaces.

1.12 Pets in the Workplace
The City is responsible for assuring the health and safety of all employees. In keeping with this objective, the City does not permit employees to bring their household pets to work. Animals may pose a threat of infection and may cause allergic reactions in other employees. Some employees may feel threatened or be distracted by the presence of animals. Exception would be Service Dogs (see 1.13 of the Employee Handbook).

1.13 Service Dogs
It is the policy of the City to provide equal access and reasonable accommodation for individuals with disabilities to participate in any program, service, or opportunity provided by the City to comply with applicable law related to service dogs for persons with disabilities.

According to the Americans with Disabilities Act (ADA), a dog is considered a “service dog” if it has been “individually trained to do work or perform tasks for the benefit of a person with disability.” A dog is recognized as a “service dog” under the ADA when the following conditions are met:

- The owner or handler has a documented disability as defined under the ADA.
- The dog must be trained to perform a task or tasks that alleviate that disability. According to the ADA, emotional support or therapeutic assistance dogs who do not perform a specific task, but rather provide comfort simply from their presence do not qualify as a service animal (e.g. a dog that helps someone feel less anxious or provides motivation would not meet this definition of a “service dog”).
- The dog must not alter the environment for others. This means that they must be kept on a leash and under the control of the handler at all times in public, must not show signs of aggression, and must be kept quiet and clean.
According to the ADA, a ‘disability’ is a “mental or physical condition which substantially limits a major life activity” such as:

- Caring for one’s self
- Performing manual tasks
- Walking
- Seeing
- Hearing
- Speaking
- Breathing
- As well as some disabilities that may not be visible, such as hearing impairment, epilepsy, and some psychiatric conditions.

1.14 Personnel Files

A. The Human Resources Department is responsible for creating and maintaining centralized personnel files for all employees. Human Resources will also retain files concerning applicants for City positions and personnel files of terminated employees for a period of time as specified by federal and state laws. Personnel files should include such records and information to document the employee’s personnel actions during their employment with the City. Departments may create and maintain supplemental working personnel files for their convenience, but any records of a permanent nature should be included in the centralized Human Resources Office files. Personnel files and payroll records are retained in accordance with City Policy as well as State and Federal laws and guidelines.

Personnel records are maintained for all employees of the City. Employee personnel files are considered confidential documents. Only those persons with the right to know or the need to know may have access to the personnel files. Neither the Human Resources office nor any employee can release the address, telephone number, social security number, or date of birth of any employee, officer, or appointed official as shown in the personal records (except upon request from law enforcement agencies) without prior consent.

An employee may review their file, in the presence of a Human Resources staff member, during normal business hours, Monday through Friday, 8:30am to 4:00pm. Any employee requesting to view their personnel records must submit a written request to review files and set up an appointment for such a review in advance.

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) requires employers to protect employee medical records as confidential. These employee medical files are stored in Human Resources in a safe, locked, inaccessible location. No department is to retain any employee’s medical information.

B. It is the responsibility of employees to promptly notify their supervisor and the Human Resources Department of any changes in personal data such as:
   - Mailing address,
   - Telephone numbers,
   - Name and number of dependents, and
   - Individuals to be contacted in the event of an emergency.
All full-time and part-time employees covered by the provisions of the non-union personnel policy shall follow this general standard of conduct:

Each employee is expected to support, obey, and defend the Constitution of the United States, the Constitution and laws of the State of Maine and the municipal laws and ordinances of the City of Saco. Employees have a responsibility, as public servants, to maintain and uphold the principles of responsive, open municipal government, both on and off duty. Employees are expected to maintain the highest standards in the performance of their jobs. They are prohibited from engaging in any conduct that would affect their ability to perform their job, reflect unfavorably upon the City, or limit the effectiveness of the municipality to deliver public services.

Employees of the City are expected to conduct themselves in a professional and courteous manner when dealing with the public or outside agencies. In addition, each employee shall strive to maintain courtesy, respect, and understanding for each other at all levels of the organization. Employment with the City is a privilege; acceptance of that privilege means that all employees become representatives of the City. City employees are in a position of trust that implies a duty to act in the best interest of the public; therefore, employees must conduct their duties with integrity. Expression of derogatory statements regarding City officials and policies of the City is considered unbecoming conduct and is prohibited.

- Demonstrate the highest standard of personal integrity, honesty, and conduct in all activities to inspire public confidence and trust in City Employees.
- Give prompt, courteous attention to all citizens who call or appear personally with a question or complaint. Make every attempt to provide the citizen with accurate information, without asking the person to call another department.
- Communicate openly with supervisors, managers, and coworkers
- Treat customers, clients, coworkers, and vendors with patience, respect, and consideration.
- Work together as professionals and recognize that all employees have an area of expertise.
- Be tolerant of fellow employees. Recognize that conflicts may exist among co-workers, but courtesy is expected. Address problems by going to the appropriate person.
- Anticipate and complete projects in a comprehensive manner to provide a high-quality service.

- All employees are expected to work as a team. Demonstrate loyalty to your co-workers and the City of Saco and respect your co-worker’s privacy and confidentiality
- Aggressively promote and enhance the image of Saco.
- Understand that great ideas and contributions are produced from all levels of the organization.

2.2 Attendance and Punctuality
The City of Saco expects that every employee will be regular and punctual in attendance. Employees are expected and required to report to their designated work location in accordance with the respective collective bargaining agreement or departmental regulations pertaining to the hours of work. In the event an employee cannot report to work as scheduled, the employee shall notify their immediate supervisor in accordance with the respective bargaining agreement or within one hour of the time that the employee was scheduled to work. In all cases of an employee’s absence or tardiness, the employee shall provide supervisory personnel with a legitimate reason for the absence and, if applicable, the probable duration of absence. In the case of a longer-term absence of indefinite duration, the absent employee will be required to call supervisory personnel weekly to report the status of absence.
Tardiness, unexcused absences, or failure to report as required may result in disciplinary action. If an employee is absent for more than three days, they are required to furnish a medical statement from their doctor indicating the reason for the absence. Employees may also be required to produce fitness for duty certificates to return from an absence. A physician’s statement or a fitness for duty certificate may be required where absence is continuous for a period of a number of working days and after surgery or accident, regardless of the length of absence. Failing to report an absence properly may be grounds for disciplinary action, including dismissal. Excessive absences or lateness, even when reported, may also be grounds for discipline or dismissal. Unsatisfactory attendance will have an adverse effect on any promotion considerations.

2.3 Personal Appearance Standards
The City of Saco strives to maintain a workplace environment that functions well and is free from unnecessary distractions and annoyances. As part of that effort, each employee is expected to dress appropriately and maintain personal grooming techniques required by the particular position (see also department SOP for further clarification if applicable). Emphasis must be placed on presenting a neat, clean appearance to the general public.

2.4 Confidentiality and Security
It is the City’s policy to maintain strict control over the unauthorized entrance or use of City property, cash, or other items of monetary value, personnel or general assistance records, certain computer information, or other records or information considered being confidential. Employees who are assigned keys, given special access or assigned job responsibilities in connection with safety, security, or confidentiality of such records, material, equipment or items of monetary value will be required to use sound judgment and discretion in carrying out their duties and will be held accountable for any wrong doing or acts of indiscretion.

During the course of their duties, employees of the City are often privy to sensitive and confidential information. Examples of this include, but are not limited to, employee relations, medical records, general assistance requests, and personnel actions. The City expects any employee with access to such information to respect the confidential nature of the matter, not to share or provide access to such information with members of the public, including family members, and to take all reasonable measures to maintain confidential documents in a secure manner. Confidential information obtained because of employment with the City is not to be used by an employee for furthering any private interest or a means of making personal gains.

The City is subject to the Maine “Right to Know” law, MRSA Title 1 sections 401-414. Any employee who receives any request for information under the “right to know” statute must direct the request to the designated Freedom of Access Act (FOAA) Officer (City Clerk) for the City’s official response. Employees and other City officials must coordinate with the City Clerk to determine the proper response and involve the City Administrator and the City Solicitor when necessary.

2.5 Outside Employment
All employees should consider their employment with the City as their primary employment. The City expects an employee’s work for the City to take precedence over any outside employment engaged in by an employee. Employees of the City may be self-employed or may take temporary part-time jobs if there is no conflict with the interests of the City. Part-time and all other employees may hold outside jobs in non-related businesses or professions as long as the employee notifies the City in advance of such employment and meets (and continues to meet) the performance standards and required hours of their job description with the City.
Employees may not engage in any private business or activity while on City work time or at City workplaces. City of Saco office space, equipment, time, and materials are not to be used for outside employment or non-City business purposes. Any violation of the provisions of the City Charter or municipal ordinances of the City shall be enforced through disciplinary procedures.

2.6 Conflict of Interest

Employees must act in the best interest of the City. Employees are prohibited from making governmental decisions on matters, which they, their family, or business associates have, an economic interest (30-A M.R.S.A 2605). Employees will notify their supervisor in writing of any matter in which they, their family, or business associates have an economic interest and in which they must act on behalf of the City. The City Administrator will review the matter and determine if the matter will need to be reassigned to another employee.

2.7 Gifts and Gratuities

All City Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person, within or outside City employment, whose interests may be affected by the employee’s performance or non-performance of official duties. A gift is defined as any benefit, favor, service, privilege, or thing of value that could be interpreted as influencing an employee’s impartiality. A gift includes, but is not limited to meals, trips, money, loans, rewards, merchandise, food, tickets to sporting or cultural events, entertainment, and personal services or work provided by City suppliers or contractors. This policy is not intended to prohibit the acceptance of items of nominal value that are distributed generally to all employees. A determination as to whether this policy has been violated is in the City’s sole discretion.

2.8 Political Activity

A. No employees shall participate in any political activity which would be in conflict with the performance of their functions and duties. Employees must not promise favors as a reward for the political activity of others.

B. All City of Saco employees shall refrain from seeking or accepting nomination for election to any office the City of Saco government. City employees shall not circulate petitions or campaign literature for elective City of Saco officials or in any way be concerned with soliciting or receiving subscriptions, contributions, or political service from any person or for any political purpose pertaining to the government of the City.

2.9 Substance Abuse

The City of Saco is committed to providing a safe and productive workplace for its employees. The following rules regarding alcohol and substance abuse apply to all staff members, regardless of status or position, including both regular full-time, regular part-time, contract employees, temporary and seasonal employees, and volunteers. The policy applies during working hours to all employees/volunteers of the City while they are on premises, in city owned vehicles, or elsewhere on the City’s business.

The manufacture, distribution, possession, sale, or purchase of controlled substances of abuse (any substance listed in Schedules I-V of Section 202 of the Controlled Substance Act), illegal drugs (illegal under federal and/or state law and/or any drug or prescription drug used for any reason other than that prescribed by a physician) or alcohol, is prohibited. These substances are not allowed on the City’s property, in City vehicles, or while working for the City, whether on City property or not, whether
during working hours or on a paid or unpaid lunch break. This includes being under the influence of prescription drugs, recreational or medical marijuana which impair performance.

A violation of the prohibition against drugs and alcohol in the workplace will be treated severely. The employee will be subject to disciplinary action. As a condition of employment, all employees must abide by the terms of the policy. The City of Saco respectfully requests each employee’s cooperation and assistance in maintaining a drug-free workplace while creating a safer and healthier environment for all employees.

2.10 Tobacco Free Environment
Smoking, vaping, and the use of any tobacco or marijuana products (cigarettes, e-cigarettes, hookahs, pipes, cigars, water pipes, vape pens, personal vaporizers, electronic nicotine delivery systems, smokeless tobacco, etc.) are not permitted within City-owned or leased vehicles or buildings including; offices, hallways, restrooms, lunchrooms, elevators, meeting rooms, community areas, and garage facility per state and federal laws.

2.11 Office Systems and City Equipment, Vehicles and Materials
A. The City’s telephone, computer systems, and all other office equipment are owned by the City, and generally are to be used for business purposes. All data and other electronic messages sent or received within the system are the property of the City. All employees should be aware that most email messages are a matter of public record and are subject to right-to-know laws.

The City reserves the right to monitor and/ or review without prior notice all systems, including, but not limited to, the contents of employee’s voicemail, email communications, texts, instant messages, viewed websites, computer files, and other electronic information generated or stored in the City’s electronic systems. Employees therefore should not hold any reasonable expectation of privacy while using City information systems. Even though an item has been deleted and the employee cannot retrieve it, it can be retrieved and reviewed at a later time.

Employees may not rent, copy, or lend the City’s software or its documentation. The City has invested significant time and money to secure its electronic systems from intrusion and harmful viruses. Therefore, employees may not download or install alternative or unapproved software on any City equipment or systems. Employees may be held responsible for any damage caused by using unauthorized software or introducing any viruses into the City system.

Passwords must be periodically changed to ensure security of the email system. Users should not share passwords with anyone else, other than their supervisor or as applicable State and Federal, laws may require. A computer user who has been authorized to use a password-protected account may be subject to civil and criminal liability if the user discloses their password or otherwise makes the account available to others without express permission of the system administrator.

The use of the Internet system for access and dissemination of information is intended solely for City business. Users must use caution in the transmission and dissemination of messages outside of the City and must comply with all State and Federal laws. The City reserves the right to monitor all Internet activity. Software is in place to monitor Internet sites visited and the amount of time spent at each site by employees. All staff are expected to adhere to the “Standard operating procedure for acceptable use of City-issued devices”- any violation of this policy may result in discipline, including but not limited to termination of employment.
VII. AGENDA
A. CHARTER AMENDMENT: WARDEN AND WARD CLERKS TERMS – (PUBLIC HEARING/FINAL READING)

The City Council endeavors to make a few amendments to the Charter. As described in MRSA, Title 30A, Chapter 111, Section 2104, the process for making amendments to the Charter requires a Public Hearing before a vote by Council. Additionally, if approved by the Council, the item would be voted in referendum by the public in November.
This particular change is meant to clarify that Wardens and Ward Clerks will be elected to serve two-year terms.

Councilor Johnston moved, Councilor Doyle seconded to open the public hearing for the document titled, ‘Saco City Charter Amendment #3, 7.02 Candidates, dated August 5, 2019’. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Smart seconded to close the public hearing. The motion passed with seven (7) yeas.

Councilor Johnston moved, Councilor Minthorn seconded ‘The City of Saco hereby ordains and approves the final reading of, ‘Saco City Charter Amendment #3, 7.02 Candidates dated August 5, 2019’ and further Order that the Amendment be placed on the November 5, 2019 ballot. This amendment, if approved by the voters, would have an effective date of January 1, 2020.” The motion passed with seven (7) yeas.

Saco City Charter Amendment #3:
7.02 Candidates,
dated August 5, 2019

Charter Amendment # 3 – Shall the municipality approve the charter amendment reprinted (summarized) below.

(Strikethrough represents language to be deleted, while underline represents new language.)

7.02 Candidates.

d. Wardens and Ward Clerks. The Wardens and Ward Clerks shall serve for two-year terms, concurrent with the terms of the members of the City Council.

B. TOBACCO FREE ZONES ORDINANCE – (PUBLIC HEARING)

To promote healthy standards of living for adults and protect children from the harmful effects of second-hand smoke, the City of Saco is looking to ban tobacco products in the previously specified public areas. All tobacco products, including smoked tobacco, smokeless tobacco, vapes and e-cigarettes, are to be banned.

The ordinance has been written and would fall under §199-1 to §199-5 of the City code.

Councilor Johnston moved, Councilor Copeland seconded to open the public hearing. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Johnston moved, Councilor Copeland seconded to close the public hearing and further move to schedule the final reading of, ‘Implementation of a Tobacco-Free Zone Ordinance’ for September 3, 2019. The motion passed with seven (7) yeas.

Chapter 199
TOBACCO-FREE ZONES

ARTICLE I
Tobacco-Free Zones in Saco Public Parks, Recreational Areas and Sporting Venues

§199-1. Purpose.
§199-2. Definitions.
§199-4. Communications.
§199-5. Enforcement.
§199-1. Purpose.

The City of Saco strives to be a community that fosters healthy standards of living for all its citizens. Substantial evidence has shown that the use and exposure to tobacco products, whether through direct or secondhand consumption, leads to over 400,000 deaths each year, making it the foremost preventable cause of premature death in the United States. Tobacco-Free Zones in Saco are hereby implemented for the purpose of reducing tobacco use among the citizenry in public, recreational locations with high volumes of youth and families.

§ 199-2. Definitions.

For the purpose of this Chapter, the following terms shall have the following meaning and definition:

PARK, RECREATIONAL AREA OR SPORTING VENUE: Any outdoor area accommodating or having facilities for rest or recreation (including passive activities) or playground designed at least in part to be used by children that has play or sports equipment installed or that has been designed or landscaped for play, sports, or leisure activities on grounds owned, occupied or operated by the City or a department thereof, or any similar facility located on public school grounds. All areas included in this article will be distinguished using clear and conspicuous signage consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it.

SECONDHAND SMOKE: Smoke emitted from a lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco product intended for inhalation, in any manner or in any form, when the smoker is not inhaling, smoke emitted at the mouthpiece during puff drawing, and smoke exhaled by the smoker. Secondhand smoke also includes aerosol or vapor from the use of an electronic smoking device emitted, in any manner or in any form, when the smoker is not inhaling, at the mouthpiece during puff drawing, and when the smoker is exhaling.

TOBACCO PRODUCTS: (1) A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, or snuff; or (2) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic smoking device.


The City Council shall enact policies to effectuate the goals and purposes of this Ordinance. It authorizes and directs the Parks and Recreation Department, through the City Administrator, to draft proposed policies for its review, and to implement and enforce those policies once adopted.


The City of Saco Parks and Recreation department shall be responsible for the distribution and posting of Tobacco-Free Zone signage in all designated locations. The City of Saco Parks and Recreation department shall be responsible monitoring compliance.

§199-5. Enforcement.

It shall be unlawful for any person to smoke, vape, or use tobacco products in any form in all areas outlined in this article. For any person who violates the tobacco/smoke-free rule, Parks and Recreation staff, or other person designated by the Parks and Recreation Director, shall request that the person cease the use of tobacco and give a verbal warning. If the person refuses to cease, others authorized by the Director may request that the person leave the Tobacco/Smoke-Free Zone. Refusal of any person to leave the Tobacco/Smoke-Free Zone as requested is considered a trespass, for which the police may enforce in accordance with State of Maine law.
VIII. ADMINISTRATIVE UPDATE

City Administrator Kevin Sutherland provided the following update:

**Administrative Appeal of July 19, 2019 Decision of Code Enforcement Officer Regarding 5 Willey Road, Saco**

Council will be hearing this appeal on Monday September 16th.

The chapter in the code does not provide any information on how the process of an appeal should be handled, but our past practice in this type of situation (administrative appeal) is to allow for both parties to see and respond to the information gathered before it is provided to the Council.

The documentation that was initially submitted on August 1st was responded to today and shared with the school’s attorney. If they choose to respond to that documentation, they will do so at the end of the day Tuesday, September 3rd. Any further response from the City will be provided by September 6th and also shared with Council. The full packet of information will be sent to the Council on September 9th to give them a week to review.

Administration is currently working to secure another attorney to develop the procedure for the meeting and will ask that they assist the Mayor in handling the appeal.

**Water Testing for Perfluorinated Alkyl Substances**

The Department of Environmental Protection recently sampled the monitoring wells located on the Saco Tannery property, which were found to contain elevated levels of per and poly fluoralkyl substances (PFAS). The DEP is investigating residential wells adjacent to the Saco Tannery Waste Pit on Flag Pond Road. City staff have been working with representatives from the DEP to learn more about PFAS, the sampling process, and next steps. If elevated levels of PFAS are detected in one of these residential wells and it is determined that the source is external to the residence, the DEP will provide an appropriate treatment system to residents (per DEP’s review and approval).

**Communications Department**

It is as crucial for citizens to hear from their government as it is for the government to hear from its citizens. Citizens need to understand how tax dollars are utilized and understand the outcomes of implemented policies. Government has so many tools to communicate to citizens: print, television, and online media, through social media feeds, through e-mail and text notifications; this communications ecosystem seems to change by the day. People are busy and oversaturated with information, which means local governments must make effective communication a priority.

Two years ago, the Administration team expanded to include the position of Marketing & Communications Specialist. The foresight of the elected body in recognizing the need to better communicate with constituents was visionary and intuitive in establishing this new function within Maine municipal government. After serving in multiple roles within several departments in Saco over the last decade, Emily Roy was hired to fill that newly created position.

While in this role, Emily has led the organization through a strategic marketing planning process and rebranding, has successfully launched several new social media sites, redesigned and continuously works to optimize our website, and has defined an essential resource for this organization and community. In Emily’s free time, she has been completing coursework towards her master’s in business administration, which she is anticipated to complete this coming winter.
IX. COUNCIL DISCUSSION AND COMMENT

➢ Councilor Minthorn – 1) We have talked several times in the personnel committee which was set up to be for non-union staff about expanding it to cover all staff. Some of those areas need more oversight and it would create a better understanding of all the processes in the city. 2) Do we not have a tax abatement update that we were going to use for that ordinance as well? 3) We had talked at one point about raising the unassigned fund balance from 8.3 - 10% up to some higher numbers especially since we are potentially having multiple bonds that are going to be going for school construction and waste water upgrades and some others. Having a higher unassigned fund balance gives us a better bond rating and therefore will cost our residents less money. I think this is something that we need to revisit and consider having in place prior to needing it and bumping it up to 9-11% or 12% or something like that rather than the 8.3-10% that we are currently at.

City Administrator Kevin Sutherland noted that staff are working on the tax abatement update. The ordinance changes are being worked through HR and out attorney. I hope to have that in September for the workshop. The unassigned fund balance is also on the long list of things to try to get done.

➢ Councilor Johnston – Just a reminder that school starts next week. There will be kids waiting at bus stops and walking, so just drive safe. Another thing that I have been trying to grasp for years and will probably need to be taken up with the next City Administrator is what Steven Shiman spoke about. The short terms rentals and how Airbnb plays into that. Currently, it is not addressed and I’m just throwing it out there for the next council to address.

➢ Councilor Gay - What day does Pre-School start? Councilor Archer responded September 3rd.

➢ Councilor Archer – Liaison – Saco Main Street – Saco Main Street outreached to me to support additional assistance with the watering of the planters. We need additional city resources that can be staff time or can
be the purchase of a vehicle such as a gator. But there does need to be some specific resources dedicated from the city to help support Saco Main Street with their beautification efforts. Mayor Lovell stated that it was within Mr. Archers prevue to make a budget amendment to that effect. Mr. Archer stated that at this point he would prefer that we use city resources that we have rather than the purchase of a gator which would cost around $10,000. Mayor Lovell noted that Mr. Archer would need to speak to the City Administrator to see what resources were available. Mr. Archer replied that we need to look at this and how we allocate resources to them. If we do not get this solved, then I would be putting in a motion to purchase the necessary resources. I don’t think we need to purchase because it wouldn’t be a great way to spend money when we already have the appropriate vehicles for that.

➢ Councilor Copeland – Just curious, what is going on with the purchase of the teen center building? City Administrator Kevin Sutherland stated that the city closes on the building tomorrow. Councilor Copeland stated that was wonderful. I wish I was informed.

➢ Councilor Minthorn – Our new Communications Director pointed out that Pre-K starts September 5th, 2 days after the regular school starts. Mayor Lovell stated that presumably the School Superintendent will be notifying the parents. The official word would come from the school department and not from the city.

X. ADJOURNMENT

Councilor Minthorn moved, Councilor Smart seconded to adjourn the meeting at 7:37 p.m. The motion passed with seven (7) yeas.

Attest: ____________________________________________

Michele L. Hughes, City Clerk